

Sacramento Police Department

Use Of Force Report

Incident Entered By: Police Sergeant Justin Brown - 112
Assigned Investigator: Police Sergeant Justin Brown

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
9/22/2016	9/22/2016	00:40
Record ID #	Report Number	IA No
18461	16-275037	UOF2016-071
Date/Time Entered		
9/29/2016 01:51		

Incident Summary

The following account describes a use of force, police K9 and CED deployments. Information for this summary was generated from prepared police reports, statements from officers on scene, witness statements, neighborhood canvas and review of all available ICC footage/audio. All officers were wearing full police uniforms and riding in fully marked patrol vehicles equipped with functioning in-car-camera (ICC) systems. I (Sergeant Justin Brown #3129) was working as the District 6 patrol supervisor (1SM6).

On 9/22/16 (Thursday) at approximately 0028 hours, K9 Officer Dustin Henderson #0343 (K94) was working in the area of Florin Road/Franklin Boulevard when he received an SPD POD hit related to an armed vehicle (LIC # [REDACTED] - Silver Toyota Camry. Wanted suspects associated with the car were named [REDACTED] and [REDACTED]. Both suspects were wanted for a 211, 245, 215, 236, and 422 PC case out of Citrus Heights (CHPD 16-08179). Officer Henderson did not immediately locate the vehicle.

Officer Michael Bradley #0545 also responded to search for the suspect vehicle. Upon checking the area, he located the vehicle near 24th Street/Gardendale Road and followed it to the area of [REDACTED] Nedra Court. At this location, the solo driver (later confirmed a [REDACTED] XREF [REDACTED]) came to a stop and Officer Bradley conducted a felony vehicle stop (emergency equipment activated) with the assistance of Officer Henderson and Lieutenant Paul Freeman (LN12 #4008). Prior to the stop, the suspect drove around Nedra Court multiple times.

During the stop, suspect [REDACTED] was given verbal commands to exit the passenger side of the vehicle, but he did not comply. Instead, he exited the driver's side, removed a portion of his clothing as he walked to the rear of his car, and began yell at the officers. [REDACTED] was given multiple commands to "turn around," "get your hands out of your pockets," and "Get down on your knees," but he refused to comply. Instead, he advanced (walked) towards officers in a hostile manner with his hands in his pockets. At that moment, Officer Bradley and Lieutenant Freeman deployed C.E.D's, which were evidently ineffective. Neither C.E.D penetrated the suspect's skin.

Officer Henderson sent his police service K9 (Ike) to apprehend suspect [REDACTED] based on the following facts known at the time of the event:

- 1) Suspec [REDACTED] was a named suspect on the violent crimes of 211, 245, 215, 236, and 422 PC charges out of Citrus Heights (CHPD 16-08179) and officers were attempting to arrest him on those charges.
- 2) The suspect clearly refused to comply with any repeated commands given to him by multiple officers on scene, in violation of 148(a)(1) P.C. (Resisting, delaying, obstructing arrest).
- 3) The suspect had not been searched for weapons and it was unknown if he was armed with a weapon that could be utilized against officers attempting to effect his arrest. In addition to the suspect, the vehicle had not been searched for any potential weapons. In addition, the DOJ hit advised that the suspects were possibly armed with firearms.
- 4) Suspec [REDACTED] continued to ignore commands to keep his hands out of his pocket. The fact that he continued to place his left hand in his pocket made Officer Henderson fearful for his safety, the safety of other officers, and the safety of the public around them.
- 5) Two C.E.D.'s were deployed with no visible effect on suspect [REDACTED]
- 6) Officer Henderson was concerned that suspect may flee into the dense residential complex if not taken into custody, posing a greater risk to the public if not immediately apprehended.

Following the K9 deployment/apprehension, Officer Henderson ordered K9 Ike to release the suspect and the suspect was handcuffed / detained.

