

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

**14-008-0118J**

BEAT

TYPE OF FORCE:

- HANDS/FEET
- KNIFE/CUTTING INSTR.
- FIREARM
- OTHER

**INCIDENT REPORT**

REPORT TYPE **149 PC [F] Assault Under Color of Authority**

OCURRED	DATE	TIME	DAY
ON OR FROM	10/3/13	22:58	Thu
TO	10/3/13	22:58	Thu
REPORTED	10/3/13	22:58	Thu

LOCATION OF INCIDENT **150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail**

CASE "V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

ASSIGNED  NOT ASSIG  **V01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) STATE OF CA. RACE M F DOB AGE HT WT

RECORDS ROUTING VICTIM ADVISED:  SEXUAL ASSAULT  VIC/WIT ASSIST.  DOMESTIC VIOLENCE INTERPRETER NEEDED:  SPANISH  VIETNAMESE  OTHER

ABC ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

Acctng BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN

CCAP/CIVU VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH  STUDENT

CLERY **W01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RACE M F DOB AGE HT WT

DET. DIV. VICTIM ADVISED:  SEXUAL ASSAULT  VIC/WIT ASSIST.  DOMESTIC VIOLENCE INTERPRETER NEEDED:  SPANISH  VIETNAMESE  OTHER

POSTAL ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

TRAFFIC BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN

TRANSIT VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH  STUDENT

OTHER VICTIM VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

CLASS EVIDENCE R/O'S NAME (LAST, FIRST, MIDDLE)  SAME AS VICTIM # ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

RURAL CRIME VICTIM VEHICLE WAS:  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  RELEASED AT SCENE  HELD F/PRINTS  PRINTED

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT						
ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
1	0					\$0.00

THIS REPORT IS FOR INSURANCE PURPOSES AND TO ALERT THE SHERIFF'S OFFICE OF THE CRIME.

Synopsis: **V1 resisted orders given by Correctional Deputies during a verbal altercation in the Main Jail. A physical struggle ensued and V1 was uncompliant with deputies' orders. During the physical struggle, V1 was kicked and punched in the face and head area by a Correctional Deputy, causing injury requiring treatment at a hospital. Follow-up investigation revealed the level of force used by the Correctional Deputy was excessive for the resistance by V1. V1 suffered three lacerations to his face and head, a broken septic bone, a fractured cheek, and other facial**

Where Occurred	Property Attacked	Method of Entry	Suspect Actions
<input type="checkbox"/> Apartment/Condo <input type="checkbox"/> Hospital <input type="checkbox"/> Assembly Plant <input type="checkbox"/> Hotel/Motel <input type="checkbox"/> Bar or Lounge <input type="checkbox"/> Jewelry Store <input type="checkbox"/> Bank/Finance Co. <input type="checkbox"/> Liquor Store <input checked="" type="checkbox"/> Bus/Rail Stop <input type="checkbox"/> Parking Lot <input type="checkbox"/> Bus/Rail Vehicle <input type="checkbox"/> Other Retail <input type="checkbox"/> Construction Site <input type="checkbox"/> Park (All Types) <input type="checkbox"/> Convenience Store <input type="checkbox"/> Public Building <input type="checkbox"/> Driveway <input type="checkbox"/> Residence <input type="checkbox"/> Dr.'s/Dentist Office <input type="checkbox"/> Restaurant (All) <input type="checkbox"/> Farm/Ranch <input type="checkbox"/> Rural/Mount Area <input type="checkbox"/> Field/Pasture <input type="checkbox"/> School <input type="checkbox"/> Garage <input type="checkbox"/> Sidewalk <input type="checkbox"/> Gas Station <input type="checkbox"/> Shopping Center <input type="checkbox"/> Grocery/Market <input type="checkbox"/> Street/Highway	<input type="checkbox"/> Agriculture/Crops <input type="checkbox"/> Jewelry/Metals <input type="checkbox"/> Alcohol/Beer/Wine <input type="checkbox"/> Livestock <input type="checkbox"/> Auto Parts/Access <input type="checkbox"/> Not Applicable <input type="checkbox"/> Bicycle <input type="checkbox"/> Narcotics/Drugs <input type="checkbox"/> Bldg Materials <input type="checkbox"/> Other Property <input type="checkbox"/> Cameras/Video Equip <input type="checkbox"/> Phone(s) <input type="checkbox"/> Clothing <input type="checkbox"/> Power Tools <input type="checkbox"/> Computer/Elec Equip <input type="checkbox"/> Purse/Wallet <input type="checkbox"/> Checks (All Types) <input type="checkbox"/> Radio/Stereo Equip <input type="checkbox"/> Credit Card <input type="checkbox"/> Sporting Goods <input type="checkbox"/> Curr/Money/Coins <input type="checkbox"/> Television <input type="checkbox"/> Farm/Ranch Equip <input type="checkbox"/> Tools <input type="checkbox"/> Firearm(s) <input type="checkbox"/> Tractor/Hvy Equi <input type="checkbox"/> Furniture <input type="checkbox"/> Transit Equip/Facil <input type="checkbox"/> Household Appliance <input type="checkbox"/> Vehicle or Boat	<input type="checkbox"/> Attempt Only <input type="checkbox"/> Body Force <input type="checkbox"/> Broke Glass <input type="checkbox"/> Cut Lock/Screen <input type="checkbox"/> Key/Pass Key <input type="checkbox"/> Lock Punch <input type="checkbox"/> Pried <input type="checkbox"/> Removed <input type="checkbox"/> Point of Entry <input type="checkbox"/> On Premise <input type="checkbox"/> Door <input type="checkbox"/> Garage Door <input type="checkbox"/> Sliding Door <input type="checkbox"/> Roof <input type="checkbox"/> Window	<input type="checkbox"/> Approach From Front <input type="checkbox"/> Suspect Armed <input type="checkbox"/> Approach From Rear <input type="checkbox"/> Searched <input type="checkbox"/> Demand Money <input type="checkbox"/> Selective Theft <input type="checkbox"/> Force Victim to Move <input type="checkbox"/> Sex Act <input type="checkbox"/> Fought With Victim <input type="checkbox"/> Shot/Stabbed Vic <input type="checkbox"/> Injury Inflicted <input type="checkbox"/> Struck Victim <input type="checkbox"/> Knew Location Cash <input type="checkbox"/> Took Firearm <input type="checkbox"/> Multiple Suspects <input type="checkbox"/> Took Money/Coins <input type="checkbox"/> Molested Victim <input type="checkbox"/> Took Stereo/TV <input type="checkbox"/> Masturbated <input type="checkbox"/> Used Trick/Ruse <input type="checkbox"/> Made Threats <input type="checkbox"/> Used Demand Note <input type="checkbox"/> Pt Prop in Bag <input type="checkbox"/> Unknown <input type="checkbox"/> Ransacked <input type="checkbox"/> Vandalized/Tagged

OTHER MO INFORMATION  MO Continued in Narrative

ASSOCIATED CASE NUMBERS: **13-277-0001J** OTHER ROUTING:

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF	
<b>Brown, J.</b>	<b>1688</b>	<b>01/15/14 1539</b>	<b>II</b>	<b>SSM</b>	<b>Rodriguez, Daniel</b>	<b>1659</b>	<b>02/04/14 1420</b>	<b>1</b>	<b>31</b>



"V" = VICTIM      "R" = REPORTING PARTY      "W" = WITNESS      "O" = OTHER

002	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>Murrillo Candelario</b>	<input type="checkbox"/> STATE OF CA.	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER				
ADDRESS _____ CITY/STATE _____ ZIP _____			PHONE _____		DL NUMBER _____		STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SCCDOC, 55 W Younger Ave</b>			CITY/STATE <b>San Jose, Ca</b>		ZIP <b>95110</b>		PHONE <b>(408) 808-4400</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input checked="" type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input checked="" type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT							

003	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>Bragg Kala</b>	<input type="checkbox"/> STATE OF CA.	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER				
ADDRESS _____ CITY/STATE _____ ZIP _____			PHONE _____		DL NUMBER _____		STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SCCDOC, 55 W Younger Ave</b>			CITY/STATE <b>San Jose, Ca</b>		ZIP <b>95110</b>		PHONE <b>(408) 808-4400</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input checked="" type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input checked="" type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT							

004	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>Cotes Miguel</b>	<input type="checkbox"/> STATE OF CA.	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER				
ADDRESS _____ CITY/STATE _____ ZIP _____			PHONE _____		DL NUMBER _____		STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SCCDOC, 55 W Younger Ave</b>			CITY/STATE <b>San Jose, Ca</b>		ZIP <b>95110</b>		PHONE <b>(408) 808-4400</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT							

005	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>Tempra Pablo</b>	<input type="checkbox"/> STATE OF CA.	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER				
ADDRESS _____ CITY/STATE _____ ZIP _____			PHONE _____		DL NUMBER _____		STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SCCDOC, 55 W Younger Ave</b>			CITY/STATE <b>San Jose, Ca</b>		ZIP <b>95110</b>		PHONE <b>(408) 808-4400</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT							

006	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>Jensen James</b>	<input type="checkbox"/> STATE OF CA.	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER				
ADDRESS _____ CITY/STATE _____ ZIP _____			PHONE _____		DL NUMBER _____		STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SCCDOC, 55 W Younger Ave</b>			CITY/STATE <b>San Jose, CA</b>		ZIP <b>95110</b>		PHONE <b>(408) 808-4400</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT							

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))	
1 ATTACHMENTS:			
2 - CD containing audio recordings of interviews with involved			
3 parties.			
4 - DVD containing video recordings of interviews with involved			
5 parties.			
6 - CD containing digital photographs of V1 and his injuries.			
7 - Copy of Release of Medical Records and Information Form.			
8 - Copies of Medical Records for V1 from VMC.			
9 - Copies of Medical Records for O1 Tri, from Kaiser.			
10 - Copies of Medical Records for O2 Murillo, from O'Connor.			
11 - Copies of Medical Records for O3 Bragg, from Sutter.			
12 - Copies of maps depicting Main Jail 5th floor, bottom and top			
13 tiers.			
14 - CD containing digital photographs of 5th floor at the Main Jail.			
15 - Copies of Employee Reports (ERs) and information from the Main Jail			
16 regarding event from 10/03/13 involving V1			
17 - Sheriff's Office Report 13-277-0001J.			
18			
19 INVESTIGATION:			
20			
21 On 10/21/13, I was assigned to the Sheriff's Office Investigations			
22 Division, Robbery/Homicide Unit. I was contacted by division Captain			
23 Rodriguez concerning an investigation into an incident that had			
24 previously occurred at the Main Jail, between Inmate			
25 (later identified as Victim and a group of Correctional			
26 Deputies. Since the original incident, and in reviewing the			
27 subsequent reports, it was discovered there may have been excessive			
28 force used against V1 by one of the deputies. Captain			
29 Rodriguez asked if I could conduct an investigation and document the			
30 use of force used during the incident.			
OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 01/15/14 1539	SHIFT/DAYS OFF II SSM
SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/04/14 1420	PAGE OF 4 31

REPORT TYPE 149 PC [F] Assault Under Color of Authority		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. <b>14-008-0118J</b>			
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 The original incident occurred on 10/03/13. At the time, three									
3 deputies were seen at area hospitals regarding various injuries they									
4 received while trying to restrain V1 V1 was also									
5 taken to Valley Medical Center (VMC) for treatment and evaluation of									
6 injuries he sustained during the incident. Correctional Deputies									
7 originally documented this incident in Sheriff's Office Incident									
8 Number 13-277-0001J. In reviewing this Incident Report, I discovered									
9 V1 was not interviewed regarding what had occurred on									
10 10/03/13. On 10/22/13 at approximately 1430 hours, Sergeant Quinonez									
11 and I contacted V1 at the Main Jail and obtained the									
12 following recorded statement.									
13									
14 STATEMENT OF VICTIM :									
15									
16 I advised V1 of the reason for our contact with him and asked									
17 him to provide his statement as to what happened. V1 stated									
18 he had been in custody since July of 2013. Since coming into									
19 custody, he had been housed on the second floor of the jail, which									
20 was the medical unit. V1 had problems with one of his legs,									
21 which caused him to use a cane when he walked. V1 went on to									
22 state, "there was no way I could have assaulted any cops" and he was									
23 "very clear" on what had happened during this incident.									
24									
25 V1 told me he has been recovering well since the incident. He									
26 had headaches for approximately two weeks and it took him five or six									
27 days before he could look upward without his eyes fluttering and									
28 getting dizzy. Upon returning from the hospital after the incident,									
29 V1 was continually vomiting due to the injuries he sustained									
30 to his head. The hospital performed two CAT scans of V1									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 01/15/14 1539	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/04/14 1420	PAGE 5	OF 31

REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input type="checkbox"/> SUPPLEMENTAL of Authority	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <div style="font-size: 24pt; font-weight: bold;">14-008-0118J</div>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) <b>150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail</b>		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 head area, but he did not know the results of the tests. V1</p> <p>2 received ten stitches to the top of his head, three stitches on his</p> <p>3 right eyebrow, and there was a cut above his left eyebrow that did</p> <p>4 not require stitching. V1 told us he also had a broken</p> <p>5 septic bone and a broken cheek bone on the right side of his face.</p> <p>6 V1 suspected he had a broken right eye socket, but this was</p> <p>7 from his own experience and not something he was diagnosed with by a</p> <p>8 doctor.</p> <p>9</p> <p>10 On 10/02/13, V1 leg was well enough for him to be housed in</p> <p>11 another area of the jail. Due to this, he requested to be re-housed.</p> <p>12 On 10/03/13, V1 received notification that he was going to</p> <p>13 be re-housed to the fifth floor of the jail. V1 packed his</p> <p>14 personal belongings from his cell location on the second floor and</p> <p>15 took them with him as he was escorted up to the fifth floor.</p> <p>16</p> <p>17 V1 arrived on the fifth floor at approximately 1900 hours.</p> <p>18 Upon entering the "5A" housing unit, Correctional Deputy Bragg (later</p> <p>19 identified as Other Party 3 Bragg) asked him to place his bag full of</p> <p>20 personal property on the floor near the officer's desk and go to a</p> <p>21 cell on the second floor of the unit. V1 advised O3 Bragg he</p> <p>22 was supposed to be in a cell on the bottom floor, which O3 Bragg was</p> <p>23 able to verify by checking V1 custody information. O3</p> <p>24 Bragg sent V1 to a cell in the corner on the bottom floor of</p> <p>25 the unit, where he remained for approximately 30-45 minutes without</p> <p>26 being contacted by anyone.</p> <p>27</p> <p>28 V1 told us he was able to look out of the window of his cell,</p> <p>29 onto the main floor of the unit. He did not see anyone or anything</p> <p>30 unusual as he looked out of the window. After approximately 30-45</p>								
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 minutes, the cell doors to the housing unit were opened and inmates									
2 were let out for "Program", which is described as free time allotted									
3 outside of a cell for the inmates.									
4									
5 During the allotted Program time, V1 had asked O3 Bragg if he									
6 could retrieve a bar of soap and a towel from his property in order									
7 to take a shower. O3 Bragg denied the request and V1 had to									
8 "scrounge" to get what he needed from the other inmates. Program									
9 lasted until approximately 2200 hours, and at that time the inmates									
10 returned to their cells to be locked down.									
11									
12 A short while later, O3 Bragg was checking the doors to the cells and									
13 doing a count of the unit. Knowing it had been over three hours									
14 since he had come into the unit, V1 began to get upset									
15 because he did not yet have his property. He described being cold									
16 because of the low temperature in his cell and said he had asked O3									
17 Bragg for his blanket on a few separate occasions. However, O3 Bragg									
18 would not give him any property until he was able to go through it.									
19 Being upset, V1 described kicking the door to his cell while									
20 O3 Bragg was conducting the count of the unit. O3 Bragg came up to									
21 V1 cell door and asked if he had kicked the door. V1									
22 responded, "Yeah I kicked the door man, I just want my									
23 property."									
24									
25 V1 told me O3 Bragg then said, " You don't fucking kick my									
26 Mother Fucking door, you fucking punk."									
27									
28 I asked V1 if O3 Bragg had talked to him just as he described.									
29 V1 said he did and said he responded to O3 Bragg by saying,									
30 "You call me a 'punk' Mother Fucker? I'll Mother Fuck you out there									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 01/15/14 1539	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/04/14 1420	PAGE 7	OF 31

REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input type="checkbox"/> SUPPLEMENTAL of Authority	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <div style="font-size: 24pt; font-weight: bold;">14-008-0118J</div>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) <b>150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail</b>		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 like I'll Mother Fuck you in here."</p> <p>2</p> <p>3 V1 described being upset at O3 Bragg, who V1 said was</p> <p>4 "just being a dick" to him. V1 now thought O3 Bragg would</p> <p>5 take some of his personal belongings from the property once he was</p> <p>6 able to search through it, and felt his property would be "Fucked</p> <p>7 up". However, V1 felt he had been patient enough with O3</p> <p>8 Bragg not giving him his property and wanted O3 Bragg to know he</p> <p>9 would say something back to him if he was to be treated poorly.</p> <p>10</p> <p>11 O3 Bragg walked away from V1 cell. Approximately 30 minutes</p> <p>12 later, the door to V1 cell popped open. V1 walked</p> <p>13 out of his cell and saw O3 Bragg standing, with his arms and hands</p> <p>14 folded down near his beltline, adjacent to a pile of V1</p> <p>15 property on the floor. V1 described the property as being</p> <p>16 taken completely out of the bag and dumped onto the floor, with the</p> <p>17 plastic bag thrown on top of the pile. V1 looked at the pile</p> <p>18 of property on the floor and asked O3 Bragg, "So this is how you get</p> <p>19 down?"</p> <p>20</p> <p>21 O3 Bragg said, "What you gonna do about it?"</p> <p>22</p> <p>23 V1 admitted he called O3 Bragg a "Mother Fucking Asshole!" O3</p> <p>24 Bragg responded by coming forward toward V1 and yelling,</p> <p>25 "Down on the ground. Down on the ground." V1 told us he</p> <p>26 "sprung" away from O3 Bragg, dropped directly down to the ground, and</p> <p>27 put his hands behind his back. O3 Bragg dropped down onto V1</p> <p>28 back and grabbed his hands. The main unit door opened and</p> <p>29 a group of Correctional Deputies came running in to assist O3 Bragg.</p> <p>30 V1 had later heard that O3 Bragg pushed a button on his radio</p>								
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 to call for assistance. Due to this, V1 felt the other								
2 Correctional Deputies were already waiting at the main door to the								
3 unit to come in and help O3 Bragg, which explained why they arrived								
4 so quickly.								
5								
6 V1 told us O3 Bragg had been standing directly next to the								
7 officer's desk to the unit when he came out of his cell. The pile of								
8 property was just in front of O3 Bragg, in a location approximately								
9 in the center of the walkway leading into the unit from the main								
10 door. V1 said he and O3 Bragg were only approximately an								
11 arm's length apart from one another, with only V1 property								
12 between them, during the confrontation about the property. When O3								
13 Bragg moved toward V1 he had to step over the pile of V1								
14 property. V1 again told us he "sprung" away from								
15 O3 Bragg, turned to the left, went down to the ground directly								
16 adjacent to the wall/door leading to the sun deck, and put his hands								
17 behind his back. V1 said he did this because he knew "this								
18 was all set up" and that "these Mother Fuckers are gonna whip my								
19 ass", referring to the Correctional Deputies.								
20								
21 To get further clarification, I asked V1 about how O3 Bragg								
22 approached him and how O3 Bragg attempted to gain control of him. V1								
23 said he had stepped back and turned to the left, so the left								
24 side of his body was nearest to the sun deck wall. He dropped down								
25 to the ground, on his own, and "gave" O3 Bragg his hands. V1								
26 described O3 Bragg as being "right on me", and taking control of his								
27 hands.								
28								
29 V1 stated, "To his credit, he never fucking laid a hand on me								
30 throughout this whole incident, that I know of."								
OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 01/15/14 1539	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/04/14 1420	PAGE 9	OF 31

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1								
2 V1                    talked about how he turned his head and continued to								
3 verbally confront O3 Bragg. O3 Bragg had a hold of V1								
4 hands while this was happening, but had not yet secured them in								
5 handcuffs. Soon thereafter, the other deputies came running in to								
6 help. V1                    is not sure at what point he was placed in								
7 handcuffs, but recognized he was handcuffed at some point.								
8								
9 V1                    told us he did not physically resist O3 Bragg at any point.								
10 Even when asked how much he moved his left arm around in an effort								
11 to prevent O3 Bragg from getting control of him, V1                    repeated								
12 that he did not put up any physical resistance at any time. When I								
13 asked V1                    about his right arm and the possibility it was								
14 pinned underneath his body, he stated his arms were never under his								
15 body and he placed his hands behind his back as soon as he went down								
16 to the floor. V1                    described O3 Bragg grabbing both of his								
17 hands and "rolling my wrists" in an upward motion, toward the back of								
18 his head. Then all of a sudden "smash", the other deputies arrived								
19 and joined in the struggle.								
20								
21 V1                    said he could hear the main door to the unit open and then								
22 heard the sound of people running to the area. He estimated it								
23 sounded like four people were running down the hall after the door								
24 opened, but he did not see them and could not be sure how many there								
25 actually were. V1                    thought he was able to recognize one of								
26 the officers who came running in to assist O3 Bragg, but stated he								
27 could not be sure of who it was. From memory, V1                    thought								
28 that deputy may have been sitting at the main workstation desk on the								
29 5th floor when he got off of the elevator earlier in the evening, but								
30 again said he could not be sure.								
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1

2 I asked V1 to describe what exactly happened after the other  
3 deputies came in and started to join into the struggle. V1  
4 described one of the deputies coming into the struggle and "landing"  
5 on his head. He stated it was "a major, major, major thump" on his  
6 head. He looked and saw a deputies face, but then there were more  
7 "thumps" and he started "leaking" all over the place. V1  
8 heard people saying "Mother Fucker" and "Punk Bitches", but did not  
9 know who was yelling out these phrases. Soon thereafter, the  
10 incident was over and he was handcuffed.

