



San Diego County Sheriff's Department

Arrest/Juvenile Contact Report

Case No. **12122806**CAD Event No.: **S9977479**Case Disposition: **Arrest**Primary Victim: **State of California**Report No. **12122806.1****1**

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**ARREST REPORT****JUVENILE CONTACT REPORT**WARRANT: ☐ LOCAL ☐ OUT**GENERAL CASE INFORMATION**

Primary Charge: 148 (A)(1) - PC - OBSTRUCT/RESIST PEACE OFCR/EMER MED TECH (M)			
Special Studies:		Related Cases:	
Location, City, State, ZIP: 10th St @ Palm Av, Imperial Beach, CA 91932		Occurred On: 05/06/2012 02:00:00 (Sunday)	
Jurisdiction: City of Imperial Beach - IMPERIAL BEACH	Beat: 702	Call Source: Unknown	(and Between):
Means: 60 - Drunk on Alcohol or Drugs		Motives: 01 - Alcohol a factor in action	

VICTIM/S**IBR/UCR OFFENSE/S**

Offense Description: 148 (A)(1) - PC - OBSTRUCT/RESIST PEACE OFCR/EMER MED TECH (M)		Level: M	Against:	Completed? Yes	Counts	Using: A - Alcohol
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:		
Weapons/Force:	Tools:	Targets:				
Offense Description: 647 (F) - PC - DRUNK IN PUBLIC: ALCOHOL, DRUGS, COMBO OR TOLUENE (M)		Level: M	Against: SO	Completed? Yes	Counts	Using:
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:		
Weapons/Force:	Tools:	Targets:				
Offense Description: 3056 - PC - VIOL PAROLE:FELONY (F)		Level: O	Against:	Completed? Yes	Counts	Using: A - Alcohol
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:		
Weapons/Force:	Tools:	Targets:				

Reporting Officer

SH7332 - MALENO HUERTA, JORGE

Division / Organization

**Imperial Beach Station
IMPERIAL BEACH PATROL**

Reviewed By

SH4713 - RAND, MICHAEL

Report Date

5/6/2012 7:27:12 PM

Detective Assigned

SH4661 - BRAVO JR, MIKE

Reviewed Date

05/07/2012 03:44:31



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ARRESTEE/S

Arrestee #1



Name: Buss, James Wallace				County Residence: N - Nonresident				Interpreter Language:			
ALIAS / AKA / NICKNAME / MONIKER:											
Name Type:		First:		Middle:		Last:		Suffix:			
Home Address, City, State, ZIP:				Res. Country: US		Place of Birth:		Undocumented:			
Race: H		Sex: M		Date of Birth / Age: (b)(5)(A) - 32		Height: 5' 11"		Weight: 150		Hair Color: BLK	
Facial Hair: 06 - Mustache Only		Eye Color: BRO		Complexion:		Build: THI - Thin		Teeth:		Suspected User:	
Employment Status: U - Unemployed		Occupation/Grade:		Employer/School:		Employer Address, City, State, ZIP:					
CONTACT INFORMATION:											
Type:				Number/Address:							
IDENTIFICATION:											
Type: DLN - Drivers License Number		Number: (b)(5)(A)		State: CA		Country: US					
Type: CDC - CA Dept of Corrections		Number: (b)(5)		State:		Country:					
SCARS, MARKS, TATTOOS, ODDITIES:											
Attire:				Suspect Actions:							
ARREST INFORMATION											
Arrest Type: O - Probable Cause Arrest - New Case		LE Disposition: 4 - Felony (Adult Only)		JUS 750 Type: 2 - Booked		Citation No.:		Booking No.:			
Arrested For:		Level:		Completed:		Counts:					
647 (F) - PC - DRUNK IN PUBLIC: ALCOHOL, DRUGS, COMBO OR TOLUENE (M)		M		Yes							
148 (A)(1) - PC - OBSTRUCT/RESIST PEACE OFCR/EMER MED TECH (M)		M		Yes							
3056 - PC - VIOL PAROLE:FELONY (F)		O		Yes							
Arrested By: SH7332 - MALENO HUERTA, JORGE		Arrest Date and Time: 05/06/2012 02:50:00		Arrest Location, City, State, ZIP: 10th St/ Elm Ave, Imperial Beach, CA 91932				Beat: 702			
Arrest Assisted By: SH2623 - KERR, WILLIAM				Transported By: SH7332 - MALENO HUERTA, JORGE							
Miranda Read:		Admonished By:		Miranda Response:		Jail Billing Code: SD Sheriff Imperial Beach		Booked Location: San Diego Central Jail			
Armed With: 01 - Unarmed				Use of Force to effect Arrest: Yes							

Reporting Officer: SH7332 - MALENO HUERTA, JORGE		Division / Organization: Imperial Beach Station IMPERIAL BEACH PATROL		Reviewed By: SH4713 - RAND, MICHAEL	
Report Date: 5/6/2012 7:27:12 PM		Detective Assigned: SH4661 - BRAVO JR, MIKE		Reviewed Date: 05/07/2012 03:44:31	



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JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:
Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Released Location:	Released On:	Released By:	Release Reason:
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SUSPECT/S (Not Yet Arrested)**WITNESSES****Witness #1**

