



USE OF FORCE SUMMARY

Analysis Information

DR	24-020785	# of Employees Using Force	1	Division	Theo Lacy Facility
Date	6/23/2024 10:31	# of Subjects	1	Sergeant	Paul Chiron
Type	Custody	# of Witnesses	1	Cpt./Lt.	Kent Carpenter
Facility/Bureau/City	Theo Lacy Facility	Request Method (if any)		Commander	Thomas Graham
				Off Duty?	☐
Type of Force	General			Sergeant	6/23/2024
				Notified	10:31
ERT / Meds	☐ / ☐				

Location

Address / Cross Streets	501 The City Drive South
City	Orange
Initial Call/Event	148 - RESISTING ARREST
Supervisor Present?	☐

Converted? ☐

Notification

On 6/23/24 at about 1031 hours, in Module R, at Outdoor Recreation, at the Theo Lacy Facility, Inmate [REDACTED] (BKG# [REDACTED]) pulled away from Deputy G. Viera as he attempted to remove nail clippers from his hand. Deputy Viera used push/pull and striking force. Deputy Viera injured his right hand during the incident. Deputy Viera was driven to UCI Medical Center by Deputy I. Martinez #12013 for treatment for his right hand. County Safety Officer was notified. Inmate [REDACTED] was transported to UCI Medical Center by Orange City Fire for loss of consciousness.

Involved Employees

Employee	Type of Injury	Treated In ER	Hospitalized
GILBERT VIERA	Complaint of Pain	☒	☐

Subjects

Subject Information	Force or Resistance Encountered	Impairments	Injury related to UOF (if any)
[REDACTED] 5'8" #165 Male Black DOB: [REDACTED] ADA: ☐ AB109: ☐ Juvenile: ☐ Pro Per: ☐	Force: Resistance: Active Agressive Armed: Yes Weapon: Charges: 148	Alcohol: No Drugs: No Mental: No Invol. Meds: No	Injury: Major Seen By: Fire/Paramedics and Hospital Staff ER: Admitted: Treatment: [REDACTED] lost consciousness due to the use of force, and was sent to the hospital to be further evaluated.

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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
GILBERT VIERA Overcome Resistance	Punch	☒	☐	☐	☐	☐	☐	☐	☐

Witnesses

Witness Name	Contact Information (if available)	Witness Type
		Inmate

Audio / Video Review

I reviewed the video surveillance footage from the following fixed overhead surveillance cameras in Module R, Camera Numbers: C603, C608, and C609. The report submitted by the deputy is consistent with my observations while reviewing the available video surveillance footage of this incident. Deputy Viera opens the outdoor recreation door and is seen speaking with inmate . Deputy Viera grabs arm to retrieve the nail clippers. pulls away causing Deputy Viera to go inside outdoor recreation with still holding onto the nail clippers and also present inside. Deputy Viera punches in the face multiple times. goes down to the ground and is handcuffed and escorted to the booking loop via wheelchair. Deputy Viera is able to retrieve the nail clippers.

TLF camera number C603, C608, and C609

- 10:30:19 – Deputy Viera walks up to the outdoor recreation door and is speaking to inmate
- 10:31:15 – Deputy Viera opens the door and continues to speak with
- 10:31:40 - Deputy Viera attempts to grab the nail clippers from hands but pulls away causing Deputy Viera to go inside outdoor recreation. Deputy Viera punches in the face. goes down to the ground. Deputy Viera’s last punch can be seen hitting the outdoor recreation windowpane.
- 10:31:47 – is handcuffed
- 10:33:44 – is escorted out of outdoor recreation
- 10:34:40 – is escorted out of outdoor recreation, placed onto a wheelchair, and escorted down to the booking loop.

