

DRIVER UNDER THE INFLUENCE				Santa Clara County Sheriff's Office				EVENT NUMBER 18-063-0149S				
ARREST- INVESTIGATION REPORT				ARRESTING AGENCY:								
TIME, DATE OF INCIDENT 1:05 pm 03/04/2018		LOCATION OF INCIDENT Big Basin Way at Highway 9, Saratoga				BEAT S5		TIME, DATE REPORT STARTED 10:30 pm 03/04/2018				
BOOKED <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	BOOKING NUMBER	DATE AND TIME BOOKED 03/04/2018 9:00 pm		LOCATION OF ARREST				WHERE BOOKED VMC				
ACCIDENT <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	FORMS USED BY FORM # DS 367, CHP 180, CHP 187			CHARGE(S) VC 23152(f), VC 2800.2(a), PC 207(a), PC 236, PC 600(a), PC 148(a)(1)								
A. SUBJECT												
NAME LAST, FIRST, MIDDLE Bustos Jorge					HAIR	EYES	HEIGHT	WEIGHT	SEX	RACE	BIRTHDATE	AGE
RESIDENCE ADDRESS				CITY		PHONE #	BUSINESS ADDRESS				PHONE #	
DRIVER'S LICENSE #/SOC. SEC. #			STATE	LICENSE STATUS Unlicensed		DATE/TIME DDL INFO. REQUEST SENT			METHOD SENT Method <input type="checkbox"/> TT <input type="checkbox"/> MAIL <input type="checkbox"/> PHONE			
B. VEHICLE INFORMATION												
VEHICLE LICENSE #		STATE	YR. OF VEH. 2013	MAKE Mercedes	BODY TYPE/MODEL GLK 350		COLOR Grev	VEHICLE REPORT COMPLETED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				
REGISTERED OWNER <input type="checkbox"/> SAME AS DRIVER				R/O ADDRESS <input type="checkbox"/> SAME AS DRIVER								
NAME OF GARAGE RELEASED TO Silva Towing					ADDRESS 2967 Daylight Way San Jose 95111							
C. WITNESSES (INCLUDING OFFICERS AND PASSENGERS)												
AGE	NAME LAST, FIRST, MIDDLE			ADDRESS		CITY	PHONE RES/BUS	WITNESS LOCATION	OBSERVED DRIVING	INDICATIONS SCENE	INDICATIONS FACILITY	
								Scene	Yes	No	No	
	Harvey Deputy			55 W. Younger Avenue, San Jose, CA 95110			(408) 808-4400	Scene	Yes	Yes	Yes	
	Hickinbotham Deputy			55 W. Younger Avenue, San Jose			(408) 808-4400	Scene	No	No	No	
	Houston Deputy			55 W. Younger Avenue, San Jose			(408) 808-4400	Scene	No	No	No	
	Vega Deputy			55 W. Younger Avenue, San Jose			(408) 808-4400	Scene	No	No	No	
D. OFFICER'S NARRATIVE/REMARKS												
PROBABLE CAUSE FOR STOP OR CONTACT: CVC 21460(a)												
IN WHAT MANNER CAN SUSPECT BE PLACED BEHIND WHEEL IF NOT DIRECTLY OBSERVED? Observed												
DISTANCE OBSERVED DRIVING: 2.61 miles		CLOTHING WORN/CONDITION AND DESCRIPTION Black shirt, grey pants										
1 The incident was audio/video recorded using my department issued Body												
2 Worn Camera. The following is a synopsis of that incident. For												
3 complete details, please refer to the recorded file.												
4												
5 CHARGES:												
6												
7 CVC 2800.2(a) - Reckless Evading												
8 PC 207(a) - Kidnapping												
9 PC 236 - False Imprisonment												
10 PC 600(a) - Battery on a Police canine												
11 PC 148(a)(1) - Resist a Peace Officer												
12 CVC 12500(a) - Unlicensed Driver												
13 CVC 23152(f) - Driving Under the influence of drugs												
14												
15 ATTACHMENTS:												
16												
17 2 - Compact Discs containing digital video and photographs												
18 1 - Physiological Specimen Request												
19 1 - Declaration of Person Qualified to Perform Venipuncture												
20 CONTINUED ON SUPPLEMENTAL PAGE(S)												

USE SUPPLEMENTAL REPORT IF NECESSARY

E. ADMONITION

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.

4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE QUESTIONING, IF YOU WISH ONE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTED BY: Harvey WHERE: VMC TIME: _____

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU? <input type="checkbox"/> NO <input type="checkbox"/> YES		HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW? <input type="checkbox"/> NO <input type="checkbox"/> YES		SUBJECT'S WAIVER STATEMENT:	
ARE YOU SICK OR INJURED? <input type="checkbox"/> NO <input type="checkbox"/> YES - DESCRIBE			DO YOU HAVE ANY PHYSICAL DEFECTS (FEET, LEGS, ANKLES OR HIPS)? <input type="checkbox"/> NO <input type="checkbox"/> YES - DESCRIBE		
ARE YOU DIABETIC OR EPILEPTIC? <input type="checkbox"/> NO <input type="checkbox"/> YES		ARE YOU UNDER CARE OF DOCTOR OR DENTIST? <input type="checkbox"/> NO <input type="checkbox"/> YES - WHOM		ADDRESS	
DO YOU TAKE INSULIN? <input type="checkbox"/> NO <input type="checkbox"/> YES		WHEN DID YOU LAST SLEEP?		HOW LONG?	
WHEN DID YOU LAST EAT?		WHERE?		WHAT DID YOU EAT?:	
WERE YOU DRIVING THE VEHICLE? <input type="checkbox"/> NO <input type="checkbox"/> YES		WHERE WERE YOU GOING?		TIME STARTED?	
IF NO, WHO?		WHERE DID YOU START DRIVING?:			
HAVE YOU BEEN DRINKING? <input type="checkbox"/> NO <input type="checkbox"/> YES - WHAT?		HOW MUCH?		TIME STARTED?	
				WHERE?	
DO YOU FEEL THE EFFECTS OF THE DRINKS? <input type="checkbox"/> NO <input type="checkbox"/> YES - DESCRIBE		WITH WHOM WERE YOU DRINKING?			
HAVE YOU TAKEN ANY MEDICINE OR DRUGS? <input type="checkbox"/> NO <input type="checkbox"/> YES - WHAT?		HOW MUCH?		TIME OF LAST DOSE?	
				OBTAIN SAMPLE? <input type="checkbox"/> NO <input type="checkbox"/> YES	
DO YOU FEEL THE EFFECTS OF THE DRUGS? <input type="checkbox"/> NO <input type="checkbox"/> YES - DESCRIBE		WHERE ARE YOU NOW?			
WHAT IS YOUR OCCUPATION?		DATE AND HOURS LAST WORKED?		HAVE YOU BEEN DRINKING SINCE INCIDENT? <input type="checkbox"/> NO <input type="checkbox"/> YES - WHAT?	
				WHERE?	
DID YOU GET A BUMP ON THE HEAD? <input type="checkbox"/> NO <input type="checkbox"/> YES		DO YOU HAVE AN EXPLANATION FOR HOW YOU PERFORMED THE TEST? <input type="checkbox"/> NO <input type="checkbox"/> YES - EXPLAIN			
DO YOU HAVE AN EXPLANATION FOR HOW YOU WERE DRIVING? <input type="checkbox"/> NO <input type="checkbox"/> YES - EXPLAIN					
DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE? <input type="checkbox"/> NO <input type="checkbox"/> YES - DESCRIBE					

**F. SOBRIETY TESTS
ALL TESTS TO BE GIVEN AT THE SCENE AND AT FACILITY**

	AT SCENE	AT FACILITY	LINE WALKING: HEEL TO TOE/SHOES REMOVED AT OPTION OF ARRESTEE	
ODOR OF ALCOHOLIC BEVERAGE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	AT SCENE	
ATTITUDE	Non compliant	Not observed	AT FACILITY	
EYES	Not observed	Not observed		
PUPILS	Not observed	Not observed		
NYSTAGMUS	Not observed	Not observed		
SPEECH	Not observed	Not observed		
WALKABILITY	Not observed	Not observed		
ORIENTATION: LOCATION AND TIME	Not observed	Not observed		
FINGER DEXTERITY: TOUCHING EACH FINGER TO THE THUMB OF ONE HAND IN BOTH DIRECTIONS				
	AT SCENE	AT FACILITY	Not observed	
	Not observed	Not observed	Not observed	
BALANCING ON ONE FOOT SUBJECT BALANCES ON ONE FOOT FOR TEN SECOND			DESCRIBE TEST LOCATION, SURFACE, WEATHER AND LIGHTING No FSTs performed	
	AT SCENE	AT FACILITY	Not observed	
	Not observed	Not observed	Not observed	

