

County of Santa Clara
Office of the Sheriff



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Laurie Smith
Sheriff

MEMORANDUM

TO: Undersheriff John Hirokawa

FROM: Steven Angus
Internal Affairs Unit

DATE: 6/15/2016

SUBJECT: Statement of Findings
RE: IAU Case# 2015-029

Involved Parties:

Involved Employees: Correctional Deputy Alana Simpson-Hogan #10550

Complainant: Office of the Sheriff

Witnesses: Inmate
Correctional Officer Michelle Broussard #2543
Correctional Deputy Anita Rivera #10453
Correctional Deputy Michelle Sevore #10333
Correctional Deputy Zorina Jiminez #10554
Correctional Deputy Marciela Gonzalez #10443
Correctional Officer Michael Divine #1616
Correctional Deputy William Burden #10350
Correctional Deputy Kraig Kitong #10941
Sergeant Juan Sevillano #10364
Nurse Elmwood Correctional Facility

Violations:

- I. Violation of Santa Clara County Merit System Rule A25-301(a)(1): "Violation of the county charter, merit system rules and regulations and written and published departmental rules and policies which do not conflict with this article."

- II. Violation of Santa Clara County Merit System Rule A25-301(a)(2): “Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned task or failure to discharge duties in a prompt, competent and responsible manner.”
- III. Violation of Santa Clara County Merit System Rule A25-301(b)(1): Guilty of gross misconduct or conduct unbecoming a County officer or employee which tends to discredit the County or county service.”
- IV. Violation of D.O.C. Policy 1.15.II.D – Post Order Compliance: “Employees assigned to posts must use good judgment, tact, and careful attention to detail in performing their duties, whether or not they are covered in post orders.”

Non-Alleged Violations:

- I. Violation of D.O.C. Policy 3.31.IV.J.14.a– Employee Conduct/Untruthful Statements “Employees shall not make less than truthful statements, either verbal or written.”
- II. Violation of D.O.C. Policy 9.27.I.B– Reporting of Incidents: “All staff involved in a reportable incident shall promptly notify a supervisor.”

Allegations:

It is alleged that on August 9, 2015, Deputy Simpson-Hogan exhibited a lack of good judgment and inefficient performance of her duties by assisting Officer Michelle Broussard (#2543) in pursuing a course of action which resulted in a physical confrontation with an uncooperative inmate, and did so without notifying a supervisor of the potential problem.

It is also alleged that Deputy Simpson-Hogan was less than truthful when documenting the details of the incident in written and oral reports.

If the allegations are true, Correctional Deputy Simpson-Hogan committed violations of the Departmental Policies and County Merit System Rules stated herein.

Basis for Allegations:

Number One:

It is alleged that on August 9, 2015, Correctional Deputy Simpson-Hogan failed to notify a supervisor when she knew, or should have known, that force may need to be used against an inmate.

Number Two:

It is alleged that Correctional Deputy Simpson-Hogan was less than truthful when documenting the use of force against an inmate.

Investigation:

IA Case 2015-029 Received

On August 28, 2015, Captain David Sepulveda, the Elmwood Facility Commander, advised Assistant Sheriff Carl Neusel about this incident. Captain Sepulveda requested an Internal Affairs Unit review of this incident.

On October 2, 2015, Mark Leonardini and I received this case from Lieutenant Valenzuela for investigation.

Review of Training Records

On 10/28/2015, I reviewed Correctional Deputy Alana Simpson-Hogan's training records in Central Training. The following is a list of courses that address Use of Force training prior to August 2015.

2006 – Basic Academy
2007 – Excited Delirium and Use of Force Skill
2007 – Arrest Control Techniques-IFT
2008 – Strip Search Training, Policy #9.05 REV
2010 – Title 15/Arrest Control Review (RFC)
2011 – Arrest Control Techniques (RFC)
2013 – Arrest Control Techniques (RFC)

Description of Dress Out Room

Investigator Leonardini and I visited the Processing area of Elmwood on October 26, 2016. The dress out room is located near the Processing area. It is separated from the hallway with a cloth drape that slides to block the view of changing inmates. There are four small changing areas in the room. Each one has its own bench for sitting. Each area is separated from the other by a small partition that runs from below the bench to the ceiling. Beyond that, the room is totally open to everyone. The common area is very small, and four people would fill it up.

Review of Video

I reviewed the video dated August 9, 2016 that covered the area of W4C, the area where Corr. Dep. Simpson-Hogan and Corr. Dep. Kitong were stationed. The video shows both deputies in the Officer's Station area. At 19:28, Corr. Dep. Simpson-Hogan answers the station phone and talks for ten seconds. She then hangs up the phone, talks to Corr. Dep. Kitong for less than ten seconds, then leaves. She does not take anything with her. At 19:49 a nurse arrives with a pill cart to do pill call. Corr. Dep. Kitong puts on latex gloves to assist with pill call. After five minutes, pill call has not occurred and the nurse leaves with her cart. At 20:01 Corr. Dep. Simpson-Hogan returns. She is not carrying anything.

Review of Photographs

I reviewed the six photographs taken by Sgt. Sevillano of inmate [REDACTED]. These were photos of her face with her mouth closed, closed mouth/chin/nose, right elbow, left elbow, tops of both hands, and tops of both bare feet. There were no marks or other signs of injury in any of the photos.

Summaries of interviews

The following are summary compilations of the written reports and are not verbatim translations or transcriptions of the reports. If a comprehensive transcription of the written reports is required, please review the case file.

Correctional Officer Michelle Broussard #2543

Correctional Officer Broussard was assigned to Processing at Elmwood. Inmate [REDACTED] was sitting in the chairs in processing, sleeping. She would occasionally wake up and say something about how San Jose PD always fucks with her. Corr. Off. Broussard thought she might be under the influence of something. She took inmate [REDACTED] into the dress out room to change her into the jail clothing, and inmate [REDACTED] went where told, but kept blurting things out and being belligerent. It seemed to Corr. Off. Broussard that inmate [REDACTED] was not going to cooperate with the clothing change immediately, so she left her in the dress out room to calm down. There were no other inmates in the dress out room.

Broussard left her alone for 5 to 10 minutes while she went back out to processing to do her work. She also called Corr. Dep. Simpson-Hogan, but she could not remember why and didn't remember if she asked her to come help with this inmate. When she came back into the dress out room, inmate [REDACTED] was still upset, ranting at Corr. Off. Broussard. As she took off the coat she was wearing, inmate [REDACTED] threw it at Corr. Off. Broussard, almost hitting her. She also had her hands up and Corr. Off. Broussard thought that inmate [REDACTED] might want to fight her. Corr. Off. Broussard took control of inmate [REDACTED] and laid her on the ground to handcuff her. When she got the inmate onto the ground, Corr. Dep. Simpson-Hogan appeared in the doorway of the dress out room. Corr. Off. Broussard then decided to not handcuff inmate [REDACTED] but to continue with the dress out. She and Corr. Dep. Simpson-Hogan started to remove inmate [REDACTED] clothing. Inmate [REDACTED] resisted them, and they had to forcefully remove her clothing. As they were doing this, Corr. Dep. Rivera walked by, what was going on and joined them. Corr. Dep. Broussard told her that they were fine, but she joined in anyway. While the three of them changed out inmate [REDACTED] clothes, Corr. Off. Broussard said she put her knee onto inmate [REDACTED] lower left side. She did so she could give Corr. Dep. Rivera grabbed one of the arms. She did not put it on her stomach. She did this because with three officers and one inmate, there was not enough room to move around, and she had to shift her position. She said she did not press down hard. She never put her foot on her

stomach, or struck her in the mouth or face, or put a hand on her neck, or stomped on her feet, or pulled her hair. She also didn't see inmate [redacted] elbow hit the floor as she laid her down.

They finished changing the clothes and took inmate [redacted] out of the dress out room. She was placed in chains by one of the male officers, and then placed in one of the chairs in Processing. Sergeant Sevillano was called by one of the male officers around the same time that Corr. Dep. Simpson-Hogan arrived. Sgt. Sevillano came to check on the inmate, as did nurse [redacted]. Sgt. Sevillano then directed her write an Employee's Report on the incident, which she did.

Inmate

[redacted] said she was arrested for warrants and taken to the Main Jail, then taken to Elmwood for housing. She was not under the influence when she was arrested. She was taken into the dress out room by an officer. She didn't know her name, but said she was an African-American woman with her hair pulled back. She walked into the dress out room by herself. She took off her coat and was going to put it aside. The officer wanted her to take off her socks after she took off her shoes. She told the officer she had to take her pants off first because she was wearing tights, not socks. [redacted] said she was wearing a black jacket, a shirt, some black sweats, and underneath the sweats were some tights, which were nylons with feet. She was wearing gold slippers. She was also wearing a brassiere.

[redacted] said the officer asked her to dress out, and she said okay. She took her jacket off, then her sandals. She was about to take her pants off, and the officer told her no. [redacted] guessed she thought they were socks. [redacted] told her that she had to take the pants off because they were tights. That is when the officer lunged up to her, grabbed her, and started shaking her. She said the officer told her take her socks off, and [redacted] told her she couldn't because they were tights. That is when the officer grabbed her neck and throat and started squeezing it. She said the officer used both of her hands. She grabbed her chin with her fingers up toward her ears. She described the action as angry. The shaking of her head lasted for about 15 seconds. When asked if it hurt, she said it was more like she was shocked. She said the officer didn't say anything while she was shaking her head. [redacted] was yelling "Don't touch me. Get off me. What are you doing?" [redacted] said she was in shock, so she didn't even try to push the officer away.

[redacted] said the officer apologized and asked her to accept her apology. [redacted] said she want to talk right now and wanted to see the sergeant. [redacted] said that the officer asked her "Haven't you ever had anything happen to you where you blew it?" [redacted] said yes, but not like this. The officer again asked her to accept her apology, and [redacted] told her she wouldn't, and she wanted to see the sergeant.

[redacted] said the officer told her again to get dressed, and [redacted] told her that she wasn't going to go through this episode again, so she wanted to see the sergeant now. Then she would proceed to dress. She said the officer continued to talk, saying she messed up and asking her to accept her apology. [redacted] said she did not want to talk. She said the officer told her she

was going to cut off her clothes, and said she wanted to see the sergeant, and then she could do whatever. The officer said she was then going to call the sergeant and left. She was gone for ten to fifteen minutes.

said she was left unattended and un-handcuffed for the ten or fifteen minutes that the officer was gone.

When she came back, it was another African-American officer who came in first. After that, the original officer came in and came towards her. said she was sitting down when the officer lunged at her, grabbed her, and threw her. The first one then got on her. Then there was a third one, a Hispanic one, who came towards her, too. The original officer started twisting her hands. told her don't do that because her wrist is crushed. The officer started grabbing it harder. said she then started having an asthma attack. She said she is asthmatic. The officer had her knee on her, and was pressing harder. said she told her to stop several times. She said the officer was being aggressive. She kept her knee there for a while, and then she stopped. She had gotten a little lighter grip on her hand, also. said she was screaming "Why are you doing this to me?" They then took her clothes off, really roughly. said she was crying by this point. She was thinking that she couldn't breathe because she was having an asthma attack. She said she was gasping for air, but they were still on her.

After they dressed her, they left her there on the floor. They told her to get up. She told them that she couldn't right then. They again told her to get up, and she said she couldn't because she was having an asthma attack and gasping for air. It took her a while to get up.

Inmate said that she was waist chained and put in a chair in Processing. A nurse checked her out, and then the sergeant talked to her.

Correctional Deputy Alana Simpson-Hogan #10550

Corr. Dep. Simpson-Hogan said she was assigned to WC4 housing unit, with trainee Corr. Dep. Kitong when she got a phone call from Corr. Off. Broussard. Corr. Off. Broussard asked "can you come to Processing?" She said that Corr. Off. Broussard did not say why she wanted her to come to Processing, and she didn't ask for a reason. She just replied "Sure." She then left her work station without telling her trainee that she was leaving.

Corr. Dep. Simpson-Hogan said that Corr. Off. Broussard had called her lots of times for assistance with procedures in Processing. She guessed that she had called her about 20 times, but she didn't know for sure.

After receiving the call from Corr. Off. Broussard, she went to Processing. She saw Corr. Off. Broussard standing between the AED machine and the counter. Corr. Off. Broussard told her "I don't think this lady's gonna dress out. Could you stand by just in case?" She replied "Ask her and I'll stand by." She stood outside along the wall while Corr. Off. Broussard re-entered the dress out room. She could hear what was occurring, but could not be seen by the inmate. She heard Corr. Off. Broussard tell the inmate something like "I need you to get dressed", and

the inmate replied something like “Fuck you, bitch.” She then heard the partition move, so she ran in. She saw the inmate sitting on a bench with Corr. Off. Broussard standing behind her, holding her down by her shoulders. The inmate was kicking her feet, but not trying to kick Corr. Off. Broussard. She was expressing her displeasure by being generally resistive. She took control of a shoulder/arm and they stood the inmate up. The inmate then dropped her body weight, and Corr. Dep. Simpson-Hogan let go because she didn’t want to hurt her back. She did not remember if Corr. Off. Broussard also let go of the inmate. She said the inmate ended up on the floor, face up, still kicking her feet. She started taking off the inmate’s pants, but she stopped because she thought she smelled pee. This is when Corr. Dep. Rivera came in. She told Corr. Dep. Rivera “Code 4. She’s just screaming.” Corr. Dep. Rivera grabbed the inmate’s arm, but she can’t remember which one. Corr. Dep. Simpson-Hogan repositioned herself and put her knee and shin on the inmate’s waist. They continued to change the inmate’s clothes with Corr. Off. Broussard and Corr. Dep. Rivera controlling the inmate’s arms, while she removed the inmate’s clothing and replaced it with jail clothing. The inmate was still kicking during this time.

When they left the dress out room, Corr. Dep. Burden waist chained the inmate. As they walked to the chairs in Processing, Sgt. Sevillano arrived.

Corr. Dep. Simpson-Hogan said that, even when the inmate had demonstrated an unwillingness to cooperate by kicking and dropping to the floor, it had not occurred to her to call a supervisor. She said “We’re already hands-on, in this little small space, so I said ‘Get her dressed.’”

Corr. Dep. Simpson-Hogan said she did not dismiss Corr. Dep. Rivera when she told her they were Code 4. She was just letting her know that they were not in danger right now. She didn’t tell her to leave.

At the direction of Sgt. Sevillano, Corr. Dep. Simpson-Hogan wrote an Employee’s Report immediately after incident. Her Employee’s report and her interview contained some differences. In her E/R, she doesn’t mention the phone call from Corr. Off. Broussard. She didn’t think this fact made a difference, so she didn’t include it in the report. She merely states that she was in Processing getting a piece of cheesecake. In the E/R, she did not mention that she had spoken to Corr. Off. Broussard in Processing before Corr. Off. Broussard re-entered the dress-out area, but wrote that she heard a commotion in the dress out area, ran over, and immediately took control of the inmate. In her E/R she said that she had let go of the inmate when the inmate dropped her body weight, but did not mention that she let go of the inmate to save her back. Later in her E/R she wrote that, after being changed, the inmate would not walk and kept dropping her body weight. She did not drop her in concern for back in this instance. In her E/R she wrote that she used her right knee to hold the inmate’s legs down to stop the inmate from kicking her, but in her interview said she had put her right knee and shin on the inmate’s waist.

Corr. Dep. Simpson-Hogan said she wrote only what she did in her Employee’s Report because Sgt. Sevillano “specifically said, ‘Put what you did with this inmate.’ So that’s what I did.” When asked why she didn’t write a more complete E/R, that presented a clearer picture

of the overall incident, she said “Well, I wrote it like he told me. Just put what you did. And I write my reports specifically catered to each sergeant, ‘cause each sergeant like different reports. One likes four or five pages of detail, and some just want quick just to get it out of their face E/R. so I was goin’ by him; quick little E/R, and what you did. And I gave it to him. And he didn’t even say nothin’.”

When asked if use of force on an inmate rated a “quickie E/R”, she replied “From my perspective, I didn’t use force. It was Level Two. I escorted her over, she dropped down.” When asked if she had needed to use any form of restraint on the inmate to get her to do what she desired, she said “Broussard and Rivera did.” When asked again that she didn’t have to use any restraint at all, she said “I just pulled her pants down.” She said this took about three attempts.

Correctional Deputy Anita Rivera #10453

Deputy Rivera stated she was working overtime as “R20”, bringing an inmate into Processing for release. She heard someone screaming and yelling in the back, but didn’t know if it was from deputies or an inmate, and she couldn’t hear what was being said. When she got to the dress out room she saw Off. Broussard and Dep. Simpson-Hogan holding a female inmate on the ground. The inmate was fully dressed in street clothing. As Dep. Rivera ran into the room, Off. Broussard told her “We got this, Rivera. We got this.” She left to get some gloves before assisting further. She did not listen to Off. Broussard because it was obvious to her that they could use some help controlling the inmate.

The inmate was struggling and squirming to prevent the officers from changing her clothes. It did not appear that she was trying to punch the officers.

Dep. Rivera wondered why Deputies Burden and Devine, two male deputies working in Processing, hadn’t responded to the screaming before she did. As she got her gloves, Dep. Burden did ask her if she needed waist chains, and Dep. Rivera responded that she didn’t know at this point.

When she went back into the dress out room, Dep. Rivera saw the inmate flat on her back. Dep. Simpson-Hogan was at the inmate’s legs and Off. Broussard had her arms. Dep. Rivera took the inmate’s right arm and Dep. Simpson-Hogan started taking off the inmate’s clothing. At this time, Dep. Rivera wondered why they were doing this without a sergeant present, which, according to her, is the protocol when forcing an inmate to take off her clothes. She did not ask about it then because she didn’t know what had happened before she got there.

Dep. Broussard told the inmate to “Calm down, sweetie. Calm down” while Dep. Simpson-Hogan took off her pants. Dep. Broussard, who was kneeling down, put her left foot onto the inmate’s chest for a few seconds as she said this. The inmate said “I can’t breathe. I can’t breathe.” The inmate then started yelling “Why did you punch me? Why are we doing this? Why are we doing this?” As Dep. Rivera and Off. Broussard took the inmate’s arms out of the sleeves of her top, Off. Broussard started pulling the inmate’s hair with her right hand and pulled her back down to the floor. At the same time, Dep. Broussard put her left hand onto the

inmate's neck in a "C-clamp". The inmate started yelling "I can't breathe. I have asthma. I have asthma." Even though she was yelling this, Dep. Rivera believed the inmate was exaggerating her inability to breathe, because she was talking just fine.