11

12 V1 did not lose consciousness and said the whole incident only  
13 lasted approximately 30 seconds to a minute. V1 recalled a  
14 Sergeant being on scene and having a rag held to his head to stop the  
15 bleeding while he was walked down to the second floor medical unit.

16

17

18 V1 thought the injury to the top of his head occurred when he  
19 was "smashed" by the first officer who came to assist O3 Bragg. I  
20 attempted to verify if V1 was saying the injury occurred when  
21 he was taken to the floor and hit his head, but he was able to  
22 clarify the statement by telling me the injury occurred when the  
23 first officer hit his head and his head was forced to the ground. V1  
24 was unable to tell me how the injury to his right eyebrow  
25 occurred because he just remembered having his head turned to the  
26 left and the right side of his face was on the floor.

27

28 I asked V1 if he knew what he had been hit with by the  
29 deputies as they responded. V1 said the deputies "knees" and  
30 "thighs" hit him while his head was on or near the floor, causing all

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<p>1 of the injuries. He tried to describe the deputy he saw when he came</p> <p>2 to the fifth floor, which was the same deputy he noticed landed on</p> <p>3 his head during the struggle. He described him as a white male,</p> <p>4 thick, with brown hair slicked back and short on the sides. The</p> <p>5 deputy gave him "a look" when reading his custody paperwork, which</p> <p>6 was with him when he arrived on the fifth floor. V1 said the</p> <p>7 deputy gave him a "hard" look and said it looked like the deputy</p> <p>8 "wanted to kill" him, but he did not know if the look was due to the</p> <p>9 charges V1 was in custody for or the fact that he is a "AB</p> <p>10 Dropout", referring to his past membership to the Arian</p> <p>11 Brotherhood.</p> <p>12</p> <p>13 Once V1 was down in the second floor medical unit of the jail,</p> <p>14 his eyes had swollen shut and he was unable to see. He kept trying</p> <p>15 to tell the Sergeant who was there to take pictures of him and his</p> <p>16 injuries prior to being taken to the hospital, but the Sergeant</p> <p>17 refused. V1 remembered having a small conversation with a</p> <p>18 Sergeant who was on the scene, but also thought the Sergeant was</p> <p>19 trying to "cross (him) up" and "double talk" him when asking what had</p> <p>20 happened.</p> <p>21</p> <p>22 I asked V1 at what point during the struggle he reached up to</p> <p>23 grab one of the deputies legs or attempted to bite one of the</p> <p>24 deputies. V1 looked confused and said he never tried to grab</p> <p>25 or bite any of the deputies. He told us he immediately put his hands</p> <p>26 behind his back upon going to the floor and once the first deputy</p> <p>27 landed on his head, the fight instantly went out of him and his</p> <p>28 anger/aggression was gone.</p> <p>29</p> <p>30 V1 was able to remember hearing the deputies yelling and</p>									
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<p>1 cursing at him while he was on the ground, but does not remember</p> <p>2 hearing anyone tell him to "stop resisting" or "give me your hands".</p> <p>3 He described having his head "enveloped" by the responding deputy's</p> <p>4 knees and thighs, and only remembered being struck on the head three</p> <p>5 times. The deputies had their full body weight on his head and back</p> <p>6 area during the struggle, even though he had given up, become</p> <p>7 cooperative, and had his hands behind his back. V1 could not</p> <p>8 tell me if anyone else had struck him in any other area of his body</p> <p>9 and he could not identify any of the deputies who were involved in</p> <p>10 the incident, other than O3 Bragg.</p> <p>11</p> <p>12 We began to talk about what V1 had anticipated happening and</p> <p>13 what he wanted the outcome to eventually be when he was interacting</p> <p>14 with O3 Bragg prior to the struggle. V1 stated, "There's</p> <p>15 some officers that, you know, you can Mother Fuck and they'll say,</p> <p>16 'ah, yeah, yeah, yeah' and lock ya down for the night and then</p> <p>17 there's some other officers that you can Mother Fuck and they'll say,</p> <p>18 'what do you want to do about it? I ran into one of those.'</p> <p>19</p> <p>20 V1 told me he had been thinking about it while he was sitting</p> <p>21 in his cell after the Programs wrapped up on the night of the</p> <p>22 incident, and when his door popped open he did not want to go out.</p> <p>23 He realized he had put himself into a bad situation, but also knew he</p> <p>24 just wanted his property to be returned to him. He went out to talk</p> <p>25 to O3 Bragg and knew he had a couple of options, with one of them</p> <p>26 being to simply pick up his property and return to his cell.</p> <p>27 However, V1 also wanted O3 Bragg to know he "can't be treated</p> <p>28 like that without saying with I think about it." V1 said he</p> <p>29 wanted his property back, but he didn't want to be in any type of</p> <p>30 large confrontation or "ugly scene". V1 did not think O3</p>								
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<p>1 Bragg had any respect for the inmates and went on to say, "I've never          2 seen nothing like that. There was absolutely no fucking reason for          3 him to be acting like that."          4</p> <p>5 V1 felt the entire incident was as a result of his being an          6 "AB dropout". He felt O3 Bragg felt V1          7 was a racist, which is what caused O3 Bragg to treat V1          8 the way he did. V1 told me he dropped out of the          9 Arian Brotherhood back in 1990 and has since moved on to marry a          10 Filipino woman. He does not think or believe in the philosophies of          11 the Arian Brotherhood any longer and O3 Bragg's race and/or V1          12 feelings about it did not play any role in what happened on          13 the night of this incident.          14</p> <p>15 V1 went on to say he did not think O3 Bragg was wrong for          16 wanting to look through his property before letting him have it in          17 the cell. V1 knows all of the Correctional Deputies will          18 look through a new inmate's property when they come into the unit and          19 realized O3 Bragg was just doing what he was supposed to do.          20 However, V1 had been in his cell after Programing for          21 approximately 45 minutes and was extremely cold. All he wanted was a          22 blanket from his property and began to think O3 Bragg was stalling on          23 purpose. Although V1 had never met or seen O3 Bragg prior to          24 this incident, V1 felt like he was "set up" to get hurt          25 during this incident. When I asked why, V1 said it was          26 because the other deputies were too quick to arrive at the struggle,          27 which to him meant they must have been waiting at the door to come          28 running in.          29</p> <p>30 V1 verified he did not actually see any of the officers</p>								
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<p>1 waiting at the door to come running in. He had heard from a previous</p> <p>2 interview that O3 Bragg had pressed the "emergency button" on his</p> <p>3 radio for assistance, which was the signal for the other deputies to</p> <p>4 come to O3 Bragg's aid, but still felt they had arrived on scene too</p> <p>5 quickly. To V1 this meant the other deputies already knew</p> <p>6 they were going to come into a fight, further making him believe he</p> <p>7 had been "set up".</p> <p>8</p> <p>9 Sergeant Quinonez asked V1 again if he could describe the</p> <p>10 deputy who had struck him in the head area with his knees. V1</p> <p>11 provided the same description as he had earlier in the</p> <p>12 interview. He said the deputy's knees and thighs "enveloped" his</p> <p>13 head, which to him meant "all consuming". The force of the deputy</p> <p>14 landing on V1 was very hard, but V1 thought it was</p> <p>15 due to the deputy placing all of his body weight down on his head.</p> <p>16 V1 was only able to quickly look up at the deputy's face and</p> <p>17 described the look on his face to be "angry". V1 feels the</p> <p>18 deputies will all try to "cover" for one another, but also felt the</p> <p>19 other inmates will provide a more accurate account of what they</p> <p>20 saw.</p> <p>21</p> <p>22 V1 stated he never resisted or struck any of the deputies</p> <p>23 involved in the struggle. He said he simply "sprung" back and went</p> <p>24 to the ground so there would not be any type of physical altercation.</p> <p>25 When questioned about the possibility V1 resisted by not</p> <p>26 giving both of his hands to O3 Bragg or the other responding</p> <p>27 deputies, V1 said he immediately put both of his hands behind</p> <p>28 his back. O3 Bragg grabbed both of V1 hands and twisted</p> <p>29 his arms up toward the back of his head. This caused injuries to V1</p> <p>30 elbows, which he stated were still sore.</p>								
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1								
2 V1 thought he should be able to verbally confront a deputy or								
3 police officer and expect to be disciplined. He mentioned the								
4 infraction process conducted in the County Jail system and said he								
5 would expect a similar type of punishment. However, V1 told								
6 us he shouldn't expect to get "smashed like this".								
7								
8 V1 further went on to say, "I did nothing to warrant this type								
9 of fucking ass whooping." He agreed he could be taken to the ground,								
10 and would even expect some type of "split of the eyebrow", but he								
11 also felt the deputies involved in this incident were deliberately								
12 trying to hurt him. V1 did not want to report what happened								
13 to him in this incident out of fear of retaliation by the								
14 Correctional Deputies. V1 just wanted to spend time in his								
15 cell to heal and move on. V1 has become further fearful and								
16 "spooked" by what he feels is continued poor treatment while back in								
17 custody at the Main Jail. V1 told us he thought the deputies								
18 had turned off the water to his cell for a couple of days, withheld								
19 personal items he needed, and kept him on "ass out status" since his								
20 return from the hospital. When I asked what V1 meant by								
21 that, he told me it meant he could not ask for anything from the								
22 deputies because he would be "out of luck". V1 admitted he								
23 may have a bad attitude and, at times, say things that may get him								
24 into trouble. However, he also feels the Correctional Deputies have								
25 poor attitudes, which has contributed to the problems he has had								
26 while in custody.								
27								
28 INVESTIGATION CONTINUED:								
29								
30 Prior to ending our contact with V1 he signed a Release of								
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<p>1 Medical Records and Information form to be sent to VMC. I was also</p> <p>2 able to take a series of digital photographs of V1 and the</p> <p>3 condition of the injuries he received during the struggle with the</p> <p>4 deputies.</p> <p>5</p> <p>6 Upon returning to Sheriff's Headquarters, I was able to fax the</p> <p>7 Medical Records and Information request to VMC. I was also able to</p> <p>8 copy the digital photographs onto two Compact Discs (CD's). I</p> <p>9 submitted one CD as an attachment to this supplemental report. I</p> <p>10 packaged and submitted the second CD as evidence to the Sheriff's</p> <p>11 Headquarters Evidence Room.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Sergeant Quinonez and I arranged to meet with the deputies involved in</p> <p>24 the incident with V1 On 10/23/13 at approximately 1830</p> <p>25 hours, Sergeant Jensen (O6 Jensen) came to the Sheriff's Office</p> <p>26 Investigations Bureau, where he provided the following recorded</p> <p>27 statement.</p> <p>28</p> <p>29 STATEMENT OF OTHER PARTY 6 SERGEANT JAMES JENSEN:</p> <p>30</p>							
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<p>1 06 Jensen stated he is the supervisor for the "D Team" at the Main  2 Jail and has been so for approximately four months. He normally  3 supervises the same individuals every week, with the exceptions of  4 sick calls and vacations by deputies. He stated he remembered the  5 altercation between V1 and O3 Bragg and the events of the  6 incident.</p> <p>7</p> <p>8 06 Jensen stated he was on the main floor of the jail and heard the  9 emergency call coming over his packset radio, from the fifth floor.  10 In response, he took the elevator from the main floor to the fifth  11 floor. Sergeants Stream and Bracket also responded to the fifth  12 floor for the incident. Just prior to arriving on the fifth floor,  13 deputies on scene advised via radio that the incident was under  14 control and no further emergency response was needed.</p> <p>15</p> <p>16 Upon exiting the elevator, 06 Jensen noticed an inmate (V1  17 being escorted out of "5A", bleeding from the head. After a brief  18 stop in an interview room on the fifth floor, 06 Jensen ordered V1  19 immediately be taken down to the second floor medical unit  20 for treatment. 06 Jensen recalled deputies attempting to administer  21 first aid to V1 injuries, but they wanted to quickly take  22 V1 to the second floor for more appropriate treatment. 06  23 Jensen verified he had turned on a video recorder upon arriving on  24 the fifth floor. He gave the recorder to Sergeant Bracket, who was  25 able to record the incident from that point forward.</p> <p>26</p> <p>27 06 Jensen thought V1 was handcuffed to the rear as he was  28 brought out of 5A, but he could not remember if V1 had on any  29 type of leg shackles or other restraints. V1 did not say  30 anything prior to being taken down to the second floor. 06 Jensen</p>								
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<p>1 remained on the fifth floor to take digital photographs of the scene,</p> <p>2 but had to wait for all of the camera equipment to be brought to the</p> <p>3 floor. While waiting, O6 Jensen was able to speak with some of the</p> <p>4 involved deputies and gather information on what had occurred.</p> <p>5</p> <p>6 In speaking with O3 Bragg, O6 Jensen learned V1 had just been</p> <p>7 housed up in 5A and O3 Bragg was trying to search through his</p> <p>8 property. O3 Bragg called V1 to come out of his cell to pick</p> <p>9 up his property. When V1 came out of his cell, a verbal</p> <p>10 altercation occurred, which led to a physical struggle in the dorm.</p> <p>11 O3 Bragg did not provide O6 Jensen with any further information.</p> <p>12</p> <p>13 O6 Jensen spoke to O2 Murillo, who told him he had come running out of</p> <p>14 unit 5C in response to O3 Bragg's emergency request for assistance.</p> <p>15 Upon entering into the 5A housing unit, O2 Murillo noticed O3 Bragg</p> <p>16 and V1 in a physical struggle on the floor of the unit. O3</p> <p>17 Bragg was on V1 left side trying to control V1</p> <p>18 left hand. O2 Murillo noticed V1 right hand was still free</p> <p>19 and he was moving it around. O2 Murillo went in to try and control</p> <p>20 V1 right hand and they were eventually able to gain control</p> <p>21 of him. O2 Murillo did not provide O6 Jensen with any further</p> <p>22 information.</p> <p>23</p> <p>24 Finally, O6 Jensen spoke to O1 Tri about the incident. O1 Tri told</p> <p>25 him he was the second deputy to come in to assist O3 Bragg. He</p> <p>26 noticed O3 Bragg was trying to get control of V1 left arm.</p> <p>27 O1 Tri told O6 Jensen he "punched" V1 in the face "a few</p> <p>28 times" to help. During this conversation, O1 Tri was extremely out</p> <p>29 of breath and had a hard time telling O6 Jensen all of the details.</p> <p>30 O6 Jensen did not get any further information from O1 Tri.</p>								
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1								
2 O6 Jensen gathered all of the information on the injuries O1 Tri, O2								
3 Murillo, and O3 Bragg sustained during the incident. O6 Jensen asked								
4 Sergeant Duran to begin filling out the paperwork for the deputies'								
5 injuries and continued supervising the incident. O3 Bragg suffered								
6 general soreness and a cut to the top of one of his hands. O2								
7 Murillo had a sore knee. O1 Tri complained of pain to one of his								
8 hands, the pinky finger on the hand, and soreness to one of his								
9 knees.								
10								
11 I verified with O6 Jensen that O1 Tri had told him he struck V1								
12 in the face with his fist. O6 Jensen told me that, at that								
13 time, O1 Tri told him he had only struck V1 with his fist								
14 during the struggle.								
15								
16 After talking to the deputies involved in the struggle, O6 Jensen								
17 began taking digital photographs of the scene. While taking								
18 pictures, O6 Jensen noticed a blood trail leading from the inside of								
19 the unit, to the front door leading into the unit. There was a								
20 puddle of blood in the unit, near the sun-deck door, and a puddle of								
21 blood in the interview room V1 had been sitting prior to								
22 being taken to the second floor medical unit.								
23								
24 O6 Jensen then responded to the second floor medical unit to contact								
25 V1 Upon arrival, V1 was being treated by the nurses								
26 and his injuries had already been bandaged. O6 Jensen spoke to V1								
27 and obtained a short statement, but he could not immediately								
28 remember what V1 said. V1 was extremely upset, used								
29 foul language, and seemed to be directing his anger toward the								
30 deputies involved in the incident. At the conclusion of the contact,								
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<p>1 V1 was transported to Valley Medical Center (VMC) for</p> <p>2 treatment.</p> <p>3</p> <p>4 Once V1 left, O6 Jensen went back to the fifth floor to</p> <p>5 continue the investigation. O6 Jensen was able to take digital</p> <p>6 photographs of various angles looking toward the location where the</p> <p>7 struggle occurred, including angles some of the inmates would have</p> <p>8 had as they were looking out of their cell doors. O6 Jensen asked</p> <p>9 Corrections Deputy Lozado to contact each inmate in the unit to</p> <p>10 obtain their statements as to what they witnessed during the</p> <p>11 struggle. O6 Jensen then tried to contact O1 Tri, O2 Murillo, and O3</p> <p>12 Bragg to verify they were able to complete their Employees Reports</p> <p>13 (ER) prior to ending their shifts. O6 Jensen was able to contact O2</p> <p>14 Murillo and O3 Bragg, who completed their ERs, but could not locate</p> <p>15 O1 Tri to ask him about completing his ER.</p> <p>16</p> <p>17 A short time later, Deputy Lozado contacted O6 Jensen and said a few</p> <p>18 of the inmates in 5A had witnessed the incident and provided</p> <p>19 statements as to what had occurred. Some of the inmates had stated</p> <p>20 they were able to see O3 Bragg struggling with V1 when the</p> <p>21 other deputies came in to assist. After V1 had been subdued,</p> <p>22 O1 Tri came in and kicked V1 in the head area, and then ran</p> <p>23 out of the unit. O6 Jensen instructed Deputy Lozado to make sure he</p> <p>24 had full statements from the inmates and advised him to complete an</p> <p>25 ER dictating what the inmates saw.</p> <p>26</p> <p>27 Prior to the end of the shift, O6 Jensen was able to locate and speak</p> <p>28 to O1 Tri. O1 Tri was able to complete his ER before the end of the</p> <p>29 shift and prior to seeking any medical attention.</p> <p>30</p>								
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<p>1 Later, O6 Jensen spoke to all of the involved deputies regarding</p> <p>2 making sure their ERs were as detailed as possible and the</p> <p>3 information was accurate. The deputies made some revisions to their</p> <p>4 reports and had them approved prior to leaving at the end of their</p> <p>5 shifts. After leaving the jail, all three deputies sought medical</p> <p>6 attention, on their own, for their injuries.</p> <p>7</p> <p>8 Upon reading the final versions of the ERs, O6 Jensen noticed O1 Tri,</p> <p>9 O2 Murillo, and O3 Bragg all described O1 Tri kicking V1 in</p> <p>10 the head area 3 - 4 times. O1 Tri explained in his ER that V1</p> <p>11 had tried to grab and bite him during the struggle; therefore</p> <p>12 O1 Tri kicked V1 to prevent this from happening. Neither O2</p> <p>13 Murillo, nor O3 Bragg ever mentioned seeing V1 trying to grab</p> <p>14 or bite O1 Tri during the struggle and O6 Jensen was unable to verify</p> <p>15 this information. O2 Murillo wrote he had used knee strikes to V1</p> <p>16 in an attempt to gain compliance and control of V1</p> <p>17 right arm, which were unsuccessful until more deputies arrived to</p> <p>18 assist.</p> <p>19</p> <p>20 O6 Jensen and I spent a while talking about the ERs provided by the</p> <p>21 deputies and the information they provided in their Sheriff's Office</p> <p>22 criminal reports. Although O6 Jensen was able to provide some</p> <p>23 information on the comparison, he was unable to provide information</p> <p>24 that was additional to what the deputies had documented.</p> <p>25</p> <p>26 O6 Jensen talked about some of the contact he has had with V1</p> <p>27 since the date of the original incident. He says he has had some</p> <p>28 contact with V1 but the contact seems to be normal. O6</p> <p>29 Jensen has not discussed the incident with V1 since then, but</p> <p>30 also stated he was aware of an incident V1 had with some of</p>									
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<p>1 the correctional deputies in the days just prior to this interview.</p> <p>2</p> <p>3 Sergeant Quinonez asked O6 Jensen a few questions about when he had</p> <p>4 decided a criminal report would have been required, in addition to</p> <p>5 the ER's originally completed by the involved deputies. O6 Jensen</p> <p>6 stated he had read all of the final drafts of the ER's and then</p> <p>7 learned of the injuries to the deputies upon his return to work the</p> <p>8 following week. It was at that point O6 Jensen decided that there</p> <p>9 could have possibly been a criminal act of resisting, which caused</p> <p>10 injury to the deputies, necessitating a criminal report against V1</p> <p>11           However, O6 Jensen also stated he had thought about the</p> <p>12 information provided by the deputies in their ER's and wondered about</p> <p>13 the use of force O1 Tri had used when kicking V1           in the head</p> <p>14 during the incident. As a result of these thoughts, O6 Jensen also</p> <p>15 considered the possibility of an excessive use of force type</p> <p>16 situation, until he learned of the injuries and the possibility of</p> <p>17 the force being needed to overcome V1           resistance and</p> <p>18 maintain O1 Tri's own safety.</p> <p>19</p> <p>20 To follow up on O6 Jensen's previous thoughts, I asked O6 Jensen to</p> <p>21 estimate the size of V1           versus the size of O3 Bragg. O6</p> <p>22 Jensen described O3 Bragg as being quite a bit larger than V1</p> <p>23           With this in mind I asked O6 Jensen, "So if I'm Deputy</p> <p>24 Bragg and I put hands on Inmate           and I take him to the</p> <p>25 ground, and I have a left arm that I'm trying to get a handcuff on,</p> <p>26 as stated by Deputy Bragg, and Inmate           is struggling</p> <p>27 underneath Deputy Bragg, or to the side of Deputy Bragg, I guess he</p> <p>28 was on the side, and other deputies are running in, how necessary</p> <p>29 would you think it would be to kick a prone, face down inmate in the</p> <p>30 face and head if???"</p>								
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1									
2 Before I could finish, O6 Jensen replied, "It would not be necessary.									
3 It's not something I would do."									
4									
5 We discussed some of the information passed on by the other inmates to									
6 Deputy Lozado. O6 Jensen stated all of the inmates had been locked									
7 down prior to, during, and after the incident. He did not think they									
8 had time to discuss the incident amongst themselves prior to being									
9 contacted by Deputy Lozado and did not recall any of them saying V1									
10 was in the act of resisting at the time he was kicked in the									
11 head by O1 Tri. However, O6 Jensen also could not recall most of the									
12 information provided in the report by Deputy Lozado.									
13									
14 Sergeant Quinonez and I concluded our contact with O6 Jensen without									
15 any further information.									
16									
17 INVESTIGATION CONTINUED:									
18									
19 At the conclusion of our interview with O6 Jensen, O2 Murillo was									
20 advised to come to the Sheriff's Headquarters third floor interview									
21 rooms to provide a statement. O2 Murillo arrived at 2005 hours and									
22 provided the following recorded statement.									
23									
24 STATEMENT OF OTHER PARTY 2 DEPUTY CANDELARIO MURILLO:									
25									
26 O2 Murillo stated he is currently assigned as the module officer for									
27 housing unit "5B", which is a "Sureno" dorm, on "D team". He has									
28 been working for the Corrections Enforcement Bureau for approximately									
29 a year and a half, but employed by the County for approximately 3.5									
30 to 4 years.									
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1								
2 I advised O2 Murillo of the reason for my contact and asked if he								
3 recalled the incident. O2 Murillo said he was very familiar with the								
4 incident and described it as the most recent disturbance handled by								
5 his team. O2 Murillo stated the incident occurred near the end of								
6 the normal "Program" time, which was at 2300 hours. Over his								
7 packset, O2 Murillo heard the control room announce there was an								
8 emergency button push coming from O3 Bragg in the 5A dorm unit. O2								
9 Murillo locked down his unit and immediately began responding to unit								
10 5A. O2 Murillo estimated it only took a couple of seconds for him to								
11 lock down his unit and begin his response.								
12								
13 Upon exiting his unit, O2 Murillo could see O1 Tri exiting unit 5C and								
14 also running toward 5A. The floor control officer unlocked the door								
15 leading into 5A and they both ran in, O1 Tri first followed by O2								
16 Murillo. O2 Murillo estimated he was only two or three seconds								
17 behind O1 Tri as they ran into the unit. As he was running into the								
18 unit, O2 Murillo could see O3 Bragg on the floor in a struggle with								
19 V1 V1 was unsecured and extremely combative with O3								
20 Bragg at that time. O2 Murillo described O3 Bragg and V1								
21 being on the floor, directly under the "threshold" of the door								
22 leading into the sun deck area of the unit. V1 was in a								
23 prone position, with his face toward the floor, his head pointing								
24 toward the main area of the unit, and his feet closer to the door								
25 leading into the unit. O3 Bragg was off to the side of V1								
26 trying to gain control of V1 left arm and handcuff him.								
27								
28 Recognizing there was an unsecured and combative inmate who was in a								
29 physical altercation with O3 Bragg, O2 Murillo immediately went to								
30 help gain control of V1 O1 Tri ran around V1 body								
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<p>1 as he was lying on the floor and up to his head area. O2 Murillo</p> <p>2 went to the right side of V1 body in an attempt to gain</p> <p>3 control of his right arm and hand. O2 Murillo went down to his knees</p> <p>4 and tried to pull V1 arm to a position of control. V1</p> <p>5 resisted O2 Murillo's attempts to get his right arm. O2</p> <p>6 Murillo described V1 as "highly resistive, very combative,</p> <p>7 not going along with my directives." V1 had his right arm</p> <p>8 tucked underneath his body and O2 Murillo felt V1 was trying</p> <p>9 to push himself up off of the ground. He continually ordered V1</p> <p>10 to give him his right arm and to stop resisting, however V1</p> <p>11 did not comply. Even with the resistance V1 was</p> <p>12 giving at the time, O2 Murillo realized there were at least three</p> <p>13 deputies on scene and he was "pretty confident" they could gain</p> <p>14 control of him.</p> <p>15</p> <p>16 O2 Murillo told us he grabbed V1 right arm near the elbow</p> <p>17 area and continued to try and "yank" his arm out from under him, but</p> <p>18 V1 was "not cooperating". In an attempt to gain compliance,</p> <p>19 O2 Murillo used the top of his knee to strike V1 on the back</p> <p>20 of the upper arm, hoping to cause enough pain to gain compliance from</p> <p>21 V1 Unfortunately, V1 continued to resist and would</p> <p>22 not give O2 Murillo his arm to be secured behind his back. O2</p> <p>23 Murillo said that, although he was unable to gain compliance from V1</p> <p>24 and secure his right arm, he at least felt comfortable in the</p> <p>25 position he was in because V1 was not swinging his arm from</p> <p>26 side to side or using his arm in a threatening manner against him.</p> <p>27 When I asked why V1 was not swinging his arm and why O2</p> <p>28 Murillo felt so comfortable, O2 Murillo stated, "Because it was</p> <p>29 underneath". O2 Murillo said he was giving V1 an opportunity</p> <p>30 to surrender his right arm, but V1 was intentionally keeping</p>								
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1 his arm underneath him so the deputies could not gain control of him.									
2 After approximately 8-10 seconds, other deputies responded to the									
3 scene and they were able to overcome V1 resistance just due									
4 to the sheer number of people trying to gain compliance.									
5 O2 Murillo was unsure if O3 Bragg was ever able to gain control of V1									
6 left arm, but he did not think O3 Bragg was successful. O2									
7 Murillo just tried to maintain focus on trying to get control of V1									
8 right arm during the struggle and trusted O3 Bragg would be									
9 able to get control of the left arm. Once further assistance									
10 arrived, they were able to control V1									
11									
12 I asked O2 Murillo if he noticed what O1 Tri did upon arriving at the									
13 scene of the struggle. O2 Murillo stated he saw O1 Tri standing in									
14 the head area of V1 and noticed O1 Tri kicked V1 in									
15 or about the face/shoulder area two to three times. O1 Tri then									
16 crouched down and put his left knee on V1 right shoulder.									
17 O2 Murillo noticed O1 Tri was there, but described it as being hard									
18 to see what he was doing from that point forward because he could not									
19 see very well while he was focusing on V1 right arm. After									
20 kneeling onto V1 shoulder, O1 Tri began to strike V1									
21 in the head with his fist to gain compliance. O2 Murillo was									
22 unsure of how many times O1 Tri struck V1 with his fists, but									
23 described it as being "at least three" times. They all continued to									
24 struggle until other officers came in and they were all able to gain									
25 control of V1									
26									
27 I tried to clarify exactly how clear O2 Murillo was on what O1 Tri had									
28 done. He stated he could clearly see what O1 Tri was doing,									
29 including kicking V1 in the face and head area, right up									
30 until the point where O1 Tri crouched down and put his knee on V1									
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1	shoulder.								
2									
3	O2 Murillo was certain he saw O1 Tri kick V1 with his foot,								
4	but he could not tell me what part of his foot actually struck V1								
5	He described seeing O1 Tri swing his leg to kick V1								
6	but knew O1 Tri had not crouched down yet so he could not								
7	have used his knee. O2 Murillo said O1 Tri made a "big swing" with								
8	his leg, like he was trying to "get him (V1 off of him (O1								
9	Tri) or to get him (V1 to respond", but also "it wasn't like								
10	a field goal kick", referring to someone kicking a football.								
11	However, O2 Murillo was sure he saw O1 Tri kick V1 in the								
12	face and then crouch down on his shoulder.								
13									
14	I asked O2 Murillo what V1 was doing while O1 Tri was kicking								
15	him and kneeling on his shoulder. O2 Murillo told me V1								
16	never stopped resisting at any point. O2 Murillo was still trying to								
17	get control of V1 right arm, which was tucked underneath								
18	his body the entire time. This included when O1 Tri kicked V1								
19	in the face, as well as when he kneeled down on his shoulder								
20	and began to strike him on the head with his fist. O2 Murillo said								
21	V1 right arm was still tucked underneath his body when the								
22	other deputies arrived on scene and relived O2 Murillo from the								
23	struggle, and he does not know at what point his right arm was								
24	finally controlled and handcuffed.								
25									
26	After V1 had been handcuffed and the struggle was over, O2								
27	Murillo was still on the scene and assisted in getting V1 up								
28	from the ground. Although he was not sure, O2 Murillo thought O3								
29	Bragg and O1 Tri were also still on scene. Upon helping V1								
30	up from the ground, O2 Murillo noticed there was blood on the floor,								
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<p>1 as well as on V1 face and head. V1 was taken from</p> <p>2 5A and escorted down to the second floor medical unit for treatment.</p> <p>3 When I asked, O2 Murillo told me he did not notice any blood either</p> <p>4 on V1 or on the floor prior to him arriving to assist O3</p> <p>5 Bragg. It was only after the struggle was over that O2 Murillo</p> <p>6 noticed the blood on the floor and on V1</p> <p>7</p> <p>8 O2 Murillo stated he continued to give verbal commands to V1</p> <p>9 throughout the incident. He could remember hearing O3 Bragg also</p> <p>10 giving verbal commands for V1 to stop resisting, but did not</p> <p>11 recall O1 Tri ever saying anything to V1 O2 Murillo denied</p> <p>12 ever saying, or hearing anyone else say, anything derogatory to V1</p> <p>13 during the struggle and said he was only giving V1</p> <p>14 commands to "stop resisting". Once V1 was controlled and</p> <p>15 escorted to the second floor medical unit, O2 Murillo did not have</p> <p>16 any further contact with him.</p> <p>17</p> <p>18 O2 Murillo said he sustained some redness and swelling in his right</p> <p>19 knee during the struggle. He was ordered to prepare his ER for the</p> <p>20 incident prior to the end of his shift, but then sought medical</p> <p>21 attention at O'Connor Hospital for the injuries to his knee. He was</p> <p>22 diagnosed with a sprain to his knee and was given three days off for</p> <p>23 the swelling and pain to subside. He has since returned to work and</p> <p>24 is no longer having any problems with his knee.</p> <p>25</p> <p>26 Since then, O2 Murillo has spoken to O1 Tri and O3 Bragg about what</p> <p>27 happened. He and O3 Bragg talked about why the entire incident</p> <p>28 occurred and what caused V1 to resist the way he did. O2</p> <p>29 Murillo also talked to O1 Tri about the struggle, including why he</p> <p>30 kicked and struck him in the head and face area. O1 Tri told O2</p>								
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<p>1 Murillo he kicked V1 because V1 had tried to grab his</p> <p>2 leg. When I asked, O2 Murillo verified he never actually saw V1</p> <p>3 grab O1 Tri or anyone else with his right arm because it was</p> <p>4 tucked underneath him the entire time. However, O2 Murillo could not</p> <p>5 say what happened with V1 and O1 Tri before he actually</p> <p>6 arrived on scene and joined the struggle, and O2 Murillo could not</p> <p>7 speak for anything that happened with V1 left arm. O2</p> <p>8 Murillo could see V1 left elbow and O3 Bragg trying to gain</p> <p>9 control of V1 left arm, but also said he did not see V1</p> <p>10 left hand at any time.</p> <p>11</p> <p>12 Sergeant Quinonez asked O2 Murillo to verify his exact location in</p> <p>13 relation to V1 as he lay prone on the floor of the unit. O2</p> <p>14 Murillo said he was kneeling on the right side of V1 just</p> <p>15 below his right shoulder, adjacent to his upper right arm. O2</p> <p>16 Murillo felt V1 right arm may have been a threat to him</p> <p>17 because it was still unsecured and tucked underneath his body,</p> <p>18 therefore he delivered approximately three knee strikes to gain</p> <p>19 compliance. Sergeant Quinonez asked O2 Murillo, having in mind that</p> <p>20 he witnessed O1 Tri kick V1 in the face, what threat V1</p> <p>21 face and head were to the deputies during the struggle that</p> <p>22 would require that level of force. O2 Murillo replied, "I don't</p> <p>23 know. You would have to ask him. I couldn't tell you. I couldn't</p> <p>24 tell you."</p> <p>25</p> <p>26 O2 Murillo also stated he could not speculate what threat O1 Tri may</p> <p>27 have felt at the time and let us know he could not see V1</p> <p>28 face during the struggle, to see what he may have been doing. O2</p> <p>29 Murillo was only sure that he saw O1 Tri kick V1 in the face</p> <p>30 and head area at right about the same time as he was reaching for V1</p>								
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1 right arm, which was already tucked underneath him. O2  
2 Murillo never saw V1 reach toward O1 Tri with his right arm  
3 and was certain V1 did not have his right arm wrapped around  
4 O1 Tri's legs at the time O1 Tri kicked him in the face.  
5  
6 INVESTIGATION CONTINUED:  
7  
8 After ending our conversation with O2 Murillo, he returned to the jail  
9 for his shift.  
10  
11 Investigation continued in additional Supplemental Report.