Sacramento Fire/Medical personnel (Engine 56) arrived at the scene and provided medical care for suspect [REDACTED] (sustained puncture, avulsion, rake wounds to his right forearm).

Prior to being booked into jail (148 PC/other felony offenses), suspect [REDACTED] received further medical care at Kaiser South Hospital (medical clearance). CSI (Jason Noulete #0837) responded to photograph [REDACTED]'s injuries as well as the scene. No officers were injured during the incident. A canvas was completed for witness statements and possible video surveillance of the incident (no video available). I responded and took control of the scene.

The Citrus Heights Police Department later responded to the hospital to take custody of suspect [REDACTED]

I conducted C.E.D downloads for Officer Bradley and Lieutenant Freeman. I learned the following:

- 1) Officer Bradley's device is approximately 25 minutes behind and was discharged once for four seconds at the time of the described incident.
- 2) Lieutenant Freeman's device is approximately 16 minutes ahead and was discharged once for five seconds at the time of the described incident.

Upon review of this incident, it is my belief that the uses of force (canine and C.E.D deployments) were within the Sacramento Police Department's policy. I viewed all available ICC footage of involved officers and observed the following issue:

1) During the felony stop, Officer Bradley (Primary) appears to leave his position of cover behind his patrol vehicle and move approximately 15 feet in front of his patrol car (no cover) with his handgun pointed (with TAC light) at the suspect vehicle. 1A44 (Officer Lilia Alonso #0505) was on scene assisting with the stop at the time. The officer appears to pie the suspect vehicle until he reached the driver's side where he gained visual of the suspect. Officer Bradley remained in this inherently dangerous position for approximately 5 to 8 seconds before he retreated back to his original position of cover.

This issue was addressed by Lieutenant Freeman. I did not observe any other issues following a review of this incident.

*****COPIES OF ATTACHED FILES AND BT REPORT TURNED OVER TO DOJ AS PART OF THE PHASE 2 COOPERATIVE AGREEMENT***** P. Freeman #7767

Incident Location

[REDACTED] Nedra Court, Sacramento, CA 95822 - Location of Occurrence: 5 - South - Precinct: 5B

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Other	Vehicle Stop	
Weather Condition	Lighting Condition	Distance to Citizen
Clear		7 feet to 10 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Med	5'7" to 5'9"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

DOB: [REDACTED] Race: Black/African American (B) Ethnicity: African American (Race: B) Gender: Male

Address

• [REDACTED]

Phone

[REDACTED]

Role

•

Types of Resistance Citizen Used Against Officer(s)

- Other Noncompliance
- Physical Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Medical Clearance Required		
Visible Injury		
Puncture/Rake/Avulsion		

Charges against this Citizen

- 148(a) PC - Misdemeanor
- BOL/Warrant/Want - Felony

Involved Officers

Police Officer Michael Bradley - Badge Number: 0545

Assignment at time of incident: Title: Police Officer OOO/Patrol/District 5

Video Footage: [No Response]

Role

•

Less Lethal Force used by this officer against the citizen

- CED/Taser-Probe - Was Less Lethal Force Used Effective? No
Serial # - X13000PWH
Cartridge # - C3100PRYH

Statistical Information

Reason not effective -

Arc display No

Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
CED/Taser-Probe	No		

Reserve Police Offi 09006 Paul Freeman - Badge Number: 7767

Assignment at time of incident: Title: Police Lieutenant-Exempt OOO/Patrol/Staff

Video Footage: [No Response]

Role

•
Less Lethal Force used by this officer against the citizen

- CED/Taser-Probe - Was Less Lethal Force Used Effective? No
Serial # - X00-567314
Cartridge # - C3100546X

Projectile/probe contact Yes
of air cartridges used - 1
Number of cycles through probes - 1
Number of probe hits - 0
Total number of probes deployed - 2
Did the probe(s) penetrate subjects skin? No
Was an additional cartridge deployed? No
Follow up drive stun conducted No
Duration of cycles -
Accidental (unauthorized) discharge No

