

# Sacramento Police Department

## Use Of Force Report

**Incident Entered By:** Police Background Asst Michael McKenna - 649  
**Assigned Investigator:** Police Background Asst Michael McKenna

### Incident Details

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Date Received	Date of Occurrence	Time of Occurrence
1/19/2013	1/19/2013	09:46
Record ID #	Report Number	IA No
14316	13-16290	UOF2013-005
Date/Time Entered		
1/22/2013 13:57		

### Incident Summary

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On 1-19-13, at approx 0910 hrs, Ofc L Baker and Ofc Callaghan responded to the area o [REDACTED] 43rd St on a welfare check. This was a return call from the mother [REDACTED] of the subject. She advised her son, Robert Pomares, had been in phone contact with her and a friend and that he was suicidal. He was apparently upset over the recent death of his brother on Christmas day and he was also mentally retarded per his mom [REDACTED]. 43rd St is the home of the parents of a childhood friend. Both officers checked the surrounding area and could not find him. A short time later Ofc N Duckham put herself on this call as she had been on the previous call (13-16272) to Folsom Bl and 53rd St for the same subject and she did not locate him at that time.

At approx 0946 hrs Ofc Duckham drove past the house on 43rd St one last time and spotted a male subject north of the residence. She tried to talk to him but he fled south on 43rd St and went to the front door of [REDACTED] 43rd St. She advised via radio that she had the subject at the front door. Officer Callaghan was there within a minute and the two contacted him at the door. They had to keep a safe distance as he was brandishing a knife and stabbing himself. Ofc Duckham deployed her CED as Ofc Callaghan had lethal coverage. The CED did not stop the subject so Ofc Duckham used Ofc Callaghan's CED as well. This too struck the subject however he did not stop his actions.

Subject Pomares went south on the front porch and down the side yard where there is a large wooden gate. The subject broke out a side window and officers were afraid he was going to try and crawl into the residence. By this point Ofc Baker had made it to the scene. Ofc Duckham is a member of SPD's HNT team and was trying to calm Pomares during this event. He would not listen and he continued to stab himself. Ofc Baker used her own CED. In all she used all three of her cartridges cycling numerous times. Officers T Butler, J Warren, E Zeek, M Frazer, Sgt Bell and Ofc Bohrer each arrived and all deployed their own CEDs in the hope to stop Pomares from stabbing himself. This was not working so Ofc M Frazer retrieved the bean bag gun in Sgt Bell's vehicle. He received bean bag rounds from Ofc Baker. Ofc Frazer fired off four bean bag rounds at the subject. A combination perhaps of the bean bag rounds with the victim using his own knife to stab himself finally stopped him from assaulting himself any more where the officers felt safe enough to approach. The knife was kicked away and Ofc Frazer and Ofc Duckham began first aid on the subject as Sac Fire personnel entered the scene.

The subject was taken by ambulance to UCD Med Center where he was pronounced deceased at 1033 hrs.

I reviewed the ICC video and audio that had captured the audio portion of this incident. The ICC cameras were running in the following officers vehicles: Pangelinan, Bohrer, Matthews, Baker, Butler and Sgt Bell. No other officers that were on scene upon my arrival had either their cameras on at all or they arrived after the fact and were not of the actual incident.

In reviewing the taser download I can verify whose tasers were used and how many cycles each taser had at the time of the incident. I am not able to determine how many actual cartridges were used by which officer nor which officers probes had actually struck the individual and lastly which were effective. In addition once Ofc Duckham's initial deployment of her CED proved to be ineffective she took Ofc Callaghan's and discharged it at the subject. The Blue Team system would not allow me to add an additional entry for this type of force under her name. The serial # for this taser is X00-515904. It appears she fired one cartridge with presumably two darts coming from it for one cycle.

In talking with Sgt Stigerts I learned there were eight probe marks on the subject. Some in pairs and others that were solo. As far as which were effective is based on the individual officer's statements to detectives of which I have not been able to access thus at this time they are deemed ineffective .

In regards to Ofc Frazer deploying the bean bag gun it appears that three of the four rounds struck the

individual (lower right chest, back right thigh, and left calf). The effectiveness is speculation based on it occurring just as the subject stopped injuring himself.