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:	Person Code:			County Residence:		
Maleno, Jorge				N - Nonresident		

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:		Res. Country:	Place of Birth:	Undocumented:				
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
H	M	30						
Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:					
E - Employed	Deputy Sheriff	San Diego Sheriff's Department	845 Imperial Beach Blvd, Imperial Beach, CA 91932					

CONTACT INFORMATION:

Type:	Number/Address:		
WP - Work Phone	(b)(5)(A)		
IDENTIFICATION:			
Type:	Number:	State:	Country:
Injury:	Extent of Treatment:		

Witness #2

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:	Person Code:			County Residence:		
Kerr, B						

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:		Res. Country:	Place of Birth:	Undocumented:				
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
E - Employed	Deputy Sheriff	SDSO	3240 Main St, Lemon Grove, CA 91945					

CONTACT INFORMATION:

Type:	Number/Address:		
WP - Work Phone	(b)(5)(A)		
IDENTIFICATION:			
Type:	Number:	State:	Country:
SH - Sheriff ID	2623		
Injury:	Extent of Treatment:		

Reporting Officer	Division / Organization	Reviewed By
SH7332 - MALENO HUERTA, JORGE	Imperial Beach Station IMPERIAL BEACH PATROL	SH4713 - RAND, MICHAEL
Report Date	Detective Assigned	Reviewed Date
5/6/2012 7:27:12 PM	SH4661 - BRAVO JR, MIKE	05/07/2012 03:44:31



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Witness #3

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:	Barry, Joseph			Person Code:	County Residence:	

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:			Res. Country:	Place of Birth:	Undocumented:			
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:					
E - Employed	Detective	IB Station	845 Imperial Beach Blvd, Imperial Beach, CA 91932					
CONTACT INFORMATION:								
Type:	Number/Address:							
WP - Work Phone	(b)(5)(A)							
IDENTIFICATION:								
Type:	Number:			State:	Country:			
SH - Sheriff ID	4722							
Injury:				Extent of Treatment:				

Witness #4

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:	Chavez, Luis			Person Code:	County Residence:	

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:			Res. Country:	Place of Birth:	Undocumented:			
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:					
E - Employed	Detective	San Diego Sheriff - Family Protection Detail	9621 Ridgehaven Court, San Diego, CA 92123					
CONTACT INFORMATION:								
Type:	Number/Address:							
WP - Work Phone	(b)(5)(A)							
IDENTIFICATION:								
Type:	Number:			State:	Country:			
SH - Sheriff ID	2433							
Injury:				Extent of Treatment:				

Reporting Officer	Division / Organization	Reviewed By
SH7332 - MALENO HUERTA, JORGE	Imperial Beach Station IMPERIAL BEACH PATROL	SH4713 - RAND, MICHAEL
Report Date	Detective Assigned	Reviewed Date
5/6/2012 7:27:12 PM	SH4661 - BRAVO JR, MIKE	05/07/2012 03:44:31



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OTHER ENTITIES

PROPERTY

Property Item #1.000 - CD W/ PHOTOS

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 05/06/2012		
Owner:	Disposition: IB EVIDENCE LOCKER		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

SYNOPSIS:

On 05/06/12, at about 0245 hours, James Buss (b)(5)(A), was contacted for appearing to be under the influence of alcohol and/or drugs. Buss was staggering and had a sleepy lethargic appearance and an odor of an alcoholic beverage. I asked Buss what his name was and he told me "Rick." I asked Buss his last name and he ran from me. I recognize Buss from prior contacts and I know Buss to be on CDC parole. I ordered Buss to stop and get on the ground but he continued to run. Buss was finally contacted on top of a roof at the corner of Elm Avenue and 10th Street. Buss fell from the roof top and force was used to affect the arrest.

I verified with Sheriff's Dispatch Buss' parole status and I was informed that Buss had an active warrant for a parole violation.

I placed Buss under arrest for 3056 PC-Parole Violation, 148(a)(1) PC- Resisting/Delaying a Peace Off., and 647 (F) PC- Drunk In Public.

Buss was transported to Sharps Coronado Hospital for a complaint of pain to his left side torso. At the hospital two jail deputies relieved me of duties and later transported Buss to SDCJ for booking and processing.

ORIGIN:

On 05/06/12, at about 0245 hours, I was on uniformed patrol assigned to the Imperial Beach Station driving a marked patrol vehicle in full Sheriff's Uniform driving southbound on 10th Street towards Elm Avenue.

BACKGROUND:

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization Imperial Beach Station IMPERIAL BEACH PATROL	Reviewed By SH4713 - RAND, MICHAEL
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James Wallace Buss is currently on CDC Parole (b)(5)(C)

(b)(5)(C)

(b)(5)(C)

INVESTIGATION:

I was on a radio call involving several fights outside of the Crystal Cove bar on the Corner of 10th Street and Palm Avenue. While driving southbound on 10th Street towards Elm Avenue, I noticed three Hispanic males standing on the street corner; one of the Hispanic males appeared to be under the influence of alcohol and/or drugs. He was staggering and had a sleepy lethargic appearance. I believed that the three Hispanic males may have either been involved in a fight or trying to initiate one. I pulled my vehicle near the curb and asked the three Hispanic males what they were doing hanging out near the corner of 10th Street and Elm Avenue. All three Hispanic males said they're just hanging out. One of the Hispanic males, later identified as James Wallace Buss by his name and date of birth, and whom I recognized from prior contacts, was swaying back and forth and his speech was slurred. I asked Buss what his name was and he looked left to right and then told me "Rick." I asked him "Rick what?" and again he looked left and right and ran away heading eastbound on Elm Avenue. I followed him in my car near him and told him to stop and get on the ground. At that moment I provided dispatch my direction of travel and a clothing description of the Hispanic male running. I also advised dispatch that I believed the suspect to be James Buss who was on CDC Parole.

