

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

15-245-0126J

BEAT **J1**

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	8/9/15	19:30	Sun
TO	8/9/15	20:00	Sun
REPORTED	9/2/15	8:30	Wed

LOCATION OF INCIDENT **701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility**

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

ASSIGNED NOT ASSIG **W01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) STATE OF CA. RACE M F DOB AGE HT WT

Rivera Anita INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

RECORDS ROUTING VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE

ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

Correctional Deputy at Elmwood

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

701 Abel Street Milpitas/CA 95035

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

CLERY **W02** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RACE M F DOB AGE HT WT

Sevillano Juan INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

DET. DIV. VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE

POSTAL ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

Correctional Sergeant at Elmwood

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

701 Abel Street Milpitas/CA 95035

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

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #	1						

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

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

HATE Synopsis: **O-01 is a Correctional Officer at Elmwood Correctional Facility. O-02 was an inmate at Elmwood. It was alleged O-01 used excessive force on O-02, a violation of PC 149. This report is being submitted for DA review.**

ELDER CHILD

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 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

MO Continued in Narrative

OTHER MO INFORMATION

DIAGRAM ASSOCIATED CASE NUMBERS: OTHER ROUTING:

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tarazi, Samy	2029	09/09/15 1508	II SSM	Rivera, Elbert	1789	10/02/15 1047	1	24

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

W03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Simpson-Hogan Alana	<input type="checkbox"/> STATE OF CA.	RACE M 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 Correctional Deputy at Elmwood		CITY/STATE Milpitas/CA	ZIP 95035	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS 701 Abel Street		CITY/STATE Milpitas/CA	ZIP 95035	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							

W04	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Kitong Kraig	<input type="checkbox"/> STATE OF CA.	RACE M 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 Correctional Deputy at Elmwood		CITY/STATE Milpitas/CA	ZIP 95035	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS 701 Abel Street		CITY/STATE Milpitas/CA	ZIP 95035	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							

W05	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Burden William	<input type="checkbox"/> STATE OF CA.	RACE M 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 Correctional Officer at Elmwood		CITY/STATE Milpitas/CA	ZIP 95035	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS 701 Abel Street		CITY/STATE Milpitas/CA	ZIP 95035	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							

W06	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Divine Michael	<input type="checkbox"/> STATE OF CA.	RACE M 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 Correctional Officer at Elmwood		CITY/STATE Milpitas/CA	ZIP 95035	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS 701 Abel Street		CITY/STATE Milpitas/CA	ZIP 95035	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							

O01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Broussard Michelle Denise	<input type="checkbox"/> STATE OF CA.	RACE M 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 Correctional Officer at Elmwood		CITY/STATE Milpitas/CA	ZIP 95035	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS 701 Abel Street		CITY/STATE Milpitas/CA	ZIP 95035	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							

REPORT TYPE 149 PC [F] Assault under color of authority	<input type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin: 0;">15-245-0126J</h1>												
"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER														
002	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">RACE</td> <td style="width:10%;">M F</td> <td style="width:10%;">DOB</td> <td style="width:10%;">AGE</td> <td style="width:10%;">HT</td> <td style="width:10%;">WT</td> </tr> <tr> <td colspan="6"> INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____ </td> </tr> </table>	RACE	M F	DOB	AGE	HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____					
RACE	M F	DOB	AGE	HT	WT									
INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____														
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE														
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 Tarazi, Samy	ID NUMBER 2029	DATE 09/09/15 1508	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rivera, Elbert	ID NUMBER 1789	DATE 10/02/15 1047	PAGE 3	OF 24
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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL 149 PC [F] Assault under color of authority		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 15-245-0126J					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 ATTACHMENTS:									
2									
3 DVD Containing:									
4									
5 All photographs									
6 All Audio/Video statements									
7 Surveillance Video									
8									
9 INVESTIGATION:									
10									
11 On 9-2-2015, I was a detective with the Santa Clara County Sheriff's									
12 Office Investigations Bureau. Captain Daniel Rodriguez assigned me a									
13 criminal investigation and provided me with the facts known to him at									
14 the time.									
15									
16 NOTIFICATION:									
17									
18 Captain Rodriguez told me there had been a complaint made by W-01									
19 Rivera, a Custody Deputy working at Elmwood. W-01 Rivera had									
20 complained to her supervisor, W-02 Sevillano, who was a Correctional									
21 Sergeant working at Elmwood. She had complained she witnessed a use									
22 of force against an inmate (identified as O-02 by O-01									
23 Broussard and W-03 Simpson-Hogan who were both correctional officers									
24 at Elmwood. This use of force occurred on 8-9-2015 in the changing									
25 room of the Processing Center at Elmwood Correctional Facility.									
26									
27 INVESTIGATION CONTINUED:									
28									
29 On 9-2-2015 at approximately 1720 hours, Sergeant Quinonez and I									
30 interviewed O-02 in a private office at Elmwood Correctional									
OFFICER'S NAME		ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tarazi, Samy		2029	09/09/15 1508	II SSM	Rivera, Elbert	1789	10/02/15 1047	4	24

