

Sacramento Police Department

Use Of Force Report

Incident Entered By: Police Sergeant Jeffrey Morris - 688
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/27/2014	1/26/2014	23:41
Record ID #	Report Number	IA No
15521	14-23520	UOF2014-010
Date/Time Entered		
1/27/2014 23:27		

Incident Summary

On 11-26-14 at approx. 2340hrs., Officers Duink and Graham were working uniformed patrol in their assigned beat. They observed a vehicle pull away from [REDACTED] Stockton Blvd. They also observed a subject on foot near the laundry room of this location. Both officers have experience working in this area and know there is a high level of narcotics use/ sales at this location, specifically near the laundry room. The officers suspected the vehicle and that person near the laundry room to be involved in narcotic activity. The officers began to follow the vehicle S/B Stockton. The vehicle made a couple quick turns without using a turn signal and pulled over abruptly in front of [REDACTED] 49th st.

The rear passenger (Kimple) exited the vehicle and began knocking softly on the front door of [REDACTED] 49th st. Officer Graham had been to this location on a previous call and did not know Kimple to live there. The officers pulled their vehicle behind the stopped vehicle (no emergency lights). Officer Graham asked Kimple (through his vehicle window) what Kimple was doing. Kimple advised he lived at the location. Kimple then walked to the wooden gate to the south of the residence and began reaching over the fence like he was trying to open the gate.

Officer Graham exited the patrol vehicle so he could speak with Kimple as he suspected criminal activity to be afoot. Kimple advised he was not on probation. Kimple was cooperative and sat on the curb per Officer Graham's request.

The officers contacted the occupants of the vehicle (witnesses [REDACTED] and [REDACTED]). A warrants check was completed which revealed Kimple to be on searchable probation for robbery.

Officer Graham placed Kimple in the standing modified position and began a search of Kimple's person. Officer Graham removed a plastic pill bottle from Kimple's pocket. He handed the bottle to Officer Duink who looked in the bottle, observed cocaine inside and told Officer Graham "924," indicating Kimple should be placed into custody. Just as Officer Graham attempted to handcuff Kimple in this standing modified position, Kimple broke free and fled on foot.

Officers and Graham and Duink gave chase. Kimple ran into the yard of [REDACTED] 49th st and attempted to jump a fence. The front yard of [REDACTED] 49th st. was dark and cluttered with debris. Officer Graham shoved Kimple in attempt to thwart his attempt to scale the fence. Both Officers Graham and Duink saw Kimple swing his right elbow back forcefully, in attempt to strike Officer Graham. Officer Graham ducked this swing and tackled Kimple. As this incident was rapidly evolving, Officer Duink delivered a baton strike to Kimple's right arm in attempt to stop Kimple from striking Officer Graham. The baton strike missed Kimple's arm, glanced off of Kimple's forehead and struck Officer Graham's right shoulder.

Kimple continued to resist. Officer Graham attempted to control his right arm, but Kimple tried pushing up off the ground. Kimple kicked at Officer Duink to keep him at a distance. Officer Duink saw that Kimple was flailing his arms trying to avoid arrest and fight with the officers.

Officer Duink delivered two additional baton strikes. One was believed to have been delivered to Kimple's upper right leg. This strike was not effective. The next baton strike was to Kimple's right shin bone (tibia). This strike caused Kimple to immediately stop resisting. He was taken into custody and medics were immediately requested.

Medics subsequently transported Kimple to Sutter General Hospital.

CSI responded and photographed the officers, scene and Kimple.

Officer Graham, who had a complaint of pain to his right shoulder refused transport to Sutter Hospital via

ambulance. Officer Duink transported him to Sutter General. He was treated and released. As of this writing, Officer Graham is on IOD status with an upcoming appointment with his private physician.

The two other occupants of the suspect vehicle (witnesses [REDACTED] and [REDACTED]) were detained. They both denied seeing the use of force but acknowledged that Kimple ran from the officers. A canvass was completed and witness [REDACTED] was contacted. He advised he saw officers "on top" of someone but the officers were not doing anything wrong. No other witnesses were located during the canvass.

Kimple admitted to running from the officers, but denied "squaring off" with them.

Kimple was admitted to Sutter General hospital due to a broken right tibia. He was released per 849(b)pc due to an extended hospital stay.

Officer Graham advised the incident was captured on their vehicle's ICC.

