



**CITY OF RIALTO
LIABILITY
CLAIM FOR DAMAGES
TO PERSON OR PROPERTY**

CITY CLERK'S DATE STAMP

CITY OF RIALTO
2024 JAN 23 AM 11:38
RECEIVED
CITY CLERK

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Gov. Code §911.2).
2. Claims for damages to real property must be filed not later than one (1) year after the occurrence (Gov. Code §911.2).
3. READ ENTIRE CLAIM FOR BEFORE FILING
4. ATTACH SEPARATE SHEETS, IF NECESSARY, TO GIVE FULL DETAILS

RETURN TO:

Rialto City Clerk's Office

Mail: 150 S. Palm Ave., Rialto, CA 92376

Address: 290 W. Rialto Ave., Rialto, CA 92376

CLAIMANT INFORMATION:

Raymond Nava

FULL NAME

DATE OF BIRTH

HOME ADDRESS INCLUDING CITY, STATE & ZIP

HOME TELEPHONE NO.

BUSINESS ADDRESS INCLUDING CITY, STATE & ZIP

BUSINESS TELEPHONE NO.

ADDRESS AT WHICH CLAIMANT DESIRES TO RECEIVE
NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM
(if different from home address provided above):

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: July 22, 2023 TIME: 8:50 ish ☐ AM ☒ PM

2. PLACE OF ACCIDENT (OCCURRENCE) BE SPECIFIC – Describe fully and (if applicable) locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses, measurements and landmarks.

Warehouse Shoe Store, 660? W. Foothill Blv. Rialto

3. HOW DID DAMAGE OR INJURY OCCUR?

Officers arrested me without benefit of probable cause; detained me without benefit of reasonable suspicion; prevented me from exercising my right to freedom of movement and choosing who I would speak to. Subjected to retaliatory detention, force, and arrest, for choosing not speak to officer. and because

4. WERE POLICE AT THE SCENE? ☒ YES ☐ NO WERE PARAMEDICS AT THE SCENE? ☐ YES ☐ NO

5. WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CAUSED THE INJURY OR DAMAGES? Give the name of the city/town employee causing the injury or damage, if known.

Use of force, wrongful detention, wrongful imprisonment, malicious prosecution, false arrest, false police report; and racial profiling.

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage \$ above juris. amount

HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list doctor bills, repair estimates, etc. **Please attach 2 estimates.**

DAMAGES INCURRED TO DATE:

Item/Date: _____

Amount: \$ _____

Item/Date: _____

Amount: \$ _____

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ _____

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: _____

Amount: \$ _____

Item/Date: _____

Amount: \$ _____

TOTAL ESTIMATED AMOUNT PROSPECTIVE DAMAGES:

