

<input type="checkbox"/> GANG RELATED <input checked="" type="checkbox"/> ADULT ARREST <input type="checkbox"/> SUSPECT ONLY <input type="checkbox"/> JUVENILE ARREST <input type="checkbox"/> SUPPLEMENT TO ORG RPT	<b>TUSTIN POLICE DEPARTMENT</b> 300 CENTENNIAL WAY TUSTIN, CA 92780  <b>SUSPECT/ARRESTEE REPORT</b>	2 A <input type="checkbox"/> ACTIVE S <input type="checkbox"/> SUSPENDED R <input type="checkbox"/> RECORDS K <input type="checkbox"/> COURTESY  3 <input checked="" type="checkbox"/> FEL. <input type="checkbox"/> MISD.	4 CR# <div style="font-size: 24pt; text-align: center;">19-165</div> 5 REFER OTHER RPT#  6 PAGE
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CRIME	7 CODE SECTION <b>PC-148(a)(1)</b>	8 CRIME / INCIDENT TYPE <b>DELAY OFFICER</b>	9 PRIMARY-COUNTS <b>260700</b>	10 SECONDARY-COUNTS <b>180101</b>	11 OTHER-COUNTS <b>261107</b>	12 OTHER-COUNTS
	13 LOCATION OF CRIME/ARREST <b>1671 EL CAMINO REAL # 408</b>		14 DATE OF CRIME / ARREST <b>1-8-19</b>		15 TIME OF CRIME / ARREST <b>2017</b>	

VEHICLE	16 LICENSE # <b>PED</b>	17 STATE	18 VEHYR	19 MAKE	20 MODEL	21 BODY <input type="checkbox"/> UNK	1 <input type="checkbox"/> 2-DR	2 <input type="checkbox"/> 4-DR	3 <input type="checkbox"/> CONV	4 <input type="checkbox"/> P/U	5 <input type="checkbox"/> TRUCK	
	22 COLOR/COLOR		23 OTHER CHARACTERISTICS (i.e. T/C Damage, Unique Marks or Paint, etc.) <b>N/A</b>				24 DISPOSITION OF VEH					
	25 REGISTERED OWNER											

SUSPECT / JUVENILE	26 NAME (LAST, FIRST, MIDDLE) <b>NEERMAN, JOHNNATHON ALAN</b>	27 SEX <b>M</b>	28 RACE <b>WHT</b>	29 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	30 AKA	31 POB <b>CA</b>	32 HGT <b>6-00"</b>	33 WGT <b>170</b>	34 BUILD <input type="checkbox"/> 1 THIN <input checked="" type="checkbox"/> 2 MED <input type="checkbox"/> 3 HEAVY <input type="checkbox"/> 4 MUSCLR	35 HAIR <input type="checkbox"/> 0 UNK <input checked="" type="checkbox"/> 1 BRO <input type="checkbox"/> 2 BLK <input type="checkbox"/> 3 BLN <input type="checkbox"/> 4 RED <input type="checkbox"/> 5 GRAY <input type="checkbox"/> 6 S/P <input type="checkbox"/> 7 WHI <input type="checkbox"/> 8 OTH	36 EYES <input type="checkbox"/> 0 UNK <input checked="" type="checkbox"/> 1 BRO <input type="checkbox"/> 2 BLK <input type="checkbox"/> 3 BLU <input type="checkbox"/> 4 GRN <input type="checkbox"/> 5 HAZEL <input type="checkbox"/> 6 GRAY <input type="checkbox"/> 7 OTH	37 DI #	38 STATE
	39 RESIDENCE ADDRESS		40 ZIP CODE		41 RES. PHONE		42 CELL PHONE <b>N/A</b>						
	43 BUSINESS OR SCHOOL NAME AND ADDRESS		44 ZIP CODE		45 GRADE		46 BUS. PHONE						
	47 SSN #		48 OCCUPATION(S)		49 STATUS <input type="checkbox"/> 1 DRIVER <input checked="" type="checkbox"/> 2 PED <input type="checkbox"/> 3 PASS		50 BOOKING # <b>19-45</b>						
	51 CLOTHING <b>PLAD LONG SLEEVE, BLK PANTS, CONVERSE</b>		52 GANG AFFILIATION HOW KNOWN <b>UNK</b>		<input type="checkbox"/> 1 KNOWN <input type="checkbox"/> 2 SUSPECTED								

53 <b>AMOUNT OF HAIR</b> Q21	56 <b>HAIR STYLE</b> Q24	57 <b>FACIAL HAIR</b> Q25	60 <b>COMPLEXION</b> Q27
<input checked="" type="checkbox"/> 01 FULL HEAD OF HAIR <input type="checkbox"/> 02 THINNING <input type="checkbox"/> 03 RECEDING <input type="checkbox"/> 04 BALD <input type="checkbox"/> 05 UNKNOWN <input type="checkbox"/> 06 OTHER	<input type="checkbox"/> 01 REGULAR <input checked="" type="checkbox"/> 02 PART RIGHT <input type="checkbox"/> 03 PART LEFT <input type="checkbox"/> 04 PART CENTER <input type="checkbox"/> 05 STRAIGHT BACK <input type="checkbox"/> 06 COMBED FORWARD <input type="checkbox"/> 07 BUZZ JOB <input type="checkbox"/> 08 FLAT TOP <input type="checkbox"/> 09 STRAIGHT <input type="checkbox"/> 10 CURLY OR PERMED <input type="checkbox"/> 11 WAVY <input type="checkbox"/> 12 AFRO CLOSE <input type="checkbox"/> 13 AFRO FULL (1 INCH) <input type="checkbox"/> 14 PROCESSED (BLK ONLY) <input type="checkbox"/> 15 IN CORN ROWS <input type="checkbox"/> 16 WITH PONY TAIL <input type="checkbox"/> 17 WITH TAIL <input type="checkbox"/> 18 IN BRAIDS <input type="checkbox"/> 19 NEW WAVE <input type="checkbox"/> 20 PUNK <input type="checkbox"/> 21 UNKNOWN <input type="checkbox"/> 22 OTHER <input type="checkbox"/> 23 SHAVED <input type="checkbox"/> 24 FADE <input type="checkbox"/> 25 MULLET	<input checked="" type="checkbox"/> 01 CLEAN SHAVEN <input type="checkbox"/> 02 MUSTACHE-THIN <input type="checkbox"/> 03 MUSTACHE-THICK <input type="checkbox"/> 04 UNSHAVEN <input type="checkbox"/> 05 FEW DAYS GROWTH <input type="checkbox"/> 06 SHORT BEARD <input type="checkbox"/> 07 LONG BEARD <input type="checkbox"/> 08 UNKEMPT BEARD <input type="checkbox"/> 09 SIDEBURNS <input type="checkbox"/> 10 FUMANCHU <input type="checkbox"/> 11 GOATEE <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER <input type="checkbox"/> 14 VAN DYKE	<input checked="" type="checkbox"/> 01 LIGHT / FAIR <input type="checkbox"/> 02 MEDIUM <input type="checkbox"/> 03 DARK <input type="checkbox"/> 04 TAN <input type="checkbox"/> 05 SUNBURNED <input type="checkbox"/> 06 FRECKLED <input type="checkbox"/> 07 OLIVE <input type="checkbox"/> 08 RUDDY <input type="checkbox"/> 09 ACNE/POCKED <input type="checkbox"/> 10 WEATHERED <input type="checkbox"/> 11 WRINKLED <input type="checkbox"/> 12 ALBINO <input type="checkbox"/> 13 UNKNOWN <input type="checkbox"/> 14 OTHER
54 <b>HAIR LENGTH</b> Q22		58 <b>R/L HANDED</b> Q26	61 <b>GLASSES</b> Q28
<input checked="" type="checkbox"/> 01 VERY SHORT <input checked="" type="checkbox"/> 02 SHORT <input type="checkbox"/> 03 REGULAR <input type="checkbox"/> 04 OVER COLLAR <input type="checkbox"/> 05 OVER SHOULDERS <input type="checkbox"/> 06 LONG <input type="checkbox"/> 07 UNKNOWN <input type="checkbox"/> 08 OTHER		<input checked="" type="checkbox"/> 01 RIGHT HANDED <input type="checkbox"/> 02 LEFT HANDED <input type="checkbox"/> 03 UNKNOWN	<input type="checkbox"/> 01 YES BUT NO DESCR. <input type="checkbox"/> 02 PRESCRIPTION <input type="checkbox"/> 03 SUN GLASSES <input type="checkbox"/> 04 PLASTIC FRAME - COLOR <input type="checkbox"/> 05 WIRE FRAME <input type="checkbox"/> 06 CONTACTS <input checked="" type="checkbox"/> 07 NONE <input type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 OTHER
55 <b>HAIR CONDITION</b> Q23		59 <b>MIRANDA ADVISEMENT</b>	
<input checked="" type="checkbox"/> 01 CLEAN <input type="checkbox"/> 02 DIRTY <input type="checkbox"/> 03 GREASY <input type="checkbox"/> 04 MATTED <input type="checkbox"/> 05 ODOR <input type="checkbox"/> 06 OTHER		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DATE/TIME: <b>1-8-19/</b>	