G. CHEMICAL TEST

BLOOD BREATH URINE REFUSAL TIME TAKEN 1. 7:50 PM 2. _____ 3. _____ DRUG RESULTS REQUESTED? YES NO

RESULTS, IF AVAILABLE: INITIAL BREATH RESULTS _____ 0% _____ 0% _____ 0% DRUG SUSPECTED Cannabis, Methamphetamine

IF REFUSED, WHAT DID SUBJECT SAY? (IF BREATH RESULT UNDER .10, ALWAYS INDICATE DRUG SUSPECTED ON LINE ABOVE)
Subject refused to answer or acknowledge questions

NOTE : ALSO USE DMV FORM DL 367 IN ALL REFUSAL CASES

LOCATION WHERE TEST CONDUCTED: VMC	DISPOSITION OF SAMPLE: AIB EVIDENCE LOCKER	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE: Certified Phlebotomy Technician Denise Perez			
ARRESTING OFFICER NAME / RANK Harvey, Mark	I.D. NO. 2157	TIME, DATE REPORT COMPLETED 3/5/2018 2:19:47 AM	BY: Harvey	I.D. NO. 2157	CASE NUMBER

REPORT TYPE DUI Report	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-063-0149S
----------------------------------	--	---	---------------------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) Big Basin Way at Highway 9, Saratoga	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) Bustos Jorge
--	--

1 1 - DS 367

2 1 - CHP 180

3

4 SUPPLEMENTAL REPORT:

5

6 On 03/04/2018, at approximately 1305 hours, I was wearing a full

7 Sheriff's Office uniform and was driving a fully marked patrol

8 vehicle (16473). I was parked on the side of Big Basin Way monitoring

9 traffic near Hakone Gardens, which was located at 21000 Big Basin

10 Way, in the city of Saratoga.

11

12 I observed a grey Mercedes sport utility vehicle pass

13 several moving vehicles by crossing over the solid double yellow

14 lines and go around them, a violation of CVC 21460(a). The grey

15 Mercedes SUV passed the vehicles approaching a blind left hand turn

16 and a busy downtown business district.

17

18 I caught up the grey Mercedes SUV near Big Basin Way and 3rd Street,

19 in downtown Saratoga. I had my emergency lights activated which

20 included a solid forward facing red light. The driver, who was later

21 identified as Suspect 01 Jorge Bustos, flipped me the middle finger

22 and then crossed over the solid double yellow to pass vehicles, a

23 violation of CVC 21460(a). I activated my siren. S01 Jorge

24 accelerated and did not yield to my emergency equipment.

25

26 S01 Jorge ran the red light at the intersection of Big Basin Way and

27 Saratoga Los Gatos Road. S01 Jorge drove south on Saratoga Los Gatos

28 Road. S01 Jorge passed another vehicle by crossing over the solid

29 double yellow lines, a violation of CVC 21460(a). S01 Jorge

30 accelerated to approximately 85 miles per hour, a violation of CVC

OFFICER'S NAME Harvey	ID NUMBER 2157	DATE 03/05/2018 219	SHIFT/DAYS OFF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/05/2018 2104	PAGE 3	OF 9
---------------------------------	--------------------------	-------------------------------	----------------	--	--------------------------	--------------------------------	------------------	----------------

REPORT TYPE DUI Report	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-063-0149S
----------------------------------	--	---	---------------------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) Big Basin Way at Highway 9, Saratoga	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) Bustos Jorge
--	--

1 22350. The posted speed limit on Saratoga Los Gatos Road was 40 miles
2 per hour. S01 Jorge turned south on Glen Una Drive. S01 Jorge ran the
3 stop sign at the intersection of Glen Una Drive and Belle Court, a
4 violation of CVC 22450(a). S01 Jorge was driving approximately 45
5 miles per hour in a residential 25 zone, a violation of CVC 22350.
6 S01 Jorge ran the stop sign at the intersection of Glen Una Drive and
7 Hume Drive, a violation of CVC 22450(a). S01 Jorge continued on Glen
8 Una Drive until it turned into Sunset Drive.
9
10 S01 Jorge continued driving on Sunset Drive until it turned into a
11 dead end at . S01 Jorge hit the retaining wall at
12 the entrance of the driveway to the above residence. The impact of
13 hitting the retaining wall damaged the front driver side wheel. S01
14 Jorge was unable to negotiate a sharp turn on the driveway, S01 Jorge
15 went up over a curb and the vehicle stopped a few feet short of going
16 into a creek. See Deputy Park's collision report for further
17 details.
18
19 I drew my department issued Glock 17 pistol for my safety. A Hispanic
20 female adult, later identified as Victim 01 exited
21 from the front passenger seat. V01 was hysterical and would
22 not initially follow my commands. I heard V01 tell S01 Jorge
23 to obey my commands. At that time, S01 Jorge turned up the radio of
24 the car. S01 Jorge did not follow my commands to put his hand out of
25 the driver window. V01 kneeled down and went into the fetal
26 position next to the car.
27
28 Deputies arrived on scene to assist. V01 was placed into
29 handcuffs for her safety and placed into the rear of a patrol
30 vehicle. I used the loudspeaker on my patrol vehicle to speak to S01

OFFICER'S NAME Harvey	ID NUMBER 2157	DATE 03/05/2018 219	SHIFT/DAYS OFF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/05/2018 2104	PAGE 4	OF 9
---------------------------------	--------------------------	-------------------------------	----------------	--	--------------------------	--------------------------------	------------------	----------------

REPORT TYPE DUI Report	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-063-0149S
----------------------------------	--	---	---------------------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) Big Basin Way at Highway 9, Saratoga	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) Bustos Jorge
--	--

1 Jorge. I ordered S01 Jorge to put his hands out of the window. S01
2 Jorge did not comply. I again ordered S01 Jorge to crawl out from the
3 front passenger side of the vehicle as the driver side was blocked by
4 a fence. S01 Jorge did not comply with any of my verbal commands. I
5 continued to attempt to get S01 Jorge to comply with my verbal
6 commands for several minutes. S01 Jorge was seated in the driver
7 seat but was not moving or speaking to us.
8
9 Sunnyvale DPS Officers Whitacker, Mueting and canine "Kodiak"
10 responded to the scene to assist.
11
12 V01 told deputies she believed S01 Jorge was high on
13 methamphetamine. S01 Jorge had been on a methamphetamine "binge" for
14 several days.
15
16 USE OF FORCE:
17
18 Sergeant Jones and canine "Raider" arrived on scene to assist. S01
19 Jorge still refused to come out from the vehicle. S01 Jorge was not
20 even responding verbally to commands. Sergeant Jones deployed Raider
21 through the open front passenger door of the vehicle to apprehend S01
22 Jorge. I heard S01 Jorge yell out as Raider bit him. I could not see
23 where Raider bit him. I heard the engine of the vehicle rev as it
24 drove forward down into the creek. It was approximately 4-5 feet down
25 from where the vehicle initially was. S01 Jorge sustained injuries to
26 his right leg, hand, and face. S01 Jorge had puncture wounds to his
27 right leg, lacerations on his face and hand. See Sergeant Jones'
28 supplemental report for further details.
29
30 Deputies Harper and Houston pulled S01 Jorge from the vehicle.

