

Pursuant to Senate Bill 1421, enacted on January 1, 2019, a redacted version of this report is subject to disclosure per the California Public Records Act.

HOLLISTER POLICE DEPARTMENT

395 APOLLO WAY
 HOLLISTER, CALIFORNIA 95023
 PHONE (831) 636-4330
 FAX (831) 636-4339

HG1603184

Case Number

BATT PO/EMERG PRSNL/

Reporting Officer TONG	Reporting Officer TORRES	Reporting Officer	Reporting Officer	Date / Time Reported 12/19/16 17:35	Date / Time / Day (From) 12/19/16 18:40	Date / Time / Day (To) 12/19/16 19:00
Street Address 708 FLYNN RD , HOLLISTER			Cross Street			

- 243(B) PC M BATT PO/EMERG PRSNL/ETC**
- 148(A)(1) PC M OBSTRUCT/ETC PUB OFCR/ETC**
- 69 PC F OBSTRUCT/RESIST EXEC OFF**
- 11550(A) HS M UNDER INFLUENCE CNTL SUB**

VICTIM(s)

NO. 01	Name (Last, First, Middle) STATE OF CALIFORNIA,	AGE: 0
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NON SUSPECT(s)

NO. 01	Name (Last, First, Middle) [REDACTED]	ADULT
NO. 02	Name (Last, First, Middle) REA, FILIPE	ADULT
NO. 03	Name (Last, First, Middle) ORTEGA, NICHOLE	ADULT

SUSPECT(s)

NO. 01	Name (Last, First, Middle) HERNANDEZ, ERY											
	Address [REDACTED] , HOLLISTER, CA 95023							Phone [REDACTED]		DOB 05/29/1989	Race H	Sex M
	Arrest NO	Time Rights Given :	Citation No	ID Number	Hair BLACK	Eyes BROWN	HT 509	WT 180	DL Number [REDACTED]		CA	
	Hair Length LONG	Hair Style WAVY	Facial Hair FULL	Speech INCOHER	Complexion LIGHT	Appearance CASUAL	Nickname					
	Identifier	Identifier	Identifier	Demeanor DISORG	Weapon HANDS	Juvenile / Adult ADULT	Occupation					

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PROPERTY / EVIDENCE													
NO. 01	Involvement	EVIDENCE	Value	\$ 0.00		Officer	TONG		Recover Date	//		Entered	01/05/2017
	Quantity	Name		RECORDER, TAPES		Make	DVD		Model	WATCHGUARD		Primary Color	SILVE
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information												
NO. 02	Involvement	EVIDENCE	Value	\$ 5.00		Officer	CELANO		Recover Date	//		Entered	01/12/2017
	Quantity	Name		FLASHDRIVE		Make			Model			Primary Color	BLACK
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information RECORDING OF INCIDENT ATJ-HALL FROM IPHONE												
NO. 03	Involvement	EVIDENCE	Value	\$ 70.00		Officer	TORRES		Recover Date	//		Entered	01/13/2017
	Quantity	Name		MEN'S CLOTHES		Make	HOLLISTER PD		Model	SHIRT		Primary Color	BLUE
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information												
NO. 04	Involvement	EVIDENCE	Value	\$ 90.00		Officer	TORRES		Recover Date	//		Entered	01/13/2017
	Quantity	Name		MEN'S CLOTHES		Make	HOLLISTER PD		Model	PANTS		Primary Color	BLUE
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information												
NO. 05	Involvement	EVIDENCE	Value	\$ 1.00		Officer	CELANO		Recover Date	//		Entered	01/19/2017
	Quantity	Name		DVDR		Make			Model			Primary Color	WHITE
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information RECORDED TRAFFIC STOP FROM SBCSO CASE 16-1436												
NO. 06	Involvement	EVIDENCE	Value	\$ 0.00		Officer	COLE		Recover Date	//		Entered	07/06/2017
	Quantity	Name		CD		Make	STAPLES		Model			Primary Color	
	Officer Applied Number	Serial		Lic. Owner Applied No		CLETS Number		Owner					
	Bike	Gears	Wheel Size	Seat Make	Fender	Check No	Bank Branch	Date Written	//		Gun Type	Barrel Length	Gun Stock
	Misc Information CD CONTAINING 911 CALL FILES OBTAINED BY E. FOSTER FOR SUBPOENA												

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Attachments: Image (JPG) files							
Image Type	Date	Description	Type	#	Count	Image	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	001	16H20771	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	002	16H20772	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	003	16H20773	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	004	16H20774	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	005	16H20775	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	006	16H20776	
PROPERTY	12/20/2016	OFFICER TONG'S BATON	CASE	01	007	16H20777	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	008	16H20778	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	009	16H20779	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	010	16H20780	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	011	16H20781	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	012	16H20782	
LOCATION	12/20/2016	J-HALL (AREA OF INCIDENT WITH	CASE	01	013	16H20783	
LOCATION	12/21/2016	ERY FIGHTING WITH MEDICS.	CASE	01	014	16H20784	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	015	16H20785	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	016	16H20786	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	017	16H20787	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	018	16H20788	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	019	16H20789	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	020	16H20790	
LOCATION	12/20/2016	LOCATION OF INCIDENT AT J-HALL	CASE	01	021	16H20791	
PERSON	12/20/2016	OFFICER TORRES INJURY TO FOREH	CASE	01	022	16H20792	
PERSON	12/20/2016	OFFICER TORRES INJURY TO FOREH	CASE	01	023	16H20793	
PERSON	12/20/2016	OFFICER TORRES INJURY TO FOREH	CASE	01	024	16H20794	
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	025	16H20795	LEFT ARM
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	026	16H20796	LEFT ARM
PERSON	12/20/2016	INJURIES TO ERY	CASE	01	027	16H20797	
PERSON	12/20/2016	ERY	CASE	01	028	16H20798	
PERSON	12/21/2016	TASER PROBE LOCATION TO ERY'S	CASE	01	029	16H20799	FRONT TORSO
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	030	16H20800	LOWER BACK BACK
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	031	16H20801	BACK BACK
PERSON	12/20/2016	INJURIES TO ERY	CASE	01	032	16H20802	
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	033	16H20803	LEFT HAND
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	034	16H20804	LEFT HAND
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	035	16H20805	LEFT HAND
PERSON	12/21/2016	INJURIES TO ERY	CASE	01	036	16H20806	LEFT HAND
PERSON	12/20/2016	INJURIES TO ERY	CASE	01	037	16H20807	RIGHT LEG
PERSON	12/20/2016	INJURIES TO ERY	CASE	01	038	16H20808	LEFT LEG
PERSON	12/20/2016	HERNANDEZ, ERY	CASE	01	039	16H20809	
PERSON	12/20/2016	HERNANDEZ, ERY	CASE	01	040	16H20810	
PROPERTY	12/20/2016	HERNANDEZ, ERY FRONT LOBBY	CASE	01	041	16H20811	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY AT THE HOSPITAL	CASE	01	042	16H20812	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY AT THE HOSPITAL	CASE	01	043	16H20813	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY AT THE HOSPITAL	CASE	01	044	16H20814	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY	CASE	01	045	16H20815	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY	CASE	01	046	16H20816	
MARK,SCAR	12/20/2016	HERNANDEZ, ERY AT THE HOSPITAL	CASE	01	047	16H20817	
PROPERTY	01/13/2017		CASE	01	048	17H00513	
PROPERTY	01/13/2017		CASE	01	049	17H00514	
PROPERTY	01/13/2017		CASE	01	050	17H00515	
PROPERTY	01/13/2017		CASE	01	051	17H00516	
PROPERTY	01/13/2017		CASE	01	052	17H00517	
PROPERTY	01/13/2017		CASE	01	053	17H00518	
PROPERTY	01/13/2017		CASE	01	054	17H00519	
PROPERTY	01/13/2017		CASE	01	055	17H00520	
PROPERTY	01/13/2017		CASE	01	056	17H00521	