Dep. Rivera felt very uncomfortable at this point because a sergeant wasn't present. They eventually got the inmate changed and pulled her out of the dress out room. Dep. Burden then placed her in waist chains and leg shackles. She had to be held against the wall while he did this. She was then taken to a chair in processing. During all of this the inmate was still yelling "Why are doing this? Why did you punch me?" Dep. Rivera did not see anyone try to punch the inmate, or the inmate try to punch the deputies. Dep. Rivera estimated her time of involvement as about two minutes.

Dep. Rivera was bothered by the fact that Off. Broussard kept telling the inmate "Sweetie, calm down. Why are you doing this?" Dep. Rivera thought that Off. Broussard was speaking like this so that people outside of the room would think that she was trying to calm the inmate down, even though she had a foot on her chest and a hand on her throat.

Dep. Rivera was "pissed-off and frustrated" by what had happened and that these other officers had put her in a situation that she didn't understand what they did. She didn't understand why Off. Broussard and Dep. Simpson-Hogan were dressing out an inmate, forcing her take off her clothes, without a sergeant present, as well as the way they did it. She also didn't understand why neither of the male officers who were in Processing and could hear the screaming assisted at all. She did not know why Off. Broussard put her hand on the inmate's neck or her foot on the inmate's chest. She didn't know if the inmate's breathing was restricted at all, but she did know that someone who has asthma would be scared of someone putting a hand on their neck.

Dep. Rivera relayed her frustration to Deputies Jiminez and Gonzalez in CCW Control immediately after the incident. They told her they had observed Dep. Simpson-Hogan leave "C" unit and head toward Processing about ten minutes before Dep. Rivera had gotten her inmate for processing. They had watched her through the cameras.

Dep. Rivera then spoke to Sgt. Sevillano and Sgt. Liddle. She completed an Employee's Report on the incident that night.

Correctional Deputy Michelle Sevore #10333

Dep. Sevore said she was working in Control, Side 2 when Dep. Rivera came into Control looking "flustered, flushed, and white." Dep. Sevore had never seen Dep. Rivera look like this before. Dep. Sevore asked her if something had happened in Processing and Dep. Rivera said "Yes. Dep. Broussard had told her that she didn't need her help." She didn't say anything else.

Correctional Deputy Zorina Jiminez #10554

Dep. Zorina said she was working in CCW Control about 1900 hours with Dep. Gonzalez. She was working in the back half, where she dealt with the public who were coming into the facility. She knew it was about 1900 because pill call had not yet started, but it soon should. Dep. Simpson-Hogan was assigned to 4C with her trainee. Dep. Jiminez and Dep. Gonzalez both saw Dep. Simpson-Hogan walk past them, down the hallway, and out of the building W4. Dep. Simpson-Hogan did not talk to Dep. Zorina or Dep. Gonzalez before she left. Dep. Zorina did not receive any phone calls for Dep. Simpson-Hogan just before she left, but said calls can be made directly into the deputy work area of 4C without going through control, and cell phones do work in the unit. Dep. Zorina did not recall seeing Dep. Simpson-Hogan return to the unit.

Dep. Zorina said that it was not necessary to always notify someone when leaving 4C if there was another deputy in the unit, if it was just for a brief time such as going to the locker room. If leaving for an extended amount of time, the deputies in control will usually be told that there is only one deputy in 4C. Not everyone does this, and she does not believe it is a policy to do so.

Later, Dep. Rivera came into control. Right away she noticed that Dep. Rivera looked flustered. Dep. Rivera said "I was put in a situation that I shouldn't have been put in." Both she and Dep. Gonzalez asked if she was okay. Dep. Rivera talked to them while they were working, so Dep. Zorina did not pay direct attention to every detail of what Dep. Rivera said. She said that Dep. Rivera told them that she was moving an inmate for release from W2 for processing. She heard a commotion or loud voices coming from the dress out area on the women's side of processing. When she got there, she saw an inmate on the ground and both Dep. Broussard and Dep. Simpson-Hogan struggling with her. Broussard told her to leave. Dep. Rivera said she didn't feel right leaving. She didn't know what had caused all of this to be happening, but she did assist. She started to assist Dep. Simpson-Hogan remove the inmate's pants.

She was concerned that she had discovered this altercation on her own and no one had been notified and a call had not been put out over the radio. The sergeant had not been requested before they started undressing the inmate. When she described what she saw, it was a shock to Dep. Zorina because it is not what they normally do. Dep. Rivera said that Broussard had her hand around the inmate's neck and her foot or knee on the inmate's chest or stomach area.

Dep. Zorina and Dep. Gonzalez both told Dep. Rivera that she had to call the sergeant and tell him.

Dep. Zorina knew that Dep. Rivera had talked with Dep. Sevor before she talked with the two of them because she told them so. Dep. Rivera said she had gone back to her assigned spot before she came to them.

Dep. Zorina did not have any reason to discount what Dep. Rivera relayed to her about the incident. Judging by her physical being at the time, she believed what Dep. Rivera was saying.

Correctional Deputy Marciela Gonzalez #10443

Dep. Gonzalez said she was working in Control and saw Dep. Simpson-Hogan exit the building sometime before 1930 hours. She did not speak to Dep. Simpson-Hogan and did not know where she was going.

Later, Dep. Rivera came into Control looking stressed and upset and told her “I feel like I just got caught up in something that I shouldn’t have been caught up in.” Dep. Rivera said she had heard some yelling in the dress out area in Processing, and when she went in she saw that Off. Broussard and Dep. Simpson-Hogan had an inmate on the ground. She didn’t give much detail. She just said she was uncomfortable with the situation. Dep. Gonzalez told her to call the sergeant, and she did.

Dep. Gonzalez said it was not unusual for this type of situation to happen without someone in Control knowing about it. She saw Dep. Simpson-Hogan return, but doesn’t remember when. She knows it was after pill call, because they couldn’t do pill call with only the trainee, Dep. Kitong in the unit. She thought it was unusual that an assigned deputy would leave the unit knowing that pill call was going to happen soon. She said Dep. Simpson-Hogan did not look stressed when she returned.

Dep. Gonzalez said it would not be unusual to leave one person in unit 4C if the unit was not locked down. Usually, someone in Control would be asked to stand by. Normal lock down is 2300 hours.

Correctional Officer Michael Divine #1616

Off. Divine said he was working in Processing, and it was very busy. He heard two voices in the dress out room. One was Dep. Broussard and he did not know who the other one was, but there was yelling. He went to the dress out room and he got there, Dep. Broussard was coming out. He asked her if everything was alright, and she said had an inmate that may need to have her clothes cut off. Off. Divine did not know where Dep. Broussard went after that. She was gone for two to five minutes, and then she returned.

Off. Divine said that cutting the clothes off of an inmate was not unheard of, but it was not something that they took upon themselves to do. It was done under a supervisor’s supervision.

Off. Divine returned to his work station when Dep. Broussard returned. The yelling continued, so he called Sgt. Sevillano to advise him of the situation, which was an inmate who either refusing to dress out or combative. Sgt. Sevillano arrived in two or three minutes.

Off. Divine said the yelling he heard was garbled, but he heard the inmate yelling things like “I want to talk to a supervisor” and “Get the sergeant over here right now.” She was yelling the same thing over and over again, and Dep. Broussard was telling her that she needed to calm down over and over again.

Dep. Rivera arrived before the sergeant arrived and she went straight into the dress out room. He did not see anyone else go into the dress out room. A few minutes later the inmate was

brought out by Dep. Rivera and Dep. Simpson-Hogan. The inmate was talking, but was not a problem for the entire ten minutes or so that she was in the area. She was not saying anything specific now that he remembers. Dep. Divine checked the inmate for any marks or injuries and he didn't see any.

Dep. Burden arrived with waist chains and stood outside by the curtain. Off. Divine did not know who put the waist chains on the inmate.

Sgt. Sevillano showed up just as the inmate was put in the chair in Processing.

Off. Divine has not talked to anyone about this incident, including the involved deputies.

Correctional Deputy William Burden #10350

Dep. Burden said he was assigned to Processing and had stepped outside to smoke a cigarette. When he returned, he asked Off. Divine where Off. Broussard was and was told that she was dressing out an inmate. Dep. Rivera was in Processing when he returned because she had brought an inmate for release. As they were talking, Dep. Burden said "it started to get loud" in the dress out room. This got the attention of all three of them. He didn't remember exactly what he heard, but he said it sounded like there might be "tussle" in the dress out room. He grabbed a pair of waist chains. As he did this, Dep. Rivera went into the dress out room. It then got quiet in the dress out room. He heard Off. Broussard saying things like "Take it easy, baby" and "Relax, honey." He referred to this as "mom talking". He asked if the inmate was dressed or not, and since it had gotten quiet, he felt that the situation had been dealt with. He didn't want to go into the dress out room and see a naked inmate if it had been taken care of. He asked again if the inmate was dressed or not and someone replied that she was half dressed.

He then went to the inmate that Dep. Rivera had brought in and put her in a holding cell. Dep. Rivera, Dep. Simpson-Hogan, and Off. Broussard then walked out of the dress out room with the inmate. This was the first time he knew that Dep. Simpson-Hogan had been in the dress out room. He put the waist chains on the inmate and she was placed in a chair in Processing. The inmate was still irritated and pissed. She wasn't happy about having waist chains put on, but didn't fight. There was "bother, irritation, and wiggle worming" by the inmate and she wasn't happy about what just went down.

The sergeant talked to the inmate right after she was put in the chair, and she yelled at him. She was saying something like "You didn't have to do that" and was calling Off. Broussard a "bully" or "you're mean." Minutes after the sergeant left, the inmate curled up in a fetal position and fell asleep.

Correctional Deputy Kraig Kitong #10941

He was working in C4 with Dep. Simpson-Hogan, who was his training officer. He remembered that Dep. Simpson-Hogan left, but didn't know why. He did not remember if she got a phone call before she left or not. She did not tell him where she was going. She was gone for about a half hour. When she got back she told him that something had happened in Processing and she had to go do paperwork. She did not elaborate.

Dep. Kitong did remember if the inmates were locked down in the unit when she left.

Dep. Kitong said that Dep. Simpson-Hogan and Off. Broussard ate lunch together all the time. He did not know if they socialized away from work.

Sergeant Juan Sevillano #10364

He was working at Elmwood on "D" Team when he got a phone call from Off. Divine at about 1930. Off. Divine works in Processing. He was informed that they might have a situation with an uncooperative inmate and he should get over there as soon as possible. He stopped what he was doing and went to Processing. It took him a minute and half to two minutes. As he entered Processing, he noticed an inmate sitting in the lobby chair who was screaming and out of control. She was demanding to speak to a sergeant. Off. Broussard was at the counter and looked a little flustered. He could tell she had been involved in something.

Off. Broussard told him that inmate _____ was uncooperative as she was attempting to dress her out. She took her into the dress out room and she was ranting and raving. She started taking her time. She tried to get up and she pushed her back down. Off. Broussard said she grabbed her by the shoulders and pushed her down onto the bench. She said _____ started to scream more and tried to take her hands off of her shoulders. Off. Broussard said she then grabbed the inmate and took her down to the ground. _____ started to scream more and became uncooperative. According to Off. Broussard, Off. Simpson-Hogan then came in and assisted in controlling her. Soon after that, Dep. Rivera came in as well. They held down, took her clothes off, and put her jail clothing on. Off. Broussard told him that was still kicking and screaming.

Sgt. Sevillano asked Off. Broussard if she used any type of force other than what she just told him. Off. Broussard said no, other than pushing her down onto the bench and putting her on the floor. Sgt. Sevillano said he asked again if there was any force used other than what she had already told him, and she said no, and repeated again that she had grabbed her and pushed her down onto the bench and then onto the floor.

Off. Broussard told him that the next thing that happened was that they got _____ up and brought her out of the dress out room. That is when Dep. Burden put waist chains on her. She said Sgt. Sevillano came in just moments after that.

Inmate _____ was evaluated by medical staff and cleared. Sgt. Sevillano then took photos of inmate _____. He took photos of each area where she complained of pain or injury.

Sgt. Sevillano then talked to inmate _____. Inmate _____ told him that Off. Broussard had punched her in the mouth. She said her lip was swollen and bleeding. She said Off. Broussard

stomped on her feet with her boot. She said her feet were hurting. Off. Broussard grabbed her and threw her to the floor. Inmate told him that she thought her elbow was broken. Inmate told him that she wanted to file a complaint and she wanted to contact Internal Affairs. Sgt. Sevillano told her she was entitled to that but that right now he needed to assess her to make sure she was okay.

Sgt. Sevillano said he did not see anything that was consistent to what inmate was saying. She did not have any visible injuries to support what inmate was saying. She did not have any visible injuries on her mouth or lip. There was no bleeding. Her feet and her elbow were not swollen or red.

Sgt. Sevillano directed all three involved officers to write detailed Employee's Reports. When he spoke with Dep. Rivera, she told him that she needed to speak with him.

Dep. Rivera said that she had come into Processing, escorting a female inmate. She heard a lot of screaming coming from the female dress out room. Dep. Rivera responded right away and as she came around the corner, she saw Off. Broussard and Dep. Simpson-Hogan on the floor with an inmate. Broussard told her "We got this, Rivera." Dep. Rivera thought they were telling her to go away. Dep. Rivera said she couldn't go away because they were still fighting with the inmate. The inmate was uncontrolled, not in restraints. They were trying to pull her clothes off, so Dep. Rivera went in to help maintain control. Dep. Rivera said she then saw Off. Broussard step on the inmate with her left foot. Sgt. Sevillano said "Come again?" Dep. Rivera said she saw Off. Broussard step on the inmate to hold her down. Dep. Rivera said she was holding the inmate now and as Off. Broussard was stepping on the inmate, the inmate was complaining that she couldn't breathe, and that she was having an anxiety attack. Dep. Rivera said that Off. Broussard then grabbed the inmate by the throat with her left hand and pushed her back down on the ground. The inmate was still yelling that she couldn't breathe. Dep. Rivera said that during this time, Dep. Simpson-Hogan was pulling the inmates bottom clothes off and Dep. Rivera was trying to pull her top clothing off.

Dep. Rivera said that Off. Burden came and asked if they needed any assistance. Dep. Rivera said she told him no because the inmate was partially naked.

According to Dep. Rivera, Off. Broussard then let go of the inmate and the inmate kind of came up. Off. Broussard then grabbed the inmate's hair and yanked her back down onto the floor. They were then able to get her clothes off and the jail clothes on. After that, they stood the inmate up, using control holds. Dep. Burden then put the waist chains on her and she was put into the lobby chair.

Sgt. Sevillano asked Dep. Rivera if she was sure that this was what she saw, and Dep. Rivera said yes. Sgt. Sevillano asked Dep. Rivera if there was anything she did and Dep. Rivera nothing other than what she had said.

Her demeanor was very uncooperative. She was yelling and screaming allegations, saying "she beat me up. She punched me. I want to file a complaint. I want to speak to a sarge." Even when he went over to talk to her, he had to tell her calm down so he could hear her concerns.

Sgt. Sevillano said the inmate was in custody for 11377 H&S charges, but did not appear to be under the influence. He assessed her for that. He asked her when the last time she used drugs was and she told him she used methamphetamine three days ago. She told him she was not currently under the influence. She also said she was not coming off anything or detoxing. When he asked the inmate why her behavior was so erratic, she told him it was because she was upset.

The inmate eventually calmed down and he was able to talk to her. After hearing her statement, Sgt. Sevillano said that, based on what she told him, and looking at her physical appearance, he did not believe her. She said she had been punched in the mouth, but she had no indicators of physical assault on her mouth. It was not bleeding. He had her open her mouth and there was no bleeding. She said she had been stomped on her feet with a boot. He looked at her feet, and they were not swollen. She was very unkempt and looked almost like a transient. Her feet were very dirty. He told the inmate that he didn't see any injuries on her feet, and she insisted that the officer had stomped on them. Her right elbow was not swollen; there was no bone protruding or redness to the area. He did not see any major injuries.

Sgt. Sevillano said that Dep. Simpson-Hogan was working W4C at CCW. He said it would take 8 to 10 minutes for her to get from W4C to Processing because they have to open secure doors. In order to leave her secure area, she has to go out her secure door. Then control has to open another door. She then would have to pass through a sally ports to get through the next door, then control has to open another secure door, then you have to go around.

Sgt. Sevillano said the Dep. Simpson-Hogan had written in her report that she was in Processing to get a piece of cheese cake. Sgt. Sevillano said that one of the concerns that he had was that Dep. Simpson-Hogan was a training officer assigned to the W4C, the "hard locks", and had a male probationary trainee assigned to her. He said it was very uncommon to leave a trainee in the unit. He said a T.O. would not leave a Probationary On The Job Trainee (POJT) alone in that unit.

Sgt. Sevillano described the type of inmate housed in W4C as a maximum security unit that is staffed by two officers. During this incident, the male trainee had been left alone in the all female the unit. Sgt. Sevillano thought that the trainee was in his 15th week of his 24 week training program, and had just recently changed from day shift to night shift. Sgt. Sevillano said he was training officer for thirteen years before being promoted to sergeant. He would never leave a trainee alone in W4C.

Sgt. Sevillano said that for the charges that inmate had, the dress out officer was required to do a strip search. This search consists of having the inmate remove their clothing items one at a time. The officer checks each clothing item and puts them in a bag. The officer then goes through the formality of checking every area of the inmate's body. They have them lift their hands, open their mouth, look around the ears, look around the genital area, and they have to squat and cough. Based on his review of the reports, Sgt. Sevillano does not believe that this ever took place. From the reports, he could not tell if an assessment was done during the change of inmate

Sgt. Sevillano said he was present during the medical check by the nurse. He confirmed with the nurse that the vital signs were normal and that there were no visible injuries.

Sgt. Sevillano did not feel that the level of force used was proper without a sergeant present. If he had been present, and it was evident that force was necessary, he would have called for three or four female deputies to stand by in the dress out room. His hope is that with the show of force he would get voluntary compliance from the inmate.

Sgt. Sevillano said that deputies are taught how to deal with inmates through the use of quadrant controls and pain compliance holds. Stepping on an inmate is not something they teach. Grabbing an inmate by the neck is not something they teach. Grabbing someone by the hair is not something they teach. These are the three things that Dep. Rivera told him happened, and that made red flags go up.