OFFICER'S NAME Harvey	ID NUMBER 2157	DATE 03/05/2018 219	SHIFT/DAYS OFF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/05/2018 2104	PAGE 5	OF 9
---------------------------------	--------------------------	-------------------------------	----------------	--	--------------------------	--------------------------------	------------------	----------------

REPORT TYPE DUI Report	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-063-0149S
----------------------------------	--	---	---------------------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) Big Basin Way at Highway 9, Saratoga	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) Bustos Jorge
--	--

1 Deputies Harper, Houston and I pulled S01 Jorge up to the flat part
2 of the creek adjacent to the driveway. S01 Jorge was bleeding from
3 the face. Deputy Hickinbotham immediately began applying pressure to
4 the wounds while first aid kits were retrieved. Deputy Hickinbotham
5 continued to provide first aid to S01 Jorge until Santa Clara County
6 Fire Rig #73 and Santa Clara County EMS Rig #60 arrived on scene and
7 provided medical attention. S01 Jorge was transported to Valley
8 Medical Center. See Deputy Hickinbotham's supplemental report for
9 further details.

10

11 INVESTIGATION CONTINUED:

12

13 Due to S01 Jorge being transported to Valley Medical Center, I was
14 unable to perform field sobriety tests. While S01 Jorge was being
15 treated on scene, he was warm to the touch and had clammy skin. S01
16 Jorge was clearly in an altered state of mind as he did not respond
17 to commands or questions. V01 later said while S01 Jorge was
18 driving, he was speaking incoherently.

19

20 I spoke to Deputy Houston and he told me S01 Jorge was a
21 methamphetamine user. S01 Jorge was last seen on 03/02/2018. On
22 03/04/2018, S01 Jorge contacted his mother(O02)
23 and asked her to come to Carmel because he was having problems with
24 the Mercedes SUV. O02 went to Carmel and got the
25 Mercedes running. O02 was going to follow S01 Jorge
26 home. At some point on the way home from Carmel, S01 Jorge took off
27 from his mother in an attempt to lose her. S01 Jorge was driving
28 erratically prior to my initial attempt to make a traffic enforcement
29 stop. V01 saw my flashing emergency lights and heard my
30 siren. V01 said S01 Jorge acknowledged hearing the lights and

OFFICER'S NAME Harvey	ID NUMBER 2157	DATE 03/05/2018 219	SHIFT/DAYS OFF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/05/2018 2104	PAGE 6	OF 9
---------------------------------	--------------------------	-------------------------------	----------------	--	--------------------------	--------------------------------	------------------	----------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) Big Basin Way at Highway 9, Saratoga	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) Bustos Jorge
---	---

1 siren. V01 asked S01 Jorge dozens of times to stop the
2 vehicle to let her out. V01 was in fear for her safety. See
3 Deputy Houston's supplemental report for further details.

4
5 I later spoke to V01 and she told me that she had not seen S01
6 Jorge use any methamphetamine earlier in the day. V01 said
7 S01 Jorge was acting the same as when she had seen him in the past
8 high on methamphetamine. V01 said S01 Jorge smoked cannabis
9 earlier around 1100 or 1200 hours. V01 was picked up by O02

10
11
12 A representative from Silva Towing arrived on scene and pulled S01
13 Jorge's vehicle from the creek. I performed an inventory search of
14 the vehicle pursuant to CVC 22651(h). I found no items of evidentiary
15 value in the vehicle. The representative from Silva Towing removed
16 the vehicle.

17
18
19
20
21 Due the statements of family members, my observations of S01 Jorge's
22 erratic driving and altered level of consciousness I believed S01
23 Jorge was driving under the influence of a drugs, a violation of CVC
24 23152(f). I later responded to Valley Medical Center. I spoke to S01
25 Jorge. I asked if he could hear me and he nodded his head that he
26 could hear me. I attempted to read the DS 367 form verbatim to S01
27 Jorge but he would not respond to my questions either verbally or
28 through other non-verbal communication. I knew S01 Jorge was able to
29 communicate because he had been giving information to medical staff.
30 I believe S01 Jorge was refusing to consent to a blood draw.

1

2 At approximately 1844 hours, I spoke to the Honorable Judge Persky via

3 telephone and obtained a search warrant for a forced blood draw. At

4 approximately 1950 hours, I watched Certified Phlebotomy Technician

5 draw two samples of blood from S01 Jorge's left arm. I

6 later booked the two samples of blood at the Alcohol Investigation

7 Bureau.

8

9 Correctional Deputy Blundo arrived at Valley Medical Center and took

10 custody of S01 Jorge.

11

12 Due to S01 Jorge's erratic driving, passing vehicles, and excessive

13 speed I believe he was driving with wanton disregard for public

14 safety, a violation of CVC 2800.2(a), Reckless Evading.

15

16 Due to S01 Jorge driving erratically and V01 statement of

17 not only being in fear for her safety but asking S01 Jorge to stop

18 and let her out, I believe he was in violation of PC 207(a),

19 Kidnapping. Due to S01 Jorge keeping V01 in the vehicle

20 against her will, I believe he was in violation of PC 236, False

21 Imprisonment.

22

23 Due to S01 Jorge not obeying numerous lawful orders to exit the

24 vehicle, and not responding to commands I believe he was in violation

25 of PC 148(a)(1), Resist or Delay a Peace Officer.

26

27 After S01 Jorge was initially bit by Canine Raider, I believe S01

28 Jorge purposefully drove forward in an attempt to get Raider to

29 release his bite and cause him harm. Sergeant Jones later told me

30 Raider sustained a strained right hip from the vehicle collision. I

1 believe S01 Jorge is in violation of PC 600(a) Willful and malicious
2 harm to a police dog.
3
4 I later conducted a records check of S01 Jorge and he had no valid
5 driver license. I believe S01 Jorge was in violation of CVC 12500(a),
6 Unlicensed driver.
7
8 I placed the CHP 180, DS 367, Physiological Specimen Request form,
9 Declaration of Person Qualified to Perform Venipuncture, and a
10 compact disc containing digital photographs into the appropriate tray
11 at the West Valley Substation.
12
13 P.L.E.O.
14
15 Deputy Harvey, #2157 - Supplemental Report
16 Deputy Park, #2227 - Original Report
17 Deputy Klingenberg, #2226 - Supplemental Report
18 Deputy Hilt, #2098 - Supplemental Report
19 Deputy Harper, #2161 - Supplemental Report
20 Deputy Houston, #2069 - Supplemental Report
21 Deputy Hickinbotham, #2087 - Supplemental Report
22 Sergeant Jones, #2110 - Supplemental Report
23 Sergeant Marquez, #1931 - Assist/ No Report
24 Deputy Cesar, #2266 - Assist/No Report
25 Deputy Hogan, #2184 - Assist/No Report
26 Sunnyvale DPS Officer Whitacker, #14465 - Assist/No Report
27 Sunnyvale DPS Officer Mueting< #14225 - Assist/No Report

COUNTY OF SANTA CLARA

EMERGENCY RESPONSE COST RECOVERY PROGRAM

Location: Big Basin Way at Highway 9, Saratoga

Event #: 18-063-0149S

Time and Date of Incident: 1:05 pm 03/04/2018

TYPE OF INCIDENT	OTHER RESPONDERS
<input checked="" type="checkbox"/> On-View DUI	<input type="checkbox"/> CentralFire
<input type="checkbox"/> DUI per Dispatched Response	<input type="checkbox"/> PublicWorks
<input type="checkbox"/> DUI Related Accident	<input type="checkbox"/> DamagedCoProperty
<input type="checkbox"/> Second Response Disturbance	Other: _____

Responsible's Name: Jorge Bustos

Home Address: _____

Work Address: _____

Driver's Licence #: _____ SS#: _____

Home Phone #: _____ Work Phone #: _____

POLICE PERSONNEL TIME SPENT INVESTIGATING INCIDENT						
OFFICER NAME	POSITION	BILLING	DUTIES	STARTED	ENDED	ELAPSED*
Harvey, Mark	Deputy	100	Arresting Officer	13:05 03/04/2018	3:00 03/05/2018	835
	None	0				
	None	0				
	None	0				
*Round up to next 5 minute step. TOTAL ELAPSED MINUTES						835

Report Reviewed/Billing Approved

By: _____ Investigation Cost: \$ \$1,391.67

Distributed On _____ To: _____ Administrative Fee: \$ \$0.00

Accounting Booking Fee: \$ \$0.00

Other: _____ **Total Billing:** \$ \$1,391.67

FINANCE USE ONLY					
Date	Receipt #	Amount	Date	Receipt #	Amount

REPORT TYPE	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO.	18-063-0149S					
		"V" = VICTIM	"R" = REPORTING PARTY	"W" = WITNESS	"O" = OTHER					
S01	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 Houston	ID NUMBER 2069	DATE 03/06/18 344	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/06/18 441	PAGE 1	OF 7
----------------------------------	--------------------------	-----------------------------	---------------------------------	--	--------------------------	-----------------------------	------------------	----------------

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **ATTACHMENTS**

2

3 - Digital Photographs

4

5 **SUPPLEMENTAL INVESTIGATION :**

6

7 On 3/4/18 I was working a special event in the area of Hakone Gardens,
8 in the city of Saratoga. I was in full Sheriff's Office uniform and
9 driving a marked patrol vehicle.