\$ above juris amount

7. WITNESSES TO DAMAGE OR INJURY *List all persons known to have information (attach additional pages, if necessary)*

NAME: see report

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

8. IF INJURED, PROVIDE NAME, CONTACT INFORMATION AND DATE/TIME DOCTOR(S) OR HOSPITAL(S) VISITED:

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

DATE: _____ TIME: _____ ☐ AM ☐ PM

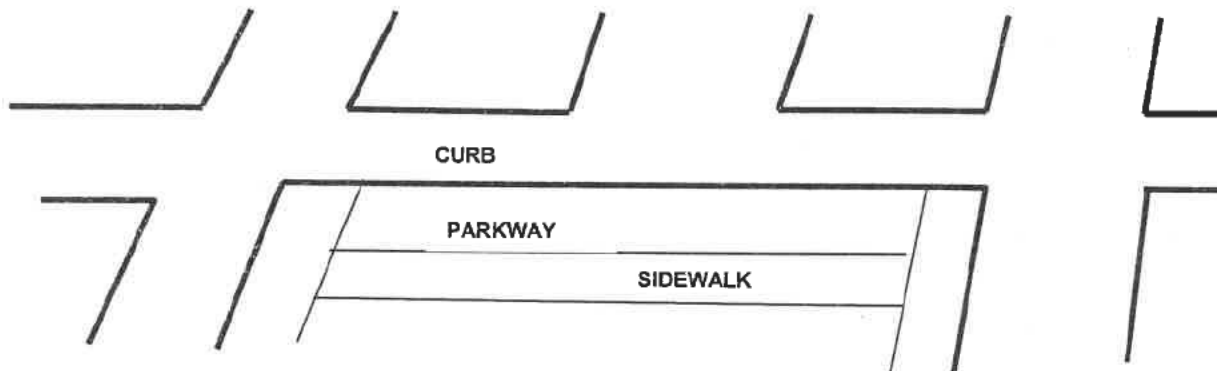
DATE: _____ TIME: _____ ☐ AM ☐ PM

9. PLEASE READ THE FOLLOWING CAREFULLY:

For all vehicle accident claims, place on the following diagram, the names of streets, including NORTH, EAST, SOUTH AND WEST directions. Indicate place of accident by "X" and by showing house numbers or distances to street corners.

If a city/town vehicle was involved, designate by letter "A" location of the City/Town vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City/Town vehicle; location of City/Town vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

⇒ NOTE: IF THE DIAGRAM BELOW DOES NOT FIT THE SITUATION, PLEASE ATTACH A PROPER DIAGRAM SIGNED BY THE CLAIMANT.



I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF; AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF; AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF CLAIMANT OR AGENT _____

Raymond Nava

TYPE OR PRINT NAME

1/20/2024

DATE

RELATIONSHIP TO CLAIMANT _____

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (CA PENAL CODE 72)
RETURN CLAIM TO: RIALTO CITY CLERK'S OFFICE - 150 S. PALM AVE., RIALTO, CA 92376

Joseph Stauffcher, accused me of being suspicious because, in his mind, me wearing sweatpants was suspicious to him. This suggests that he was making a judgment based on my race because clothing in and of itself is not suspicious. It was Stauffacher who used unjustified force, including punching me in the face. I was tasered by another officer, who I believe was DeSchepper, without reason or justification. I was held for 8 days based on the inaccurate reporting by the officer[s], and fought the case for about two months. All charges were dismissed.

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SAN BERNARDINO DISTRICT
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

RIALTO POLICE DEPARTMENT

PEOPLE OF THE STATE OF CALIFORNIA
RIALTO POLICE DEPARTMENT

VS

RAYMOND NAVA

CASE # 932308191

BOOKING # 2307341848

**OFFICER: STAUFFACHER,
JOSEPH 02213**

HT: 510 **DOB: 11/21/1992**
WT: 200 **SEX: M**
HAIR: BLACK **RACE: H**
EYE: BLACK **DL: F2584751**

ARREST: 07/22/2023

SSN# 610-62-9346

FBI# 628126LC0

CI# A27218307

CHGS:

69 PC

240 /242 PC

DEFENDANT'S ADDRESS: 1691 GARDEN DR 15 SAN BERNARDINO, CA 924

VICTIM: BARONABARAJAS

VICTIM: STAUFFACHER

AKA's: NAVA, RAYMOND

THE DISTRICT ATTORNEY SUBMITS THE FOLLOWING INFORMATION AND RECOMMENDATIONS REGARDING BAIL OR
O.R. RELEASE OF THE ABOVE NAMED DEFENDANT.
PLEASE FILL OUT IF NECESSARY.