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. 15-245-0126J					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 Facility and she provided us with the following recorded (audio only)								
2 statement.								
3								
4 STATEMENT OF O-02								
5								
6 On 8-9-2015, O-02 was arrested in the city of Santa Clara and								
7 transported and booked into the Main Jail at San Jose. She was								
8 eventually transferred from Main Jail to Elmwood Correctional								
9 Facility.								
10								
11 When she got to Elmwood she was directed into the processing center								
12 building. A female African American correctional officer, identified								
13 as O-01 Broussard, instructed her into the "middle" changing room and								
14 handed her jail clothing and told her to change. O-02 took off								
15 her jacket and her slippers and then began taking off her pants. O-01								
16 Broussard told O-02 to take off her socks first. O-02								
17 told O-01 Broussard she wasn't wearing socks and that she was wearing								
18 tights and she had to take off her pants first to take off the								
19 tights. O-01 Broussard sarcastically laughed and walked up to O-02								
20 O-01 Broussard put her hands around O-02 face, by								
21 placing her palms on O-02 cheeks and her fingers around the								
22 back of O-02 head. O-01 Broussard began shaking O-02								
23 head for approximately 15 seconds. O-02 described the								
24 shake as "an aggressive shake but she wasn't digging in." O-02								
25 believed O-01 Broussard was shaking her out of anger as she had a								
26 "tense" look on her face.								
27								
28 O-02 didn't react to the shacking because she was so shocked.								
29 O-02 wasn't in pain from the shacking but she was really								
30 surprised she was having her head shacked. O-02 was yelling								
OFFICER'S NAME Tarazi, Samy	ID NUMBER 2029	DATE 09/09/15 1508	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rivera, Elbert	ID NUMBER 1789	DATE 10/02/15 1047	PAGE 5	OF 24

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. 15-245-0126J			
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 during this time and O-01 Broussard was not saying anything. O-02									
2 didn't push away or touch O-01 Broussard during the shaking.									
3									
4									
5 O-01 Broussard stopped shaking O-02 and told O-01 Broussard she									
6 wanted to see her sergeant. O-01 Broussard began apologizing and									
7 explaining she lost her cool. O-02 said she didn't accept her									
8 apology and wanted to see her sergeant. O-01 Broussard told O-02									
9 she had to change into her clothes and if she didn't O-01									
10 Broussard would have to cut off her clothes. O-02 told O-01									
11 Broussard she wasn't going to do anything until a Sergeant came.									
12 O-01 Broussard told O-02 to wait and O-01 Broussard left her									
13 alone for ten to fifteen minutes. O-02 believed O-01 Broussard									
14 went to get a Sergeant. O-02 sat on the bench in the changing									
15 room and was unsecured the entire time. O-02 was crying during									
16 the time she was waiting.									
17									
18 Eventually a second female African American correctional officer,									
19 identified as W-03 Simpson-Hogan, came into the changing room and									
20 immediately grabbed O-02 by the left arm and dragged her to									
21 the floor. W-03 Simpson-Hogan didn't say anything prior to grabbing									
22 O-02 arm.									
23									
24 W-03 Simpson-Hogan twisted O-02 wrist and she ended up lying									
25 on the ground on her stomach. O-01 Broussard put her knee on O-02									
26 lower back and pinned her down to the ground. W-01 Rivera									
27 came into the room at this point and pinned down O-02									
28 shoulder. O-02 began screaming "get off me, get off me," in									
29 regards to O-01 Broussard's knee on her back.									
30									
OFFICER'S NAME Tarazi, Samy		ID NUMBER 2029	DATE 09/09/15 1508	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rivera, Elbert	ID NUMBER 1789	DATE 10/02/15 1047	PAGE 6	OF 24

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LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 O-01 Broussard began pushing down harder with her knee and O-02									
2 began having difficulty breathing and began screaming, "I can't									
3 breathe." O-02 began "flailing" her legs in an attempt to get									
4 up so she could breath. O-02 believes that if O-01 Broussard									
5 and W-03 Simpson-Hogan said she was kicking them, this would be what									
6 she was actually doing.									
7									
8 O-02 remembered someone was telling her to stop moving or they									
9 would cut off her clothes. O-02 couldn't remember who was									
10 saying it.									
11									
12 W-03 Simpson-Hogan then transferred to her leg area and began forcibly									
13 pulling O-02 pants and underwear off. After her pants and									
14 underwear were taken off, they began taking off her top. O-02									
15 couldn't remember what happened after this point.									
16									
17 O-02 remained laying on the ground until the nurse came and the									
18 three officers helped her up and sat her in a chair. O-02 was									
19 not in handcuffs or any other restraint devices. The nurse examined									
20 O-02 and said she was OK. O-02 said the nurse only									
21 checked her "blood pressure."									
22									
23 W-02 Sevillano eventually showed up approximately "5 minutes" after									
24 the nurse examined her. W-02 Sevillano conducted an interview with									
25 O-02 in a private office and she told him what had happened.									
26 O-02 said then someone else had her change into "double red."									
27 O-02 explained this meant she was a "level 4" inmate and she									
28 was going to be housed in the maximum security area of Elmwood. O-02									
29 had originally been slated to be a "level 1" inmate which									
30 meant she was the lowest risk inmate. No one explained to her why she									
OFFICER'S NAME Tarazi, Samy		ID NUMBER 2029	DATE 09/09/15 1508	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rivera, Elbert	ID NUMBER 1789	DATE 10/02/15 1047	PAGE 7	OF 24