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1 Supplemental Report for the booking of case file into evidence at  
2 close of case.  
3  
4 End of Report

OFFICER'S NAME <b>Brown, J.</b>	ID NUMBER <b>1688</b>	DATE <b>05/25/18 819</b>	SHIFT/DAYS OFF <b>II SSM</b>	SUPERVISORS REVIEW <b>Omori, Brendan</b>	ID NUMBER <b>1991</b>	DATE <b>10/01/18 1523</b>	PAGE <b>1</b>	OF <b>2</b>
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REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b>	<b>PROPERTY</b>	CASE NO. <b>14-008-0118J</b>	<input type="checkbox"/> <b>HEALTH HAZARD</b>
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS _____	<p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff Santa Clara County</p> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<b>LOCATION BAR CODE</b>  Bar code
1	E		1	Case File			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
		55 W Younger Ave, San Jose, 95110			0	367398	<input type="checkbox"/>
DESCRIPTION <b>Entire case file and all contents from investigation.</b>							

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE      NAME _____ ADDRESS _____ CITY _____ <input type="checkbox"/> FOLLOWING NAMED PERSON
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR DESTRUCTION	WITNESSED BY _____ AND _____
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME _____ ADDRESS _____ CITY _____
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
<b>Brown, J.</b>	<b>1688</b>	<b>05/25/18 819</b>	<b>II SSM</b>	<b>Omori, Brendan</b>	<b>1991</b>	<b>10/01/18 1523</b>	<b>2</b>	<b>2</b>

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 ATTACHMENTS:								
2								
3 DVD containing digital photographs								
4								
5 INVESTIGATION:								
6								
7 On 06/13/2017, I was assigned as a Detective in the Santa Clara County								
8 Sheriff's Office Investigative Services Division. I was also a								
9 member of the Crime Scene Investigations (CSI) Team. At								
10 approximately 0935 hours, Lieutenant Quinonez #1644 requested I								
11 assist with scene reconstruction photography at the Santa Clara								
12 County Main Jail.								
13								
14 At approximately 1100 hours, I met with Lt. Quinonez and Deputy								
15 District Attorney John Chase at the Main Jail. DDA Chase brought a								
16 dummy and a red piece of paper to simulate blood, which he used to								
17 recreate the crime scene on the floor of the 5A dorm.								
18								
19 I took photographs of the dorm and the recreated crime scene using a								
20 Nikon D600 digital camera with an AF-S Nikkor 24-85mm lens. I took								
21 the majority of the photographs with the lens zoomed out to								
22 approximately 24mm.								
23								
24 For several of the photographs from the cell door windows, I set the								
25 zoom lens to approximately 55mm, which more accurately depicted the								
26 natural field of view for my eyes. The photographs taken below were								
27 taken with the lens set to approximately 24mm unless otherwise noted.								
28 I am approximately 6'1" in height for reference.								
29								
30 SCENE RECONSTRUCTION PHOTOGRAPHS:								
OFFICER'S NAME Haselbach, Colin	ID NUMBER 2033	DATE 06/22/17 1729	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Cardoza, Jose	ID NUMBER 1758	DATE 06/23/17 834	PAGE 1	OF 6

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL Authority	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1								
2 DSC_2754: 5A dorm.								
3								
4 DSC_2755-2760: The floor inside the entrance to the 5A dorm with a								
5 crime scene photograph and ruler on the floor approximately where the								
6 scene was located.								
7								
8 DSC_2761-2765: The floor inside the entrance of the 5A dorm with the								
9 red piece of paper placed approximately where the pool of apparent								
10 blood was located at the crime scene.								
11								
12 DSC_2766-2778: The floor inside the entrance of the 5A dorm with the								
13 dummy laid down on top of the red paper, simulating where the victim								
14 was lying during the incident.								
15								
16 DSC_2779-2780: The exterior of the door to Cell 14, 5A dorm.								
17								
18 DSC_2781-2793: The view of the crime scene from the Cell 14 door								
19 window with DDA Chase standing by the head of the dummy.								
20								
21 DSC_2794-2796: The view of the crime scene from the Cell 14 door								
22 window with DDA Chase kneeling by the head of the dummy.								
23								
24 DSC_2797-2803: The view of the crime scene from the Cell 14 door								
25 window with DDA Chase kneeling by the head of the dummy (lens set to								
26 approximately 55mm).								
27								
28 DSC_2804-2808: The view of the crime scene from the Cell 14 door								
29 window with DDA Chase standing by the head of the dummy (lens set to								
30 approximately 55mm).								
OFFICER'S NAME Haselbach, Colin	ID NUMBER 2033	DATE 06/22/17 1729	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Cardoza, Jose	ID NUMBER 1758	DATE 06/23/17 834	PAGE 2	OF 6

REPORT TYPE 149 PC [F] Assault Under Color of Authority		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. <b>14-008-0118J</b>			
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 DSC_2809-2810: The exterior of the door to Cell 24, 5A dorm.									
3									
4 DSC_2811-2820: The view of the crime scene from the Cell 24 door									
5 window with DDA Chase standing by the head of the dummy.									
6									
7 DSC_2821-2831: The view of the crime scene from the Cell 24 door									
8 window with DDA Chase standing by the head of the dummy (lens set to									
9 approximately 55mm).									
10									
11 DSC_2832-2840: The view of the crime scene from the Cell 24 door									
12 window with DDA Chase kneeling by the head of the dummy.									
13									
14 DSC_2841-2848: The view of the crime scene from the Cell 24 door									
15 window with DDA Chase kneeling by the head of the dummy (lens set to									
16 approximately 55mm).									
17									
18 DSC_2849: The exterior of the door to Cell 28, 5A dorm.									
19									
20 DSC_2850-2859: The view of the crime scene from the Cell 28 door									
21 window with DDA Chase standing by the head of the dummy.									
22									
23 DSC_2860-2871: The view of the crime scene from the Cell 28 door									
24 window with DDA Chase standing by the head of the dummy (lens set to									
25 approximately 55mm)									
26									
27 DSC_2872-2879: The view of the crime scene from the Cell 28 door									
28 window with DDA Chase kneeling by the head of the dummy.									
29									
30 DSC_2880-2892: The view of the crime scene from the Cell 28 door									
OFFICER'S NAME Haselbach, Colin		ID NUMBER 2033	DATE 06/22/17 1729	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Cardoza, Jose	ID NUMBER 1758	DATE 06/23/17 834	PAGE 3	OF 6