I then got out of my car and chased after Buss demanding he stop, get on the ground and show me his hands. Buss ignored my commands and continued around to northbound 10th Street where he went into a driveway. I lost sight of Buss and searched the area. The other two Hispanic males stayed on the street corner and told me; "We don't know that guy!" The two Hispanic males stayed on the street corner while we continued to search the area for Buss.

A few moments later, Detective Chavez and Detective Barry located Buss on a one story rooftop at the corner of 10th Street and Elm Avenue. They demanded he get off the roof and get on the ground and show his hands. I ran from the other side of the street to the southwest corner of 10th Street and noticed Buss fall from the roof and down to the ground. I ran to the other side of the fence where Detective Kerr was now standing with his flash light demanding Buss show his hands. When I attempted to make contact with Buss to grab his hands and cuff him, Buss took both of his hands and placed them under his torso towards his waist band, out of my view.

Fearing that Buss may have had a concealed weapon in his waist band and was preparing to attack me with it, I placed my knee on top of the left side of his torso and grabbed onto his left arm. When I did I could feel that he was extremely tense and appeared as if he was ready to mount an attack. I then delivered two softening techniques with my fist to the side of his face and back. I demanded Buss show his hands and place them at the small of his back. Buss immediately responded to my force and yelled out; "Ok, Ok." I placed Buss in handcuffs and walked him back to my patrol vehicle. I asked Buss why he ran from me. Buss told me he did not know why he ran.

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization Imperial Beach Station IMPERIAL BEACH PATROL	Reviewed By SH4713 - RAND, MICHAEL
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The force I used to affect the arrest was effective and allowed me to safely handcuff Buss. Based on my training and experience, If I would have not used force Buss could have turned over and attempted to attack myself or my partners, or tried to escape.

While walking Buss to my patrol vehicle, he complained of pain to his torso and had problems breathing. I asked Buss if he wanted me to call an ambulance and he told me "No" he would be fine. I then asked Buss if he wanted to go to the hospital and again he told me "No."

I conducted a wants and warrants check on Buss using Sheriff's Inquiry and they alerted me to Buss having an active Parole Violation warrant. I verified Buss' identification using his California Identification card and the tattoo he has on his arm.

I placed Buss under arrest for 3056 PC-Parole Violation, 148(a)(1) PC- Resisting/Delaying a Peace Off., and 647 (F) PC- Drunk In Public. I then transported Buss to the Imperial Beach Station.

At the station, I advised Sergeant Rand of the force that I used and told him Buss was complaining of pain. Sgt. Rand asked me to take photos of Buss' torso and again ask him if he wants to go to the hospital.

I took photos of Buss' torso and prepared his booking paperwork. I again asked Buss if he wanted to go to the hospital before going to jail. Buss told me "Yes." I transported Buss to Sharps Coronado.

At the hospital, the doctor informed me that Buss had three fractured ribs and a punctured lung. The hospital staff performed surgery on Buss and he was admitted to the hospital and later transported to UCSD Medical Center.

Buss made a spontaneous statement to me saying that he had last used methamphetamine about three days prior and that was the reason he absconded.

Two deputies from San Diego Central Jail (SDCJ) arrived on scene to guard Buss and later book him into county jail.

EVIDENCE:

I placed (1) CD containing digital photos into Imperial Beach Property and Evidence Locker.

INJURIES:

Buss suffered three fractured ribs and a punctured lung. He was treated at Sharps Coronado.

PROPERTY DAMAGE:

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization Imperial Beach Station IMPERIAL BEACH PATROL	Reviewed By SH4713 - RAND, MICHAEL
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San Diego County Sheriff's Department Arrest/Juvenile Contact Report

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Case Disposition: **Arrest**

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None.

FOLLOW-UP:

As deemed necessary by the Detective Sergeant.

RELATED REPORTS:

Arrest report by Deputy Jackson, case number **(b)(5)(B)**

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Report Date 5/6/2012 7:27:12 PM	Detective Assigned SH4661 - BRAVO JR, MIKE	Reviewed Date 05/07/2012 03:44:31



San Diego County Sheriff's Department Officer Report

CAD Event No. **S9977479**Case No. **12122806**Report No. **7616****1**

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GENERAL CASE INFORMATION

Special Studies:		Related Cases:	
Location, City, State, ZIP: 10th St @ Palm Av,		Occurred On: 5/6/2012 2:00:00 AM (Sunday)	
Jurisdiction: City of Imperial Beach - IMPERIAL BEACH	Beat: 702	Call Source:	(and Between):