## Incident Location

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- [REDACTED] 43rd Street, Sacramento, CA 95819 - Location of Occurrence: 3 - Central - Precinct: 3C

## Use of Force Specific Information

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<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Weapons	Calls For Service	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear		11 feet to 14 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	Yes	No
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Large	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: 12/2/1973 Race: White Ethnicity: Gender: Male

**Address**

[REDACTED]

**Phone**

- [REDACTED]

**Role**

- 

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

- knife
- Other Noncompliance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Visible Injury		

## Involved Officers

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**Reserve Police Offi 09002 Lenore Baker - Badge Number: 7754**

**Assignment at time of incident:** Title: Police Officer OOF/DIST 3--CEN/PATROL

**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? No  
Serial # - X00-514386  
Cartridge # - unknown

Projectile/probe contact Yes  
 # of air cartridges used - 3  
 Number of cycles through probes - 6  
 Number of probe hits - 0  
 Total number of probes deployed - 6  
 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 No  
 Area of the body where projectiles/probes made contact - No

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

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

**Police Sergeant Sherry Bell - Badge Number: 3036**

**Assignment at time of incident:** Title: Police Sergeant OOF/DIST 3--CEN/PATROL

**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? No  
Serial # - X00-387934  
Cartridge # -

Projectile/probe contact Yes  
 # of air cartridges used - 1  
 Number of cycles through probes - 3  
 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 - No

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

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Force Used	Effective?	Regions	Points of contact

CED/Taser-Probe	No		
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**Police Officer Cynthia Bohrer - Badge Number: 0250**

**Assignment at time of incident:** Title: Police Officer OOF/DIST 2--NE/PATROL

**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? No  
Serial # - X00-558597  
Cartridge # -

Projectile/probe contact Yes  
 # of air cartridges used - 1  
 Number of cycles through probes - 8  
 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 - No

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 Tyson Butler - Badge Number: 0530**

**Assignment at time of incident:** Title: Police Officer OOF/DIST 6--E/PATROL

**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? No  
Serial # - X00-568359  
Cartridge # -

Projectile/probe contact Yes  
 # of air cartridges used - 1  
 Number of cycles through probes - 9  
 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 - No

Statistical Information

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

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

### Police Officer Natalie Duckham - Badge Number: 0830

**Assignment at time of incident:** Title: Police Officer OOF/DIST 3--CEN/PATROL

**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? No  
Serial # - X00-215932  
Cartridge # -

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 - No

Statistical Information

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

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

### Police Sergeant Michael Frazer - Badge Number: 0423

**Assignment at time of incident:** Title: Police Officer OOF/DIST 3--CEN/PATROL

**Video Footage:** [No Response]

**Role**

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

- BeanBag - Was force effective: Yes

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

- CED/Taser-Probe - Was Less Lethal Force Used Effective? No  
Serial # - X00-197958  
Cartridge # -

Projectile/probe contact Yes  
 # of air cartridges used - 1  
 Number of cycles through probes - 2  
 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 - No

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

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

## Police Officer Jason Warren - Badge Number: 0486

**Assignment at time of incident:** Title: Police Officer OOF/DIST 3--CEN/BIKE

**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? No  
Serial # - X00-515948  
Cartridge # -

Projectile/probe contact Yes  
 # of air cartridges used - 1  
 Number of cycles through probes - 4  
 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 - No

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 Ethan Zeek - Badge Number: 0417

Assignment at time of incident: Title: Police Officer OOF/DIST 3--CEN/BIKE

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? No  
Serial # - X00-536277  
Cartridge # -

Projectile/probe contact Yes  
# of air cartridges used - 1  
Number of cycles through probes - 7  
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 - No

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

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

## Citizen Witnesses

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### Address

[Redacted]

### Phone

[Redacted]

### Role

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### Address

[Redacted]

### Phone

[Redacted]

### Role

- 

### Address

[Redacted]

Phone

• [REDACTED]

Role

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Address

[REDACTED]

Phone

• [REDACTED]

Role

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Address

[REDACTED]

Phone

[REDACTED]

Role

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Address

[REDACTED]

Phone

[REDACTED]

Role

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## Officer Witnesses

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### Police Officer Mark Callaghan - Badge Number: 0522

Video Footage: [No Response]

Role

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### Police Officer Linda Matthew - Badge Number: 0353

Video Footage: [No Response]

Role

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### Police Officer Thomas Pangelinan - Badge Number: 0818