Application caused injury No
Subject was wearing heavy clothing Yes
Area of the body where projectiles/probes made contact - Chest

Statistical Information
Reason not effective -
Arc display No
Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
CED/Taser-Probe	No		

Police Officer Dustin Henderson - Badge Number: 0343

Assignment at time of incident: Title: Police Officer OOS/METRO/SPEC OPS/K9

Video Footage: [No Response]

Role

•
Force used by this officer against the citizen

- K-9 - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
K-9	Yes		

Citizen Witnesses

Address

- [Redacted]

Phone

- [Redacted]

Role

-

Address

Phone

R

Address

Phone

Role

Address

Phone

Role

Officer Witnesses

Police Officer Lilia Alonso - Badge Number: 0505

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
10/4/2016	AA Thuy Nguyen #6502	(None Specified)
Assignment notes		
Released back to IAPro		
Email sent to receiver		
No email sent		
10/4/2016	AA Thuy Nguyen #6502	Police Lieutenant-Exempt Zachary Bales

Assignment notes		
IAPro assigned		
Email sent to receiver		
No email sent		
10/10/2016	AA Thuy Nguyen #6502	Police Sergeant Justin Brown
Assignment notes		
IAPro assigned		
Email sent to receiver		
No email sent		
10/14/2016	AA Thuy Nguyen #6502	OOS, METRO, SPEC OPS
Assignment notes		
Field assigned		
Email sent to receiver		
No email sent		
10/14/2016	AA Thuy Nguyen #6502	OOS, METRO, SPEC OPS
Assignment notes		
Field assigned		
Email sent to receiver		
No email sent		

Chain of Command History

Routing #1	
Sent From:	Admin Analyst Thuy Nguyen
Sent To:	Police Lieutenant-Exempt Zachary Bales
CC:	Police Sergeant Justin Brown
Sent Date/Time:	10/4/2016 9:31 AM
Instructions from Admin Analyst Thuy Nguyen to Police Lieutenant-Exempt Zachary Bales:	
This UOF is being forwarded to you per Sgt. Justin Brown request.	
Comments/Response from Police Lieutenant-Exempt Zachary Bales:	
Approved: Approved	
Reason:	
Comments:	
Completion notes: This use of force was reasonable and within SPD policy. The felony vehicle stop tactics will be addressed with the officer by the supervisor.	

Routing #2	
Sent From:	Police Lieutenant-Exempt Zachary Bales
Sent To:	Police Captain Adam Green
CC:	(none)
Sent Date/Time:	10/4/2016 11:03 PM
Instructions from Police Lieutenant-Exempt Zachary Bales to Police Captain Adam Green:	
For your second review, since LT Freeman was one of the officers who used force. It came from PSU because one of the officers was not yet in the Blue Team system. When complete please forward to CPT Peletta. Thanks. --LT Bales	
Comments/Response from Police Captain Adam Green:	
Approved: Not approved	

Reason: Need Additional Information

Comments:
Resending to Sgt. Brown. Sgt. Brown could not make changes for some reason when it was sent back to him previously.

Routing #3

Sent From:	Police Captain Adam Green
Sent To:	Police Sergeant Justin Brown
CC:	(none)
Sent Date/Time:	10/8/2016 12:26 AM

Instructions from Police Captain Adam Green to Police Sergeant Justin Brown:

Per your request.

