



**RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
LAKE ELSINORE STATION**

333 Limited Avenue, Lake Elsinore, Ca. 92530

Chad Bianco Sheriff-Coroner

Inter-Departmental Memorandum

To: Captain Lujan via chain of command *[Signature]* **Date:** 07/01/2019
From: Sergeant Jeff Reese (ID #3484) *[Signature]*
Reference: Supervisor's Use of Force Memorandum WI191550050

Date and time of incident: Tuesday, June 5, 2019, at 2133 hours

Location of incident: 21355 Austin St, Wildomar

Personnel involved: Deputy Stokes #3656
Deputy Schmidt #4863
Deputy Verostek #4491
Deputy Chambers #5386

Type of force used: Tackled to ground, three punches thrown to face

Use of force:

Deputy Stokes was dispatched to a noise call at the above address. The reporting party advised the residents at the location had been blaring loud music for several hours. Deputy Stokes arrived and heard the loud music. Deputy Stokes walked to the rear yard of the property, where the music was coming from and located Kenneth Ciccarella, who had numerous empty beer bottles next to him. Deputy Stokes identified himself to Ciccarella and asked he turned the music down. Ciccarella refused and began cursing at Deputy Stokes telling Deputy Stokes to get off his property. Ciccarella flicked a lit cigarette at Deputy Stokes and stood up yelling at Deputy Stokes to get off his property. Deputy Stokes pulled out his baton as Ciccarella began advancing towards him. Ciccarella then charged at Deputy Stokes, at which time Deputy Stokes slipped and both Deputy Stokes and Ciccarella fell to the ground. As Deputy Stokes slipped he knocked a cellular telephone out of Ciccarella's hand with the baton. Deputy Stokes attempted to place Ciccarella into handcuffs but was unable to maintain control of him. Deputy Stokes radioed he was physical with a subject at which time Deputy Schmidt began responding to the location. Deputy Schmidt arrived minutes after being dispatched and saw Ciccarella handcuffed but continuing to struggle with Deputy Stokes, who was trying

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to stop Ciccarelli from moving. Deputy Stokes asked Deputy Schmidt for assistance as Deputy Stokes had injured his hand while struggling with Ciccarelli. Deputy Schmidt attempted to gain control of Ciccarelli, as he was continuing to actively resist, refusing to comply with commands. Ciccarelli was attempting to roll onto his side, when Deputy Schmidt grabbed Ciccarelli's hand in an attempt to gain his compliance. While Deputy Schmidt was attempting to gain Ciccarelli's compliance, Ciccarelli began shouting into the residence for his wife to bring his gun outside. Deputy Schmidt attempted to search Ciccarelli for weapons, when Ciccarelli grabbed Deputy Schmidt's left pinky finger and began bending it backwards. Deputy Schmidt yelled at Ciccarelli to let go of his pinky, but he refused. Deputy Schmidt punched Ciccarelli once in the face with his closed right fist in an attempt to get Ciccarelli to release Deputy Schmidt's pinky. Ciccarelli finally released Deputy Schmidt's pinky. Deputy Schmidt attempted to gain control of Ciccarelli who was again rolling onto his side and failing to comply with Deputy Schmidt's commands. Ciccarelli was able to grab Deputy Schmidt's left pinky finger twice more and bend it backwards, at which time Deputy Schmidt yelled at Ciccarelli to stop, Ciccarelli refused and was subsequently punched in the face two more times by Deputy Schmidt. While Deputy Schmidt was struggling with Ciccarelli, Ciccarelli would yell for his wife to grab his gun and bring it to him. As a result of being tackled to the ground and punched in the face, Ciccarelli suffered several facial fractures. CDF & AMR attempted to treat Ciccarelli on scene; however, he was belligerent with them and began kicking at Fire personnel and yelling towards them that he had a gun and was going to get it.

Medical Treatment:

Ciccarelli had been attempted to be seen by CDF and AMR on scene; however, he refused their assistance, and was then transported to Inland Valley Medical Center and Riverside University Health System by Deputy Verostek prior to being booked at Cois Byrd Detention Center.

Injuries:

Staff: Deputy Stokes suffered a sprained right wrist and was taken to Inland Valley Medical Center for treatment.

Suspect:

Photos of injuries:

Yes

BWC Video available:

Neither Deputy Stokes or Deputy Schmidt had a working BWC during this incident. Deputy Verostek did have a working BWC, but only captured transporting of Ciccarelli.

Supervisor's Recommendation:

There are no recommendations nor apparent training issues identified. This Use of Force was within policy.