

Sacramento Police Department

Use Of Force Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
08/23/2017	08/23/2017	00:16
Record ID Number	Report Number	IA No
19293	17-241216	UOF2017-084
Date/Time Entered	Entered By	
09/05/2017 22:54	Police Sergeant Matthew McPhail	
Sacramento PD Blue Team Assigned Investigator	IAPro Assigned Investigator	
[Pending assignment]	Ofcr. Mark Scurria #0526	

Incident Summary

Summary:

On 8/23/17, at approximately 0011 hours, Officers Paez and Jarrell were dispatched to [REDACTED] G St regarding two suspicious subjects loitering about outside the apartment complex. Officers arrived on scene within two minutes and made contact with the described subjects.

Officers observed that one of the men (later identified as suspect Cary Taylor) had a glass narcotics pipe partially concealed in his hand. Officers attempted to detain Taylor for the observed offense and he began to physically resist their efforts. Using control holds, the officers moved Taylor from the paved area where he was first contacted to a nearby grassy area where he was placed on the ground.

Both officer Paez and Officer Jarrell were equipped with body worn cameras during the time of this incident. Officer Jarrell's BWC was activated at this point in the contact. No recording of the altercation was made from officer Paez's BWC.

At the time Officer Jarrell's camera was activated, it appeared that Taylor was face down on the grassy area bordering the south sidewalk of G St. Both officers were over top of Taylor attempting to gain control of his arms. Once the audio portion of the BWC video engages, officers can be heard issuing clear commands to Taylor to "stop resisting" and to "put your hands behind your back".

While struggling with Taylor on the grass, he grabbed hold of Officer Jarrell's firearm holster. Officer Jarrell yelled at Taylor to "get your hand off my gun". A moment later there is a flurry of activity and the officer's body camera is knocked off his uniform. During this time, Officer Paez applied a carotid control hold upon Taylor which lasted approximately five seconds and did not result in a loss of consciousness.

Two CHP officers as well as SPD Officer Walker arrive on scene and take part in the effort to subdue Taylor in handcuffs which was ultimately accomplished. Officer Walker was equipped with a BWC which was recording during the detention.

Once detained, officers began the effort to provide after-force care for the subject by trying to calm him and having him sit up into a recovery position. Taylor sustained a laceration and swelling over his right eye. Medics were summoned to the scene to evaluate Taylor and he was later taken to an area hospital and cleared for incarceration after being rejected during jail intake processing.

Officer Walker sustained a minor laceration to a finger during the incident for which he did not seek medical treatment.

Supervisors Opinion:

My review of this incident included responding to the scene to survey it first hand, speaking with the involved officers, reviewing the police report and department general orders, reviewing dispatch audio recordings and reviewing body camera footage.

In my opinion, the officers' use of control holds and physical restraint to affect the arrest of suspect Taylor HS were within the department's use of force policy and were reasonable given his physical resistance and refusal to comply with verbal commands.

In my opinion, the use of the carotid control hold was within policy given that other attempted means of restraint had been ineffective or was considered by officers but not attempted for officer safety reasons. Furthermore, the use of the carotid was discontinued once the threat of the suspect accessing the officer's firearm had subsided. It is also my opinion that this use of force was reasonable given the potential harm that could come of officers should the suspect have been able to access the officer's firearm. Likewise, if the suspect had been able to retrieve the officers weapon, officers would have had few options remaining but to use greater (lethal) force against Taylor.

Administrative Recommendations and Actions:

During my initial review of the incident at the scene, I spoke with the officers involved and inquired as to what type of force was used. All involved officers advised that they used only physical restraint/control holds to subdue Taylor and that no other force options from their equipment belts were utilized. Later, during the same shift and prior to booking Taylor, Officer Paez informed me that he had also utilized a carotid control hold upon Taylor. He explained that he did not intentionally keep this information from me but hadn't thought to mention it when asked earlier if any of their weapons systems were used. I reviewed his watch file and did not locate any documented history of a failure to report a use of force.

Without delay, I reminded Officer Paez that general orders dictate reportable uses of force be brought to the immediate attention of a supervisor. We also discussed the importance of notifying nursing staff at the jail of any use of force and that the application of a carotid control hold could precipitate the need for a medical clearance prior to booking. Officer Paez advised that he understood the reporting requirements under GO 580.02 and was receptive to the verbal counseling.

During my review, I determined that no recording was made from Officer Paez's BWC at the time of the use of force. While speaking with Officer Paez at the scene, he advised that he had neglected to activate it. The body camera was operational as it was later used to record a suspect statement. I discussed the departments policy on the use of BWCs with specific emphasis about the need to activate them during enforcement or investigation contacts. Officer Paez advised that he understood the policy and the importance of documenting such contacts.