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 window with DDA Chase kneeling by the head of the dummy (lens set to								
2 approximately 55mm).								
3								
4 DSC_2893-2894: The exterior of the door to Cell 30, 5A dorm.								
5								
6 DSC_2895-2906: The view of the crime scene from the Cell 30 door								
7 window with DDA Chase standing by the head of the dummy.								
8								
9 DSC_2907-2919: The view of the crime scene from the Cell 30 door								
10 window with DDA Chase standing by the head of the dummy (lens set to								
11 approximately 55mm).								
12								
13 DSC_2920-2926: The view of the crime scene from the Cell 30 door								
14 window with DDA Chase kneeling by the head of the dummy.								
15								
16 DSC_2927-2938: The view of the crime scene from the Cell 30 door								
17 window with DDA Chase kneeling by the head of the dummy (lens set to								
18 approximately 55mm).								
19								
20 DSC_2939-2944: The floor inside the entrance to the 5A dorm with a								
21 ruler, depicting the length of the flooring tiles near where the								
22 crime scene was located.								
23								
24 DSC_2945-2949: The floor inside the entrance to the 5A dorm with a								
25 ruler, depicting the diagonal length of the flooring tiles near where								
26 the crime scene was located.								
27								
28 DSC_2950-2951: The view of the exterior side of the door to the 5A								
29 dorm from the wall where the 5th floor elevators are located.								
30								
OFFICER'S NAME Haselbach, Colin	ID NUMBER 2033	DATE 06/22/17 1729	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Cardoza, Jose	ID NUMBER 1758	DATE 06/23/17 834	PAGE 4	OF 6



REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b>	<b>PROPERTY</b>	CASE NO.	<b>14-008-0118J</b>	<input type="checkbox"/> <b>HEALTH HAZARD</b>
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS _____	<b>Office of the Sheriff</b> <b>Santa Clara County</b>  55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<b>LOCATION</b>  <b>BAR CODE</b>  Bar code	
1	E		1	photographs				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Main Jail, 150 W. Hedding Street, San Jose			0	346415		<input type="checkbox"/>
DESCRIPTION <b>DVD containing crime scene reconstruction photographs</b>								

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE      NAME _____ ADDRESS _____ CITY _____	<input type="checkbox"/> FOLLOWING NAMED PERSON
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR DESTRUCTION	WITNESSED BY _____ AND _____
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME _____ ADDRESS _____ CITY _____
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Haselbach, Colin	2033	06/22/17 1729	II FSS	Cardoza, Jose	1758	06/23/17 834	6	6

REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b> Office of the Sheriff Santa Clara County <b>ADDITIONAL PARTIES</b>	CASE NO. <span style="font-size: 24pt; font-weight: bold;">14-008-0118J</span>
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"V" = VICTIM      "R" = REPORTING PARTY      "W" = WITNESS      "O" = OTHER

W06	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA.	RACE _____	M <input type="checkbox"/> F <input type="checkbox"/>	DOB _____	AGE _____	HT _____	WT _____			
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____								
ADDRESS _____			CITY/STATE _____		ZIP _____		PHONE _____		DL NUMBER _____	STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____		PHONE _____		SSN _____		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT											

W07	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA.	RACE _____	M <input type="checkbox"/> F <input type="checkbox"/>	DOB _____	AGE _____	HT _____	WT _____			
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____								
ADDRESS _____			CITY/STATE _____		ZIP _____		PHONE _____		DL NUMBER _____	STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____		PHONE _____		SSN _____		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT											

OFFICER'S NAME <b>Brown, J.</b>	ID NUMBER <b>1688</b>	DATE <b>06/22/16 1345</b>	SHIFT/DAYS OFF <b>II SSM</b>	SUPERVISORS REVIEW <b>Rodriguez, Daniel</b>	ID NUMBER <b>1659</b>	DATE <b>06/22/16 1443</b>	PAGE <b>1</b>	OF <b>16</b>
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REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))	
1 ATTACHMENTS:			
2			
3 CD containing audio recording of interview with W6			
4 CD containing audio recording of interview with W7			
5 DVD containing video recording of interview with W7			
6 Hand-drawn sketch of area within the 5A Dorm, signed and dated by W7			
7			
8			
9 SUPPLEMENTAL INVESTIGATION:			
10			
11 On 03/16/16, I continued my investigation into this incident. Through			
12 further investigation, I was able to identify another inmate who			
13 potentially witnessed the incident between V1 and the			
14 deputies in the 5A housing unit at the Main Jail on 10/03/13. The			
15 inmate was identified as (W6 and I determined			
16 W6 was still in custody at the Main Jail.			
17			
18 In an effort to get W6 statement as to what occurred during			
19 this incident, I met with him at the Main Jail. At approximately			
20 0935 hours, he provided the following recorded statement.			
21			
22 STATEMENT OF WITNESS 6 :			
23			
24 I explained to W6 the reason for my visit and how I came to			
25 speak with him. W6 explained that he was housed in the			
26 corner of the dorm at the time. Although he was not sure, he thought			
27 he may have been in cell 24. W6 also stated he was only able			
28 to see what was going on by looking in the reflection from the cell			
29 adjacent to him, which would have been cell 26. Due to the fact that			
30 W6 was housed in the cell right in the corner of the dorm, he			
OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 06/22/16 1345	SHIFT/DAYS OFF II SSM
SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/22/16 1443	PAGE OF 2 16

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>						
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))							
<p>1 was able to look in the window of the cell next to him to see what</p> <p>2 was going on in other parts of the dorm. Even though he was just</p> <p>3 using the reflection from a window to see what was going on, W6</p> <p>4 said he could still clearly see what was happening.</p> <p>5</p> <p>6 W6 happened to ask me if this was about ¿the white guy, they</p> <p>7 stomped his head in¿. I took this opportunity to show W6 a</p> <p>8 picture I had previously taken and printed of V1 W6</p> <p>9 reminded me that it had been some time since this incident, but he</p> <p>10 thought it was V1 W6 recalled that V1 had</p> <p>11 just come into the unit on that particular day, but he could not</p> <p>12 remember seeing W6 carrying his personal belongings. We</p> <p>13 briefly spoke about W6 only providing the information he</p> <p>14 could actually remember, versus things he did not know or could not</p> <p>15 remember. W6 stated, ¿well what pissed me off was with, when</p> <p>16 the dude came and stomped his head there was 10 or 8, 8 fucking cops</p> <p>17 sitting around watching him do it, and let him do it until the one</p> <p>18 told him to get the fuck out of there.¿</p> <p>19</p> <p>20 W6 again verified that V1 had just come into the unit</p> <p>21 that day. V1 was ¿running his mouth¿ toward the officer in</p> <p>22 the dorm because he did not have his personal stuff. However, W6</p> <p>23 said he also knew that when the officers ¿extract¿ an inmate</p> <p>24 from their cell, they are supposed to handcuff the inmate before he</p> <p>25 comes out so there are no problems. I asked W6 about his use</p> <p>26 of the word ¿extract¿ during that statement and whether or not he</p> <p>27 remembered V1 being ¿extracted¿ from the cell, or simply let</p> <p>28 out to talk to the officer. W6 said he recalled that the</p> <p>29 officers went in to extract V1 from his cell because he had</p> <p>30 been either banging on the door or screaming at the deputies.</p>								
OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 06/22/16 1345	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/22/16 1443	PAGE 3	OF 16

REPORT TYPE 149 PC [F] Assault Under Color of Authority		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. <b>14-008-0118J</b>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 I tried to verify if this was something W6 was watching									
3 through the reflection in the window of the adjacent cell, but he									
4 said this was actually something he could see just by looking out of									
5 his cell door. He described three deputies going into V1									
6 cell, handcuffing him, and bringing him out into the common area. V1									
7 was screaming at the deputies as they began to lead him over									
8 toward the dorm exit. All of a sudden V1 was down on the									
9 floor near the officer's station. W6 did not know if V1									
10 fell down or was thrown down by the deputies, but the next									
11 thing he saw was a deputy come in and start to stomp on V1									
12 head.									
13									
14 Although W6 did not know who this deputy was at the time, he									
15 said he now knew the deputy who stomped on V1 head was									
16 Deputy Tri (O1 Tri). W6 described how he saw O1 Tri's boot									
17 come down and strike V1 in the head, and then talked about									
18 actually seeing V1 head split open and blood start gushing									
19 out all over the floor.									
20									
21 W6 again told me he thought V1 was handcuffed, with									
22 his hands behind his back. He did not know how V1 came to be									
23 lying on the floor, but said he was lying on his stomach, with his									
24 face toward the ground. W6 estimated V1 may have									
25 been lying on the ground for approximately a minute when O1 Tri came									
26 running in. During that minute that V1 was lying on the									
27 floor, W6 just remembered him lying there and the deputies									
28 not doing anything to him. W6 noticed the door to the dorm									
29 opening, a deputy coming in the unit, and the boot coming down on V1									
30 head. Again, W6 referenced not knowing it was O1									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 06/22/16 1345	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/22/16 1443	PAGE 4	OF 16

