22-471

PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO

September 29, 2022

TO: Rose Gurule, Lieutenant, Patrol Division

Nathan Bray

FROM: Nathan Bray, Sergeant, Patrol Division

SUBJECT: Use of Force / 22P37416

Involved Officer(s):
Officer James Guy #P284
Patrol Division / Team #4 / 1800 – 0600 hours
Days Off: Monday, Tuesday, Wednesday and alternating Thursdays

Officer Yesenia Madrigal #P292
Patrol Division (Field Training Program) / Team #4 / 1800 – 0600 hours
Days Off: Monday, Tuesday, Wednesday and alternating Thursdays

Suspect:
Robert Sean Ford [redacted]

Summary:

On September 23, 2022, at approximately 2245 hours, I was contacted by Officer Guy via telephone and he advised me the subject they had in custody for 647(f) PC, Robert Sean Ford, had suffered an injury after falling.

Officer Guy briefly explained they were at South County Detention Facility and Ford became aggressive and advanced toward him. Officer Guy explained he put his hands up to get Ford back and Ford tripped over his feet and fell back into the fence and his head struck the metal plate at the bottom of the gate. I told Officer Guy to get Ford to SVMC and get him treated for his injuries.

At approximately 2315 hours, I arrived at SVMC and contacted Officer Guy, Officer Madrigal (who was on Field Training with Officer Guy) and Officer Lopez. I entered the room where Ford was being treated and the attending physician stated Ford had a significant laceration to the back of his head and it would not stop bleeding. I was advised they were preparing to staple the wound closed which I observed them do. I noted after approximately (7) staples, the wound was still actively bleeding and they advised they would do further testing to ensure no other injuries were sustained.

I then spoke to Ford as the officers exited the room and before I could advise him what was going on, Ford stated Officer Guy had slammed him up against the fence and he (Ford) did not do anything to him. I then advised him I was requesting to talk to him for administrative purposes only and that it had nothing to do with the criminal aspect. Ford stated he understood and spoke with me regarding the incident.

Ford stated he was arrested at his residence and when he was at the jail, Officer Guy slammed up against the fence and that he (Ford) did not do anything to provoke him (Officer Guy). I asked Ford if he remembered doing anything prior and he stated he was not a violent person. I again asked Ford if he could remember doing anything as I would review all associated video regarding the incident. Ford stated he might have spat at Officer Guy. I tried to clarify with Ford when it occurred but he seemed uncertain. Ford stated Officer Guy was treating him, “Like a piece of shit.”

When asked to be more detailed Ford just made references to having the handcuffs slapped on him and that he (Ford) was not being uncooperative. Ford stated when they were at South County the handcuffs were on “super tight” and he continued to ask for them to loosened. Ford stated Officer Guy denied to loosen the handcuffs, then made statements that he did not do anything wrong. Ford started to pause during his responses and then started saying instead of loosening the handcuffs that Officer Guy tightened them. Ford stated the video will show that he was just standing there and that what happened was not right.

I asked Ford if he spat at Officer Guy prior to being pushed into the fence and he stated he was pushed into the fence first and then later spit at Officer Guy. Ford stated he started to talk “shit” to Officer Guy because of what he did. At times it was difficult to understand Ford as he would pause and had slurred speech due to his level of intoxication. However, Ford continued to state that he was in handcuffs when he was slammed against the fence and was unable to defend himself. Ford continued to state he talked “Shit” but did not do anything to provoke being slammed against the fence. Ford later stated he thought he might have spit on Officer Guy before being pushed but seemed unsure of exactly how the event transpired.

Ford’s medical treatment was completed and he was transported back to South County Detention Facility where he was booked for 647(f) PC and CDC Parole was contacted and issued a hold for Ford.

On September 24, 2022, I began reviewing the associated body camera footage for this incident. While reviewing the body camera footage from Officer Guy, Officer Madrigal and Officer Lopez, I noted the following:

At approximately 2204 hours, officers arrived on scene and Ford was passed out in a chair out front of the residence. The reporting party was contacted and reported Ford had been drinking and gets aggressive when drinking and that she kicked him out the day

prior. Ford was asked if he had anywhere else to go which he stated he did not. Due to Ford's signs of intoxication and statements of his behavior and attitude at the residence the decision was made to place him under arrest for 647(f) PC due to it being unsafe to leave him outside or to go inside of the residence.

