

**UOF Enf. Pain Comp. or Above      IA No:      Received: Dec 27, 2020**

Event Number: 20-151-0151B

Type of service being performed at time of incident: Call for Service

Reason for use-of-force: Assaulting Employee

Employee assessment of citizen condition: Unknown

Citizen was injured: No

Citizen was taken to hospital: No

Citizen was charged/arrested in relation to the incident: No Employee was injured: No

Employee was taken to hospital: No

Distance employee was from Involvedcitizen:

Involved citizen: Medium

Involved citizen Height:

**Involved citizen:**

**Unknown Unknown**

**Resistance(s):**

- Assaultive
- Perceived Dangerous Weapon
- Non-Compliant to Verbal Directives

**Injuries/conditions:**

No injuries noted or visible

**Employees involved:**

**Deputy Sheriff Brandon Nicholas Perez [2306]**

**Employee current info:**

Bureau: Sheriff's Office  
Division: Sheriff Patrol Division

**Snapshot - Employee information at time of incident:**

Bureau: Sheriff's Office  
Division: Sheriff Patrol Division

Rank/title: Deputy Sheriff

Off duty: Off duty employed:

**Policy outcome: Not yet entered****Summary:**

On 05/30/2020, at approximately 2241 hours, I was working as a Deputy assigned to Headquarters patrol. San Jose Police Department requested Mutual Aid for crowd control to assist with the protesters, due to their escalation of force against the officers. When I arrived, San Jose Police Department (SJPD) repeatedly announced the protesters were declared an unlawful assembly, in violation of PC 409- Remain After Dispersal Order. SJPD Officers gave numerous announcements via the Public Announcement System for the crowd to disperse in English and Spanish.

As I exited the bus that transported my group to the scene, SJPD had already given several dispersal orders due to the unlawful assembly and began launching gas at the protesters. I immediately donned my gas mask due to the gas that was deployed and ordered to hold a skirmish line at the intersection of South Fourth Street and East Santa Clara Street, in San Jose. I was facing southbound.

In this area, the buildings were all high-rises, in downtown and illuminated by street lights. South of our skirmish line were several hundred protesters. Multiple protesters were shooting various objects from what appeared to be potato guns towards us, as well as shining lasers (various colors) in our eyes.

After approximately 12 minutes of being on scene and continually hearing the dispersal order from SJPD, I saw a group of several males on the east side of Fourth Street, all in dark clothing. This group repeatedly ran (northbound) towards the skirmish line with glass bottles and rocks, run away to regroup, and advanced again. The subjects were throwing the glass bottles and rocks toward Deputies and Officers. I estimated the subjects were approximately 40 yards away. Behind the subjects, was a multi-story building, with concrete walls on the street level.

I aimed the less-lethal at one male, in the front of the group, and fired one round towards his upper leg. At the same time I deployed the less-lethal, SJPD were continually giving warnings regarding the dispersal order and the need for the protesters to comply. SJPD also deployed gas to help disperse the crowd and other munitions. Although I was not affected by the gas, it did impede my ability to see where the munition landed. Once the gas cleared, the group had dispersed and no one was left in the area where I aimed the munition round. No one complained of pain or indicated they were injured from the action I took.

When we were told to leave the skirmish line and redeploy at another location, I notified my supervisor on scene.

**When/where:**

Date/time occurred: May 30 2020 21:41

Incident location: 200 Santa Clara Street E San Jose CA 95113  
County: Sheriff Headquarters

**Linked files:**

[Less Lethal Munition Deployment during Mutual Aid incident with SJPD for the civil unrest \(pdf\)](#)

**Status/assignment information:**

Status: Completed

Opened: Assigned: Due: Completed: 01/21/2021

Disposition: Incident Received

Unit assigned: Un-assigned  
Handled at field/unit level: No  
Investigator assign: Un-assigned  
Supervisor assign: 0  
Source of information:

**Organizational component(s):**

Bureau: Sheriff's Office  
Division: Sheriff Patrol Division

**BlueTeam chain routings**

**Dec 27, 2020 04:39: Sent from Deputy Sheriff Brandon Nicholas Perez [2306] to Poyadue, Tiffany L Sheriff's Sergeant [2132]**

Instructions:

Good Morning, please review. Thank you.

Reviewed by Sheriff's Sergeant Tiffany L Poyadue [2132] on Dec 27, 2020 at 19:03

**Decision: Approved**

Reviewer comment:

I reviewed this incident and the BWC footage with Deputy Perez.