REPORT TYPE 149 PC [F] Assault Under Color of Authority	<input checked="" type="checkbox"/> SUPPLEMENTAL of Authority	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <b>14-008-0118J</b>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 Tri at the time, but said he found out later by talking to others,</p> <p>2 including other inmates and deputies, that O1 Tri was the deputy who</p> <p>3 stomped his boot down on V1 head.</p> <p>4</p> <p>5 W6 told me he could only see from approximately O1 Tri's knee</p> <p>6 down to the floor when he came running into the unit. W6</p> <p>7 said he was upset because it seemed the other deputies were just</p> <p>8 standing there, letting him do it. From what he remembered, W6</p> <p>9 estimated O1 Tri struck V1 in the head approximately</p> <p>10 4-5 times with the heel of his boot. Then, O4 Cortes grabbed O1 Tri</p> <p>11 in an effort to get him to stop kicking V1 in the head.</p> <p>12</p> <p>13 W6 stated he actually liked O1 Tri, has never had any problems</p> <p>14 with him, and recalled him being the first deputy he met upon being</p> <p>15 jailed approximately 5 years ago. When asked about O3 Bragg, W6</p> <p>16 said he has the nickname of 'By the Book Bragg' and described</p> <p>17 him as 'fair'. W6 told me O3 Bragg disciplined him in the</p> <p>18 past for reasons he thought were unnecessary, but again described him</p> <p>19 as being fair.</p> <p>20</p> <p>21 I asked W6 if it looked as if V1 was resisting in any</p> <p>22 way when he was lying down on the ground before O1 Tri came in. W6</p> <p>23 said he did not remember what V1 was doing when he</p> <p>24 was on the ground, but also said 'I don't know how much you can</p> <p>25 resist when you're handcuffed like that. I mean you can roll around,</p> <p>26 but you ain't gonna do much.'</p> <p>27</p> <p>28 When I then asked if it looked as if V1 was making an attempt</p> <p>29 to bite one of the deputies, W6 said he did not know, but</p> <p>30 also said he there was no one close enough to V1 for him to</p>								
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<p>1 try and bite. Due to information from prior investigation, I asked</p> <p>2 W6 if it ever looked like V1 hands had ever come</p> <p>3 out of the handcuffs and he was trying to grab one of the deputies;</p> <p>4 legs. W6 said he never saw V1 hands come out of</p> <p>5 the handcuffs or try to grab any of the deputies. Also from prior</p> <p>6 investigation into this case, I asked W6 if he ever noticed</p> <p>7 one of the deputies kneeling next to V1 and punching him in</p> <p>8 the side. W6 said he has seen that in other situations, but</p> <p>9 he did not see that in this incident.</p> <p>10</p> <p>11 W6 again talked about how he saw the pool of blood near V1</p> <p>12 head after his head split open. Although W6 could</p> <p>13 not see the actual injury, he described the blood as possibly coming</p> <p>14 from an area near the top of, and toward the back of V1</p> <p>15 head. He could hear V1 screaming during this time and he</p> <p>16 knew V1 was hurt. W6 said the officer's may have</p> <p>17 been yelling at V1 but also said he did not really know or</p> <p>18 remember for sure.</p> <p>19</p> <p>20 After O1 Tri was pulled away from V1 he quickly walked out of</p> <p>21 the unit. W6 described how he could see the light coming in</p> <p>22 from the unit door being opened and O1 Tri's boots walking out of the</p> <p>23 dorm.</p> <p>24</p> <p>25 Using photographs I had previously printed, I showed W6 a</p> <p>26 photograph of O2 Murillo and asked if he knew who it was. W6</p> <p>27 described O2 Murillo as being a newer officer, but could not remember</p> <p>28 his name and did not think he was there on the night of this</p> <p>29 incident. W6 thought O2 Murillo worked during the day, in</p> <p>30 the 5A unit, but he did not think he was there that night. I also</p>								
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1 showed W6                      previously printed photographs of O1 Tri and O3 2 Bragg, whom he was able to properly identify by name. 3 4 I asked W6                      about what he thought about the events of that 5 night. He told me he thought the deputies were cowards and it was 6 ;cowardly shit; going on then. W6                      has no problem with ;one 7 on one; or even ;two on one; fights, but thought it was ;chicken 8 shit; to beat on someone who was in handcuffs. W6                      admitted 9 he did not know it was O1 Tri and said it might not have actually 10 been him who stomped on V1                      head, but this was information 11 he was told after the incident happened and he has not seen O1 Tri 12 again after that incident, hearing that he had been fired from the 13 Department of Correction. W6                      described V1                      as a 14 ;defenseless person; during this incident and said something like 15 this should not happen to anyone. W6                      even went as far as to 16 say if he had done the same thing to someone else, he would have been 17 arrested and charged with a crime due to ;great bodily injury;. 18 19 W6                      and I spoke for a while longer. He mentioned thinking this 20 case had already been taken care of and how he had just received an 21 extended sentence; therefore he did not have any reason to lie about 22 what happened. He talked about some of the officers from that 23 evening and how he thought they were good officers whom he had 24 nothing against. W6                      ended out contact by saying he did not 25 actually see O1 Tri;s face at the time of this incident, but he knew 26 he saw a boot come down on V1                      head and blood come gushing 27 out onto the floor. 28 29 INVESTIGATION CONTINUED: 30								
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1 I ended my contact with W6 For further information on W6								
2 statement, refer to the attached audio recording.								
3								
4 In continuing with the investigation, I identified another subject who								
5 was in custody at the time of this incident and may be able to								
6 provide further information. This subject was identified as								
7 (W7 but he was no longer in custody for any								
8 matters.								
9 I made contact with								
10 W7 who agreed to come to Sheriff's Headquarters to provide a								
11 statement.								
12								
13 On 04/26/16 at approximately 0955 hours, W7 came to Sheriff's								
14 Headquarters where he provided the following recorded statement.								
15								
16 STATEMENT OF WITNESS 7 :								
17								
18 I had previously let W7 know what it was I wanted to speak with								
19 him about, but also now explained to him the reason for my contact.								
20 At first, W7 thought I was speaking of an incident occurring in								
21 housing unit 7A. We spoke about W7 various housing units								
22 while he was in custody, but this did not seem to clear up the								
23 confusion. To further assist with the location of the incident and								
24 refresh W7 memory, I showed him a picture I had previously								
25 printed out of O3 Bragg. W7 instantly recognized O3 Bragg in								
26 the photo as the officer who was involved in the incident he was								
27 speaking of, but also said O3 Bragg was the deputy in charge of the								
28 5A housing unit when he was there. With this information, W7								
29 now seemed to recall that the incident we were speaking of actually								
30 occurred within the 5A housing unit at the Main Jail.								
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1									
2 I next showed W7 a photograph I had previously taken and printed									
3 out depicting V1 W7 told me this was a photograph of									
4 the inmate who was injured in the altercation we were speaking of.									
5 Although W7 did not know V1 name, he said he would									
6 guarantee that was the inmate involved in this incident.									
7									
8 W7 stated he was either in cell 45 or 43 at the time of this									
9 incident. I pulled out a diagram of the 5th floor of the Main Jail,									
10 which included a diagram of the 5A housing unit. W7 verified									
11 he was housed in either cell 45 or 43, which would have been on the									
12 other side of the unit from where this incident occurred. However,									
13 he was able to see what happened by using the reflection in the									
14 window of one of the other cells across from him.									
15									
16 W7 told me it had come time for everyone to lock down in their									
17 cells. V1 was being verbally uncooperative with O3 Bragg at									
18 that time. To stop the situation, O3 Bragg attempted to physically									
19 restrain V1 which W7 described as doing his job, but									
20 V1 continued to resist. Due to this, O3 Bragg called for									
21 assistance from other deputies, who came running in to help. W7									
22 said one of the officers who came in to help was wearing									
23 glasses. Although he could not exactly recall that officer's name,									
24 W7 thought it was either Lee or Tran, finally settling on the									
25 name Tran (identified later in the interview as O1 Tri). W7									
26 said this deputy came running in and used his steel toe boot to									
27 kick the inmate in the head.									
28									
29 I stopped W7 to ask a few questions, including whether or not he									
30 saw V1 come into the unit. W7 said he did not see V1									
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<p>1 when he originally came into the dorm, but was certain he had</p> <p>2 not been there very long. W7 thought V1 may have been</p> <p>3 housed in either cell 7 or cell 9 when he came in. W7 never</p> <p>4 heard V1 yelling at O3 Bragg from him cell prior to the</p> <p>5 incident actually occurring, but also said O3 Bragg would not</p> <p>6 normally acknowledge someone who was yelling at him from their</p> <p>7 cell.</p> <p>8</p> <p>9 I also asked W7 if he knew how V1 came to be out of his</p> <p>10 cell in the first place. W7 thought it all started over a</p> <p>11 problem V1 was having during the evening pill call, where he</p> <p>12 did not get his required medication, therefore he was yelling at O3</p> <p>13 Bragg about this. When O3 Bragg told V1 to lock down, V1</p> <p>14 started to refuse to go back to his cell. At one point W7</p> <p>15 heard V1 yell to O3 Bragg, ;I need my fucking</p> <p>16 medication!; Eventually, O3 Bragg moved up and restrained V1</p> <p>17 to a point where W7 felt O3 Bragg was in control and V1</p> <p>18 was well restrained. W7 stated, ;Bragg restrained him good</p> <p>19 enough. The other guy had no reason to do that.;</p> <p>20</p> <p>21 W7 said O3 Bragg had restrained V1 by taking him to the</p> <p>22 ground, face down, with O3 Bragg almost kneeling on him to control</p> <p>23 his movements and attempting to handcuff him. Out of nowhere, O1 Tri</p> <p>24 came in and ;cracked; V1 head as he was lying on the</p> <p>25 ground. One or two deputies actually came running in, but O1 Tri was</p> <p>26 the first deputy to come in. Once O1 Tri kicked V1 O3 Bragg</p> <p>27 stopped and yelled ;Hey; toward O1 Tri. W7 described what O1</p> <p>28 Tri did as being ;bad; and said ;he didn;t have to do that.;</p> <p>29</p> <p>30 To assist with locating where W7 was saying this altercation</p>								
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1 took place, I made a drawing of an area within the 5A housing unit.								
2 While making this drawing, I happened to make a comment about the								
3 location W7 was telling me V1 and O3 Bragg got into								
4 it. W7 quickly corrected me to say that V1 was not								
5 fighting with O3 Bragg in any way, more so just telling O3 Bragg to								
6 get off of him because he was already restrained.								
7								
8 I continued with the drawing, including trying to clarify the								
9 direction V1 had been lying on the floor. W7 was able								
10 to tell me V1 was lying with his head closest to the cell								
11 doors and his feet pointing in the direction of the hallway leading								
12 into the unit. That's when O1 Tri came running in and kicked V1								
13 right in the head. W7 demonstrated that O1 Tri's								
14 motions were not like a kicking type motion, but more of a straight								
15 down stomping motion right onto the top of V1 head. W7								
16 thought O1 Tri may have stomped V1 with his foot two								
17 times, but said he only used his foot and did not punch him with his								
18 hand at any time. O1 Tri also made no attempt to get down and help								
19 O3 Bragg restrain or handcuff V1 in any way.								
20								
21 W7 stated he did not hear O3 Bragg yelling anything other than								
22 to O1 Tri after O1 Tri stomped V1 in the head. However, he								
23 noticed O1 Tri stop after O3 Bragg yelled at him and look down at V1								
24 as if oh man, I fucked up. O1 Tri froze for a minute and								
25 O3 Bragg continued to try and restrain V1 Soon thereafter								
26 more help arrived and they were able to control V1								
27								
28 W7 told me O1 Tri always seemed to take care of him and some of								
29 the other inmates. He described him and some of the other inmates								
30 being surprised by O1 Tri's actions against V1 W7 did								
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<p>1 not think O1 Tri was a bad guy and said O1 Tri was ¿cool¿ most of the</p> <p>2 time.</p> <p>3</p> <p>4 W7 said V1 looked to be ¿messed up¿ after being stomped</p> <p>5 in the head. W7 knew V1 was injured and said he could</p> <p>6 see blood coming from his head and pooling on the floor. W7</p> <p>7 could see blood on V1 face after the deputies stood him up</p> <p>8 and as they were leading him out of the dorm. While being led out of</p> <p>9 the dorm, V1 was yelling obscenities back at the deputies,</p> <p>10 but W7 never saw him return to the dorm after that.</p> <p>11</p> <p>12 Throughout this incident, W7 never saw any of the other</p> <p>13 deputies¿ strike, kick, or punch V1 in any way. He stated,</p> <p>14 ¿Only person I seen use excessive force was that officer. If the</p> <p>15 other guys came in, they were probably just helping Bragg. Ya know.</p> <p>16 Cause what are they gonna do when they already come and his head¿s</p> <p>17 leaking? Ya know, like they¿re not gonna try to use excessive force</p> <p>18 I think.¿</p> <p>19</p> <p>20 I pointed out that W7 kept using the term ¿excessive force¿ and</p> <p>21 asked what it was that he thought made the force excessive. W7</p> <p>22 said he thought an officer wouldn¿t just kick someone in the head if</p> <p>23 another officer was already restraining that person on the floor.</p> <p>24 When I asked W7 if he thought O1 Tri was trying to help O3</p> <p>25 Bragg or hurt V1 he said he never thought O1 Tri was a bad</p> <p>26 officer, he just thought he ¿messed up¿ in this incident and ¿it</p> <p>27 happened wrong¿. W7 did not know if O1 Tri knew it at the</p> <p>28 time, but he also thought O1 Tri may have realized he over reacted to</p> <p>29 the situation because everyone started to yell at him right after the</p> <p>30 incident happened. W7 felt O1 Tri only stopped stomping on V1</p>								
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1                    because O3 Bragg had yelled at him and W7                    didn't know									
2 what would have happened if O3 Bragg had not said anything to O1									
3 Tri.									
4									
5 I specifically asked W7                    if he thought V1                    was already									
6 handcuffed when O1 Tri came in and stomped on his head. W7									
7 said he thought V1                    was already cuffed when O1 Tri came up to									
8 him. He did not see V1                    make any attempts to reach out and									
9 grab O1 Tri's legs and did not think there was any way V1									
10 could have positioned himself to try and bite O1 Tri. W7                    did									
11 not see V1                    arms ever waving about and did not see O1 Tri									
12 ever fall to his knees as a result of any V1                    actions.									
13									
14 I showed W7                    a previously printed photograph of O2 Murillo to see									
15 if he would recognize him. W7                    visually recognized O2 Murillo									
16 and described him as an officer who would use force on inmates, but									
17 he did not know O2 Murillo's name. I next showed W7                    a									
18 previously printed photograph of O1 Tri. W7                    immediately									
19 stated, 'That's the man. That's the man right there that used									
20 excessive force that night.' W7                    followed this by saying he									
21 thought O2 Murillo was also there on the night of this incident.									
22 Suddenly, W7                    seemed to remember O1 Tri's last name as being									
23 'Tri'.									
24									
25 During my interview with W7                    he made multiple references to O3									
26 Bragg size. Now, as we spoke, he described O3 Bragg as being 'the									
27 most humble C.O. (Corrections Officer); and said he was very									
28 respectful. W7                    thought V1                    was somewhere around 130									
29 pounds and agreed when I described O3 Bragg as being 'significantly									
30 bigger' than V1                    W7                    told me O3 Bragg had V1									
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<p>1 restrained on the ground before O1 Tri came into the dorm and he had</p> <p>2 no problems getting V1 down to the ground.</p> <p>3</p> <p>4 W7 and I spoke for a while about O1 Tri and O3 Bragg's</p> <p>5 personalities. He continually described O3 Bragg as being fair and</p> <p>6 said most inmates appreciated the way he would run the dorm. O1 Tri</p> <p>7 would often joke around with inmates, but clarified that it did not</p> <p>8 seem disrespectful to them.</p> <p>9</p> <p>10 Recalling that W7 had previously told me he moved in and out of</p> <p>11 numerous dorms while being housed at the Main Jail, I asked if it was</p> <p>12 customary for an officer to want to search an inmate's personal</p> <p>13 property when he was housed into a new dorm. W7 agreed that it</p> <p>14 was normal for the dorm officer to search through an inmate's bag of</p> <p>15 property before that property was allowed to go into the cell with</p> <p>16 the inmate. W7 also agreed that it would be normal for an</p> <p>17 inmate to go into his cell and leave his property behind so the</p> <p>18 deputy could search it at a later time if he was busy and could not</p> <p>19 do it right away.</p> <p>20</p> <p>21 Sergeant Singleton began to ask W7 a few questions, including</p> <p>22 having him describe how he could see the incident through the</p> <p>23 reflection in a cell door. W7 clarified that it actually</p> <p>24 wasn't a cell door, but a window in the unit that looks out toward</p> <p>25 Downtown San Jose. W7 talked about how the window actually has</p> <p>26 a reflective covering which, when dark as it was at the time of the</p> <p>27 incident, makes it very easy to see things going on in the unit</p> <p>28 through the reflection in the window. Sergeant Singleton also asked</p> <p>29 how far apart V1 and O3 Bragg were at the beginning of their</p> <p>30 argument and how long it took O3 Bragg to approach V1 and</p>								
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<p>1 begin to physically restrain him. W7 said O3 Bragg and V1</p> <p>2 were approximately 10-12 feet apart at the beginning of the</p> <p>3 argument, but that it only lasted approximately 10 seconds before O3</p> <p>4 Bragg approached V1 and began to restrain him.</p> <p>5</p> <p>6 W7 reiterated that O3 Bragg already had V1 on the</p> <p>7 ground, with a knee on his back, attempting to get him into handcuffs</p> <p>8 when O1 Tri came in and kicked V1 in the head. W7 then</p> <p>9 said O3 Bragg already had V1 in handcuffs when O1 Tri came in</p> <p>10 and kicked him in the head. Sergeant Singleton immediately tried to</p> <p>11 get clarification on this point. W7 told us he {assumed} V1</p> <p>12 was in handcuffs because he had stopped moving and struggling</p> <p>13 with O3 Bragg and the other officers. Although he could not recall</p> <p>14 what foot O1 Tri used. W7 verified he could actually see O1 Tri</p> <p>15 stomp V1 on the head two times with his boot while V1</p> <p>16 was on the floor.</p> <p>17</p> <p>18 We spoke for a while longer concerning this incident. However, W7</p> <p>19 began to talk about an unrelated incident in which he felt he</p> <p>20 may also be a victim of a potential use of force incident. In order</p> <p>21 to keep the two incidents separate and avoid confusion in the</p> <p>22 information W7 was providing, we concluded our conversation</p> <p>23 concerning this incident and began a separate recording for the</p> <p>24 potential new case. W7 did not provide any further information on</p> <p>25 this incident from that point on and we did not discuss this case any</p> <p>26 further.</p> <p>27</p> <p>28 INVESTIGATION CONTINUED:</p> <p>29</p> <p>30 For further information on W7 statement, refer to the attached</p>								
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1 INVESTIGATION CONTINUED:								
2								
3 Sergeant Quinonez and I next contacted Witness Inmate								
4 (W4 who provided the following recorded statement.								
5								
6 STATEMENT OF WITNESS 4 :								
7								
8 After initially explaining why we were there to talk to him, W4								
9 recognized we wanted to talk about the incident that occurred								
10 in unit 5A with V1 approximately 3 weeks earlier. When I								
11 asked W4 what he had witnessed, he stated "He was restrained,								
12 he was handcuffed, and then he was assaulted I guess by the others								
13 that came in. Ya know, they beat him up pretty bad."								
14								
15 W4 went on to say he had been housed in unit 5A since								
16 05/18/13, and was housed in cell 28 at the time of the incident. W4								
17 recognized O3 Bragg as the normal deputy in charge of the								
18 unit and described him as the deputy initially involved in the								
19 incident with V1 At the time of the incident, W4								
20 was standing in his cell, watching the unit television by looking out								
21 of the window of his cell. W4 was able to see V1 and								
22 O3 Bragg arguing about some property that was on the floor of the								
23 unit. W4 knew V1 had been newly housed in the unit								
24 earlier in the day and wanted to retrieve his property. During the								
25 argument, V1 had motioned to his property, and this is why W4								
26 assumed they were arguing about the property. Then, the								
27 argument turned into struggle between V1 and O3 Bragg. O3								
28 Bragg was able to take V1 down to the ground and W4								
29 thought the whole incident was over.								
30								
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<p>1 W4 said this incident took place after the nightly Program</p> <p>2 time. W4 did not see any type of conversation or altercation</p> <p>3 between O3 Bragg and V1 during Program time earlier in the</p> <p>4 evening. Although W4 saw V1 property on the floor</p> <p>5 of the unit, he did not see O3 Bragg ever go through it or search it</p> <p>6 for contraband. When V1 came out of his cell to get the</p> <p>7 property, W4 could clearly see they were arguing, but he</p> <p>8 could not hear what they were saying because it is normally so loud</p> <p>9 in the unit. O3 Bragg came up to V1 and was able to take him</p> <p>10 to the ground.</p> <p>11</p> <p>12 W4 said O3 Bragg was able to take V1 to the ground and</p> <p>13 gain control over him pretty easily. He described O3 Bragg as being</p> <p>14 a big man and said V1 did not put up much resistance to O3</p> <p>15 Bragg. I asked W4 if he saw O3 Bragg take V1 to the</p> <p>16 ground, or if V1 went down to the ground on his own. He said</p> <p>17 O3 Bragg had actually approached V1 and grabbed him up around</p> <p>18 the neck area. At that point, V1 did not offer much</p> <p>19 resistance and just kind of went down to the ground, where O3 Bragg</p> <p>20 was able to handcuff him "pretty easily".</p> <p>21</p> <p>22 I verified with W4 that he saw both of V1 hands in</p> <p>23 handcuffs. He said he had a pretty good view of the incident as it</p> <p>24 happened. Once V1 was on the ground, O3 Bragg was able grab</p> <p>25 one of his hands, put it behind him, and place it in handcuffs. O3</p> <p>26 Bragg then grabbed V1 other hand, controlled it, and placed</p> <p>27 it in handcuffs.</p> <p>28</p> <p>29 W4 told me he saw V1 lying on the unit floor, in front</p> <p>30 of the door to the sundeck. He could not see O3 Bragg's head during</p>								
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<p>1 the struggle, but could see that he was on top of V1</p> <p>2 straddling him. V1 was "moving a little bit" and seemed to</p> <p>3 be trying to resist, but W4 said O3 Bragg was clearly in</p> <p>4 control.</p> <p>5</p> <p>6 Once O3 Bragg was able to restrain V1 in handcuffs, W4</p> <p>7 noticed two additional deputies come running into the unit. W4</p> <p>8 identified one of the deputies as O1 Tri and said, "He came</p> <p>9 in and he just started going at dude pretty rough, ya know. He just</p> <p>10 busted dude's head up, just kicking him with a boot, stomping him</p> <p>11 out. Jumping up on his head and everything."</p> <p>12</p> <p>13 I asked W4 if he knew the difference between a "stomp" and a</p> <p>14 "kick". W4 said he did and demonstrated each motion. To</p> <p>15 clarify, I asked if a "stomp" would be described as someone using the</p> <p>16 bottom of their shoe on something and if a "kick" would be with the</p> <p>17 top or toe of the shoe. W4 agreed with this description, and</p> <p>18 again demonstrated each motion. To describe O1 Tri's actions against</p> <p>19 V1 on the night of this incident, W4 said O1 Tri used</p> <p>20 both stomps and kicks. W4 said O1 Tri stomped V1</p> <p>21 approximately 3 or 4 times, and kicked V1 approximately 3 to</p> <p>22 4 times.</p> <p>23</p> <p>24 W4 told us he did not see any blood on the floor or on V1</p> <p>25 prior to O1 Tri and the other deputies running into the unit.</p> <p>26 When O1 Tri ran in to assist O3 Bragg, there was one other deputy</p> <p>27 with him. W4 could not see what this deputy was doing, but</p> <p>28 described him as just being off to V1 side. W4</p> <p>29 thought this other deputy had pulled something from his belt and</p> <p>30 struck V1 in the side a couple of times, but he did not have</p>								
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1 further information or a reason as to why the deputy did this because									
2 it appeared O3 Bragg had control of V1 W4 described									
3 V1 as still moving around on the ground a little bit, but									
4 also said it looked as if he was just trying to protect his head and									
5 face from getting hit again.									
6									
7 After O1 Tri had kicked and stomped V1 a couple of times, W4									
8 noticed blood starting to come from V1 head. V1									
9 stopped moving around and did not appear as if he was									
10 responding any more. I asked W4 if V1 was "limp" or									
11 if he just stopped moving. W4 said it appeared as if V1									
12 was still alert, but that he had stopped moving in hopes "the									
13 beating would stop". Although W4 could not be sure who it									
14 was, he described hearing someone yelling "stop moving" as the									
15 deputies were dealing with V1 W4 noticed a deputy									
16 come and try to stop O1 Tri from stomping and kicking V1 by									
17 stepping between them, and O1 Tri stopped. W4 seemed									
18 surprised to see another deputy step and to assist V1 When									
19 I asked W4 why he thought the other deputy came up to stop O1									
20 Tri, he stated, "Because he seen it for what it was. He was killing									
21 the guy, ya know."									
22									
23 Once O1 Tri has stopped kicking V1 the other deputies were									
24 trying to get V1 up off of the ground. However, V1									
25 appeared to be injured and had a hard time getting up. Once he was									
26 up off of the floor, the deputies were trying to get V1 to									
27 walk out of the unit, but he couldn't, so they just drug him away.									
28									
29 I asked W4 if he ever noticed O1 Tri losing his balance or									
30 falling to the floor during this incident. W4 said he did									
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<p>1 see O1 Tri "slide" into V1 upon initially coming in to the</p> <p>2 unit. He described it as if O1 Tri was "sliding into third base" and</p> <p>3 hitting V1 on the head with his elbow at the same time. O1</p> <p>4 Tri was able to slide to a stop and stood up. This is when O1 Tri</p> <p>5 started kicking and stomping V1 in the head.</p> <p>6</p> <p>7 W4 did not see O1 Tri ever strike V1 with either of</p> <p>8 his knees. He felt it could have been possible O1 Tri hit V1</p> <p>9 with his knee when he slid into him, but said it all happened so fast</p> <p>10 that he could not be sure. Once O1 Tri got back up to his feet after</p> <p>11 his initial slide, W4 did not see him ever drop back down to</p> <p>12 his knees or strike V1 with his knee. W4 also told</p> <p>13 us he never witnessed O1 Tri striking V1 with either of his</p> <p>14 hands during the incident. Although he could not be sure if V1</p> <p>15 was bleeding or not because of the angle of his view, W4</p> <p>16 did not remember seeing any blood coming from V1</p> <p>17 head until after O1 Tri started kicking and stomping him.</p> <p>18</p> <p>19 I asked W4 about the physical altercation between O3 Bragg and</p> <p>20 V1 prior to the other deputies running in. W4 said</p> <p>21 he did not have a problem with any of that part of the altercation</p> <p>22 and described it as being "normal". He recognized the deputies have</p> <p>23 been trained to deal with subjects who may not be cooperating and</p> <p>24 said an inmate will normally just "turn around and cuff up" to avoid</p> <p>25 any drama. W4 felt V1 had been subdued prior to O1</p> <p>26 Tri and the other deputies arriving and again told us he thought the</p> <p>27 entire incident was over. Everything after that point surprised W4</p> <p>28 and he described being "blown away" by what happened, stating</p> <p>29 the incident "just got out of hand".</p> <p>30</p>								
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<p>1 W4 stated he did not see V1 posing any type of threat</p> <p>2 to O1 Tri because he had already been subdued and handcuffed. W4</p> <p>3 felt that, as a secondary responder, O1 Tri would "see it for</p> <p>4 what it is; as he's running in. With O3 Bragg having V1</p> <p>5 under control, W4 thought O1 Tri "took it on his own, that I</p> <p>6 see, to try and kill this guy. I saw this guy getting killed, ya</p> <p>7 know what I mean. That;s what I saw.;</p> <p>8</p> <p>9 I asked W4 if there was any chance O3 Bragg may have lost</p> <p>10 control of one of V1 hands as O1 Tri was running up. W4</p> <p>11 said there was no way this would have happened because V1</p> <p>12 was handcuffed, subdued, and ;just done; with the fight. V1</p> <p>13 felt the deputies should have just been able to get V1</p> <p>14 up off of the floor and take him wherever they wanted to take</p> <p>15 him. W4 did not feel there was any way V1 could have</p> <p>16 reached out and grabbed either of O1 Tri;s legs during the struggle,</p> <p>17 causing him to lose his balance or fall down. Finally, W4</p> <p>18 did not think it was possible for V1 to be in a position to</p> <p>19 bite O1 Tri, or even try to bring O1 Tri closer to him in an effort</p> <p>20 to bite him. W4 said V1 was handcuffed the whole</p> <p>21 time and his hands were never in a position to grab anyone who came</p> <p>22 running in.</p> <p>23</p> <p>24 W4 told me he has not discussed this incident with anyone else</p> <p>25 in the unit. The information he provided was what he had witnessed</p> <p>26 during this incident only, and not things he had heard from anyone</p> <p>27 else. W4 felt as if everyone in the unit was afraid to talk</p> <p>28 about what had occurred, and even more afraid to come forward with</p> <p>29 what they had seen because of the intimidation and possible</p> <p>30 repercussions by O1 Tri. Throughout life, W4 estimated he</p>								
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<p>1 has done approximately 20 years in custody. However, he described</p> <p>2 this as being ¿the worst thing I¿ve ever seen¿ when referring to what</p> <p>3 had happened to V1 W4 later said, ¿I just don¿t</p> <p>4 think it was right. Ya know.¿</p> <p>5</p> <p>6 W4 told us he had not seen V1 since this incident. He</p> <p>7 described asking some of the other inmates if V1 had even</p> <p>8 made it through this incident with his life. When I asked W4</p> <p>9 why he felt it was so important for him to come forward and provide</p> <p>10 his statement, he said he felt he had to because he knew what</p> <p>11 happened was wrong. He also said he would hope that someone would</p> <p>12 come forward and tell his family if the same thing were to happen to</p> <p>13 him, that way they would understand and not be left wondering what</p> <p>14 was going on.</p> <p>15</p> <p>16 Sergeant Quinonez and I spoke to W4 for a while to clarify</p> <p>17 some of the information and the angle he may have had from his cell.</p> <p>18 Prior to ending our contact with W4 I asked how he would</p> <p>19 have felt if an inmate who was verbally confronting a deputy would</p> <p>20 have just been subdued and taken to a cell without further incident.</p> <p>21 W4 said he would think this was normal and he would not feel</p> <p>22 he had to provide any statement for it. He would have considered it</p> <p>23 a regular thing and no one would have even talked to him about it</p> <p>24 because there was nothing wrong. W4 new this was not a</p> <p>25 normal incident and felt he had to come forward and tell the</p> <p>26 investigators what had happened because it was not acceptable. W4</p> <p>27 has provided statements on assaults he has witnessed in the</p> <p>28 past, but said it has been approximately 10 years. He always</p> <p>29 provided a full statement on what he witnessed and felt he needed to</p> <p>30 stand up for what he thought was right.</p>								
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1								
2 W4                    did not feel V1                    could have protected himself from								
3 01 Triçs assault. His hands had already been secured behind his back								
4 and he was in a vulnerable stated. Itçs natural for a person to want								
5 to protect his head from attack. V1                    was unable to do								
6 anything but move his head around in an effort to avoid injury. V1								
7                    was çexposedç during the incident and W4                    did not feel								
8 V1                    had any way to protect himself, other than just lying								
9 there and hoping it would stop.								
10								
11 INVESTIGATION CONTINUED:								
12								
13 Sergeant Quinonez and I concluded our contact with W4                    without								
14 any further information. At that time, we were unable to contact any								
15 further inmates who witnessed the incident. All of the statements								
16 provided by the witness inmates were audio recorded. I was able to								
17 place the audio recordings onto Compact Discs (CD's) and submitted								
18 them as attachments to this report.								
19								
20 Upon returning to Sheriff's Headquarters, I was able to locate a map								
21 depicting the floor plan for the 5th floor of the Main Jail. The map								
22 included one page depicting the bottom tier of the floor and one page								
23 depicting the top tier of the floor. I printed the two pages and								
24 labeled unit 5A, 5B, and 5C. I then labeled the cells, 1 thru 48, in								
25 unit 5A as they correspond to the cells on the 5th floor of the Main								
26 Jail, with the odd numbered cells on the bottom tier and the even								
27 numbered cells on the top tier of the unit.								
28								
29 Using these maps, containing the numbered cells, I was able to see the								
30 views each of the inmate witnesses would have had while looking out								
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1 of their cells during this incident. W2 stated he was								
2 housed in cell 24 at the time of this incident. From the map, I								
3 could see a person looking out of the window in cell 24 would have								
4 had a mostly unobstructed view through the main area of the unit and								
5 down the hallway leading to the entry/exit door, therefore giving him								
6 a clear view of this incident.								
7								
8 W3 stated he was in cell 14 at the time of this incident.								
9 From the map, I could see a person looking out of the window in cell								
10 14 would have been able to look down the stairs and have a mostly								
11 unobstructed view of entrance to the hallway leading to the								
12 entry/exit door, therefore having a view of the incident as it took								
13 place at the hallway entrance and near the door leading onto the								
14 sundeck.								
15								
16 W4 stated he was in cell 28 at the time of this incident.								
17 From the map, I could see a person looking out of the window in cell								
18 28 would have been able to look through the main area to the unit,								
19 over the officer's desk, and have a mostly unobstructed view of the								
20 hallway entrance and the door leading to the sundeck.								
21								
22 I made color copies of the two maps depicting the 5th floor of the								
23 Main Jail, which included the bottom and top tiers of the unit, cell								
24 numbers, and the location of this incident. I submitted the two								
25 copies as attachments to this report.								
26								
27 I later contacted Sergeant Leon of the Sheriff's Crime Scene								
28 Investigations Unit (CSI) and requested to have a CSI detective take								
29 a series of photographs of the 5th floor at the Main Jail, including								
30 the views W2 W3 and W4 would have had as								
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<p>1 they looked out of the windows in their cells. On 01/14/14, CSI</p> <p>2 Detective Tarazi went to the 5th floor of the Main Jail and was able</p> <p>3 to take a series of digital photographs showing the view each witness</p> <p>4 inmate would have had of this incident. From the photographs, it</p> <p>5 appears possible each of the witness inmates may have had a mostly</p> <p>6 unobstructed view of the incident as it happened. I was provided</p> <p>7 with a CD containing a copy of these photographs. See CSI Detective</p> <p>8 Tarazi's supplemental report for further information.</p> <p>9</p> <p>10 On 10/24/13 at approximately 1840 hours, Sergeant Quinonez and I met</p> <p>11 with Corrections Deputy Cortes in the Sheriff's Headquarters third</p> <p>12 floor interview room. Deputy Cortes had been named as one of the</p> <p>13 deputies who had come in at the end of the struggle and escorted V1</p> <p>14 out of unit 5A for medical assistance. Deputy Cortes</p> <p>15 provided the following recorded statement.</p> <p>16</p> <p>17 STATEMENT OF OTHER PARTY 4 DEPUTY MIGUEL CORTES:</p> <p>18</p> <p>19 I advised O4 Cortes of the reason for my contact with him and he</p> <p>20 stated he remembered the incident. O4 Cortes stated he was assigned</p> <p>21 to housing unit 4C at the Main Jail, but heard the call for</p> <p>22 assistance out of unit 5A. He responded to unit 5A, which required</p> <p>23 him taking the elevator from the fourth floor to the fifth floor.</p> <p>24 Upon entering unit 5A, O4 Cortes saw deputies trying to restrain V1</p> <p>25 O4 Cortes ran up and placed his right knee on V1</p> <p>26 left shoulder to pin him down to the floor. V1 was</p> <p>27 eventually secured with handcuffs. O4 Cortes assisted in getting V1</p> <p>28 up to his feet and escorted him to the second floor medical</p> <p>29 unit for treatment.</p> <p>30</p>								
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<p>1 As they were in route from the fifth floor to the second floor, 04</p> <p>2 Cortes noticed V1 was bleeding from the top of the head.</p> <p>3 Using paper napkins, 04 Cortes tried to apply pressure to the top of</p> <p>4 V1 head to slow the bleeding. Once on the second floor, 04</p> <p>5 Cortes turned V1 over to the nursing staff so they could</p> <p>6 treat him.</p> <p>7</p> <p>8 04 Cortes told me he did not notice the injuries V1 had or</p> <p>9 exactly where the blood was coming from. Upon contact with V1</p> <p>10 he did not have any type of bandages or towels covering his</p> <p>11 wounds, so 04 Cortes took it upon himself to begin medical treatment.</p> <p>12</p> <p>13</p> <p>14 At the time of the incident, 04 Cortes did not know which deputy was</p> <p>15 assigned to work housing unit 5A. He responded to the call for</p> <p>16 assistance as he would normally do on any emergency call. As 04</p> <p>17 Cortes responded, Deputy Tempra (05 Tempra) responded from the fourth</p> <p>18 floor and arrived on scene with him. Upon entering unit 5A, 04</p> <p>19 Cortes saw V1 lying on the floor in front of the sundeck</p> <p>20 door. 04 Cortes thought V1 was on his right side, rolling</p> <p>21 around from side to side, with deputies around him, trying to</p> <p>22 restrain him. 04 Cortes could not remember which deputies were</p> <p>23 involved in the struggle with V1 at that time. As 04 Cortes</p> <p>24 ran up to assist the deputies, he noticed V1 was already</p> <p>25 bleeding from the head area. V1 was not yet secured in</p> <p>26 handcuffs and was actively resisting the deputies. 04 Cortes pushed</p> <p>27 his knee onto V1 left side to pin him face down onto the</p> <p>28 floor and they were able to place V1 into handcuffs to secure</p> <p>29 him. At the time, 04 Cortes did not know who placed the handcuffs on</p> <p>30 V1 but later learned it was 03 Bragg.</p>								
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1								
2 04 Cortes could not recall 03 Bragg's exact position in relation to V1								
3 when he ran into the room. 04 Cortes remembered seeing 02								
4 Murillo engaged in the struggle with V1 but could not recall								
5 where he was in relation to V1 or what he was doing. 04								
6 Cortes also remembered seeing 01 Tri at the scene, but could not								
7 recall where he was or what he was doing.								
8								
9 04 Cortes estimated it only took approximately 10 - 15 seconds from								
10 the time he arrived until they were able to secure V1 in								
11 handcuffs. V1 resisted the entire time, but they were able								
12 to use enough force to secure his hands and end the struggle. Once								
13 V1 was in handcuffs, 04 Cortes assisted in picking him up to								
14 his feet. V1 did not resist the deputies' efforts to lift								
15 him up off of the ground, and 04 Cortes stated V1 did not								
16 lose consciousness at any time after he arrived on scene.								
17								
18 04 Cortes told us he never verbally told V1 to get up off of								
19 the floor, and never heard anyone else say anything similar to that.								
20 04 Cortes also could not remember hearing V1 or the other								
21 deputies yelling anything as he was running in to assist.								
22								
23 04 Cortes described getting V1 up off of the floor and using								
24 the napkins to apply pressure to his injured head. He stated he was								
25 on V1 left side as they walked out of the unit, but he								
26 could not remember who was on V1 right side. Once out of								
27 the unit, they escorted V1 into the elevator and down to the								
28 second floor. V1 did not complain of any pain or injuries as								
29 they went down to the second floor and did not resist after they								
30 assisted him up off of the floor.								
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1									
2 04 Cortes had heard the incident originally started because V1									
3 had a problem with 03 Bragg going through his property. 04 Cortes									
4 described it as being pretty standard for a deputy to search an									
5 inmate's property when they are housed in a new unit, but for some									
6 reason V1 had a problem with it.									
7									
8 04 Cortes stated he never witnessed any of the deputies using their									
9 fist or knees to strike V1 He never witnessed any of the									
10 deputies using any of the weapons from their duty belts against V1									
11 and never saw anyone stomp or kick V1 Sergeant									
12 Quinonez asked 04 Cortes if he was familiar with the term "tapping									
13 out" as used in the jail setting. 04 Cortes described it as a deputy									
14 intervening in a possible excessive use of force situation, where									
15 another deputy may be using too much force against an inmate. 04									
16 Cortes could not remember if he tapped any of the other deputies out									
17 during this incident, and said he was not tapped out by another									
18 deputy because he did not use any force on V1 during the									
19 struggle.									
20									
21 We attempted to have 04 Cortes describe again what he saw when he came									
22 into the unit to see if he could remember anything he had not									
23 previously stated, but the information he provided was similar to									
24 what he initially stated.									
25									
26 INVESTIGATION CONTINUED:									
27									
28 Sergeant Quinonez and I ended our contact with 04 Cortes without any									
29 further information. 04 Cortes returned to the Main Jail for his									
30 shift. Soon thereafter, Deputy Tempura arrived at Sheriff's									
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1 Headquarters and provided the following recorded statement.									
2									
3 STATEMENT OF OTHER PARTY 5 DEPUTY TEMPRA:									
4									
5 O5 Tempra knew we wanted to talk with him regarding the incident in									
6 unit 5A with V1 O5 Tempra stated he had heard the emergency									
7 call come over the radio after O3 Bragg had pushed his button. He									
8 and O4 Cortes responded to the fifth floor and as they came running									
9 into the unit, O5 Tempra saw a group of deputies in a struggle with									
10 V1 on the floor. O5 Tempra described getting "tunnel vision"									
11 as he ran in, but noticed V1 right arm was unsecured so he									
12 went to try and grab it.									
13									
14 O5 Tempra described V1 being on his stomach, on the floor,									
15 with his head pointing in toward the main portion of the unit. O5									
16 Tempra knelt down onto the floor next to V1 and tried to grab									
17 his arm. Initially, V1 was able to pull his right arm away									
18 from O5 Tempra, but in a second attempt to grab it, O5 Tempra was									
19 able to secure V1 right arm behind his back to be									
20 handcuffed. Before controlling V1 right arm, O5 Tempra									
21 described the arm as being free, and V1 was "swinging it									
22 around". O5 Tempra knew there was a deputy on the floor right next									
23 to him as he was trying to secure V1 right arm, but he did									
24 not know who it was. O5 Tempra knew the deputy was struggling with									
25 V1 but he could not tell what the deputy was struggling									
26 with.									
27									
28 O5 Tempra could not recall the identity of any of the other deputies									
29 involved in the struggle as he ran in to help. V1 appeared									
30 conscious and bleeding from the facial area, but O5 Tempra did not									
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1 know the exact location V1 was bleeding from or why.								
2								
3 O5 Tempra described someone coming in to take over for him and assist								
4 in getting V1 up off the ground. The deputies escorted V1								
5 out of the unit and O5 Tempra noticed a pool of blood on the								
6 floor. V1 did not say anything as he was escorted out of the								
7 unit. He was placed in an interview room just outside of the unit,								
8 but was immediately taken to the second floor medical unit once								
9 deputies noticed the extent of his injuries.								
10								
11 O5 Tempra recalled seeing V1 right hand balled up in a fist								
12 as he was trying to gain control of his right hand. O5 Tempra said								
13 V1 did not strike anyone with his fist, but his arm was								
14 swinging about and difficult to gain control of. O5 Tempra estimated								
15 it only took him a few seconds to gain control of V1 right								
16 arm and place it behind his back.								
17								
18 Other than reading the reports, O5 Tempra did not know why the								
19 incident in unit 5A started on that night. He had not spoken to O3								
20 Bragg about the incident and did not know how V1 sustained								
21 his injuries. Since the incident, V1 has been housed in O5								
22 Tempra's unit on the fourth floor and O5 Tempra described him as								
23 physically appearing much better than he did on that particular								
24 night, after the struggle. V1 has not talked with O5 Tempra								
25 about what happened on the night of the incident.								
26								
27 Sergeant Quinonez asked O5 Tempra about his positioning upon making								
28 contact with V1 O5 Tempra described it as being on the								
29 floor next to V1 to try and gain control of his arm. O5								
30 Tempra described being "tapped out" by another deputy after gaining								
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1 control of V1 right arm, but said this meant he was simply								
2 relieved by someone else who could assist in getting V1 up								
3 off of the floor. O5 Tempra did not "tap out", or relieve any of the								
4 other deputies upon his contact with V1								
5								
6 When asked, O5 Tempra did not know how V1 sustained the								
7 injuries to his face and head.								
8								
9 INVESTIGATION COTINUED:								
10								
11 We concluded our contact with O5 Tempra without any further								
12 information. He returned to the Main Jail for his scheduled shift.								
13								
14								
15 On 01/07/14 at approximately 1430 hours, I was able to make telephone								
16 contact with (W5 W5 was in								
17 custody and housed in unit 5A at the time of this incident. However,								
18 he had since been released from custody. Upon contacting W5								
19 he provided the following recorded statement.								
20								
21 STATEMENT OF WITNESS 5 :								
22								
23 I advised W5 of the reason for my call and asked if he could								
24 provide any further information. W5 stated he did not feel								
25 O3 Bragg had done anything wrong during the verbal confrontation with								
26 V1 but he did not see anything that happened after O3 Bragg								
27 pushed V1 W5 told me V1 instigated the								
28 whole incident and O3 Bragg only reacted to what V1 did. W5								
29 has seen incidents between inmates and corrections officers								
30 in the past and felt O3 Bragg reacted in the same manner any other								
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1 deputy would have.									
2									
3 W5 went on to tell me he did not see what O1 Tri did when he									
4 arrived on scene. Once O3 Bragg had approached V1 and the									
5 physical portion of the incident started, W5 could not see									
6 anything that happened after they all fell to the ground. W5									
7 had heard from some of the other inmates in the unit what									
8 had happened after O1 Tri and the other deputies arrived on scene,									
9 but he could not speak to that because he did not see it for himself.									
10									
11									
12 W5 told me he could see the altercation between O3 Bragg and									
13 V1 from his cell, but he could not hear what they were									
14 saying. He thought it looked as if O3 Bragg and V1 were									
15 tense and it appeared as if something was going to happen, but he did									
16 not know what started the whole argument. W5 described V1									
17 as getting "heated" and "instigated", but W5 also									
18 thought O3 Bragg was able to step up and take care of it before it									
19 got out of hand. W5 mentioned that O3 Bragg's actions									
20 seemed to be appropriate for the situation, but when he went down to									
21 the bottom tier to provide his statement after the incident and saw									
22 all of the blood on the floor, "that seemed too extreme".									
23									
24 W5 was unable to tell me who hit who during the incident,									
25 and could not even tell where the blood had come from. He later									
26 learned from one of the deputies that the blood had come from V1									
27 but did he did not know how V1 was injured or what									
28 part of his body was bleeding.									
29									
30 W5 was unable to provide any further information and I									
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1 concluded my contact with him.								
2								
3 INVESTIGATION CONTINUED:								
4								
5 Upon the conclusion of the interview with the deputies involved in the								
6 incident, as well as the inmates who witnessed the incident, I								
7 completed this report detailing the results of the investigation. I								
8 faxed the completed Release of Medical Records and Information forms,								
9 as signed by O1 Tri, O2 Murillo, and O3 Bragg to their respective								
10 hospitals requesting a copy of their medical records as they								
11 pertained to treatment for the injuries sustained during this								
12 incident. As of the completion of this report, I had not received								
13 the medical records, including the medical records I previously								
14 requested for V1                      Once I receive them, they will be								
15 submitted as attachments to this report.								
16								
17 On 02/06/14 at approximately 1240 hours, I was able to make telephone								
18 contact with O1 Tri. We briefly talked about how O1 Tri was								
19 recovering from the injuries he sustained during the struggle with								
20 V1. O1 Tri told me he still has leg pain when he walks and there is								
21 pain and some deformities in his hand. O1 Tri mentioned an upcoming								
22 MRI and possible surgery to help with his injuries, but he did not								
23 provide any further information.								
24								
25 I reminded O1 Tri of our previous conversation and asked if he had the								
26 opportunity to speak with an attorney since that meeting. When O1								
27 Tri stated he had spoken with an attorney, I asked if they would like								
28 to take the opportunity to come into the Sheriff's Office to provide								
29 a statement as to what occurred on the night of 10/03/14. O1 Tri								
30 told me he needed time to speak with his attorney, but they would								
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1 contact me with further information.									
2									
3 At approximately 1640 hours, I received a telephone call from Erin									
4 Dervin who stated she worked for the Mastagni Law Firm and was									
5 representing O1 Tri. We spoke about the possibility of O1 Tri coming									
6 in to provide a statement on what occurred between V1 and the									
7 correctional deputies on 10/03/13. Dervin stated she would speak									
8 with O1 Tri about providing a statement, but she would have to let me									
9 know what they decided at a later time.									
10									
11 On 02/11/14 at approximately 1455 hours, I received a telephone call									
12 from Dervin who stated O1 Tri would not be providing me with a									
13 statement on this incident.									
14									
15 This report and information will be submitted to the District									
16 Attorney's Office for review of possible charges of California Penal									
17 Code section 149, Assault Under Color of Authority.									
18									
19 PLEOS:									
20									
21 Sergeant J Brown #1688 - Original Report									
22 CSI Detective S Tarazi #2029 - Supplemental Report									
23 Sergeant J Quinonez #1644 - Assist									
24 Sergeant H Leon #1685 - Assist									
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1 INVESTIGATION CONTINUED:								
2								
3 On 10/23/13, O3 Bragg responded to the Headquarters third floor								
4 interview room to provide a statement. O3 Bragg arrived at								
5 approximately 2235 hours and provided the following recorded								
6 statement.								
7								
8 STATEMENT OF OTHER PARTY 3 KALA BRAGG:								
9								
10 O3 Bragg stated he is currently assigned as the module officer for								
11 housing unit "5A" on "D team". He has been working for the								
12 Corrections Enforcement Bureau for approximately 12 years and								
13 assigned to D team for approximately 10 years.								
14								
15 I advised O3 Bragg of the reason for my contact with him and he stated								
16 he remembered the incident. O3 Bragg stated V1 had come into								
17 unit 5A from a special housing unit. Upon arriving, V1								
18 brought his property in a large plastic bag. O3 Bragg needed to go								
19 through V1 property, which is normal protocol for a new								
20 inmate into any unit. V1 participated in "Program" time with								
21 the rest of the unit's inmates and returned to his cell once it was								
22 over. O3 Bragg had not had a chance to go through V1								
23 property until the end of "Pill Call", which was just after								
24 Programs.								
25								
26 Once O3 Bragg was able to look through V1 property, he								
27 located a few items of contraband and pulled them out to be								
28 discarded. When he was satisfied the property was clear to be								
29 returned to V1 he let him out of his cell and had him come								
30 forward to collect the property. Immediately, V1 began to								
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1 "berate", "challenge" and "cuss out" O3 Bragg about the search of his								
2 property.								
3								
4 O3 Bragg went back and said V1 originally arrived in unit 5A								
5 from Special Housing Unit 2B at approximately 1930 hours. V1								
6 did not seem to have a problem leaving his property with O3 Bragg								
7 upon entering the unit. O3 Bragg removed V1 shackles and								
8 placed him into a cell. Programs started a short time later. O3								
9 Bragg could not recall if V1 ever approached him or asked								
10 about his property being returned to him during the Program time, but								
11 he did remember telling V1 he had to search through the								
12 property before it would be given back to him.								
13								
14 When Program was over, V1 returned to his cell just like all								
15 of the other inmates. Pill Call immediately followed Programs.								
16 During this time, V1 started to tell O3 Bragg he wanted his								
17 property back and kicked the door to his cell. O3 Bragg said he told								
18 V1 to "cut it out" and that he would return his property as								
19 soon as he had time to search through it, but that it took time to do								
20 everything else and he would get to it as soon as he could. V1								
21 had a friend, later identified as Witness 1, who								
22 was also being housed in the unit, who told V1 to "relax" and								
23 "chill out" because O3 Bragg ran the unit well and was not								
24 deliberately mistreating him.								
25								
26 At that point, V1 did not say anything else to O3 Bragg and								
27 everything seemed to be fine. However, once O3 Bragg was done								
28 searching the property and let V1 out of his cell to retrieve								
29 it, "that's when he went off on me".								
30								
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<p>1 O3 Bragg verified he placed V1 property on the floor prior</p> <p>2 to, during, and after searching through it. Once he had completed</p> <p>3 searching it and removing the contraband items, the property and bag</p> <p>4 were on the floor near the officer's station, with a few items still</p> <p>5 remaining in the bag. O3 Bragg made sure to stand up from the</p> <p>6 officer's station as he let V1 out of his cell to collect the</p> <p>7 property. V1 immediately started to berate and cuss at O3</p> <p>8 Bragg about the treatment of his property.</p> <p>9</p> <p>10 When I asked O3 Bragg what it was V1 was telling him, O3 Bragg</p> <p>11 seemed embarrassed and told me he does not cuss or use foul language,</p> <p>12 therefore he could not tell me. He acknowledged being able to write</p> <p>13 the language in a police report for the purposes of properly</p> <p>14 documenting what occurred, but would not actually say the words V1</p> <p>15 used because he does not use such language.</p> <p>16</p> <p>17 I read a few excerpts from the PC 148.10 crime report O3 Bragg had</p> <p>18 previously prepared (13-177-0001J), in order to verify some of the</p> <p>19 conversation between him and V1 O3 Bragg verified all of</p> <p>20 the information I was reading to him correctly depicted what occurred</p> <p>21 during his confrontation with V1 O3 Bragg confirmed V1</p> <p>22 had confronted him about how he had searched his property and</p> <p>23 the verbiage V1 used. O3 Bragg told us he searched V1</p> <p>24 property in exactly the same manner he had searched</p> <p>25 everyone else's property when they were housed in the unit. He said</p> <p>26 it was "scary" to hear the foul language V1 used and the</p> <p>27 confrontational manner he had approached him with. O3 Bragg feared</p> <p>28 V1 was about "to do something" to him or attack him. O3</p> <p>29 Bragg noticed V1 looking at him in a way as if he was</p> <p>30 possibly picking out a spot to attack, which further frightened him.</p>								
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1									
2									
3 I asked O3 Bragg how he responded to V1 or if he asked him									
4 "What are you going to do about it?", as V1 had previously									
5 told me. O3 Bragg denied ever verbally confronting V1 even									
6 though it seemed V1 was challenging him and appeared tense,									
7 as if he was getting ready to fight. However, in response to V1									
8 verbal confrontation and offensive words, and out of fear									
9 V1 was going to physically attack him, O3 Bragg ordered V1									
10 to lock down in his cell. When V1 did not respond,									
11 O3 Bragg pushed the emergency button on his packset so deputies would									
12 respond to assist him.									
13									
14 O3 Bragg stepped forward and pushed V1 V1 stumbled									
15 backwards a little bit, but then came back forward at O3 Bragg. O3									
16 Bragg was able to step to the side, grab V1 arms, and push									
17 him up against the wall face first. V1 continued to resist									
18 O3 Bragg and made it difficult for him to control his arms. V1									
19 "stiffened up" his body and made it impossible for O3 Bragg									
20 to bend his arms and put them behind his back. O3 Bragg responded by									
21 taking V1 down to the ground, with V1 landing on his									
22 chest and lying face down. O3 Bragg continued to try and get a hold									
23 of V1 arms while putting pressure on his back and holding									
24 him down on the ground.									
25									
26 When O3 Bragg took V1 to the ground, they were in the area of									
27 the opening to the sun deck door. O3 Bragg said some of his body was									
28 actually in the opening to the sun deck door at the time of the									
29 struggle. O3 Bragg felt that, while he was taking V1 down to									
30 the floor, V1 hit his head on the opening of the sun deck									
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<p>1 doorway, splitting his head open and causing it to bleed. O3 Bragg  2 was on his knees straddling V1 in an effort to keep him on  3 the ground and prevent him from moving around. While sitting there,  4 O3 Bragg tried to gain control of V1 left arm and place him  5 in handcuffs, but was unable to do so because V1 was  6 struggling so much. O3 Bragg lost control of V1 left arm a  7 couple of times while struggling with him and trying to gain control  8 of him. V1 tried to get O3 Bragg off of him by rising up and  9 "bucking" him off. I tried to ask O3 Bragg if he noticed what V1  10 was doing with his right arm during this struggle, but O3  11 Bragg said he did not know.</p> <p>12</p> <p>13 O3 Bragg gave verbal commands for V1 to "stop resisting" and  14 "calm down". V1 would not stop struggling with O3 Bragg and  15 was moving his arms and legs in an effort to escape. Eventually,  16 other deputies arrived to assist O3 Bragg in gaining control of V1  17 At first, O3 Bragg did not recognize who it was that came  18 to his aid because he was so focused on the struggle with V1  19 However, after they were able to control and subdue V1 O3  20 Bragg learned it was O2 Murillo and O1 Tri who came to his aid.</p> <p>21</p> <p>22 O3 Bragg was able to tell me he knew O2 Murillo had come and placed  23 himself to V1 right side as he was lying on the floor. O3  24 Bragg thought O2 Murillo began yelling commands at V1 but he  25 could not be sure what he was saying. O3 Bragg also thought O2  26 Murillo was trying to gain control of V1 right arm, since  27 it was free. Although not sure, O3 Bragg thought O2 Murillo was  28 eventually able to secure V1 right arm behind his back.</p> <p>29</p> <p>30 O3 Bragg said O1 Tri ran up and placed himself up near V1</p>								
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<p>1 head and shoulder area as he was lying on the floor. When O1 Tri</p> <p>2 arrived, he fell down onto his knees adjacent to V1 O3</p> <p>3 Bragg did not know what O1 Tri did while he was down on his knees,</p> <p>4 but stated he eventually got back up to his feet. Later, O1 Tri fell</p> <p>5 back down to his knees in the same area as he had fallen the first</p> <p>6 time. Still, O3 Bragg was too focused on trying to get control of V1</p> <p>7 left arm to see what O1 Tri was doing up near V1</p> <p>8 head and shoulders.</p> <p>9</p> <p>10 I asked O3 Bragg at what point he noticed blood either on the floor or</p> <p>11 on V1 O3 Bragg told us he noticed there was blood on his</p> <p>12 uniform, but he did not see it until they had lifted V1 up</p> <p>13 off of the floor and escorting him out of the unit after gaining</p> <p>14 control of him. I again pointed out that O3 Bragg stated he thought</p> <p>15 V1 hit his head on the sun deck doorway as he was taking him</p> <p>16 down to the ground. I then asked O3 Bragg how long he estimated it</p> <p>17 was from the time he took O3 Bragg to the ground until he noticed the</p> <p>18 blood. O3 Bragg estimated it was approximately 60 to 90 seconds from</p> <p>19 the time he took V1 to the ground until they escorted him out</p> <p>20 of the unit. I also verified V1 had been struggling and</p> <p>21 resisting the entire time he was on the ground, until he was lifted</p> <p>22 from the ground and escorted out.</p> <p>23</p> <p>24 I read an excerpt from O3 Bragg's original crime report (13-277-0001J)</p> <p>25 to him, explaining how he witnessed O1 Tri strike V1 in the</p> <p>26 head and upper body area two times with his knee. I asked O3 Bragg</p> <p>27 at what point this happened during the struggle and he said it was</p> <p>28 while they were down on the ground fighting with V1 To get</p> <p>29 clarification, I asked if this was before or after O1 Tri dropped</p> <p>30 down to his knees near V1 head and shoulder area. O3 Bragg</p>								
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<p>1 said that was actually what the knee strikes were, which was O1 Tri</p> <p>2 falling to the ground, using his knees to strike V1 O3</p> <p>3 Bragg further went on to say O1 Tri actually fell twice, using his</p> <p>4 knee to strike V1 in the head area each time, but he could</p> <p>5 not say how far apart each strike was.</p> <p>6</p> <p>7 I next read O3 Bragg an excerpt from his crime report in which he</p> <p>8 stated O2 Murillo was kneeling on V1 right side and used</p> <p>9 his knee to strike V1 in the side of the body, while yelling</p> <p>10 at him to stop resisting. O3 Bragg said this was a statement O2</p> <p>11 Murillo had told him and not something he actually witnessed</p> <p>12 himself.</p> <p>13</p> <p>14 As follow-up to the questions, I asked O3 Bragg if the statements we</p> <p>15 had just covered from his original crime report were things he had</p> <p>16 actually witnessed, or things other people had told him prior to his</p> <p>17 completing the original crime report. O3 Bragg told me the</p> <p>18 information he had documented about O2 Murillo were things O2 Murillo</p> <p>19 had actually told to him and he did not witness. However, the</p> <p>20 information concerning the actions O1 Tri made during the struggle</p> <p>21 were things O3 Bragg actually witnessed during the altercation, as</p> <p>22 opposed to what he and O1 Tri had talked about since the incident.</p> <p>23</p> <p>24</p> <p>25 I then began to ask O3 Bragg how many times he witnessed O1 Tri</p> <p>26 striking V1 with his hand or fist, during this struggle. O3</p> <p>27 Bragg stated he had originally documented in his ER that he had</p> <p>28 witnessed O1 Tri striking V1 with his hand and fist, but</p> <p>29 after thinking about what had occurred, he did not actually remember</p> <p>30 seeing this happen. He told us he had to redact this information</p>									
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<p>1 from his ER after it had been completed and turned in to his</p> <p>2 Supervisor, but he did not have the chance to do it.</p> <p>3</p> <p>4 O3 Bragg acknowledged he had previously documented in his ER that O1</p> <p>5 Tri had struck V1 with his hand/fist, but also said he had</p> <p>6 thought about it over the next week, "had more clarity" about the</p> <p>7 incident, and now thought that had not happened. Now O3 Bragg</p> <p>8 realized what he had actually seen was O1 Tri striking V1 two</p> <p>9 times with his knee as he fell to the ground. At that point, I asked</p> <p>10 O3 Bragg, at what point during the struggle O1 Tri actually kicked V1</p> <p>11 O3 Bragg stated, "Oh, I don't know. He kicked him? He</p> <p>12 kicked the guy?"</p> <p>13</p> <p>14 I advised O3 Bragg I was seeking an honest statement as to what had</p> <p>15 occurred on the night of the incident, and what he observed happening</p> <p>16 as the struggle was occurring. I further let O3 Bragg know that any</p> <p>17 information he could provide to further our knowledge of what</p> <p>18 happened and assist us with the investigation could prove valuable in</p> <p>19 the outcome of the case. O3 Bragg simply stated he did not remember</p> <p>20 O1 Tri kicking V1 at any time.</p> <p>21</p> <p>22 I next asked O3 Bragg if he ever documented, either in his original</p> <p>23 crime report or in the ER he completed on the night of the incident,</p> <p>24 that O1 Tri had kicked V1 at any point during the struggle.</p> <p>25 O3 Bragg said he did not remember O1 Tri kicking V1 but</p> <p>26 described seeing the knee strikes he previously mentioned. O3 Bragg</p> <p>27 also stated he would have to look at his reports to tell me if he had</p> <p>28 at any point documented seeing O1 Tri kick V1 in the</p> <p>29 face/head area with his foot or boot.</p> <p>30</p>								
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<p>1 We again discussed O3 Bragg talking with O2 Murillo and O1 Tri about</p> <p>2 what had occurred on the night of the incident. O3 Bragg said he had</p> <p>3 only learned what O2 Murillo had done during the struggle after</p> <p>4 talking to him some time later. When I asked O3 Bragg what he and O1</p> <p>5 Tri had talked about since the incident, O3 Bragg confirmed they had</p> <p>6 talked since the incident, but said he could only tell me what O1 Tri</p> <p>7 did if he was to read O1 Tri's ER's and reports about what had</p> <p>8 occurred. Sergeant Quinonez tried to clarify with O3 Bragg that we</p> <p>9 were asking him what O1 Tri had told him he had done during the</p> <p>10 incident. O3 Bragg said, "Oh, I didn't ask him what he did. I don't</p> <p>11 know."</p> <p>12</p> <p>13 O3 Bragg told us he did not know at what point V1 had reached</p> <p>14 up and grabbed O1 Tri with either of his hands. However, O3 Bragg</p> <p>15 was certain V1 did not grab O1 Tri with his left hand at any</p> <p>16 point because he was focused on the left arm the entire time. O3</p> <p>17 Bragg admitted V1 left arm was loose at various times</p> <p>18 during the struggle, but acknowledged that V1 did not grab O1</p> <p>19 Tri with his left hand or arm at any time.</p> <p>20</p> <p>21 I confronted O3 Bragg with O2 Murillo's statements that he clearly saw</p> <p>22 O1 Tri kick V1 in the head/face area three times with his</p> <p>23 foot. O3 Bragg denied ever seeing O1 Tri kick V1 at any</p> <p>24 time, and when I asked O3 Bragg if he had ever documented this in his</p> <p>25 ER, O3 Bragg again denied ever seeing O1 Tri kick V1</p> <p>26</p> <p>27 O3 Bragg and I discussed the information contained in his ER, what he</p> <p>28 documented in the original report, as well as the information he</p> <p>29 provided to Sergeant Jensen during a briefing after the incident. At</p> <p>30 the conclusion of this conversation, we talked about the injuries O3</p>								
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<p>1 delivered two knee strikes to V1 but O3 Bragg could not see</p> <p>2 where O1 Tri's knees contacted V1 Sergeant Quinonez tried</p> <p>3 to clarify how O1 Tri got from his standing position to the point</p> <p>4 where he delivered the knee strikes to V1 O3 Bragg was</p> <p>5 unsure of how O1 Tri moved to a position to strike V1 with</p> <p>6 his knee, including whether or not O1 Tri went to his knees on</p> <p>7 purpose or simply fell to the ground due to a loss of balance. In an</p> <p>8 effort to clarify O3 Bragg's confusion, Sergeant Quinonez began to</p> <p>9 ask O3 Bragg if O1 Tri lost his balance and fell, or if he delivered</p> <p>10 actual "knee strikes" to V1 upper body and head area, even</p> <p>11 pointing out that O3 Bragg documented that he saw O1 Tri deliver two</p> <p>12 knee strikes to V1 upper body and head area. O3 Bragg</p> <p>13 seemed unsure of what to say and began to stumble over his words. He</p> <p>14 now stated he "figured" the knee strikes hit V1 in the head</p> <p>15 area, but he did not actually see O1 Tri's knees make contact with V1</p> <p>16 Additionally, he was now unsure if O1 Tri kneed V1</p> <p>17 on purpose or if the actions were unintentional and as a result of a</p> <p>18 fall to the ground. Later, O3 Bragg again stated he did not know if</p> <p>19 O1 Tri struck V1 with his knees, or if O1 Tri fell to his</p> <p>20 knees onto the floor without ever striking anything.</p> <p>21</p> <p>22 Sergeant Quinonez asked O3 Bragg if he ever noticed V1 trying</p> <p>23 to assault O1 Tri. O3 Bragg stated he did not see V1 assault</p> <p>24 O1 Tri, but also said he was solely focused on V1 left arm</p> <p>25 and left side because he was trying to gain control of his arm.</p> <p>26</p> <p>27 We spoke about O3 Bragg's training as a correctional officer and some</p> <p>28 of the force options he may be able to use during future struggles</p> <p>29 with inmates. We also discussed some of the information O3 Bragg has</p> <p>30 learned since the struggle with V1 but eventually I began to</p>								
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1 ask him about how the incident ended and what occurred once V1								
2 was handcuffed. O3 Bragg told me he was able to use his								
3 handcuffs to secure V1 O3 Bragg could not remember whether								
4 V1 had simply given up fighting or if enough deputies had								
5 arrived to overcome his resistance, but he did remember placing a								
6 handcuff on V1 left wrist. When asked, O3 Bragg could not								
7 recall how V1 right arm was handcuffed, but he did remember								
8 lifting V1 up from the floor and walking him toward the main								
9 door of the unit. As they approached the unit door, Deputy Cortes								
10 was able to take O3 Bragg's place in escorting V1 out. O3								
11 Bragg stepped away to assess his injuries, calm himself down, and								
12 contact Sergeant Jensen to provide a briefing.								
13								
14 O3 Bragg described V1 as being injured as a result of the								
15 struggle, but did not know exactly what his injuries were. O3 Bragg								
16 noticed blood on his hands and gloves, but did not notice the blood								
17 coming from V1 until he was being escorted from the unit into								
18 the interview room, just prior to his being taken to the medical								
19 unit.								
20								
21 Although he was not sure, O3 Bragg felt V1 could have hit his								
22 head on the doorway as they were initially falling to the ground. O3								
23 Bragg thought V1 could have sustained a bump on the head,								
24 which could have also started bleeding when they hit the ground.								
25								
26 I showed O3 Bragg some of the photographs taken of the scene after V1								
27 had been removed from the unit. O3 Bragg said it looked as								
28 if there was a large struggle in that area and described there being								
29 "blood all over". Using these photos, O3 Bragg was able to point out								
30 the general area of V1 head and feet as he lay on the floor								
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<p>1 during the struggle. When asked, O3 Bragg thought V1 had</p> <p>2 only sustained a cut to the head requiring three stitches and a</p> <p>3 couple of black eyes. I described the rest of V1 injuries</p> <p>4 to O3 Bragg and asked if he felt they could have been as a result of</p> <p>5 his striking his head against the wall or the floor as they were</p> <p>6 falling. O3 Bragg replied, "Not all of them." I then asked O3 Bragg</p> <p>7 if it was possible some of the injuries could have been as a result</p> <p>8 of something other than them falling to the ground, to which O3 Bragg</p> <p>9 said it would be possible.</p> <p>10</p> <p>11 INVESTIGATION CONTINUED:</p> <p>12</p> <p>13 O3 Bragg described some of the additional photos depicting V1</p> <p>14 property as it lay on the floor of the unit after the</p> <p>15 struggle, but we concluded our contact with him without any further</p> <p>16 information. O3 Bragg returned to the Main Jail and O1 Tri responded</p> <p>17 to the Sheriff's Headquarters third floor interview room for an</p> <p>18 interview.</p> <p>19</p> <p>20 Prior to O1 Tri arriving at Sheriff's Headquarters, I recalled V1</p> <p>21 previously telling me how O3 Bragg was such a large person.</p> <p>22 From the contact I just had with O3 Bragg, I could also tell he</p> <p>23 seemed to be larger than the average male Corrections Deputy.</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p>								
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1								
2 On 10/24/13 at approximately 0010 hours, Other Party Timmy Tri (O1								
3 Tri) arrived at Sheriff's Headquarters. I advised O1 Tri of the								
4 reason for our contact with him, including a Behealer advisement								
5 stating he did not need to provide information if he did not want to								
6 and his ability to end our conversation at any time. On his own, O1								
7 Tri stated, "If this leads to discipline or criminal charge, I would								
8 like to have a representative, my attorney."								
9								
10 Sergeant Quinonez and I verified O1 Tri was aware of how to obtain								
11 such representation and ended our contact with O1 Tri at that time.								
12 O1 Tri left Sheriff's Headquarters without any further information.								
13								
14 All of the statements provided by the involved deputies were video and								
15 audio recorded. I was able to place the video and audio recordings								
16 onto Compact Discs (CD's) and submitted them as attachments to this								
17 report.								
18								
19 On 10/24/13, Sergeant Quinonez and I responded to the Main Jail to								
20 contact the inmates who witnessed the incident between V1 and								
21 the involved deputies. At approximately 1415 hours, we contacted								
22 Witness Inmate (W1 who provided the following								
23 recorded statement.								
24								
25 STATEMENT OF WITNESS 1 :								
26								
27 W1 stated he was familiar with the incident we were speaking								
28 about and admitted he had tried to talk with V1 prior to it								
29 escalating to a struggle. W1 had told V1 to "kick								
30 back and relax" when in the unit and dealing with O3 Bragg. W1								
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1	has known V1	for quite a while and wanted to make sure						
2	V1	did not disturb the way the unit normally runs. W1						
3	said he had even told V1	he "ain't gonna win" when it comes						
4	to creating a disturbance with the deputies.							
5								
6	W1	later went to his cell for lockdown and did not see anything						
7	that happened after that. He was able to hear something was							
8	happening in the unit, but he could not tell what was happening.							
9								
10	W1	told us he "got the impression he (V1	was going to					
11	get his ass kicked", which is why he kept telling him to "kick back".							
12	At one point W1	even approached O3 Bragg and said V1						
13	only wanted his property back. O3 Bragg told W1	he would						
14	eventually get to search the property and it would be returned. W1							
15	thought this sounded acceptable, passed the information on the							
16	V1	and realized V1	was no more "special" than any					
17	other inmate in the unit.							
18								
19	When asked to provide a little more detail on exactly what happened							
20	and how he knew to talk with V1	about not creating problems,						
21	W1	said he had heard "words" exchanged between V1	and					
22	O3 Bragg while they were all out for Programs. It did not last long,							
23	but W1	heard words exchanged between them. Everyone locked						
24	down after Programs and inmates began to come out for "Pill Call",							
25	which is the distribution of medications for inmates who need them.							
26	During Pill Call, W1	went up to V1	cell and spoke to					
27	him about not creating a problem in the unit and being relaxed. W1							
28	also asked V1	what the problem was and why there was						
29	the verbal argument. V1	told W1	he wanted his					
30	property returned to him, but O3 Bragg seemed to be withholding it.							
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1									
2									
3 It was at this point W1                      went up to O3 Bragg to explain what was									
4 wrong with V1                      and ask for the property. O3 Bragg let W1									
5                      know he would return the property to V1                      as soon as he									
6 was done searching it. W1                      let V1                      know he would get									
7 the property when O3 Bragg had completed Pill Call and had gone									
8 through it.									
9									
10 W1                      returned to his cell from Pill Call. A short time later, W1									
11                      heard the commotion on the unit floor, which included yelling									
12 from both parties. Near the end of the commotion, W1                      could									
13 hear V1                      yelling and one of the deputies telling him to "get									
14 on your feet." V1                      said, "I can't", and then W1                      heard									
15 more screaming from V1									
16									
17 W1                      described V1                      as "hostile" when complaining about									
18 wanting his property back, including the use of foul language. I									
19 asked W1                      if the actions O3 Bragg took with V1									
20 property were unusual or if it was what he would normally do with a									
21 new inmate's property. W1                      responded, "That's what every C.O.									
22 (Correction's Officer) does. That's what every Deputy does. Not to									
23 be a ;to be frank, we ain't special. We're in jail, look at where									
24 we're at."									
25									
26 W1                      described O3 Bragg as usually being "pretty laid back, using									
27 'please' and 'thank you', he's pretty cool." W1                      felt the									
28 deputies working at the jail were normally respectful and would treat									
29 an inmate with respect if they were shown respect from the inmate.									
30									
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1									
2 W1 again said he has known V1 for a very long time and									
3 described him as being very respectful and very calm. W1									
4 thought it was unusual for V1 to be so confrontational and									
5 out of character for him to act the way he did. W1 was very									
6 surprised to see V1 acting the way he was during Program and									
7 Pill Call, even thinking V1 must have been on some type of									
8 medication that was affecting his behavior.									
9									
10 W1 denied ever hearing anyone say, during the struggle, "Let go									
11 of my leg". W1 thought he remembered hearing someone say,									
12 "Stop jumping on my legs" or something similar to that, but did not									
13 hear anyone yelling "let go of my leg". However, W1 was									
14 certain he heard V1 say "I can't get up" near the end of the									
15 incident.									
16									
17 Approximately a week later, W1 saw V1 at the second									
18 floor medical unit, but only for a brief second. W1 asked V1									
19 how he was doing and he told him he was all right. W1									
20 could not describe what V1 looked like or what injuries it									
21 appeared he sustained because this contact was so brief.									
22									
23 In conversation with other inmates in the unit after the incident									
24 between V1 and the deputies, the inmates were telling W1									
25 "Hey, they were jumping on your homeboy's head. They were									
26 jumping on his head. They had him all twisted up." W1 could									
27 only respond that he had tried to tell V1 to relax and not									
28 cause a problem.									
29									
30 Just prior to ending our conversation with W1 Sergeant									
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1 Quinonez asked him what exactly the other inmates had told him								
2 happened to V1 during the incident. W1 said the other								
3 inmates had told him V1 cell door opened and O3 Bragg threw								
4 him down on the ground. The other deputies came running in to assist								
5 with the struggle. During the struggle, the deputies kicked, hit,								
6 and jumped on V1 head. Due to this, O3 Bragg was trying to								
7 protect V1 head to prevent him from getting hurt.								
8								
9 Sergeant Quinonez asked W1 if any of the inmates had told him								
10 V1 was trying to "push the issue" with O3 Bragg, but W1								
11 stated, "Nah, he didn't have a chance. He opened the door and								
12 he got slammed, period."								
13								
14 INVESTIGATION CONTINUED:								
15								
16 Sergeant Quinonez and I ended our contact with W1 without any								
17 further information. I next contacted Witness Inmate								
18 (W2 who provided the following recorded								
19 statement.								
20								
21 STATEMENT OF WITNESS 2 :								
22								
23 W2 stated he was reading a book in his cell when he heard a								
24 lot of yelling, such as "get off of him" and "quit hitting him"								
25 coming from outside of his cell. He described this as being								
26 different from the noises he normally hears in the unit, so he got up								
27 and went to the window of his cell to see what was going on. W2								
28 looked down to the unit floor and saw a large group of								
29 deputies had V1 pinned down on the ground near the entry/exit								
30 door to the sundeck.								
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1									
2 W2 described there being two deputies on either side of V1									
3 and two deputies up near V1 head area as he lay on									
4 the ground. V1 had already been handcuffed and subdued when									
5 W2 looked out of his window. O3 Bragg was on V1									
6 left side, up against the wall of the unit. There was a deputy near									
7 V1 head, with his knee pressed against his neck and throat									
8 area. There was a third deputy on V1 right side, but W2									
9 did not know his name and could not see what he was doing									
10 to V1 All of the deputies were yelling at V1 to									
11 "stop resisting", which W1 thought was strange because they									
12 already had him handcuffed and pinned to the floor. V1 was									
13 not moving and W2 described him as being "out already", but									
14 the deputies were still hitting and kneeling him.									
15									
16 W2 stated, "And then ah, out of nowhere the dude in the									
17 front, man, just started fucking nailing him with his, kicking him on									
18 the top of his head." As he was saying this, W2 stuck his									
19 foot out as if he was kicking someone with it. He described the									
20 deputy as "standing there straight and rearing back and kicking him									
21 in the top of his head, &.. with his boot."									
22									
23 W2 said the deputy kicked V1 a "minimum" of three									
24 times and then there was a pool of blood that started "pouring out"									
25 of V1 head. Again, W2 reiterated that V1									
26 was "out already" when the deputy was kicking him.									
27									
28 W2 thought the deputy who was kicking V1 must have									
29 seen the blood coming from his head after the third kick because it									
30 appeared the deputy "freaked out and jammed. He took off." W2									
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1                    did not see the deputy any time after that.								
2								
3 W2                    described O3 Bragg as bent over V1                    holding his								
4 hands behind his back because V1                    was already handcuffed.								
5 Although he did not know his name, W2                    was able to describe								
6 a deputy as being on V1                    right side, punching V1                    in								
7 the ribs with a fist. W2                    did not know why the deputy was								
8 punching V1                    but could hear him yelling "quit resisting".								
9								
10 W2                    was unable to name the deputy at V1                    head,								
11 delivering the kicks and later running out of the unit, but described								
12 him as possibly being "Latin" or "Asian", with short hair, wearing a								
13 green jumpsuit and glasses. W2                    did not get a good look at								
14 the deputy's face because of the angle he had from his cell and how								
15 fast the deputy ran out of the unit, but as he continued to describe								
16 him, W2                    began to become more certain that the deputy was								
17 "Asian with glasses".								
18								
19 W2                    described V1                    as "bleeding profusely" from the								
20 head after the deputy kicked him, even saying it started "pooling								
21 around his head". The deputy appeared surprised and took off out of								
22 the unit. Other deputies tried to pick V1                    up, but he								
23 appeared limp and the deputies had to carry him, unconscious, out of								
24 the unit for treatment.								
25								
26 I asked W2                    if he thought the deputy standing at V1								
27 head and kicking him was in any danger from V1                    W2								
28 said the deputy was not in danger because the other deputies already								
29 had V1                    pinned down. He did not hear anyone yelling "let go								
30 of my leg" and did not see the deputy kicking V1                    ever lose								
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1 his balance or fall to the ground at any time. Again, W2								
2 said V1 appeared to be unconscious at the time of the								
3 incident and was not resisting.								
4								
5 W2 did not see any type of argument or confrontation between								
6 V1 and O3 Bragg at any point during the day. He had not seen								
7 any type of altercation with anyone in the unit since he had been								
8 housed there, which had been approximately a week at the time of this								
9 incident.								
10								
11 When I asked W2 about the amount of force used by O3 Bragg								
12 during this incident, he said O3 Bragg was just standing over V1								
13 and holding his hands. When I asked about the force used by								
14 O2 Murillo, W2 again said O2 Murillo was punching V1								
15 even though he was not moving. And when I finally asked								
16 about the amount of force used by O1 Tri during this incident, W2								
17 said, "That was just a straight up assault", and there was								
18 no reason for anyone to kick V1 because he was already pinned								
19 down on the ground and not a threat.								
20								
21 W2 told us the inmates in the unit had talked about the								
22 night of the incident and what happened, but I verified everything he								
23 had told me during his statement were things he had personally								
24 witnessed and not information he had learned from anyone else. W2								
25 did learn from other inmates that V1 and O3 Bragg								
26 had a verbal argument earlier that day, but he did not witness the								
27 argument and therefore did not include it in his statement.								
28								
29 Finally, W2 told me he had been held in cell 24 at the time								
30 of the incident and he had a clear view of V1 and the								
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<p>1 deputies throughout the event. He described the force used by the</p> <p>2 deputies as "excessive", "unnecessary", "unethical", and "wrong". At</p> <p>3 one point, when the deputies were picking V1 up and he was</p> <p>4 limp, W2 had thought the deputies had "killed him" due to</p> <p>5 the amount of blood pooled up on the floor near V1 head.</p> <p>6 W2 even went as far as to say he has never seen anything</p> <p>7 like that, including all of the time he has previously done in the</p> <p>8 state prison system.</p> <p>9</p> <p>10 INVESTIGATION CONTINUED:</p> <p>11</p> <p>12 I ended my contact with W2 without any further information.</p> <p>13 I next contacted Witness Inmate (W3 who</p> <p>14 provided the following recorded statement.</p> <p>15</p> <p>16 STATEMENT OF WITNESS 3 :</p> <p>17</p> <p>18 I began by explaining to W3 the reason for my contact with</p> <p>19 him. While trying to explain this to him and the reason why I was</p> <p>20 there, W3 asked "I take it you're just here to do the right</p> <p>21 thing". When I asked W3 what he thought the right thing</p> <p>22 was, he responded, "I think the right thing is that the guards</p> <p>23 shouldn't be treating inmates like that."</p> <p>24</p> <p>25 W3 stated he was lying on his bed in his cell (cell 14) when</p> <p>26 he heard some "scuffling". W3 got up to look out of the</p> <p>27 window of his cell and saw O3 Bragg lying on top of "some white</p> <p>28 inmate" (V1 W3 did not know V1 and</p> <p>29 described him as being new to the unit. O3 Bragg had V1</p> <p>30 pinned down on the ground and handcuffed. W3 assumed O3</p>								
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<p>1 Bragg had hit his "panic button" because soon thereafter a group of</p> <p>2 deputies came running in to help him.</p> <p>3</p> <p>4 W3                    told me he was pretty certain O3 Bragg had V1</p> <p>5 handcuffed. He saw O3 Bragg lying on top of V1                    with one hand</p> <p>6 controlled using something "silver and spray painted orange". When</p> <p>7 the other deputies came running in to assist O3 Bragg, O1 Tri was</p> <p>8 with them.</p> <p>9</p> <p>10 W3                    stated, "And then Officer Tri (O1 Tri) comes and he just</p> <p>11 landed a knee on the guys face. And then he got back up and he</p> <p>12 positioned himself and he just started stomping the guy's head."</p> <p>13</p> <p>14 O1 Tri was the first deputy in to assist O3 Bragg. W3                    did</p> <p>15 not see V1                    resisting or struggling with O3 Bragg at all when</p> <p>16 O1 Tri came running in. W3                    did not feel V1                    could</p> <p>17 get away from O3 Bragg or resist very hard because O3 Bragg is such a</p> <p>18 large person. As soon as O1 Tri arrived at the location, he "landed</p> <p>19 a knee to his (V1                    face." W3                    said O1 Tri got back</p> <p>20 up onto his feet, placed his hand against the wall for balance, and</p> <p>21 "just started stomping away".</p> <p>22</p> <p>23 W3                    told me O1 Tri did not accidentally fall down to his knees</p> <p>24 and was never pulled down to the ground. O1 Tri's knee intentionally</p> <p>25 landed on the right side of V1                    face and he then stood up</p> <p>26 and started kicking V1                    V1                    never reached around O1</p> <p>27 Tri's legs or any other part of his body, and he never grabbed or</p> <p>28 pulled O1 Tri to the ground because he was already handcuffed.</p> <p>29</p> <p>30 W3                    stated, "I don't know how much more vulnerable you can be.</p>								
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<p>1 I mean, he was, he was pinned. He had both arms behind his back,</p> <p>2 handcuffed with big old Bragg (O3 Bragg) sitting right on top of him</p> <p>3 like he was a horsey."</p> <p>4</p> <p>5 Again, W3 stated O1 Tri came running in and just slammed his</p> <p>6 knee into V1 face. O1 Tri then got up to his feet,</p> <p>7 positioned himself, and "just started stomping away" on V1</p> <p>8 head.</p> <p>9</p> <p>10 Since W3 had used the word "kicking" and then used the word</p> <p>11 "stomping", I tried to clarify what the difference was between the</p> <p>12 two and what exactly O1 Tri did to V1 Using his own foot,</p> <p>13 W3 made an up and down motion, slamming his foot on the</p> <p>14 floor, and told me he felt this was a stomping motion. When</p> <p>15 describing a kicking motion, he described it as similar to someone</p> <p>16 swinging their foot as if kicking a football or soccer ball. I asked</p> <p>17 W3 what he had witnessed O1 Tri doing to V1 and he</p> <p>18 told me O1 Tri stomped on the top of V1 head approximately</p> <p>19 four times. I read an excerpt from a supplemental to the original</p> <p>20 crime report in which the reporting deputy documented that W3</p> <p>21 had said he saw "kicking and stomping". I asked W3</p> <p>22 if he witnessed both kicks and stomps, or just stomps as he had just</p> <p>23 told me. W3 said he did see O1 Tri do some kicking to V1</p> <p>24 head, as well as the stomping he spoke of earlier.</p> <p>25</p> <p>26 W3 stated he did not see any blood on V1 or the floor</p> <p>27 prior to O1 Tri arriving on scene. Once O1 Tri arrived and started</p> <p>28 stomping on V1 a large amount of blood started to pool on</p> <p>29 the floor under V1 head. I asked W3 if he felt</p> <p>30 the blood was as a result of O1 Tri stomping V1 and he said,</p>								
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1 "Oh, I know it was. It had to be. There's no other way all that								
2 blood would have got there."								
3								
4 A few seconds after O1 Tri arrived on scene to assist, a whole group								
5 of deputies arrived. W3 said it looked as they were trying								
6 to drag V1 out of the unit when another deputy came up and								
7 started to kick him in the side and yell, "Get up!" The deputy was								
8 not helping to get V1 off of the ground because O3 Bragg was								
9 doing it, but continued to kick him in the side for no reason.								
10								
11 I asked W3 if V1 ever posed a threat to O1 Tri while								
12 he was on the scene and he stated, "I didn't see, no." I next asked								
13 W3 if he felt V1 was ever in a position to assault								
14 O1 Tri and he stated, "Oh no, no, no, not a chance." I finally asked								
15 W3 if he felt there was any chance V1 was going to								
16 assault or resist O3 Bragg and he stated, "There's no way, I mean he								
17 was handcuffed with both arms behind his back. Unless he started								
18 like trying to head-butt him, but that ain't gonna do nothing, you								
19 know, and I definitely didn't see him trying to jerk his head around,								
20 trying to head-butt him."								
21								
22 Once O1 Tri had stopped stomping V1 head, the deputies								
23 eventually tried to get V1 up to get him out of the unit. O1								
24 Tri left the scene with V1 and the other deputies as they								
25 went out of the unit. As it was happening, W3 was expecting								
26 to see O3 Bragg telling O1 Tri to stop what he was doing, but W3								
27 never saw anyone try to intervene and stop O1 Tri from								
28 stomping V1								
29								
30 W3 tried to clarify that he did not see O3 Bragg using any								
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1 force that he felt was unnecessary and even felt O3 Bragg had the									
2 "situation taken care of". However, W3 felt O1 Tri's									
3 actions were "completely unnecessary" and "uncalled for".									
4									
5 W3 stated he has seen a few inmate versus deputy struggles in									
6 the past and did not think to say anything about it or make a									
7 statement for an investigation because he did not think anything had									
8 been done wrong. However, after witnessing this event he wanted to									
9 make sure he reported what had happened because he did not think it									
10 was right. He stated, "Yeah, that could have been any one of, that									
11 could have been me."									
12									
13 As V1 was being escorted out of the unit, W3 thought									
14 he was conscious, but appeared to be hurt. W3 described him									
15 as appearing "wounded" and "limp", and said V1 wasn't saying									
16 anything as he was being taken out of the unit. W3 also did									
17 not remember hearing either V1 or any of the deputies yelling									
18 anything during the struggle, including hearing someone say "let go									
19 of my leg", but did remember hearing the one deputy telling V1									
20 to "get on your feet" as they were trying to take him out of									
21 the unit.									
22									
23 W3 told me he did happen to notice the bag of inmate property									
24 next to O3 Bragg's workstation on the day of the incident. He									
25 described some items being in the bag, as well as some items being									
26 out of the bag and on the floor in the area, as if they had been gone									
27 through. W3 said it was not unusual for the deputy to go									
28 through an inmate's property when he is newly housed in the unit and									
29 he assumed it was just a standard procedure the deputies used for new									
30 housings. Although the deputy was able to search W3									
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1 property immediately after he was brought to the unit, he has seen									
2 previous occasions where the property had to sit at the deputy's									
3 station for a while before it could be searched.									
4									
5 W3 said he had a clear view of the incident from his cell									
6 window. The incident occurred in the area in front of the sundeck									
7 door, and W3 is able to clearly see that area from his cell.									
8 After V1 was taken out of the unit, the inmates were all									
9 talking about what they witnessed, but W3 has made sure that									
10 his statements only contained the information he personally saw as he									
11 was looking out his window. I asked W3 if he thought there									
12 was any reason as to why O1 Tri would have stomped on V1									
13 head like he did during this incident. Although W3 could									
14 not speak to any arguments O1 Tri and V1 might have had prior									
15 to V1 coming into the unit, W3 did not see anything									
16 during this incident that would have warranted O1 Tri using such									
17 force.									
18									
19 INVESTIGATION CONTINUED:									
20									
21 I ended my contact with W3 without any further information.									
22									
23									
24 Investigation continued in additional Supplemental Report.									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 01/15/14 1714	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/12/14 947	PAGE 27	OF 27