REPORT TYPE 149 PC [F] Assault under color of authority	<input type="checkbox"/> SUPPLEMENTAL of authority	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <h1 style="margin:0;">15-245-0126J</h1>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 was being reclassified as a level 4 inmate. O-02 never</p> <p>2 received an "infraction" or wasn't charged with a crime and being</p> <p>3 reclassified as a level 4 was unusual without receiving an</p> <p>4 infraction.</p> <p>5</p> <p>6 O-02 had been to Elmwood approximately 30 times and has changed</p> <p>7 into jail clothing each time. O-02 had never been physically</p> <p>8 forced into changing her clothes before. O-02 said she would</p> <p>9 be willing to testify in court and wanted O-01 Broussard and W-03</p> <p>10 Simpson-Hogan to lose their jobs.</p> <p>11</p> <p>12 O-02 explained she had been arrested for warrants and was not</p> <p>13 intoxicated or under the influence of narcotics at the time.</p> <p>14</p> <p>15</p> <p>16 INVESTIGATION CONTINUED:</p> <p>17</p> <p>18 On 9-2-2015 at approximately 1910 hours, W-02 Sevillano met with</p> <p>19 Sergeant Quinonez and me at Sheriff's Office Headquarters and he</p> <p>20 provided us with the following recorded (audio/video) statement.</p> <p>21</p> <p>22 STATEMENT OF W-02 SEVILLANO:</p> <p>23</p> <p>24 W-02 Sevillano is a Correctional Sergeant at Elmwood and was working</p> <p>25 overtime on 8-9-2015. At approximately 1930 hours, W-06 Devine called</p> <p>26 W-02 Sevillano and asked him to come down to Processing because there</p> <p>27 was an uncooperative inmate in the female dress-out room. He walked</p> <p>28 directly to processing building and by the time he got there, O-02</p> <p>29 was already sitting in the lobby with waist chains and yelling</p> <p>30 for a Sergeant.</p>								
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tarazi, Samy	2029	09/09/15 1508	II SSM	Rivera, Elbert	1789	10/02/15 1047	8	24

