

# Sacramento Police Department

## Use Of Force Report

**Incident Entered By:** Police Sergeant Byron Hall - 3865  
**Assigned Investigator:** [Incident pending assignment]

### Incident Details

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Date Received	Date of Occurrence	Time of Occurrence
3/10/2017	3/10/2017	19:16
Record ID #	Report Number	IA No
18912	17-68898	UOF2017-019
Date/Time Entered		
3/11/2017 14:04		

### Incident Summary

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On 3/10/17 at approx. 1916 hours SGET officers located a vehicle related to an ongoing investigation. During that investigation SGET officers discovered multiple "live feed" videos posted to social media showing 4 Norteno gang members traveling throughout the Sacramento area illegally selling controlled substances and possessing at least 2 firearms. SGET officers were able to ID the subject driving the vehicle and posting the videos as [REDACTED] DOB [REDACTED] [REDACTED] is a validated Norteno and had a felony arrest warrant for a PRCS violation.

SGET officers located the vehicle (shortly after viewing the videos), which was mobile and occupied by 4 suspects, in the area of 34th St. / 21st Ave. in Oak Park. When SGET officers attempted a traffic stop 3 of the 4 suspects fled on foot. Two suspects (later ID'd as [REDACTED] DOB [REDACTED] and [REDACTED] DOB [REDACTED]) fled n/b through residential yards. One suspect (later ID'd as [REDACTED] DOB: [REDACTED]) fled w/b on 21st Ave. and was apprehended. He was found to be in possession of a loaded handgun (which matched the description of one of the guns from the video) and controlled substances for the purpose of sales.

Officers were unable to locate the second firearm depicted in the above-described videos.

CHP Air21 was overhead and observed S [REDACTED] and S [REDACTED] continuing to flee through different residential yards for a few blocks and observed the suspects begin to remove clothing items to change their appearance. CHP Air21 was able to determine the suspects were in the back yard of [REDACTED] 19th Ave., but then lost sight of them and were unable to determine where in the yard they were hiding. Other officers maintained a perimeter around the area.

Officer Henderson # 343 (K9-4) arrived on scene and was updated on the above-described situation. Based on those circumstances he contacted Sgt. Farnsworth (3SM6) and obtained approval to deploy the K9. An arrest team was created and they entered the back yard. Officer Henderson's K9 was deployed without a verbal warning (due to one firearm still outstanding) and located the two suspects hiding under a wooden deck that was approximately 1.5' - 2' above the ground. The K9 apprehended S [REDACTED] and at that point both suspects complied with Officer Henderson's order to surrender. Once both suspects complied, crawled out from under the deck, and made their hands visible, Officer Henderson ordered his K9 to immediately release the suspect, which the K9 did.

Both suspects were handcuffed without incident and Fire was requested C3.

S [REDACTED] sustained the following injuries during the apprehension:

- Laceration to right side of scalp, near hair line.
- Punctures and lacerations to left arm near elbow.
- Punctures to right arm near elbow.
- Punctures and abrasions to left shoulder / upper back area.

He was transported to UCDMC where he received treatment. CSI responded to document the injuries. UCDMC decided to admit him overnight to be treated with additional anti-biotics. The suspect was released per 849(b) PC.

Based on the facts that the suspects were gang members, that they were illegally selling controlled substances, that they were armed (at least one known firearm had not been recovered at the time of the use

of force), that they were actively resisting (in fact going to such lengths as running over fences for multiple blocks and even changing clothing), refusing to voluntarily surrender, and then hiding themselves in such a manner that it would be unsafe for an officer to attempt to apprehend them, it is my opinion that this use of force was appropriate and lawful under the Sacramento Police Department General Orders, as well as the relevant case law and statutory laws.

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

## Incident Location

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██████ 19th Avenue, Sacramento, CA 95820 - Location of Occurrence: 6 - East - Precinct: 6A

## Use of Force Specific Information

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<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Weapons	Vehicle Stop	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear		1 feet to 3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	Yes
<b>More than 1 Citizen Involved</b>		
Yes		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Med	5'7" to 5'9"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
Unknown		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
No	No	

## Reporting/Involved Citizen Information

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DOB ██████ Race: White/Hispanic/Mid-East/East Indian (W) Ethnicity: Hispanic (Race: W) Gender: Male

**Address**

██

**Phone**

████████████████████

**Role**

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

- Other Noncompliance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Admitted to Hospital		

**Charges against this Citizen**

- Drugs - Felony
- Possession of Firearm - Felony

- 148(a) PC - Misdemeanor
- Other Felony

## Involved Officers

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### Police Officer Dustin Henderson - Badge Number: 0343

**Assignment at time of incident:** Title: Police Officer OSS/METRO/TRAF/AIR OPS/K9

**Video Footage:** [No Response]

**Role**

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**Force used by this officer against the citizen**

- K-9 - Was force effective: Yes

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

## Officer Witnesses

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### Police Officer Joshua Frey - Badge Number: 0643

**Video Footage:** [No Response]

**Role**

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### Police Officer Nathaniel Reason - Badge Number: 0507

**Video Footage:** [No Response]

**Role**

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### Police Officer Michael Severi - Badge Number: 0456

**Video Footage:** [No Response]

**Role**

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## Tasks

No tasks to show

## Running Sheet Entries

No running sheet entries to show

## Attachments

Date Attached	Attachment Description	Attachment Type
3/11/2017	CAD log 17-68898	pdf
3/16/2017	Red Border form	pdf

## Assignment History

Sent Dt	From	To
4/7/2017	Sgt. Mike Nichols #3016	(None Specified)
<b>Assignment notes</b>		
Released back to IAPro		
<b>Email sent to receiver</b>		
No email sent		

## Chain of Command History

<b>Routing #1</b>	
Sent From:	Police Sergeant Byron Hall
Sent To:	Police Lieutenant-Exempt James Harrington
CC:	(none)
Sent Date/Time:	3/16/2017 2:19 PM
<b>Instructions from Police Sergeant Byron Hall to Police Lieutenant-Exempt James Harrington:</b>	
Hi Lt.,	
This is the blue team re: a K9 apprehension from the other night in Oak Park. Please let me know if I need to clarify anything or if I did not attach the correct documents and I'll take care of it asap.	
Thank you!	
Andy	
<b>Comments/Response from Police Lieutenant-Exempt James Harrington:</b>	
Approved: Approved	
Reason:	
Comments:	
This use of force was within policy and justified. No ICC footage of the use of force was captured, as the suspects were apprehended in the backyard of a residence, beyond the range of ICC mics.	

<b>Routing #2</b>	
Sent From:	Police Lieutenant-Exempt James Harrington
Sent To:	Police Captain Justin Risley
CC:	(none)
Sent Date/Time:	3/16/2017 3:27 PM
<b>Instructions from Police Lieutenant-Exempt James Harrington to Police Captain Justin Risley:</b>	
For your second review, then forward to CPT Beezley.	
<b>Comments/Response from Police Captain Justin Risley:</b>	
Approved: Approved	
Reason:	
Comments:	
[Forward to IA/PSU by Police Lieutenant-Exempt Justin Risley]	

### Assigned Investigator Signature Line

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 [Incident pending assignment]

### Chain of Command Signature Lines

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Police Lieutenant-Exempt James Harrington

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Police Captain Justin Risley

City of  
**SACRAMENTO**  
Police Department

DANIEL HAHN  
Chief of Police

5770 Freeport Blvd., Suite 100  
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**Report Number: 2017-068898**

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)); 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  
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