Video Footage: [No Response]

Role

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## Tasks

No tasks to show


## Running Sheet Entries

No running sheet entries to show

## Attachments

No attachments

## Assignment History

Sent Dt	From	To
2/4/2013	AA Thuy Nguyen #6502	(None Specified)
<b>Assignment notes</b> Released back to IAPro		
<b>Email sent to receiver</b> No email sent		
2/4/2013	AA Thuy Nguyen #6502	Admin Analyst Thuy Nguyen
<b>Assignment notes</b> IAPro assigned		
<b>Email sent to receiver</b> No email sent		
2/6/2013	PC III Betty Allison #6600	OOF , DIST 3--CEN, PATROL
<b>Assignment notes</b> Field assigned		
<b>Email sent to receiver</b> No email sent		
2/6/2013	AA Thuy Nguyen #6502	Admin Analyst Thuy Nguyen
<b>Assignment notes</b> IAPro assigned		
<b>Email sent to receiver</b> No email sent		
2/6/2013	Admin Analyst Thuy Nguyen	Police Background Asst Michael McKenna
<b>Assignment notes</b> Incident re-assigned by Admin Analyst Thuy Nguyen to Police Sergeant Michael McKenna for further work-up.		
<b>Email sent to receiver</b> Dear Police Sergeant Michael McKenna:  Admin Analyst Thuy Nguyen has assigned a "Use of force" incident for you to investigate. Please sign into BlueTeam and take action. Click the below link to sign in. If you cannot click the below link, copy and paste it into your web browser's address bar. Thank you.  		
Note: This is an automatically generated email initiated by Admin Analyst Thuy Nguyen.		
Instructions/comments from Admin Analyst Thuy Nguyen: Please review and add the information that yo need to fix.		

## Chain of Command History

<b>Routing #1</b>	
Sent From:	Police Background Asst Michael McKenna
Sent To:	Reserve Police Offi 09006 Shawn Rogers
CC:	(none)
Sent Date/Time:	1/29/2013 6:33 PM
<b>Instructions from Police Background Asst Michael McKenna to Reserve Police Offi 09006 Shawn Rogers:</b>	
For your review, Mike	
<b>Comments/Response from Reserve Police Offi 09006 Shawn Rogers:</b>	
Approved: Not approved	
Reason: Need Additional Information	
Comments: [Forwarded by Police Sergeant          Shawn Rogers]	

<b>Routing #2</b>	
Sent From:	Reserve Police Offi 09006 Shawn Rogers
Sent To:	Police Background Asst Michael McKenna
CC:	(none)
Sent Date/Time:	2/3/2013 5:00 AM
<b>Instructions from Reserve Police Offi 09006 Shawn Rogers to Police Background Asst Michael McKenna:</b>	
Returned per your request.	
<b>Comments/Response from Police Background Asst Michael McKenna:</b>	
Approved: N/A	
Reason:	
Comments: Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Admin Analyst Thuy Nguyen	

<b>Routing #3</b>	
Sent From:	Police Background Asst Michael McKenna
Sent To:	Admin Analyst Thuy Nguyen
CC:	(none)
Sent Date/Time:	2/4/2013 9:43 AM
<b>Instructions from Police Background Asst Michael McKenna to Admin Analyst Thuy Nguyen:</b>	
Route back to Sgt. McKenna per his request.	
<b>Comments/Response from Admin Analyst Thuy Nguyen:</b>	
Approved: Approved	
Reason:	
Comments: Completion notes: Hi Sgt McKenna,  This BT routing is being sent back to you per your request.	

<b>Routing #4</b>	
Sent From:	Admin Analyst Thuy Nguyen
Sent To:	Police Background Asst Michael McKenna
CC:	(none)
Sent Date/Time:	2/4/2013 9:48 AM
<b>Instructions from Admin Analyst Thuy Nguyen to Police Background Asst Michael McKenna:</b>	
Being sent back to you per your request.	
<b>Comments/Response from Police Background Asst Michael McKenna:</b>	
Approved:	

Reason:  
Comments:  
[Open routing]

**Routing #5**

Sent From: Police Clerk III Betty Barnes  
Sent To: Police Background Asst Michael McKenna  
CC: (none)  
Sent Date/Time: 2/6/2013 1:31 PM

**Instructions from Police Clerk III Betty Barnes to Police Background Asst Michael McKenna:**

Per your request fr Thuy.