Sgt. Sevillano said that if an inmate was lying on her stomach, it would not be okay for someone to put their knee in the inmate's back to control them while the clothing was pulled off of them. He said the deputies are taught quadrant control for this, controlling the arms and legs.

Sgt. Sevillano believes that this entire incident could have been avoided with one phone call to him. He did not know what the rush was by Off. Broussard to dress out inmate [redacted]. To the best of his recollection, inmate [redacted] was the only inmate there for dress out.

Sgt. Sevillano said it was his opinion that Off. Broussard violated department policy during this incident when she didn't step away from the inmate and notify the sergeant, but instead continued to engage in the situation that led to a use of force. The initial use of force was not reported to him by the involved officer (Broussard), but by a secondary officer (Rivera). He also thinks that Off. Broussard may have violated laws by using unnecessary use of force on an inmate. His opinion is that stepping on an inmate is not an appropriate use of force when there are three officers there to control the inmate.

Statements:

The following statements are not verbatim translations of the interviews. Please refer to the original audio recordings, if a comprehensive transcription is required. These interviews were recorded for the purposes of accuracy, and to free me from having to take hand-written notes.

Correctional Officer Michelle Broussard #2543

Interviewer: Steven Angus

Date: 03/21/2016

Time: 1840 to 2010

Conducted at Sheriff's Office HQ Fourth Floor Internal Affairs Office

This is a summary of the interview conducted with Dep. Broussard. For the complete interview, refer to the recording.

Steven Angus met with Correctional Deputy Michelle Broussard #2543 to discuss an incident she had documented on an Employee's Report on August 10, 2015. Also present was Corr. Dep. Broussard's [redacted]. All parties present were aware that the conversation was being recorded.

I began by reading Corr. Dep. Broussard Department of Corrections Policy 3.31.IV.J.2.a and 3.31.IV.J.14.a, which specified that she was required to answer my questions truthfully, and that I was acting as her superior officer by virtue of my Internal Affairs investigation. She acknowledged her understanding of these orders. I Mirandized Corr. Dep. Broussard. She said "yes" when asked if she understood these rights. She said "no" when asked if she wanted to talk to me now. I also read her the standard admonition which clarified that this was an administrative investigation only, and that nothing she said could be used against her in a criminal proceeding. She acknowledged her understanding of this admonition. I then confirmed she was currently on-duty, what her regular duty hours were, and that there would be no overtime paid as a result of this interview. I told her that she could take a break at any time during this interview. I advised her that if a re-interview was necessary in the future, she had a right to a copy of the recording of this interview. She acknowledged her understanding of this as well. I admonished her not to speak about the interview with anyone but her legal representative. She and her [redacted] then signed the forms I had completed documenting her understanding of all of these points.

Corr. Dep. Broussard said that on Monday, August 9, 2015, she was working at Elmwood Processing. Her duties included processing new inmates, dressing them out. Releasing inmates that were already in custody. Receiving inmates from other counties. Processing money for inmates. On that day, Deputies Burden and Divine were also assigned to Processing.

That day, inmate [redacted] was brought over from the main jail, after she had been medically screened and her housing location had been determined. Inmate [redacted] did not seem familiar to Corr. Dep. Broussard when she saw her. Inmate [redacted] was sitting in a chair, unhand cuffed, and sleeping in the lobby area of Women's Processing. She was still wearing her civilian clothes. Occasionally inmate [redacted] would pop up and say random things like "San Jose P. D. always fucks with me" and "you people are always fucking with me." I assumed she was under the influence of something. She was not happy to be in jail. She was the only female that had been brought over from the main jail. I got her clothes ready and made a bag with her name on it and took her property. I prepared everything before taking her out of the chair.

I had her pick up her bag and told her to follow me to the dress out room, which she did. As I followed her in, she continued saying random things like "this is stupid", and "San Jose P.D. is always out to get me", but she went where she was directed. I told her to have a seat in the furthest dressing room to the right. She put her stuff down, and continued to be belligerent. I asked her why she was so upset. Inmate [redacted] replied "I'm tired. I'm mad. This is bullshit. I

don't know why I'm here. Why are you fucking with me?" I told her "Let's just get dressed and go lay down. I don't know about all of that, but just go to bed. I'll get you dressed and you'll be done." Inmate continued to chirp away, so I let her. I left and went back to my work area where I continued doing things with the money. I was giving her time to calm down, and then I would go back to her.

I didn't think that the clothes change was going to happen at this point. I don't recall if I had told inmate to change or not, but it was obvious that she was so annoyed. Sometimes you can give people a minute to vent, then you come back and it's time to get dressed. When I came back, her jail clothes were still in the bag. I told her to empty the bag. She was being very argumentative for no reason. She was irate and mad. She was cussing and yelling for no reason. I wasn't using any profanity with her or responding to any of her abuse towards me. I told her to calm down and that I didn't know why she was so upset. I never raised my voice at her. I never threatened her. I don't remember seeing her, so I don't know why my presence would set her off so much.

I was still trying to give her instructions to get dressed. There is a way that I have to do it, so I told her to take off her shoes. I don't remember if she took off her shoes. She may have. She was still ranting "this is bullshit. This is not how you should be doing it. I've been coming to jail for X amount of years. This is stupid shit." Inmate was wearing a heavy coat, like a Pea coat. She took it off and threw it at me, trying to hit me with it. This startled me. had her hands up and Broussard thought she was going to fight her. This shocked her because of their size difference. Broussard described herself as being 5'8" to 5'9" tall and about 175 pounds and being maybe 5'1" tall and weighing about 100 pounds. arms were over her head, so Broussard grabbed them to control them. She didn't have her in a control hold, because she didn't want to hurt her by using her strength on her. She was just holding her arms because kept flailing away and wanting to fight. Broussard didn't think she would be able to control her by getting her all the way and around and controlling her arms, so she decided to just lay her on the ground and get her from the back like that. As Broussard was putting her on the ground, she didn't throw her because she didn't want to hurt her. Just then, Corr. Dep. Simpson-Hogan came into the dress out room. When Broussard saw her, she decided not to handcuff but to dress her out instead. They started changing from her street clothes to her jailhouse clothes.

Broussard said that looking back on it now, in hindsight, what she should have done was put the handcuffs on taken her out of the dress out room and into the lobby, and waited for a sergeant to determine what to do at that point. Prior to Simpson-Hogan coming in, a male officer called for the sergeant. She does not know who called. She could hear him making the call.

Broussard said she didn't wait because she just wanted to get dressed and out of the Processing unit.

Broussard said it was 5 or 10 minutes that she left in the dress out room alone. While she was out, she said she knows that she called Simpson-Hogan and may have called some other friends that she calls on a regular basis a couple of times a shift. Her phone call to

Simpson-Hogan may have been returning her call, but she wasn't sure. She said they call each other several times every night.

Broussard said she did not think she spoke to anyone when she left the dress out room the first time. This was when she left [redacted] in alone to cool down. She didn't feel that this was an unusual situation. She didn't remember talking to Deputies Burden or Divine. She said that if she did, it would have been just to tell them that she was letting [redacted] cool off. She wouldn't have said anything that would indicate that [redacted] was someone that she couldn't handle.

Broussard said it was common to take inmates from the chairs in Processing, where officers could see them, and leave them in the dress out room, where they could not be seen. Sometimes they needed a different set of clothes or a tampon, and she doesn't have another female officer to stand by. Sometimes inmates have had a lot of trauma, and to be sensitive to them, she lets them dress themselves without other inmates in the dress out room. It also depends on the charges. If the charges are not drug or violence charges, she can give the inmate her clothes and tell them to come out when they are done changing. Broussard said she knew [redacted] was in on drug charges.

Broussard said that for drug charges, she had to be there when an inmate took off her clothes. It seemed to Broussard that [redacted] was not only tired and mad, but she didn't want to disrobe. Broussard was thinking that she probably had something, and that was why she didn't want her to be present. According to Broussard, that is usually why inmates don't want you to see, because they have something they are not supposed to have.

Broussard said that if [redacted] had decided to disrobe and get into jail clothing while she was left alone for the 5 or 10 minutes, she would have done a quick little visual check, because of her charges. This would have consisted of looking to see if she had anything by pulling on some unidentified areas of clothing. She would not have made [redacted] get undressed again. Broussard reiterated that inmates often don't want to get naked and resist when they have something.

Broussard clarified that she did not leave [redacted] in the room to change, but only to calm down. She said she did not tell her to change. When I pointed out that [redacted] had been through the process before and had carried her jail clothing into the dress out room, Broussard said she assumed that [redacted] knew that the dress out room was for changing into the jail clothing.

Broussard agreed that she had earlier asked [redacted] to change, but [redacted] didn't want to then. That is when she left her alone to collect herself and she would come back and try again to get her changed. Broussard said she did not leave [redacted] alone with the intention that she would disrobe herself. She only left her alone to let her collect herself. When she came back, Broussard told [redacted] that they had gotten off on the wrong foot, and let's try this again.

Broussard said she was not certain if she called Simpson-Hogan to come help her during the time she was out of the dress out room and had left [redacted]. She said she calls her a lot

throughout the shift. Broussard said she had never called Simpson-Hogan to help her with an inmate. She said Processing is the hub of the unit and people come there to get food and visit.

When I asked Broussard if she knew why Simpson-Hogan was in processing at that time, she said that Simpson-Hogan helps her a lot. She helps her with her reports and with the inmate money. She visits with Off. Divine. She said Simpson-Hogan used to work in Processing.

Broussard said she did not see Simpson-Hogan come into Processing. Broussard thought she must have already been in the dress out room when Simpson-Hogan came into Processing.

Broussard said that after the five to ten minute break, she went back into the dress out room alone. Simpson-Hogan did not go with her into the room. Broussard said she was in the dress out room about five or ten minutes before Simpson-Hogan came into the dress out room.

Broussard wanted to clarify that sometimes a sergeant will tell her that they need to do something with an inmate and she will ask for Simpson-Hogan or Off Castaneda, or whomever else she wants to help her with that inmate. Those are the times that she has asked for Simpson-Hogan to help her with an inmate. She asks for Simpson-Hogan because they have been partners before. They know how each other works and have a level of trust with each other. She doesn't have to tell them what to do, "grab her arm." She can just look at them and they know what to do. These people are not going to get crazy if the inmate cusses at them and they will work quickly and cautiously. They won't get her in trouble because they know what to do. When she is asked to get some people for a team, she gets the same people, and Simpson-Hogan is one of those people.

Broussard said there used to be a team called the ERT team in the jail who would deal with a problem inmate or an inmate who didn't want to dress out, but they don't have that anymore. So when the sergeant tells her to get a team together, she has a few regulars that she calls. It is an informal group. She has assembled this group a lot of times. She did not call for any help this day because she did not know it was going to be this kind of situation.

When Broussard went back into the dress out room, [redacted] was still mad and angry. Broussard tried to pacify her by telling her they had gotten off on the wrong foot. She tried to cajole her and told her she just wanted to get her dressed and get this thing done. [redacted] kept yelling "this is bullshit. I've been coming here and this is not how you do it. Fuck you and blah, blah, blah." Broussard said she kept calmly talking to [redacted] about getting changed. [redacted] stood up as if she was going to comply with her, and when she did, she took off her coat. She swung it off and threw it at her. This shocked Broussard. Up until this point, [redacted] had just been a big mouth and Broussard thought she could persuade her to follow her orders. Broussard then grabbed [redacted] hands, which were above her head. Broussard decided she needed to secure her because she was flailing away, cussing and fighting. She didn't think she would be able to grab her arm in a control hold, so she kept her wrists and put her on the ground. She was going to handcuff her from behind and that is when Simpson-Hogan came into the room.

When Simpson-Hogan came into the room, Broussard said she was already kneeling on the floor, preparing to handcuff [redacted]. When she saw [redacted] back, she decided to just change her clothes because she now had help. Broussard reiterated that, looking back on it, the smart thing would have been to handcuff her and take her to the lobby.

Also as Simpson-Hogan came in, Broussard said she heard one of her male partners calling for the sergeant. Broussard again said she should have handcuffed [redacted] escorted her out, and sat her in the lobby.

Broussard and Simpson-Hogan started disrobing [redacted]. Broussard was at the top half and Simpson-Hogan was at the bottom. [redacted] was still kicking and flailing like a little tiger cat, according to Broussard. Neither she nor Simpson-Hogan used any profanity towards [redacted] or talked to her in a disrespectful manner. As they took her clothes off, one of the male partners asked, from around the corner, if they needed any help. Broussard did not know who it was that asked. She told him they didn't need any help, that they were good. It may have been more than one male officer that asked this.

As they continued to take off [redacted] street clothes and put on her jail clothes, Rivera came in. Broussard thinks it was Simpson-Hogan who told Rivera that they were okay. The room is very small, and Broussard said she was the smallest of the three officers, and she herself was not little, as she explained that there wasn't really any room in the dress out room three officers. Rivera came in anyway. Simpson-Hogan was at [redacted] feet. With Broussard and Rivera at the top of [redacted] there was not enough room to move, so Broussard had to lean on [redacted]. Broussard said that having Rivera help made things a little more awkward. It made the situation take a little bit longer. They got done, someone got chains, but she doesn't know who. They chained [redacted] and brought her out. By this time [redacted] was tired, so she went limp. They grabbed her by pants and she was very light. They then walked her out to the lobby area. As they walked her out to the lobby area, Sergeant Sevillano and Nurse [redacted] were both there. Broussard had to refer to her Employee's Report to refresh her memory on which nurse was there.

I asked Broussard what was happening when Rivera stepped in that Broussard thought made her think that they needed a third hand. Broussard replied that she didn't think Rivera thought that at all. Broussard said she thought Rivera was trying to get some kind of 4850 caper. She said Rivera is "not a helper type of person."

Broussard said that she and Rivera were in the same academy, and they have never worked together. She said that Simpson-Hogan and she "work in the trenches" and Rivera is "a pet of the sergeants." Broussard said that Rivera has made a number of disparaging comments about her in the past. It did not feel good when she saw her. Broussard said that is why she told Rivera she did not need her help. Broussard said she even tells her male partners she doesn't need their help because she and Simpson-Hogan are used to handling inmates. It is easier for them to work together because they know what they are going to do without them saying anything because they already have a routine together. Broussard said that if she had a difficult inmate, she would have gotten one of her male partners. She thought that she and Simpson-Hogan could get her dressed. In fact, she was going to handcuff her and take her out

of the room by herself before Simpson-Hogan got there. She did not think of dressing out before Simpson-Hogan came into the room. She then changed her mind and decided to change

I asked Broussard “Why do you think Rivera didn’t just stand by and observe while you two...” at which point _____ objected to the question on the grounds that it called for speculation. I said “okay” and Broussard said “Okay, but I sure want to say something. I want to make a point.” She asked if I was a police officer before and I told her yes, with this office for 32 years. She then continued “Did you know _____ from Milpitas? Well, my uncle retired from Milpitas, a police officer, a captain. My mother’s a police officer, retired, Oakland. My step-father. What hurt me to the core was that if this woman saw me doing something that could get me in trouble, or Alain in trouble, why didn’t she tap us out? Why didn’t she say ‘hey buddy, you’re doing too much? Or hey buddy, step out.’ If that’s, really, if you saw me doing me something that would be causing me to be in IA, or maybe criminally charged, I would never let one of my co-workers do something to get themselves in trouble. Ever. Ever. Ever, ever, ever, ever. Okay? So that’s what really has me most upset. If you felt that way, if you really felt that I was doing something inappropriate, or Alana was doing something inappropriate, why didn’t you say ‘hey Broussard, I got it. Step over here.’ or ‘hey Broussard, you’re doing too much’. So you’d sit there and watch and report and try to go get me in trouble? You wouldn’t even pull me aside and say you’ve got to think about your career. You’ve got to think about your kids. You’ve got to think about your house. Really? Okay. So you see me beating up this little, tiny woman. So you say that you would let me beat her up? Okay, so you don’t care about me. You don’t care about Alana. You would just let me do that to somebody? You wouldn’t say ‘hey, that’s enough’. Really, lady? So, we didn’t talk about this, but that has me. I had to say that. What was your question?” During this narrative, Broussard became visibly upset, emotional, and teary eyed.

Broussard continued on, saying “As a police officer, you see your partner, what, you’re supposed to help them if you seen them in trouble.”

Broussard said that Rivera did not immediately jump in and start assisting when she got there. Broussard said “No, what is was, was, I believe this, now. I believe it then. She got butt hurt because we said ‘oh no, we got it.’ But again, I told that to the guys. They didn’t get butt hurt. I might have told you that if you were there. No, I got it. Me and her got it. It wasn’t anything personal, but I think she got butt hurt. Because, you know, she always says ‘you guys are a little clique.’ I think she got butt hurt.”

Broussard said that Rivera grabbed one arm. Broussard explained that when Rivera first saw them, she was holding both arms and Simpson-Hogan was holding both legs, so Rivera should have been taking off the clothes. She said that having Rivera hold one arm was not helping.

Broussard didn’t want Rivera’s help, not because of who she was, but because she thought it would be easier without her. She just wanted to get the woman dressed. I asked Broussard if she conveyed this Rivera, and she told me that she had said “oh no, we’re fine. I didn’t say get out of here. We’re beating this lady up.”

Broussard described the area as open to anyone, so anyone could walk in at any time. It was common for people to ask if she needed help with an inmate and she would tell them “no, I’m good.” Sometimes she might ask them to stand by. Sometimes she might say no and sometimes she might say yes. When she says it is not dismissive. She appreciates the offer, but if she doesn’t need the help she says so. Broussard thinks that Rivera took her saying no to her help as dismissive.

Broussard said that when Rivera came in anyway, she half-way helped because now she was in her way. She was not helping by grabbing an arm. Broussard thought she should have pulled off _____ clothes, or something. Otherwise, she was just there.

According to Broussard, after all three officers were working at the same time, the rest of the dress out happened very quickly. They took everything off, and then they put everything on. Then someone else brought chains and she was brought out to the women’s lobby.

_____ asked for clarification on Broussard’s hypothetical assertion that if Rivera was going to accuse her of beating up the girl, why didn’t she say anything at the time. He asked Broussard if she had actually heard from someone or from her that she was accusing her. Broussard say yes, she had heard it “all around.” _____ asked what she had heard, and Broussard replied that she said she heard because Rivera has told several of their co-workers. Broussard said she has not spoken of this. She said Rivera said “they did this, they did that, blah, blah, blah. They didn’t hear it from me, because I hadn’t said a word. They didn’t hear it from Simpson-Hogan, she didn’t say a word.” _____ verified that “beating up that little girl” was the accusation that Broussard understood. Broussard said yes. I asked Broussard if she knew for a fact that Rivera had talked to people other than her supervisors about it, and she said yes. Broussard said she brought this up at her last interview, and when asked then if she wanted to name names about who Rivera had talked to, she merely said that this was a mess and she didn’t want to put anybody else in the mess. She thinks that Rivera was talked to, because she knows that some other people were interviewed, and they weren’t the supervisors.