10

11 The incident was audio/video recorded using our department issued Body
12 Worn Cameras (BWC). The following is a synopsis of that incident. For
13 additional details, please refer to the recorded file.

14

15 At approximately 1305 hours, Deputy Harvey advised county
16 communications of a Mercedes SUV fleeing from him. After a
17 short pursuit, Deputy Harvey said the vehicle crashed in the area of
18 . See Deputy Harvey's original report for further
19 details.

20

21 I arrived at the location to assist Deputy Harvey. I saw a Hispanic
22 female (V01) lying face down on the ground near the
23 passenger side of the vehicle. Deputies handcuffed V01 for
24 her safety and put her in the back of a vehicle.

25

26 Deputy Harvey asked S01 Jorge Bustos to come out of the vehicle. S01
27 Jorge turned loud music on in his car and ignored numerous verbal
28 commands.

29

30 **USE OF FORCE :**

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <h1 style="margin:0;">18-063-0149S</h1>					
LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1</p> <p>2 Sergeant Jones arrived with his K-9 partner, 'Raider'. We approached</p> <p>3 the vehicle in an attempt to apprehend S01 Jorge. Sergeant Jones</p> <p>4 deployed Raider into the vehicle through the open passenger side</p> <p>5 door. I heard the engine rev as S01 Jorge accelerated the vehicle</p> <p>6 into a small creek, about 15 feet south of the original crash site. I</p> <p>7 backed away from the vehicle to prevent being hit by S01 Jorge's</p> <p>8 vehicle. The vehicle traveled down an embankment and stopped. The</p> <p>9 vehicle was stuck</p> <p>10 in about 12" of standing water and mud.</p> <p>11</p> <p>12 I ran to the bottom of the embankment to assist Sergeant Jones and</p> <p>13 Raider. Sergeant Jones pulled Raider out of the open passenger side</p> <p>14 door and moved away from the vehicle. See Sergeant Jones'</p> <p>15 supplemental report for further details.</p> <p>16</p> <p>17 I reached through the passenger side of the vehicle and grabbed S01</p> <p>18 Jorge's right arm. Multiple Deputies were yelling at S01 Jorge to</p> <p>19 exit the vehicle. S01 Jorge did not exit the vehicle after several</p> <p>20 attempts. Deputy Harper and I pulled S01 Jorge out of the vehicle by</p> <p>21 his arms and put him face down on the grass embankment. I held S01</p> <p>22 Jorge's right arm and quickly pat searched his waist and pockets for</p> <p>23 weapons. I noticed S01 Jorge was bleeding, but I could not tell where</p> <p>24 his injuries were. Deputy Harper put handcuffs on S01 Jorge and began</p> <p>25 taking care of his injuries.</p> <p>26</p> <p>27 Santa Clara County Fire Rig #73 and EMS #60 arrived and treated S01</p> <p>28 Jorge's injuries. S01 Jorge was transported to Valley Medical Center</p> <p>29 in San Jose for additional medical treatment.</p> <p>30</p>							
OFFICER'S NAME Houston	ID NUMBER 2069	DATE 03/06/18 344	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Jacobs, Michael	ID NUMBER 1710	DATE 03/06/18 441	PAGE OF 3 7

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 INVESTIGATION CONTINUED :

2

3 I spoke with V01 and she provided me with the following
4 statement.

5

6 STATEMENT OF V01 :

7

8 V01 is the sister of S01 Jorge. S01 Jorge had been using
9 methamphetamine for the past three years. S01 Jorge had not been seen
10 since the morning of 3/2/18 when he left for work at
11 in Milpitas. S01 Jorge was given permission to use O01
12 vehicle to drive to and from work.

13

14 V01 found S01 Jorge was in the Santa Cruz area on the morning
15 of 3/4/18. S01 Jorge agreed to come home to San Jose with V01
16 and their mother O02 . V01 drove to Santa
17 Cruz with O02 to meet S01 Jorge. V01 got in
18 the car with S01 Jorge to ride back to San Jose while O02

19 followed in her vehicle. S01 Jorge seemed like he was
20 under the influence of methamphetamine and didn't seem like himself.

21 While driving home, S01 Jorge was driving very erratically on the way
22 home in an attempt to outrun O02 . V01 began
23 to fear for her safety. V01 asked S01 Jorge to stop and let
24 her out of the vehicle. S01 Jorge did not respond to V01 and
25 continued driving. V01 was in fear for her safety.

26

27 As S01 Jorge drove the vehicle into the city of Saratoga, V01
28 saw a sheriff's office vehicle. V01 again told S01 Jorge to
29 stop the car and let her out. S01 Jorge accelerated down the hill and
30 continued past the deputy at a high rate of speed. V01 was

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 scared and repeatedly asked S01 Jorge to stop and let her out of the
 2 vehicle. S01 Jorge ignored V01 and continued driving. V01
 3 saw Deputy Harvey's flashing lights and heard his siren. V01
 4 said S01 Jorge acknowledged hearing the lights and siren. V01
 5 asked S01 Jorge 30-40 times to stop the vehicle to let her
 6 out during the pursuit. V01 was in fear for her safety.

8 S01 Jorge fled from Deputy Harvey from approximately 5 minutes before
 9 he crashed. V01 exited through the passenger door of the
 10 vehicle and layed face down on the pavement. V01 told S01
 11 Jorge to listen to the Deputies and follow their instructions. S01
 12 Jorge said 'You're gonna need to call an ambulance' and turned up the
 13 volume of his stereo.

15 V01 was handcuffed and put in the backseat of a Sheriff's
 16 Patrol car. V01 later called 002 to pick her
 17 up from the scene.

19 INVESTIGATION CONTINUED :

21 V01 did not have any visible injuries and declined medical
 22 attention.

24 I followed EMS #60 to Valley Medical Center and watched S01 Jorge
 25 while staff provided medical attention.

27 I took multiple digital photographs of S01 Jorge and his injuries. I
 28 later transferred the photographs onto two compact discs. One was
 29 submitted as evidence to the West Valley Substation evidence locker
 30 and the other as an attachment to this report.

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1

2 **Correctional Deputy Blundo arrived at VMC and took custody of S01**

3 **Jorge.**

4

5 **PLEO :**

6

7 **Deputy Houston #2069 ; Supplemental Report**

8 **Deputy Harvey #2157 ; Original Report**

9 **Sergeant Jones #2110 ; Supplemental Report**

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. <input type="checkbox"/> HEALTH HAZARD 18-063-0149S
--	----------	--

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
--	--

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	
1	E		1	Digital	Photographs			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
					0	361512		<input type="checkbox"/>
DESCRIPTION Photographs of S01 Bustos injuries.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
2	E		1	Digital	Video			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
					0	361513		<input type="checkbox"/>
DESCRIPTION Video of Vehicle Pursuit								

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 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
--------------------------	---------------	-------------	--------------------

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
--------------------------	---------------	-------------	--------------------

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
Houston	2069	03/06/18 344	C TWTF	Jacobs, Michael	1710	03/06/18 441	7	7

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **INVESTIGATION:**

2

3 On 03-04-2018, at approximately 1306 hours, I was in full Sheriff's

4 Office uniform driving a fully marked patrol vehicle (17433) in the

5 city of Cupertino. I responded to _____ to assist Deputy

6 Harvey with a vehicle pursuit. Deputy Harvey advised County

7 Communications that he had two occupants at gun point and they were

8 being uncooperative.