62 DISPOSITION: ADULT ARRESTEE <input type="checkbox"/> 849b1	<input type="checkbox"/> DETOX <input type="checkbox"/> RELSD O.R. <input checked="" type="checkbox"/> BOOKED O.C.J.	63 <input type="checkbox"/> MISD. ARR / CITE / RELEASE CITATION #
64 TRANSPORTED BY:	65 DATE/TIME	66 <input checked="" type="checkbox"/> FINGERPRINTED <b>OCJ</b>
67 <input checked="" type="checkbox"/> PHOTOGRAPHED <b>OCJ</b>	68 REPORTING OFFICER / ID NO. <b>J. SMITH #1270</b>	69 DATE <b>1-8-19</b>
70 APPROVED BY / ID NO. <b>WELDG #1081</b>	71 DATE <b>1/9/19</b>	

72 CR # 19-165

<p><b>73 SPEECH</b> <span style="float:right">Q29</span></p> <p><input type="checkbox"/> 01 NORMAL</p> <p><input type="checkbox"/> 02 LISP</p> <p><input type="checkbox"/> 03 SLURRED</p> <p><input type="checkbox"/> 04 STUTTER</p> <p><input type="checkbox"/> 05 DEEP</p> <p><input type="checkbox"/> 06 HIGH PITCHED</p> <p><input checked="" type="checkbox"/> 07 SOFT</p> <p><input type="checkbox"/> 08 UNKNOWN OR NOT HEARD</p> <p><input type="checkbox"/> 09 OTHER _____</p>	<p><b>75 TEETH</b> <span style="float:right">Q31</span></p> <p><input type="checkbox"/> 01 BRACES</p> <p><input type="checkbox"/> 02 BUCKED</p> <p><input type="checkbox"/> 03 CHIPPED</p> <p><input type="checkbox"/> 04 MISSING</p> <p><input type="checkbox"/> 05 CROOKED</p> <p><input type="checkbox"/> 06 GOLD / SILVER CAPPED</p> <p><input checked="" type="checkbox"/> 07 STAINED</p> <p><input type="checkbox"/> 08 NORMAL TEETH</p> <p><input type="checkbox"/> 09 UNKNOWN</p> <p><input type="checkbox"/> 10 OTHER _____</p>	<p><b>77 UNIQUE CLOTHING</b> <span style="float:right">Q33</span></p> <p><input type="checkbox"/> 01 BEACH CLOTHES</p> <p><input type="checkbox"/> 02 TRANSIENT</p> <p><input type="checkbox"/> 03 CONSTRUCTION</p> <p><input type="checkbox"/> 04 GANG STYLE</p> <p><input type="checkbox"/> 05 PUNK</p> <p><input type="checkbox"/> 06 MILITARY</p> <p><input type="checkbox"/> 07 OTHER UNIFORM</p> <p><input type="checkbox"/> 08 WELL DRESSED</p> <p><input checked="" type="checkbox"/> 09 NORMAL DAY CLOTHES</p> <p><input type="checkbox"/> 10 HAT</p> <p><input type="checkbox"/> 11 SKI MASK</p> <p><input type="checkbox"/> 12 STOCKING MASK</p> <p><input type="checkbox"/> 13 UNKNOWN</p> <p><input type="checkbox"/> 14 OTHER _____</p>	<p><b>78 WEAPON TYPE</b> <span style="float:right">Q34</span></p> <p><input type="checkbox"/> 01 HANDS</p> <p><input type="checkbox"/> 02 FEET</p> <p><input type="checkbox"/> 03 CLUB</p> <p><input type="checkbox"/> 04 MARTIAL ARTS</p> <p><input type="checkbox"/> 05 BASEBALL BAT</p> <p><input type="checkbox"/> 06 NUNCHUKU</p> <p><input type="checkbox"/> 07 OTHER STRIKING OBJECT</p> <p><input type="checkbox"/> 08 KNIFE</p> <p><input type="checkbox"/> 09 BOTTLE</p> <p><input type="checkbox"/> 10 SIMULATED FIREARM</p> <p><input type="checkbox"/> 11 TOY GUN</p> <p><input type="checkbox"/> 12 HANDGUN</p> <p><input type="checkbox"/> 13 RIFLE / SHOTGUN</p> <p><input checked="" type="checkbox"/> 14 NONE</p> <p><input type="checkbox"/> 15 UNKNOWN</p> <p><input type="checkbox"/> 16 OTHER _____</p>
<p><b>74 ACCENT</b> <span style="float:right">Q30</span></p> <p><input checked="" type="checkbox"/> 01 US NORMAL</p> <p><input type="checkbox"/> 02 US SOUTHERN</p> <p><input type="checkbox"/> 03 US EAST COAST</p> <p><input type="checkbox"/> 04 BLACK SLANG</p> <p><input type="checkbox"/> 05 SPANISH</p> <p><input type="checkbox"/> 06 ASIAN</p> <p><input type="checkbox"/> 07 EUROPEAN</p> <p><input type="checkbox"/> 08 MIDDLE EAST</p> <p><input type="checkbox"/> 09 JAMAICAN</p> <p><input type="checkbox"/> 10 UNKNOWN OR NOT HEARD</p> <p><input type="checkbox"/> 11 OTHER _____</p>	<p><b>76 SCARS, MARKS, OR TATTOOS</b> <span style="float:right">Q32</span></p> <p><input type="checkbox"/> 01 FACE _____</p> <p><input type="checkbox"/> 02 TEETH _____</p> <p><input type="checkbox"/> 03 NECK _____</p> <p><input type="checkbox"/> 04 RIGHT ARM _____</p> <p><input type="checkbox"/> 05 LEFT ARM _____</p> <p><input type="checkbox"/> 06 RIGHT HAND _____</p> <p><input type="checkbox"/> 07 LEFT HAND _____</p> <p><input type="checkbox"/> 08 RIGHT LEG _____</p> <p><input type="checkbox"/> 09 LEFT LEG _____</p> <p><input type="checkbox"/> 10 RIGHT SHOULDER _____</p> <p><input type="checkbox"/> 11 LEFT SHOULDER _____</p> <p><input checked="" type="checkbox"/> 12 FRONT TORSO <u>"1503"</u></p> <p><input type="checkbox"/> 13 BACK TORSO _____</p> <p><input type="checkbox"/> 14 MISSING FINGERS _____</p> <p><input type="checkbox"/> 15 MISSING LIMBS _____</p> <p><input type="checkbox"/> 16 UNKNOWN</p> <p><input type="checkbox"/> 17 OTHER _____</p>	<p><b>79 FIREARM DETAIL</b> <span style="float:right">Q35</span></p> <p><input type="checkbox"/> 01 BLUE STEEL</p> <p><input type="checkbox"/> 02 CHROME / NICKEL</p> <p><input type="checkbox"/> 03 REVOLVER</p> <p><input type="checkbox"/> 04 AUTOMATIC</p> <p><input type="checkbox"/> 05 DERRINGER</p> <p><input type="checkbox"/> 06 PUMP</p> <p><input type="checkbox"/> 07 BOLT ACTION</p> <p><input type="checkbox"/> 08 DOUBLE BARREL</p> <p><input type="checkbox"/> 09 OVER-UNDER</p> <p><input type="checkbox"/> 10 DISGUISED FIREARM</p> <p><input type="checkbox"/> 11 SAWED OFF</p> <p><input type="checkbox"/> 12 ALTERED STOCK</p> <p><input checked="" type="checkbox"/> 13 NONE</p> <p><input type="checkbox"/> 14 UNKNOWN</p> <p><input type="checkbox"/> 15 OTHER _____</p>	