I asked Broussard if _____ had made any accusations during the struggle. She said no, other than lots of yelling and screaming. _____ asked Broussard if _____ complained of any pain, such as saying “ow” when she went to the ground. Broussard said no. _____ asked her if _____ made any other complaints in the course of the interaction with her. Broussard said no, not that she can recall. _____ then asked if she had done this after the dress out. Broussard said that after they were done, _____ said she couldn’t breathe. Broussard told her that she was hyperventilating. She told her that she could breathe, to slow down, telling her to calm down. She was trying to calm her down.

Broussard said that after the dress out, _____ went straight to the nurse, who was outside the door, waiting. Prior to that, including the time they were scrambling around with her, Broussard said she was trying to calm _____ down by talking to her. She said she told _____ to stop, that she was going to hurt herself. She pointed out to _____ that they were much bigger than she was. She told her she was going to hurt herself, so calm down.

asked Broussard about complaint about breathing. He asked if complained about that while they were dressing her out. Broussard said no.

Broussard said that did not mention if she had any medical issues.

I asked Broussard if she ever saw anyone put a foot on chest, like in a restraint. She said no. I asked Broussard if she saw anyone put a knee on chest or stomach. Broussard said she put her knee, but not to restrain her. She said the area they were in was small. When Rivera came in, she had to shift her position. There was no other room but on She used herself to shift and give Rivera the other arm. She said she put her knee on lower left side. She said she did not put it on her stomach. asked how much weight she put on her knee and Broussard said she did not put all her weight on it. She just put enough weight on so she could give Rivera the arm. After request for clarification, Broussard said she didn't really know where she put her knee. There was no ground because the ground was covered by body. There was no more floor.

I asked Broussard if she ever saw anyone strike in the mouth or face, even accidentally. She said she did not see that. I asked Broussard if she ever saw anyone put a hand on throat or neck. She said she didn't see that. I asked Broussard if ever she saw anyone stomp on feet. She said no, she didn't see anyone do that. I asked Broussard if she ever saw elbow go hard into the floor at any time. She said no. She went on to explain that because she weighs so much more than she was really cautious when she put her down. She knew that if she threw down, she was going to get hurt because she was such a little person. She said that Rivera was 200 pounds, she was 170 pounds, and Simpson-Hogan was 200 and something pounds. Nobody wanted to hurt they just wanted her to get dressed. No one was trying to jack her up, or twist her arm. They just undressed her and dressed her. No one was trying to get her or harm her any kind of way. I asked Broussard if she ever saw anyone pull hair. She said no.

I asked Broussard if she could shed any light on why Simpson-Hogan helped her and not either Burden or Devine, the officers assigned to Processing. She said the only she could imagine is that they are protective of their male partners. If a male officer had yelled in "are you okay" because they thought something was wrong, they might have sent in Simpson-Hogan to check because they might think the woman is naked or something. If she had asked for a male officer to come in and help, they would have done so.

I asked Broussard if she remembered if either Burden or Divine asked if she needed any help. Initially she said yes, and her response to them was to bring chains. She did not know who brought the chains. She said she was asked if she needed help before Simpson-Hogan was there.

wanted to clarify Broussard's answer to why Simpson-Hogan was helping her instead of Burden or Divine. He clarified that Burden and Divine were male officers. He asked Broussard if she, either by policy or general practice, if there was a point at which it is

bad enough that she needs to ask her male partners for help with a female inmate. Broussard replied “definitely.” She said if [redacted] had been her size, or if there were exigent circumstances, she would ask a male partner to help. [redacted] asked that if when dealing with a female inmate, if that person is not being enough of a problem, would she generally ask for a female officer to help? Broussard said “it’s not enough of a problem. It is other things you are considering. Is the person crazy? Sometimes if they’re crazy they are real strong. Are they high? Its other things to be considered in this. I thought this was a low level thing. Even if I thought it was something serious, she still had, or could have had Simpson come stand by with me. If I really thought it was a problem, I would have had even a female stand by.” [redacted] than asked “Do you try to have a female officer help you with a female inmate, first, before elevating it to a male officer? Or is there not a distinction there?” Broussard replied “It’s hard to say because you don’t know when you deal with these people. You don’t know what you’re going to get. Some people, sometimes they’ll call and say ‘so and so is coming in and they’re going to be a problem’. She then, when they say that, the sergeant will round up the troops and they will be waiting. And sometimes you don’t know. Sometimes someone will start off nice and then they’ll go. I mean, you really just don’t know what you’re going to get.”

I tried to clarify with Broussard how much time elapsed from when she went back into the dress out room the second time. I reiterated that she had talked to [redacted] and [redacted] threw her coat at her. Then Broussard to her to the ground and she was just going to hand cuff her and return her to the chairs. Broussard agreed that was accurate. I told Broussard that she had said earlier that it could have been 5 or 10 minutes before Simpson-Hogan showed up. Broussard said she was mistaken. She now said that when [redacted] went to the ground, literally here came Simpson-Hogan. [redacted] interjected and said “ To be clear, the 5 or 10 minutes that she said was from the time she went initially back in to that changing area to when Alana Simpson-Hogan showed up. And I assume there was some sort of verbal interaction before you actually had to take her to the ground.” Broussard said “yes.”

[redacted] continued “But from the time you had to take her to the ground, or from the time you went hands on with her, to time Simpson-Hogan showed up was very quick?” Broussard replied “You know what? I don’t know, exactly. But, I mean. I’m sorry that I’m confused, but when she was on the ground, at that point, that’s when she came in. But again, that room is so thin, so I’m sure they could hear something going on. I’m sure they could hear some kind of commotion going on in that room. And then, I don’t know, maybe one of the other guys said ‘hey, go, go check on her’. I don’t know.”

I then asked Broussard “So there is an altercation going on. It’s just you in the room, and one of the other male processing deputies doesn’t walk in just check on you, to make sure that it’s good?” She replied “He may not have known. He just hears loud, ‘cuz that lady had been loud all along. She had been ayayaayaayaayaayaa.” I asked her “When you took her down you didn’t call to somebody and say ‘hey, I need a second hand in here?’” Broussard replied “No. I just handcuff her and wrap her up like a Christmas bow. That was my plan.” I asked Broussard if it was coincidental that Simpson-Hogan came in then. She said “when she came in, that’s when I had taken her to the ground.” I said “My question was, it was just coincidental that she just happened to be there?” Broussard said “Yes. Because I was just going to put the handcuffs on and walk her. That was what I was planning to do.” I asked

Broussard if she made a comment to one of the processing officers when she walked out of the dress out room the first time that “we may have to cut off her clothes.” Broussard said “I don’t remember saying that. But that is typically when you have a combative inmate, that is what we do. But I don’t want to cut this woman’s clothes off, because what is she going to wear when she leaves?” I confirmed with Broussard that [redacted] wasn’t combative yet, and she agreed.

[redacted] said he had a few follow up questions. He asked Broussard “At the moment that inmate [redacted] You described her taking off her Pea coat and throwing it at you. And she’s how far away from you when this happens?” Broussard said “I’m like an arms it’s a tiny room.” [redacted] asked “So within like one or two feet? She’s right next to you?” Broussard said “Yes, right here.” [redacted] told Broussard that she had described throwing a coat at her from very close range, and then she described having hold of [redacted] arms. He asked Broussard if she remembered what actually happened in between those two events and what caused her to get control of her arms. Broussard said “I remember thinking this lady, what had happened in the past, when I tried to be extra gentle with someone who’s a lot stronger than me, I end up hurting myself. So I said let me put her down and put these handcuff’s on her. Instead of doing this, this ends up, I ended up, that’s when I end up hurting myself.” [redacted] then said “My question is. You’re sort of moving your arms around. I’m assuming you’re depicting some sort of a struggle with your arms on her arms.” Broussard said “yes.” [redacted] said “What I’m wondering is what actually caused you to grab her arms.” Broussard said “Because her hands were still up from when she threw the coat at me. Her hands were still up, like she was coming to fight.” [redacted] asked “Like she was trying to hit you?” Broussard said “Yea. And were very, the little area is super, super close. It’s not like I can get back. It’s a little awkward shaped room, too. It’s not a regular shaped room. You kind of have to step out, you have to step to the side and then step out. It’s not like. It’s strange.” [redacted] said “Did you make an affirmative decision to go hands on and grab her arms or was this like a reflex to keep her arms away from you?” Broussard said “It was a reflex. She threw the coat at me. It wasn’t like she was throwing it on the ground. She’s throwing it at me, trying to hit me. Then I see her getting ready to follow up, and that’s when I wanted to take her arms, just to keep them from striking me.”

[redacted] then said “Now you’ve said a couple times that, in hindsight, you would rather have cuffed her on the ground, taken her out, and waited for a sergeant.” Broussard replied “Yes, and that was my...” [redacted] then said “What is your understanding of what a sergeant would have done? Broussard said “He would have had the liability and I probably wouldn’t be in this mess I am in today.” [redacted] continued “In that situation, do you think a sergeant would have ordered you to dress the inmate out?” Broussard replied “Yea. He would have ordered me to dress her out. He would have maybe told me to cut off her clothes.” [redacted] asked “Is that something you’ve done before?” Broussard said “Yes.” [redacted] asked “You’ve cut off an inmate’s clothes on the orders of a sergeant?” Broussard said “Yes”. [redacted] pointed out that when Broussard had left [redacted] in the dress out room for a few minutes, she wasn’t restrained. He asked Broussard if [redacted] already had an assigned security level. Broussard said she did, that is was the lowest level, a Level 1. [redacted] asked if it was common to leave Level 1 inmates unattended for in the dressing area for any period of time. Broussard said yes.

asked in what sort of circumstances would that take place and Broussard replied "If I had to get her clothes, or sometimes I need to check something, or sometimes she may need to call a nurse. If during the period of disrobing them, they may have an abscess on their foot or something." asked Broussard to confirm that there were a number of circumstances when she would leave a Level 1 inmate unattended for a couple of minutes, and Broussard said yes. asked "Would it be safe to assume that for higher level inmates you wouldn't do that?" and Broussard said "No, they wouldn't be in that area. They would be in their little holding cell area."

reminded Broussard that earlier she had said that she had not requested Simpson-Hogan to come help with an inmate. He asked her "Are you remembering that you didn't do that or do you not remember doing that?" Broussard said "I don't remember doing that, because I call her, like, at that time I was still learning the money. I was hey, I need help with this. I would call her for different things. I don't recall calling her for that."

asked Broussard if she remembered, on this particular night, if she talked to Simpson-Hogan about this inmate, and difficulties dressing this inmate out. Broussard said no, she didn't remember. Broussard went on to say that she and Simpson-Hogan typically talk a couple of times a night, anyway.

asked Broussard if she actually knew when Simpson-Hogan arrived at the holding cell. Broussard replied that she was not watching the time.

tried asking a different way, asking if Broussard was aware when Simpson-Hogan arrived at the room, or did she just sort of realize that she was there? Broussard said "I wasn't aware until I saw her there that she was even in the building."

asked "Do you remember precisely what was happening with you and inmate when you realized that Simpson-Hogan was there?" Broussard said "Yea. When I realized she was there, that's when I had her on the ground, and I was getting ready to handcuff her."

asked Broussard how often she had to dress an inmate. Broussard said "All the time. It's very common. When an inmate doesn't want to change their housing or their security code. They're going into protective custody. They don't want to do that. Or maybe they are being monitored for (unintelligible) checks, and you have to remove all their clothes." Broussard described the process, saying "You will have a team of people and they will be... One person will have the arm, leg. It's pretty much a little routine, that they know what to take."

asked if this would be generally done under the supervision of a sergeant or if it ever happens without a sergeant. Broussard replied "Since the unfortunate passing of we used to have discretion to do a lot more. The sergeants would say 'okay, I know you guys know what to do. Do it and call me.' Now, anything happens, we need to call. It looks like a problem, not a problem, but it looks like it could be a problem, we'd call the sergeant. And before that was not what it was."

clarified that this incident happened on August 9th of 2015. He asked if it would be accurate that if it happened on August 9th of 2014 that you would not have been expected to call a sergeant. Broussard replied "No. It wouldn't have been a big deal. And it's funny because the next month, Rivera had an incident like this, and the inmate went out code 3."

asked if the inmate was actually injured and Broussard said "uh huh."

asked Broussard, if, to her knowledge, was inmate injured in this incident. Broussard said "She was not injured." "She got checked out by a nurse. At this point they don't even want us to go into a cell. Generally, when you open a door. Before we could

open a door. Now, you do not open a door. You don't change rooms. Before I'd change a room. Hey, I need to move to the bottom bunk. Now, if you open a door, you need a sergeant. So it's very, very different. And I understand that now."

referred to the Employee's Report written by Broussard. He referred to the description Broussard wrote of flailing with her arms, hitting and kicking. In general, trying to hit Broussard with a body part. He then referred to the interview that Broussard had with the detective. He said the subject of trying to bite her came up. He asked Broussard if she remembered if tried to bite her. Broussard said "You know what? I didn't realize it because I have a long sleeve shirt that has a little bite mark on my arm. Probably because I was leaning and we're so close." asked if she remembered it and she said "I don't even remember it because it was so quick and fast. I don't even recall her...I didn't realize it at the time. I didn't realize it until I went home. I thought 'oh, this little woman, this little crazy woman bit me.'" I asked Broussard if actually bit her or just bit on her clothing, and if it broke the skin. Broussard said she bit her arm and it left a little impression. You could see little marks. Broussard later indicated an area on her left forearm. She said she did not notify anyone of this.

reminded Broussard that she had said that she didn't see anyone put a hand on throat or neck. He asked if she remembered if anyone was holding her upper shoulder or anywhere near her neck. Broussard said "I don't think so. No" continued, saying "Any efforts to sort of hold her head down?" Broussard said "Maybe her head because she was trying to bite. Perhaps her head. But it just happened so fast because we were trying to get the clothes off and get the clothes on, and just go as quick as possible and get it done."

I asked Broussard what a team would consist of, if a team was force changing the inmate's clothes. She said "Sometimes maybe we'd get a call from the main jail and they'll say "Hey, is coming in. Be ready. There are certain inmates that are known to us. So and so is coming in. So when that person comes in, they'll call us ahead of time. Like this inmate, nobody knows her. No one is going to call. But certain inmates that are known, they may call and say this inmate came in. Or an inmate that was fighting, or real combative at the time of arrest, they'll call and give us a heads up. We don't have an ERT team. We used to have a team that would handle emergencies of all sorts in the jail. Now they just grab random people and they just say "Hey, we need you. Come over here and help.'" When I asked what the number of people would be on a team, she said "It could depend. Sometimes it could be...they may need some people to take this inmate out of a holding cell into another holding cell. It just depends on the inmate's behavior, the size of the inmate." I clarified my question, asking Broussard what she would depict as a team that would help to change an uncooperative inmate. She said "It depends. There's no...like I said, before we had a team that was the ERT team, and it was this many members. Now it's just the sergeant, might say 'Hey, you and you, come with me.' It's no...I'm using the term loosely. It's not anybody's job." I asked again, how many members would an ad hoc team consist of? She said "It may be two, it may be three. It depends. It may be more. They may want a shield. It just depends on what's going on with this individual."

I clarified that Broussard had indicated that when she got home, she had tooth impressions on her forearm. She said it was her left forearm. I reminded Broussard that when [redacted] had asked her earlier if [redacted] had tried to bite her, she said no. Later, he asked her if she had an occasion to hold her head, and she said yes because [redacted] was moving it around and trying to bite. Broussard said "I'm mistaken, because she continued to try to bite, kick. She was not being compliant at all with us. That's my mistake. She definitely was trying to bite. She was trying to, for lack of a better word, fight. She was very little, but she's very strong. She was doing everything she could." [redacted] interjected and said "To be clear what Miss Broussard said was, when I asked her the question about holding her head, she said that may have happened, maybe to keep her from biting. What she had said was that she didn't remember. This is going to be one of those that we have to play back the recording."

End of Report

Prepared by Steven Angus

Correctional Deputy Alana Simpson-Hogan #10550

Interviewers: Steven Angus and Mark Leonardini

Date: 02/16/2016

Time: 1841 to 1929

Conducted at the Auxiliary Internal Affairs office on the second floor of S/O Headquarters

On 02/16/16, at 1841 hours, Investigator Steven Angus and I interviewed Correctional Deputy Alana Simpson-Hogan, # 10550 in the Auxiliary Internal Affairs office on the second floor of S/O Headquarters. Present also was Deputy Simpson-Hogan's [redacted]. The interview was recorded for purposes of accuracy, and all present were aware we were being recorded.

I began by Mirandizing Deputy Simpson-Hogan. She declined to answer my questions, at which time I read her the Lybarger Admonishment, and she agreed to answer all questions. I also read her the General Orders which specified she was required to answer my questions truthfully, and that I was acting as her superior officer by virtue of my Internal Affairs investigation. She acknowledged her understanding of these orders. I also read her the standard admonition which clarified that this was an administrative investigation only, and that nothing she said could be used against her in any criminal proceeding. Again, she acknowledged her understanding of this point. I then confirmed that she was on-duty, what her regular work hours were, and that there would be no overtime paid as a result of the interview. I made her aware that she could take a break at any time she needed one, and that if a re-interview was necessary in the future, she had the right to a copy of the recording of this interview. She acknowledged her understanding of this as well. I also admonished her not to speak about the interview with anyone but her legal representative. She then initialed the forms I had completed documenting her understanding of all these points.

I began by asking Deputy Simpson-Hogan how she came to be in Processing and thus able to assist Officer Broussard the night this incident occurred, and she replied that Officer

Broussard called and asked if she could come to Processing. I asked her exactly what Officer Broussard had said, as nearly as she could remember, and she answered, "She said, 'Can you come to Processing?'" I asked her if Officer Broussard said anything further about why she wanted her there, and she said no. I asked her if she had asked Officer Broussard to expound on her request, and she said that no, she had just said, "Sure" to the request.

I asked her if she had said anything to her trainee, Deputy Kitong when she left the pod, and she replied, "I don't think I said anything to him."