Attachments: Sound files							
Item	Date	Description					
001	12/20/2016	STATEMENTS OF REA				H201600197.WMA	
002	12/20/2016	STATEMENTS OF ORTEGA				H201600198.WMA	

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Attachments: Supplemental Narratives

Supplement Number	Date	Description
01	12/19/2016	SUPPLEMENT 01
02	12/20/2016	SUPPLEMENT 02
03	12/20/2016	SUPPLEMENT 03
04	12/20/2016	J HALL VIDEO
05	12/20/2016	STATEMENTS OF J-HALL STAFF
06	12/21/2016	MEDICAL RECORDS SEARCH WARRANT
07	01/05/2017	SUPPLEMENT 07
08	01/12/2017	SUPPLEMENT 08
09	01/13/2017	BOOKED EVIDENCE
10	01/19/2017	SUPPLEMENT 10

Copies To
DA

Signature Verifying Original Copy of Case: _____ Date: _____

Released By: _____ Received By: _____ Date: _____

2/23/2022 6:11:38PM
Print Date/Time

controlled document, duplication or re-issuance controlled by law.

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Victim's Confidential Personal Information

The following is considered confidential personal information as per California Penal code 964(b) and is provided below to be disseminated in accordance with an agreeable procedure between local law enforcement, the district attorney and the courts to protect the victims and witnesses of crimes.

VICTIM(S)					
NO. 01	Name (Last, First, Middle) STATE OF CALIFORNIA,	Nickname			
	Primary Address ,	Phone () -	DOB //	Race	Sex
	Secondary Address ,	Phone () -	DL Number		
		Occupation			

Witness Confidential Personal Information

The following is considered confidential personal information as per California Penal code 964(b) and is provided below to be disseminated in accordance with an agreeable procedure between local law enforcement, the district attorney and the courts to protect the victims and witnesses of crimes.

NON SUSPECT(S)						
NO. 01	Name (Last, First, Middle) [REDACTED]	Involvement [REDACTED]	Nickname			
	Primary Address [REDACTED], [REDACTED]		Phone () -	DOB [REDACTED]	Race [REDACTED]	Sex [REDACTED]
	Secondary Address , ,		Phone () -	DL Number		
			Occupation			
NO. 02	Name (Last, First, Middle) REA, FILIPE	Involvement MENTIONED	Nickname			
	Primary Address 708 FLYNN ROAD , HOLLISTER, CA 95023		Phone () -	DOB [REDACTED]	Race H	Sex M
	Secondary Address , ,		Phone () -	DL Number		
			Occupation JUVENILE HALL STAFF			
NO. 03	Name (Last, First, Middle) ORTEGA, NICHOLE	Involvement MENTIONED	Nickname			
	Primary Address 708 FLYNN ROAD , HOLLISTER, CA 95023		Phone () -	DOB [REDACTED]	Race W	Sex F
	Secondary Address , ,		Phone () -	DL Number		
			Occupation JUVENILE HALL STAFF			

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Date

12/19/16

Officer

TONG

Primary Narrative

On 12/19/16 at 1735 hours, Officer Torres and I were dispatched to suspicious circumstances at the McDonalds restaurant, located at 151 San Felipe Rd. **NETCOMM** advised that a male subject was recently dropped off at the McDonald's store, stating that he wanted witness protection.

Officer Torres and I arrived on scene at the McDonalds, but was updated by **NETCOMM** that the subject had gone to the San Benito County Juvenile Hall, located at 708 Flynn Rd. **NETCOMM** stated the subject, later identified as (**suspect**) Ery Hernandez, sounded very paranoid, and did not want to go to the police station.

Officer Torres and I responded to the San Benito County Juvenile Hall (See Officer Torres' attached supplemental report for further details), and made contact with Ery inside the front lobby. Ery immediately stated that he wanted to speak with the FBI. I observed Ery to be very nervous, and unable to stand still. I conducted a pat search for weapons on Ery's person, and determined that he was not in possession of any contraband.

Ery stated that his family was in danger, and stated that he wanted witness protection. I asked Ery what made him think his family was in danger. He answered, and said that someone drove by his house earlier, and shot guns at his house, but there were no bullet holes or evidence of the shooting.

I continued to ask Ery about the incident, but he would respond with incoherent statements, stating that he knew the "mob", and that he had a "hit" on his head, including his family. Ery then began to cry. I asked Ery additional details about the mob, he responded that if the police helped him, he would reveal "good information" to us. I told Ery that the information can wait until later, and stated that officers were there to help him and his family, with the current situation he's having.

Ery replied that officers were no longer there to help him, and that he just put a bounty on both Officer Torres' and my head. He then stated that the mob had a bounty on his family. I evaluated Ery for the symptoms of **5150W&I – mentally disturbed person**, but determined that he did not meet the criteria.

While talking with Ery, I observed him to display bruxism (jaw clenching), fidgetiness, erratic behavior, and sweatiness. I observed these symptoms to be consistent with the objective symptoms of being under the influence of a controlled substance.

I attempted to conduct an **11550H&S evaluation (person under the influence)**, but Ery did not respond to my instruction. As I explained the rhomberg test process to Ery, he stared at me blankly, and refused to do the test.

Ery then stated he was part of the Norteno gang. I observed tattoos on Ery's hand, but did not recognize them to have any gang affiliation. While making that statement, Officer

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Torres engaged Ery on the Norteno gang topic, attempting to establish credibility in his statement.

As I observed Ery's erratic movement and inability to stand still, I observed his pupils to quickly dilate to a large diameter, and immediately constrict. Due to the additional symptom of being under the influence, I once again attempted to conduct an **11550H&S** evaluation. Because of Ery's incoherent statements, along with his fidgetiness, I elected to detain Ery in my department issued handcuffs to complete my evaluation.

With both of my hands, I took hold of Ery's right arm, placing it behind his back. I immediately felt him tense his arm, balling both of his hands into fists. I advised Ery to not resist officers. Officer Torres stepped in, and obtained Ery's left arm. Ery began to scream for help, and telling officers "fuck you!!!" I felt Ery turn away from me, attempting to break my grasp of his arm. I observed Officer Torres wrestle with Ery's left arm, eventually stumbling with him into an area of small plastic chairs. I fell along with them.

I immediately obtained my radio receiver and stated that the individual was starting to fight us. Ery eventually gained control of his arms. I placed my weight on to Ery in an attempt to regain control of him. Ery continued to resist officers, yelling and screaming. Officer Torres, Ery, and I wrestled to the ground, where he began to kick and swing his arms at myself and Officer Torres. During the struggle, I yelled that Ery would be tazed if he continued to resist. Ery continued to throw punches and kick at officers.

