



USE OF FORCE SUMMARY

Analysis Information

DR	18-039946	# of Deputies Using Force	3	Division	Central Men's and Women's Jail
Date	10/5/2018	# of Subjects	1	Sergeant	JEFFRY TUCKER
Facility/Bureau	Central Men's Jail	# of Witnesses	0	Lieutenant	DAWN HAAG
				Captain	MARK STICHTER
Off Duty?	No				
Type of Force	General				

Location

Address / Cross Streets	550 Flower				
City	Santa Ana				
Initial Call/Event	240-Misdemeanor assault				
Supervisor Present?	Yes				
				Converted?	No

Notification

While working dinner chow hall Deputies Daniel Thomas #9934, Joseph White ##10212 and Kamram Young #10572 Identified an inmate (John Anthony Reyes #3072632) displaying odd behavior. They believed he was possibly under the influence of narcotics. They told him to leave the chow hall and Reyes became verbal aggressive. Deputy Thomas approached Reyes and attempted to grasp his arm. Reyes jerked his arm up and toward Deputy Thomas narrowly missing his face. Thomas immediately took Reyes to the ground and attempted to control his arms. Thomas was aided by Deputies White and Young, who wrestled with the resisting Reyes until finally gaining control and handcuffing him. Reyes was removed from chow hall and taken to medical for evaluation. Reyes sustained a lump on the left side of his forehead, a bruise on the upper right side of his head and a possible fracture to his right arm. No deputies were injured.

Involved Employees

Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
DANIEL THOMAS	None	No	No	No
JOSEPH WHITE	None	No	No	No
Kamran Young	None	No	No	No

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
REYES, JOHN 5'7" 150 Male Mexican-Latin American [REDACTED]	241/243 PC Booking Number 3072632	Moderate (lacerations) No Subject was treated for a large bump on the left forehead, a contusion on the right side of his head and for a broken right arm. The subject was given Toradol and Ativan to relieve the pain from his arm, then he was sent by ambulance to Orange County Global Medical Hospital in Santa Ana to have his broken arm attended to.	No	Yes	Yes	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
DANIEL THOMAS Defense of Self	REYES, JOHN Takedown	Yes	-	-	-	-	-	-	-
DANIEL THOMAS Overcome Resistance	REYES, JOHN Punch / Kick	Yes	Yes	-	-	-	-	-	-
DANIEL THOMAS Overcome Resistance	REYES, JOHN Body Weight	-	-	-	-	Yes	-	-	-
JOSEPH WHITE Overcome Resistance	REYES, JOHN Control Hold	-	-	-	-	-	-	Yes	-
Kamran Young	REYES, JOHN	-	-	-	-	-	Yes	-	Yes



Overcome Resistance	Body Weight								
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Witnesses

Witness Name	Contact Information (if available)

Supervisor's Review

During my investigation, I reviewed video footage from the overhead surveillance cameras for the 4th Floor Chow Hall. I also reviewed the deputies' Use of Force reports. The reports were consistent with the video footage of the incident. I collected the video footage from the surveillance camera which recorded the Use of Force incident, and the video from the handheld camera which recorded Reyes being escorted to Medical and being treated. I also collected the video of the post-incident interview from the handheld camera. Deputies D. Thomas #9934, J. White #10212, and K. Young #10572 prepared separate Use of Force reports for this incident. Refer to their reports for details.

Audio / Video Review

I reviewed the video footage and it is consistent with the Deputies' accounts of the events.

Materials Collected

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Subject Interview

On Saturday October 6th, 2018 at approximately 1250 hours, I interviewed inmate John Reyes (3072632) at Orange County Global Medical Center in Santa Ana California. I identified myself as Sergeant Tucker and explained I was there was to conduct a Use of Force interview. Before any questioning began, I read Inmate Reyes his Miranda warning from my department issued Miranda card. Reyes answered "Yes" to all four questions and agreed to talk to me about the incident.

Reyes confirmed his name and booking number and then acknowledged he was in the hospital and receiving medical treatment for his medical needs.

Reyes told me he is currently in custody for assaulting a police officer, spitting on a fireman/paramedic and for assaulting safety personnel (a Nurse). He has been diagnosed as a [REDACTED] and is prescribed 500 milligrams of [REDACTED] taken in a monthly injection. Reyes admits to using methamphetamine on a daily basis as a way to self-medicate and keep himself balanced.

Reyes told me he has been in custody for a couple months and has not used Methamphetamine since being incarcerated. Since he denied using Methamphetamine while in custody, I asked him if there is a reason his toxicology report from the hospital indicated a positive result for Methamphetamine in his urine? Reyes, stammered for a second then said, "Well, I drank another inmate's coffee, so maybe there might have been some in there". I then asked Reyes if he has been taking his daily prescribed [REDACTED] medications. Reyes admitted to "cheeking" his medication and throwing the pills away after the nurse would leave. He told me the pills make him sleepy and he doesn't like that feeling. Reyes told me that failure to take his medication usually alters his mood, making him angry.

