Use of Force

24-009233

Report Stage	Finalize
Report Status	Finalized

General Information

Incident Information			
Facility/Unit/City	Intake Release Center	Sergeant Present	No
Location within Facility	male uncuff	OIS	No
Type of Force	General	Off Duty Incident	No
ERT Call-out	No	SWAT UOF	No
Involuntary Med	No	K9 UOF	No
		Pursuit	No
		AB 481 Military Equip	No

Getting Help

Report Stage	Finalize

S.A.F.E. has a provided a Link to Full UOF Policy If you have any policy question contact SAFE at [redacted]

First time completing an Use of Force Report or has it been a while? Watch our introductory video here. **Click Here for the Video**

Use of Force Help - [redacted]
Technical Help [redacted]

Event Description

General Information		Involved Parties		Review Flow	
DR	24-009233	# Employees using Force	# of Witnesses	Sgt. Notified	3/16/2024
Date	3/16/2024	# of Subjects		Sgt. Notified Time	04:13
Time (24hr)	04:13			Sergeant	Amy Raphael
		*For initial call indicate original purpose that employees encountered the subject, NOT the reason for the force. Reason for Force is covered under the employee section.		Captain/Lieutenant	Jeremy Buffong
Location of Incident				Commander	Nathan Wilson
Address / Cross Streets	550 N. Flower St.				
City	Santa Ana				
		Initial Call / Event.	148 - RESISTING ARREST		
		Request Method			

SB2

Status	
SB2	Yes

Notification Summary - Incomplete (click to view)

Injury Occurred			
Deputies Injured	No	Subjects Injured	Yes

Notification

[redacted] 1/8

Enter a brief description of the event, please inclu overview of injuries to subjects or Deputies, summary of force used. Example: Deps responded to a DV that occurred. Dep Alpha #9999 contacted the suspect (Smith) who provided a false name, but was recognized from past contacts. Alpha grabbed his right arm and Smith stated he was not going to be handcuffed. He broke free Alpha pepper sprayed him as he ran away to a public bathroom. He attempted to shut the door, but Deps Beta #9998 and Gamma #9997 responded and used their body weight against his force to keep the door from closing. He then gave up peacefully.

NOTE: THIS IS LIMITED TO 500 CHARACTERS.

Notification
On 3-16-24, at about 0414 hours, Inmate INMATE Bkg# became uncooperative by pulling away and turning on the Deputy. Control holds were used to bring Inmate INMATE to the ground and strikes were used to overcome resistance. Inmate INMATE as seen by medical and cleared for regular housing. No injuries to Deputies. Inmate had a minor abrasion above upper lip and a lump on the left side of his forehead.

Employees Using Force - Incomplete (Click to view)

Employees Using Force

Only list employees that applied force to a subject involved in this Use of Force.

Employee Name	Title	Employee Attire	Type of Injury	Description of Injury	Inj
Armando Montalvo	Deputy Sheriff I	Uniform	None		No
Daniel Herrera	Deputy Sheriff I	Uniform	None		No
Elvis Chen	Deputy Sheriff I	Uniform	None		No
Justin Romo	Deputy Sheriff I	Uniform	None		No
Nicholes Vega	Deputy Sheriff I	Uniform	None		No

1 - 5 of 5 (0 selected) Page 1

Subject and Witness

Additional Information for the Follow Up Report

The follow up report has been moved from CRM to the Field Based Reporting (FBR system). Sergeants are required to document Witness Statements, Subject Statements, and any ad information on a Supervisory UOF Supplemental and route that report for approval. This report should be considered a PRIORITY REPORT.

UOF Subject(s)

List all known subjects involved in the Use of Force, if the subjects are unknown please contact the Use of Force Sergeant in SAFE to enable unknown subjects.

Subject Name	Subject DOB	Race	Gender	ID Type	ID/Bkg#	Alcohol	Drugs	Behav	S
INMATE				Booking Number					N

1 - 1 of 1 (0 selected) Page 1

Non-Employees Witnesses

[redacted] 2/8

List all witnesses that can be identified that are nc ...nbers of the department, examples include, inmates, bystanders, members of other agencies, fire personnel.