In an attempt to regain control of the combative subject, I deployed my department issued Taser and activated the switch to display a red laser, and white light. I observed Officer Torres still struggling with Ery, who was still refusing to submit to officers commands. In a loud and audible tone, I announced "TASER!! TASER!! TASER!!" I observed Officer Torres quickly release Ery and take a step back. I depressed the trigger mechanism on my department issued Taser, releasing 2 electrically charged probes into the upper torso of Ery. The Taser deployment rendered ineffective, with Ery still kicking, screaming, and attempting to stand up and hit officers.

I quickly removed the spent Taser cartridge and discarded it on the floor. I then saw Officer Torres dispense a stream of OC (oleoresin capsicum) liquid from his department issued OC canister. Ery wiped the liquid off his face, and continued to scream, taking an aggressive stance towards officers, stating "HELP! THE POLICE ARE THE MAFIA!! HELP!!" I commanded Ery to get on the ground and to stop resisting, as I was attempting to replace my Taser with a new cartridge. With both fists postured in an aggressive manner in front of him, he advanced in my direction.

I was able to positively attach my new Taser cartridge into the Taser, pointing it in Ery's direction, and again stating that if he did not comply and stop fighting, he would get tazed again. Ery continued to advance. I once again depressed the trigger on my Taser, sending the 2 electronic probes towards the center mass of Ery. He briefly sat down, but stood back up, and again continued to fight. I once again depressed the trigger, with no reaction from Ery.

I recognized that the probes were unable to properly penetrate Ery's loose jacket, and were once again rendered ineffective. I observed another stream of OC spray deployed

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by Officer Torres. Following the spray, I observed the canister to emit a white cloud of mist, signifying that the canister had gone empty. I observed Ery to wipe his face with no effect from the spray, and still screaming, attempting to fight with myself and Officer Torres. I then observed Officer Torres deploy his department issued Taser towards Ery, which again rendered ineffectual.

As I looked back towards the entrance door, I saw a uniformed male bearing a star on the left chest of his shirt. I attempted to open the door for the subject, but the door seemed to have been locked due to an electric safety device. The subject eventually opened the door from the outside, and was revealed to be Juvenile Hall staff.

I observed the OC spray to take affect Officer Torres. I observed him to begin coughing. Officer Torres shoved the attacking Ery towards the corner of the room, and exited to request for incoming units.

Due to the ineffectiveness of the force options taken, I grasped my department issued collapsible baton, deploying it an outward motion and firmly extending all of the batons sections into place. With both hands I grasped the bottom of the handle, resting the baton over my right shoulder. I continued to give commands to Ery, advising him to get on the ground, and to stop resisting. Ery was still screaming that the police were part of the mafia, and for someone to come and help him. Ery was unaffected by the OC spray.

I began to cough due to the OC spray, with my eyes getting watery. I retreated to the outside of the lobby, and heard Officer Torres advise to close the door. As I went to shut the main lobby door, Ery charged towards us. I immediately took a wide stance, again taking the baton and placing it over my right shoulder in the ready position. Officer Torres attempted to push Ery back into the room, and was able to gain control of Ery's right arm, and some of his hair.

I observed Ery begin to focus his attack to Officer Torres, attempting to strike him and kick him. Ery also attempted to kick me with both legs while he was standing. I elected to disable Ery's legs, delivering multiple strikes to his kicking left leg, in an attempt to control him on the ground. The top portion of my baton made contact with Ery's left thighs and knees. After multiple strikes, Ery sat down on the ground, but continued to resist and kick.

Ery took his left arm and attempted to throw a punch towards Officer Torres. Officer Torres grasped Ery's hair, pulling it against the front lobby door frame; Officer Torres attempted to take cover behind the frame. Due to safety concerns for Officer Torres, I delivered strikes to Ery's attacking left arm, effectively making contact with his upper arm area, and hand.

I observed that one of my baton strikes had disabled Ery's left hand. I observed the hand to be severely lacerated, display bone, tissue, and to be bleeding heavily. I immediately obtained my radio transmitter and requested medical staff for a code 3 response.

Ery looked at his injured hand, but did not show any sort of pain or reaction to my strikes. Ery briefly paused his attack. I stood in front of Ery and told him that the fight was over, and that he was done. I advised him to stop fighting the police, to just give up,

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and stop resisting. He took a big sigh, stated "FUCK YOU NIGGA" and attempted to stand up. I yelled to Ery to not stand up and to stop fighting. I advised that if he stood up, I would continue striking him. I delivered multiple strikes to his legs and back in order to keep him from standing, and fighting. He continued to yell, "FUCK YOU NIGGA", throwing his arms at Officer Torres, and legs at me.

Once I observed Ery to stop attacking, I too stopped delivering baton strikes. As Ery began to kick and punch officers, I utilized my baton to disable his attacking limbs. I recognized that if my baton strikes were no longer effective, my only resort of force would have been deadly force.

Officers Paddy and Hutchins later arrived on scene. I looked back at the approaching officers, and yelled towards them to wear gloves due to the amount of blood on scene. Officers rolled Ery over on his stomach and were able to place him into handcuffs. Ery was then sat up against the door frame.

As I stood by waiting for medics, I could feel pain within both knees, sustained from the fight. Both of my arms were sore and aching. I was physically exhausted and considerably winded.

Prior to leaving the scene to escort Ery to the hospital, I turned my baton and Taser cartridges over to Officer Paddy and Hutchins. The items were later booked into Hollister Police evidence. See Officers Paddy and Hutchins supplemental report for further details.

Fire and medical staff shortly arrived on scene to render medical aid. As medical staff was attempting to treat Ery's injuries, he began to kick and attempted to stand up. It took 3 officers, and 4 fire/medical staff personal to restrain Ery from leaving and causing further injury to himself. Due to Ery's uncooperative nature, medical staff administered a sedative to Ery, in order to safely transport him to the Hazel Hawkins Hospital.

At the hospital, medical staff attempted to evaluate Ery's health condition. He admitted to hospital staff that he had used methamphetamine, heroin and marijuana that day. Ery was later given multiple sedatives and muscle relaxer shots from medical staff. Ery was still unable to remain still for medical staff. Even with the gurney restraints, he continued to sit up, and attempted to remove his restraints.

At approximately 2045 hours, Certified Phlebotomist [REDACTED] arrived on scene to obtain a blood sample. Per [REDACTED] request, I observed Registered Nurse [REDACTED] extract a vial of blood from Ery's right arm from an existing intravenous tube. [REDACTED] provided the tube of Ery's blood to [REDACTED], where [REDACTED] properly packaged the vial and handed it to me. The vial of blood was later booked into Hollister Police evidence.

Due to the injuries sustained during this incident, I was later advised by medical staff that Ery was going to be flown by helicopter to the Natividad Hospital in Salinas, Ca. Police staffing shortages would not allow officers to maintain custody of Ery through the helicopter transport, so he was released to hospital staff without further incident.

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As I was leaving the hospital to go back into service, I was advised by Sgt. Celano that Ery's sister was on scene. I met with Ery's sister, identified as [REDACTED]. She told me the following.

[REDACTED] stated that she had recently spoken to her brother, Ery, earlier today. She advised that Ery had called her multiple times through "all types of hours", and then hanging up. When [REDACTED] returned his call, she stated he was acting very abnormally, and stating that he was very emotional. He was crying, and stating that he was worried for their family, and that everyone was in danger. When she asked why, he wouldn't be able to answer why. He told [REDACTED] that he wasn't feeling well.

