



Jim Cooper
Sheriff

SACRAMENTO SHERIFF'S OFFICE

Inter-Departmental Correspondence

Date: June 20, 2023

To: FILE

From: CHIEF DEPUTY DAN DONELLI
Correctional Services

Subject: **FINDINGS AND RECOMMENDATIONS; 2023PSD-0170**

STATEMENT OF PROBLEM:

On March 30, 2023, an investigation request to the Sacramento Sheriff's Office Internal Affairs Bureau was submitted by Main Jail administration. The request alleged Deputy Antero Reyes engaged in discourteous treatment during an interaction with inmate PC 832.7 (b)(6)(B). Subsequently, this discourteous treatment escalated a verbal interaction into a physical use of force.

The incident was initially brought to light during a blue team review of a use of force incident involving Deputy Reyes.

FINDINGS:

I reviewed the case binder to include the case summary, all related evidence, videos, department policy and involved individual statements.

I find that Sergeant Aaron Decanio conducted a comprehensive investigation in his capacity with the Professional Standards Bureau/Internal Affairs. Captain Vaden conducted a thorough review of the evidence in this case and rendered findings regarding the conduct of Deputy Antero Reyes that were appropriate. Her analysis was logical and comports with department policy.

1. **SCDSA MOU 18.5(k) – Discourteous Treatment of the Public**
 - a. General Order 3/09 – Rules of Conduct
 - b. General Order 2/11 – Use of Force
 - c. Main Jail Operations order 2/01 – Use of Force

In his administrative interview, Deputy Reyes admitted that his initial interaction with Inmate PC 832.7 (b)(6)(B) was inappropriate, an embarrassment to him and the Organization and

out of character. All of the employee witnesses agreed that the interaction was inappropriate. In viewing the video and audio, I tend to agree. Not only does Deputy Reyes' language and demeanor undermine the professionalism that the Sacramento Sheriff's Office is known for, it could also present additional security concerns as a result of retribution from other inmates that heard the interaction take place. Additionally, it could undermine the confidence level that Deputy Reyes' partners have in him to remain calm under duress or frustration.

Specific to the use of force, Captain Vaden appropriately evaluates this incident from the lens of Graham vs. Conner. This evaluation takes into account three main points:

- ***The severity of the crime at issue.***
- ***Whether the subject poses an immediate threat to officer(s), the safety of the officers, or others.***
- ***Whether the subject is actively resisting arrest or attempting to escape arrest by flight.***

Deputy Reyes was attempting to relocate another inmate in [REDACTED] room for the purposes of consolidation and efficiency. Deputy Reyes was aware that [REDACTED] was an inmate classified as an outpatient psych (inmates that often suffer from severe mental illness and need psychological care, but not in an acute setting). Furthermore, Deputy Reyes knew he did not immediately need to remove [REDACTED] from the cell. When presented with defiance and disobedience on the part of Inmate [REDACTED] Deputy Reyes could have used the advantages of time and distance to re-evaluate and formulate a safer solution. In his own admission, Deputy Reyes could have simply shut the door and used another cell.

In terms of an analysis from a perspective of Graham vs. Conner, the only applicable point from above is that Inmate [REDACTED] appeared to be actively resisting, both verbally and physically, from the perspective of the involved deputies. The physical resistance, however, was initiated in response to entering [REDACTED] cell and forcing the issue. In my opinion, this could have been avoided.

During his interview, Deputy Reyes stated that he believed he did not use excessive force. However, in contradiction to this statement, with the benefit of hindsight, he shared the following:

REYES: The punches, looking back at it now, after reviewing the video, like I said, probably weren't necessary because I could have just pulled him down to the ground, and then utilized control holds."

As to the findings, after review of this case:

2. **SCDSA MOU 18.5(k)** – Discourteous Treatment of the Public **SUSTAINED**
 - a. General Order 3/09 – Rules of Conduct
 - b. General Order 2/11 – Use of Force
 - c. Main Jail Operations order 2/01 – Use of Force

Deputy Reyes has a recent use of force incident in which he received a Documented Counseling and mandated remedial training. At the time of this administrative interview, this training had not been scheduled. I queried the Defensive Tactics training unit and confirmed that the training was in fact scheduled for July 11, 2023.

RECOMMENDATION:

I concur with Captain Vaden on her recommendation that Deputy Reyes receive a 40 hour suspension and remain assigned to corrections for a period of no less than two years, commencing with his receipt of the final order of discipline.