**- JUVENILES ONLY -**

80 FATHER (LAST, FIRST, MIDDLE)	81 OCCUPATION	82 D.O.B.	83 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	84 DATE	85 TIME
86 RESIDENCE ADDRESS	87 CITY	88 ZIP CODE	89 RES. PHONE ( )	90 CELL PHONE ( )	
91 BUSINESS ADDRESS	92 CITY	93 ZIP CODE	94 BUS. PHONE ( )		
95 MOTHER (LAST, FIRST, MIDDLE)	96 OCCUPATION	97D.O.B.	98 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	99 DATE	100 TIME
101 RESIDENCE ADDRESS	102 CITY	103 ZIP CODE	104 RES. PHONE ( )	105 CELL PHONE ( )	
106 BUSINESS ADDRESS	107 CITY	108 ZIP CODE	109 BUS. PHONE ( )		
110 STEP FATHER (LAST, FIRST, MIDDLE)	111 OCCUPATION	112 D.O.B.	113 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	114 DATE	115 TIME
116 RESIDENCE ADDRESS	117 CITY	118 ZIP CODE	119 RES. PHONE ( )	120 CELL. PHONE ( )	
121 BUSINESS ADDRESS	122 CITY	123 ZIP CODE	124 BUS. PHONE ( )		
125 STEP MOTHER (LAST, FIRST, MIDDLE)	126 OCCUPATION	127 D.O.B.	128 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	129 DATE	130 TIME
131 RESIDENCE ADDRESS	132 CITY	133 ZIP CODE	134 RES. PHONE ( )	135 CELL PHONE ( )	
136 BUSINESS ADDRESS	137 CITY	138 ZIP CODE	139 BUS. PHONE ( )		
140 LEGAL GUARDIAN (LAST, FIRST, MIDDLE)	141 OCCUPATION	142 D.O.B.	143 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	144 DATE	145 TIME
146 RESIDENCE ADDRESS	147 CITY	148 ZIP CODE	149 RES. PHONE ( )	150 CELL PHONE ( )	
151 BUSINESS ADDRESS	152 CITY	153 ZIP CODE	154 BUS. PHONE ( )		
155 DISPOSITION: JUVENILE (MUST BE COMPLETED)					
<input type="checkbox"/> RELEASED TO PARENT <input type="checkbox"/> DETAINED JUVENILE HALL-PARENT NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YOUTH SHELTER HOME <input type="checkbox"/> UNABLE TO LOCATE PARENT <input type="checkbox"/> PARENT REFUSED CUSTODY					
156 FOLLOW UP: (MUST BE COMPLETED)					
<input type="checkbox"/> NO FOLLOW UP REQUIRED <input type="checkbox"/> FOLLOW UP REQUIRED <input type="checkbox"/> DIVERSION <input type="checkbox"/> PETITION <input type="checkbox"/> INFORMAL COUNSEL					
157 REPORTING OFFICER / ID NO.	158 DATE	159 APPROVED BY / ID NO.		160 DATE	
<u>J SMITH #1270</u>	<u>1-8-19</u>				

TUSTIN POLICE DEPARTMENT  
CRIME REPORT  
CR-19-0165

**Synopsis:** Conducted a parole search at a motel room. Pursuant to the subject's parole condition, I attempted to conduct a search of his person. The subject resisted by trying to pull away from me. During a struggle, a carotid restraint was applied and the subject was rendered unconscious. Narcotics were located on the subject and he was later booked at Orange County Jail on a Parole violation and possession of a controlled substance

**Suspect:** JOHNATHON NIERMAN (DOB [REDACTED])  
**Crimes:** H&S 11350(a)-Possession of a controlled substance  
CPC 148(a)(1)- Resisting an Officer

**\*\*\*Captured on WatchGuard Body Camera\*\*\***

I began my training to become a Police Officer at the Los Angeles County Sheriff's Department in June of 2012. After completing the Police Academy in October of 2012 I began my career as a Police Officer with the Los Angeles County Sheriff's Department. I have received approximately 60 total hours of drug training between the Police Academy and the present day. This training includes an H&S 11550 – Under the influence class taught by Deputy Sanford of the Los Angeles County Sheriff's Department and Enhanced Drug Identification taught by Public Safety Alliance. I have made and assisted in approximately 100 drug related arrests, the bulk of which have dealt with Methamphetamine and its related paraphernalia. I am currently assigned to the Gang Reduction and Directed Enforcement Unit (GRADE).

*To be noted: Throughout this investigation, I was wearing my Tustin Police Department body worn camera and driving a TPD police car unit 837 with an in-car camera. This report is based on my independent recollection, without review of the BWC or in-car camera footage associated with this incident. The following interviews are summaries of statements given to me by the parties involved in this report. They are not intended to be verbatim unless indicated by quotation marks. Statements made that are not pertinent to this report have been omitted.*

On 01/08/2019, I was working uniform patrol in a marked vehicle in the city of Tustin, County of Orange. At 2017 hours, I conducted a parole check on JOHNATHON NIERMAN (DOB [REDACTED]) who was staying at the Key Inn/Lodge Motel room #408. The Key Inn Motel has a reputation for criminal activity such as narcotics, prostitution and stolen vehicles. The Key Inn is a haven for probationers and parolees to congregate.

**TUSTIN POLICE DEPARTMENT**  
**CRIME REPORT**  
**CR-19-0165**

Room 408 is located on the second floor of 1671 El Camino Real (Key Lodge). The door and window to the room both face west. The window curtains were partially opened and I was able to see NIERMAN standing in the room and I was able to confirm his identity with his CDC parole photograph I obtained through law enforcement databases.

NIERMAN'S criminal history includes violent crimes such as robbery, firearm possession and assault with a deadly weapon.

I knocked on the door and NIERMAN answered the door. I confirmed with NIERMAN his name and inquired if he was on parole. NIERMAN stated "Yea I am." I attempted to place NIERMAN'S hands behind his back to perform a search of his person pursuant to his parole status. I grabbed NIERMAN'S left hand and placed it behind his back. I could see NIERMAN had an unknown object concealed in his right hand which was clinched.

As I attempted to place NIERMAN'S right hand behind his back, NIERMAN pulled his hand away from and attempted to pull his left hand free from my grasp. Fearing NIERMAN was trying to destroy evidence or reach for a weapon, I pulled NIERMAN'S left arm back towards me. NIERMAN continued to struggle with me. I gave NIERMAN numerous opportunities to stop resisting by telling him not to move. I felt NIERMAN'S body became tense and rigid as we fell on the bed in the room.

Due to the size of the room, NIERMAN'S behavior becoming more violent as I attempted to restrain him, his past history of violence and the unknown object in his right hand, I placed a carotid restraint hold on NIERMAN. I asked NIERMAN if he gave up and at this time, Officer Wilson informed me NIERMAN was rendered unconscious. When NIERMAN'S body became limp, I observed what appeared to be narcotics fall out of his hand.

At this time, NIERMAN was handcuffed and placed into a recovery position until he regained consciousness. I notified Sgt. Welde to respond as well as OCFA. After NIERMAN regained consciousness, he refused treatment offered by OCFA.

NIERMAN was placed under arrest at this time and transported to TPD for the booking process by Detective Gonzalez.

I collected the narcotics that fell from NIERMAN'S hand. The narcotics were four white oval pills. The pills were imprinted with "N 356" on one side and the number "5" on the other side. Using a pill identifier application, I identified the pills as Hydrocodone, which

**TUSTIN POLICE DEPARTMENT  
CRIME REPORT  
CR-19-0165**

belongs to the drug class narcotic analgesic drug classification and is classified as a schedule 2 controlled substance.

I searched the room for a prescription bottle with hydrocodone with NIERMAN'S name of it but was unable to locate one.

At TPD, I read NIERMAN his Miranda Rights from my department issued card. NIERMAN refused to answer any questions and remained silent. I took this as a refusal and asked NIERMAN no further questions.

I was contacted by NIERMAN'S Parole Agent, Agent Cupchoy who issued a parole hold on NIERMAN, contacted me.

I booked the pills in TPD property lockers as evidence.

NIERMAN was later booked at Orange County Jail.