[REDACTED] explained that Ery had a history of drug use, but only knew of him smoking marijuana. She stated that his family would always get angry when he was under the influence. [REDACTED] stated that though he had no history of mental health issues, he lived a hard life, and experienced a lot of things. She explained that she had never seen him in this state of mind.

I advised to [REDACTED] that due to the ongoing investigation, I was unable to divulge any other information to her.

It should be noted, I was unable to obtain any audio/video footage relating to this incident. I was issued a temporary patrol vehicle at the start of my shift, and it was not equipped with a WatchGuard microphone uniform clip. I attempted to obtain video footage using the "After the fact" option on the WatchGuard, but no footage was available.

Officer Torres was later evaluated by medical staff due to knee pain sustained during this incident.

DISPOSITION: Forward to San Benito County DA's Office for the following charges:

- **148(A)(1)PC – resisting/obstructing/delaying officers**
- **69(A)PC – threats to law enforcement officer**
- **243(B)PC – battery on a peace officer (2 counts)**
- **11550H&S – under the influence of a controlled substance**

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Approved by : CELANO Date : 12/20/2016 07:08 AM

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Phone (831) 636-4330
Fax (831) 636-4339**Case Number**
HG1603184**Date**
12/19/16**Officer**
TORRES**Supplement 01**

On 12/19/16 at approximately 1840 hours, I was dispatched to 708 Flynn Road for a report of a disoriented subject. Dispatch advised that an unknown male subject entered the lobby of the Juvenile Hall asking for help. The unknown male later identified as Ery Hernandez, was saying that he was scared and in danger and wanted to talk to a police officer about the situation. I responded to the address with Officer Tong. Upon arriving I saw a Hispanic male inside of the lobby of the Juvenile Hall facility. The male identified himself as Ery Hernandez.

The entry door to the lobby is electronically sealed and must be opened by the correctional staff. Officer Tong and I entered the lobby and made contact with Hernandez. Hernandez was displaying odd behavior and seemed very nervous and paranoid. He was having difficulty answering questions and believed that someone was out to get him and his family. Hernandez made the following statement in summary to Officer Tong and I,

Hernandez said that he was in trouble and that someone was out to get him. Hernandez demanded to speak to the FBI and said that police could not help him. Hernandez said that he had vital information that people wanted to harm him for knowing. I asked Hernandez who was out to get him and he said that he didn't know. Hernandez also believed that his family's safety was in jeopardy. Hernandez then said that he was a Norteno gang member and that he believed the gang was after him. Hernandez believed that he disrespected a high ranking Norteno from the bay area.

Hernandez also said that he was involved with the mafia and they may be out to get him as well. While Hernandez was talking he was making quick sudden movements and appeared to be very paranoid. Officer Tong conducted a records check on Hernandez to determine if he had any warrants and he had none. Officer Tong attempted to conduct a drug evaluation on Hernandez by administering FST's but he refused. Hernandez said that he does not use drugs. Hernandez said that he does not have a history of mental health issues and does not take any medication. Hernandez then said, "I will take this life straight to hell".

Hernandez was not cooperating with the investigation and was becoming irate and said that he wanted to leave because officers were not helping him. Hernandez continued to speak at a very fast rate and make quick sudden movements. He was also very paranoid and his statements were not making sense. Based on the totality of the circumstances and my training and experience I believed that Hernandez was under the influence of a controlled substance.

Officer Tong attempted to place Hernandez in handcuffs. Hernandez placed his hands behind his back and Officer Tong took hold of both of his wrists. As I approached Officer Tong to assist I heard him say "Don't pull away from me". Hernandez pulled away from Officer Tong and attempted to get away from him. I took control of Hernandez's left arm and pulled it behind his back. Hernandez pulled away from Officer Tong and I and we

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fell on the lobby chairs that line the east wall. Officer Tong advised dispatch via the radio that Hernandez was fighting and asked for additional units to respond. Officer Tong and I gave several verbal commands to, "Stop resisting" and Hernandez continued to resist.

I took a hold of Hernandez's arm and took him to the ground. Hernandez continued to resist my efforts and was pulling away from Officer Tong and myself. Hernandez turned on his back and was attempting to kick and punch. Officer Tong told Hernandez to stop resisting or he would use his Taser. Hernandez continued to pull away and attempted to kick. I heard Officer Tong shout "Taser" at which time I disengaged from Hernandez. Officer Tong deployed a single shot from his department issued Taser striking Hernandez. The shot was not effective and Hernandez attempted to get to his feet.

While Hernandez was on the ground I deployed my department issued Oleoresin Capsicum spray issuing a 2 second burst to Hernandez's face and neck area. The OC spray was not effective and Hernandez stood up. Officer Tong announced, "Taser" and fired a second shot striking Hernandez and the shot was not effective. I used my OC spray and issued another two second burst to Hernandez's face and neck area and the OC spray was not effective. Hernandez stood up and took a fighting stance. I deployed my department issued Taser. I deployed a single shot striking Hernandez and the shot was not effective.

Hernandez then began to scream, "The police are the Mafia help me". Officer Tong and I attempted again to gain control of Hernandez and place him in handcuffs and he continued to resist our efforts. While trying to subdue Hernandez he pulled my Radio receiver off of my uniform and opened my magazine pouch. Hernandez also tore my left pocket from my uniform shirt. Corrections staff opened the electronically sealed door to the lobby. Officer Tong and I disengaged Hernandez and attempted to exit the lobby.

Hernandez charged towards the door and initiated a fight with Officer Tong and me. I grabbed a hold of Hernandez's hair and pulled him to the ground. Officer Tong requested additional Officers to respond code 3. Hernandez continued to scream for help and said that the police were Mafia. Hernandez was attempting to stand up and run out the open door. I kept a hold of Hernandez's hair keeping him on the ground. Hernandez did not stop trying to pull away from me and get out of my grasp.

Officer Tong deployed his department issued expandable baton and ordered Hernandez to stop resisting. Hernandez continued to try and pull away from me and stand up. Based on my position I could not see Officer Tong. Hernandez was making hard sudden jerking motions and if felt like he was trying to kick Officer Tong. Officer Tong issued several strikes to Hernandez and told him to stop resisting. Hernandez did not stop and continued to fight. I attempted to pull Hernandez back into the lobby but he was holding on to the wall and I was unable to do so.

Hernandez briefly stopped pulling away from me and looked at his left hand. His left hand had a very large laceration and was bleeding profusely. Hernandez opened the injury to his hand which exposed to what looked like bone. The injury did not seem to cause Hernandez any pain nor did all levels of force that were used. Hernandez again started to resist and fight Officer Tong and myself. Hernandez reached back towards

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Phone (831) 636-4330
Fax (831) 636-4339**Case Number**

HG1603184

Date

12/20/16

Officer

PADDY

Supplement 02

On 12/19/2016, approximately 1905 hours, Officer Hutchins and I were handling an alarm detail at 544 San Benito Street. While handling this detail, Officer Torres requested an additional unit on his and Officer Tong's detail 708 Flynn (juvenile hall). Officer Hutchins and I broke from our alarm detail and responded to 708 Flynn.

While en-route and in the area of San Felipe and Highway 25, Officer Tong inquired if Officers were responding code-3. Due to Officer Tong's Inquiry, I advised Officer Hutchins to upgrade and respond code-3.

