ORANGE COUNTY SHERIFF'S DEPARTMENT CALIFORNIA

USE OF FORCE SUMMARY

Analysis Information

DR	17-049808	# of Deputies Using Force	5	Division	Intake Release Center (IRC)
Date	12/16/2017	# of Subjects	1	Sergeant	MARK CASTRO
Facility/Bureau	Intake / Release Center (IRC)	# of Witnesses	0	Lieutenant	ERIC LARSEN
				Captain	Lane Lagaret
Off Duty?	No				
Type of Force	General				

Location

Address / Cross Streets	550 N. Flower		
City	Santa Ana		
Initial Call/Event	Uncooperative Inmate		
Supervisor Present?	No		
		Converted?	No

Notification

On Saturday, December 16, 2017 at approximately 1630 hours, Inmate Herrera, Eppie # 3030410 was being interviewed by the IRC Classification. Inmate Herrera refused to have a wristband placed on his wrist. Deputies contacted Inmate Herrera and escorted him out of the Classification booth using control holds and placed him into Cell PM-17. Inmate Herrera complained of pain and swelling to his left wrist. Inmate Herrera was seen by CHS who recommended he be transported to O.C. Global Anaheim for further treatment. I was not present at the incident and was notified following the conclusion of the incident. The incident was captured the overhead cameras on the first floor.

Involved Employees

Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
Alexander Santo	None	No	No	No
ADAM COPELAND	None	No	No	No
MICHAEL RIGBY	None	No	No	No
June Jeong	None	No	No	No
KENNETH TRAUTMAN	None	No	No	No

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Subjects

Subject Name Height Weight Gender Race DOB	Force Encountered Charges ID Type/#	Subject Injured? Admitted to Hospital Details of Injury & Treatment	Alcohol	Drugs	Mental	ADA	AB109	ICE	Parole	Pro Per	Probation
HERRERA, EPPIE 5'6" 160 Male Mexican-Latin American [redacted]	None Booking Number 3030410	Major No Inmate Herrera was transferred to OC Anaheim hospital for an x-ray. The results of the x-ray was a fractured left wrist.	No	No	No	No	No	No	No	No	No

Force Used

Employee Reason for Force	Subject Force Used	Head/Face/Neck	Chest/Torso	Groin	Back/Buttocks	L Arm/Hand	L Leg/Foot	R Arm/Hand	R Leg/Foot
Alexander Santo Overcome Resistance	HERRERA, EPPIE Control Hold	-	-	-	-	-	-	Yes	-
ADAM COPELAND Overcome Resistance	HERRERA, EPPIE Push / Pull	-	-	-	-	Yes	-	-	-
MICHAEL RIGBY Overcome Resistance	HERRERA, EPPIE Control Hold	-	-	-	-	-	-	Yes	-
ADAM COPELAND Overcome Resistance	HERRERA, EPPIE Control Hold	-	-	-	-	Yes	-	-	-
MICHAEL RIGBY Overcome Resistance	HERRERA, EPPIE Body Weight	-	-	-	-	-	Yes	-	Yes

Witnesses

Witness Name	Contact Information (if available)

Supervisor's Review

My Sergeant Interview was recorded by a handheld camera.

Audio / Video Review

Refer to attached Internal Memo

Materials Collected

\\oprhys\CJXMedia\VIDEO DOWNLOAD - CJX\(01) IRC UOF Videos Links\2017 - 12 December\JIIR121617-1630 DR17-049808 Herrera, E. 3030410

Subject Interview

On Saturday, December 16, 2017, at approximately 2126 hours, I interview Inmate Herrera, Eppie # 3030410 while he was sitting inside cell PM17 on the first floor of the IRC's booking loop. The interview was captured by handheld camera and witnessed by Deputy Brown. The following is a summary of the interview. Herrera stated prior to the incident he had no injuries. He did state he had a broken left wrist around 7 years ago. Inmate Herrera stated after the incident he had the following injuries: A broken arm, a cut under his right eye, a cut on his right wrist and a sore right shoulder. Inmate Herrera was seen by our medical staff who determined Herrera had to be sent out to O.C. Anaheim hospital for further treatment. I concluded my interview at approximately 2129 hours.

Scene Documentation

This incident occurred inside Classification booth #1 on the 1st Floor of the IRC Booking loop and Cell PM-17. A potion of the incident was captured on the overhead surveillance cameras.

Witness (es) Statement and Summary

See deputies reports regarding any witness statements.

Supervisor Questions

- What were the actions that led to this Use of Force?

  See attached Internal Memo

- Were the force options or weapons in this incident effective? **Yes**

- Were the force options or weapons utilized in this incident reasonable under Policy 300? **No**

  See attached Internal Memo

- Was relevant/necessary medical attention provided to department member(s) and the use of force subject(s)? **Yes**

- Was a supervisor notified of the use of force as required by department policy? **No**

  See attached Internal Memo

- Was proper use of video and/or audio recording technology used in this force incident? **No**

See attached Internal Memo

- Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) **Yes**

  Deputies needed to notify a supervisor prior to making physical contact with a uncooperative inmate, and get a handheld camera to the incident to record it. If it is not reasonable to notify the supervisor prior to the incident, one should be notified immediately following the incident. Neither one of the above were utilized.

- Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standard of contact, use of profanity, pvs)? **Yes**

  Supervisor was not notified in a reasonable amount of time of the incident.

Departmental Reviews

Involved Employees

Employee Name	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
Alexander Santo	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation
ADAM COPELAND	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation
MICHAEL RIGBY	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation
June Jeong	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation
KENNETH TRAUTMAN	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation	Refer to Command Staff for Investigation

Sergeant's Conclusions

Refer to attached Internal Memo

Sergeant's Recommendation

Refer to attached Internal Memo

Managerial Review

Were all witness statements memorialized in the Supervisory Analysis of this use of force incident? **No**

Video review shows Deputy D. Rudasill #8640 was present for the incident but at no time had any physical contact with inmate Herrera. He was not interviewed.

Was the use of force subject interviewed and the statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

Are there any areas of training to be addressed? If yes, what are they? Corrected Actions taken? **Yes**

Are the any areas of liability or risk management concerns associated with this use of force event? If yes, what are they? **Yes**

This use of force was subject to automatic review due to one or more of the following reasons:

- Use of Force required admission to a hospital for medical treatment Yes
- Arrests for PC 148, with no additional charges No
- Use of carotid restraint No
- Ineffective use of ECD where additional force is necessary No
- Multiple deployments (drive stun, multiple cycles, more than one cartridge used) of the ECD No
- Use of less lethal munitions (40mm, 12 gauge super sock "bean bag") with no response from Homicide No
- Use of Force on subjects not involved in the original investigation (witnesses, passengers, etc.) No
- Use of Force on subjects released at the scene (includes cite and releases) No

Lt. Conclusions / Recommendations

I reviewed all available reports, video footage, and the Supervisor's analysis that includes an attached Internal Memorandum.

Given the absence of video capturing the incident (Classification booth and Cell PM-17), the delay and possible inaccurate reporting of the incident, inconsistencies within the reports submitted, inability to further question the Deputies involved, and the subject's statement of events, I believe this incident warrants further investigation.