I request the Orange County District Attorney's Office file the following charges against JOHNATHON NIERMAN:

- H&S 11350(a)- Possession of controlled substance
- CPC 148(a)(1)- Resisting and Delaying an Officer

PROPERTY REPORT

**TUSTIN  
POLICE DEPARTMENT**

ORIG  
 SUPP

1 CR# **19-165**  
2 REFER OTHER REPORTS

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
<b>S</b>	<b>NIERMAN JONATHAN</b>		

PROP. CODES	D=DISPOSAL REQ. E=EVIDENCE F=FOUND	SK=SAFEKEEPING L=LOST	R=RECOVERED S=STOLEN S/R=STOLEN/RECOV.	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W & I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> D.V./12028.5 PC	LOC. CODES	C=CAGE F=FREEZER L=LOCKER #	R=REFRIGERATOR H=HAZ.MAT. V=VICTIM RETAINED

ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
<b>1</b>	<b>E</b>	<b>4</b>	<b>HYDROCODONE PILLS</b>				
	10 COLOR(S)	11-DESCRIPTION					
	<b>WHITE</b>	<b>(4) HYDROCODONE PILLS</b>					

GUN TYPE	<input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other	CATEGORY	<input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver	CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo		<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other	
12 PREMISE / AREA / ROOM TAKEN FROM		13 SOURCE:	14 CURRENT LOCATION	15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
<b>HAND</b>			<b>#22</b>	

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
	23 COLOR(S)		24 DESCRIPTION				

GUN TYPE	<input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other	CATEGORY	<input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver	CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo		<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other	
25 PREMISE / AREA / ROOM TAKEN FROM		26 SOURCE:	27 CURRENT LOCATION	28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
	36 COLOR(S)		37 DESCRIPTION				

GUN TYPE	<input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other	CATEGORY	<input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver	CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo		<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other	
38 PREMISE / AREA / ROOM TAKEN FROM		39 SOURCE:	40 CURRENT LOCATION	41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
	49 COLOR(S)		50 DESCRIPTION				

GUN TYPE	<input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other	CATEGORY	<input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver	CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo		<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other	
51 PREMISE / AREA / ROOM TAKEN FROM		52 SOURCE:	53 CURRENT LOCATION	54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
	62 COLOR(S)		63 DESCRIPTION				

GUN TYPE	<input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other	CATEGORY	<input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver	CALIBER: BARREL LENGTH:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo		<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other	
64 PREMISE / AREA / ROOM TAKEN FROM		65 SOURCE:	66 CURRENT LOCATION	67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	<input type="checkbox"/> RECEIPT MAILED	<input type="checkbox"/> REFUSED	PG OF
<b>WILSON T</b>	<b>1276</b>	<b>1/8/19</b>				

01/08/19 20:58:04

TUSO 5303

N ZAQ 015

ADNU CRNO OCJO TUSO BMNT

COUNTY: ORANGE

MNEMONIC: OCJO, TUSO

TO: ORANGE COJ, TUSTIN PD

ATTN: OFFICER SMITH #1270

\*\*\*\*\* CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION,  
SACRAMENTO\*\*\*\*\*

TEXT: \*\*\*\*\*HOLD\*\*\*\*\*NO BAIL\*\*\*\*\*HOLD\*\*\*\*\*NO BAIL\*\*\*\*\*

NAME: NIERMAN, JOHNATHON

CDC#: AH3050

DOB: [REDACTED]

DESC: WHITE M 6'0" 170 BROWN BROWN

CASE#: 190165

REG/UNIT: PAR SOUTH/FULLER

CHARGE: RESISTING PEACE OFFICER, POSS NARCOTICS

ARREST DATE: 01/08/2019

HOLD/DISCOVERY DATE: 01/08/2019

ARRESTING AGENCY: TUSTIN PD

AGENT: ALMAZAN, ARTHUR

UNIT: HTPKGPS

REGION: PAR SOUTH

THIS IS AUTHORIZATION FOR THE DETAINING AGENCY, COUNTY OR SHERIFFS DEPARTMENT  
AND ANY PEACE OFFICER IN THE STATE OF CALIFORNIA TO ARREST AND BOOK PER 3056  
P.C. AND TRANSPORT TO THE COUNTY JAIL.

REFER: JERRY POWERS, DIRECTOR      DAPO-HQ      916-324-2891

REPLY: CRNO

INT: BONILLA, ELENI

DATE: 01/08/2019 20:59

MSG: 22141325

E BONILLA

20190108      OPERATOR:

TO:

ATTENTION: JAILER

RE: CDCR-WARRANT UNIT

CA034105G

*[Handwritten signature]*

## n 356 5 (Acetaminophen and Hydrocodone Bitartrate 325 mg / 5 mg)

Pill with imprint n 356 5 is White, Capsule-shape and has been identified as Acetaminophen and Hydrocodone Bitartrate 325 mg / 5 mg. It is supplied by Novel Laboratories, Inc..

Acetaminophen/hydrocodone is used in the treatment of **back pain; pain; cough; rheumatoid arthritis** and belongs to the drug class **narcotic analgesic combinations**. Risk cannot be ruled out during pregnancy. Acetaminophen/hydrocodone 325 mg / 5 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).

### Images for n 356 5



#### Acetaminophen and Hydrocodone Bitartrate

**Imprint:** n 356 5  
**Strength:** 325 mg / 5 mg  
**Color:** White  
**Shape:** Capsule-shape  
**Availability:** Prescription only

**Drug Class:**  
Narcotic analgesic combinations

**Pregnancy Category:**  
C - Risk cannot be ruled out

**CSA Schedule:**  
2 - High potential for abuse

**Labeler / Supplier:**  
Novel Laboratories, Inc.

**National Drug Code (NDC):**  
40032-0356

### Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

Medical Temp. No: 1083454

ORANGE COUNTY JAIL  
Santa Ana, California

- EXPEDITE BOOKING
- MEDICAL BOOKING
- NORMAL BOOKING
- PRE-BOOKING RECORD

FOR JAIL USE ONLY

PLEASE PRINT OR TYPE

BOOKING NUMBER <u>3095678</u>	RECEIVING OFFICER <u>[Signature]</u>	DATE <u>01.08.19/2017</u>	SUPPLEMENTAL WARRANTS <u>YES</u>	HOW MANY <u>1</u>
BKG STATUS	<input checked="" type="checkbox"/> STREET BOOKING <u>M</u>	<input type="checkbox"/> WARRANT	<input type="checkbox"/> COURT ORDER	<input type="checkbox"/> OTHER (SPECIFY)
	<input type="checkbox"/> COMMITMENT			

TO BE COMPLETED BY ARRESTING OR TRANSPORTING OFFICER

PLEASE FILL IN ALL OF THE BOXES BELOW THIS LINE PRIOR TO SUBMITTING TO THE RECEIVING GUARD STATION

ARRESTING AGENCY <u>TUSTIN</u>	OCSD AREA OR CONTRACT CITY <u>NIERMAN, JOHNA</u>	AGENCY CASE <u>19-165</u>	DATE & TIME ARRESTED <u>1/8/2019 / 2017</u>
NAME: LAST <u>NIERMAN</u>	FIRST <u>JOHNATHON</u>	MIDDLE <u>JOHANNATHON</u>	<u>ALAN</u>
SEX <u>M</u>	RACE <u>W</u>	HEIGHT <u>6</u>	WEIGHT <u>170</u>
HAIR <u>BRO</u>	EYES <u>BRO</u>	STATE & COUNTRY OF BIRTH <u>ORANGE / USA</u>	CITIZENSHIP <u>USA</u>

AKA [REDACTED]

JURISDICTION <u>4th COE</u>	WARRANT OR CASE NUMBER	BAIL <u>2500</u>
--------------------------------	------------------------	---------------------

CHARGE 1 <u>CPC 148(a)(1)</u>	CHARGE 4
CHARGE 2 <u>H&amp;S 11350(a)</u>	CHARGE 5
CHARGE 3	CHARGE 6

**DNA**

DNA COLLECTED BY OFFICER  PREVIOUSLY COLLECTED  NOT COLLECTED (EXPLAIN BELOW)

EXPLAIN WHY DNA WAS NOT COLLECTED

OCCUPATION <u>NONE</u>	MARITAL STATUS <u>S</u>	TELEPHONE NO. <u>NONE</u>
---------------------------	----------------------------	------------------------------

SCARS, MARKS, TATTOOS, AMPS  
BACK - DEVIL, WARDEN GIRLS, W/ BOOT W/ ROY LINES

[REDACTED]

NEXT OF KIN: NAME <u>NO ONE</u>	RELATIONSHIP	TELEPHONE NO.
------------------------------------	--------------	---------------

ADDRESS	CITY	STATE	ZIP
---------	------	-------	-----

ARRESTEE EMPLOYER NAME	BUSINESS ADDRESS
------------------------	------------------

OFFICER'S ADDITIONAL INFORMATION - CHECK BOS IF YOU BELIEVE THE ARRESTEE WILL REQUIRE MEDICAL ATTENTION OR SPECIAL MANAGEMENT.