**Dec 27, 2020 19:03: Sent from Sheriff's Sergeant Tiffany L Poyadue [2132] to Rodriguez, Dalia R Captain [1647]**

Instructions:

Use of Less Lethal Munitions from the Mutual Aid Protests in San Jose

Reviewed by Captain Dalia R Rodriguez [1647] on Jan 07, 2021 at 16:23

**Decision: Approved**

Reviewer comment:

This should be forwarded to your chain of command. I will forward it to them for review, please

**Jan 07, 2021 16:23: Sent from Captain Dalia R Rodriguez [1647] to Jaimez, Suguey Alma Sheriff's Sergeant [1890]**

Instructions:

Please review and have Sergeant Poyadue sent to you directly and eventually forwarded to myself and IA.

Thank you.

Reviewed by Sheriff's Sergeant Sugey Alma Jaimez [1890] on Jan 08, 2021 at 17:51

**Decision: Approved**

Reviewer comment:

Routed back to Sgt. Poyadue for review and to be sent through proper chain of command.

CC(s) of this routing were sent to the following:

**Jan 08, 2021 17:51: Sent from Sheriff's Sergeant Sugey Alma Jaimez [1890] to Poyadue, Tiffany L Sheriff's Sergeant [2132]**

Instructions:

Sgt. Poyadue,

Please review the incident along with any pertinent BWC footage. When you have completed your review, please route back through your chain of command. Send directly to me or directly to Lt. Quinonez and CC me.

Reviewed by Sheriff's Sergeant Tiffany L Poyadue [2132] on Jan 10, 2021 at 21:31

**Decision: Approved**

Reviewer comment:

I reviewed the incident (20-151-0285I) with Deputy Perez and I reviewed the BWC footage associated to the event. In the BWC, it shows SJPD provided several dispersal orders. The failure of the crowd to disperse, allowed Deputy Perez to fire a less lethal projectile toward the male subject. Pursuant to the General Order 12.04, Deputy Perez completed the Firearms Use Report for firing the Less Lethal Munition (I attached it to this entry). Due to the circumstances and being redeployed to another location, Deputy Perez was unable to collect the projectile or any of its debris. I sent this Blue Team back to Deputy Perez to have him add more details regarding all of parameters associated to the Firearms Use Report.

CC(s) of this routing were sent to the following:

**Jan 10, 2021 21:31: Sent from Sheriff's Sergeant Tiffany L Poyadue [2132] to Perez, Brandon Nicholas Deputy Sheriff [2306]**

Instructions:

Please add more detail to the incident pertaining to the aspects on the Firearms Use Report.

Reviewed by Deputy Sheriff Brandon Nicholas Perez [2306] on Jan 11, 2021 at 00:18

**Decision: Approved**

Reviewer comment:

[Forwarded by Deputy Sheriff Brandon Perez]

CC(s) of this routing were sent to the following:

**Jan 11, 2021 00:18: Sent from Deputy Sheriff Brandon Nicholas Perez [2306] to Poyadue, Tiffany L Sheriff's Sergeant [2132]**

Instructions:

Please review.

Reviewed by Sheriff's Sergeant Tiffany L Poyadue [2132] on Jan 11, 2021 at 00:26

**Decision: Approved**

Reviewer comment:

Deputy Perez and I discussed the incident, his actions, and reviewed his BWC footage together.

**Jan 11, 2021 00:26: Sent from Sheriff's Sergeant Tiffany L Poyadue [2132] to Quinonez, Julian Sheriff's Lieutenant [1644]**

Instructions:

Deployment of a Less Lethal Munition.

Reviewed by Sheriff's Lieutenant Julian Quinonez [1644] on Jan 19, 2021 at 19:46

**Decision: Approved**

Reviewer comment:

I reviewed all BWC associated with this incident. The matter will be handled at the divisional level.

CC(s) of this routing were sent to the following:

**Jan 19, 2021 19:46: Sent from Sheriff's Lieutenant Julian Quinonez [1644] to Durr, Robert Captain [1719]**

Instructions:

I reviewed all associated BWC. The matter will be handled at the divisional level.

Reviewed by Captain Robert Durr [1719] on Jan 20, 2021 at 16:27

**Decision: Approved**

Reviewer comment:

Will be handled @ DL.

**Entered via BlueTeam by: Deputy Sheriff Brandon Nicholas Perez [2306] on Dec 27, 2020 at 04:19**