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1									
2 W-02 Sevillano interviewed O-01 Broussard and W-03 about what happened									
3 and they told him that O-02 had been uncooperative and									
4 aggressive and they forcibly had to change her into jail clothing.									
5 W-02 Sevillano counseled O-01 Broussard and told her she should have									
6 contacted him prior to forcing an inmate to change. O-01 Broussard									
7 admitted that would have been a better course of action.									
8									
9 W-02 Sevillano then interviewed O-02 who was still agitated.									
10 W-02 Sevillano ensured O-02 received medical attention and									
11 learned from the nurse that she was not injured. W-02 Sevillano took									
12 several digital pictures of O-02 and did not notice any									
13 injuries.									
14									
15 W-01 came to W-02 Sevillano and told her she had some issues with the									
16 use of force without having a Sergeant present. W-01 appeared upset									
17 about the issue and he instructed her to write an Employees Report									
18 and not to talk to anyone about the event.									
19									
20									
21 INVESTIGATION CONTINUED:									
22									
23 On 9-3-2015, I created two different photo-lineup packets of O-01									
24 Broussard and W-03 Simpson-Hogan. I provided the photo-lineup packets									
25 to Sergeant Roggia, who had no knowledge of this investigation and I									
26 requested he present the photo-lineup packets to O-02 At									
27 approximately 0908 hours, Sergeant Roggia presented the photo-lineup									
28 packets to O-02 in a private office at Elmwood Correctional									
29 Facility. Sergeant Roggia told me the results of the photo-lineup.									
30 O-02 was able to identify W-03 Simpson-Hogan. O-02									
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<p>1 wasn't able to able to identify O-01 Broussard, but she paused to</p> <p>2 review O-01 Broussard's actual photo but couldn't tell if it was her</p> <p>3 due to the fact O-01 Broussard was wearing makeup in the picture and</p> <p>4 O-01 Broussard doesn't normally wear makeup to work. See Sergeant</p> <p>5 Roggia's Supplemental Report for further details.</p> <p>6</p> <p>7 On 9-3-2015 at approximately 0920 hours, I examined the processing</p> <p>8 center at Elmwood and the changing area described by O-02 The</p> <p>9 changing area has a fabric privacy screen that can be slid to block</p> <p>10 the view into the room. Inside the changing area are 4 partitioned</p> <p>11 seating areas. There was a green bin on wheels and a garbage can in</p> <p>12 the corner of the room. The room was relatively small and if several</p> <p>13 people were physically struggling in the room, it would be difficult</p> <p>14 to maneuver without bumping into the opposing walls and benches. I</p> <p>15 took digital pictures of the area. There were no surveillance cameras</p> <p>16 in the building.</p> <p>17</p> <p>18 On 9-3-2015 at approximately 1845, Sergeant Owens and I interviewed</p> <p>19 W-01 Rivera at Sheriff's Office Headquarters and she provided us with</p> <p>20 the following recorded (audio/video) statement.</p> <p>21</p> <p>22 STATEMENT OF W-01 RIVERA:</p> <p>23</p> <p>24 On 8-9-2015, W-01 Rivera was working overtime at Elmwood as a</p> <p>25 Correctional Deputy. Her assignment had her "roving" between</p> <p>26 buildings. At approximately 1930 hours, she went into the processing</p> <p>27 building with an inmate. She removed the handcuffs of the inmate and</p> <p>28 then heard the loud sounds of a physical struggle coming from the</p> <p>29 change out room. W-01 Rivera left her inmate standing and ran into</p> <p>30 the change out room to assist.</p>									
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1									
2 W-01 Rivera saw O-02 and W-03 Simpson-Hogan physically holding									
3 down O-02 O-01 Broussard told W-01 Rivera "We got this									
4 Rivera," indicating she didn't want W-01 Rivera's help. It was clear									
5 to W-01 Rivera that O-02 was not under control as she was									
6 flailing her legs. W-01 Rivera went inside and assisted in									
7 controlling O-02 by holding down her shoulder.									
8									
9 W-03 Simpson-Hogan pulled off O-02 pants while she laid on									
10 her back. During the struggle, W-01 Rivera observed O-01 Broussard									
11 place her right foot on O-02 stomach. W-01 Rivera also									
12 observed O-01 Broussard place her arms in the area of O-02									
13 neck. W-01 Rivera didn't believe O-01 Broussard was choking O-02									
14 but only trying to keep her pushed flat to the ground. When									
15 they took off O-02 shirt, W-01 Rivera saw O-01 Broussard									
16 pull O-02 back to the ground by her hair. O-01 Broussard was									
17 telling O-02 to calm down and relax in a very low and soft									
18 tone.									
19									
20 Throughout the incident, O-02 continued to resist by flailing									
21 her legs but W-01 Rivera didn't believe she was actively trying to									
22 kick at anyone. O-02 was also continually yelling that she									
23 couldn't breathe and she wanted to see the sergeant.									
24									
25 After they completely changed O-02 into her jail clothing, W-01									
26 Rivera help W-03 Simpson-Hogan and O-01 Broussard lift O-02 up									
27 and walk her to the main area of processing. W-01 Rivera was very									
28 upset at what transpired and immediately left the area.									
29									
30 W-01 Rivera believed the entire situation could have been avoided by									
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1 first calling the sergeant prior to forcibly changing an inmate. W-01									
2 Rivera believed the force used by O-01 Broussard and W-03									
3 Simpson-Hogan was unnecessary because there was no rush to change									
4 O-02 clothing and that they should have never been in the									
5 situation to begin with. W-01 Rivera didn't believe O-01 Broussard or									
6 W-03 Simpson-Hogan injured O-02 but wasn't sure if O-02									
7 sustained any injuries.									
8									
9 W-01 Rivera eventually told her supervisor about her concerns and									
10 wrote an employee's report indicating what had happened.									
11									
12 INVESTIGATION CONTINUED:									
13									
14 I obtained the video surveillance from the areas around the processing									
15 center at Elmwood. On 8-9-2015 at 19:01:04 hours, I could see W-03									
16 Simpson-Hogan answer the phone while she was in W4C (Women's maximum									
17 security area). W-03 Simpson-Hogan was on the phone for 12 seconds									
18 and then left the area and walked towards the processing building.									
19 W-04 Kitong was with W-03 Simpson-Hogan in W4C and she appeared to									
20 tell W-04 Kitong something prior to leaving. W-03 Simpson-Hogan									
21 returned to W4C at 20:01:08 hours.									
22									
23 On 9-8-2015, Sergeant Owens and I interviewed W-03 Simpson-Hogan, W-04									
24 Kitong, W-05 Burden, W-06 Devine, and O-01 Broussard at Sheriff's									
25 Office Headquarters. Each interview was conducted separately and was									
26 recorded using an audio/video recorder. All the parties interviewed									
27 drove to Sheriff's Office Headquarters from Elmwood while on-duty.									
28 Prior to questioning the above people, I informed them all that I was									
29 a criminal investigator and not Internal Affairs, they were free to									
30 go at any time and they did not have to answer any of my questions.									
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1									
2									
3									
4 STATEMENT OF W-04 KITONG:									
5									
6 When I began my interview with W-04 Kitong, he expressed concern that									
7 he might get someone in trouble and wanted to speak to a union									
8 representative. I explained to W-04 Kitong that he was not entitled									
9 to a union representative but that he didn't have to answer any									
10 questions.									
11									
12 W-04 Kitong remembered working with W-03 Simpson-Hogan during the week									