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4/15

INCIDENT REPORT

6110

LOCATION/TIME

OFFENSE

VICTIM

SUSPECT

ADMIN

Agency Name: RIALTO POLICE DEPARTMENT		ORI #: CA0360900		Report Date/Time: 07/23/2023 05:06:37		OCA #: 932308191	
Incident Start Date/Time: 07/22/2023 20:26:35		DOW: Saturday		Report Type: INITIAL		Case Screening: Serialized Property ☐ Evidence Collected ☒ PC 293 Sex Crime ☐	
Incident End Date/Time: 07/22/2023 20:59:00		Internal Incident Status:		CHP 180 ☐ Hate Crime ☐ Gang Related ☐ Domestic Viol. ☐		Total Loss \$0.00	
Incident Location: 660 W FOOTHILL BLVD RIALTO CA 92376-				Secondary Location:			
Case Description: AXON				UCR Status: All Other		Reporting Area: R1135	
				Operation Method:			
Penal Code: 69 PC		UCR Code: 09		F/M: 3		Penal Code Description: OBSTRUCT/RESIST EXECUTIVE OFFICER	
Structure		TOD: Night		Bias Motivation: NONE		Offense Location: DEPARTMENT / DISCOUNT	
Weapon Used:				Situation Code: SINGLE VICTIM / SINGLE OFFENDER		Premise: CONVENIENCE STORE	
Penal Code: 240 /242 PC		UCR Code: 09		F/M: 2		Penal Code Description: ASSAULT AND BATTERY	
Structure		TOD: Night		Bias Motivation: NONE		Offense Location: CONVENIENCE STORE	
Weapon Used:				Situation Code: SINGLE VICTIM / SINGLE OFFENDER		Premise: CONVENIENCE STORE	
☒ Person		Name: NICANDRA BARONABARAJAS		Phone:		Cell Phone:	
☐ Business							
Address (Street, Apt., City, State, Zip):						Pager:	
Involvement Type (Person): VICTIM		Victim Type (Business): PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)		Domestic Violence: ☐		LEOKA Activity:	
Occupation: 09 ALL OTHER		Employer: WSS		Employer Address: 660 W FOOTHILL BLVD RIALTO CA 92376-		Employer Phone:	
Relationship to Offender (Person): Stranger - Unknown		DOB:		Age:		Sex:	
Race: Hispanic		Ethnicity: HISPANIC		SSN:		License (#, Class, State): D2036596 U CA	
						Related Offense(s): 09 09	
Suspect #1 Name: RAYMOND NAVA		Phone:		Cell Phone:		Pager:	
Address (Street, Apt., City, State, Zip): 1691 GARDEN DR 15 SAN BERNARDINO CA 92404-		Occupation: 09 ALL OTHER		Employer:			
Suspect Forced Victim:		Primary Action:		Employer Address:		Employer Phone:	
Solicited/Offered:		Suspect Force:		DOB:		Age:	
Race: Hispanic		Ethnicity: HISPANIC		SSN:		License (#, Class, State):	
						Related Offense(s): 09 09	
Clothing Description: BLACK ALASK SWEATER, BLK PANTS,CAMO HAT		NCIC #:		State ID #:		Facial Hair: CLEAN SHAVEN	
Body Markings (Type, Location, Description):				Suspect Injured: ☐		Suspect Arrested: ☒	
				Additional Suspects: ☐		Additional Persons: ☐	
STAUFFACHER, JOSEPH		02213		07/24/2023 20:57:08		Reporting Officer Signature	
Reporting Officer		ID #		Date		Assisting Officer Signature	
Assisting Officer		ID #		Date		Reviewing Officer Signature	
RICE, DWUAN		01760		07/25/2023 05:55:03			
Reviewing Officer		ID #		Date			

INCIDENT REPORT - NARRATIVE

6/10

Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/23/2023 05:06:37	932308191

ASSIGNMENT:

On 07/22/2023, at approximately 2026 hours, I (Joseph Stauffacher) was working uniformed patrol and driving a marked black and white Rialto PD patrol unit. I was dispatched to 660 W. Foothill Blvd at the WSS in reference to a report of unwanted subjects and an assault report.

AXON:

All recordings and statements were taken using my department issued axon body worn camera. All recordings and statements were later uploaded to evidence.com.

SUMMARY:

I was at the location conducting my investigation for the assault with the assistance of Officer De Schepper. The main suspect had spit food on an employee and had fled the location with another unknown male. There were 3 additional officers at the location investigating separate crimes as the business had several thefts and an arson during the day.

CONTACT:

I contacted the reporting party/employee Annette inside of the store. The following is a summary of my contact with her. Annette had the surveillance footage ready to play as I arrived to the location. She began to explain what had just occurred prior to my arrival and played the video along with her statement. Annette stated two Hispanic males arrived to the store together. One of the male's had a to-go box of food that he entered the store with.

The male with the food walked into the clothing section and placed the box of food on top of a pile of clothes where a separate employee was folding the merchandise. Annette politely asked the unknown male not place his food on top of the clothing and asked that he sit down and eat the food at a nearby bench. Annette was showing the male leniency as the store had a no food policy that was posted on the front entrance.