Witness Name	DOB	Contact Information	Address	City
WITNESS INMATE	[redacted]			

1 - 1 of 1 (0 selected) Page 1

Notes & Attachments (Deputy reports should not be attached - No Attachments

Deputy reports should only be entered in FBR, only use this section to attach documents that do not exist in FBR.

FBRReportLink	Report Author	PID	Report Name	Report State
https://filipendula.ad.ocsd.local/InformRMS/rep...	Romo, Justin Ryan	[redacted]	Supplement Incident 24-0092...	Complete
https://filipendula.ad.ocsd.local/InformRMS/rep...	Johnson, Stephen B		Supplement Incident 24-0092...	Complete
https://filipendula.ad.ocsd.local/InformRMS/rep...	Raphael, Amy N		Supplement Incident 24-0092...	In Progress
https://filipendula.ad.ocsd.local/InformRMS/rep...	Hedger, Allen		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Vega, Nicholes Gilbert		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Herrera, Daniel		Supplement Incident 24-0092...	Supervisor Review
https://filipendula.ad.ocsd.local/InformRMS/rep...	Chen, Elvis		Supplement Incident 24-0092...	Supervisor Review

1 - 7 of 8 (0 selected) Page 1

Attachments and Notes

Title: Summary Report
UOF Summary - 24-009233.pdf
CRM Admin 3/29/2024 10:01 AM

Drop UOF document here.

Force Used Summary - INCOMPLETE (No Force Used - 3 Employees)

Force Used

Employee Name	Subject Name	Use of Force	Force Used	Reason for Force	Head / Face / Nec	Chest / Torso	Groin
Armando Montalvo	INMATE	24-009233	Punch	Defense of Self	Yes	-	-

[redacted] 3/8

Armando Montalvo	INMATE	24-009233	Push / Pull	Defense of Self	-	Yes	-
Armando Montalvo	INMATE	24-009233	Takedown	Defense of Self	-	-	-
Armando Montalvo	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-
Daniel Herrera	INMATE	24-009233	Punch	Overcome Resistance	-	Yes	-
Daniel Herrera	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-
Elvis Chen	INMATE	24-009233	Control Hold	Overcome Resistance	-	-	-
Elvis Chen	INMATE	24-009233	Body Weight	Overcome Resistance	-	-	-

1 - 8 of 15 (0 selected)

Event Narratives - INCOMPLETE (3 Fields Missing)

Materials Collected

List the materials gathered and reviewed. Example: One DVD containing hand held footage of the incident and hand held footage of Subject's interview.

I requested video from the overhead and handheld cameras which were related to this use of force incident. I also requested hand held footage of the subject's interview. Video was uploaded and viewed via Evidence.com.

Scene Documentation

This incident occurred in the male photograph/fingerprint booth located on the IRC Booking Loop adjacent to Cell H5. The ID booth is a three- sided booth, approximately 4' by 7' open to the booking loop hallway. Inmates are escorted to an ID booth during the booking process to get fingerprinted and photographed.

Was this incident capture on Audio/Video?

Was the incident captured on audio or video.

Body Worn	No	**PVS/L3/Puma Media**	No	**Overhead Camera**	Yes	**Handheld**	Yes
A/V Other	No						

Was the UOF captured on any other video, for example, citizen cell phone, security cameras, Ring, etc.

Audio/Video Review

A/V Booked as Evidence Yes

Audio/Video Review During my review of the incident, I reviewed the footage from the overhead cameras. My review also included reviewing the video interview with the Inmate.

[redacted] 4/8

Link to Video https://ocsdca.evider /axon/evidence?evidence_id=2b1407ddd3b44d31a5028439b70940a3&p. d=6c9fa7c272794e2f8ac66e8395b77249

Supervisor's Questions - INCOMPLETE (7 Questions Missing)

Question 1

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

At approximately 0415 hours, Inmate INMATE (BKG:) was being processed, and moved out of cell H-4 to have his initial booking photo taken. While moving from Cell H-4, INMATE began to disregard direct orders from Deputies. Deputy A. Montalvo grabbed INMATE by the jacket to direct INMATE to where he was ordered to stand for the booking photo. INMATE pulled away and turned towards Dep. Montalvo.

