

Sacramento Police Department

Use Of Force Report

Incident Entered By: Police Sergeant Daniel Nutley - 732
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
4/14/2015	4/14/2015	15:46
Record ID #	Report Number	IA No
16938	15-102733	UOF2015-040
Date/Time Entered		
4/27/2015 17:27		

Incident Summary

District 5 Officers responded to a call about a large crowd gathering in Valley Hi Park (8185 Center Pkwy) regarding several subjects fighting. On the call one subject in particular was described as trying to fight others in the park; MBA with just black sport shorts on. Off Walker (1C59) was first on scene in the park. He advised over the radio that he was observing a large unruly crowd and that they were not dispersing for him. Off Walker's ICC captures his attempts to get the crowd dispersed through the use of his vehicles PA system. Due to the attitude of the crowd and their actions Off Walker requested additional units to respond. From Off Walker's ICC video you can clearly see a subject being forcefully pushed away from the gathered crowd and that subject actively resisting trying to get back at/towards the groups in the park. The updates coming from the public and Off Walkers advisals justified a code three response from additional units.

1C57 Off Pullen and Bender were first on scene and located Off Walker in the park still seated in his squad car. They were directed towards two subjects who appeared to be at the center of the conflict; same two referenced. One subject later identified as (S) Christian Grayson was resisting his friend [REDACTED] who it was later found had been trying to remove the (S) from the park. The two were called back by officers. [REDACTED] immediately cooperated with the Officers directions taking a seat on the ground. (S) Grayson was ignored officers directions and continued to act erratically. At that point it was clear to officers that the (S) was under the influence of Alcohol. Additionally Off Pullen knows the (S) to regularly be 922 and on two occasions in the past has had to arrest the (S). Off Pullen attempted to gain control of the (S) by grabbing his arm and was assisted by Off Bender, The (S) resisted pulling away. This resulted in the officers having to be more aggressive in their efforts to detain the (S). Due to the agitated behavior of the (S), the potential issues from the crowd in the park (some against and maybe some in support of the (S)) and the suspects history, Off Pullen realized he needed to take control of him quickly. As Off Walker arrived to assist Off Pullen saw an opportunity to gain a carotid control position on the (S). Off Pullen applied the carotid on the (S) and it was effective in subduing him. Off Walker and Bender were then able to place handcuffs on (S) Grayson without issue. The carotid was released and after care provided and within seconds the (S) came around with no apparent issues. The application of the carotid was captured on the ICC of Off Walkers squad car. Once the (S) was clearly detained the crowd began to disperse. Statements taken later indicated that the (S) is known to be aggressive in the park as well as to start random fights with people he might encounter there. Fire/Medics were requested and respond to the scene to check out (S) Grayson; they cleared him. After an additional struggle to detain the (S) in the backseat of a patrol car he was transported to Methodist hospital for Dr's clearance prior to booking.

During the canvass it was learned that a witness had potentially recorded the incident on her cell phone. Off Cybulski made contact with witness [REDACTED] at her residence and viewed the video. The cell phone video was approx 10 seconds long and did not capture anything significant not already observed from the officers ICC. Additionally, no concerning actions on anyones parts were observed. A copy of the video was forwarded for evidence booking and a copy is also attached to this report.

Off Bender (Trainee) was not attached to the report, though he was a witness officer, as he is not an available selection in the witness officer selections for Blue Team.?

At the hospital it was observed that both (S) and Off Pullen received minor scrapes/abrasions to their hands, elbows or knees.

ICC video log; 224739.av
UOF incident captured at 1549 Hrs

The application of the carotid by Off Pullen was consistent with department policy and standards and administered appropriately.

Incident Location

• 8185 Center Parkway Parkway, Sacramento, CA 95823 - Location of Occurrence: 5 - South - Precinct: 5C

Use of Force Specific Information

Reason for Use of Force

Assault

Service Being Rendered

Calls For Service

Weather Condition**Lighting Condition****Distance to Citizen****Citizen Injured**

Yes

Citizen Taken to Hospital

Yes

Citizen Arrested

Yes

More than 1 Citizen Involved

No

Citizen's Build**Citizen's Height****Officer Assessment of Citizen Condition During Incident****Officer(s) Injured**

Yes

Officer(s) Taken to Hospital

No

Reporting/Involved Citizen Information

DOB: 5/27/1991 Race: Black Ethnicity: Gender: Male

Address

• [REDACTED]

Phone

• [REDACTED]

Role

•

Types of Resistance Citizen Used Against Officer(s)

- Physical Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Visible Injury		
Medical Clearance Required		

Charges against this Citizen

- 148(a) PC - Misdemeanor
- 1203.2(a) - Misdemeanor

Involved Officers

Police Officer John Pullen - Badge Number: 0581

Assignment at time of incident: Title: Police Officer OOF/DIST 5--S/PATROL

Video Footage: [No Response]

Role

-

Force used by this officer against the citizen

- Carotid Control Hold - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Carotid Control Hold	Yes		

Injuries sustained by this officer

Injury	Regions	Injury Locations
COP/Brusing		

Citizen Witnesses

Role

-

Address

- [REDACTED]

Phone

- [REDACTED]

R

-

Officer Witnesses

Police Officer Joshua Bender - Badge Number: 0602

Video Footage: [No Response]

Role

-

Police Officer Bryan Walker - Badge Number: 0728

Video Footage: [No Response]

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
6/4/2015	AA Thuy Nguyen #6502	(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 Daniel Nutley
Sent To:	Police Captain Pamela Seyffert
CC:	(none)
Sent Date/Time:	4/29/2015 5:48 PM
Instructions from Police Sergeant Daniel Nutley to Police Captain Pamela Seyffert:	
UOF ready for your review	
Comments/Response from Police Captain Pamela Seyffert:	
Approved: Approved	
Reason:	
Comments: Use of Force was justified based on all the information the officers had, and the subjects intoxicated state. UOF was within policy.	

Routing #2	
Sent From:	Police Captain Pamela Seyffert
Sent To:	Police Lieutenant-Exempt Jason Morgado
CC:	(none)
Sent Date/Time:	5/10/2015 4:14 PM
Instructions from Police Captain Pamela Seyffert to Police Lieutenant-Exempt Jason Morgado:	
Secondary review and forward to Peletta please.	
Comments/Response from Police Lieutenant-Exempt Jason Morgado:	
Approved: Approved	
Reason:	
Comments: I agree that the use of force was justified and within policy.	

Routing #3	
Sent From:	Police Lieutenant-Exempt Jason Morgado
Sent To:	Dep Chief of Police David Peletta
CC:	(none)
Sent Date/Time:	5/26/2015 2:06 PM
Instructions from Police Lieutenant-Exempt Jason Morgado to Dep Chief of Police David Peletta:	
ready for final review	
Comments/Response from Dep Chief of Police David Peletta:	
Approved: Approved	
Reason:	

Comments:

Though the carotid control was applied appropriately, other force options should have been considered before its use. This discussion was had with Lt. Seyffert and the involved officer.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Police Captain Pamela Seyffert

Police Lieutenant-Exempt Jason Morgado

Dep Chief of Police David Peletta

Report Number: 2015-102733

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Records or information, the disclosure of which would compromise the anonymity of complainants or witnesses (Cal. Pen. Code § 832.7(b)(5)(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)(6));

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));

Records or information that constitute confidential medical, financial, or other information, the disclosure of which is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy (Cal. Pen. Code § 832.7(b)(5)(C)); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 6254(k); see also Cal. Const. art. 1 Sec. 1.

Sacramento Police Department
Professional Standards Unit
916-808-3790
spdpsu@pd.cityofsacramento.org