The male became agitated with employees and started to throw food around the store. The employees then asked the males to leave the store as they were no longer welcome at the location. The males were informed they needed to leave and the police were going to be called. The male with the food became even more agitated and asked why the police were being called. Both males exited the store while employees called for police assistance. While speaking with the dispatch center, both of the male walked back into the store and began to argue with employees. While arguing with employees, the male with the food spit a large piece of shrimp at the manager Nicandra Barajas. The incident was clearly seen on surveillance as observed a large projectile coming from the male's mouth and hitting Barajas' lower abdomen. Barajas did not sufferer any injuries as a result of the assault. The suspect and the other Hispanic male exited the store together and fled in an unknown type vehicle.

INVESTIGATION:

INCIDENT REPORT - NARRATIVE

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Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/23/2023 05:06:37	932308191

I continued to review the surveillance footage to attempt to identify the suspect and the vehicle they fled in. The male who spit on Barajas appeared to be a Hispanic male, approximately 30 years of age, 5'10 and 230lbs. The male had long black hair and was wearing a black tank top. The second male also appeared to be a Hispanic male in his 30's. The male was approximately 5'10 215lbs wearing a black Alaska sweater and black pants with a dark hat.

Employees informed me the head manager to the store would recover the surveillance footage and contact the department when it was ready for pickup. A video was recorded of the incident and uploaded via the Axon application.

SUSPECT CONTACT:

While continuing to review footage, the second male who was also kicked out of the business returned to the store. The business did not want any further incident and did not want the male in the store to prevent any further issues. The male was wearing the same Alaska sweater as the first time when he walked back into the store. I immediately recognized the male from the video after an employee announced the male walking back into the business. He was later positively identified to be Raymond Nava 11/21/1992. Nava was walking towards the back of the store as soon as he made it through the entrance. I instructed Nava to stop where he was and he continued to try and walk away. Nava stated he was in a rush and needed to get shoes and leave.

Nava's behavior was immediately alarming and evasive. He continued to try and walk away during my contact with him. Despite the temperatures being over 100 degrees during the day, Nava was wearing several articles of heavy clothing that could potentially conceal weapons on his person. I asked Nava where did the other male go. Nava stated that he did not know and he took off in a vehicle. Nava stated he was brought to the location by a subject by the name of Isaiah. I asked Nava if he had been in the vehicle with the suspect and he stated that he had taken off with him but then told the male to drop him off.

Nava appeared to have more information regarding the male as was just been inside of the vehicle with the suspect. However, Nava appeared hesitant to come forward with the information. I continued to speak with Nava so that I could potentially identify the male that he was with and the possible whereabouts of said male. I asked Nava for his identifying information and he provided me with his first name. I asked for Nava's last name to which he stated he did not need to give his last name.

Seeing that Nava was continue to not be cooperative, I stated clearly to Nava that he was being detained and that he was not going to shop for shoes. Nava stated "I ain't got nothing to do with you". Nava stated "I'm gonna get my shoes" and then again louder and more aggressively as he began to point, "I'm gonna get my shoes". I instructed Nava to sit down on the bench that he was next to. Nava again stated he was going to get the shoes and I again told him that he was not going to. I used my police radio to contact Officer De Schepper to come to the front of the store to assist with Nava as I believed that he was going to flee.

Nava immediately began to walk away and once again stated he was going to get his shoes. I told Nava to stay where he was 2 separate times as he continued to walk away and ignored each command. Nava again stated he was going to get his shoes and turned and faced me while telling me

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INCIDENT REPORT - NARRATIVE

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Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/23/2023 05:06:37	932308191

to not touch him. I ordered Nava to turn around to which he ignored and placed his hands up and extended his arms to prevent me from detaining him and again stated "don't touch me".

I went to grab Nava's left arm and wrist so that I could detain him and prevent his escape. Nava immediately moved his arm so that I could not gain control of him. Nava's continuous evasive and uncooperative behavior led me to believe that he could be armed with a weapon and that was why he would not let me get close to him. As I again went to grab Nava, he grabbed my right arm and pushed it off and away.

While Nava did this, he also threw his left shoulder forward and into my body whilst pushing off with his left arm. When he did this, I was able to grab ahold of his left arm to gain control of him. Wanting to take Nava into custody as quickly as possible, I decided to leg sweep Nava. I placed my left leg behind Nava's legs pushed him forward and swept him onto the ground. As we fell down onto the ground, Nava immediately began trying to push me off of him. Nava's continuous physical resistance led me to believe he would continue to fight and try to escape no matter what. Nava continued to tense his body while trying to push me off of him. In order to overcome his resistance, I immediately punched Nava in the face with my right fist once to try and end the resistance.