Question 2

Were the force options or weapons in this incident effective?

Answer No

Please Explain Four Deputies punched Inmate INMATE numerous times even though the inmate did not appear to be actively resisting.

Question 3

Were the force options or weapons utilized in this incident reasonable under Policy 300?

Answer No

Please Explain Policy 300 states, "Members shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the Member at the time of the event, to effectively bring an incident under control."

The force used was not objectively reasonable or proportionate to the threat presented by the Inmate. The application of force did not stop even though the Inmate did not appear to be actively/physically resisting.

Question 4

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

Answer Yes

Please Explain

Question 5

Was a supervisor notified of the use of force as re[illegible]d by department policy?

Answer Yes

Please Explain

Question 6

Was proper use of video and/or audio recording technology used in this force incident?

Answer Yes

Please Explain

Question 7

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

Answer Yes

Please Explain Deputies did not employ tactical communication and/or de-escalation techniques prior to the use of force. Additionally, Deputies did not comply with Policy 300.

Question 8

Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standards of contact, use of profanity, PVS)?

Answer No

Please Explain

Managerial Review Questions

Manager Question 1

[redacted] 6/8

Were all witness statements memorialized in the S visory Analysis of this use of force incident?

Answer
Yes

Manager Question 2

Was the use of force subject interviewed and the statements memorialized in the Supervisory Supplement Report in FBR of this use of force incident?

Answer
Yes

Manager Question 3

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

Answer
Yes

Instead of using controlling force against the inmate, injuring force was used. Upon review, the force appeared ineffective and inappropriate for this incident.

Manager Question 4

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

Answer
Yes

The inmate, along with the deputies using force were exposed to possible injury, in addition to possible policy violations by the deputies associated to this event.

Managerial Secondary Review

Use of Force on subjects released at the scene (includes cite and releases)
No

Arrests for PC 148, with no additional charges
Yes

Use of Force required admission to a hospital for medical treatment
No

Ineffective use of ECD where additional force required
No

Multiple deployments (drive stun, multiple cycles, more than one cartridge used) of the ECD
No

Secondary Review Required? Yes

Use of carotid restraint
No

Use of Force on subjects not involved in the original investigation (witnesses, passengers, etc.)
No

Use of less lethal munitions (40mm, 12 gauge super sock "bean bag") with no response from Homicide
No

Sergeant involved in Use of Force
No

Recommendations and Conclusions

Employee Name	Sgt. Recommendation	Cpt./Lt. Recommendation	Cmdr. Determination
Armando Montalvo	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Daniel Herrera	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Elvis Chen	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...
Justin Romo	Refer incident to Command St...	Refer incident to Command St...	Refer incident to Command Staff with a recom...

[redacted] 7/8

Nicholes Vega	Refer in...	to Command St...	Refer incident to Command St...	Refer in...nt to Command Staff with a recom...

1 - 5 of 5 (0 selected) Page 1

Supervisor's Conclusions & Recommendations

Sgt Conclusions
The force used was not objectively reasonable or proportionate to the threat presented by the inmate. The application of force did not stop even though the inmate did not appear to be actively/physically resisting.

Sgt. Recommendation
I recommend this incident be forwarded for internal investigation.

Captain/Lieutenant's Recommendations and Conclusions

Cpt./Lt. Conclusions / Recommendations
I agree with Sergeant Raphael in her assessment, the force used during this incident does not appear reasonable or within the framework of our current use of force department policy.

Corrections requested from Commander

Commander's Recommendations and Conclusions

Based on the video footage and written reports included in this analysis, I concur with the findings of Lt. Buffong and Sgt. Raphael and deem this use of force to be unreasonable and outside of department policy. It will be referred to Internal Affairs for further investigation.

Training - Not Required

UOF Employee	Training Statu...	Assigned Division	Corrective Action / Training	Use of Force	Supervisor Overseeing Trainin...	Trainin

There are no UOF Employ

0 - 0 of 0 (0 selected) Page 1

Cmdr. Concur with Training

Record Submission

NOTE: All submission / correction / finalize buttons have been moved to the tool bar at the top of the form.

[redacted] 8/8