INDIVIDUAL/S

Name: Buss, James Wallace				Person Code:		Interpreter Language:	
ALIAS / AKA / NICKNAME / MONIKER:							
Home Address, City, State, ZIP: (b)(5)(A)				Res. Country: US - UNITED STATES		County Residence: N Nonresident	
Race: H		Sex: M		Date of Birth / Age: (b)(5)(A) - 31		Height: 5' 11"	
Weight: 150 lbs		Hair Color: BLK		Eye Color: BRO		Facial Hair: 06 - Mustache Only	
Complexion:		Employment Status:		Occupation/Grade:		Employer/School:	
Employer Address, City, State, ZIP:							
CONTACT INFORMATION							
IDENTIFICATION:							
Type: BN - Booking Number		Number: 2293		State:		Country:	
Attire:		Injury:		Extent Of Treatment:		Violent Crime Circumstances:	
Subject Injury Description:							
Officer Injury Description:							

REPORT NARRATIVE**ORIGIN:**

On 05-07-12, I was assigned to a Driving Under the Influence checkpoint in the 900 block of Palm Avenue, Imperial Beach. I was wearing a standard Sheriff's patrol uniform driving a marked vehicle. At about 0245 hours, I responded to a report of several subjects involved in a physical fight at the Crystal Cove bar, 995 Palm Avenue.

INVESTIGATION:

During my response to the scene, I overheard radio broadcasts which indicated a Hispanic male, later identified as James Buss, had fled on foot from the scene. Further broadcasts indicated that Buss may have been involved in the fight and had last been seen wearing a white T-shirt. I continued to the intersection of 10th Street and Elm Avenue, the last area where deputies had seen Buss.

While in the area, I overheard someone say, "He's on the roof" and noticed deputies running towards a home on the northwest corner of the intersection. As I ran, I caught glimpses of Buss on a nearby roof top. Because of the pitch of the roof, nearby vegetation, and me and Buss' simultaneous movements, I was unable to keep him in visual contact as I approached.

I quickly considered that Buss was suspected of having been in a physical altercation. I also considered Buss' efforts to climb onto the rooftop. I believed his extreme efforts were indicative with his high degree of motivation to escape capture. Based on my training and experience, I understood that suspects who aggressively engage in flight from law enforcement officers often have significant cause for their actions. It has been my experience that these suspects are often wanted regarding outstanding arrest warrants, are carrying narcotics or weapons, or have been involved in a serious crime contemporaneous to their contact with deputies. Therefore, I considered that Buss may indeed use any means, including physical violence, to continue evading arrest.

Fearing a violent confrontation with Buss, I drew my issued Taser and continued to close the distance between Buss and I. As I drew near, I attempted to gain a direct and clear path of deploying the Taser against Buss if needed. However, because

Reporting Officer SH2623 - KERR, WILLIAM	Division / Organization LGS_DET / LGS - Lemon Grove Substation	Reviewed By SH4713 - RAND, MICHAEL
Report Date 5/7/2012 3:15:31 PM	Detective Assigned SH4661 - BRAVO JR, MIKE	Reviewed Date 5/13/2012 7:12:36 PM



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Buss was on the rooftop and I was on the ground, the distance and angle was too great for proper deployment of the Taser. Instead, I holstered my Taser and shined the beam of my flashlight on Buss. As I did, I saw Buss had no weapons in his hands and was walking to the edge of the rooftop nearest me.

I began giving Buss multiple commands to climb down off the roof and onto a nearby fence. Buss did not initially comply but did not make further efforts to escape. I continued repeating my orders and Buss slowly began to comply. As Buss climbed onto the fence, his position provided him the ability to leap from the fence and mount an attack against me. To avoid falling victim to the possible attack, I took several steps backwards while continuing to give Buss commands to climb from the fence and onto the ground. Again, Buss did not immediately follow the commands but did not make further efforts to escape. I repeated my commands while strengthening my tone. Ultimately, Buss complied and leapt from the fence and onto the ground.

I immediately began ordering Buss to lay face down on the ground. However, Buss again did not comply. Instead, Buss began looking rapidly to his left and right. I took Buss' behavior as indicative with his effort to find another avenue of escape. I closed some of the distance between Buss and I in an effort to prevent him from further escape. My movements cut off Buss' escape route and he instead began to lay face down on the ground.

Once on the ground, I ordered Buss to keep his hands in view. I began to move into position to handcuff Buss and was joined by Deputy Maleno #7332. As Deputy Maleno attempted to take control of his left hand, Buss pulled both of his hands under his front midsection.

I feared Buss may be attempting to retrieve a previously secreted weapon and mount an attack on Deputy Maleno and me. Just as I perceived the threat, Deputy Maleno delivered two strikes to Buss. Simultaneously, Deputy Maleno repeatedly ordered Buss to bring his hands out from under his body. One of the strikes landed on Buss' face and the other to the left side of his back. The strikes elicited Buss' immediate compliance and no further force was needed to take him into custody. After handcuffing Buss, Deputy Maleno escorted him to his patrol car without further incident.

With Buss in custody, I ended my involvement in the incident.