A/V Booked: Yes

Materials Collected

- (1) CD CONTAINING VIDEO FOOTAGE OF INMATE [REDACTED] BEING ESCORTED TO THE THEO LACY LOOP
- (1) CD CONTAINING THE INJURIES SUSTAINED
- (1) CD OF THE UOF INTERVIEWS

Scene Documentation

Module "R" is a maximum-security housing area that is divided into a "Low Side" and "High Side" by a wall that runs through the center of the structure. Each side has three sectors and is divided into an upper and lower tier. Sectors 55 to 57 designate the sectors on the "Low Side" and Sectors 58 to 60 designate the sectors on the "High Side." Each sector has a divider door on the upper and lower tier between each sector. Each tier in a sector consists of eight cells which can house up to sixteen inmates. All sectors have a centralized common dayroom and one stairwell leading to the upper tier. There are open showers on the upper and lower tier. An elevated glass-enclosed guard station is located in the center of the Module dividing the Low Side" from the "High Side." Between the guard station and the sectors is an area known as the "Beach." Each side has an outdoor recreation area that can be entered from the "Beach." Each side houses a maximum of 96 inmates, with a maximum module population of 192 inmates.

This incident occurred in Module R, Outdoor Recreation.

Supervisor Questions

- What were the actions that led to this Use of Force?
The Deputy gave the Inmate multiple commands to return the metal nail clippers he was holding but the inmate refused to return them and pulled away from the deputy when he attempted to retrieve them from his hand.
- 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

Employee Name	Sgt. Recommendation	Cpt./Lt. Recommendation	Commander Determination
GILBERT VIERA	In Policy, No further action required	In Policy; Training or corrective action addressed	In Policy; Training or corrective action addressed

Sergeant's Conclusions

Based on Deputy Viera's report, video footage of the incident, and the witness statement, I determined this Use of Force involving inmate [REDACTED] to be objectively reasonable and appropriate. Deputy Viera gave [REDACTED] multiple commands to return the nail clippers and [REDACTED] refused to comply each time. [REDACTED] became agitated towards Deputy Viera and began to use profanity towards him while tightly gripping the metal nail clippers. Nail clippers consist of multiple pieces of long slender metal that can be easily sharpened and used against staff or inmates as a deadly weapon. If Deputy Viera did not act immediately to remove these items from inmate [REDACTED] there was a risk of deadly weapons being introduced into the jail system.

Due to inmate [REDACTED] believing excessive force was used against him for possessing nail clippers, I believe inmate [REDACTED] may or may not have understood that he was in possession of potentially dangerous items that could be used against staff or other inmates. His claim of excessive force is unfounded due to Deputy Viera needing to use swift and effective force to remove the item from [REDACTED] possession.

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? **Yes**

Deputy Viera injured his hand during this incident. Although the use of closed fist punches was effective in the incident to overcome resistance with an inmate holding a potential weapon, I feel a verbal discussion on alternate options (palm strike) would be beneficial to reduce the risks of hand injuries.

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

Yes

Inmate [REDACTED] was transported to the hospital as a result of this incident (loss of consciousness). During his interview, inmate [REDACTED] claimed the force used against him was excessive, requiring a SB2 notification.

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**

Cpt./Lt. Conclusions / Recommendations

After reviewing the available reports, video footage, and Supervisor's Analysis, I concur with the findings of Sergeant Chiron. The actions taken by Deputy Viera in this incident were an appropriate response to Inmate [REDACTED] actions. The use of punches by Deputy Viera was reasonable and within the parameters of the Custody and Court Operations Manual (CCOM) and the Orange County Sheriff's Department policy as it pertains to the use of force.

Inmate [REDACTED] was in possession of metal nail clippers (a potential weapon), was arguing with Deputy Viera, and admitted he "pulled away from him and he took that as a threat, I guess" during his interview.

Absent any information to the contrary, I recommend no further action be taken reference this Use of Force incident.

Commander Conclusions / Recommendations

After reviewing the available reports, video footage, as well as the Sergeant's and Lieutenant's Review, I concur with the findings of Sergeant Chiron and Lieutenant Carpenter. The actions taken by Deputy Viera in this incident were appropriate responses due to safety concerns and to the uncooperative and unpredictable actions by inmate [REDACTED]. The deputy attempted to secure the broken nail clippers and deescalate the situation with inmate [REDACTED], but [REDACTED] did not comply with directives and made aggressive movements with a weapon in his hands. Then, inmate [REDACTED] ignored commands and aggressively pulled the nail clippers away from the Deputy, causing the Deputy to use pushing force to control [REDACTED] to protect himself from a possible stabbing/assault. [REDACTED] ignored commands to drop the clippers and aggressively pushed Deputy Viera's right arm away. Believing he was going to be

[illegible]