13 of 8-9-15. He worked with her for 3 shifts and she was his training									
14 officer. W-03 Simpson-Hogan would routinely leave W-04 Kitong alone									
15 in the pod (W4C) for meals. I showed W-04 Kitong the video from									
16 8-9-2015 and he said he didn't remember what W-03 Simpson-Hogan told									
17 him prior to her leaving. W-04 Kitong remembered W-03 Simpson-Hogan									
18 coming back and writing an ER about something. W-04 Kitong couldn't									
19 remember exactly what she was writing about but thought it had to do									
20 with a strip search in processing and that W-03 Simpson-Hogan had to									
21 help process a new inmate.									
22									
23 W-04 said it was common for W-03 Simpson-Hogan to leave him alone in									
24 W4C and that it happened every shift when they had to go eat dinner.									
25									
26									
27 STATEMENT W-05 BURDEN:									
28									
29 W-05 Burden told me he knew why he was here to talk to me. He									
30 explained that the only thing out of the ordinary that recently									
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1 happened was a use of force incident with O-01 Broussard and a female									
2 inmate. W-05 Burden wasn't sure what day it was, but that the									
3 incident occurred in processing at Elmwood. I showed W-05 Burden a									
4 picture of O-02 and he identified her as the inmate O-01									
5 Broussard had used force on.									
6									
7 At the time of the event, W-05 Burden had been assigned to processing									
8 but was on a smoke break outside of the building. When he returned,									
9 he stood near the computers of the processing center. W-06 Devine was									
10 with him behind the counter. He saw W-01 Rivera come into processing									
11 and heard things "get loud" from the change out room. W-05 Burden									
12 couldn't remember what was being shouted, but believed O-02									
13 was the one screaming because he didn't recognize the voice.									
14									
15 W-05 Burden never saw O-02 enter the processing building and									
16 believes she must have entered the changeup room when he was on a									
17 smoke break.									
18									
19 W-01 Rivera had brought in an inmate who was being released and when									
20 the screaming began W-01 Rivera ran into the changing room area. W-05									
21 Burden secured the inmate scheduled to be released to a chair. W-05									
22 Burden then went to the corner in front of the changeup room and									
23 asked if they needed any help. W-05 Burden continued to hear loud									
24 noises and believed there was a scuffle. W-05 Burden wasn't sure if									
25 the inmate inside was naked and didn't want to go in until he was									
26 sure. Based on the sounds he was hearing, he didn't believe O-01									
27 Broussard or W-01 Rivera were in danger.									
28									
29 W-05 Burden went and got waist chains and shackles ready and waited									
30 outside the changing room. W-05 Burden never saw inside. W-05 Burden									
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1 began hearing O-01 Broussard saying, "Calm down sweetie" and other									
2 "mother" like things. W-05 Burden described O-01 Broussard tone as									
3 that of a mother talking to a 2-year-old.									
4									
5 After a few minutes, O-01 Broussard, W-01 Rivera came out with O-02									
6 and W-05 Burden assisted them in putting restraints on O-02									
7 W-05 Burden also saw W-03 Simpson-Hogan come out of the									
8 changing room, which surprised him because he had no idea W-03									
9 Simpson-Hogan was even in the area.									
10									
11 I asked W-05 Burden how he would handle a situation with an inmate who									
12 refused to change into jail clothes. W-05 Burden said he would try to									
13 talk an inmate into it and if it came to the point where the inmate									
14 refused to comply, he would have a Sergeant respond to the area to									
15 handle it. W-05 Burden said he would never forcibly strip an inmate									
16 without the direct order of supervisor. W-05 Burden said it is very									
17 rare to have to forcibly strip an inmate.									
18									
19 W-06 Devine had called the sergeant (W-02 Sevillano) to respond and									
20 W-05 Burden told W-02 Sevillano what had happened. W-02 Sevillano									
21 admonished W-05 Burden not to say anything and he hasn't discussed									
22 the incident with anyone since.									
23									
24 STATEMENT OF W-06 DEVINE:									
25									
26 W-06 Devine works in processing at Elmwood. He didn't remember the									
27 specific day of the incident but he knew we wanted to talk about the									
28 use of force between O-01 Broussard and an inmate. W-06 Devine									
29 couldn't remember the inmates name and when I showed him a picture of									
30 O-02 he was uncertain if was the same person. W-06 Devine said									
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1 could be forgetful and careless in her paperwork but that he hadn't									
2 seen her use excessive force before.									
3									
4 W-06 Devine said there was no legitimate reason to strip O-02									
5 right away, since there was no urgency for it to happen. W-06 Devine									
6 said he would have called for a sergeant prior to ever forcibly									
7 stripping an inmate.									
8									
9 STATEMENT OF W-03 SIMPSON-HOGAN:									
10									
11 W-03 Simpson-Hogan said she wasn't sure why she was talking to me. I									
12 showed W-03 Simpson-Hogan a picture of O-02 and asked her if									
13 she remembered anything about an incident with her. W-03									
14 Simpson-Hogan said she did, but wasn't sure what day it was on.									
15									
16 W-03 Simpson-Hogan explained that she worked in W4C and had received a									
17 phone call from O-01 Broussard, who told her she needed help changing									
18 an inmate. W-03 Simpson-Hogan said it was very common for O-01									
19 Broussard to call her for help. W-03 Simpson-Hogan walked directly to									
20 processing to help O-01 Broussard.									
21									
22 When W-03 Simpson-Hogan got to processing, she told O-01 Broussard to									
23 go tell O-02 that she needed to change out. W-03 Simpson-Hogan									
24 waited directly outside the changing room. W-03 Simpson-Hogan heard									
25 O-01 Broussard tell O-02 that she needed to change her									
26 clothes. O-02 responded by saying, "Fuck you, bitch!" W-03									
27 Simpson-Hogan then heard a "clank" sound, which she thought was									
28 something banging on the wooden partition inside the changing room.									
29									
30									
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1 W-03 Simpson-Hogan went inside the room and saw O-01 Broussard holding									
2 O-02 down on the bench by the shoulders. W-03 Simpson-Hogan									
3 immediately grabbed one of O-02 arm's and helped O-01									
4 Broussard stand her up. O-02 immediately "went dead weight"									
5 and fell to the ground like a "baseball slide" and landed on her									
6 buttocks and began kicking her legs.									
7									
8 O-01 Broussard told W-03 Simpson-Hogan "lets change her out." W-03									
9 Simpson-Hogan went into "automatic" mode and just began helping in									
10 taking off O-02 clothing. W-03 Simpson-Hogan said that since									
11 they were already trying to control her that she didn't think about									
12 backing out of the room.									
13									
14 O-02 began kicking at W-03 Simpson-Hogan's knees and W-03									
15 Simpson-Hogan was worried about getting a knee injury, so she									
16 "straddled" O-02 W-03 Simpson-Hogan explained that she stood									
17 over O-02 and W-03 Simpson-Hogan's back was facing O-0'2 head									
18 while she tried to remove the pants from the legs. At this point,									
19 W-01 Rivera came in to assist and grabbed one of O-02 arms.									
20									
21									
22 After taking off O-02 pants, W-03 Simpson-Hogan realized O-02									
23 smelled like urine but wasn't sure if it was old urine or if									