MEDICAL (ILL OR INJURED)  MENTAL  INTOXICATED  PROTECTIVE CUSTODY  HIGH SECURITY

EXPLAIN

ARRESTING OFFICER <u>SMITH</u>	ID # <u>1270</u>	MANDATORY FOREIGN CONSULAR NOTIFICATION MADE PER CPC 834c <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
-----------------------------------	------------------	--

PERMISSION TO USE TELEPHONE AFTER ARREST (Pursuant to Penal code Section 851.5)

I have been given the opportunity to make three (3) FREE telephone calls within the LOCAL DIALING area, or at MY OWN EXPENSE IF OUTSIDE the Local dialing area. If I am a custodial parent with responsibility for a minor child, I have been given the opportunity to make two (2) additional FREE telephone calls within the local dialing area, or at MY OWN EXPENSE IF OUTSIDE the local dialing area, for the purpose of arranging for the care of my minor child(ren) in my absence.

Telephone calls DESIRED 0 RECORD OF TELEPHONE CALLS: Telephone calls COMPLETED 0

CUSTODIAL PARENT Telephone calls DESIRED \_\_\_\_\_ CUSTODIAL PARENT Telephone calls COMPLETED \_\_\_\_\_

Location TUSTIN PD Date 1-8-19 Time 2108

Witnessing Officer SMITH ID # 1270 Agency TUSTIN

SIGNATURE H/C



**CRIME SUMMARY INFORMATION,  
PROBABLE CAUSE DECLARATION AND BAIL SETTING INFORMATION**

STATUS: **APPROVED**

TRACKING NO.: 130941

IRC BOOKING NO.:

ARRESTEE (LAST, FIRST, MIDDLE) <b>NIERMAN, JOHNATHON, ALAN</b>		AGENCY BOOKING NO. <b>19-45</b>	DR NO. <b>19-0165</b>
ADDRESS (RESIDENCE) <b>NONE, CA, USA</b>		D.O.B. [REDACTED]	AGE <b>36</b>
			SEX <b>M</b>
BOOKING CHARGE(S) <b>H&amp;S 11350(A0 CPC 148(A)(1)</b>		SUPPLEMENTARY HOLDS <input checked="" type="checkbox"/> PAROLE HOLD <input type="checkbox"/> PROBATION HOLD <input type="checkbox"/> OUTSTANDING WARRANT <input type="checkbox"/> INS HOLD <input type="checkbox"/> OTHER	
DATE/TIME OF ARREST <b>2019-01-08 20:17:00</b>	EXPIRY <b>48 HR-EXP</b>	EXPIRY DATE/TIME <b>2019-01-10 20:17:00</b>	
ARRESTING AGENCY <b>TUPD</b>	STATION	ARRESTING OFFICER(S) <b>SMITH, J., 1270</b>	
CRIME LOCATION <b>TUSTIN, COUNTY OF ORANGE</b>			
FACTS ESTABLISHING ELEMENTS OF CRIME AND IDENTIFICATION OF ARRESTEE <b>ON THE INDICATED DATE AND TIME I WAS WORKING UNIFORM PATROL IN A MARKED UNIT IN THE CITY OF TUSTIN COUNTY OF ORANGE. I CONDUCTED A PAROLE SEARCH AT A MOTEL. THE SUBJECT ANSWERED THE DOOR AND WHEN I TRIED TO CONDUCTED A SEARCH OF HIS PERSON THE SUBJECT TRIED TO PULL AWAY AND TURN ON ME. I APPLIED A CAROTID HOLD ON THE SUBJECT. THE SUBJECT CONTINUED TO RESIST WHILE STANDING THE SUBJECT WAS BROUGHT TO THE GROUND AND THE HOLD WAS APPLIED SUCCESSFULLY. WHEN THE SUBJECT WAS ON THE GROUND HE HAD 4 PILLS IN HIS RIGHT HAND. USING A PILL IDENTIFIER THE PILLS WERE HYDROCODONE. THE SUBJECT DID NOT HAVE A PRESCRIPTION FOR THE PILLS. THE SUBJECT'S PAROLE AGENT WAS CONTACTED AND PAROLE HOLD WAS GRANTED.</b>			
<input type="checkbox"/> PAS/BREATH SCREEN	1) WEAPON DESCRIPTION		
2) VICTIM'S AGE	VICTIM'S INJURIES		
3) VALUE OF PROPERTY LOSS \$	TYPE OF PROPERTY		
4) NARCOTIC TYPE AND QUANTITY	5) NARCOTIC WHOLESALE VALUE	NARCOTIC STREET VALUE	
6) PRESUMPTIVE TEST FOR: (POSITIVE Y/N)			
I DECLARE UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY INFORMATION AND BELIEF.			
EXECUTED ON DATE/TIME <b>2019-01-08 21:37:01</b>	AT ORANGE COUNTY, CALIFORNIA BY <b>SMITH, JAVON</b>		BADGE # <b>1270</b>
ON THE BASIS OF <input checked="" type="checkbox"/> THE OFFICER'S DECLARATION <input type="checkbox"/> REPORTS REVIEWED, I HEREBY DETERMINE THAT THERE <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT PROBABLE CAUSE TO BELIEVE THIS ARRESTEE HAS COMITTED A CRIME			
DATE/TIME <b>2019-01-08 21:49:58</b>	SIGNATURE OF HEARING OFFICER <b>GEORGE, STEPHANIE</b>		

# PROPERTY INVENTORY RECEIPT

THIS FORM MUST BE COMPLETED ON ALL ORANGE COUNTY JAIL BOOKINGS.

SHADED AREAS ARE FOR I.R.C. USE ONLY

I.R.C. BOOKING NUMBER: 95619

DATE/TIME: 12/17/20

NAME: STERNAN JONATHAN ALAN  
LAST FIRST MIDDLE

DOB: [REDACTED]

ARRESTING AGENCY: TUSTIN COURT: COE ARRESTING OFFICER: S. SMITH #1230

MONEY: \$ 0

RECEIVED: \$ 0

RECEIVED BY: DO 10724

This form is to be completed in the presence of the arrestee. List all items by amount and color. If property is not removed, indicate RETAINED in the appropriate box. List jewelry by either yellow or white metal, indicate color of stones only. Complete even if NO PROPERTY is received.

	VERIFIED/IRC	YELLOW METAL	WHITE METAL	VERIFIED/IRC
BELT				
KNIFE				
CHECKBOOK	<u>N/A</u>			
BILLFOLD				
GLASSES				
KEYS				
WATCH				
EARRINGS				
CHARMS				
CHECKS				
BRACELET				
RINGS				
NECK CHAIN				
LIGHTER				

MISCELLANEOUS PROPERTY (Bulk property will NOT be accepted):

NO PROPERTY

PROPERTY RELEASED: \_\_\_\_\_

RELEASED TO: \_\_\_\_\_ PRINT NAME/SIGNATURE DATE/TIME: \_\_\_\_\_

ITEMS RETAINED BY ARRESTING AGENCY, (EVIDENCE OR SAFEKEEPING): \_\_\_\_\_

INVENTORY OFFICER: GONZALEZ AGENCY: TUSTIN COURT: COE  
SIGNATURE & BADGE #: [Signature] # 1231 DATE/TIME: 12-17-2020

I HAVE REVIEWED THIS INVENTORY AND IT ACCURATELY REFLECTS THE PROPERTY IN MY POSSESSION AT THIS TIME.

ARRESTEE'S SIGNATURE: \_\_\_\_\_ VERIFIED BY: DO 10724

## MONEY/PROPERTY TRANSFER RECORD

TO BE COMPLETED ON ALL AGENCY-TO-AGENCY TRANSFERS/SIGNATURE INDICATES RECEIPT OF PROPERTY

RECEIVED BY: \_\_\_\_\_ PRINT NAME/SIGNATURE AGENCY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

DISCREPANCIES (IF ANY): \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ PRINT NAME/SIGNATURE AGENCY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

DISCREPANCIES (IF ANY): \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ PRINT NAME/SIGNATURE AGENCY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

DISCREPANCIES (IF ANY): \_\_\_\_\_

## TO BE COMPLETED AT TIME OF RELEASE

I HAVE REVIEWED MY PROPERTY AND I ACKNOWLEDGE RECEIPT OF ALL MONEY AND ARTICLES LISTED ABOVE EXCEPT THAT PORTION THEREOF PREVIOUSLY RELEASED BY ORDER.