Reporting Officer SH2623 - KERR, WILLIAM	Division / Organization LGS_DET / LGS - Lemon Grove Substation	Reviewed By SH4713 - RAND, MICHAEL
Report Date 5/7/2012 3:15:31 PM	Detective Assigned SH4661 - BRAVO JR, MIKE	Reviewed Date 5/13/2012 7:12:36 PM



San Diego County Sheriff's Department Evidence Report

Case No: **12122806**Evidence Sheet No: **001****1**

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GENERAL CASE INFORMATION

REPORTING AGENCY: SH - Sheriff				
CALL FOR SERVICE NUMBER (CAD): S9977479	OFFENSE TYPE: 148 (A)(1) - PC - OBSTRUCT/RESIST PEACE OFCR/EMER MED TECH (M)	DIVISION: IBS - Imperial Beach Station	BILLING CODE: SOIB - SD Sheriff Imperial Beach	SEARCH WARRANT NUMBER:
DATE OF INCIDENT: 5/6/2012	INCIDENT LOCATION (CITY, STATE, ZIP): 10TH STREET/PALM AVENUE, I.B.			KEY CASE NUMBER:
REPORTING OFFICER: SH7332 - MALENO HUERTA, JORGE		ID: SH7332	DIVISION: Poway Station	
ASSIGNED DETECTIVE: SH4661 - BRAVO JR, MIKE		ID: SH4661	DIVISION: SHERIFF	

OUTSIDE AGENCY

OA CASE NUMBER:	AGENCY NAME:	ASSIGNED DETECTIVE:	CONTACT PHONE:
	AGENCY ADDRESS (CITY, STATE, ZIP):		

INVOLVED PEOPLE

AFFILIATION: SUS2	NAME (Last, First, Middle): BUSS, JAMES WALLACE	DOB: (b)(5)(A)	AGE: 32	SEX: M - Male	RACE:
	HOME ADDRESS (CITY, STATE, ZIP): (b)(5)(A)		HOME PHONE:		
AFFILIATION: VIC1	NAME (Last, First, Middle): [E] STATE OF CALIFORNIA IMPERIAL BEACH SHERIFF'S STA.	DOB:	AGE:	SEX:	RACE:
	HOME ADDRESS (CITY, STATE, ZIP): Imperial Beach Sheriff's Sta., 845 Imperial Beach Blvd. IMPERIAL BEACH, CA 91932		HOME PHONE:		

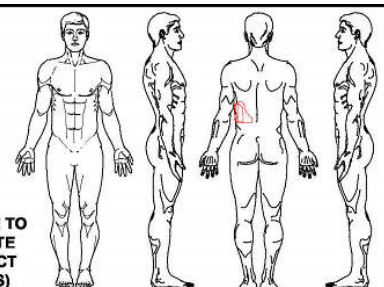
EVIDENCE INFORMATION SECTION

FIN 1.1	OA Item/TAG #	PROPERTY DESCRIPTION: COMPACT DISK (PHOTOS)		 * I 1 2 5 8 6 1 0 *	
VALUE:	QUANTITY: 0	MAKE / MANUFACTURER:	MODEL:		
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE: 1302 - Compact Disc Player			
PROPERTY STATUS: ES - Evidence (Seized)		SEARCH WARRANT:			
PROPERTY DISPOSITION: Disposed		DATE/TIME RECVRD / SEIZED: 5/6/2012		CSI	PFIN
DRUG TYPE:		DRUG QUANTITY:		DRUG MEASURE:	
NOTES:					