**Comments/Response from Police Background Asst Michael McKenna:**

Approved: Approved

Reason:

Comments:  
[Forwarded by Police Sergeant Michael McKenna]

**Routing #6**

Sent From: Police Background Asst Michael McKenna  
Sent To: Admin Analyst Thuy Nguyen  
CC: (none)  
Sent Date/Time: 2/6/2013 1:38 PM

**Instructions from Police Background Asst Michael McKenna to Admin Analyst Thuy Nguyen:**

please reject

**Comments/Response from Admin Analyst Thuy Nguyen:**

Approved:

Reason:

Comments:  
[Open routing]

**Routing #7**

Sent From: Admin Analyst Thuy Nguyen  
Sent To: Admin Analyst Thuy Nguyen  
CC: (none)  
Sent Date/Time: 2/6/2013 2:12 PM

**Instructions from Admin Analyst Thuy Nguyen to Admin Analyst Thuy Nguyen:**

Please fix

**Comments/Response from Admin Analyst Thuy Nguyen:**

Approved: Approved

Reason:

Comments:  
[Admin Analyst Thuy Nguyen has re-assigned the incident to Police Sergeant Michael McKenna]

**Routing #8**

Sent From: Admin Analyst Thuy Nguyen  
Sent To: Police Background Asst Michael McKenna  
CC: (none)  
Sent Date/Time: 2/6/2013 2:18 PM

**Instructions from Admin Analyst Thuy Nguyen to Police Background Asst Michael McKenna:**

Please review and add the information that yo need to fix.

**Comments/Response from Police Background Asst Michael McKenna:**

Approved: Approved

Reason:

Comments:

Completion notes: Please note in the summary that I was unable to enter Callaghan's CED information under Ofc Duckham. I spoke with Kathy Lester and she advised me to just include what I knew in the summary.  
Thank you,

**Routing #9**

Sent From:	Police Background Asst Michael McKenna
Sent To:	Reserve Police Offi 09006 Shawn Rogers
CC:	(none)
Sent Date/Time:	2/7/2013 11:42 AM

**Instructions from Police Background Asst Michael McKenna to Reserve Police Offi 09006 Shawn Rogers:**

For your review. Mike

**Comments/Response from Reserve Police Offi 09006 Shawn Rogers:**

Approved: Approved

Reason:

Comments:

The less than letal force used, was justified and within the departments policy.

**Routing #10**

Sent From:	Reserve Police Offi 09006 Shawn Rogers
Sent To:	Police Captain Dennis Joy
CC:	(none)
Sent Date/Time:	2/8/2013 6:34 AM

**Instructions from Reserve Police Offi 09006 Shawn Rogers to Police Captain Dennis Joy:**

LT.Joy could you please review and send to Captain Champion.  
Thank you.

**Comments/Response from Police Captain Dennis Joy:**

Approved: Approved

Reason:

Comments:

This use of force was within policy. I plan to contact Sgt. Bell and ask her to have a discussion with the involved officers regarding possible alternatives to repeated use of the CED in situations like this. One of my suggestions would be the deployment of the 40mm less lethal weapon. If that equipment wasn't available or personnel need the training that needs to happen. Thinking outside the box, I would also suggest considering calling in Fire from their staging point to direct a large amount of water at the subject from a fire hose while providing the firefighters lethal cover and the safety of distance.

**Routing #11**

Sent From:	Police Captain Dennis Joy
Sent To:	Police Captain William Champion, Jr
CC:	(none)
Sent Date/Time:	3/6/2013 2:43 AM

**Instructions from Police Captain Dennis Joy to Police Captain William Champion, Jr:**

Use of Force for your review Captain. The actual in custody death investigation was handled by Investigations per protocol. Thanks, Dennis

**Comments/Response from Police Captain William Champion, Jr:**

Approved: Approved

Reason:

Comments:

UOF was within policy and justified.

**Assigned Investigator Signature Line**

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Police Background Asst Michael McKenna

**Chain of Command Signature Lines**

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Reserve Police Offi 09006 Shawn Rogers

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Police Background Asst Michael McKenna

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Admin Analyst Thuy Nguyen

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Police Captain Dennis Joy

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Police Captain William Champion, Jr