



USE OF FORCE SUMMARY

Analysis Information

DR	19-012737	# of Deputies Using Force	1	Division	Investigations
Date	4/3/2019	# of Subjects	1	Sergeant	
Facility/Bureau	Target/Injunction	# of Witnesses	0	Lieutenant	James Hoffman
				Captain	Andrew Stephens
Off Duty?	No				
Type of Force	General				

Location

Address / Cross Streets	1410 S. Acacia		
City	Fullerton		
Initial Call/Event	Other		
Supervisor Present?	No		
		Converted?	No

Notification

On April 3, 2019, at approximately 2230 hours, North GET was conducting surveillance near 1410 S. Acacia, Fullerton, Ca. Medina, Juan Carlos [REDACTED] approached Deputy Probation Officer J. Villarreal and challenged him to fight. Deputy P. Avalos and DPO Villarreal attempted to arrest Medina who resisted and did not comply with directives. Medina was taken to the ground and eventually placed in handcuffs. Medina was transported and admitted into Anaheim Regional Hospital. Medina continued to be uncooperative at the Hospital and was sedated. Medina suffered a laceration under his right eye. Deputy Avalos had bruising on his left bicep. Medina will be booked into OCJ once medically cleared.

Involved Employees

Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
PHILIP AVALOS	Minor (bumps, cuts, scrapes) Bruising on left bicep	No	No	No

Subjects

Subject Name	Force Encountered	Subject Injured?	Alcohol	Drugs	Mental	ADA	AB109	ICE	Parole	Pro Per	Probation
Height	Charges	Admitted to Hospital									
Weight	ID Type/#	Details of Injury & Treatment									
Gender											
Race											
DOB											



Medinagutierrez, Juan 5'7" 170 Male Mexican-Latin American [REDACTED]	CPC 69 /148 Other NA	Moderate (lacerations) Hospital Staff & Admitted to Hospital Medinagutierrez was treated for two fractured ribs and a right eye contusion, with a non-displaced fracture. He was admitted and cleared for booking the next day.	No	No	No	No	No	No	No	No	No
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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
PHILIP AVALOS Overcome Resistance	Medinagutierrez, Juan Takedown	Yes	-	-	-	-	-	-	-
PHILIP AVALOS Overcome Resistance	Medinagutierrez, Juan Punch / Kick	Yes	-	-	-	-	-	-	-
PHILIP AVALOS Overcome Resistance	Medinagutierrez, Juan Body Weight	-	-	-	Yes	-	-	-	-

Witnesses

Witness Name	Contact Information (if available)
Villarreal, DPO J.	Jaime.Villarreal@prob.ocgov.com

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Supervisor's Review

My interview of Medinagutierrez, Juan Carlos [REDACTED], was recorded on a digital audio recorder and later booked into evidence.

Audio / Video Review

I was not able to review any video due to the unmarked OCSO unit not being equipped with a PVS. I did review the digital audio recording of the Use of Force interview I conducted. That audio recording was booked into evidence.

Materials Collected

Deputy P. Avalos' Initial Crime Report.

Deputy [REDACTED] Follow up Report.

Deputy Probation Officer J. Villarreal's report

CD containing digital photographs of Medinagutierrez and one audio recording of my interview with Medinagutierrez. Booked into evidence under this DR#

Subject Interview

On April 4, 2019, at about 1541 hours, I spoke to Medinagutierrez, Juan Carlos [REDACTED] who was at the Anaheim Regional Medical Center. Deputies J. Torres and [REDACTED] were present during the interview. Medinagutierrez was examined by the medical staff at the hospital and treated for two fractured ribs and a right eye contusion, with a non-displaced fracture. I told Medinagutierrez I was there to conduct a use of force interview with him. Medinagutierrez said there was miscommunication between him and the Deputies. He admitted they identified themselves as Law Enforcement and admitted seeing their badges. At this point I asked Medinagutierrez if he remembered his Miranda rights that were read to him earlier by Deputy Avalos and he said he did. I asked Medinagutierrez if there was any reason why he did not comply with Deputies and why he fought with them. Medinagutierrez said he felt threatened by them. I told Medinagutierrez I was present when he continued to resist and continued trying to escape while he was handcuffed. I asked him if there was reason for that. Medinagutierrez said he wasn't sure if they were really Deputies and thought they were joking. Medinagutierrez admitted being under the influence of Alcohol and said he smoked methamphetamine the day before. I concluded the interview with Medinagutierrez at about 1545 hours.

Scene Documentation

This incident occurred in a commercial parking lot near a highly populated apartment complex. This area is also the claimed gang turf of the "East Side Anaheim" criminal street gang.

Witness (es) Statement and Summary

I did not interview any witnesses.

Supervisor Questions

- What were the actions that led to this Use of Force?
Medinagutierrez was being arrested for challenging the Deputies to fight.
- 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
PHILIP AVALOS	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required

Sergeant's Conclusions

After reviewing the Deputies reports, speaking to Medinagutierrez, and being present after Medinagutierrez was restrained, I believe reasonable force was used to prevent him from fleeing and affect the arrest. Medinagutierrez was displaying symptoms of being intoxicated, challenged the Deputies to fight, and violently resisted arrest. Based on the totality of circumstances, I believe Deputy Avalos and DPO Villarreal acted reasonably and used the necessary force to prevent Medinagutierrez from fleeing and affect the arrest. This use of force was within the Departmental Use of Force Policy 300.

Sergeant's Recommendation

I recommend no further action.

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

Lt. Conclusions / Recommendations

After reviewing all related reports and listening to the recorded interview, I determine the force used in this incident was justified, reasonable, and within Sheriff's Policy 300. The force used was in a direct response to the volatile behavior and violent actions of Medinagutierrez and could not have been prevented. Deputy Avalos and PDO Villareal showed proper restraint, using only the force necessary to affect the arrest of an intoxicated, uncooperative and combative Medinagutierrez. I recommend no further action be taken.