San Diego County Sheriff's Department

Use of Force Supplemental

UOF DATE AND TIME 5/6/2012 02:45	EVENT NUMBER S9977479	CASE NUMBER 12122806	DOCUMENT NUMBER 7481	STATION/FACILITY IBS - Imperial Beach Station
INCIDENT DESCRIPTION / OFFENSES A/R-3056PC-148PC- 647F PC				
SUBJECT'S NAME (LAST, FIRST, MI) Buss, James Wallace		DATE OF BIRTH (b)(5)(A)	ARRESTED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SUPERVISOR PRESENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE/TIME SUPERVISOR NOTIFIED 05/06/2012 02:50				
REASON(S) FOR USING FORCE: <input checked="" type="checkbox"/> Necessary to effect an arrest <input type="checkbox"/> Necessary to prevent a violent forcible felony <input type="checkbox"/> Delaying Jail Operations <input checked="" type="checkbox"/> Necessary to defend self or another <input checked="" type="checkbox"/> Necessary to restrain for subject's safety <input checked="" type="checkbox"/> Necessary to prevent escape/evasion <input checked="" type="checkbox"/> Necessary during high-risk incident <input type="checkbox"/> Necessary to effect a lawful detention <input type="checkbox"/> Necessary during riot				
SUBJECT APPEARED TO BE <input checked="" type="checkbox"/> Under the influence of alcohol and/or drugs <input type="checkbox"/> Mentally impaired		NUMBER OF OFFICERS ON SCENE 4		NUMBER OF OFFICERS USING FORCE 1
LEVEL(S) OF RESISTANCE ENCOUNTERED <input type="checkbox"/> NONE (subject cooperated/complied) <input type="checkbox"/> PSYCHOLOGICAL INTIMIDATION (non-verbal cues indicating subject's attitude or physical readiness to resist) <input type="checkbox"/> VERBAL NON-COMPLIANCE (subject's expressed unwillingness to comply with the officer's commands) <input type="checkbox"/> PASSIVE RESISTANCE (represents by a refusal to respond to verbal commands but also offers no form of physical resistance) <input checked="" type="checkbox"/> ACTIVE RESISTANCE (pushing, pulling or running away from the officer to avoid control; not attempting to harm the officer) <input checked="" type="checkbox"/> ASSAULTIVE BEHAVIOR (physical actions of assault) <input type="checkbox"/> AGGRAVATED ACTIVE AGGRESSION (potential injury or death)				
LAW ENFORCEMENT TOOL/TECHNIQUE USED TO GAIN COMPLIANCE OR OVERCOME RESISTANCE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> Verbal Commands: Show me your hands and place them at the small of your back				
<input checked="" type="checkbox"/> Empty Hand Control <input type="checkbox"/> Grab, Push, Pull, or Body Weight <input checked="" type="checkbox"/> Control Hold (Duration: 3 seconds) <input type="checkbox"/> Pressure Point (Duration:) (# of Contacts:) <input checked="" type="checkbox"/> Strike (Body part used: fist) (# of Contacts: 2) <input type="checkbox"/> Takedown Type: _____ <input type="checkbox"/> Carotid (Rendered Unconscious? <input type="checkbox"/> Yes <input type="checkbox"/> No) (Duration:) <input type="checkbox"/> Tool/Device/Weapon <input type="checkbox"/> OC Agent (Duration:) (# of Contacts:) <input type="checkbox"/> Decontaminated <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Cord Cuff Restraint Device (Duration:) <input type="checkbox"/> Impact Weapon (# of Contacts:) Type: _____ <input type="checkbox"/> Canine (Duration:) (# of Contacts:) <input type="checkbox"/> Vehicle/Forcible Stop <input type="checkbox"/> Weapon Pointed at Subject (Duration:) Type: _____ <input type="checkbox"/> Spit Sock (Duration:) <input type="checkbox"/> Pro-Strait Chair <input type="checkbox"/> Tactical Shield <input type="checkbox"/> WRAP <input type="checkbox"/> Less-Lethal Weapon System Discharged <input type="checkbox"/> PepperBall - OC Powder <input type="checkbox"/> PepperBall - Water <input type="checkbox"/> 37 mm Rifle - Standard <input type="checkbox"/> 37 mm Rifle - Low Energy <input type="checkbox"/> 40 mm Rifle - Bean Bag <input type="checkbox"/> 40 mm Rifle - Sponge <input type="checkbox"/> Taser - Probes <input type="checkbox"/> Taser - Drive Stuns <input type="checkbox"/> Stingball Grenade <input type="checkbox"/> Sound/Light device <input type="checkbox"/> 12-Gauge Super Sock <input type="checkbox"/> Ultron/NOVA Shield <input type="checkbox"/> REACT Belt Discharges _____ Number of Contacts _____ Target Distance _____ <input type="checkbox"/> Firearm <input type="checkbox"/> Type: _____ <input type="checkbox"/> Other: _____				
WAS INITIAL USE OF FORCE EFFECTIVE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
WAS ADDITIONAL CONTROL OR FORCE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
SUBJECT INJURED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		EXTENT OF TREATMENT <input type="checkbox"/> None <input type="checkbox"/> Treated at hospital <input type="checkbox"/> Treated at scene <input checked="" type="checkbox"/> Hospitalized <input type="checkbox"/> Refused treatment		
OFFICER(S) INJURED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		EXTENT OF TREATMENT <input checked="" type="checkbox"/> None <input type="checkbox"/> Treated at hospital <input type="checkbox"/> Treated at scene <input type="checkbox"/> Hospitalized <input type="checkbox"/> Refused treatment		
SUBJECT INJURY DESCRIPTION		OFFICER INJURY DESCRIPTION		
OTHER FORCE USED/COMMENTS/EQUIPMENT PERFORMANCE:				
SERGEANT		ARJIS	DATE	
LIEUTENANT		ARJIS	DATE	
CAPTAIN		ARJIS	DATE	
 MARK FIGURE TO INDICATE CONTACT POINT(S)				



San Diego County Sheriff's Department

Use of Force Supplemental

Use of Force Supplemental Instructions

Lines 1 & 3: Fill in the blanks.

Line 2: If the suspect was committing a crime and force was used to stop or apprehend the subject, document the appropriate penal code. If the UOF occurred in the performance of the officer's duties, document the incident description, i.e. officer transport, officer escort, making arrest, detaining suspect, cell extraction etc.

Primary Reason for Using Force: Check appropriate box(s).

Subject Appeared To Be: Check if applicable.

Number of Officers on Scene: List number of officers present.

Number of Officers Using Force: List number of officers that used force.

Level(s) of Resistance Encountered: Check appropriate box(s).

L.E. Tool/Technique Used: Check appropriate box(s). If known and/or applicable, include duration (approximate length of time) tool/technique was used. If known and/or applicable, include the number of contacts (approximate number of strikes, impacts, etc.) when requested on form.

Was Initial Use of Force Effective? If initial force used was effective, check "Yes." If initial force used was ineffective and additional force was necessary, check "No."

Was Additional Control or Force Needed: If initial force used was ineffective and additional force was necessary, check "Yes." If initial force used was effective, check "No."