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LOCATION OF ORIGINAL EVENT (IF KNOWN) 150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))	
1 SUPPLEMENTAL REPORT:			
2			
3 ATTACHMENT:			
4			
5 CD containing 63 photographs from Main Jail Module 5A			
6			
7 INVESTIGATION:			
8			
9 On Tuesday, January 14, 2014, I was assigned as a Detective with the			
10 Santa Clara County Sheriff's Office. I was also assigned to the CSI			
11 team. I received a request from Detective Sergeant Brown, to take			
12 photographs of the view from inside cells 14, 24, and 28 from Module			
13 5A at the Main Jail.			
14			
15 At approximately 1100 hours, I went to the Main Jail and spoke with			
16 Sergeant Quintana. Sergeant Quintana removed the inmates from cell			
17 14, 24, and 28 and the main lobby of Module 5A. I took 63 digital			
18 pictures in the room. I later created 2 CD's containing the			
19 photographs. I provided one CD to Sergeant Brown and I booked the			
20 other CD into evidence.			
21			
22 PHOTOGRAPH LOG:			
23			
24 All photos were saved with the file name DSC_0001.jpg- DSC-0063.jpg.			
25 For the sake of this report I will refer to each photograph with the			
26 last two numerical characters of the file name.			
27			
28 Photo 1-5: Pictures depicting the lobby area of Module 5A, showing the			
29 downstairs and upstairs area.			
30			
OFFICER'S NAME Tarazi, Samy	ID NUMBER 2029	DATE 01/15/14 1102	SHIFT/DAYS OFF II FSS
SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 01/15/14 1203	PAGE OF 1 3

REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>		<input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b>		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. <b>14-008-0118J</b>			
LOCATION OF ORIGINAL EVENT (IF KNOWN) <b>150 W Hedding Street / San Jose / 95110 / Santa Clara County Main Jail</b>				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 Photo 6-10: Pictures depicting the outside of Cell 14.									
2									
3 Photo 11-22: Pictures depicting multiple views from inside Cell 14									
4 looking through the cell door window.									
5									
6 Photo 23-26: Pictures depicting the outside of Cell 24.									
7									
8 Photo 27-42: Pictures depicting multiple views from inside Cell 24,									
9 looking through the cell door window and air vent bellow the window.									
10									
11									
12 Photo 43-45: Pictures depicting outside of Cell 28.									
13									
14 Photo 46-58: Pictures depicting multiple views from inside Cell 28,									
15 looking through the cell door window and air vent bellow the									
16 window.									
17									
18 Photo 59-63: Pictures depicting the lobby area of Module 5A, showing									
19 the downstairs and upstairs area.									
20									
21 <b>END SUPPLEMENTAL REPORT:</b>									
22									
23 <b>PLEO:</b>									
24									
25 <b>Deputy Tarazi- 2029- Supplemental Report</b>									
OFFICER'S NAME <b>Tarazi, Sammy</b>		ID NUMBER <b>2029</b>	DATE <b>01/15/14 1102</b>	SHIFT/DAYS OFF <b>II FSS</b>	SUPERVISORS REVIEW <b>Urena, Ricardo</b>	ID NUMBER <b>1815</b>	DATE <b>01/15/14 1203</b>	PAGE <b>2</b>	OF <b>3</b>

