

Sacramento Police Department

Use Of Force Report

Incident Entered By: Reserve Police Offi 09006 Kevin Griffin - 364
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/22/2017	3/22/2017	09:47
Record ID #	Report Number	IA No
18966	17-80984	UOF2017-043
Date/Time Entered		
3/29/2017 09:39		

Incident Summary

On 3-22-17, at approx.. 0951 multiple officers were dispatched to [REDACTED] Dayburst Way regarding a domestic violence call. The following is in summary:

The text of the call stated the caller's husband was armed with a gun, unknown where the gun is now and he is throwing things at her. The suspect wa [REDACTED] and the victim was [REDACTED]. At 0956 hours an update said the suspect was in the garage with a black Glock handgun in his hand.

Furthermore, information via the Real-Time Crime Center was that the suspect had a gun registered to him and a recent call stated the suspect had been using meth and has a mood disorder.

The target house was a corner house on the south side of the street. There was a parallel street to the south and a perpendicular street running north/south to the east. Officer Glynn positioned herself west of the house and the suspect could not see her. She stated he was in the garage and she could not see the gun. An arrest team was forming on the south side of the street. K9 Ofc. Hoversteen was in the yard to the rear of the target location. Officer Glynn advised of a female leaving the house in a car. Sgt. Harbison tried to flag that person down as she left but she ignored him and drove off. Information on the call was that there were two females in the house. It was believed at this point the victim and the suspect were the only persons left in the house (not confirmed). Sgt. Harbison did not want the suspect to enter the home and take the victim hostage.

Sgt. Harbison called victim Smith and asked her to exit the house via the backyard and walk towards officers. She refused to come out the back or the side of the house. While speaking with [REDACTED] [REDACTED] entered the house and was yelling. Sgt. Harbison instructed [REDACTED] to run out the front door and she stated she didn't want to. The suspect and victim began to exit the house at the same time and she was given direction to "run." She eventually jogged away and [REDACTED] appeared agitated and was yelling. He was told to stop but started walking back to the house [REDACTED] had not been searched, could have been armed and because of lack of information officers were not certain if more people were actually in the house.

Sgt. Harbison gave the order to deploy the K9 (Sgt. Dobson was rolling up as this was unfolding) and for Officer Peirsol to shoot [REDACTED] with the bean bag shotgun. Officer Peirsol fired four rounds and it appeared like he was hit twice [REDACTED] was running back towards the house and got inside of a gated patio and then back inside the house before the canine could apprehend him. The bean bags had no effect.

Officers backed off to the front of the house, a command post was set up and ultimately a SWAT call out was initiated [REDACTED] continued to be highly agitated, yelling profanities at officers and opening/closing the front door.

While Hostage negotiators on scene were trying to communicate with the suspect, SWAT began to approach. He stated something similar to "if I see SWAT I'm going to get locked and loaded." The suspect later fired one round but officers on scene were not sure where he was when this occurred. Moreover, Officers were not sure if the suspect stuck his hand out a window and fired off a round or simply shot a round off while inside the home (1317 hours).

After the suspect fired a round, SWAT began to organize their gas plan. Meanwhile an arrest warrant for 243e1 PC. was obtained for the suspect. The victim also signed a consent to search form on the house. At approx. 1630 hours, despite being told to exit the house numerous times SWAT had already began to introduce chemical agents into the home and the suspect began to fire off rounds once again. The suspect emerged on the front patio but quickly went back into the house.

The suspect opened the garage door and passed SWAT's demarcation line. He did not comply with orders to

surrender and turned to re-enter the home. The order was given by Sgt. Lightfoot to use overwhelming less lethal force. He was shot by a 12 gauge bean bag round (Officer Cunningham) and two K9s were deployed (Sgt. Dobson and Ofc. Harshbarger). The suspect approached the Officers despite the K9s engaging him. Officer A. Davis deployed his CED. The overwhelming less lethal use of force was effective. The suspect fell to the ground and was taken into custody. He was transported to the hospital for treatment. His injuries were as follows:

- Right hand abrasions
- Left wrist abrasions
- Right shoulder abrasions
- Right leg near the knee and ankle lacerations, punctures and scrap marks consistent with a dog bite.
- Left leg abrasions
- Lower back swelling consistent with a bean bag strike.
- Minor injuries from the taser probes which connected with his torso.

When the suspect was taken into custody he had a magazine and live rounds in a pocket. Inside the suspect's home was his firearm multiple spent rounds and two boxes of extra ammo.

I concluded all use of force was justified under SPD policy due to the suspect being armed with handgun, high on narcotics and he presented a clear and present danger to officers and the public.

The suspect was arrested for discharging the firearm in the city limits (misd.), resisting arrest and misd. domestic violence.

*****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] Dayburst Way, Sacramento, CA - Location of Occurrence: 5 - South - Precinct: 5C

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
DV	Calls For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear		19 feet to 21 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		
Drugs		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

DOB [REDACTED] Race: Asian/Hawaiian/Guam/Samoa/Etc (A) Ethnicity: Japanese (Race: A) Gender: Male

Address

- [REDACTED] Dayburst Way, Sacramento, CA

Phone

Role

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Types of Resistance Citizen Used Against Officer(s)

- Firearm
- Other Noncompliance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Medical Clearance Required		
Visible Injury		

Charges against this Citizen

- Other Felony
- 148(a) PC - Misdemeanor

Involved Officers

Police Sergeant Sean Cunningham - Badge Number: 0789

Assignment at time of incident: Title: Police Officer OSS/METRO/SPEC OPS/SWAT

Video Footage: [No Response]

Role

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Force used by this officer against the citizen