With this strike I was able to stun Nava and began to try and turn him over onto his stomach as he continued to physically resist being detained. As this was occurring Officer De Schepper arrived to assist. While Nava continued to actively resist, I was able to get him onto his side where Officer De Schepper was able to utilize his TASER 7 to assist in taking the male into custody (Refer to his supplemental report for his actions). This proved effective as we were finally able to overcome Nava's resistance and take him into custody without any further incident.

ARREST:

I placed Nava under arrest for PC 69. I handcuffed Nava, checking for proper fitting of the handcuffs and double-locked them. Once safely detained, I removed the Taser darts to prevent any further possible injury to Nava.

INJURIES:

Nava had no visible injuries on his face as a result of the punch. The dart punctures were photographed and uploaded to evidence.com. The Rialto Fire Department arrived on scene and assessed Nava's condition. Nava presented no serious concerns.

I did not suffer any injuries as a result of the incident.

STATEMENT:

The following is a summary of Nava's statement. I read Nava the Miranda Warning from my department issued card. Nava stated that he understood his rights and that he was willing to speak with me. I asked Nava if he had observed that I was a police officer and that he clearly saw my uniform to which he confirmed yes to both. I asked if Nava heard me clearly tell him that he was detained and he again stated yes.

INCIDENT REPORT - NARRATIVE

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Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/23/2023 05:06:37	932308191

Nava stated he didn't know why he was detained and that he didn't have anything to do with the incident involving the other male. Nava only identified the male as "Jose" and did not give any other identifying information for the male. Nava told Jose to give him a ride home and he told Jose to get out of there because that was disrespectful. Nava then borrowed a car from another friend from after he was dropped off by Jose.

Nava stated he returned to the store so that he could go get shoes and that he was in a rush. Nava then went on to say that it was all irrelevant. I asked Nava if that was the case then why did he not listen to my commands and cooperate. Nava stated he gets nervous around law enforcement.

I asked Nava why he would walk away and physically push off of me when I tried to detain him. Nava stated he didn't really know and that self-defense kicked in. When I was talking to him about the push off, Nava admitted that he did and also made motion with his left shoulder throwing it forward and admitting to "shoulder checking" me. I told Nava that I only needed to talk to him about the Jose suspect and needing to further investigate the assault and then he would've been free to leave he stated "my bad man". No further questions were asked of Nava. No further information was acquired regarding the potential identification of the Jose suspect from Nava.

WITNESS STATEMENT: Ricardo Soto

Soto was an employee with WSS and witnessed the incident with Nava. The following is a summary of his statement. I asked Soto what he observed during the incident with Nava. Soto stated he was showing me the surveillance footage of the assault from earlier when Nava walked into the store. Soto stated he observed me speaking with Nava and stated Nava was acting defensive while I spoke with him. Soto heard Nava saying he didn't do anything. He stated I was having simple conversation with Nava and heard me tell Nava that he was detained. Soto heard Nava state "no" when told he was being detained and that he was going to get his shoes.

I then told Nava that he was not shopping and that he was detained and that he needed to come speak with me regarding Nava's friend that left. Soto stated Nava was very defensive and was trying to run away when I was trying to detain him. Soto witnessed Nava trying to push off of me and physically resisting as I attempted to take him into custody. I asked if Soto had heard any commands given to Nava and he had heard me tell Nava to stop and to put his hands behind his back. Soto stated I continued to tell Nava to give me his hands and then went on to say that I was giving Nava proper commands.

Soto stated he felt like Nava was giving excuses in regards to the information about the suspect Jose.

ARMC:

Nava was taken the hospital where he was later medically cleared for booking.

DISPOSITION:

Case cleared by arrest. Additional follow up will be conducted to attempt to identify the suspect for

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INCIDENT REPORT - NARRATIVE

Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/23/2023 05:06:37	932308191

10110

the assault, Jose.

RECOMMENDATION:

Please forward a copy of this report and its attachments to the San Bernardino County District Attorney's office for review and filing.