Officer Hutchins and I arrived on scene and observed Officer Tong and Torres standing near the main entrance to the juvenile hall. Officer Hutchins and I ran to where Officer Tong and Torres were located. When I arrived I observed a subject later identified as Ery Hernandez sitting on the ground and he was bleeding from an unknown injury. Officer Torres was holding on to Hernandez's hair and Officer Tong was standing over him in a ready stance holding his collapsible CBR baton.

I ordered Hernandez to lie down on his stomach and I assisted in rolling him over. Officer Hutchins took hold of Hernandez's left arm and I took hold of his right arm. Officer Tong placed Hernandez into hand cuffs and we sat him up against the wall. While placing Hernandez into hand cuffs I had been kneeling on the ground and got Hernandez's blood on my uniform pants. While waiting for medics to arrive, I requested Sgt. Celano respond.

After the scene was code-4, I began to photograph the scene and the injuries to Hernandez. I collected three Taser cartridges and several Taser aphids that were ejected from the cartridge. I placed the cartridges and the aphids into an evidence bag and later booked it into evidence. I later uploaded all the photographs to Tracnet.

Sgt. Celano requested I collect Officer Tong's collapsible CBR baton and book it into evidence. I collected Tong's baton and placed it into an evidence bag. Later at the PD, I photographed and booked the baton into evidence.

Sgt. Celano arrived on scene and requested Officer Hutchins and I contact the juvenile hall staff and get witness statements from them (for further refer to Officer Hutchins supplemental report).

Later at the PD Sgt. Celano requested I book Officer Torres' empty pepper spray canister into evidence with the above noted items.

Disposition: Attach to primary narrative.

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Approved by : CELANO Date : 12/20/2016 06:51 AM

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Phone (831) 636-4330
Fax (831) 636-4339**Case Number**
HG1603184**Date**
12/20/16**Officer**
HUTCHINS**Supplement 03****SUPPLEMENTAL REPORT**

On 12-19-16 at approximately 1900 hours, I was handling an alarm call when Hollister Officer Tong requested additional officers at the Juvenile Detention Center. Myself and Officer Paddy arrived at approximately 1905 hours and assisted in taking Hernandez into custody. (See Officer Tong's original report). During our approach to Hernandez, Hernandez was saying, "Police are the mafia." Hernandez appeared to have a cut on his left hand. There was blood covering both of Hernandez's hands as well as on the ground. When the paramedics removed Hernandez's jacket and shirt, I could see bruising on his back and arms. Hernandez had a cut on his left elbow that was also bleeding. Paramedics cut Hernandez's pants to check his legs. There was bruising on both of Hernandez's knees and thighs.

Hollister Sergeant Celano asked that I speak to the juvenile hall staff and get a statement.

I first spoke with Supervisor Nichole Ortega and the following is a summary of her statement. Ortega stated that Hernandez contacted her via the call box outside of the jail. She said that Hernandez was asking for help and wanted to come inside. Hernandez told her that he was afraid for he and his family's safety, but did not go into detail as to why. She let Hernandez into the lobby and gave him a bottle of water. She then contacted the Hollister Police Department. At that point, she went back into the control room and left Hernandez by himself. She sent jail staff member Felipe Rea into the lobby when Officers Tong and Torres arrived.

Ortega said that she had no further information regarding the incident.

I then spoke with jail staff member Felipe Rea. Rea stated that Tong attempted to take Hernandez into custody, but Hernandez began to struggle with the officers. Hernandez was fighting with the officers, failing to comply with verbal commands. One of the officers deployed their Taser, but it did not seem to affect Hernandez. The other officer then deployed his Taser and Hernandez went to the ground momentarily. Hernandez then tried to get back up. While on the ground, Hernandez was pepper sprayed in the face. The pepper spray did not appear to have any affect. Hernandez was then Tased again with no affect.

He was asked to open the door to the outside so the officers could try and get Hernandez outside. He opened the door, and Hernandez continued to fight with the officers. One of the officers began to use baton strikes on Hernandez after Hernandez kicked at the officer. The officer struck Hernandez a few times until Hernandez would comply and stop fighting. The officer would stop and Hernandez would then begin to fight again and the officer continued with baton strikes. This series continued several times where Hernandez would comply and the officer would stop and then Hernandez

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fought again. He thinks the officer struck Hernandez approximately 20 times in total between cycles.

Two more officers arrived and Hernandez was taken into custody, and treated by paramedics for his injuries.

On 12-20-16 I uploaded the audio recording of the incident from my time of arrival onto a CD. The CD was booked into evidence under this case number.

The following is a summary of the audio recording. When myself and Officer Paddy arrived, Hernandez was in a seated position screaming, "Police are mafia", several times. Hernandez was not handcuffed. Officers Paddy, Tong and myself were able to place Hernandez in restraints.

Officer Torres could be heard explaining the use of force used to Fire and AMR personnel.

Medics tried repeatedly to asses Hernandez, who would not comply, or allow them to medically treat him.

Hernandez was telling the medics that he was not in pain.

Hernandez continued to struggle with Fire and paramedics. Leg restraints were used in an effort to limit Hernandez's movement.

After several attempts, paramedics were able to start an IV on Hernandez and administer a sedative.

Hernandez was placed onto a gurney and transported to the hospital.

There is a partial recording of the interview with witnesses at the Juvenile Hall, which was cut off by a power failure of the recording unit.

DISPOSITION:

Supplemental report only.

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Approved by : CELANO Date : 12/21/2016 05:48 AM

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Phone (831) 636-4330
Fax (831) 636-4339**Case Number**

HG1603184

Date

12/20/16

Officer

WEISS

Supplement 04

On 12/20/16 at 1115 hours, I went to the San Benito County Juvenile Hall facility and retrieved a DVD containing the video surveillance captured regarding this incident. I later gave this DVD to Lt Winn to make a copy of the disc and Lt Winn shortly returned the original disk provided to me.

I later booked this CD into evidence under this case number.

Case Status: Attach to Original Report

Approved by : WEISS Date : 12/20/2016 05:36 PM

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Case Number

HG1603184

Date

12/20/16

Officer

CELANO

Supplement 05

On 12-19-2016 at 1735 hours, Netcom advised that the RP, later identified as Ery Hernandez wanted to speak to a police officer because his life and the members of his family were in danger. Hernandez made several calls to Netcom as well as CHP dispatch center. The call for service was held over for night shift to respond. The original call was to meet Hernandez at the Mc Donald's restaurant located at 151 San Felipe Rd.

At 1835 hours, Hernandez arrived at Juvenile Hall and contacted the staff there. Hernandez told the staff that he was in danger and that he needed to talk with the police. The staff allowed Hernandez into the secured front lobby of the center and call police.

Officer Tong and Torres arrived on scene and contacted Hernandez. At 1905 hours, Officer Paddy arrived and I arrived at 1912 hours. When I arrived, I was informed by Officer Torres and Tong that Hernandez was combative to officers and was injured during the incident. The Hollister Fire Department and AMR Paramedics were on scene rendering first aid to Hernandez.

Officer Tong related that he discharged his Taser twice with no effect and that he had struck Hernandez multiple times with his baton. Officer Torres stated that he deployed his Pepper spray twice with no affect as well as discharging his Taser once with no affect.

I assigned Officer Paddy and Officer Hutchins to photograph the scene, officers and suspect, collecting evidence and contact any witnesses.

I entered the facility and contacted Extra help Juvenile Institution Officer Felipe Rea and his supervisor Nichole Ortega.