24 she had just urinated. W-03 Simpson-Hogan put new jail pants on O-02									
25 and then helped take off O-02 shirt and put a new									
26 jail shirt on her.									
27									
28 After she was fully changed, she helped O-02 up and escorted									
29 her out with W-01 Rivera and O-01 Broussard. W-03 Simpson-Hogan									
30 helped put waist chains on O-02 and then she saw her get									
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1 medical attention.									
2									
3 W-03 Simpson-Hogan only ever saw O-01 Broussard holding O-02									
4 arms above her head in an attempted to stop her from moving them.									
5 W-03 Simpson-Hogan didn't see O-01 Broussard step on or choke O-02									
6 W-03 Simpson-Hogan said that if O-01 Broussard had done those									
7 things, she probably wouldn't have seen it because her back was									
8 turned and couldn't see everything O-01 Broussard was doing. W-03									
9 Simpson-Hogan thought everything she did was justified because O-02									
10 was continually trying to kick at her.									
11									
12 W-03 Simpson-Hogan was instructed not to talk about the incident with									
13 anyone and to write an employee's report. W-03 Simpson-Hogan hadn't									
14 talked to anyone about the incident since.									
15									
16									
17 STATEMENT OF O-01 BROUSSARD:									
18									
19 O-01 Broussard is a Correctional Officer at Elmwood. She was assigned									
20 to work in Processing. O-01 Broussard remembered the incident with									
21 O-02 O-01 Broussard remembers O-02 sitting in the									
22 processing area and instructing her to go into the changing room to									
23 change into jail clothes. O-02 was being "belligerent" and									
24 yelling but ultimately walked into the changing room. O-01 Broussard									
25 didn't remember what O-02 was saying at this point.									
26									
27 O-01 Broussard wasn't sure if she closed the privacy curtain as she									
28 entered the room, but she usually always closes it. O-01 Broussard									
29 told O-02 to take off her shoes and put it in the bag but she									
30 didn't remember if O-02 did so. O-02 began complaining									
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1 and saying she wanted to see a sergeant. O-01 Broussard told O-02									
2 that she would get the sergeant if she dressed first. O-02									
3 continued to be very agitated and refused to change without a									
4 sergeant present.									
5									
6 At this point in the interview, O-01 Broussard changed the sequence of									
7 her story several times and said she was having a difficult time									
8 remembering exactly what happened. At first, O-01 Broussard said O-02									
9 took off her jacket and threw it at O-01 Broussard and reacted									
10 by grabbing O-02 W-03 Simpson-Hogan then came into the room									
11 and helped her change out O-02 O-01 Broussard said W-03									
12 Simpson-Hogan was down in processing eating cheesecake and she must									
13 have heard the struggle. I asked O-01 Broussard several times through									
14 the interview if she had called W-03 Simpson-Hogan to come help her									
15 with changing O-2. O-01 Broussard denied doing this several times and									
16 then later said she might have called her for help but wasn't sure.									
17									
18									
19 O-01 Broussard said that after initially asking O-02 to change									
20 out and she refused, O-01 Broussard left the room for approximately 5									
21 minutes. O-01 Broussard wasn't sure what she did when she was outside									
22 the room. O-01 Broussard then went back in and asked O-02 to									
23 change out again. O-02 then started taking off her jacket and									
24 whipped it O-01 Broussard. O-01 Broussard then grabbed O-02 by									
25 the shoulders and began controlling O-2 O-01 Broussard was									
26 "shocked" that O-02 had hit her with the jacket.									
27									
28 When I began asking O-01 Broussard specifically what happened after									
29 that, she said she wanted to speak with a union representative. I									
30 told O-01 Broussard she was not entitled to that because this wasn't									
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<p>1 an internal affairs investigation but that she did not have to answer</p> <p>2 any of my questions. O-01 Broussard agreed to continue to talk to me.</p> <p>3</p> <p>4</p> <p>5 O-01 Broussard said she was having a hard time remembering exactly</p> <p>6 what she did. O-01 Broussard believed she may have been just acting</p> <p>7 out of reflex of having the jacket thrown at her. O-01 Broussard</p> <p>8 didn't remember how O-02 ended up on the ground but remembers</p> <p>9 specifically that O-02 was kicking her feet and thrashing her</p> <p>10 arms. O-01 Broussard said that at some point O-02 bit O-01</p> <p>11 Broussard on the arm. O-01 Broussard didn't document the bite in her</p> <p>12 employee report because she didn't find out about it till she got</p> <p>13 home and noticed a bite mark on her arm. O-01 Broussard didn't report</p> <p>14 the bite to anyone because she didn't think it was a big deal and the</p> <p>15 bite mark soon disappeared.</p> <p>16</p> <p>17 O-01 Broussard admitted to putting her foot on O-02 but said</p> <p>18 that her foot was closer to O-02 hip. O-01 Broussard said she</p> <p>19 put her foot on O-02 to prevent her from moving around. O-01</p> <p>20 Broussard admitted to putting her hands around O-02 head and</p> <p>21 neck area but that she wasn't choking her. O-01 Broussard said she</p> <p>22 did this to try to control the motion of her head and jaw to prevent</p> <p>23 her from biting her.</p> <p>24</p> <p>25 O-01 Broussard remembered W-01 Rivera and W-03 Simpson-Hogan coming in</p> <p>26 and helping her but couldn't remember at what point they came in.</p> <p>27</p> <p>28 O-01 Broussard admitted to grabbing O-02 by the head as O-02</p> <p>29 described. O-01 Broussard denied shaking O-02 head</p> <p>30 and said she just did this to try to calm O-02 down. O-01</p>								
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1 Broussard did not remember at what point she did this.								
2								
3 O-01 Broussard described O-02 as much smaller than her and that								
4 O-01 Broussard was holding back a lot because she didn't want to hurt								
5 O-02 O-01 Broussard was trying very hard to calm O-02								
6 down and was only trying to restrain her from kicking and biting her.								
7 O-01 Broussard remembered repeatedly telling O-02 to calm down								
8 and to relax.								
9								
10 O-01 Broussard believed she made a mistake by stripping O-02								
11 and forcing her into changing. O-01 Broussard knew the policy was to								
12 have a sergeant present prior to stripping an inmate. O-01 Broussard								
13 said she wasn't thinking about the policy at the time and just								
14 reacted to O-02 throwing the jacket at her. Since O-01								
15 Broussard already had physically grabbed O-02 she just								
16 continued with the process of changing her out. O-01 Broussard said								
17 the force she used was reasonable given the fact O-02 was								
18 kicking, biting and thrashing around.								
19								
20 O-01 Broussard said O-02 was seen by a nurse immediately after								
21 she was secured and that the nurse said she was medically cleared.								
22								
23								
24 O-01 Broussard had learned from other deputies that W-01 Rivera had								
25 been complaining that O-01 Broussard had used excessive force. O-01								
26 Broussard said that W-01 Rivera has never worked directly with								
27 inmates and therefor was not aware of what force is necessary to								
28 complete the job. O-01 Broussard said that W-01 Rivera might have								
29 complained about this issue in an attempt to "get ahead." When I								
30 asked O-01 Broussard what that meant she wasn't sure how to explain								
OFFICER'S NAME Tarazi, Samy	ID NUMBER 2029	DATE 09/09/15 1508	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rivera, Elbert	ID NUMBER 1789	DATE 10/02/15 1047	PAGE 22	OF 24

LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **W-01 Rivera's motives for complaining about O-01 Broussard. I asked**

2 **O-01 Broussard to tell me the names of the deputies who told her W-01**

3 **Rivera had complained and she said she didn't want to tell me.**

4

5 **INVESTIGATION CONTINUED:**

6

7 **This report is being submitted to the DA's Office for review for a**

8 **violation of PC 149.**

9

10 **I booked the photo lineups and DVD containing the photographs,**

11 **surveillance video and audio/video statements into evidence at**

12 **Sheriff's Office Headquarters.**

13

14 **END REPORT:**

15

16 **PLEO:**

17

18 **Detective Tarazi- 2029- Original Report**

19 **Detective Roggia-1962- Supplemental Report**

20 **Detective Quinonez- 1644- Assist**

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL 149 PC [F] Assault under color of authority	PROPERTY	CASE NO. <input type="checkbox"/> HEALTH HAZARD 15-245-0126J
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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	Office of the Sheriff Santa Clara County 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	
1	E		1	Photo Lineup			LOCATION BAR CODE 308240
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Elmwood Correctional Complex			0	308240	<input type="checkbox"/>
DESCRIPTION Two photo lineup packets performed by Sgt. Roggia with O-02. The packets contained the pictures of O-01 and W-03.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
2	E		0	DVD			LOCATION BAR CODE 308241
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		55 W. Younger Avenue			0	308241	<input type="checkbox"/>
DESCRIPTION DVD containing all audio/video statements, photographs and surveillance video.							

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 FOLLOWING 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

<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 FOLLOWING 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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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tarazi, Samy	2029	09/09/15 1508	II SSM	Rivera, Elbert	1789	10/02/15 1047	24	24

REPORT TYPE
 SUPPLEMENTAL
149 PC [F] Assault under color of authority

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO.
15-245-0126J

LOCATION OF ORIGINAL EVENT (IF KNOWN)
701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 The purpose of this report is to document that I booked the rejection
2 letter from the District Attorney's Office as well as additional
3 copies of DVDs and CDs obtained in this investigation.
4
5
6 PLEO:
7
8 Sergeant Leonard 1875

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Leonard	1875	12/19/17 1616	Det SSM	Rodriguez, Daniel	1659	12/21/17 1436	1	2

REPORT TYPE 149 PC [F] Assault under color of authority	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	15-245-0126J	<input type="checkbox"/> HEALTH HAZARD
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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
<div style="float: right; text-align: center;"> <p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff Santa Clara County</p> <p>55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p> </div>	

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	LOCATION BAR CODE Bar code	
4	E		1	Document/CDS				
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Sheriff's HQ	0	354876		<input type="checkbox"/>
DESCRIPTION This item of evidence is the rejectin letter from the DA as well as additional copies of CDs and DVDs.								