DEFENSE COPY

INCIDENT SUPPLEMENT REPORT

LOCATION/TIME

OFFENSE

VICTIM

SUSPECT

ADMIN

Agency Name: RIALTO POLICE DEPARTMENT		ORI #: CA0360900		Report Date/Time: 07/24/2023 17:59:00		OCA #: 932308191	
Incident Start Date/Time: 07/22/2023 20:26:35		DOW: Saturday		Report Type: SUPPLEMENT		Case Screening: ☐ Serialized Property ☒ Evidence Collected ☐ PC 293 Sex Crime	
Incident End Date/Time:		Internal Incident Status:		☐ CHP 180 ☐ Hate Crime ☐ Gang Related ☐ Domestic Viol.		Total Loss \$0.00	
Incident Location: 660 W FOOTHILL BLVD RIALTO CA 92376-				Secondary Location:			
Case Description: AXON				UCR Status: All Other			
Reporting Area:				Operation Method:			
Penal Code:		UCR Code:		F/M:		Penal Code Description:	
Structure		TOD:		Bias Motivation:		Offense Location:	
Weapon Used:		Situation Code:		Premise:		Counts: Comp/Att:	
Penal Code:		UCR Code:		F/M:		Penal Code Description:	
Structure		TOD:		Bias Motivation:		Offense Location:	
Weapon Used:		Situation Code:		Premise:		Counts: Comp/Att:	
☐ Person		Name:		Phone:		Cell Phone:	
☐ Business		Address (Street, Apt., City, State, Zip):		Pager:			
Involvement Type (Person):		Victim Type (Business):		Domestic Violence		LEOKA Activity:	
Occupation:		Employer:		Employer Address:		Employer Phone:	
Relationship to Offender (Person):		DOB:		Age:		Sex:	
Race:		Ethnicity:		SSN:		License (#, Class, State):	
Height:		Weight:		Related Offense(s):		Injury Type:	
Minor Injuries		Unconscious		Internal Injuries		Teeth Injury	
Lacerations		Bone Injury		Other Injuries		None	
Suspect #1 Name:		Phone:		Cell Phone:		Pager:	
Address (Street, Apt., City, State, Zip):		Occupation:		Employer:			
Suspect Forced Victim:		Primary Action:		Employer Address:		Employer Phone:	
Solicited/Offered:		Suspect Force:		DOB:		Age:	
Sex:		Height:		Weight:		Build:	
Complexion:		Eye Color:		Hair Color:		Hair Length:	
Hair Style:		Clothing Description:		NCIC #:		State ID #:	
Facial Hair:		Speech:		Teeth:			
Body Markings (Type, Location, Description):		Suspect Injured:		Suspect Arrested:		Additional Suspects:	
Additional Persons:							
DE SCHEPPER, MARTIN		01945		07/24/2023 17:59:13		Reporting Officer Signature	
Reporting Officer		ID #		Date		Assisting Officer Signature	
Assisting Officer		ID #		Date		Reviewing Officer Signature	
RICE, DWUAN		01760		07/25/2023 04:23:23			
Reviewing Officer		ID #		Date			

INCIDENT SUPPLEMENT REPORT - NARRATIVE

Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/24/2023 17:59:00	932308191

ASSIGNMENT:

On 07/22/23 I, Officer M. de Schepper was working as a uniformed patrol officer for the Rialto Police Department. At Approximately 2045 hours I responded to 660 W Foothill Blvd. (Warehouse Shoe Sales) reference an assault investigation at the location.

SYNOPSIS:

The original call for service was regarding an assault that occurred at the business in which the victim was requesting prosecution against the suspect who had yet to be identified. In that incident a hispanic male adult was eating food inside the business and intentionally spat his food out of his mouth which struck the employee in the face. He fled the business shortly after with two other subjects who appeared to be known to him. Officer Stauffacher and I arrived at the business to investigate this incident.

At the same time we were investigating this crime, three additional officers were inside the business investigating two other incidents that occurred earlier that day. The result of the multiple criminal investigations resulted in five police cars being parked outside the business and five officers already inside the business.

Officer Stauffacher was reviewing surveillance video at the front door with an employee while I was waiting to review the surveillance video of exterior cameras using a computer in the office of the business. Because there were so many officers at the location, I was the third officer in line to review these specific cameras.

SUBJECT CONTACT:

While waiting in the rear of the store, Officer Stauffacher contacted me via my police radio and requested I come to the front of the store. As I began walking towards the front of the store, I noticed several employees were fixated on something occurring near the front of the business.