SIGNATURE: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

RELEASED BY: \_\_\_\_\_ PRINT NAME/SIGNATURE AGENCY/COURT: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

Original - File      Yellow - Property      Pink - Inmate      Gold - Agency



# Tustin Police Department

## Call For Service

Generated by 1081 on 1/14/2019

Incident No.:	<b>9TU0001075</b>	Address:	<b>1671 EL CAMINO REAL #408</b>
Received:	<b>01/08/19 20:17:06</b>	Reference:	<b>&lt;KEY LODGE&gt;</b>
Agency:	<b>P / PS PAROLE SEARC</b>	Cross:	<b>RED HILL</b>
Beat:	<b>4</b>	Police Dist:	<b>405</b>
How Received:	<b>OS</b>	Fire Dist:	<b>405</b>
Priority:	<b>4</b>	Map Guide:	<b>830C5</b>
Disposition:	<b>01</b>	Census:	<b>45</b>
		Reporting Party:	
Dispatcher:	<b>1191</b>	Address:	
CRO:	<b>1191</b>	Phone:	

**Time:**

	<u>Time:</u>		<u>Duration:</u>				<u>Duration:</u>
Received:	<b>20:17:06</b>						
Dispatch:	<b>20:17:06</b>		--				
Enroute:	<b>20:17:06</b>		--	RC/AS:		--	
At Scene:	<b>20:17:06</b>		--	DI/AS:		--	
Close:	<b>23:53:10</b>	<b>03:36:04</b>		DI/CC:		<b>03:36:04</b>	

**911:**

Reporting Party:  
 Phone:  
 Address:  
 City:  
 Class:  
 RP:  
 LAT/LON: /

**Uniques:**

Case No	Date & Time	User
CR1900000165TU	01/08/19 20:52:34	1191
AR1900000045TU	01/08/19 21:11:09	1300

**Comments:**

Made By	Made At	Comment
1191	01/08/19 20:52:34	CASE NUMBER = CR-19-00000165 (TU)
1300	01/08/19 21:11:09	CASE NUMBER = AR-19-00000045 (TU)
1191	01/08/19 20:17:06	INCIDENT NUMBER:9TU0001075
1191	01/08/19 20:22:54	OCFA NEEDED, UNCONSCIOUS MALE
1300	01/08/19 20:23:25	WEST SIDE PARKING LOT ROOM #408 UPSTAIRS
1191	01/08/19 20:23:50	1039 OCFA
1191	01/08/19 20:24:10	SUBJ IS BREATHING
1191	01/08/19 20:38:54	1015
1191	01/08/19 23:53:00	ARR/BOOK/OCJ NIERMAN JOHNATHAN [REDACTED] HS 11350 , PC 148(A)1 AND PAROLE VIOLATIONS
1191	01/08/19 23:53:10	Closed dispo : ARRESTED
1191	01/08/19 23:53:10	GRADE SMITH WILSON

**ADMINISTRATIVE INVESTIGATION TIME LOG – IA # UOF2019-002**

DATE	TIME		ACTIVITY/COMMENTS
	FROM	TO	
1/8/19	2100	2115	Blue Team Entry
1/14/19	2045	2145	Blue Team Entry
1/15/19	1930	2200	Blue Team Entry
1/16/19	1900	1930	Blue Team Entry

**TOTAL TIME SPENT RECAP (ROUNDED TO NEAREST TEN MINUTES)**

**INVESTIGATION**

INVESTIGATING OFFICER TIME 4.25 hours  
 INVESTIGATED EMPLOYEES TIME (Including Witnesses) \_\_\_\_\_  
 TYPING/PREPARING DOCUMENTS & ATTACHMENTS **NOT LISTED**  
 ABOVE \_\_\_\_\_  
 OTHER TIME SPENT (Justify Below) \_\_\_\_\_

**ADMINISTRATIVE REVIEW TIME NOT LISTED ABOVE**

LIEUTENANT \_\_\_\_\_  
 CAPTAIN \_\_\_\_\_  
 CHIEF (Including Review/Skelly Memos/Legal Advice, etc.) \_\_\_\_\_

**APPEALED CASES**

CITY MANAGER \_\_\_\_\_  
 ATTORNEYS (Including City Attorney) \_\_\_\_\_  
 MISCELLANEOUS COSTS (Including Hearing Officer) \_\_\_\_\_

**Incident Entered By:** Police Sergeant David Welde - 974

## Incident Details

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Time of Occurrence</b>
1/8/2019	1/8/2019	20:22
<b>Record ID #</b>	<b>Case No</b>	<b>IA No</b>
661	19-0165	UOF2019-002
<b>Date/Time Entered</b>		
1/8/2019 21:11		

## Incident Summary

Officer Smith, Officer Wilson, Detective Gonzalez and DPO Jung went to the Key Inn Motel to conduct a parole search. A parolee, Johnathon Nierman, was known to be staying in room #408. Upon arrival at the door, Officer Smith knocked, and it was opened by a male who confirmed he was Johnathon Nierman. Officer Smith confirmed with Nierman that he was on parolee and entered to conduct a parole search. Officer Smith attempted to conduct a search of Nierman's person and while doing so, Nierman pulled his hands away from Smith's grasp. Fearing Nierman was about to destroy evidence, flee, or arm himself, Officer Smith performed a carotid restraint to gain control. The carotid restrain was effective and Nierman was taken into custody without further incident. After being taken into custody, Nierman was found to be holding illegal narcotics in his hand.

## Incident Location

- 1671 El Camino Real, Suite/Apt: 408, Tustin, CA 92780 - Location of Occurrence: Orange County

## Use of Force Specific Information

<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Resisting Arrest	Parole Check	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear	Indoors	
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	No	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	

### Employee Assessment of Citizen Condition at Time of Incident

<b>Employee(s) Injured</b>	<b>Employee(s) Taken to Hospital</b>	
No	No	

## Reporting/Involved Citizen Information

### Johnathon Alan Nierman

DOB: [REDACTED] Race: White Ethnicity: Gender: Male

**Address**

- [REDACTED]