Target Distance: If applicable (refers primarily to less lethal weapon systems), approximate distance or provide range (i.e. 7-15 feet, 15-20 yards, etc.) from subject during application of force.

Subject Injured: Check "Yes" if medically treated for injury sustained as a possible result of force applied by a officer(s) – does not include previous injuries suffered prior to officer contact. Check "No" if subject was not injured or simply complains of injury/pain suffered as a result of force applied by an officer(s) and refuses medical attention. Any complaints of pain shall be documented in the use of force report narrative (whenever any physical force used by a officer results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately).

Extent of Treatment: Check appropriate box. Check none if subject was evaluated and no treatment was required. Specifically, check "Treated at Scene" if subject was treated at scene by EMS for injuries that may have resulted due to force applied by officer(s). Check "Treated at Hospital" if subject was transported to hospital for treatment of injuries that may have been sustained as an apparent result of force applied by officer(s). Check "Hospitalized" if subject was admitted to the Hospital as a result of injuries that were sustained as a result of force applied by officer(s).

Officer Injured: Check appropriate box (see above).

Extent of Treatment: Check appropriate box. Check none if officer was evaluated and no treatment was required. Specifically, check "Treated at Scene" if officer was treated at scene by EMS for injuries. Check "Treated at Hospital" if officer was transported to hospital for treatment of injuries. Check "Hospitalized" if officer was admitted to the Hospital as a result of injuries.

Other Force Used/Comments/Equipment Performance: This section can be used to document other force options not listed on the form; relevant comments about the incident such as complaints of pain/injury (room permitting) and negative/positive comments regarding equipment performance.

Mark Figure to Indicate Contact Points: When applicable, mark the areas on the figure where applied force contacted the subject's body.

Sergeant: Sign, list ARJIS number and date reviewed.

Lieutenant: Sign, list ARJIS number and date reviewed.

Captain: Sign, list ARJIS number and date reviewed.



San Diego County Sheriff's Department Officer Report

CAD Event No. **S9977479**Case No. **12122806**Report No. **7481****1**

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GENERAL CASE INFORMATION

Special Studies:		Related Cases:	
Location, City, State, ZIP: 10th St And Elm Ave, Imperial Beach, CA 91932		Occurred On: 5/6/2012 2:45:48 AM (Sunday)	
Jurisdiction: City of Imperial Beach - IMPERIAL BEACH	Beat: 702	Call Source:	(and Between):

INDIVIDUAL/S

Name: Buss, James Wallace		Person Code:		Interpreter Language:				
ALIAS / AKA / NICKNAME / MONIKER:								
Name Type: Moniker	First: Criminal	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP: (b)(5)(A)		Res. Country:		County Residence: R Resident	Undocumented:			
Race: H	Sex: M	Date of Birth / Age: (b)(5)(A) - 31	Height: 5' 11"	Weight: 150 lbs	Hair Color: BAL	Eye Color: BRO	Facial Hair: 05 - Goatee and Mustache	Complexion:
Employment Status: U - Unemployed	Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:				

CONTACT INFORMATION

Type: HP - Home Phone	Number/Address: (b)(5)(A)		
IDENTIFICATION:			
Type: DLN - Drivers License Number	Number: (b)(5)	State: CA - California	Country: US - UNITED STATES
Attire: White Shirt, Dark jeans, white Shoes	Injury: Yes	Extent Of Treatment: 4 - Hospitalized	Violent Crime Circumstances:
Subject Injury Description:			
Officer Injury Description:			

REPORT NARRATIVE**SYNOPSIS:**

On 05/06/12, at about 0245 hours, James Buss **(b)(5)(A)** was contacted for appearing to be under the influence of alcohol and/or drugs. Buss was staggering and had a sleepy lethargic appearance and had an odor of an alcoholic beverage. I asked Buss what his name was and he told me "Rick." I asked Buss his last name and he ran from me. I recognize Buss from prior contacts and I know Buss to be on CDC parole. I ordered Buss to stop and get on the ground but he continued to run. Buss was finally contacted on top of a roof at the corner of Elm Avenue and 10th Street. Buss fell from the roof top and force was used to affect the arrest.

I verified with Sheriff's Dispatch Buss' parole status and I was informed that Buss had an active warrant for a parole violation.

I placed Buss under arrest for 3056 PC-Parole Violation, 148(a)(1) PC- Resisting/Delaying a Peace Off., 647 (F) PC- Drunk In Public.

Buss was transported to Sharps Coronado Hospital for a complaint of pain to his left side torso. At the hospital two jail deputies relieved me of duties and later transported Buss to SDCJ for booking and processing.

ORIGIN:

On 05/06/12, at about 0245 hours, I was on uniformed patrol assigned to the Imperial Beach Station driving a marked patrol vehicle in full Sheriff's Uniform driving southbound on 10th Street towards Elm Avenue.