REPORT TYPE <b>149 PC [F] Assault Under Color of Authority</b>	<input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b>	<b>PROPERTY</b>	CASE NO.	<b>14-008-0118J</b>	<input type="checkbox"/> HEALTH HAZARD
---	---	-----------------	----------	---------------------	--

SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS _____	<b>Office of the Sheriff</b> <b>Santa Clara County</b>  55 West Younger Avenue San Jose CA 95110 (408) 808-4500
---	--

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<b>LOCATION</b>  <b>BAR CODE</b>  Bar code
1	E		1	CD	Photographs		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
		San Jose Main Jail Module 5A			0	200563	<input type="checkbox"/>
DESCRIPTION							
CD containing 63 photographs from Main Jail Module 5A							

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
--------------------	-------	---

RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE      NAME _____ ADDRESS _____ CITY _____ <input type="checkbox"/> FOLLOWING NAMED PERSON
-------------	---

WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
---	------------	-------------------------------	-----------------------	-------------

STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
--	------	---------	------	------

<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR DESTRUCTION	WITNESSED BY _____ AND _____
---	---------------------------	------------------------------

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR AUCTION	CASE STATUS
---	-----------------------	-------------

<input type="checkbox"/> RELEASE TO:	NAME _____ ADDRESS _____ CITY _____
--------------------------------------	-------------------------------------

WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
--	------------	-------------------------------	-----------------------	-------------

STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tarazi, Samy	2029	01/15/14 1102	II FSS	Urena, Ricardo	1815	01/15/14 1203	3	3