9

10 I arrived on scene and approached Deputy Harvey's patrol vehicle on

11 the driver side. I observed the passenger of the suspect vehicle

12 (V01- _____) was outside with her hands up. V01- _____ was later

13 taken into custody and escorted away from the scene. I observed the

14 passenger door of the suspect vehicle was open. The driver of the

15 vehicle, S01-Bustos, turned up the music inside the vehicle and

16 refused to follow Deputy Harvey's verbal commands.

17

18 I moved to the right of the suspect vehicle and took a position of

19 cover in the creek. The position that I was in allowed me to keep

20 visual on S01-Bustos inside the vehicle. I observed S01-Bustos was

21 sitting inside the driver seat and leaning towards the passenger

22 seat. S01-Bustos appeared to be sleeping and unresponsive. S01-Bustos

23 remained in that position for approximately 20 minutes.

24

25 At approximately 1344 hours, Sgt. Jones arrived on scene with his K-9

26 "Raider". Sgt. Jones, Deputy Houston, Deputy Harvey and a SVDPS

27 Officer approached the suspect vehicle on the passenger side. Sgt.

28 Jones gave several K-9 announcements to S01-Bustos. S01-Bustos

29 remained unresponsive and continued to lay in the same position. Sgt.

30 Jones released his K-9 "Raider" towards S01-Bustos.

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1

2 I observed Raider bite S01-Bustos on the upper part of his head and

3 then his hands. S01-Bustos became responsive and started to drive the

4 vehicle forward into the creek bed. Raider continued to bite

5 S01-Bustos. Deputy Houston and the SVDPS Officer eventually took

6 S01-Bustos out of the vehicle and placed him in handcuffs. Deputy

7 Vega and Deputy Hickinbotham provied medical aid to S01-Bustos until

8 Santa Clara Fire arrived on scene.

9

10 S01-Bustos was later transported to Valley Medical Center for further

11 medical treatment.

12

13 P.L.E.O

14

15 Deputy Hilt #2098/Assist-Supplemental Report

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 INVESTIGATION:

2

3 This incident was recorded using my department-issued Body Worn Camera
4 (BWC). The following is a synopsis of this incident. Please refer to
5 the recorded file for complete details.

6

7 On 03/04/2018, I was working as a deputy assigned to the West Valley
8 Patrol Division. I was in full uniform and drove vehicle 17437. At
9 approximately 1300 hours, County Communications advised Deputy Harvey
10 was in a pursuit in the City of Saratoga. Deputy Harvey advised the
11 pursuit ended on Sunset Drive, in Saratoga. I arrived on scene and
12 moved into a position at the right front passenger door of Deputy
13 Harvey's patrol vehicle.

14

15 Deputy Harvey gave numerous commands for the driver to exit the
16 vehicle. From my position I could not see the driver or any type of
17 movement. After several commands for the driver to exit the vehicle,
18 the driver made no attempt to exit the vehicle, Sergeant Marquez
19 requested for a K9 unit to respond to the scene.

20

21 Sergeant Jones arrived on scene with his K9. Sgt. Jones gave two
22 commands to the driver to exit the vehicle or he would send the dog
23 into the car. After the second command the driver still refused to
24 exit the vehicle. Sgt. Jones, Deputy Houston, Deputy Harvey, Deputy
25 Vega and I approached the vehicle to try and get the driver to exit
26 the vehicle.

27

28 Sgt. Jones released his dog and it went into the vehicle. I initially
29 approached on the driver's side of the vehicle as Sgt. Jones, K9 was
30 biting the driver. Sgt. Marquez instructed me to move around to the

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 passenger side of the vehicle. As I moved to the passenger side of
2 the vehicle I heard Sgt. Jones give his K9 a command.
3
4 At that point the vehicle accelerated forward and stopped when it
5 crashed into a small ravine. Sgt. Jones gave his K9 another command
6 and the K9 exited the vehicle. Deputy Harvey and Deputy Vega pulled
7 S01 Bustos out of the vehicle and secured S01 Bustos hands with
8 handcuffs.
9
10 Once S01 Bustos was handcuffed, I saw he had a laceration above his
11 right eye and a laceration on S01 Bustos left cheek below the eye. I
12 quickly requested a trauma kit and applied direct pressure to S01
13 Bustos' wounds. Deputy Vega arrived with a trauma kit and assisted
14 with bleeding control.
15
16 County Fire arrived on scene and took over patient care. S01 Bustos
17 was transported to the hospital.

18
19 **NOTE:**

20
21 I am certified as EMT and the lead instructor in First Aid and CPR
22 with the Santa Clara County Sheriff's Office.

23
24 **End of report.**

25
26 **PLEO:**

27
28 Deputy Hickinbotham #2087, Supplemental report.

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **ATTACHMENTS:**

2

3 **Copy of Digital Photos**

4

5 **INVESTIGATION:**

6

7 **This incident was audio/video recorded using my department issued Body**
 8 **Worn Camera. The following is a synopsis of that incident. For**
 9 **complete details, please refer to the recording file.**

10

11 **I was contacted by my Sergeant, L. Gonzalez #1826, on 3/5/2018 at**
 12 **approximately 1305 hours and I was assigned to respond to Valley**
 13 **Medical Center (VMC) to take photographs of the suspect in this case.**
 14 **I responded to VMC and arrived at approximately 1315 hours. I**
 15 **located S01 Bustos and took 9 photographs of his injuries using my**
 16 **department issued cell phone camera, while he was covered in a**
 17 **blanket on his hospital bed asleep.**

18

19 **I was unaware during my visit that the subject had injuries to his**
 20 **legs. Photographs were not taken of his leg injuries because the**
 21 **injuries were covered by the blanket.**

22

23 **I placed the digital photographs on a CD and booked the CD into an**
 24 **evidence locker at the West Valley Substation. An additional copy of**
 25 **the CD was placed in a photo envelope as an attachment to this**
 26 **report.**

27

28 **P.L.E.O.s**

29

30 **Deputy Torres #1680 -- Supplemental Report**

REPORT TYPE	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO.	18-063-0149S
-------------	--	---	----------	---------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 Deputy Harvey #2157 -- Original Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Torres, Christopher	1680	03/05/18 1422	II FSS	Gonzalez, Leonardo	1826	03/05/18 1455	2	3

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 18-063-0149S	<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

S01	Bustos Jorge <input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin: 0;">Office of the Sheriff Santa Clara County</h2> <p style="margin: 10px 0 0 0;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
-----	--	----------------------	------	---

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <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	<h2 style="margin: 0;">LOCATION</h2> <h2 style="margin: 10px 0 0 0;">BAR CODE</h2> <p style="margin: 0 0 0 20px;">Bar code</p>
1	E	S01	1	Photo CD			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

DESCRIPTION **9 photos of S01 injuries the following day in the hospital.**

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

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

WHO HAS BEEN NOTIFIED ON THE FOLLOWSING 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
--------------------------	---------------	-------------	--------------------

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
---	---------------------------	--------------

<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 FOLLOWSING 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
--------------------------	---------------	-------------	--------------------

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
Torres, Christopher	1680	03/05/18 1422	II FSS	Gonzalez, Leonardo	1826	03/05/18 1455	3	3

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **ATTACHMENTS:**

2

3 **Copy of Digital Photos**

4

5 **INVESTIGATION:**

6

7 **This incident was audio/video recorded using my department issued Body**
 8 **Worn Camera. During the incident I used the mute feature multiple**
 9 **times during tactical and investigative briefings. The following is a**
 10 **synopsis of that incident. For complete details, please refer to the**
 11
 12 **recording file.**

13

14 **On 03/04/2018 at approximately 1300 hours, I was assigned to the**
 15 **Sheriff's Office South County Patrol Division as a supervisor. I was**
 16 **in full uniform and in a marked Sheriff's Office patrol vehicle**
 17 **(14405). I was requested to assist Santa Clara County's West Valley**
 18 **Patrol Division with a suspect who led deputies on a vehicle pursuit**
 19 **and drove with a wanton disregard for public safety. The suspect's**
 20 **vehicle came to a stop halfway down the drive way of**

21

22 **in the city of Saratoga. For further details refer to Deputy**
 23 **Harvey's Original Report.**

24

25 **The suspect was seated in the driver seat of a silver vehicle**
 26 **and would not exit the vehicle as instructed to do so by**
 27 **uniformed deputies. After multiple commands, the suspect turned up**
 28 **his car stereo, remained seated inside the vehicle, and ignored**
 29 **lawful commands to surrender.**

30

30 **Based on the fact the subject was uncooperative and there was an**

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 unknown threat of weapons inside the vehicle, Sgt. Marquez requested
 2 a K9 unit to respond.