Statements of Rea:

Rea stated that he exited the control room walked out the sally port and approached the front lobby door from the outside. He observed Officer Tong and Officer Torres talking with Hernandez. Officer Tong was attempting to "frisk" Hernandez. At that point Hernandez started to fight with officers. Hernandez was now on the ground with Officer Torres. Torres attempted to hold Hernandez down, when Officer Tong yelled "Taser, Taser, Taser." Ofc. Tong then discharged his Taser at Hernandez. Rea stated that the Taser was ineffective and Hernandez stood up. Hernandez began "struggling" with officers again.

Officer Torres deployed his pepper spray and that too was ineffective on Hernandez. Rea stated that Officer Torres transitioned to his Taser and discharged it at Hernandez. This time the Taser affected Hernandez but did not stop him from resisting with officers. Hernandez dropped to the floor and stood up immediately after.

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Officer Tong requested that Rea open the front door and he complied. Hernandez was now trying to get away and kicking at officers. Officer Torres grabbed Hernandez sweater and held him at and in the lobby front door exit. Officer Tong was now outside and in front of Hernandez. Officer Tong deployed his baton. When Hernandez kicked at Officer Tong, Tong struck the legs of Hernandez. Officer Tong struck Hernandez in the legs, knees and hip area approximately five times. When Hernandez stopped kicking and resisting, Officer Tong ceased to strike Hernandez. During the whole incident, officers were giving commands not to resist.

Hernandez then began to fight and resist officers again and Officer Tong struck Hernandez several times but stopped when Hernandez stopped resisting. This behavior continued until other officers arrived to assist. Rea stated that during this time of resistance, Officer Tong struck Hernandez approximately twenty times with the baton. These strikes were intermittent and were only used when Hernandez fought. Rea added that at one point Hernandez tried to block the strikes with his left hand and it was struck.

Due to calls for service I left but later returned and contacted Nichole Ortega for her statement.

Statements of Nichole Ortega:

Ortega stated that she called the police at the request of Hernandez and at times she viewed the altercation from the inner door (lobby to the detention access area of the building) through the door's window. When Ortega arrived to the door window she observed the following.

Ortega's said she viewed the incident after the first Taser discharge and that Hernandez did not go down. She observed Officer Torres deploy his pepper spray but it was ineffective. Ortega stated she was not sure if Hernandez was trying to escape or attack officers but the officers tried to take Hernandez to the ground and were wrestling with him. Ortega looked away because the alarms in the control center were now going off. By now Rea was at the front door and Officer Torres and Hernandez were on the ground. Officer Tong requested Rea to open the door and Hernandez attempted to go outside and officers tried to close the front door but was unable to do so. Officers started wrestling Hernandez and Officer Tong then displayed his baton.

Throughout the whole incident officers kept telling Hernandez to go to the ground and stop resisting. Hernandez then tried to kick Officer Tong and Officer Tong struck Hernandez' legs with his baton. Officer Torres was holding Hernandez by his hoodie and his hair in the exit door way. Officer Tong struck approximately five times at Hernandez' legs but stopped when Hernandez stopped kicking at Officer Tong.

Ortega stepped away to check the alarms and did not witness all the resisting and baton strikes. Ortega added that Hernandez was screaming that the police were the mafia.

Ortega's statement corroborates that of Rea that Hernandez would kick at officers and resist, Officer Tong would strike at Hernandez' legs with his baton. When Hernandez stopped resisting Officer Tong would stop striking Hernandez but would stand at the ready.

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Eventually other officers and HFD and AMR Medics arrived to assist. The arriving officers handcuffed Hernandez.

Ortega and Rea informed me that they can play the video for me but not get a copy. The video was captured by a parking lot camera across the parking lot and there was no audio. I used my department issued I phone to record the incident. It must be noted that because of the distance and that occurred at night and that I recorded it off of a video screen, the details are pixilated. I was unable to determine the details inside the lobby but when the incident exited the lobby to the front area of juvenile hall it was recorded.

I returned to the Hollister Police Department and attempted to upload the video. My I-phone malfunctioned and was unable to do so. I later found out the Day shift officers retrieved the video and booked it into evidence.

The statements from Ortega and Rea were recorded and uploaded to this report.

Disposition:

I recommend that this report be attached to the original and forwarded to the D.A.'s Office.

Approved by : CELANO Date : 12/20/2016 09:52 PM

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Case Number
HG1603184

Date
12/21/16

Officer
LELAND

Supplement 06

On 12/20/16 Detective Sergeant Betanio requested my assistance with this case. Specifically, Sgt. Betanio requested that I author a search warrant for any and all medical records pertaining to (S) Ery Hernandez's medical treatment at the scene of this incident and after.

I authored a Probable Cause Declaration (PCD) and Search Warrant (SW) Affidavit and met with the Honorable Judge Steven R. Sanders at the San Benito County Courthouse. Judge Sanders authorized the search warrant. I filed the PCD and SW with the clerk of the court.

I went to the Hollister Fire Department to obtain a copy of their report but it was not completed yet.

I went to Hazel Hawkins Memorial Hospital and obtained a copy of the Emergency Room Report from the medical records section. I placed the medical records in a white envelope.

I went back to the police department and provided the medical records I had obtained to Lt. Winn, who photocopied the stack and provided me with the original copies. I secured those in a locked drawer in my desk.

On 12/21/16 I went to the Hollister Fire Department again and requested the report be emailed to me as quickly as possible.

I e-mailed the legal department of American Medical Response with a copy of the search warrant and a letter requesting their attention to the matter.

I faxed a copy of the search warrant and a letter explaining the request to Natividad Medical Center.

On 12/21/16 I called Natividad Medical Center and spoke with a nurse in the ICU, who told me that Hernandez is currently in "stable" condition.

On 12/22/16 I received a phone call from [REDACTED] at Natividad Hospital stating that the medical records were ready to pick up. I responded on 12/23/16 and received a copy of the records from hospital staff.

I attempted to contact Hernandez, who was still in the Intensive Care Unit. Hernandez told the medical staff that he would refuse to speak to me.

I responded to the San Benito County Courthouse and met with Judge Sanders and provided him with a Search Warrant Return, which he signed. I filed the search warrant packet with the clerk of the court.

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I photocopied all four records that I had obtained (HFD, AMR, HHH, and Natividad) and placed them in a sealed envelope. I handed that envelope to Lt. Winn.

I booked the Search Warrant Packet (BL-1) and the Medical Records (BL-2) in to evidence at the HPD Evidence Room.

Case Status:

Attach to original.

Approved by : BETANIO Date : 12/28/2016 12:35 PM

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Case Number
HG1603184

Date
01/05/17

Officer
TONG

Supplement 07

On 1/5/17 at 1900 hours, I downloaded 2 of the available audio/video surveillance footage related to this incident. The content was captured using my WatchGuard audio/video dashboard camera. The content was placed on DVD's, and booked into Hollister Police evidence under this case number.



Approved by : CELANO Date : 01/07/2017 06:19 AM

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Case Number
HG1603184

Date
01/12/17

Officer
CELANO

Supplement 08

On 1-12-17 at 1500 hours, I contacted MSO Kennedy and Detective Martinez regarding my I-phone recording of the incident. I turned my phone over to MSO Kennedy and Det. Martinez and they were able to upload the recording to a flash drive.

At 1629 hours, MSO Kennedy gave me the flash drive and I booked it into HPD Evidence.