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

Incident Location

Addresses

█ G Street, Sacramento, CA, 95814

- Location of Occurrence: 3 - Central

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
928	Calls For Service	No
Weather Condition	Light Condition	Distance to Citizen
Clear		1 feet to 3 feet
Citizen Injured	Citizen Hospitalized	Citizen Arrested
Yes	Yes	Yes
Citizen Build	Citizen Height	Citizen Influence Assessment
Med	5'7" to 5'9"	Probation-Drugs
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Reporting/Involved Citizen

Cary Taylor

Date of Birth: 03/05/1960 **Race:** Black/African American (B) **Ethnicity:** African American (Race: B) **Gender:** Male

Addresses

█ █

Phone Numbers

█

Role: [None Entered]

Type of Resistance Citizen Used Against Officer

- Other Noncompliance
- Physical Resistance

Injuries Sustained By Citizen

Injury	Region	Injury Location
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Medical Clearance Required

Visible Injury

Charges Against Citizen

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

Incident Officers

Police Officer Jose Paez

Assignment at time of incident: Police Officer 000/Patrol/District 3 [None Entered]

Role: [None Entered]

Policy Outcome: Not yet entered

Force used by this Officer against Citizen

- Twist/Wrist Lock - Force Effective: No
- Takedowns - Force Effective: No
- Carotid Control Hold - Force Effective: No

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Twist/Wrist Lock	No		
Takedowns	No		
Carotid Control Hold	No		

Injuries Sustained By Officer

No injury

Police Officer David Jarrell

Assignment at time of incident: Police Officer 000/Patrol/District 3 [None Entered]

Role: [None Entered]

Policy Outcome: Not yet entered

Force used by this Officer against Citizen

- Twist/Wrist Lock - Force Effective: No
- Takedowns - Force Effective: No

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Twist/Wrist Lock	No		
Takedowns	No		

Injuries Sustained By Officer

No injury

Police Officer Drake Walker

Assignment at time of incident: Police Officer 000/Patrol/District 3 [None Entered]

Role: [None Entered]

Policy Outcome: Not yet entered

Force used by this Officer against Citizen

· Physical-Other - Force Effective: Yes

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
Physical-Other	Yes		

Injuries Sustained By Officer

Injury	Region	Injury Location
minor cut to finger		

Citizen Witnesses

[Redacted Name]

Date of Birth [Redacted] **Race:** White **Ethnicity:** Unknown **Gender:** Female

Role: [None Entered]

Addresses

[Redacted Address]

Phone Numbers

[Redacted Phone Number]

[Redacted Name]

Date of Birth [Redacted] **Race:** White **Ethnicity:** Unknown **Gender:** Male

Role: [None Entered]

Addresses

[Redacted Address]

Phone Numbers

[Redacted Phone Number]

[Redacted Name]

Date of Birth [Redacted] **Race:** White **Ethnicity:** Unknown **Gender:** Male

Role: [None Entered]

Addresses

[Redacted Address]

[Redacted Address]

Phone Numbers

[Redacted Phone Number]

[Redacted Name]

Date of Birth [Redacted] **Race:** Hispanic **Ethnicity:** Unknown **Gender:** Male

Role: [None Entered]

Addresses

[Redacted Address]

Phone Numbers

[REDACTED]

[REDACTED]

[REDACTED]

Date of Birth [REDACTED] **Race:** Asian **Ethnicity:** Unknown **Gender:** Male

Role: [None Entered]

Addresses

[REDACTED]

Phone Numbers

[REDACTED]

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
09/06/2017	Dispatch Audio	wav
09/06/2017	Red Border Form	pdf
09/06/2017	Crime Report	pdf
09/06/2017	CAD records	pdf

Assignment History

Date/Time Sent	From	To	Activity
11/22/2017 11:15	Ofc M Scurria #0526		Field status changed in IAPro from To IA to Released
11/22/2017 11:15	Ofc M Scurria #0526		Released back to IAPro

Chain of Command History

Routing Number: 1	
From	Police Sergeant Matthew McPhail
To	Police Lieutenant-Exempt Zachary Bales
Cc:	
Date/Time Sent	09/06/2017 02:41
Instructions From [Police Sergeant Matthew McPhail] To [Police Lieutenant-Exempt Zachary Bales]	
See attached use of force report for event that occurred downtown on 8/23/17	

Comments/Response From [Police Lieutenant-Exempt Zachary Bales]

This use of force was justified and within SPD Policy. The supervisor appropriately identified and addressed the associated issues. -LT Bales

Routing Number: 2

From Police Lieutenant-Exempt Zachary Bales

To Police Lieutenant-Exempt Adam Green

Cc:

Date/Time Sent 09/25/2017 00:02

Instructions From [Police Lieutenant-Exempt Zachary Bales] To [Police Lieutenant-Exempt Adam Green]

Secondary review please.

Comments/Response From [Police Lieutenant-Exempt Adam Green]

This UOF was justified and within policy. The issues regarding the use of the BWC were appropriately addressed by the sergeant. Lt. Green

Routing Number: 3

From Police Captain Adam Green

To Police Captain Justin Eklund

Cc:

Date/Time Sent 10/06/2017 02:19

Instructions From [Police Captain Adam Green] To [Police Captain Justin Eklund]

Capt. Eklund, This UOF Blue Team is ready for your final review. Thank you. Lt. Green

Comments/Response From [Police Captain Justin Eklund]

Use of Force by Ofc. Paez was justified and in policy based on circumstances.

City of
SACRAMENTO
Police Department

KATHERINE LESTER
Chief of Police

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Report Number: 2017-241216

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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 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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