As I walked closer to the main entrance, I suddenly saw Officer Stauffacher and a hispanic male adult fall to the ground in a physical fight in between two aisles of clothing and shoes. As the two fell to the ground I watched as the hispanic male attempted to push officer Stauffacher off of him followed briefly by Officer Stauffacher punching him once in the face. Because of our extremely close proximity to several citizens and the obvious physical resistance occurring by the hispanic male, I deployed my TASER 7, a conducted energy device (CED).

I hovered the device approximately one inch above the male's right shoulder blade and fired a single cartridge into the male's back. I then quickly moved the device towards the center of his lower back and while hovering approximately one to two inches from his back, deployed a second cartridge into his lower back. Each cartridge contains two darts and deploy as a set during each trigger pull of the device. I specifically chose to deploy the device in this manner to mitigate the risk of unintentionally contacting Officer Stauffacher who was still struggling with him. The use of two sets of darts also increases the probability that a complete connection will remain intact during a physical altercation in which the suspect was physically moving.

Immediately upon deploying the device I observed obvious neuro muscular incapacitation occurring which caused the male to inadvertently lose the ability to control the major muscle groups in his upper body, back, and both of his arms. This is the intended result.

INCIDENT SUPPLEMENT REPORT - NARRATIVE

Agency Name:	ORI #:	Report Date/Time:	OCA #:
RIALTO POLICE DEPARTMENT	CA0360900	07/24/2023 17:59:00	932308191

I allowed the device to run for a complete five second cycle and at the end of the cycle I observed a clear and distinct return of control to the male's muscles. I watched his arms go briefly limp before immediately regaining the ability to control them without issue. I gave several commands instructing the male to lay on his stomach. I gave him several moments to comply with my instructions which he eventually did without further issue.

The male was placed into handcuffs and briefly kept on the floor while I documented the CED deployment and prepared to remove the TASER darts. It should be noted as this time I discovered the male was wearing multiple pairs of pants in addition to a long sleeve shirt. When I asked him why he had two pairs of pants on he claimed he had just returned from Alaska where it was cold.

It should be noted during this incident the outside temperature was approximately 80 degrees. The temperature during the daytime was over 100 degrees. Despite recently returning from Alaska, a normal person would have removed at least one pair of pants due to the high temperatures, leading me to believe the male had arrived at Warehouse Shoe Sale just moments before closing while wearing multiple pairs of pants because he had ill-intent.

Officer Stauffacher would later remove all four darts. I inspected all four removed darts and confirmed they were each fully intact with no missing pieces, indicating there were no barbs from the taser dart left inside the male's skin.

I inspected the CED deployment log which documents the function of the CED during its use. The CED was deployed at 20:53:48, was active for 5.305 seconds, and functioned at 44 pulses per second for the entirety of the deployment. The stim voltage was approximately 3000 volts for the entire five seconds of the deployment. There were no abnormalities and the device functioned as expected.

INJURIES:

The male sustained four punctures to his back as a result of the TASER dart impacts.

(2) Dart impacts on his right shoulder blade, approximately 1" apart.

(2) Dart impacts center on his lower back, approximately 3" above his waist line, approximately 1" apart.

The male was later inspected by Rialto Fire Department Paramedics who found no issues of note.

EVIDENCE:

I photographed the impact sites and uploaded them to Evidence.com

Body worn camera video was uploaded to Evidence.com

TRAINING AND EXPERIENCE:

POST certified as a handgun / rifle instructor and rangemaster for the Rialto Police Department.

TASER conducted energy weapon MASTER instructor

Station armorer certified by the San Bernardino County Sheriff's Department.

INCIDENT SUPPLEMENT REPORT - NARRATIVE

Agency Name:

ORI #:

Report Date/Time:

OCA #:

RIALTO POLICE DEPARTMENT

CA0360900

07/24/2023 17:59:00

932308191

Rialto Police Department Use of Force instructor

EVIDENCE:

Body worn camera video and photos were uploaded to Evidence.com

RECOMMENDATION:

Attach to original report.