I asked her if she and Officer Broussard routinely called on each for assistance, and she replied, "It depends on what's the issue." She added that, depending on the issue, she would call on various people due to their particular areas of expertise. I asked her what circumstances might prompt her to call on Officer Broussard, and she said, "Well, I don't like to really to call anybody." I then asked her if she knew what sort of circumstance might prompt Officer Broussard to call on her for assistance, and she said, "No." Investigator Angus then asked her how many times in the past Officer Broussard had called on her for assistance and she replied, "Lots." He asked her if she could be more specific, and she answered, "Maybe twenty? I don't know." I asked her if there was any common denominator to the types of issues Officer Broussard would call her about, and she said, "Oh, she'll call me like for clothing colors for the different inmates coming in like, 'If this code is this color, what is this color?' Like, if it's a _____, what is this clothing color? Or, 'Do you do the checks first and print it second?' or something like that." I asked her if was fair to say that she was Officer Broussard's "go-to" person for general policies and procedures and she replied, "Well, yeah, I'm a JTO so I know more than most people." I asked her if she was then often Officer Broussard's first call when she wanted to know how to do something, or what this or that meant, and she said, "I guess. You'd have to ask her."

I asked her where Officer Broussard was when she reached Processing, and she said that she was between the AED machine and the counter. I asked her what Officer Broussard said to her when she arrived, and she said, "I don't think this lady's gonna dress out; could you stand by just in case?" I asked her what her response to Officer Broussard was and she said, "I said 'Ask her and I'll stand by.'" I asked her if, when she eventually entered the Changing Room, she recognized the inmate either by name or by face, and she said, "No."

I established that Officer Broussard then re-entered the Changing Room, while she stood outside along the wall, where she could hear what was occurring, but could neither see nor be seen by the inmate. I asked her if she could recall what Officer Broussard initially said to the inmate when she re-entered the room, and she answered, "Something to the effect of, 'I need you to get dressed.' And then I heard something like, 'Fuck you, bitch.' And then I heard the partition, so I's like 'Oh, man.' So then I run in. And Broussard's holding her down." I asked her to clarify, and she that the inmate was seated on a wooden bench, and Officer Broussard was standing at an angle behind her, and holding her down by her shoulders. She continued, "And the lady was kicking. So I came in." She said that the inmate was kicking her feet, but not actively trying to kick Officer Broussard, but rather just physically expressing her displeasure by being resistive in general. She said she then took control of a shoulder/arm, and she and Officer Broussard stood the inmate up. She continued, "We didn't

even take a step, and then she just drops her body weight down, so I let go, cause I'm like, 'I'm not hurting my back.'" When I asked, she could not remember if Officer Broussard also let go of the inmate. I asked what position the inmate ended up in, and she said on the floor, face up, and still kicking her feet.

I asked her what occurred next, and she replied, "Well Broussard was holding her arms, and she was on the floor, so I start taking her pants off, 'cause we gotta get her dressed, 'cause she's a new housing. So then, I'm taking her pants off, then I stopped, 'cause I thought I smelled pee. So then I hear keys, and I see Rivera running in, and I's like, 'Code 4, she's just screamin'. Rivera grabs the lady's arm, I can't remember which arm, so then I turned around, repositioned myself, and start taking her pants off. I put like my knee and shin on her waist, so I'm down here, pulling her pants off. I get the pants off, then I get the other pants, the jail pants. Put the jail pants on. Then I turned around, I say, 'Shirt', so Rivera takes the shirt off her arm, Broussard takes the shirt off her arm, and I pull it over her head. So then I said, 'Bra.' Rivera unsnaps the bra, takes the bra off her arm, Broussard takes the bra off her arm, and I threw the bra. So then I went and got the cover top, our jail shirt. I put it over her head, and then they both put the arms in there." I asked what the inmate's behavior was during all this, and she said that the inmate was still kicking her legs, but that Broussard and River had control of her arms.

I asked Deputy Simpson-Hogan if, toward the beginning of the incident, when the inmate had already demonstrated an unwillingness to cooperate, by kicking and dropping to the floor, it had occurred to her to call a sergeant, or if anyone had voiced the option of backing off and calling a supervisor, and she replied, "No. We's already hands-on, in this little small space, so I said, 'Get her dressed.'"

I asked her to confirm what she had said to Deputy Rivera when she entered the room, and she repeated, "Code 4, she's just screamin'." I asked if she could recall Officer Broussard saying anything similar, and she said no.

I asked her why should would not want an extra set of hands, or why she would dismiss Deputy Rivera by saying "Code 4" instead of directing her to grab an arms, or just stand by, and she replied, "I didn't dismiss her, I'm just letting her know we not in danger right now, it's Code 4. I didn't say, 'Get outta here.' I just said 'Code 4.' And continued to pull her stuff off."

I asked her if, at any time during the incident, she saw anyone put a hand on the inmate's throat, essentially "C-clamping" her, and she said, "No." I asked her if she ever saw anyone holding the inmate down in any manner with their foot, and she said, "No."

I asked her if she remembered who waist-chained the inmate, and she replied, "Burden."

I asked Deputy Simpson-Hogan why, when she wrote her subsequent Employee's Report as directed by Sergeant Sevillano, she only reported the use of force she had used, and made no mention of the actions taken by Officer Broussard and/or Deputy Rivera, and she answered, "Because Sergeant Sevillano specifically said, 'Put what you did with this inmate.' So that's

what I did.” Investigator Angus then asked her if Sergeant Sevillano hadn’t asked her to put her observations in, and she replied, “No. He said, ‘I need a quick E/R, put what you did with this inmate.’ And then he kept callin’ me; ‘You got the report? You got the report?’ I’m like, ‘No.’” Investigator Angus again asked why, in her E/R, she had never mentioned the other two staff members who were involved in the incident, and she replied, “Cause I was thinking, only put what I did.” When Investigator Angus pursued the idea that a more complete E/R, that presented a clearer picture of the overall incident, and included all the personnel involved, would have been preferable, she said, “Well I wrote it like he told me; just put what you did. And I write my reports specifically catered to each sergeant, ‘cause each sergeant like different reports. One likes four or five page detail, and some just want quick just to get it out their face E/R. So I was goin’ by him; quick, little E/R, and what you did. And I gave it to him. And he didn’t even say nothin’” Investigator Angus then asked her if a Use of Force on an inmate was a “quickie E/R” and she replied, “From my perspective, I didn’t use force; it was Level Two. I escorted her over, she dropped down.” *(Level Two is a Use of Force classification in the DOC Policies and Procedures Manual defined (in part) as: “Application of control holds (e.g. , firm arm grip, wrist lock, twist lock, bar arms), for the purposes of controlled escorting, without introducing pain compliance.”)* Investigator Angus asked her to clarify that she had not needed to any form of restraint on the inmate to get her what she desired her to, and she answered, “Broussard and Rivera did” and he asked, “You didn’t have to use any at all?” and she replied, “I just pulled her pants down.” Investigator Angus asked her how my attempts that took, and she said, “Well, I stopped once...it was about three.”

I told Deputy Simpson-Hogan that it was difficult for me to comprehend how an experienced, veteran deputy, a JTO, would write a report, regardless of the particular quirks of the sergeant, that didn’t indicate how she came to be there, that didn’t indicate she had talked to Officer Broussard before entering the room, and that neglected to relate that Officer Broussard had called for her to come to Processing. She responded to this by saying, “I’ve written several reports where the sergeant called me to stand by, and I didn’t write ‘The sergeant called me to stand by.’ And we discussed what we were gonna do before we went in there, and I just wrote, this is what I did when I went in there.”

Investigator Angus asked Deputy Simpson-Hogan if she remembered, in her original E/R, why she had written she was in Processing, and she said, “Vaguely.” He asked her, “What do you remember?” and she answered, “I was getting’ some cheesecake.” He asked her if that was accurate and she replied, “Well, I went there to get some cheesecake.” He asked, “Did you not go there because of call from Broussard?” and she answered, “Two things can be true at the same time. Broussard called, and I said I’m gettin’ me some cheesecake while I’m over there, before they eat it all.” Investigator Angus asked her if she had been intending to get cheesecake before Broussard called, and she said, “Yeah.” He asked her, “I mean right then?” and she said, “Not right then, but I was gonna get some.” Investigator Angus asked what the reason was for her having gone to Processing at the time she did, and she replied, “Because Broussard called.” He then asked her why she hadn’t indicated that in her original E/R and she said, “I didn’t really think it made a difference.” He responded, “But you thought being there for cheesecake was important?” and she answered, “Well when he told me to write the report, that was the first thing in my head; I went there to get cheesecake.” I asked her if,

once the incident was all over, and it was clear that Officer Broussard had called her to Processing because she had a difficult inmate to deal with, wasn't it then apparent that Broussard had called her over for that reason, and that that should have been reflected in the E/R? Deputy Simpson-Hogan then replied, "Well she just called me over. I don't know if that was the specific reason 'cause she didn't say that was the specific reason." I then asked her if she was saying that Officer Broussard might have called her over to Processing for some other reason, and she replied, "I don't know why she called me."

Investigator Angus next asked Deputy Simpson-Hogan, out of the perhaps twenty times that Officer Broussard had called on her in the past, how many of those times had been to assist with an inmate, and she replied, "I don't think she called me to come and assist with an inmate." Investigator Angus established that while Deputy Simpson-Hogan couldn't recall Officer Broussard ever calling her to assist with an inmate, that she had, in the past, been asked by Broussard to assist when they were both already present in Processing. He asked her if Officer Broussard had ever previously sought her out for such assistance, when she wasn't already in Processing, and she said, "No."

Investigator Angus asked her why, when the inmate originally went limp of them, she hadn't quickly lowered her to the ground "The first thing I'm thinking is, let her go, 'cause I felt the weight going down." He asked her how big the inmate was and she said she did not remember. He asked if the inmate was bigger or smaller than she was, and she said, "Smaller." **(On her pre-booking sheet, the inmate is listed as being 5'5" tall, and weighing 138#.)**

At this point, _____ asked that we take a break, and the interview was stopped at 1909 hours. _____ and Deputy Simpson-Hogan left the room, although whether to confer, or conduct personal business, is unknown. They returned shortly, and the interview was resumed at 1916 hours.

Investigator Angus asked Deputy Simpson-Hogan if, as an experienced deputy, when she reached Processing and learned from Broussard there might be an issue with dressing out an inmate, it hadn't crossed her mind that it would be prudent to say, "You know what Broussard, let's just let her stew for a minute and let's call the sergeant before we try to strip search her, or strip her clothes off." She replied, "No, I just said, 'Ask her and we'll see.' I normally ask an inmate a few times, to see if they're gonna comply, before I call the sergeant." Investigator Angus then confirmed that Officer Broussard had not relayed to her that she had already done that. He then asked her why she had not accompanied Officer Broussard into the Changing Room to see if she did that, and she replied, "'Cause I'm just standin' by to stand by. When you go in, it's [unintelligible] like you gangin' up on people; you just standin' off to the side in case somethin' happens. If it don't happen, I'll walk away, go on about my business." In response to further questioning by Investigator Angus and myself, Deputy Simpson-Hogan stated she could not have positioned herself in such a way as to see the interaction between Officer Broussard and the inmate, without it being obvious that she was there poised to leap in and help.

Investigator Angus asked Deputy Simpson-Hogan when she felt it was appropriate to notify a sergeant if she thought she would be going hands-on with an inmate, and she replied, "I don't know if I [unintelligible] decide when I've exhausted all my resources. I talk to, maybe ask my partner to talk to her and then if they can't do it, then I'll call the sergeant."

Investigator Angus asked her when Sergeant Sevillano appeared on the scene, and she said that he was entering Processing as the waist-chained inmate was being escorted to a seat in the Processing lobby. He asked her what happened next, and she replied that the sergeant told her to call a nurse, so she did; she said a male nurse (possibly Nurse [redacted] responded. She said she was initially standing by with the nurse while he performed his assessment, but that Sergeant Sevillano directed her to move away. He asked her if she and Officer Broussard talked at this point, and she replied, "I went and got me some cheesecake {laughs}, and then the sergeant came over, he's like, 'I need a report, what you did with the inmate, right now.' I said, 'Can I get my cheesecake?' 'Right now.'" So then I left, wrote the report, he kept callin' me, 'You got the report? You got the report? I want it now.' So, I gave it to him, and then I got my cheesecake."

End of Report

Prepared by Mark Leonardini

Interviewers: Detectives Samy Tarazi and Sgt Julian Quinonez

Date: 09/02/2015

Time: 1720 to 1620 hours

Conducted at Elmwood Correctional Facility

This is a summary of the interview conducted with inmate [redacted] conducted by Detective Tarazi. For the complete interview, refer to the recording.

[redacted] said she had been arrested and was taken to the dress out room. She took off her jacket and was going to put it aside. She said the officer wanted her to take off her socks, but they weren't socks. They were tights. She did not know the name of the officer who has with her. She described her as African-American with her hair back. [redacted] said the officer wanted her to take off her socks after she took off her shoes. [redacted] told her they were tights, so she couldn't take them off. [redacted] said she told the officer "Please let me know how you want me to dress beforehand." Then the officer came up and grabbed her throat and her neck, and started squeezing it, and shook it. [redacted] screamed and yelled out. She told her to stop and to get her hands off of her. She said the officer stopped, looked at her. [redacted] told her that she wanted to see a sergeant, because she knew the routine and she wanted to know why she was doing that to her. [redacted] said the officer apologized and asked her to accept her apology. [redacted] said she wanted to talk right now and wanted to see the sergeant. [redacted] said that the officer asked her "Haven't you ever had anything happen to you where you blew it?" [redacted] said yes, but not like this. The officer again asked her to accept her apology, and [redacted] told her she wouldn't, and she wanted to see the sergeant.

said the officer told her to get dressed, and told her that she wasn't going to go this episode again, so she wanted to see the sergeant now. Then she would proceed to dress. She said the officer continued to talk, saying she messed up and asking her to accept her apology. said she did not want to talk. She said the officer told her she was going to cut off her clothes, and said she wanted to see the sergeant, and then she could do whatever. The officer said she was then going to call the sergeant and left. She was gone for ten to fifteen minutes.

When she came back, it was another African-American lady who came in first. After that, the original officer came in and came towards her. said she was sitting down when the officer lunged at her, grabbed her, and threw her. The first one then got on her. Then there was a third one, a Hispanic one, who came towards her, too. The original officer started twisting her hands. told her don't do that because her wrist is crushed. The officer started grabbing it harder. said she then started having an asthma attack. She said she is asthmatic. The officer had her knee on her, and was pressing harder. said she told her to stop several times. She said the officer was being aggressive. She kept her knee there for a while, and then she stopped. She had gotten a little lighter grip on her hand, also. said she was screaming "Why are you doing this to me?" They then took her clothes off, really roughly. said she was crying by this point. She was thinking that she couldn't breathe because she was having an asthma attack. She said she was gasping for air, but they were still on her.

After they dressed her, they left her there on the floor. They told her to get up. She told them that she couldn't right then. They again told her to get up, and she said she couldn't because she was having an asthma attack and gasping for air. It took her a while to get up.

Shortly thereafter, the sergeant popped up and she told him what happened. The two male officers in Processing did not once come to where she was. The sergeant wasn't on view until after. She thought the second lady was a sergeant, but she must have been back up. said she was really hostile.

said that they took one picture of her lip at the time, but only from the outside. She said her lip was a little swollen on the inside, but they didn't look inside.

said all of her injuries had healed since the incident. There was no bruising now.

said she did not tell anyone else what had happened, including other inmates.

said she was arrested on Sunday, the 9th of August at about 2:00 in the afternoon. She was arrested in Santa Clara and taken to the main jail. She spent six to eight hours there. She thinks she got to Elmwood about 6:00 or 7:00 or 8:00.

said she walked to the dress out room by herself, followed by the African-American officer. She was in the middle room in the dress out room. said she went inside and was waiting for the next order, which is usually that you stand up and take your clothes off. She said she has been through this process before about thirty times. She always changes her clothes herself, without assistance. This was the first time she had been told the

way the officer was telling her to do it. She couldn't do it her way because she was wearing tights. That is when the officer blew it.

said she was wearing a black jacket, a shirt, some black sweats, and underneath the sweats were some tights, which were nylons with feet. She was wearing gold slippers. She was also wearing a brassiere.

She said she had only an issue once before, with Officer Kimbers. There were two other inmates had also complained about him. He ended up getting fired.

said the officer asked her to dress out, and she said okay. She took her jacket off, then her sandals. She was about to take her pants off, and the officer told her no. guessed she thought they were socks. told her that she had to take the pants off because they were tights. That is when the officer lunged up to her, grabbed her, and started shaking her. She said the officer told her take her socks off, and told her she couldn't because they were tights. That is when the officer grabbed her neck and throat. She said the officer used both of her hands. She grabbed her chin with her fingers up toward her ears. She described the action as angry. The shaking of her head lasted for about 15 seconds. When asked if it hurt, she said it was more like she was shocked. She said the officer didn't say anything while she was shaking her head. was yelling "Don't touch me. Get off me. What are you doing?" said she was in shock, so she didn't even try to push the officer away.

said it was more shocking that she didn't pick up her hands and touch the officer. said she just stood there, in shock, while the officer shook her head. After about 15 seconds, the officer stopped. told her that she wasn't supposed to put her hands on her. That's when told the officer that she wanted to talk to the sergeant. The officer told her she was sorry and apologized, talking very low. would not accept her apology and kept insisting to talk to a sergeant. said the officer tried to be sympathetic about it. continued to tell her that she wanted to see the sergeant. The officer then started told her that she was going to have to cut off her clothes. told her that she wasn't going to do anything until she saw the sergeant, and then she would change her clothes.

At this point the officer walked out and came back about ten to fifteen minutes later. But the first officer didn't come in first, the other lady did. This was another African-American officer. She wore glasses and was short. said she was sitting down and the second officer just came right at her. thought this officer was a sergeant at first. This officer grabbed her wrist and pulled her off her chair and put her on the ground. She does not remember which wrist was grabbed. said she was yelling "What are you doing? You're not a sergeant." Then she looked up and there was another officer, a Hispanic one. The three of them then started taking her clothes off. They had her pinned down, on her stomach, and grabbed her clothes, pulling them off. The officer was standing up and the clothes were pulled off over her feet, and her feet hit the floor.

said she could not get up because one officer had her arm and another one of them was putting pressure on her lower back. Then one of them twisted her wrist. said she screamed "My wrist, my wrist." The officer let go of her wrist and put the pressure on her back. said she yelled "I can't breathe. I'm having an asthma attack." She said she

screamed this several times. The officer putting the weight on her and twisting her arm was the original officer, the same one that grabbed her throat. She was the only officer that did the aggressiveness.