**Role**

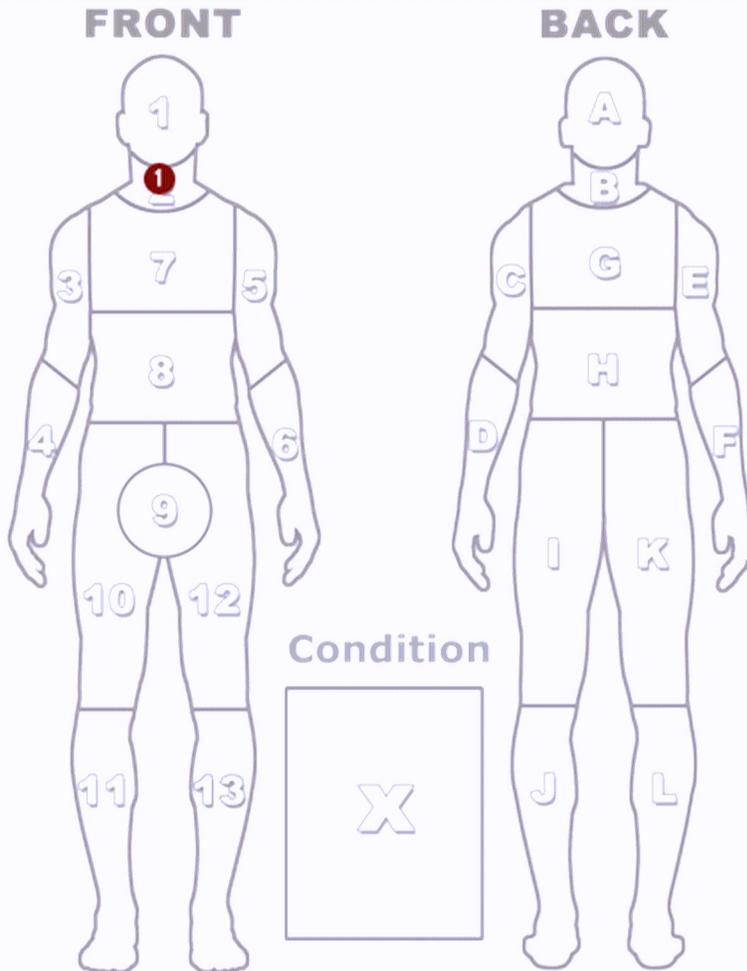
- 

**Types of Resistance Citizen Used Against Employee(s)**

- Resisting Arrest

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Loss of Consciousness	2	1



**Charges against this citizen**

- 148(a)(1) CPC
- 11350(a) H&S

**Involved Employee**

**Police Officer Javon Smith - Log-In ID TUPD\:**

**Assignment at time of incident:** Title: Police Officer Community Policing/Special Operations/GRADE

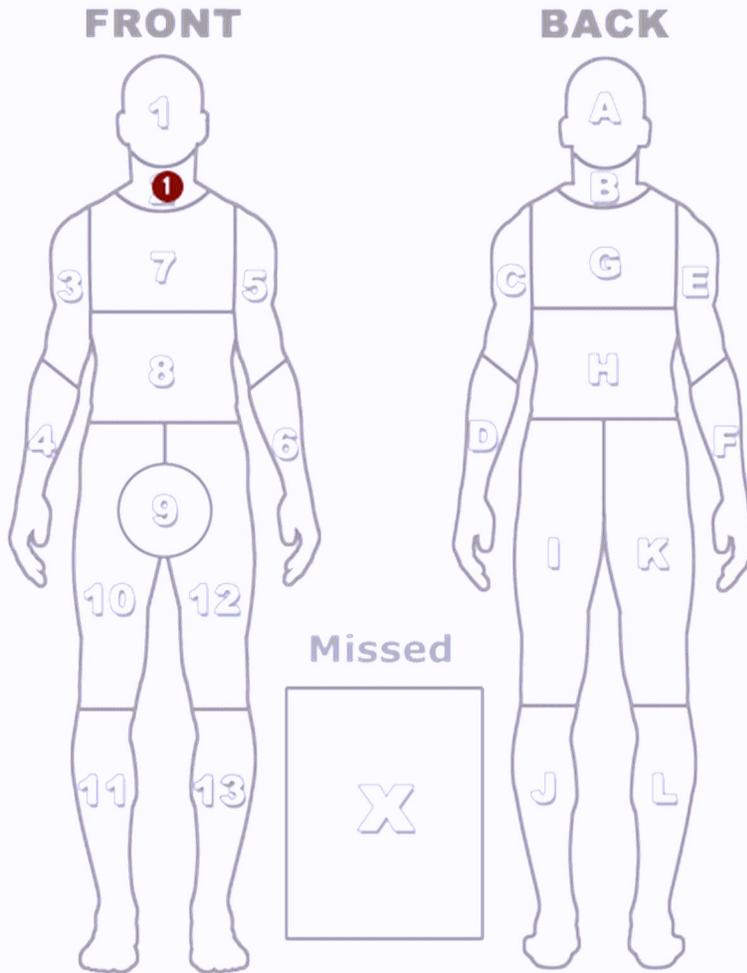
Video Footage: [No Response]

Role

Force used by this employee against the citizen

- Carotid Restraint - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Carotid Restraint	Yes	2	1



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Citizen Witnesses

[Redacted]

Address

[Redacted]

Role

•

## Employee Witnesses

### Police Officer Gustavo Gonzalez - Log-In ID TUPD\:

**Assignment at time of incident:** Title: Police Officer Community Policing/South Area Patrol/Patrol/Squad Three

**Video Footage:** [No Response]

Role

•

### Police Officer Travis Wilson - Log-In ID TUPD\:

**Assignment at time of incident:** Title: Police Officer Community Policing/Patrol

**Video Footage:** [No Response]

Role

•

## Tasks

No tasks to show

## Running Sheet Entries

No running sheet entries to show

## Attachments

Date Attached	Attachment Description	Attachment Type
1/14/2019	Attachment #1 CAD Call For Service	pdf
1/14/2019	Attachment #2 Officer Smith's BWC	
1/14/2019	Attachment #3 Detective Gonzalez's BWC	
1/14/2019	Attachment #4 Officer Wilson's BWC	
1/14/2019	Attachment #5 UOF Interview with [REDACTED] (witness)	
1/14/2019	Attachment #6 UOF Interview with Michael Nierman (suspect)	
1/14/2019	Attachment #7 Crime Report #19-0165	pdf
1/14/2019	Attachment #8 Photo of Suspect	jpg
1/14/2019	Attachment #9 Photo of Suspect	jpg
1/14/2019	Attachment #10 Photo of Suspect	jpg
1/14/2019	Attachment #11 Photo of Suspect	jpg
1/14/2019	Attachment #12 Photo of Suspect	jpg
1/15/2019	Attachment #13 Green Channel Radio Traffic (Wilson advising out at room 408 for parole search)	MP3
1/15/2019	Attachment #14 Green Channel Radio Traffic (Gonzalez requesting supervisor)	MP3
1/15/2019	Attachment #15 Green Channel Radio Traffic (Smith requesting OCFA)	MP3
1/15/2019	Attachment #16 Green Channel Radio Traffic (Gonzalez providing additional info for OCFA)	MP3
1/16/2019	Attachment #17 Time Log	doc

## Narrative

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I was on-duty during this incident as the GRADE unit supervisor and responded to the scene to investigate. This investigation is based on my observations as the event occurred, interviews with the involved personnel/witnesses/suspects, and the review of related reports, body worn, and in-car camera videos.

I reviewed Officer Smith's original crime report (attachment #7). The report indicated that on 1/8/19 at 2017 hours, Officer Smith, Officer Wilson, Detective Gonzalez, and DPO Jung went to the Key Inn Motel (1671 El Camino Real #408) to conduct a parole search on a parolee, Johnathon Nierman. Nierman is currently on parole for violent crimes including robbery, firearm possession, and assault with a deadly weapon.

Officers approached the motel room door and Officer Smith knocked. The door was opened by a male who verbally confirmed he was both Nierman and on parole. At the threshold of the door, Officer Smith told Nierman to turn around and place his hands behind his back. While telling Nierman to place his hands behind his back, Officer Smith reached for Nierman's hands so that he could conduct a search of his person. As Officer Smith reached for Nierman's hands, Nierman pulled away from Smith's grasp and attempted to retreat back into the room.

Officer Smith followed Nierman back into the room, while ordering him to stop several times, and while still holding onto Nierman's left arm. Officer Smith continued to pull Nierman by his left arm, which caused them to fall onto the bed in the room. Believing Nierman was attempting to arm himself, destroy evidence, or flee, Officer Smith attempted to stop Nierman by placing him in a carotid restraint quickly rendering Nierman unconscious. Nierman ultimately rolled onto the floor next to the bed during the application of the carotid.

As Nierman went unconscious, he unclenched his right hand. When Nierman's hand opened, Officer Wilson saw a napkin containing prescription pills, later determined to be hydrocodone pills, fall to the floor next to him.

As soon as Officers Smith and Wilson observed that Nierman was unconscious, they immediately handcuffed him, placed him in a recovery position, and provided stimulus in an attempt to wake him. They also immediately requested Orange County Fire Paramedics respond to evaluate Nierman. While waiting for OCFA, Officers monitored Nierman's vital signs.

I arrived on scene after Nierman was handcuffed. Orange County Fire Paramedics arrived moments later and evaluated Nierman. OCFA advised that Nierman did not appear to be injured and did not see need for him to be transported to the hospital.

There were no injuries to any of the involved personnel.

Also in the room at the time of this incident was Nierman's girlfriend, [REDACTED] and their one (1) year old son, [REDACTED]. I interviewed [REDACTED] in the room. [REDACTED] said she was in the restroom with her son at the time the officers contacted Nierman and said she did not exit the restroom until Nierman was already in handcuffs. [REDACTED] said did not witness the carotid restrain application, or any other force being used by any of the involved officers. This interview was recorded on my body worn camera (attachment #5).

At 2100 hours, I responded to the Tustin Police Department to interview Nierman reference the use of force. I contacted Nierman in the sally port. Nierman was handcuffed to the booking bench where he was seated and was alert/awake. I introduced myself to Nierman and explained why I was there.

In my attempt to interview Nierman he was not very talkative and only responded to my questions by shrugging his shoulders, shaking his head, or by saying, "No." I asked Nierman if he could tell me what type of force was used against him and he shook his head side to side as if indicating that he could not tell me. I asked Nierman if he know what I meant by the term "use of force" and gave examples. I asked Nierman if any of those types of force were used on him and he mostly remained motionless and silent. At one point he slightly shook his head side to side as if indicated that no force was used. I asked Nierman if he was injured in anyway as a result of the use of force and Nierman shook his head side to side as if indicated that he was not injured. To clarify, I asked Nierman if he was injured as a result of the confrontation he had with the officers and he verbally said, "No." I asked Nierman if he had resisted the officer's efforts to conduct a search of his person which caused a use of force and he shrugged his shoulders as if indicating that he did not know.

I checked Nierman for any visible signs of injury and did not see any. Photographs were taken of Nierman (See photo attachments #8-12).