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 FOLLOWING 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
--	------	---------	------	------

<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 FOLLOWING 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
--	------	---------	------	------

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Leonard	1875	12/19/17 1616	Det SSM	Rodriguez, Daniel	1659	12/21/17 1436	2	2

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. 15-245-0126J			
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 SUPPLEMENTAL REPORT:									
2									
3 I am a Detective Sergeant assigned to the Investigation Division of									
4 the Santa Clara County Sheriff's Office. On 9/03/2015 at									
5 approximately 0900 hours, I assisted Detective Tarazi with this									
6 investigation by presenting a photo lineup to V01 . I had									
7 no prior knowledge of this investigation and no knowledge of any									
8 suspects or their physical appearances.									
9									
10 I met with V1 in the Training Officer room at Elmwood Woman's									
11 Jail. Detective Tarazi introduced me to V1 who was escorted in									
12 by an officer and unhand cuffed. Detective Tarazi provided me with a									
13 sequential photo lineup that he had prepared and a Santa Clara County									
14 Sheriff's Office photo lineup admonition form.									
15									
16 Everyone left the room and I explained to V1 why I was speaking									
17 with her. I read her the witness admonition verbatim from the Santa									
18 Clara County Identification Form. I asked her if she had any									
19 questions or concerns about the process and she said, "No."									
20									
21 At approximately 0910 hours I showed V1 photos one through six									
22 of photo lineup set one.									
23									
24 I showed Detective Tarazi's photo lineup to V01 in the order of									
25 5, 6, 2, 1, 3, 4. V01 provided the following responses to each									
26 photograph:									
27									
28 Photograph #5: V01 quickly said, "No."									
29 Photograph #6: V01 quickly said, "No."									
30 Photograph #2: V01 She stopped on photo two for a while and thought it									
OFFICER'S NAME Roggia, Mark H.		ID NUMBER 1962	DATE 05/31/16 1233	SHIFT/DAYS OFF DET SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 05/31/16 1433	PAGE 1	OF 3

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. 15-245-0126J			
LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 was a possibility but explained she was confused because in the photo									
2 the female had significant makeup on.									
3 Photograph #1: V01 quickly said "No".									
4 Photograph #3: V01 looked at the photo for several seconds and									
5 said maybe.									
6 Photograph #4: V01 quickly said "No."									
7 V1 asked to see the photos again. I showed the photos again one									
8 at a time in the same order. After the final photo V1 wrote									
9 the following statement on the back of the form.									
10									
11 WRITTEN STATEMENT OF VICTIM 1 PHOTO LINEUP 1:									
12									
13 I can possibly ID (photo) 3 but not too sure yet due to make up on in									
14 the photo. 90/95%.									
15									
16 SUPPLEMENTAL REPORT CONTINUED:									
17									
18 V1 signed her statement at the bottom of the form. I explained									
19 to her that I was going to present her a second set of photos to									
20 identify the second suspect involved. I again read her the witness									
21 admonition form the Santa Clara County Identification Form and									
22 confirmed that she understood.									
23									
24 I showed Detective Tarazi's photo lineup to V01 in the order of									
25 2, 3, 5, 6, 4, 1. V01 provided the following responses to each									
26 photograph:									
27									
28 Photograph #2: V01 quickly said, "No."									
29 Photograph #3: V01 quickly said, "No."									
30 Photograph #5: V01 quickly said, "No."									
OFFICER'S NAME Roggia, Mark H.		ID NUMBER 1962	DATE 05/31/16 1233	SHIFT/DAYS OFF DET SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 05/31/16 1433	PAGE 2	OF 3

LOCATION OF ORIGINAL EVENT (IF KNOWN) 701 Abel Street / Milpitas / 95035 / Elmwood Correctional Facility

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 Photograph #6: V01 stopped on photo six for a while and
2 thought it was a possibility but explained she was confused because
3 in the photo the female did not have glasses on. V1 was ninety
4 percent sure photograph six was one of the suspects.
5 Photograph #4: V01 looked at the photo for several seconds and
6 said no.
7 Photograph #1: V01 quickly said "No."
8 After the final photo V1 wrote the following statement on the
9 back of the form.
10

11 WRITTEN STATEMENT OF VICTIM 1 PHOTO LINEUP 2:
12

13 Close call with #6 90% sure. She doesn't have her glasses.
14

15 SUPPLEMENTAL REPORT CONTINUED:
16

17 V1 signed her statement at the bottom of the form. I thanked V1
18 for her cooperation and walked her outside the room to a
19 waiting correctional deputy.
20

21 P.L.E.O's:
22
23 Sgt. Mark Roggia #1962 Supplemental Report
24 Detective Tarazi# 2029 Original Report