The Hispanic officer was holding down her shoulder when she was already on the ground. The second officer was taking her pants and underwear off at this time. They then took her top off, but she doesn't remember that happening. said she was gasping for air and dragging her body, trying to get up because the officers were telling her to get up. They then put the jail clothes on her. Nobody helped her get up.

said she felt that she was starting to have an asthma attack and she was trying to get her air back, and trying to relax. She does breathing treatments to relax. said she was out of the dress out room and in the Processing room.

The nurse, whose name she didn't know, but she did remember that it was a female, checked her blood pressure. She said the nurse didn't check for any injuries. The entire check up took less than a minute. The nurse saw her before the sergeant talked to her.

Another nurse checked her after the sergeant talked to her.

When the sergeant first started to talk to her the officers were present. The two male Processing officers were also there. The sergeant was asking her how much time had lapsed between when she asked for a sergeant and the officer and the other two females had gone back into the dress out room. said it was about ten or fifteen minutes. They later went to another area and talked some more.

said she was not handcuffed while she sat for the ten or fifteen minutes, waiting for the officer to return. The jail clothes were there also, but she did not change into them. She was just waiting.

said she did not fight back, or try to defend herself during the event. She said she was surprised that she didn't do anything, but she was in shock. She did say that while she was having her asthma attack, and she couldn't breathe, her legs were flopping. She said that would be the only thing, but she wasn't trying to hit them.

said the pressure on her back was causing her to have trouble breathing. She was afraid she was going to have an asthma attack. She yelled at the officer to get off her, and the officer pushed down tighter. said it did not feel good at all, she couldn't breathe, and that's when her body started flopping. She reiterated that she wasn't defending herself or anything, because it was three on one. It was the asthma that made her start flopping her feet.

said she was arrested for warrants for being under the influence. She was not under the influence then. was asked what she thought should happen to the officers and she said they shouldn't be working at the jail. said she was leaving what needs to be done to the detectives. She said she was fifty years old and still in jail, so she didn't know what needed to be done.

According to she has been in jail about thirty or forty times, for petty theft, two assaults, and drug charges. The two assault charges were in Santa Clara, and she kicked officers because of her asthma. She admitted to that and the charges were reduced.

said she had seen the involved officers during her earlier stays at the jail, but had never had a negative encounter with them. She said she had never had a write-up in the jail.

She said that in 1989 she had an issue with Officer Kimbers, but she didn't press any charges. Three other inmates filed a civil suit, and he no longer works at the jail.

said that the first officer told her to take off her socks, and she replied that she was wearing tights and that she had to take off her pants. She said the officer said something like "huh", which was more like a laugh. took this comment to mean that the officer thought she was lying or being a smart alek. was standing about 3 feet from her when she made the sound. The officer took one big step and grabbed her. said she was shocked and just stood there. She said the officer looked tense or aggravated. She shook her for about fifteen seconds, and then stopped. The officer did not say anything while she shook her. Afterward, the officer stepped back further than she had been originally, back to the doorway. She told that she was sorry and apologized. Her voice was lowered. was yelling at her now to get the sergeant.

The officer tried to apologize to her for about five minutes and wouldn't accept it. She just kept yelling for the sergeant. She eventually just stopped talking to the officer. The officer left, leaving her alone in the dress out room. She sat by herself and she was not in handcuffs or restrained at all. said she just sat and cried while the officer was gone. She was wearing her blouse, her bra, her underwear, her tights, and her sweats at this time. She was wearing all of her clothes, except for her jacket and slippers.

said that after about ten to thirteen minutes, the different officer came in. She has seen these officers before. This officer wore glasses and the first one did not. The second officer walked in by herself, with the first officer right behind her. said she was done crying and thought this was the sergeant. The second officer didn't say anything. She just walked right up to her, grabbed her by the arm, and pulled her. doesn't know how she fell to the floor. This is when looked up and didn't see any stripes. yelled at her "Whoa, you're not the sergeant. Where's the sergeant?" This officer didn't say anything about getting dressed until all three officers were in the room. They then told her "you're going to get dressed." They were then pulling her clothes. said she was yelling about the pain.

The second officer threw her on the floor and let go of her arm. The original officer grabbed an arm and also put pressure on her back, because was on her stomach on the floor. said she was yelling while this was going on. The third officer came in, and said she didn't hear anything said between the officers. She said the third officer was holding down her shoulder. said the officers told her to stop moving, but she told them she was having an asthma attack. She said the officers were talking aggressively and told her to stop moving or they were going to cut off her clothes.

After she was changed, the officers told her to get up. She told them she couldn't. They told her again to get up, and she said she couldn't. She was trying to grasp for air because of her asthma. She was partially on her stomach and partially sitting up. One of them told the other one to call the nurse. They left her on the ground until the nurse arrived. Then they all three helped her up. The nurse checked her blood pressure and she said she was okay. told the nurse about her asthma and the nurse told the officer's that she was okay.

said the sergeant showed up about five minutes after the nurse checked her out. said she talked to him. She was still upset and crying.

said she was originally supposed to be dressed in white, but after the incident she got dressed in double red. She said she did not get charged with anything or get a write up from this event. She said she had been in double red before. The last time she was in jail she was dressed in gold to start, and then she was changed to white with stripes. thought it was odd that she was dressed in double red because she had not received an infraction.

was told to not discuss this interview with anyone. She expressed concern over seeing the officer while she was in jail. She was instructed to just do what she was told and to ignore the officer otherwise.

said she did not report this to internal affairs yet. She was going to report it after she got released. She does not know who reported it.

End of Interview

Prepared by Steven Angus

NOTE:

Inmate gave three different accounts of what occurred in the dress out room.

The first account was told to Sgt. Sevillano immediately after she was brought out of the dress out room. She told him that Off. Broussard had punched her in the mouth and that her lip was swollen and bleeding. She said Off. Broussard had stomped on her feet with her boot and her feet were hurting. She said Off. Broussard grabbed her and threw her to the floor. She told Sgt. Sevillano that she thought her elbow was broken.

The second account was told to Sgt. Sevillano later that same evening. In this account she said that when she first started to take her jacket off, Off. Broussard yelled at her. Off. Broussard then grabbed her by the neck and jaw line and started shaking her. She yelled at Off. Broussard to stop, which she did. Off. Broussard then left the dress out room. Off. Broussard returned about ten minutes later with another officer. Off. Broussard grabbed her wrist and twisted it, then took her to the ground. The third officer came in then. Inmate said that Off. Broussard then put her knee on her stomach. She yelled at the officers that she was having an asthma attack.

The third account was told to Det. Samy Tarazi on Sept. 9, 2015. Inmate _____ said she took off her jacket and slippers and was taking off her pants. Off. Broussard wanted her to take her socks off first, but inmate _____ told her she couldn't because they weren't socks, they were tights, so she had to take her pants off first. Broussard sarcastically laughed, she put her hands around inmate _____ face by placing her palms on her cheeks and her fingers around the back of her head. Off. Broussard began shaking her head for about 15 seconds. Inmate _____ said the shaking was "aggressive, but she wasn't digging in." Inmate _____ said she did not push away, but started yelling at her to stop. Off. Broussard finally stopped the shaking and apologized to inmate _____. Inmate _____ said she wouldn't change her clothes until she talked to a sergeant. Off. Broussard then left her alone for ten to fifteen minutes. When Off. Broussard came back, she had another officer with her (Corr. Dep. Simpson-Hogan). Dep. Simpson-Hogan walked in, grabbed her by the left arm, and dragged her to the floor. She didn't say anything before she did this. Off. Broussard then put her knee into lower back, pinning her to the ground. Dep. Simpson-Hogan grabbed her left wrist and she ended up lying on her stomach. Dep. Rivera then came in and pinned down her shoulder. As Off. Broussard pushed down harder with her knee, inmate _____ began screaming that she couldn't breathe because she was having an asthma attack. She began flailing her legs in an attempt to stand up so she could breathe. She was eventually changed in to jail clothes, and then taken to the chairs in Processing. Inmate _____ said she was not handcuffed or waist chained after the incident.

Correctional Deputy Anita Rivera #10453

Interviewers: Steven Angus / Mark Leonardini

Date: 10/28/2015

Time: 1843 to 1922

Conducted at Sheriff's Office HQ Second Floor Internal Affairs Office

This is a summary of the interview conducted with Dep. Rivera. For the complete interview, refer to the recording.

Mark Leonardini and Steven Angus met with Correctional Deputy Anita Rivera #10453 to discuss an incident she had documented on an Employee's Report on August 09, 2015. She was aware that the conversation was being recorded.

Dep. Rivera said she had been working overtime in the W2 building assigned as "R20" and was bringing an inmate to processing for release. As she took off her handcuffs she heard some screaming and yelling in the back. She did not know if the yelling and screaming was from deputies or the inmate or what was being said. She ran toward the back and saw that Dep. Broussard and Dep. Simpson-Hogan had a female inmate on the ground. She was fully dressed in her regular street clothing. As Rivera ran inside the room, Broussard told her "we got this, Rivera. We've got this." She left, but only to put some gloves on before assisting. She was not going to listen to Dep. Broussard because it was obvious that they were struggling and could use some help controlling the inmate.

The inmate was struggling with the deputies, doing what she could to keep the deputies from taking off her clothes. The inmate was squirming and doing what she could to keep the deputies from changing her. It did not appear that she was trying to punch the officers, she just didn't want to be changed.

Deputies Burden and Devine were in processing at the time. They are two male deputies. Dep. Rivera wondered why they hadn't responded to the screaming before she did. As she got her gloves, Dep. Burden did ask her if she needed waist chains, and Dep. Rivera replied that she didn't know because she did not know what was going on.

As she went back into the room, she saw the inmate flat on her back. Dep. Simpson-Hogan was at the inmate's legs and Dep. Broussard had her arms. Dep. Rivera took the inmate's right arm. Dep. Simpson-Hogan started to take off the inmate's clothes. Dep. Rivera wondered why they were doing this without a sergeant present, as is the protocol with forcing an inmate to take off her clothes. She didn't ask about it because she was the last one there, the other two were partners, and she didn't know what was going on before she got there. She was just there to assist.

Dep. Broussard was telling the inmate to calm down and Dep. Simpson-Hogan was pulling down her pants, trying to change her into Level 1 inmate clothing. Even though Dep. Broussard was telling the inmate "calm down, sweetie, calm down." she put her left foot onto the inmate's chest. Dep. Broussard was kneeling down and put her left foot on the inmate's chest, who started saying "I can't breathe, I can't breathe." The inmate started yelling "why did you punch me? Why are we doing this? Why are we doing this?" Dep. Broussard put her left foot on the inmate's sternum and kept it there for a few seconds.

Dep. Simpson-Hogan finally got the inmate's pants off and was trying to take off her underwear. Dep. Rivera and Dep. Broussard lifted her up to get her shirt and bra off. As Dep. Rivera was taking a shirt sleeve off and Dep. Broussard was taking off the other sleeve, Dep. Broussard started pulling the inmate's hair and pulled her back down to the floor. Dep. Broussard also put a hand onto the inmate's neck, so she had her right hand on the hair and her left hand on the neck in a "C-clamp". The inmate started yelling "I can't breathe! I have asthma! I have asthma!" Dep. Rivera felt that the inmate was exaggerating her inability to breathe, because she was talking just fine.

Dep. Rivera said she was very uncomfortable at this point because she didn't know why they were taking off the inmate's clothing without a sergeant present. They ended up getting the inmate dressed out and pulled her out of the dress out room. Dep. Burden then waste chained her. They held the inmate against the wall while she was waist chained and leg shackled, then they escorted her to a chair. During all of this time the inmate was still yelling "Why are you doing this? Why did you punch me?" Dep. Rivera did not see any deputy punch the inmate or the inmate try to punch the deputies. Dep. Rivera thought that her involvement with the incident lasted maybe two minutes. She couldn't be sure of the exact length of time, but it wasn't very long.

Dep. Rivera was bothered by the fact that Dep. Broussard kept saying to the inmate “Sweetie, calm down. Why are you doing this?” Dep. Rivera was “really, really uncomfortable” because there was no camera in the room to monitor what had happened. She felt that Dep. Broussard was speaking like that so that people on the outside would hear that she was trying to calm the inmate down, even though she had a foot on her chest and a hand to her throat.

By the time she got out of there, Dep. Rivera was really pissed-off and frustrated. Dep. Broussard said “Thanks, Rivera” and Dep. Rivera left. She went to CCW where she talked to the two deputies in Control that she knew, Dep. Jiminez and Dep. Gonzalez. She told them that she was really pissed-off right now because these two deputies put her in a situation where she didn’t understand what they did. She didn’t understand why they were dressing out a female or forcing her to take off her clothes without a sergeant being present, as well as the way it was handled. Additionally, there were two male officers who could hear the screaming and didn’t assist at all. She also didn’t know why Dep. Broussard put her hand on the inmate’s neck or her foot on the inmate’s chest. She doesn’t know if the inmate’s breathing was restricted at all. Dep. Rivera knows that someone who has asthma would be scared of someone putting a hand on their neck.

After Dep. Rivera told this to Dep. Jiminez and Dep. Gonzalez, they said “Well no wonder that Simpson-Hogan left out of C Unit.” According to Dep. Gonzalez and Dep. Jiminez, Dep. Simpson-Hogan had left her station at C Unit about 10 minutes before Dep. Rivera had gotten her inmate that she was escorting for release. They told her they had seen Dep. Simpson-Hogan through the cameras heading toward processing.

Dep. Rivera said that Dep. Jiminez and Dep. Gonzalez told her that the hearsay is that whenever Dep. Broussard needs assistance she calls Dep. Simpson-Hogan or Dep. Tapieller. These are the only two people Dep. Broussard calls for help.

About 15 minutes after the incident, Dep. Rivera got a call from Sgt. Sevillano telling her that she needed to right and Employee’s Report on the incident. She then spoke to Sgt. Liddle, who was the CCW sergeant that night. He also advised her to write down exactly what happened.

Dep. Rivera said that she would have done things differently if she was one of the first to work with the inmate. She would have handcuffed the inmate, and then called for a sergeant. It is common knowledge that calling for a sergeant is the appropriate procedure now if there is any type of force to be used.

Dep. Rivera and Dep. Broussard had an issue about three years ago and Dep. Rivera asked Dep. Broussard to not put her in that type of situation again. Dep. Broussard was working in the direct supervision unit at about 2300 hours. Dep. Rivera was supposed to be her partner for this part of the shift on Side 2. Dep. Broussard propped all three doors open and this was not uncommon. Dep. Rivera had worked Classification before and knew about keep-aways and the reason for keeping doors locked. There were over 150 inmates in the unit at the time, and 2 deputies. When Dep. Rivera asked Dep. Broussard to not put her in a position like that, Dep. Broussard told her that if she didn’t like it, Dep. Broussard would work by herself. Dep.

Rivera told her that this was her post, this was a 2 man position, and she couldn't tell her to leave. Dep. Broussard told her that she could work this position by herself and this is what she does. Dep. Rivera and Dep. Broussard have a working relationship, but not a close one.

Dep. Rivera was admonished to not speak with anyone about the incident except for someone from Internal Affairs or Undersheriff Hirokawa.

End of Interview
Prepared by Steven Angus

Correctional Deputy Michelle Sevore #10333

Interviewers: Steven Angus and Mark Leonardini

Date: 10/26/2015

Time: 1920 to 1927

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Dep. Sevore. For the complete interview, refer to the recording.

Dep. Sevore did not complete an Employee's Report on this incident. She had not been directed to complete one.

Dep. Sevore said she was working Control on Side 2 when Dep. Rivera, who was working R20 that night, came into Control and looked "flustered, flushed, and white." This stood out to Dep. Sevore because she had never seen Dep. Rivera look like that before. Dep. Rivera was disturbed and Dep. Sevore asked her if she needed to walk it off or if she needed some air? She did not tell Dep. Sevore anything so she asked if it was something that happened in Processing Dep. Rivera said yes. She then said that Dep. Broussard had told her that she didn't need her help. She didn't provide any other details. Dep. Rivera then left.

Sometime later, Dep. Rivera told her that she had talked with Sgt. Liddle about the incident. Dep. Sevore also heard through the grapevine that something had happened in Processing with an inmate, but she did not remember who she heard it from and didn't know any details. Dep. Sevore was admonished not to speak about the incident or this interview with anyone except for someone from Internal Affairs or the Undersheriff.

End of Report
Prepared by Steven Angus

Correctional Deputy Zorina Jiminez #10554

Interviewers: Steven Angus and Mark Leonardini

Date: 10/26/2015

Time: 1820 to 1840

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Dep. Zorina. For the complete interview, refer to the recording.

Dep. Jiminez said she was working in CCW Control on August 9, 2015 at about 1900 hours with Dep. Gonzalez. She was working in the back half, where she dealt with the public who were coming into the facility. She knew it was about 1900 because pill call had not yet started, but it soon should. Dep. Simpson-Hogan was assigned to 4C with her trainee. Dep. Jiminez and Dep. Gonzalez both saw Dep. Simpson-Hogan walk past them, down the hallway, and out of the building W4. Dep. Simpson-Hogan did not talk to Dep. Jiminez or Dep. Gonzalez before she left. Dep. Jiminez did not receive any phone calls for Dep. Simpson-Hogan just before she left, but calls can be made directly into the deputy work area of 4C without going through control, and cell phones do work in the unit. Dep. Jiminez did not recall seeing Dep. Simpson-Hogan return to the unit.

Dep. Jiminez said that it was not necessary to always notify someone when leaving 4C if there was another deputy in the unit, if it was just for a brief time such as going to the locker room. If leaving for an extended amount of time, the deputies in control will usually be told that there is only one deputy in 4C. Not everyone does this, and she does not believe it is a policy to do so.

Later, Dep. Rivera came into control. Right away she noticed that Dep. Rivera looked flustered. Dep. Rivera said "I was put in a situation that I shouldn't have been put in." Both she and Dep. Gonzalez asked if she was okay. Dep. Rivera talked to them while they were working, so Dep. Jiminez did not pay direct attention to every detail of what Dep. Rivera said. She said that Dep. Rivera told them that she was moving an inmate for release from W2 for processing. She heard a commotion or loud voices coming from the dress out area on the women's side of processing. When she got there, she saw an inmate on the ground and both Dep. Broussard and Dep. Simpson-Hogan struggling with her. Broussard told her to leave. Dep. Rivera said she didn't feel right leaving. She didn't know what had caused all of this to be happening, but she did assist. She started to assist Dep. Simpson-Hogan remove the inmate's pants.