I attempted to view the ICC footage at Sutter General, however the incident was not captured. I spoke with Officer Duink who was driving at the time this incident occurred. He advised that his emergency lights were never activated. He advised his common practice is to activate the ICC via the button on the camera in the vehicle because it's easier than activating the ICC on the microphone. He advised that he thought he turned the ICC on, but he apparently did not. He advised that when Officer Graham exited the vehicle to contact Kimple, he quickly exited as well and must not have hit the button. Officer Duink recognized the importance of turning on the ICC during self-initiated subject stops (per SPD policy).

I later conducted team training (Officer Duink was present for the team training) regarding the use of the ICC camera.

A warrant was obtained for Kimple's arrest for violations of 69pc, 11351hs, 11350hs. As of this writing, he remains at Sutter Hospital.

Based on the circumstances that transpired, I believe this use of force to be appropriate and consistent with Sacramento Police Department policy and procedure.

Incident Location

[REDACTED] 49th Street, Sacramento, CA 95820 - Location of Occurrence: 6 - East - Precinct: 6B

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
928	Subject Stop	
Weather Condition	Lighting Condition	Distance to Citizen
Clear		1 feet to 3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Large	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	Yes	

Reporting/Involved Citizen Information

DOB: 3/22/1977 Race: Black Ethnicity: Gender: Male

Address

[REDACTED]

Phone

Role

-

Types of Resistance Citizen Used Against Officer(s)

- Punch/Kick

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Visible Injury		
Medical Clearance Required		

Charges against this Citizen

- Drugs - Felony
- Other Felony

Involved Officers

Police Sergeant Jason Duink - Badge Number: 0388

Assignment at time of incident: Title: Police Officer OOF/DIST 6--E/PATROL

Video Footage: [No Response]

Role

-

Force used by this officer against the citizen

- Baton/Collapsible Baton - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Baton/Collapsible Baton	Yes		

Police Officer Filmore Graham - Badge Number: 0389

Assignment at time of incident: Title: Police Officer OOF/DIST 6--E/PATROL

Video Footage: [No Response]

Role

-

Force used by this officer against the citizen

- Physical-Other - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Physical-Other	No		

Injuries sustained by this officer

Injury	Regions	Injury Locations
COP/Brusing		

Citizen Witnesses

Address

- [REDACTED]

Phone

- [REDACTED]

Role

- [REDACTED]

Role

- [REDACTED]

Address

- [REDACTED]

Phone

- [REDACTED]

Role

- [REDACTED]

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
3/11/2014	Captain Dave Risley	(None Specified)
Assignment notes Released back to IAPro		
Email sent to receiver No email sent		

Chain of Command History

Routing #1

Sent From:	Police Sergeant Jeffrey Morris
Sent To:	Reserve Police Offi 09006 Shawn Rogers
CC:	(none)
Sent Date/Time:	1/30/2014 6:58 AM

Instructions from Police Sergeant Jeffrey Morris to Reserve Police Offi 09006 Shawn Rogers:

Lt.,

This is the Use of Force report from Officer Duink and Officer Graham's baton incident from this week.

Comments/Response from Reserve Police Offi 09006 Shawn Rogers:

Approved: Approved

Reason:

Comments:

The use of force was justified and within department policy. Sgt. Morris did conduct team training to remind officers the importance of activating their ICC during self initiated stops.

Routing #2

Sent From:	Reserve Police Offi 09006 Shawn Rogers
Sent To:	Police Captain Steven Oliveira
CC:	(none)
Sent Date/Time:	2/4/2014 2:23 AM

Instructions from Reserve Police Offi 09006 Shawn Rogers to Police Captain Steven Oliveira:

Please review. A warrant request was done and Kimple was arrested the day he was able to walk out of the hospital.

Comments/Response from Police Captain Steven Oliveira:

Approved: Approved

Reason:

Comments:

The use of force was within policy, justified and effective in taking the resistive suspect into custody.

Routing #3

Sent From:	Police Captain Steven Oliveira
Sent To:	Police Captain Kevin Gardner
CC:	(none)
Sent Date/Time:	2/27/2014 11:04 PM

Instructions from Police Captain Steven Oliveira to Police Captain Kevin Gardner:

For your review.

Comments/Response from Police Captain Kevin Gardner:

Approved: Approved

Reason:

Comments:

Use of force was justified. The policy issue regarding activation of the ICC was addressed by Sgt. Morris.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Reserve Police Offi 09006 Shawn Rogers

Police Captain Steven Oliveira

Police Captain Kevin Gardner

DANIEL HAHN
Chief of Police

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Report Number: 2014-23520

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Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));
and

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 6255(a)).

Sacramento Police Department
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