3
 4 At approximately 1344 hours, I arrived at the above location. I met
 5 with Sgt. Marquez and Deputy Harvey who told me S01 Jorge drove
 6 recklessly, led deputies on a high speed pursuit, false imprisoned
 7 the passenger of the vehicle, and resisted arrest after multiple
 8 commands were giving to him. The passenger of the vehicle, later
 9 identified as (V01) , immediately jumped out of the vehicle,
 10 was complaint and obeyed the commands from deputies. V01 was
 11 emotionally distraught and deputies had a hard time trying to calm
 12 her down to get a complete statement about the incident. V01
 13 was able to tell deputies that S01 Jorge was on drugs and she wanted
 14 him to stop the vehicle prior to the patrol car getting behind them.

15
 16
 17 K9 Raider and I placed ourselves approximately half of a car length
 18 behind S01 Jorge's vehicle. Based on the nature of the offenses S01
 19 Jorge committed; vehicular pursuit, false imprisonment, actively
 20 resisting deputy's commands and the fact that he was unsearched and
 21 concealed himself within a vehicle, I believe that there was
 22 potential for danger to the deputies on scene if K9 raider had not
 23 been utilized.

24
 25 Based on my training and experience, individuals who are under the
 26 influence and display this level of resistance may attempt to flee on
 27 foot or fight law enforcement personnel to avoid arrest. Based on
 28 all the facts stated, I determined the use of my K9 partner Raider
 29 was within Policy.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 Prior to deploying my K9 partner Raider, I gave several loud K9
 2 announcements yelling, ¿Driver of the vehicle, come out now or the
 3 dog is going to come in.¿ I did not see, hear, or get a response from
 4 S01 Jorge. I gave a final K9 announcement yelling, ¿Driver of the
 5 vehicle come out now.¿ S01 remained still and resisted my commands to
 6 exit the vehicle, just as he did prior to my arrival.

7
 8 PSD K9 RAIDER USE/USE OF FORCE:

9
 10 The passenger¿s side door of S01 Jorge¿s vehicle remained open from
 11 when V01 exited. I deployed K9 Raider into the vehicle. K9
 12 Raider entered the vehicle and bit S01 Jorge on the upper right
 13 thigh. Approximately 4 seconds later, S01 Jorge screamed and his
 14 vehicle accelerated over the curb and crashed down a 4-5 foot
 15 embankment into a creek.

16
 17 From my vantage point, I saw K9 Raider get knocked off the bite due to
 18 the impact of the vehicle crashing into the bottom of the embankment.
 19 K9 Raider hit the passenger¿s side dash board and bounced back onto
 20 the passenger seat.

21
 22 K9 Raider re-engaged S01 Jorge and bit him in the face. K9 Raider
 23 attempted to pull S01 Jorge out of the vehicle but K9 Raider lost
 24 control of S01 Jorge's face. K9 Raider was attached to S01 Jorge¿s
 25 face for approximately 2-3 seconds. I ran approximately 25 feet and
 26 down the embankment to the passenger side door. I saw S01 Jorge
 27 attempting to pull his body back into the driver seat and I gave K9
 28 Raider the apprehension command. K9 Raider bite S01 Jorge¿s right
 29 hand and began to pull him out of the vehicle. I grabbed S01 Jorge¿s
 30 right arm with my left hand and attempted to pull him out of the

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 vehicle. K9 Raider was attached to S01 Jorge's right hand for
 2 approximately 10-13 seconds.

3
 4 Due to the angle of the vehicle, the small space in which S01 Jorge
 5 was confined in, I determined it would best if I removed K9 Raider
 6 from the bite so the arrest team could take him into custody. I told
 7 Deputies that I was going to give K9 Raider the release command. I
 8 gave K9 Raider the command to release. K9 Raider released S01 Jorge's
 9 right hand. I took K9 Raider away from the vehicle and deputies
 10 physically pulled S01 Jorge out of the vehicle.

11
 12 Deputies on scene provided S01 Jorge medical attention until Fire
 13 truck T73 and Medical truck 60 arrived on scene and treated S01
 14 Jorge. EMS rig 60 later transported S01 Jorge to Valley Medical
 15 Center.

16
 17 INJURIES/PHOTOGRAPHS OF S01 JORGE BUSTOS:

18
 19 I drove to Valley Medical Center and took several digital photographs
 20 of S01 Jorge's right upper thigh, face, and right hand. S01 Jorge
 21 suffered significant facial injuries.

22
 23 S01 Jorge had four bite punctures to the top of his upper right leg.
 24 S01 Jorge had a 3-4 inch laceration to his right cheek area, just
 25 below his eye, and a 6-8 inch laceration to his left forehead area,
 26 just above his eye. S01 Jorge had a laceration to his right middle
 27 finger that was approximately 1-2 inches in length. S01 Jorge was
 28 treated for his injuries.

29
 30 ADDITIONAL INFORMATION:

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1

2 **K9 Raider was injured during the apprehension of S01 Jorge. K9 Raider**

3 **injured his right hip when the vehicle crashed down the embankment.**

4 **K9 Raider was later transported and treated at Reed's Animal Hospital**

5 **for his injuries. The Veterinarian stated K9 Raider possibly**

6 **dislocated his right hip and had a bone bruise. During the remainder**

7 **of K9 Raider's shift, he walked with a limp and his hip was sore to**

8 **the touch.**

9

10 **For further details, refer to Deputy Harvey's Original Report.**

11 **End of Report:**

12

13 **P.L.E.O's:**

14

15 **Deputy Jones #2110- Supplemental Report/K9 Use of Force**

16 **Deputy Harvey #2157- Original Report**

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **ATTACHMENT:**

2

3 **Compact Disc containing digital photographs of S01's vehicle/scene**

4

5 **SUPPLEMENTAL INVESTIGATION:**

6

7 **This incident was recorded using my department-issued body worn**

8 **camera. The following is a synopsis of this incident. Please refer to**

9 **the recorded file for complete details.**

10

11 **On 03-04-18, at approximately 1305 hours, I responded to the area**

12 **in Saratoga to assist Deputy Harvey (#2157) with a**

13 **vehicle pursuit investigation that terminated at the above address.**

14 **Please see Deputy Harvey's report for further details (Sheriff's**

15 **Office Event #18-063-0149S).**

16

17 **I arrived on scene at approximately 1313 hours. I parked my patrol**

18 **vehicle behind a row of parked patrol vehicles and ran towards Deputy**

19 **Harvey's patrol vehicle.**

20

21 **Upon arrival I saw Deputy Harvey giving commands to V01 to walk**

22 **backward towards his patrol vehicle. I learned S01 Bustos was still**

23 **inside the vehicle. The front passenger door of the suspect vehicle**

24 **was open. The suspect vehicle was off the roadway and parked in the**

25 **dirt.**

26

27 **The suspect vehicle was facing southwest. I took a position to the**

28 **north of the suspect vehicle. I had partial view of S01 Bustos. S01**

29 **Bustos was slouched over the center console with his head towards**

30 **passenger side. S01 did not make any movements.**

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1

2 Sergeant Jones and his K-9 partner, Raider arrived on scene. Sergeant

3 Jones made the K-9 announcement. S01 Bustos did not respond to the

4 K-9 announcement.

5

6 Deputy Harvey, Deputy Houston, Sergeant Jones and Raider approached

7 the suspect vehicle. I saw Raider jumping into the suspect vehicle

8 through the opened passenger door. I saw the suspect vehicle travel

9 forward for approximately 15 feet and fall down into an approximately

10 five feet deep creek bank.