She was concerned that she had discovered this altercation on her own and no one had been notified and a call had not been put out over the radio. The sergeant had not been requested before they started undressing the inmate. When she described what she saw, it was a shock to Dep. Jiminez because it is not what they normally do. Dep. Rivera said that Broussard had her hand around the inmate's neck and her foot or knee on the inmate's chest or stomach area. Dep. Jiminez and Dep. Gonzalez both told Dep. Rivera that she had to call the sergeant and tell him. Dep. Jiminez didn't need to hear anymore because she knew there was a problem and it just didn't look right. Dep. Rivera knew she had to call the sergeant but she was dealing with all that happened first. Dep. Jiminez knew that Dep. Rivera had talked with Dep. Severe before she talked with the two of them because she told them so. Dep. Rivera said she had gone back to her assigned spot before she came to them.

Dep. Jiminez did not have any reason to discount what Dep. Rivera relayed to her about the incident. Judging by her physical being at the time, she believed what Dep. Rivera was saying.

Dep. Jiminez was admonished to not discuss the incident or this interview with anyone except those assigned to Internal Affairs or Undersheriff Hirokawa.

End of interview

Written by Steven Angus

Correctional Deputy Marciela Gonzalez #10443

Interviewers: Steven Angus / Mark Leonardini

Date: 10/26/2015

Time: 1855 to 1909

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Dep. Gonzalez. For the complete interview, refer to the recording.

Dep. Gonzalez did not complete an Employee's Report on this incident because she had been on vacation for three weeks. This was her second day back at work.

Dep. Gonzalez said she working the front part of Control and saw Dep. Simpson-Hogan exit the building at a little bit before pill call. That would make it before 1930 hours. She knew this because the nurse had not yet arrived to conduct pill call. Dep. Gonzalez did not speak to Dep. Simpson-Hogan and did not know why she was leaving or where she was going.

Dep. Gonzalez first knew that something was wrong when Dep. Rivera came to her and told her. She was not able to approximate the time that Dep. Rivera came into Control and talked to her. Dep. Rivera looked stressed and upset when she came into Control and said "I feel like I just got caught up in something that I shouldn't have been caught up in." I told her that if she felt uncomfortable, she should contact the sergeant. A few minutes later she did call the sergeant, then left.

Dep. Rivera told her that she had heard some yelling coming from the dress-out area at Processing. When she went into the dress-out room, she saw that Dep. Broussard and Dep. Simpson-Hogan had an inmate on the ground. She didn't give much detail; she just said she was uncomfortable with the situation. That is when we told her that she should call the sergeant.

Dep. Gonzalez said it wasn't unusual for this type of incident to happen without someone in Control knowing about it. Dep. Gonzalez said that personally, if she knew that there was going to be an issue, she would notify the sergeant beforehand. She said that sometimes that option is not available.

Dep. Gonzalez saw Dep. Simpson-Hogan return, but can't remember when that was. She knew that it was after nurse tried to do pill call, because the nurse told her that pill call couldn't be completed because there was only one deputy there. Deputy Kitong was Dep. Simpson-Hogan's trainee that night and was the only one in the unit when pill call was scheduled to start. Dep. Gonzalez saw Dep. Simpson-Hogan return, and she did not look stressed. Dep. Simpson-Hogan did not talk with Dep. Gonzalez when she returned.

Dep. Gonzalez said it would not be unusual to leave a trainee alone in 4C, which is a two man post, if the unit was locked down. Normally, if one of the deputies had to leave before lock down, someone in Control would be asked to stand by in the unit. Normal lock down is at 2300. Dep. Gonzalez thought that is was unusual that one of the assigned deputies would leave the unit knowing that pill call was going to happening soon.

Dep. Gonzalez was admonished not to speak about the incident or this interview with anyone other than a member of Internal Affairs or the Undersheriff.

End of Report
Submitted by Steven Angus

Correctional Officer Michael Divine #1616

Interviewers: Steven Angus and Mark Leonardini

Date: 11/09/2015

Time: 1835 to 1846

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Corr. Dep. Divine. For the complete interview, refer to the recording.

Correctional Officer Divine was provided a copy of his Employee's Report during this interview.

Off. Divine said he was working in Processing, and it was very busy. He heard two voices in the dress out room. One was Off. Broussard and he did not know who the other one was, but there was yelling. He went over to the dress out room and stood by next to the door to hear if it was just yelling or if there was an altercation. If there was an altercation, he would go. He did not hear any scuffling, just loud, argumentative voices. As he got there, Off. Broussard was stepping out of the dress out room. He asked her if everything was alright in there and she said that she had an inmate that may need to have her clothes cut off. Corr. Dep. Divine did not know where Dep. Broussard went. He speculated it was to either make a phone call or to get inmate clothing for the dress out. He did not know for sure what she did. She was gone for two to five minutes, and then returned.

Off. Divine said that cutting the clothes off of an inmate was not unheard of, but it was not something that they took upon themselves to do. It was done under a supervisor's supervision.

Corr. Dep. Divine returned to his work station when Dep. Broussard returned. She didn't tell him what was going on, but she went back to the dress out room. The yelling continued, so Corr. Dep. Divine called Sgt. Sevillano to advise him of the situation, which was an inmate who was either refusing to dress out or was combative. It took Sgt. Sevillano two or three minutes to arrive.

Corr. Dep. Divine said the yelling was sort of garbled, but he remembered hearing the inmate yelling things like "I want to talk to a supervisor" and "Get the sergeant over here right now." It was repetitive. She was yelling the same thing over and over again, and Dep. Broussard was telling her that she needed to calm down, over and over again.

Dep. Rivera arrived before the sergeant arrived and she went straight into the dress out room. He thinks that Dep. Simpson-Hogan also went into the dress out room, but he doesn't know if she was there before or after Dep. Rivera. A few minutes later the inmate was brought out by Dep. Rivera and Dep. Simpson-Hogan. She was restrained in the lobby area. The inmate was talking, but not a problem. The inmate stayed in the area for about ten minutes and she was not a problem during this time. She was not saying anything specific that he remembers. He did go over to her and check for any physical injuries and he didn't see any marks. She was not complaining about anything specific in regards injuries. Off. Divine said he thinks he had seen the inmate before and that she has a psych history.

Dep. Burden arrived and he got some waist chains and stood by outside the curtain. Corr. Dep. Divine did not know who put the waist chains on the inmate. He doesn't remember if she was leg shackled as well.

Corr. Dep. Divine said Sgt. Sevillano showed up right when the inmate was put in the chair in processing. He has not discussed this incident with anyone and he said he still doesn't know what happened in the dress out room. He said that the involved deputies did not discuss it at all right after the incident. He did read Off. Broussard's re-housing report, but he didn't read any one else's Employee Reports.

Corr. Dep. Divine was admonished not to discuss this incident with anyone other than those assigned to Internal Affairs or the Undersheriff.

End of Report

Prepared by Steven Angus

Correctional Deputy William Burden #10350

Interviewers: Steven Angus / Mark Leonardini

Date: 11/09/2015

Time: 1855 to 1904

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Dep. Burden. For the complete interview, refer to the recording.

Dep. Burden was provided a copy of his Employee's Report prior to this interview.

Dep. Burden said he was assigned to Processing and had just returned from a cigarette break. He walked in and was standing at the counter, talking to Corr. Dep. Divine. He asked where Dep. Broussard was and was told that she was dressing out an inmate. He asked about Dep. Broussard because when he left to smoke his cigarette, it had just been the three of them in Processing. While he was gone, Dep. Rivera had come in to drop off a release they had been waiting for.

As they were talking, it started to get loud in the dress out room. Dep. Burden said he listens for sounds in the facility that are "jail noises" and "non-jail noises". The sounds coming from the dress out room were "non-jail noises". He said it was a commotion that got the attention of all of them. He didn't remember specifically, but he thought it sounded like there might be a tussle in the dress out room. He went toward the waist chains and grabbed them. As he did this, Dep. Rivera ran into the dress out room. As he pulled the chains off the hook, it got quiet in the dress out room. He heard Dep. Broussard saying things like "Take it easy, baby" and "Relax, honey." He referred to this as "mom talking". As he got close to the door, he asked if the inmate was dressed or not, and since it had gotten quieter he felt that it had been dealt with so he didn't need to go into the dress out room and see a naked inmate because it sounded like it had been taken care of. It sounded like it was squared away. He asked again if the inmate was dressed or not and they replied that she was half-dressed.

He then went over the inmate that had been brought in by Dep. Rivera and put her in a holding cell. He then saw Dep. Rivera, Dep. Broussard, and Dep. Simpson-Hogan walk out of the dress out room with the inmate. He didn't know until then that Dep. Simpson-Hogan had been in the dress out room. Dep. Burden put the waist chains on the inmate, and then she was placed in a chair in processing. She was still irritated and pissed, even yelling at the sergeant when he talked to her right after she was put in the chair. She said something like "you didn't have to do that". He thinks she called Dep. Broussard a "bully" or "you're mean". Minutes after the sergeant left, she curled up in the fetal position on the chair and went to sleep.

Dep. Burden said that when he was putting on the waist chains, the inmate wasn't fighting, but she wasn't happy about having waist chains put on. He said there was bother, irritation, and wiggle worming and she wasn't happy about what just went down.

Dep. Burden was admonished to not discuss the incident or subsequent interviews with anyone except those from Internal Affairs or the Undersheriff.

End of Report

Prepared by Steven Angus

Correctional Deputy Kraig Kitong #10941

Interviewers: Steven Angus and Mark Leonardini

Date: 11/09/2015

Time: 1912 to 1919

Conducted at Elmwood Administration Conference Room

This is a summary of the interview conducted with Dep. Kitong. For the complete interview, refer to the recording.

Dep. Kitong said he was working in C4. Dep. Simpson-Hogan was hit training officer. He remembered the date of the incident, but did not know any details. He said he did not know why Dep. Simpson-Hogan left their unit. He did not remember if she got a phone call before she left or not. She did not tell him she was going to Processing, but when she got back she told him that something had happened in Processing and she had to do paperwork now.

Dep. Kitong did not remember if all of the inmates were locked down in his unit when she left. He did recall that she was gone for about half an hour, certainly less than an hour.

Dep. Kitong said Dep. Simpson-Hogan and Dep. Broussard ate lunch together all the time. He did not know if they socialized together away from work.

Dep. Kitong was admonished to not discuss the incident or subsequent interviews with anyone other than Internal Affairs personnel or the Undersheriff.

End of Report

Prepared by Steven Angus

Sergeant Juan Sevillano #10364

Interviewers: Detectives Samy Tarazi and Sgt Julian Quinonez

Date: 09/02/2015

Time: 1720 to 1620 hours

Conducted at Elmwood Correctional Facility

This is a summary of the interview conducted with Correctional Sgt. Juan Sevillano #10364, conducted by Detective Tarazi. For the complete interview, refer to the recording.

Sgt. Sevillano said he was assigned to the Elmwood Correctional Facility on "D" Team. He works the night shift, Wednesday through Friday and every other Saturday. His hours are 4:30 PM to 4:30 AM.

Sgt. Sevillano said he remembered the incident with inmate _____ that happened August 9, 2015. He also had his supervisor summary for reference. Sgt. Sevillano was working overtime that day, assigned to the Minimum Compound.

At approximately 1930 hours he got a call from Off. Divine, who works in Processing. Off. Divine informed him that they might have a possible situation with an uncooperative inmate and he should get over there as soon as possible. Sgt. Sevillano said he responded and got there in about... Upon entering Processing, he noticed that there was an inmate sitting in the lobby chair who was screaming and out of control. She was demanding to speak to a sergeant.

Officer Broussard was at the counter and looked a little flustered. He could tell she was involved in something.

Sgt. Sevillano spoke to Off. Broussard and asked her what happened. Off. Broussard was a little flustered, so he had to tell her to calm down and just tell him what happened. She was trying to get her thoughts together.

Off. Broussard told him that inmate _____ was uncooperative as she was attempting to dress her out. She took her into the dress out room and she was ranting and raving. She started taking her time. She tried to get up and she pushed her back down. Off. Broussard said she grabbed her by the shoulders and pushed her down onto the bench. She said _____ started to scream more and tried to take her hands off of her shoulders. Off. Broussard said she then grabbed the inmate and took her down to the ground. _____ started to scream more and became uncooperative. According to Off. Broussard, Off. Simpson-Hogan then came in and assisted in controlling her. Soon after that, Dep. Rivera came in as well. They held down, took her clothes off, and put her jail clothing on. Off. Broussard told him that was still kicking and screaming.

Sgt. Sevillano asked Off. Broussard if she used any type of force other than what she just told him. Off. Broussard said no, other than pushing her down onto the bench and putting her on the floor. Sgt. Sevillano said he asked again if there was any force used other than what she had already told him, and she said no, and repeated again that she had grabbed her and pushed her down onto the bench and then onto the floor.

Off. Broussard told him that the next thing that happened was that they got _____ up and brought her out of the dress out room. That is when Dep. Burden put waist chains on her. She said Sgt. Sevillano came in just moments after that.

Sgt. Sevillano discussed other options that Off. Broussard could have used. She had identified an uncooperative inmate, so she should have backed off. He told her she could have called for a partner who was right there in processing. She should have secured the inmate. She should have contacted him so he could have come over and dealt with the inmate. Off. Broussard said she understood. Sgt. Sevillano then directed Off. Broussard to complete a detailed Employee's Report, including any type of force she used in the incident.

Inmate _____ was evaluated by medical staff and cleared. Sgt. Sevillano then took photos of inmate _____. He took photos of each area where she complained of pain or injury. Sgt. Sevillano then talked to inmate _____. Inmate _____ told him that Off. Broussard had punched her in the mouth. She said her lip was swollen and bleeding. She said Off. Broussard stomped on her feet with her boot. She said her feet were hurting. Off. Broussard grabbed her and threw her to the floor. Inmate _____ told him that she thought her elbow was broken. Inmate _____ told him that she wanted to file a complaint and she wanted to contact Internal Affairs. Sgt. Sevillano told her she was entitled to that but that right now he needed to assess her to make sure she was okay.

Sgt. Sevillano said he did not see anything that was consistent to what inmate _____ was saying. She did not have any visible injuries to support what inmate _____ was saying. She did not have any visible injuries on her mouth or lip. There was no bleeding. Her feet and her elbow were not swollen or red.

Inmate _____ was then left in Processing.

Later, Sgt. Sevillano gave Off. Broussard a copy of the Use of Force policy, section A, which says what to include in a report if you use force with an uncooperative inmate.

The other two officers had already left and gone back to their work areas by this time. He believes Dep. Rivera was a movement officer (R-20) and Dep. Simpson-Hogan was assigned to W4C at CCW. He called Dep. Simpson-Hogan and directed her write an Employee's Report and instructed her to document any type of force she may have used. She told him she understood this directive.

He then called Dep. Rivera and told her the same thing. That is when Dep. Rivera told him that she needed to speak to Sgt. Little and him right now. He asked if everything was okay and she said no. She told him that what went down in processing was not cool and was unacceptable. He met her in Sgt. Little's office. When he saw her he could tell she was an emotional wreck. She was shaking her head and he could tell that she was very upset. She told him she was physically okay but she was not okay with what went down in processing. When he asked her what had happened, she was hesitant to speak. He asked her to tell him what she was uncomfortable with, and she started talking.

Dep. Rivera said that she had come into Processing, escorting a female inmate. She heard a lot of screaming coming from the female dress out room. Dep. Rivera responded right away and as she came around the corner, she saw Off. Broussard and Dep. Simpson-Hogan on the floor with an inmate. Broussard told her "We got this, Rivera." Dep. Rivera thought they were telling her to go away. Dep. Rivera said she couldn't go away because they were still fighting with the inmate. The inmate was uncontrolled, not in restraints. They were trying to pull her clothes off, so Dep. Rivera went in to help maintain control. Dep. Rivera said she then saw Off. Broussard step on the inmate with her left foot. Sgt. Sevillano said "Come again?" Dep. Rivera said she saw Off. Broussard step on the inmate to hold her down. Dep. Rivera said she was holding the inmate now and as Off. Broussard was stepping on the inmate, the inmate was complaining that she couldn't breathe, and that she was having an anxiety attack. Dep. Rivera said that Off. Broussard then grabbed the inmate by the throat with her left hand and pushed her back down on the ground. The inmate was still yelling that she couldn't breathe. Dep. Rivera said that during this time, Dep. Simpson-Hogan was pulling the inmate's bottom clothes off and Dep. Rivera was trying to pull her top clothing off.

Dep. Rivera said that Off. Burden came and asked if they needed any assistance. Dep. Rivera said she told him no because the inmate was partially naked.

According to Dep. Rivera, Off. Broussard then let go of the inmate and the inmate kind of came up. Off. Broussard then grabbed the inmate's hair and yanked her back down onto the

floor. They were then able to get her clothes off and the jail clothes on. After that, they stood the inmate up, using control holds. Dep. Burden then put the waist chains on her and she was put into the lobby chair.

Sgt. Sevillano asked Dep. Rivera if she was sure that this was what she saw, and Dep. Rivera said yes. Sgt. Sevillano asked Dep. Rivera if there was anything she did and Dep. Rivera nothing other than what she had said. He then directed Dep. Rivera to write a detailed Employee's Report indicating what she did, what she observed, and how she reported it to Sgt. Little and him. He also admonished her not to speak to anyone until further notice.

Sgt. Sevillano said he was in his office when he received a call from Officer Divine, which is about a 30 second walk to Processing. Off. Divine told him that they had an uncooperative inmate in the female dress out and it looked like there might be force. Could he come over? He said he would be right over and was there within a minute and a half or two minutes. Sgt. Sevillano said that the inmate was sitting in the lobby, restrained in waist chains. She was also anchored down to the floor. Her demeanor was very uncooperative. She was yelling and screaming allegations, saying "she beat me up. She punched me. I want to file a complaint. I want to speak to a sarge." Even when he went over to talk to her, he had to tell her calm down so he could hear her concerns.

Sgt. Sevillano said the inmate was in custody for 11377 H&S charges, but did not appear to be under the influence. He assessed her for that. He asked her when the last time she used drugs was and she told him she used methamphetamine three days ago. She told him she was not currently under the influence. She also said she was not coming off anything or detoxing. When he asked the inmate why her behavior was so erratic, she told him it was because she was upset.