Disposition:

Attach to main report.

Approved by : CELANO Date : 01/12/2017 04:38 PM

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Case Number

HG1603184

Date

01/13/17

Officer

TORRES

Supplement 09

On 01/13/17 I booked my department issued uniform shirt and pants into evidence. I took photographs of the clothing and the damage sustained due to this incident.

Attach to original report.

Approved by : CELANO Date : 01/14/2017 06:20 AM

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Phone (831) 636-4330
Fax (831) 636-4339**Case Number**

HG1603184

Date

01/19/17

Officer

CELANO

Supplement 10

On 01-03-2017, at 1730 hours, I was contacted by LT. Winn. He told me that the San Benito County Sheriff's Office had contacted Hernandez on a prior contact and may have a WatchGuard video of the contact.

At 2013 hours, I contacted San Benito County Deputy Casada. Casada was the watch commander for this shift. He stated he believed Hernandez was contacted by Deputy Diller and that I could make a formal request of any contacts and possible videos of Hernandez through Lisa Ponce, the Multi Service Officer in charge of their video system. Deputy Casada stated that I needed to make the request during normal business hours.

On 01-05-2017, at 1338 hours, I telephoned MSO Ponce regarding the possible WatchGuard Video. Ponce stated she would research it to confirm if a video of Hernandez' contact was taken. MSO Ponce also told me to send her an email for the request and HPD case number that it would be associated to.

At 1352 hours, I sent an email request to MSO Ponce. I have attached a copy of the email to this report.

On 1-19-2017 at 1115 hours, I received a text message that she has located the contact between Deputy Diller with Hernandez and that she gave it to Sgt. Mull to turn over to me.

At 1245 hours, I met Sgt. Mull at the San Benito county Sheriff's Office and he turned the DVD-R recording over to me. The DVD-R envelope had SBC SO case number 16-1436 written on it with my name.

I returned to HPD and reviewed the video. The following is a summary of the video recording; please refer to the video and SBCSO case number 16-1436 for more details.

The video was dated 12-8-16, at 1425 hours. The video shows Dep. Diller following a gold colored vehicle bearing California License Plate of 5DQL027 east bound Maple Street at the intersection of N. Sally Street. Deputy Diller then initiated a vehicle stop at Maple and Rustic Streets by activating his patrol vehicle's emergency lights. The vehicle continues north on Rustic and Dep. Diller sounded his patrol vehicle's siren. The vehicle continued northbound Rustic to eastbound Roble Street to southbound Primavera Drive without yielding to Dep. Diller's multiple air horn and siren chirps. The vehicle came to a stop and parked in front of 320 Primavera Drive.

Deputy Diller contacted and identified Ery Hernandez. Hernandez lowered his driver's side window partially. Deputy Diller asked why he did not stop for the police and he stated he was trying to get home and did not trust the police.

Deputy Diller conducted a computer check on Hernandez and detected an odor of marijuana emanating from the vehicle.

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When Deputy Diller asked Hernandez out of the vehicle to conduct a marijuana investigation, Hernandez became argumentative and demanded the probable cause for the stop. He then began cursing at Deputies and being belligerent.

Hernandez claimed that he was stopped because he was Hispanic and that deputies were racially profiling him. Whenever Deputy Dillard attempted to explain the reasons for the stop and the actions taken, Hernandez would interrupt and continue being belligerent. Throughout the stop Hernandez called Deputy Dillard a "loser" an "idiot" and a "Piece of shit".

Deputy Dillard and Deputy Hutchinson conducted a search the vehicle for marijuana and ultimately released Hernandez with a citation for a traffic violation.

At hours, I booked the DVD-R into HPD Evidence.

Disposition:

Attach to original report.

Approved by : CELANO Date : 01/19/2017 02:30 PM



16H20771-OFFICER TONG'S BATON



16H20772-OFFICER TONG'S BATON

**Photos Released Per
SB1421**



16H20773-OFFICER TONG'S BATON



16H20774-OFFICER TONG'S BATON



16H20775-OFFICER TONG'S BATON



16H20776-OFFICER TONG'S BATON

Photos Released Per SB1421



16H20777-OFFICER TONG'S BATON



16H20778-J-HALL (AREA OF INCIDENT WITH OFFICERS)



16H20779-J-HALL (AREA OF INCIDENT WITH OFFICERS)



16H20780-J-HALL (AREA OF INCIDENT WITH OFFICERS)

Photos Released Per SB1421



16H20781-J-HALL (AREA OF INCIDENT WITH OFFICERS)



16H20782-J-HALL (AREA OF INCIDENT WITH OFFICERS)



16H20783-J-HALL



16H20784-ERY

Photos Released Per SB1421



16H20785-LOCATION OF INCIDENT AT J-HALL.



16H20786-LOCATION OF INCIDENT AT J-HALL.



16H20787-LOCATION OF INCIDENT AT J-HALL.



16H20788-LOCATION OF INCIDENT AT J-HALL.

**Photos Released Per
SB1421**



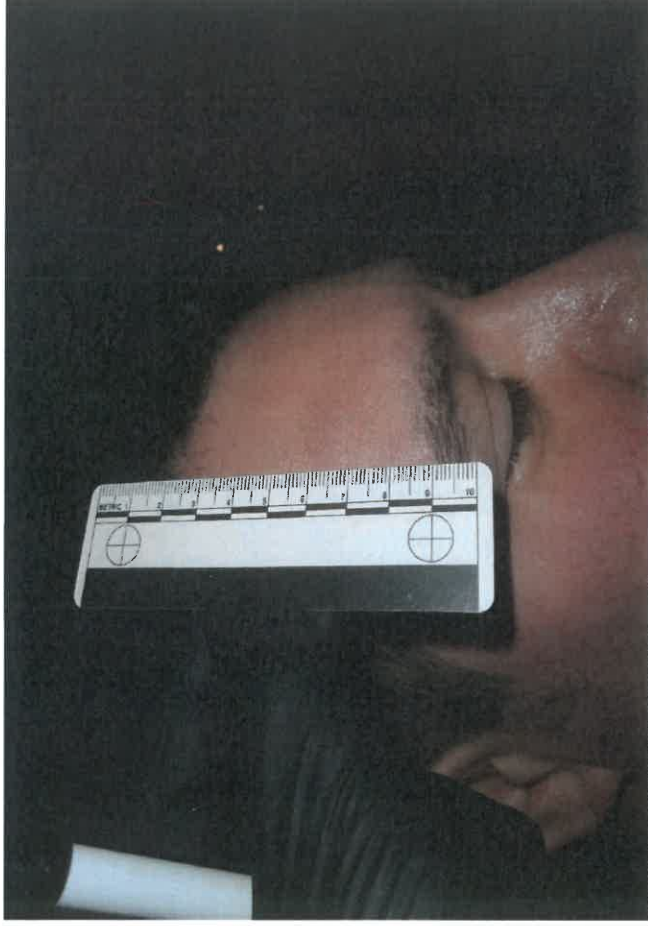
16H20789-LOCATION OF INCIDENT AT J-HALL.



16H20790-LOCATION OF INCIDENT AT J-HALL.