- BeanBag - Was force effective: No

Force Used	Effective?	Regions	Points of contact
BeanBag	No		

Police Officer Andrew Davis - Badge Number: 0853

Assignment at time of incident: Title: Police Officer OSS/METRO/SPEC OPS/SWAT

Video Footage: [No Response]

Role

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Less Lethal Force used by this officer against the citizen

- CED/Taser-Probe - Was Less Lethal Force Used Effective? Yes
Serial # - X00-514365
Cartridge # - unknown

Statistical Information

Arc display No

Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
CED/Taser-Probe	Yes		

Police Lieutenant-Exempt Joshua Dobson - Badge Number: 4111

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

Video Footage: [No Response]

Role

-

Force used by this officer against the citizen

- K-9 Bite - Was force effective: Yes

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

Police Officer John Harshbarger - Badge Number: 0484

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		

Police Officer Michael Peirsol - Badge Number: 0431

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

Video Footage: [No Response]

Role

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Force used by this officer against the citizen

- BeanBag - Was force effective: No

Force Used	Effective?	Regions	Points of contact
BeanBag	No		

Citizen Witnesses

Address

- [REDACTED]

Phone

- [REDACTED]

Role

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Officer Witnesses

Police Sergeant Tod Bevins - Badge Number: 3044

Video Footage: [No Response]

Role

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Police Officer Michael Blessing - Badge Number: 0266

Video Footage: [No Response]

Role

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Police Lieutenant-Exempt Vance Chandler - Badge Number: 4008

Video Footage: [No Response]

Role

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Police Officer Patrick Cox - Badge Number: 0419

Video Footage: [No Response]

Role

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Police Officer Daniel Deleon - Badge Number: 0535

Video Footage: [No Response]

Role

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Police Sergeant Todd Edgerton - Badge Number: 3131

Video Footage: [No Response]

Role

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Police Officer Adam Feuerbach - Badge Number: 0601

Video Footage: [No Response]

Role

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Police Officer Elizabeth Glynn - Badge Number: 0821

Video Footage: [No Response]

Role

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Police Sergeant Michael Harbison - Badge Number: 3012

Video Footage: [No Response]

Role

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Police Officer Troy Hawley - Badge Number: 0646

Video Footage: [No Response]

Role

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Police Sergeant Jeremiah Jarvis - Badge Number: 0402

Video Footage: [No Response]

Role

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Police Officer Micah Kraintz - Badge Number: 0536

Video Footage: [No Response]

Role

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Police Sergeant John Lightfoot - Badge Number: 3050

Video Footage: [No Response]

Role

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Reserve Police Offi 09002 Michael Nichols - Badge Number: 7720

Video Footage: [No Response]

Role

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Police Officer Daniel Patterson - Badge Number: 0725

Video Footage: [No Response]

Role

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Reserve Police Offi 09002 Frank Reyes, III - Badge Number: 7773

Video Footage: [No Response]

Role

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Police Officer Juan Rodarte - Badge Number: 0967

Video Footage: [No Response]

Role

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Police Officer Brian Surjan - Badge Number: 0426

Video Footage: [No Response]

Role

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Police Officer Barry Tiner - Badge Number: 0327

Video Footage: [No Response]

Role

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Police Sergeant Robert Young - Badge Number: 3102

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
4/11/2017	Taser download	pdf
4/4/2017	General Offense Report	pdf
4/4/2017	Red Border Form #4	pdf
4/11/2017	Red Border Form #1	pdf
4/11/2017	Red Border Form #2	pdf
4/11/2017	Red Border Form #3	pdf
4/4/2017	CAD Call	pdf

Assignment History

Sent Dt	From	To
6/6/2017	Ofcr. Mark Scurria #0526	(None Specified)
Assignment notes Released back to IAPro		
Email sent to receiver No email sent		

Chain of Command History

Routing #1	
Sent From:	Reserve Police Offi 09006 Kevin Griffin
Sent To:	Reserve Police Offi 09006 Paul Freeman
CC:	(none)
Sent Date/Time:	4/11/2017 10:42 PM
Instructions from Reserve Police Offi 09006 Kevin Griffin to Reserve Police Offi 09006 Paul Freeman:	
HI, This is the SWAT call out...Please advise if there are changes that need to be made3	
Comments/Response from Reserve Police Offi 09006 Paul Freeman:	
Approved: Approved	
Reason:	
Comments:	
I concur that the different uses of force in this incident were appropriate and carried out within SPD policy.	
Routing #2	
Sent From:	Reserve Police Offi 09006 Paul Freeman
Sent To:	Police Lieutenant-Exempt Jason Morgado

CC:	(none)
Sent Date/Time:	5/13/2017 10:19 AM
Instructions from Reserve Police Offi 09006 Paul Freeman to Police Lieutenant-Exempt Jason Morgado:	
Secondary and forward to Capt. Peletta.	
Comments/Response from Police Lieutenant-Exempt Jason Morgado:	
Approved: Approved	
Reason:	
Comments: Overwhelming less lethal 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:	5/23/2017 7:28 PM
Instructions from Police Lieutenant-Exempt Jason Morgado to Dep Chief of Police David Peletta:	
Use of force on barricaded subject ready for final review. In addition to the above, I also reviewed ICC footage (212130.av) from Sgt. Dobson's car that captured the use of force.	
Comments/Response from Dep Chief of Police David Peletta:	
Approved: Approved	
Reason:	
Comments: Lt Morgado identified issues related to the use of the beanbag round---as well as the custody phase, which I concur with. Information passed on to Lt Ellis.	

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Reserve Police Offi 09006 Paul Freeman

Police Lieutenant-Exempt Jason Morgado

Dep Chief of Police David Peletta

City of
SACRAMENTO
Police Department

DANIEL HAHN
Chief of Police

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Report Number: 2017-080984

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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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