11

12 After Sergeant Jones removed Raider from the vehicle, deputies pulled

13 S01 Bustos out of the vehicle through the front, passenger door. I

14 assisted other deputies to bring S01 Bustos up from the creek bank

15 onto a flat ground. I grabbed and held S01 Bustos's right shoulder

16 and dragged him to a flat ground.

17

18 S01 Busto was bleeding from his face and head. Deputy Hickenbotham

19 and Deputy Vega rendered first aid by covering S01 Bustos's wounds

20 with dressing while applying pressure. I knelt down by S01 Bustos's

21 feet and held his ankles with each of my hands to prevent him from

22 kicking other deputies.

23

24 Paramedics arrived on scene and rendered first aid on S01 Bustos. S01

25 Bustos was placed on a gurney and transported to Valley Medical

26 Center via Medic 60.

27

28 I conducted vehicle inventory search prior to the tow. I did not

29 locate any contraband or any high value items inside the vehicle.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 I took digital photographs of S01 Bustos vehicle and the scene.

2

3 **EVIDENCE:**

4

5 I transferred the digital photographs onto two compact discs and I
 6 booked one compact disc into the Sheriff's Office West Valley
 7 Substation evidence room. I submitted the second compact disc as an
 8 attachment to this report.

9

10 **PLEO:**

11

12 Deputy Harvey #2157 ; Original Report

13 Deputy Park #2227 ; Supplemental Report/Accident Report

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. <input type="checkbox"/> HEALTH HAZARD 18-063-0149S
--	----------	--

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

S01	Bustos Jorge <input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin: 0;">Office of the Sheriff</h2> <h3 style="margin: 0;">Santa Clara County</h3> 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"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <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	<h2 style="margin: 0;">LOCATION</h2> <h1 style="margin: 0;">BAR CODE</h1> <p style="margin: 0;">Bar code</p>
1	E	S01	1	Compact Disc			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

DESCRIPTION **Digital photographs of S01's vehicle/scene**

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

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

WHO HAS BEEN NOTIFIED ON THE FOLLOWSING 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
--------------------------	---------------	-------------	--------------------

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
---	---------------------------	--------------

<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 FOLLOWSING 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
--------------------------	---------------	-------------	--------------------

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
Park, Sung	2227	03/05/18 1129	II TWTF	Marquez, Ramon	1931	03/05/18 1722	4	4

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **ADMONITION:**

2

3 On the date of the incident, I was assigned as the Sheriff's Office
 4 West Valley Patrol day-shift supervisor. I was dressed in full
 5 uniform (TDUs) and driving marked patrol vehicle (#15418).

6

7 This incident was audio/video recorded via a body worn camera. The
 8 following is a synopsis of the incident. For complete details,
 9 please refer to the recorded file.

10

11 **DETAILS:**

12

13 On 3-4-17 at 1305 hours, Deputy M. Harvey #2161 attempted to stop a
 14 vehicle for driving recklessly on Highway 9 at Big Basin
 15 Way in Saratoga. The vehicle evaded with wanton disregard for public
 16 safety and yielded 3 minutes later after colliding with a curb in the
 17 driveway of , Saratoga. Once the suspect vehicle
 18 entered the residential area - one that has several dead end streets
 19 - I authorized an emergency response (lights and siren) for
 20 responding units for the public and Deputy Harvey's safety.

21

22 **INVESTIGATION:**

23

24 I arrived on scene at 1313 hours, conferenced with Deputy Harvey, and
 25 assumed command of the incident. I requested air support and K9s.
 26 There was not any air support available. However, Sgt. Jones
 27 responded with his K9 partner, as well as a K9 handler and cover
 28 officer from the Sunnyvale Department of Public Safety.

29

30 After 40 minutes of trying to convince S01 Bustos to exit the vehicle

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 without a single verbal response from him, the decision was made to
 2 utilized Sgt. Jones' K9 to extract S01 Bustos from the car. At that
 3 time, although V01 advised she was unaware of any weapons or
 4 other persons in the vehicle, we had limited visibility into the
 5 vehicle. I was also concerned for our deputies' safety because S01
 6 Bustos was under the influence of methamphetamine after a three day
 7 binge (per V01), had posed a significant threat to the public
 8 with his reckless driving and evasion afterwards, and had falsely
 9 imprisoned / kidnapped V01 .

10
 11 I was at the command post closer to the entrance of the driveway and
 12 did not observe the deployment of the K9. The deputies on scene soon
 13 advised that the vehicle accelerated forward, had driven into the
 14 creek, and Sgt. Jones had disengaged the K9. Deputy Harvey requested
 15 Fire/EMS respond urgently for S01 Bustos injuries.

16
 17 I approached the scene and observed the apprehension. Several
 18 deputies (unknown which) and the SVDPS cover officer (unknown name)
 19 pulled S01 Bustos through the front passenger area, layed him on the
 20 ground, and placed handcuffs on him. S01 Bustos was quiet and did
 21 not appear to be actively resisting at that time.

22
 23 It was apparent that S01 Bustos suffered several significant injuries
 24 to his face and right middle finger presumably caused by the K9. The
 25 flesh from under his right eye was filleted open and the end of his
 26 right middle finger was mangedled.

27
 28 Deputies Hickinbotham #2087 and Vega #2233 immediately rendered first
 29 aid by covering S01 Bustos' wounds with gauze and applying direct
 30 pressure to stop the bleeding.

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1

2 **The Fire Department and Emergency Medical Services (EMS) responded**

3 **quickly. S01 Bustos was transported to Valley Medical Center via**

4 **ambulance for medical treatment.**

5

6 **Refer to Deputy Harvey's original report for further details regarding**

7 **the investigation.**

8

9

10 **P.L.E.O.:**

11

12 **Sgt. R. Marquez #1931 Original Report**

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **SUPPLEMENTAL INVESTIGATION:**

2

3 On 03-04-2018 at approximately 1305 hours, Deputy Harvey #2157 advised
 4 via the radio that he had attempted to conduct a traffic enforcement
 5 stop, but the vehicle had failed to yield, and he was in pursuit.
 6 Deputy Harvey provided updates via the radio, and advised the vehicle
 7 had come to a stop in the area of _____ in the city of
 8 Saratoga.

9

10 I responded with my siren and forward facing red lamp to assist.

11

12 Upon arrival at the scene, I observed a Gray Mercedes SUV stopped
 13 adjacent to a tree and fence in the dirt and grass, off of the paved
 14 roadway. The vehicle was approximately 10-15 feet from a small creek
 15 bed, and was facing the creek bed. The passenger side door was open.
 16 I heard Deputy Harvey give S01-Jorge several verbal commands to exit
 17 the vehicle. S01-Jorge turned the music up and did not comply with
 18 verbal commands.

19

20 I observed S01-Jorge in the driver's seat, inside the vehicle. I
 21 observed S01-Jorge attempt to lie down in the driver's seat and
 22 repeatedly readjust himself. It appeared to me that he was
 23 attempting to make himself comfortable in an effort to rest or sleep.
 24 S01-Jorge did not respond to any verbal commands. S01-Jorge leaned
 25 with his head resting on or near the center console, with his arms
 26 extended or under his chest and head, and his legs bent but still
 27 located in the driver's seat foot well.

28

29 Sergeant Jones #2110 arrived on scene with K9 Raider.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **USE OF FORCE:**

2

3 I observed Sergeant Jones, K9 Raider, a Sunnyvale Department of Public
 4 Safety (DPS) police officer, and Deputy Harvey approach S01-Jorge's
 5 vehicle. I saw K9 Raider jump into the open passenger side of the
 6 vehicle. I saw the vehicle drive forward approximately 10-15 feet
 7 into the small creek bed, and the passenger door closed.

8

9 I saw K9 Raider exit the vehicle. K9 Raider was biting S01-Jorge's
 10 fingers and pulling S01-Jorge out of the driver's seat. S01-Jorge
 11 was yelling and was bleeding inside the vehicle.

12

13 I approached S01-Jorge's vehicle with several other deputies. I saw
 14 the Sunnyvale DPS police officer holding S01-Jorge's torn shirt.

15

16 I grabbed S01-Jorge by his right upper arm and pulled S01-Jorge out of
 17 the vehicle. I saw Deputy Houston #2069 grab S01-Jorge's left arm
 18 and pull him out of the vehicle with me.