BACKGROUND:

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization IBS_PAT / IBS - Imperial Beach Station	Reviewed By SH4713 - RAND, MICHAEL
Report Date 5/6/2012 10:03:11 PM	Detective Assigned SH4661 - BRAVO JR, MIKE	Reviewed Date 5/7/2012 3:38:18 AM



San Diego County Sheriff's Department Officer Report

CAD Event No. **S9977479**

Case No. **12122806**

Report No. **7481**

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James Wallace Buss is currently on CDC Parole and has multiple priors [REDACTED]

INVESTIGATION:

I was currently on a radio call of involving several fights outside of the Crystal Cove bar on the Corner of 10th Street and Palm Avenue. While driving southbound on 10th Street towards Elm Avenue, I noticed three Hispanic males standing on the street corner; one of the Hispanic male appeared to be under the influence of alcohol and/or drugs. He was staggering and had a sleepy lethargic appearance. I believed that the three Hispanic males may have been either involved in a fight or trying to initiate one.

I pulled my vehicle near the curb and asked the three Hispanic males, what they were doing hanging out near the corner of 10th Street and Elm Avenue. All three Hispanic males said they're just hanging out. One of the Hispanic males later identified as James Wallace Buss by his name and date of birth, and whom I recognized by prior contacts, was swaying back and forth and his speech was slurred. I asked Buss what his name was and he looked left to right and then told me "Rick." I asked him "Rick" what? And again he looked left and right and ran away heading eastbound on Elm Avenue. I followed in car near him and told him to stop and get on the ground. At that moment I provided Dispatch my direction of travel and a clothing description of the Hispanic male running. I also advised dispatch that I believed the suspect to be James Buss who was on CDC Parole.

I chased after Buss demanding he stop, get on the ground and show me his hands. Buss ignored my commands and continued around to northbound 10th Street where he went into a driveway. I lost sight of Buss and searched the area. The other two Hispanic males stayed on the street corner and told me: "We don't know that guy!" The two Hispanic males stayed on the street corner while we continued to search the area for Buss.

A few moments later, Detective Chavez and Detective Barry located Buss on a one story rooftop at the corner of 10th Street and Elm Avenue. They demanded he get off the roof get on the ground and show his hands. I ran from the other side of the street to the southwest corner of 10th Street and noticed Buss fall from the roof and down to the ground. I ran to the other side of the fence where Detective Kerr was standing with his flash light demanding Buss to show his hands. When I made contact with Buss to grab his hands and cuff him, Buss took both of his hands and placed them under his torso towards his waist band.

Fearing that Buss may have had a concealed weapon in his waist band and was preparing to attack me with it, I placed my knee at the left side of his torso and grabbed onto his left arm. When I did I could feel that he was extremely tense and appeared as if he was ready to mount an attack. I then delivered two softening techniques with my fist to the side of his face and back. I demanded Buss show his hands and place them at the small of his back. Buss immediately responded to my force and yelled out: "Ok, Ok." I placed Buss in handcuffs and walked him back to my patrol vehicle. I asked Buss why he ran from me. Buss told me he did not know why he ran.

The force I used to affect the arrest was effective and allowed me to safely handcuff Buss. Based on my training and experience, If I would have not used force Buss could have turned over and attempted to attack myself or my partners, or tried to escape.

While walking Buss to my patrol vehicle, he complained of pain to his torso and had problems breathing. I asked Buss if he wanted me to call an ambulance and he told me "No" he would be fine. I then asked Buss if he wanted to go to the hospital and again he told me "No."

I conducted a wants and warrants check on Buss using Sheriff's Inquiry and they alerted me to Buss having an active Parole Violation Warrant. I verified Buss' identification using his California Identification card and the tattoo he has on his arm.

I placed Buss under arrest for 3056 PC-Parole Violation, 148(a)(1) PC- Resisting/Delaying a Peace Off., 647 (F) PC- Drunk In Public.

I then transported Buss to the Imperial Beach Station.

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization IBS_PAT / IBS - Imperial Beach Station	Reviewed By SH4713 - RAND, MICHAEL
Report Date 5/6/2012 10:03:11 PM	Detective Assigned SH4661 - BRAVO JR, MIKE	Reviewed Date 5/7/2012 3:38:18 AM



San Diego County Sheriff's Department Officer Report

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At the station, I advised Sergeant Rand of the force that I used and told him Buss was complaining of pain. Sgt Rand asked me to take photos of Buss' torso and again asked him if he wants to go to the hospital.

I took photos of Buss' torso and prepared his booking paperwork. I again asked Buss if he wanted to go to the hospital before going to jail. Buss told me "Yes." I transported Buss to Sharps Coronado.

At the hospital, the doctor informed me that Buss had three fractured ribs and a punctured lung. The hospital staff performed surgery on Buss and he was admitted to the hospital where he was later transported to UCSD Medical Center.

Buss made a spontaneous statement to me saying that he had last used methamphetamine about three days prior and that was the reason he absconded.

Two deputies from San Diego Central Jail (SDCJ) arrived on scene to guard Buss and later book him into county jail.

EVIDENCE:

I placed (1) CD containing digital photos into Imperial Beach Property and Evidence Locker.

INJURIES:

None.

PROPERTY DAMAGE:

None.

FOLLOW-UP:

As deemed necessary by the Detective Sergeant.

RELATED REPORTS:

None.

Reporting Officer SH7332 - MALENO HUERTA, JORGE	Division / Organization IBS_PAT / IBS - Imperial Beach Station	Reviewed By SH4713 - RAND, MICHAEL
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