The inmate eventually calmed down and he was able to talk to her. After hearing her statement, Sgt. Sevillano said that, based on what she told him, and looking at her physical appearance, he did not believe her. She said she had been punched in the mouth, but she had no indicators of physical assault on her mouth. It was not bleeding. He had her open her mouth and there was no bleeding. She said she had been stomped on her feet with a boot. He looked at her feet, and they were not swollen. She was very unkempt and looked almost like a transient. Her feet were very dirty. He told the inmate that he didn't see any injuries on her feet, and she insisted that the officer had stomped on them. Her right elbow was not swollen; there was no bone protruding or redness to the area. He did not see any major injuries.

Sgt. Sevillano had Dep. Simpson-Hogan call the nurse, and he arrived shortly afterward. The nurse was Nurse [redacted]. The nurse told him that she had normal symptoms, her vitals were normal, and she was clear of any injuries. He told Nurse [redacted] that she claiming injury to her mouth, elbow and feet. The nurse told him that she was cleared. Sgt. Sevillano said this was the only time that a nurse looked at the inmate after the incident.

Sgt. Sevillano took six pictures of the inmate's front, side, facial, hands and submitted them. Sgt. Sevillano then notified his lieutenant of the inconsistencies between his initial findings and the original statement of Off. Broussard. He was directed to interview the inmate again.

Sgt. Sevillano said that when he saw Off. Broussard she was out of breath, flustered, and was perspiring.

Sgt. Sevillano said that when he first talked to Off. Broussard, it seemed like she was hesitant to tell him what type of force she used. He had to tell her a couple of times to calm down, that it was okay, and just tell him what she did. He said that Off. Broussard didn't seem to know how to express what she did. Sgt. Sevillano repeated to her what she had told him, like that she had put her hands on the inmate and shoved her down to the bench. He asked her if she used any other type of force, and she said no.

Sgt. Sevillano said the Off. Broussard and Dep. Simpson-Hogan had a tighter relationship than most. They ate lunch together every day. Dep. Rivera was working overtime that day. She is assigned to "D" team with him. He said that as far as he knew, the only relationship between Dep. Rivera and Off. Broussard and Dep. Simpson-Hogan was a work relationship. He was not aware of any tension between Dep. Rivera and Off. Broussard that would cause Dep. Rivera to say anything that was not true. He said he believed that Dep. Rivera was being truthful and there was a very high concern as to what she should have done or could have done before she had notified a supervisor.

Sgt. Sevillano said that Dep. Simpson-Hogan was working W4C at CCW. He said it would take 8 to 10 minutes for her to get from W4C to Processing because they have to open secure doors. In order to leave her secure area, she has to go out her secure door. Then control has to open another door. She then would have to pass through a sally ports to get through the next door, then control has to open another secure door, then you have to go around.

Sgt. Sevillano said that Dep. Simpson-Hogan had written in her report that she was in Processing to get a piece of cheese cake. Sgt. Sevillano said that one of the concerns that he had was that Dep. Simpson-Hogan was a training officer assigned to the W4C, the "hard locks", and had a male probationary trainee assigned to her. He said it was very uncommon to leave a trainee in the unit. He said a T.O. would not leave a Probationary On The Job Trainee (POJT) alone in that unit. He believes it was the trainee's first day in that assignment. Sgt. Sevillano said he could not remember who the trainee was. Normally, when a T.O. leaves a trainee in a unit for lunch or a break, they will have someone else come and stand by with them. Sgt. Sevillano said he did not know if Dep. Simpson-Hogan received a phone call before she left. He said her Employee's Report only said she went to Processing to get some cheese cake. Sgt. Sevillano confirmed that there was cheesecake there that day.

Sgt. Sevillano described the type of inmate housed in W4C as a maximum security unit that is staffed by two officers. During this incident, the male trainee had been left alone in the all female the unit. Sgt. Sevillano thought that the trainee was in his 15th week of his 24 week training program, and had just recently changed from day shift to night shift. Sgt. Sevillano said he was training officer for thirteen years before being promoted to sergeant. He would never leave a trainee alone in W4C.

Sgt. Sevillano said that for the charges that inmate had, the dress out officer was required to do a strip search. This search consists of having the inmate remove their clothing

items one at a time. The officer checks each clothing item and puts them in a bag. The officer then goes through the formality of checking every area of the inmate's body. They have them lift their hands, open their mouth, look around the ears, look around the genital area, and they have to squat and cough. Based on his review of the reports, Sgt. Sevillano does not believe that this ever took place. From the reports, he could not tell if an assessment was done during the change of inmate

When a strip search is done, the searching officer logs it in the Strip Search Log in Processing, and notifies the sergeant that they will be doing a strip search.

Sgt. Sevillano said that inmate [REDACTED] had been scheduled to be housed in a Level 1 in the W1 building. He had her rehoused based on her actions and she was rehoused into the maximum security unit.

Sgt. Sevillano said that it is common for a radio call to be put out to him when there is an uncooperative inmate, because it is quicker than calling. No radio call was put out regarding this incident. He confirmed that Off. Burden and Off. Divine, both male officers, were both working in Processing during this incident. Sgt. Sevillano said that in a case of officer safety, the level of dress or undress of the inmate would be secondary to the safety of the officers involved and male officers could enter the dress out room.

Sgt. Sevillano said he was present during the medical check by the nurse. He confirmed with the nurse that the vital signs were normal and that there were no visible injuries.

Sgt. Sevillano said that inmate [REDACTED] was very agitated when he first walked in to Processing. She was yelling and moving all around in her chair. She was waist chained, but kept raising her hands up as high as the chains would allow. He did not see her as a threat, but she was very upset. He had to tell her several times to calm down so she could talk to her. She was demanding to speak to a sergeant. She also said that she wanted to speak to Internal Affairs because the officers had beaten her up.

Off. Broussard was flustered when he first spoke to her. She was trying to gain her composure. She told him that the inmate was kicking and swinging her arms as they tried to control her, but didn't say that the inmate was specifically trying to hit her.

After inmate [REDACTED] was checked out by the nurse and reclassified, she had to be changed into red jail clothing. At Sgt. Sevillano's directions, Dep. Gonzalez changed her out without incident. Then Dep. Gonzalez and Sgt. Sevillano escorted her to W4C for housing.

For the rehousing, Sgt. Sevillano had the officers write a rehousal stating the inmate was not conducive to Level 1. He read the rehousal and said it basically said what Off. Broussard had told him. He recalls that the rehousal said something about the inmate swinging, kicking, and attempting to hit the officers. This was the basis for the change from Level 1 to Level 4 status. This change was determined by the classification unit.

Sgt. Sevillano said that the only reference to inmate [REDACTED] hitting an officer was Off. Broussard's statement that inmate [REDACTED] was trying to hit her hands off of her.

Sgt. Sevillano said that if inmate _____ had struck one of the officers, a crime report would have been written. From what he knew of this incident, a crime report was not warranted. He described this as just business as usual in the jail.

Sgt. Sevillano said that his recollection from the reports and what the officers told him, inmate _____ was on her back, with her belly up. This would have Off. Broussard putting her boot on inmate _____ abdomen.

Sgt. Sevillano said he has not talked to Off. Broussard about this incident since his initial talk with her. He did not talk to her again after hearing what Dep. Rivera told him about the incident.

Sgt. Sevillano that during a normal dress out, the inmates remove their own clothing. If the inmate is reluctant to change, then the officer tries to get compliance by negotiating. If that is unsuccessful, the officer then notifies the supervisor. If force is necessary for the clothing change, by policy that only happens when the sergeant is on the scene. The use of force to change clothing is only done by the orders of the sergeant present.

Sgt. Sevillano did not feel that the level of force used was proper without a sergeant present. If he had been present, and it was evident that force was necessary, he would have called for three or four female deputies to stand by in the dress out room. His hope is that with the show of force he would get voluntary compliance from the inmate.

Sgt. Sevillano said that deputies are taught how to deal with inmates through the use of quadrant controls and pain compliance holds. Stepping on an inmate is not something they teach. Grabbing an inmate by the neck is not something they teach. Grabbing someone by the hair is not something they teach. These are the three things that Dep. Rivera told him happened, and that made red flags go up.

Sgt. Sevillano said that if an inmate was lying on her stomach, it would not be okay for someone to put their knee in the inmate's back to control them while the clothing was pulled off of them. He said the deputies are taught quadrant control for this, controlling the arms and legs. He said that first of all, you don't want to get a situation where the inmate needs to be forcibly stripped. If the clothing change is going to go down that route, you want to be sure you have the right staffing there, video documentation, and a sergeant on the scene.

Sgt. Sevillano said that there were not any cameras in the Processing area or dress out room. He said there was a camera in W4C, another in the hallway that leads out from the W4 building, there are cameras outside, and another camera that monitors the CCW gate.

Inmate _____ told Sgt. Sevillano that she thought all of this happened because she was being too slow. She said her pants were too tight and she couldn't get them off fast enough. She also told him something about her jacket, that she was taking a while to fold up and put in the inmate brown bag.

Sgt. Sevillano believes that this entire incident could have been avoided with one phone call to him. He did not know what the rush was by Off. Broussard to dress out inmate [redacted]. To the best of his recollection, inmate [redacted] was the only inmate there for dress out.

Sgt. Sevillano said he talked with Off. Broussard after the incident and told her that she should have stepped back and called her partners that were right in Processing. She should have notified him immediately and he would have come over and assisted. She told him that is all just happened so quickly. Sgt. Sevillano said he had no idea why Off. Broussard took the action she did.

Sgt. Sevillano said that in his opinion, there was no legitimate reason to proceed with an uncooperative inmate, unless there were safety or security issues present and the officer had to engage.

Sgt. Sevillano said it was his opinion that Off. Broussard violated department policy during this incident when she didn't step away from the inmate and notify the sergeant, but instead continued to engage in the situation that led to a use of force. The initial use of force was not reported to him by the involved officer (Broussard), but by a secondary officer (Rivera). He also thinks that Off. Broussard may have violated laws by using unnecessary use of force on an inmate. Sgt. Sevillano's opinion is that stepping on an inmate is not an appropriate use of force when there are three officers there to control the inmate.

Sgt. Sevillano described inmate [redacted] as being petite, weighing between 120 and 125 pounds. He described Off. Broussard as being about 5'10" tall with a bigger build. He described Dep. Simpson-Hogan as having the same type of build as Off. Broussard. He said Dep. Rivera was also a bigger officer. He said that Dep. Rivera was the only one of the three who was a member of the Emergency Response Team. She is an assistant team leader.

Sgt. Sevillano said he had been working in the jails for 16 years. He was promoted to sergeant 6 months ago.

End of Report
Prepared by Steven Angus

Conclusions:

Corr. Dep. Simpson-Hogan wrote one Employee's Report and was interviewed two times. These contained many inconsistencies and omissions.

Employee's Report: Corr. Dep. Simpson-Hogan's Employee's Report was written the same night as the event. It was very vague. She did not mention that she had received a call for assistance from Corr. Off. Broussard and that was the reason she in Processing. She wrote that she was already in Processing to get some cheesecake, then heard a commotion in the dress out area. She did not write that she spoke to Corr. Off. Broussard and directed her to go back into the dress out room to see if inmate [redacted] would change her clothes now. She did not write that she dropped inmate [redacted] when she went limp. There was no mention of Corr.

Off. Broussard grabbing inmate _____ head to stop her from biting. There was no mention of Corr. Off. Broussard putting her foot anywhere on inmate _____ body. There was no mention of Corr. Off. Broussard pulling inmate _____ hair. There was no mention of Corr. Off. Broussard putting a C-clamp hold on inmate _____ neck. She did not mention that Corr. Dep. Rivera assisted them in changing out the inmate.

Interview with Sheriff's Detectives: Corr. Dep. Simpson-Hogan said she received a call from Corr. Off. Broussard telling her she needed help changing an inmate. She did not mention anything about already being in Processing to get cheesecake. When she arrived in Processing, she told Corr. Off. Broussard to go back into the dress out room and tell inmate _____ that she had to dress out. She heard a commotion from inside the dress out room, went inside, and saw Corr. Off. Broussard holding inmate _____ down on the bench by the shoulders. When they stood up, she said inmate _____ went dead weight and fell to the ground. She did not mention that she let her go. Corr. Dep. Simpson-Hogan said she wouldn't have seen anything that Corr. Off. Broussard did after this because she was facing the inmate's legs and feet.

Interview with Internal Affairs Investigator: Corr. Dep. Simpson-Hogan said she got a phone call from Corr. Off. Broussard asking her to come to Processing. She said she did not know why she wanted her to come to Processing, but she went. She does not think she said anything to her trainee, Corr. Dep. Kitong about leaving. Once in Processing, she said Corr. Off. Broussard told her that she didn't think this lady was going to dress out and could she stand by just in case. She told her to ask her if she was going to change out and she would stand by. She said that Corr. Off. Broussard went in and she heard her tell inmate _____ that she had to get dressed and inmate _____ yelled something like "Fuck you, bitch." She then heard the partition curtain slide, so she went into the room. She saw Corr. Off. Broussard holding the inmate down by her shoulders and the inmate kicking. Corr. Dep. Simpson-Hogan made the decision to continue changing the inmate instead of stopping and calling a sergeant because they were "already hands on."

Conclusions, cont.:

On Sunday, August 9, 2015, _____ was brought to Elmwood Processing after being arrested on numerous drug related warrants. She was not arrested for any on view charges. Inmate _____ sat in a chair in Processing without incident. Corr. Off. Michelle Broussard took inmate _____ into the female side dress out room without incident. At this point, the accounts of what occurred vary by each involved individual.

In the dress out room, a conflict occurred between Corr. Off. Broussard and inmate _____. There was yelling by inmate _____ demanding to see a sergeant and complaining of how she was being treated. There were calming words coming from Corr. Off. Broussard. Corr. Off. Broussard left the inmate so she could calm down because she was agitated. The voices were loud enough and agitated enough to draw the attention of Corr. Dep. Michael Divine. He walked over to the dress out room and arrived just as Corr. Off. Broussard was walking out. She told him that she had an inmate that might need to have her clothes cut off.

Inmate _____ claims that during this first time in the dress out room, Corr. Off. Broussard got frustrated with her and grabbed her by the face and neck, then shook her for about fifteen seconds. This is when she started screaming for her to stop and for a sergeant. Corr. Off. Broussard denies that this took place, and instead says that inmate _____ was belligerent and grumbling about being in jail again, how San Jose PD treated her, and wanted to know why they were “fucking with her.” Inmate _____ was not going along with the clothing change, so she left her alone to calm down.

She did not call for a sergeant at this time.

Corr. Off. Broussard called Corr. Dep. Alana Simpson-Hogan after she left inmate _____ in the dress out room. When she arrived in Processing, Corr. Dep. Simpson-Hogan saw Corr. Off. Broussard standing between the AED machine and the counter. Corr. Off. Broussard told her “I don’t think this lady’s gonna dress out; could you stand by just in case?”

Neither Corr. Off. Broussard or Corr. Dep. Simpson-Hogan called for a sergeant at this time.

Corr. Off. Broussard then re-entered the dress out room. Corr. Dep. Simpson-Hogan may have entered with her or waited a short while before entering. Shortly after re-entering the room, Corr. Off. Broussard grabbed inmate _____ and took her to the ground. She and Corr. Dep. Simpson-Hogan started to remove her clothes. Dep. Rivera, who had just brought an inmate in, heard the commotion. She looked into the dress out room and saw the two officers struggling with an inmate. She was told by Corr. Off. Broussard “We got this, Rivera. We got this” and by Corr. Dep. Simpson-Hogan “We’re Code 4”. She felt they needed help, so she got some gloves and came right back. She entered the room and grabbed an arm. Inmate _____ was on her back at this time. Corr. Dep. Rivera saw Corr. Off. Broussard put her left foot onto inmate _____ chest. She kept it there for a few seconds.

During this time the inmate was saying things like “Why did you punch me? Why are you doing this?” and “I can’t breathe. I can’t breathe.”

As they continued to remove the inmate’s clothing, Corr. Off. Broussard kept telling the inmate to “Calm down, sweetie. Calm down.” As they were taking off her shirt, Corr. Off. Broussard grabbed inmate _____ by the hair with her right hand and put her left hand on her neck in a “C-clamp” as she pulled her back down to the floor.

Corr. Off. Broussard left the dress out room for approximately ten minutes, leaving inmate _____ alone for that time. She called Corr. Dep. Simpson-Hogan, requesting that she come to Processing to help her with an inmate that wouldn’t change out.

Corr. Dep. Simpson-Hogan knew failed to call for a sergeant even though she knew that there was in inmate who was refusing to dress out.

Corr. Dep. Simpson-Hogan omitted important information from her Employee’s Report when initially documenting the incident.

Findings:

Based upon the facts gathered in this investigation, the following are the findings:

Correctional Deputy Alana Simpson-Hogan #10550

Allegation:

It is alleged that on August 9, 2015, Deputy Simpson-Hogan exhibited a lack of good judgment and inefficient performance of her duties by assisting Officer Michelle Broussard (#2543) in pursuing a course of action which resulted in a physical confrontation with an uncooperative inmate, and did so without notifying a supervisor of the potential problem.

It is also alleged that Deputy Simpson-Hogan was less than truthful when documenting the details of the incident in written and oral reports.

Violations:

- I. Violation of Santa Clara County Merit System Rule A25-301(a)(1): “Violation of the county charter, merit system rules and regulations and written and published departmental rules and policies which do not conflict with this article.”
Sustained
- II. Violation of Santa Clara County Merit System Rule A25-301(a)(2): “Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned task or failure to discharge duties in a prompt, competent and responsible manner.”
Sustained
- III. Violation of Santa Clara County Merit System Rule A25-301(b)(1): Guilty of gross misconduct or conduct unbecoming a County officer or employee which tends to discredit the County or county service.”
Sustained
- IV. Violation of D.O.C. Policy 1.15.II.D – Post Order Compliance: “Employees assigned to posts must use good judgment, tact, and careful attention to detail in performing their duties, whether or not they are covered in post orders.”
Sustained

Non-Alleged Violations:

- I. Violation of D.O.C. Policy 3.31.IV.J.14.a– Employee Conduct/Untruthful Statements
“Employees shall not make less than truthful statements, either verbal or written.”
Sustained
- II. Violation of D.O.C. Policy 9.27.IB– Reporting of Incidents: “All staff involved in a reportable incident shall promptly notify a supervisor.”

Sustained