DEFENSE COPY



ADULT DISPOSITION OF ARREST AND COURT ACTION

SUBJECT INFORMATION																					
Name (Last, First, Middle) NAVA, RAYMOND ALBERT										DOB (mm/dd/yyyy)		CII Number A27218307									
Social Security Number					Passport/Immigrant ID Number					FBI Number 628126LC0		Height 510	Sex M	Race H							
A. LAW ENFORCEMENT																					
Arrest/Cite Date (mm/dd/yyyy) 07/23/2023					Arresting Agency RIALTO PD					Booking Agency RIALTO PD											
Live Scan Booking Number 2307341848					Citation Number					Crime Report Number 932308191					Remarks						
Chrg	Level			Arrest Charge (Section/Code)					On View	In-County Warrant Number	Out-of-County Warrant Number	Release Date	Reason for Release Code								
	I	M	F						X												
1			X	69(A)PC																	
2																					
3																					
4																					
Type of Event: ☒ Arrest ☐ Citation ☐ Letter/Notice to Appear ☐ Court Ordered Booking																					
B. PROSECUTION																					
Date (mm/dd/yyyy)		Reason for Rejection/Referred Codes					☐ 1203.2 PC - In Lieu of Filing		Original Court Judicial District Number		Original Court Case Number										
	Chrg 1	Chrg 2	Chrg 3	Chrg 4	All Chrgs	☐ Refiled - Original Case Dismissed															
C. COURT																					
Date Filed (mm/dd/yyyy)					Judicial District Number					File Number		Consolidated File Number									
Chrg	File Level			Final Plea		Disposition					Disposition Date (mm/dd/yyyy)		Charges and Enhancements at Disposition (Section/Code)		Degree	Disposition Level					
	I	M	F	G	Nolo	Conv by Trial	Dis Code	Cert Juv	Acq	Not Guilty/Insane						I	M	F			
1																					
2																					
3																					
4																					
D. PROCEEDINGS SUSPENDED																					
Date (mm/dd/yyyy)		☐ Bench Warrant Issued					☐ 707.2 WI - 90 Day Observation					☐ 1368-1370 PC - Found Mentally Incompetent - Committed									
		☐ Diversion					☐ 1203.03 PC - 90 Day Observation					☐ 3050 WI - Narcotics Commitment									
		☐ 1000-1000.5 PC - Prob Crt. Program / DEJ					☐ DEJ / Other					☐ 3051 WI - Narcotics Commitment									
E. SENTENCE																					
Date (mm/dd/yyyy)		290.006 Discretionary Reg					Condition of Probation					Other		Remarks							
		☐ Tier 1 ☐ Tier 2 ☐ Tier 3					☐ Firearms Prohibited - 29815(a) PC ☐ Drug Treatment Program - 1210.1 PC (Prop 36) ☐ 1170(h) PC														
Chrg	Reduced to Misd. X	290 REG	SE	Prob	Jail	Fine	Rstn	Jail or Fine	Conc	Cons	Vol Wrk	Costs	DJJ	Prison Sentence Information							
		Internet ID Reg	X	Mos	Days	Days Susp	X	Susp X	X	Days	Susp	X	X	X	X	Stayed X	Total Fixed Term (All Charges)		To be served: ☐ Concurrently ☐ Consecutively W/Case Number:		
																Years	Months				
1																					
2																					
3																					
4																					
																☐ Suspended					
F. ADMONISHMENTS & WARNERS																					
(Required for Conviction)															(Required for "Guilty" or "Nolo" plea)						
☐ Defendant waived counsel ☐ Defendant represented by counsel															Defendant was advised of and understood:					Yes	No
															• Charges and direct consequences of plea					☐	☐
															Defendant was advised of, understood, and waived:					☐	☐
															• Privilege against compulsory self incrimination					☐	☐
															• Right to confront and cross examine witnesses					☐	☐
															• Right to trial by jury					☐	☐
															Court found admission was knowledgeable, intelligently made, and voluntary					☐	☐
															Defense counsel concurrent in defendant's admission					☐	☐
G. CLERK OF THE COURT'S CERTIFICATION																					
I certify that the foregoing is a correct abstract of the disposition of arrest and court action in this case. (Certification required for conviction)																					
Legibly Printed or Typed Name										Date (mm/dd/yyyy)											
Title										County											

COPIES: DOJ - Red; ARREST AGENCY - Blue; COURT - Green

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