Comments/Response from Police Sergeant Justin Brown:

Approved:

Reason:

Comments:
[Open routing]

Routing #4

Sent From:	Admin Analyst Thuy Nguyen
Sent To:	Police Sergeant Justin Brown
CC:	(none)
Sent Date/Time:	10/10/2016 9:25 AM

Instructions from Admin Analyst Thuy Nguyen to Police Sergeant Justin Brown:

Per your request

Comments/Response from Police Sergeant Justin Brown:

Approved: Approved

Reason:

Comments:
Completion notes: Hello Thuy,

I completed my edits, but it did not allow me to remove the General Offense attachment dated 9/29/16. I added an updated General Offense attachment dated 10/10/16. This Blue Team will need to be forwarded to Lieutenant Adam Green. Thank you

Sgt. Justin Brown

Routing #5

Sent From:	Police Sergeant Justin Brown
Sent To:	Police Captain Adam Green
CC:	(none)
Sent Date/Time:	10/10/2016 11:15 PM

Instructions from Police Sergeant Justin Brown to Police Captain Adam Green:

Lt. Green,

Please see the amended UOF Blue Team. You will notice that there are two General Offense attachments. The one dated 10/10/16 is updated with Lt. Freeman's supplement attached. There was no option to remove the old G.O attachment dated 9/29/16. Thank you.

Sgt. Justin Brown

Comments/Response from Police Captain Adam Green:

Approved: Not approved

Reason: Need Additional Information

Comments:
Thuy,

The new report that you have attached does not include Lt. Freeman's supplement. The Lieutenant's supplement was still in transcription as of tonight. I contacted records and requested that they get the supplement transcribed. Can you please attach the full report once it is transcribed, it should be transcribed by morning. Thank you.

Lt. Green

Routing #6

Sent From:	Police Captain Adam Green
Sent To:	Admin Analyst Thuy Nguyen
CC:	Police Sergeant Justin Brown
Sent Date/Time:	10/14/2016 1:30 AM

Instructions from Police Captain Adam Green to Admin Analyst Thuy Nguyen:

See comments.

Thank you.

Lt. Green

Comments/Response from Admin Analyst Thuy Nguyen:

Approved:

Reason:

Comments:
[Open routing]

Routing #7

Sent From:	Admin Analyst Thuy Nguyen
Sent To:	Police Sergeant Justin Brown
CC:	(none)
Sent Date/Time:	10/14/2016 9:33 AM

Instructions from Admin Analyst Thuy Nguyen to Police Sergeant Justin Brown:

I deleted both copies of the GO. Please upload the correct copy to the incident and forward to Lt. Green.

Thanks!

Thuy

Comments/Response from Police Sergeant Justin Brown:

Approved:

Reason:

Comments:
Incident routing was closed out by IAPro user Admin Analyst Thuy Nguyen, # 6502 and the incident was re-routed to Police Lieutenant-Exempt Adam Paul Green [4007/3027]

Routing #8

Sent From:	Admin Analyst Thuy Nguyen
Sent To:	Police Captain Adam Green
CC:	(none)
Sent Date/Time:	10/14/2016 2:19 PM

Instructions from Admin Analyst Thuy Nguyen to Police Captain Adam Green:

General Offense has been added with Lt. Freeman's sup. Please review and approve.

Comments/Response from Police Captain Adam Green:

Approved: Approved

Reason:

Comments:
This use of force was justified and within policy. The tactical issues identified by Sgt. Brown were appropriately addressed.

Lt. Green

Routing #9

Sent From:	Police Captain Adam Green
Sent To:	Dep Chief of Police David Peletta
CC:	(none)
Sent Date/Time:	10/17/2016 1:42 AM

Instructions from Police Captain Adam Green to Dep Chief of Police David Peletta:

Capt. Peletta,

This UOF Blue Team is ready for your final review.

Lt. Green

Comments/Response from Dep Chief of Police David Peletta:

Approved: Approved

Reason:

Comments:

[Forward to IA/PSU by Police Captain David Peletta]

Assigned Investigator Signature Line

Police Sergeant Justin Brown

Chain of Command Signature Lines

Police Lieutenant-Exempt Zachary Bales

Police Captain Adam Green

Police Sergeant Justin Brown

Admin Analyst Thuy Nguyen

Dep Chief of Police David Peletta

City of
SACRAMENTO
Police Department

DANIEL HAHN
Chief of Police

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Report Number: 2016-275037

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

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