This interview was recorded on my department issued body worn camera (attachment #6).

I reviewed the Green Channel radio traffic (attachments #13-16) and CAD print-out (attachment #1).

During this investigation, I reviewed the body worn camera of Officer Smith (attachment #2), Officer Wilson (attachment #4), and Detective Gonzalez (attachment #3). I saw that all of the videos are consistent with the report and information obtained during this investigation.

Nierman was booked for:

- H&S 11350(a) – Possession of Controlled Substance
- C.P.C. 148(a)(1) – Resist Arrest

I completed at time log (attachment # 17)

**Use of force**      **IA No: UOF2019-002**      **Received: Jan 08, 2019**

Case No: 19-0165

Type of service being performed at time of incident: Parole Check

Reason for use-of-force: Resisting Arrest

Officer assessment of citizen condition:

Citizen was injured: Yes

Citizen was taken to hospital: No

Citizen was charged/arrested in relation to the incident: Yes Employee was injured: No

Employee was taken to hospital: No

Distance employee was from Involved citizen:

Involved citizen:

Involved citizen Height:

**Involved citizen:**

**Johnathon Alan Nierman**

**Resistance(s):**

Resisting Arrest

**Injuries/conditions:**

Loss of Consciousness

**Charges against citizen in relation to the incident:**

148(a)(1) CPC  
11350(a) H&S

**Linked address(s):**

Home address: [REDACTED]

**Employees involved:**

**Police Officer Javon Smith [1270]**

**Employee current info:**

Bureau: Community Policing

Division:

Unit: Patrol

**Snapshot - Employee information at time of incident:**

Log-In ID TUPD\; 01616

Bureau: Community Policing

Division: Special Operations  
Unit: GRADE  
Rank/title: Police Officer  
[REDACTED] Years of employment: 4 Years with unit:  
Off duty: No Off duty employed: No

**Use(s) Of Force:**

Carotid Restraint: Effective

Injuries/conditions:

No injuries noted or visible

**Employee witnesses:**

**Police Officer Gustavo Gonzalez [1231]**

**Employee current info:**

Bureau: Community Policing  
Division: South Area Patrol  
Unit: Patrol

**Police Officer Travis Wilson [1276]**

**Employee current info:**

Bureau: Community Policing  
Division:  
Unit: Patrol

**Deputy Probation Officer Dean Jung []**

**Employee current info:**

Bureau: Community Policing  
Division:  
Unit: GRADE

**Witnesses:**

[REDACTED]

Linked address(s):

Home address: [REDACTED]

**Summary:**

Officer Smith, Officer Wilson, Detective Gonzalez and DPO Jung went to the Key Inn Motel to conduct a parole search. A parolee, Johnathon Nierman, was known to be staying in room #408. Upon arrival at the door, Officer Smith knocked, and it was opened by a male who confirmed he was Johnathon Nierman. Officer Smith confirmed with Nierman that he was on parolee and entered to conduct a parole search. Officer Smith attempted to conduct a search of Nierman's person and while doing so, Nierman pulled his hands away from Smith's grasp. Fearing Nierman was about to destroy evidence, flee, or arm himself, Officer Smith performed a carotid restraint to gain control. The carotid restrain was effective and Nierman was taken into custody without further incident. After being taken into custody, Nierman was found to be holding illegal narcotics in his hand.

### Investigative tasks:

Due dt	Done dt	Type
< N/A >	May 14, 2019	Running sheet entry

Assigned To: Un-assigned

Dispo memo given to Captain Wright for signature.

< N/A >	May 14, 2019	Running sheet entry
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Assigned To: Un-assigned

Signed dispo memo given to Lt. Arzate for officer signature.

### When/where:

Date/time occurred: Jan 08 2019 20:22

Incident location: 1671 El Camino Real 408 Tustin CA 92780

Home address:

Home address:

County: Orange County

### Linked files:

- Attachment #1 CAD Call For Service (pdf)
- Attachment #2 Officer Smith's BWC ()
- Attachment #3 Detective Gonzalez's BWC ()
- Attachment #4 Officer Wilson's BWC ()
- Attachment #5 UOF Interview with [REDACTED] (witness) ()
- Attachment #6 UOF Interview with Michael Nierman (suspect) ()
- Attachment #7 Crime Report #19-0165 (pdf)
- Attachment #8 Photo of Suspect (jpg)
- Attachment #9 Photo of Suspect (jpg)
- Attachment #10 Photo of Suspect (jpg)
- Attachment #11 Photo of Suspect (jpg)
- Attachment #12 Photo of Suspect (jpg)
- Attachment #13 Green Channel Radio Traffic (Wilson advising out at room 408 for parole search) (MP3)
- Attachment #14 Green Channel Radio Traffic (Gonzalez requesting supervisor) (MP3)
- Attachment #15 Green Channel Radio Traffic (Smith requesting OCFA) (MP3)
- Attachment #16 Green Channel Radio Traffic (Gonzalez providing additional info for OCFA) (MP3)
- Attachment #17 Time Log (doc)
- Attachment #18 Narrative (docx)
- Smith Final Dispo Memo (pdf)

### Status/assignment information:

Status: Completed Priority: Medium

Opened: 01/08/2019 Assigned: 01/08/2019 Due: 01/08/2019

Completed: 05/14/2019

Disposition: Within Policy

Unit assigned: GRADE

Handled at field/unit level: Yes

Outside/file investigator: Welde, David A Police Sergeant [1081]

Investigator assign: Police Sergeant David Welde

Supervisor assign: Un-assigned

Source of information: Blue Team

**Organizational component(s):**

Bureau: Community Policing

Division: South Area Patrol

Unit: Patrol

Squad: Squad One

**BlueTeam chain routings**

**Jan 16, 2019 19:03: Sent from Police Sergeant David A Welde [1081] to Strain, John Paul Police Lieutenant [975]**

Instructions:

Completed. For your review.

Reviewed by Police Lieutenant John Paul Strain [975] on Jan 22, 2019 at 08:36

**Decision:**

Reviewer comment:

Incident routing was closed out by IAPro user Police Sergeant Sean Whiteley and the incident was re-routed to Police Lieutenant Ryan L Coe [1140]

**Jan 22, 2019 08:36: Sent from Police Sergeant Sean Patrick Whiteley [1039] to Coe, Ryan L Police Lieutenant [1140]**

Instructions:

Please review

Reviewed by Police Lieutenant Ryan L Coe [1140] on Apr 02, 2019 at 11:26

**Decision:**

Reviewer comment:

For Use of Force review by Sergeant Fetterling

**Apr 02, 2019 11:26: Sent from Police Lieutenant Ryan L Coe [1140] to**

**Fetterling, Sarah M Police Sergeant [1196]**

Instructions:

For Use of Force Review. Forward back to me after your review

Reviewed by Police Sergeant Sarah M Fetterling [1196] on Apr 29, 2019 at 16:38

**Decision:**

Reviewer comment:

I have reviewed this use of force and find that Officer Smiths carotid restraint was within the scope of our departmental training.

**Apr 29, 2019 16:38: Sent from Police Sergeant Sarah M Fetterling [1196] to Coe, Ryan L Police Lieutenant [1140]**

Instructions:

UOF review complete.

Reviewed by Police Lieutenant Ryan L Coe [1140] on May 08, 2019 at 16:08

**Decision:**

Reviewer comment:

After reviewing this incident and all included documentation, I find Officer Smith's actions and use of force within policy and appropriate based upon the totality of the circumstances. No further action required.

**May 08, 2019 16:08: Sent from Police Lieutenant Ryan L Coe [1140] to Wright, Robert Stanley Police Captain [737]**

Instructions:

For your review

Reviewed by Police Captain Robert Stanley Wright [737] on May 09, 2019 at 13:26

**Decision:**

Reviewer comment:

I agree with Lt. Coe's assessment, no further action.

**Entered via BlueTeam by: Police Sergeant David A Welde [1081] on Jan 08, 2019 at 21:11**



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DATE: MAY 14, 2019

Inter-Com

TO: JAVON SMITH, POLICE OFFICER *JS*

FROM: ROBERT WRIGHT, COMMUNITY POLICING BUREAU COMMANDER *RW*

SUBJECT: **ADMINISTRATIVE REVIEW – USE OF FORCE (UOF2019-002)**

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An Administrative Review has been completed concerning the use of force that you were involved in on January 8, 2019. After a preliminary review of this incident, it is the opinion of this Department that your actions were **within policy** and there will be no further action taken at this time.