19

20 Deputy Houston and I picked up S01-Jorge by the arms and dragged him
 21 up the embankment out of the creek bed and rolled him onto his
 22 stomach. I handcuffed S01-Jorge while Deputy Houston held S01-Jorge
 23 on the ground.

24

25 **SUPPLEMENTAL INVESTIGATION CONTINUED:**

26

27 After S01-Jorge was handcuffed, I sat him up and held his back. I saw
 28 Deputy Park #2227 hold S01-Jorge's legs and Deputy Hickinbotham #2087
 29 hold S01-Jorge's head.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 S01-Jorge's shirt was ripped and his face was covered in blood. Blood
 2 was dripping from wounds on his face. I observed the following
 3 wounds on S01-Jorge:

- 4
- 5 - laceration on S01-Jorge's forehead above his left eye.
- 6 - laceration on his middle finger (unknown if right or left hand).
- 7

8 Deputy Vega #2233 and Deputy Hickinbotham began administering first
 9 aid to S01-Jorge until fire and medics arrived on scene. I saw them
 10 place gauze and pressure on S01-Jorge's wounds on his head. I
 11 wrapped the tip of S01-Jorge's finger with the laceration on it in
 12 gauze.

13

14 When fire personnel and medics arrived on scene, I moved out of the
 15 way to allow them access to S01-Jorge.

16

17 P.L.E.O.:

- 18
- 19 Deputy Harper, #2161 - Assist, Supplemental Report
- 20 Deputy Harvey, #2157 - Original Report

REPORT TYPE	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO. 18-063-0149S
-------------	--	---	------------------------------

SUSPECT VEHICLE SUSPECT#	1	YEAR 2013	MAKE Mercedes	MODEL GLK 350	BODY TYPE SUV	COLOR Silver	LICENSE/VIN	STATE	
ADDITIONAL IDENTIFIERS: <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEELS <input type="checkbox"/> SUN ROOF/T-TOP									
R/O'S NAME (LAST, FIRST, MIDDLE)		<input type="checkbox"/> SAME AS SUSPECT #		ADDRESS			CITY/STATE		ZIP
								DAMAGE TO VEHICLE front end mjr	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input checked="" type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED									

OFFICER'S NAME Klingenberg, B	ID NUMBER 2226	DATE 03/04/18 1647	SHIFT/DAYS OFF Days T-Fr	SUPERVISORS REVIEW Marquez, Ramon	ID NUMBER 1931	DATE 03/05/18 1535	PAGE 1	OF 4
---	-------------------	-----------------------	-----------------------------	--------------------------------------	-------------------	-----------------------	-----------	---------

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **BODY WORN CAMERA ADVISEMENT:**

2

3 This incident was recorded using my department-issued body worn

4 camera. The following is a synopsis of this incident. Please refer to

5 the recorded file for complete details.

6

7 **SUPPLEMENTAL REPORT:**

8

9 On 03/04/2017 at approximately 1305 hours, I responded to the area of

10 20052 Sunset Drive in Saratoga to assist Deputy Harvey in the

11 termination of a pursuit, with two occupants of a vehicle at gunpoint

12 (See Deputy Harvey's Original Report). At the time of my arrival

13 (approximately 1313 hours), the passenger was being pulled out of the

14 vehicle, and the driver, S01 Jorge Bustos Mendoza was not responding

15 to deputy commands.

16

17 I loaded my department-issued less lethal launcher and took position

18 on the right side of the suspect vehicle (I did not use the less

19 lethal launcher on S01 Bustos Mendoza). From where I was positioned,

20 I could see S01 Bustos Mendoza in the driver seat of the vehicle, but

21 it appeared he was slightly leaning over to the right and not moving,

22 as if he were sleeping. S01 Bustos Mendoza would move slightly as if

23 to make himself more comfortable, but stayed in a position with his

24 knees tucked up under the steering wheel and his arm under his head

25 as a pillow. S01 Bustos Mendoza was playing loud music in the

26 vehicle. All deputies remained in their positions until the K-9 unit

27 arrived on-scene.

28

29 At approximately 1344 hours, Sergeant Jones and his K-9 partner

30 arrived. I observed Deputy Harvey move his vehicle forward, just to

1 the rear of the suspect vehicle. Sergeant Jones attempted to call out
2 the S01 Bustos Mendoza on the patrol vehicle's loud speaker. S01
3 Bustos Mendoza did not respond. Sergeant Jones announced that if S01
4 Bustos Mendoza did not comply with commands, the K-9 would be
5 released. S01 Bustos Mendoza did not respond. Sergeant Jones released
6 his K-9 partner.

8 I observed the K-9 jump into the vehicle through an open, front
9 passenger door. The vehicle then rolled forward and down into a creek
10 which was in front of the vehicle. Deputies moved down the riverbank
11 and attempted to detain S01 Bustos Mendoza. S01 Bustos Mendoza was
12 dragged out of the front passenger side door and up onto the flat
13 ground. I saw that S01 Bustos Mendoza's face was very bloody. S01
14 Bustos Mendoza was detained, and Deputy Hickinbothom and Deputy Vega
15 began to render first aid.

17 I did not witness any additional force used on S01 Bustos Mendoza.

19 INVESTIGATION CONTINUED:

21 I waited with V01 for 002 to arrive and
22 pick up V01 .

24 I completed a CHP-180 for 001 vehicle. 001 vehicle
25 was not driveable, and it was stored at Silva Towing per CVC
26 22651(h). At approximately 1531 hours, I contacted Sheriff's Office
27 Records. entered the vehicle into SVS as a stored
28 vehicle.

30 END OF SUPPLEMENTAL REPORT:

OFFICER'S NAME Klingenberg, B	ID NUMBER 2226	DATE 03/04/18 1647	SHIFT/DAYS OFF Days T-Fr	SUPERVISORS REVIEW Marquez, Ramon	ID NUMBER 1931	DATE 03/05/18 1535	PAGE 3	OF 4
---	--------------------------	------------------------------	------------------------------------	---	--------------------------	------------------------------	------------------	----------------

REPORT TYPE	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO.	18-063-0149S
-------------	--	---	----------	---------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

- 1
- 2 **Deputy Harvey #2157 Original Report**
- 3 **Deputy Klingenberg #2226 Assist/Tow/Supplemental Report**

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Klingenberg, B	2226	03/04/18 1647	Days T-Fr	Marquez, Ramon	1931	03/05/18 1535	4	4

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **SUPPLEMENTAL INVESTIGATION**

2

3 The incident was audio/video recorded using my department issued body
 4 worn camera. The following is a synopsis of that incident. For
 5 complete details, please refer to the recorded file.

6

7 On 03/04/2018 at approximately 1305 hours, I responded to the area
 8 near _____ in the city of Saratoga to assist Deputy
 9 Harvey #2157, who had non-compliant suspects on a vehicle stop. For
 10 full details on this event, please see Deputy Harvey's original
 11 report (18-063-0149S).

12

13 From my position on scene, I did not witness Sergeant Jones' #2110 K-9
 14 subdue S01 Bustos-Mendoza, nor did I witness deputies detain S01
 15 Bustos-Mendoza.

16

17 Based upon my experience as a licensed paramedic
 18 _____, I approached S01 Bustos-Mendoza to render first aid.

19

20 After S01 Bustos-Mendoza was removed from the vehicle by deputies, I
 21 noticed S01 Bustos-Mendoza bleeding profusely from his head and his
 22 face. Using a gloved hand, I applied sterile gauze to S01
 23 Bustos-Mendoza's facial and head injuries.

24

25 I noticed that S01 Bustos-Mendoza had an avulsion approximately three
 26 inches in length inferior to his right eye. The direction of the
 27 avulsion was lateral. The depth of the avulsion was to the bone and
 28 exposed tendons and adipose tissue.

29

30 Rural Metro Medic 60 arrived on scene and assumed medical care of S01

LOCATION OF ORIGINAL EVENT (IF KNOWN)	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---------------------------------------	---

1 **Bustos-Mendoza at approximately 1400 hours.**

2

3 **P.L.E.O.s**

4

5 **Deputy Vega #2233 - Supplemental Report**

6 **Deputy Harvey #2157 -- Original Report**