Ford appeared to resist being placed inside of the patrol vehicle but was ultimately placed inside, however a seat belt was not applied.

At approximately 2218 hours, they arrive at SCDF and Ford is heard asking to loosen his handcuffs.

At approximately 2223 hours, Ford is taken out of the backseat of the unit by Officer Guy and it appears Officer Guy adjusts the handcuffs.

At approximately 2227 hours, Ford is escorted to the fenced intake area and Officer Guy stands by with Ford as he stands in the area handcuffed. I noticed Ford was never placed in a secured position or leaned against an object for support due to his level of intoxication.

At approximately 2230 hours, Officer Madrigal joins Officer Guy and Ford near the intake door. At this time, Ford is heard being verbally aggressive and telling Officer Guy and Officer Madrigal "Fuck you."

At approximately 2236 hours, Ford gets quiet and is staring at Officer Guy and says, "What… What the fuck are you looking at?" Officer Guy responds, "You really want to start playing these games?" Ford replies, "Fuck you" to Officer Guy. Officer Guy begins to walk over to the intake door when Ford appears to take a step forward and Officer Guy addresses him by saying, "Backup". Ford replies, "What" and Officer Guy immediately follows up with saying, "Back the fuck up" as he shoves Ford back with both hands. Ford hits the metal fence behind him and falls to the ground due to being handcuffed and hits his head on a metal plate at the bottom of a gate. Officer Guy walked over and hit the call button and then helps Officer Madrigal pick him up. At this time, Officer Guy sees the injury to Ford's head and says, "That's not good" and then says they need to get him to the hospital. Officer Guy requests medical staff to wrap his head and the injury was bleeding profusely.

Ford is treated briefly with a bandage on his head and then transported to SVMC where I contacted him.

I noticed Officer Guy's prisoner camera was only activated on the initial transport to SCDF and was not reactivated on the transport to SVMC or on the return trip back to SCDF.

Due to the angles of the body cameras and movement of Ford and Officer Guy it was difficult to determine exactly who was moving just prior to Ford being pushed back.

I later responded to SCDF and contacted Sergeant Davalos who was able to pull the video footage up and provided me with a copy of the incident that occurred just outside of the intake door.

Upon reviewing the video, I noted it to begin while Officer Guy and Officer Madrigal are standing inside of the fenced area with Ford. I noted both Officer Guy and Officer Madrigal are standing at the gate to enter the intake area and Ford is standing toward the middle of the fenced area. There appeared to be an exchange of words from Ford and Officer Guy at which point, Officer Guy starts walking toward the intake door. Ford who is handcuffed, moves forward about a half step and there appears to be another exchange of words between Officer Guy and Ford. As Officer Guy is walking, he (Officer Guy) moves toward Ford, extends his right hand toward Ford's chest. Officer Guy gets closer to Ford and using both hands, he shoves Ford back causing him to hit the fence and then fall to the ground and Ford's head hit a metal plate affixed to the bottom of the nearby gate. Officer Guy pushes the call button and then Officer Guy and Officer Madrigal lift Ford up and you see blood begin to drop profusely on the ground below him.

Officer Guy, Officer Madrigal, assisting TCSO deputies and medical staff tended to Ford and you can see Ford appears to be resistive with staff at this point.

Conclusion:

Ford was handcuffed and left standing on his own without any assistance even though he had been arrested for being drunk in public and unable to care for his safety. Ford and Officer Guy exchanged words and Officer Guy subsequently shoved Ford who was still handcuffed, which caused him to hit the fence behind him and fall to the ground. Due to Ford being handcuffed he was unable to attempt to break his fall or brace himself and when he landed, his head struck the metal plate at the bottom of a nearby gate causing significant injury.

Also while reviewing this incident, I noticed Officer Madrigal was late in activating her body-worn camera. I also noted Ford was not restrained with a seatbelt when he was being transported to SCDF. Additionally, the rear prisoner camera was not activated during the transport from SCDF to SVMC or during the return transport from SVMC back to SCDF.