Reyes told me, by the time he was called for dinner chow hall on October 5th, 2018, he had already missed at least 5 doses of

his prescribed [REDACTED] medication and was feeling his altered mood. Reyes told me he was agitated and angry most of the day. I asked if he was angry and agitated when he walked into the chow hall, he said "Yes".

I asked Reyes to tell me what happened when he walked into chow hall. Reyes told me the following; he was just real angry, having a bad day. He walked into the chow hall and was handed a tray of food, he then walked to an available seat. The black deputy walked up to me and asked me what's wrong with me, I said nothing and continued to walk away. I sat down at a table and another deputy walked up to me and told me to pick my tray up and leave chow hall. I told him, "Fuck off". The deputy asked me what I just said, and I told him "Fuck off". Then I don't remember anything after that until I woke up in the wheel chair.

I asked if he remember hearing deputies give commands to leave the chow hall. He said he did not remember. I asked him if he remembered assaulting the deputies and again he said, "No". I asked if he heard the deputies tell him to stop resisting, Reyes said, "yeah I remember hearing them tell me to stop resisting". I asked, why were you resisting their efforts? Reyes, said, "I was just lying there". I asked Reyes if he had any further questions or concerns, Reyes only wanted to know if he was going to get any new charges and if this even would finally allow him to flex up to a yellow band classification. I concluded the interview at approximately 1257 hours.

Scene Documentation

The incident occurred in the chow hall located on the Fourth Floor of the Central Men's Jail. The chow hall was serving the dinner chow and had about 70 inmates still inside eating.

Witness (es) Statement and Summary

No witness Statements were taken.

Supervisor Questions

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

On October 5th 2018 Inmate John Reyes (3037993) entered the Fourth Floor Chow Hall for the evening meal. Reyes was the last inmate to enter the chow hall, he was lagging behind the normal flow of inmates as he walked toward the food service window. Reyes immediately gained the attention of the deputies assigned inside the chow hall area. His appearance and demeanor quickly raised the concerns of the deputies. Reyes displayed abnormal behaviors as he continues toward the serving line. He was sweating profusely, his eyes were wide open and fixed straight ahead as if he were looking through the bodies in front of him. His breathing was heavy, almost as if he was panting. His appearance was sloppy, his hair was not brushed and his jail issued shirt untucked. He looked as if he was having some kind of medical issue

Deputy Young immediately identified the odd behavior and asked Reyes if anything was wrong. Reyes said "no" and walked away from Deputy Young. Young unconvinced followed Reyes to his table and told him to take his tray of food and leave the chow hall. Reyes snapped at Young, yelling, "Fuck off"!

Deputy Thomas witnessed the encounter and realized the potential for the situation to ignite into a physical altercation. He walked toward Reyes and asked him what he had just said to Deputy Young. Reyes stood up, squared his shoulders towards Deputy Thomas and said, "I told him to fuck off"! Thomas identified quickly the agitated state of Inmate Reyes and determined he needed to be removed from chow how immediately. Thomas took a position behind Reyes and grabbed his left arm, he was going to physically escort him from the chow hall. Reyes, pulled his left arm up and back, swinging his elbow at Deputy Thomas.



- 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? **Yes**
- 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? **Yes**
- Was proper use of video and/or audio recording technology used in this force incident? **Yes**
- Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) **No**
- Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standard of contact, use of profanity, pvs)? **No**

Departmental Reviews

Involved Employees

Employee Name	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
DANIEL THOMAS	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required
JOSEPH WHITE	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required
Kamran Young	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required

Sergeant's Conclusions

All actions taken against inmate Reyes were objectively reasonable and within department policy. It is my opinion, all actions taken during this incident by the involved deputies were measured and appropriate due to the inmate's uncooperative and combative behavior and his failure to comply with directives.

Sergeant's Recommendation

Based on involved deputies' reports and video footage of the incident I determined this use of force involving inmate Reyes was appropriate and no further action be taken.

Additionally, the force used to overcome the resistance of Inmate Reyes resulted in his injury. While injuries are often a consequence of physical force, it is the responsibility of our deputies to acknowledge their presence and notify their partners of



their existence. During the video review of the incident, it was observed that many deputies acknowledged the injury by pointing, nodding or making subtle gestures to inform others around them. At no time did anyone involved actually tell responding deputies of Reyes' injury.

This action, while legal and within policy gives the perception of wrong doing. Deputies need to understand when force is used, injuries can result. It is acceptable to discuss the injuries openly and may mitigate any further injuries to the parties involved.

During the post- incident briefing, I counseled all involved deputies on the importance of good communication. I explained how subtle innuendos can be grossly misinterpreted on video and the significance of maintaining a professional demeanor at all times. The deputies expressed a clear understanding of the subject and no further action needs to be taken.

Managerial Review

Were all witness statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

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? **No**

Are the any areas of liability or risk management concerns associated with this use of force event? If yes, what are they? **No**

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 No
- 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



The actions of the deputies were reasonable and within policy. Sgt. Tucker spoke to the deputies about notifying responding staff of possible injuries to inmates. No further action required.