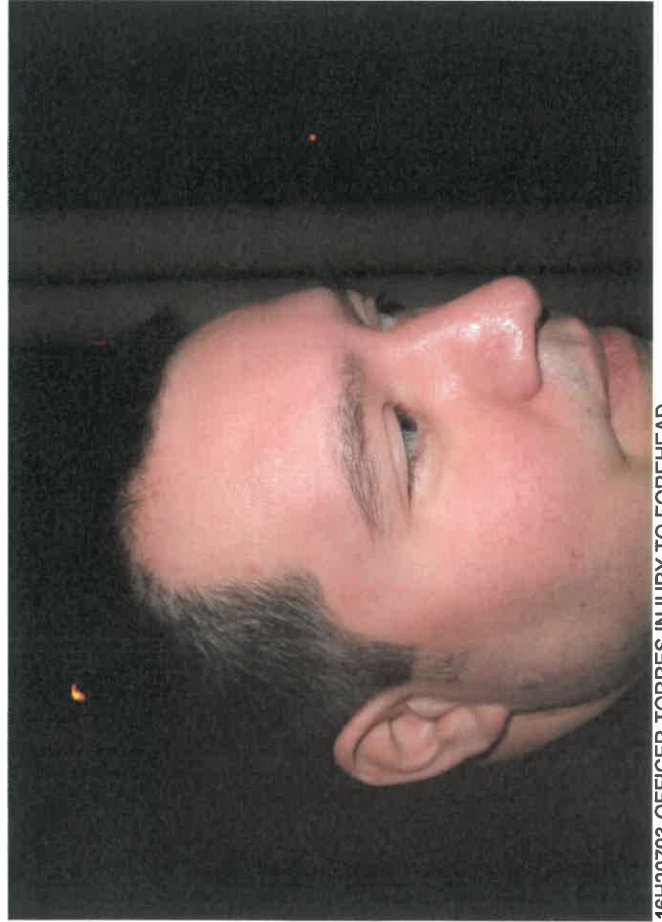


16H20791-LOCATION OF INCIDENT AT J-HALL.



16H20792-OFFICER TORRES INJURY TO FOREHEAD.

Photos Released Per SB1421



16H20793-OFFICER TORRES INJURY TO FOREHEAD.



16H20794-OFFICER TORRES INJURY TO FOREHEAD.



16H20795-INJURIES TO ERY



16H20796-INJURIES TO ERY

**Photos Released Per
SB1421**



16H20797-INJURIES TO ERY



16H20798-ERY



16H20799-TASER PROBE LOCATION TO ERY'S STOMACH



16H20800-INJURIES TO ERY

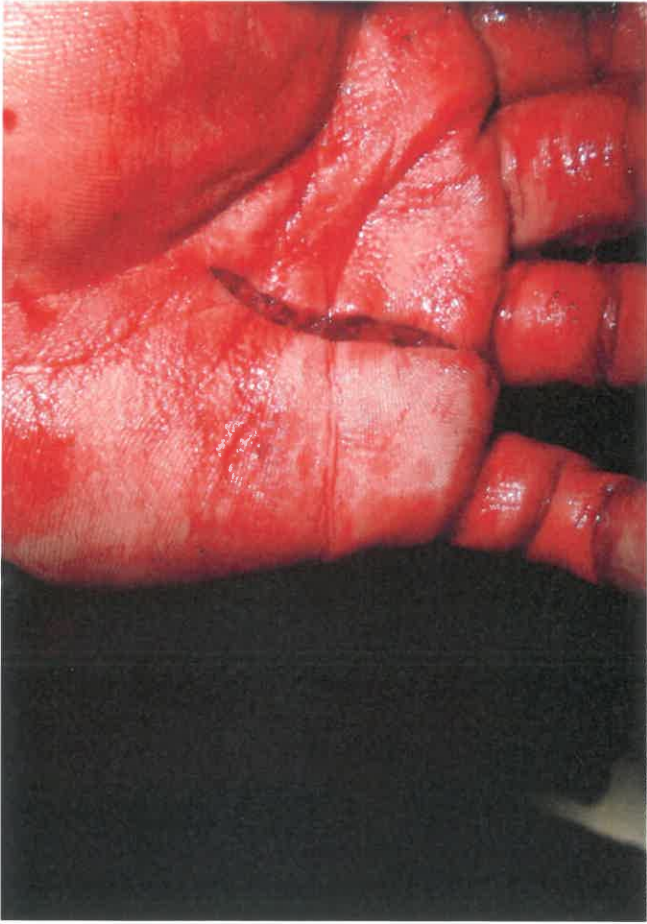
Photos Released Per SB1421



16H20801-INJURIES TO ERY



16H20802-INJURIES TO ERY



16H20803-INJURIES TO ERY



16H20804-INJURIES TO ERY

Photos Released Per SB1421



16H20805-INJURIES TO ERY



16H20806-INJURIES TO ERY



16H20807



16H20808

**Photos Released Per
SB1421**



16H20809-HERNANDEZ, ERY



16H20810-HERNANDEZ, ERY



16H20811-HERNANDEZ, ERY

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SB1421**



16H20812-HERNANDEZ, ERY



16H20813-HERNANDEZ, ERY



16H20814-HERNANDEZ, ERY



16H20815-HERNANDEZ, ERY



16H20816-HERNANDEZ, ERY

**Photos Released Per
SB1421**



16H20817-HERNANDEZ, ERY





17H00515-



17H00517-



17H00514-

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17H00516-

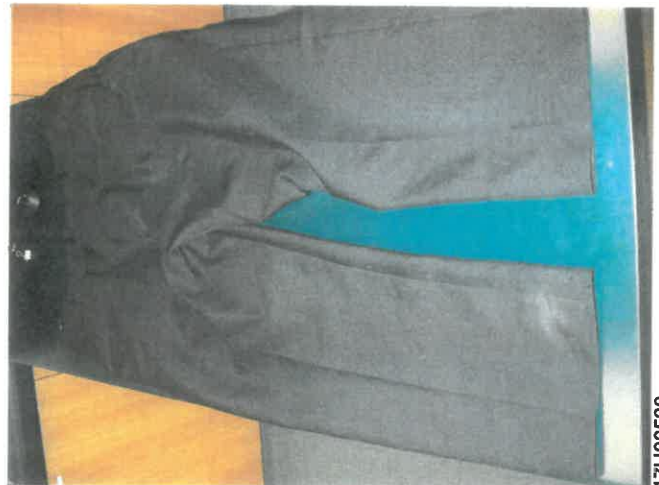


17H00518-

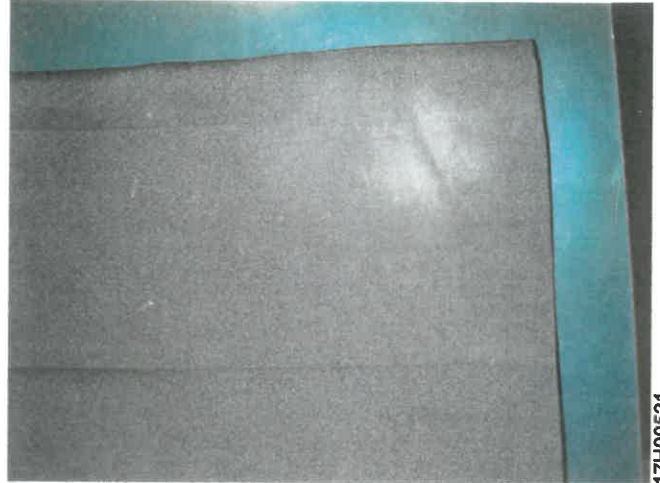


17H00519-

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17H00520-



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