

Sacramento Police Department

Use Of Force Report

Incident Entered By: Reserve Police Offi 09006 Paul Freeman - 303
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
8/31/2014	8/31/2014	01:37
Record ID #	Report Number	IA No
16301	14-244586	UOF2014-104
Date/Time Entered		
9/17/2014 07:02		

Incident Summary

On 08/31/14, 0137 hrs, SPD officers responded to [REDACTED] Fig Street on a reported 5150 violent subject who was fighting the complainant's father.

Upon arrival, the officers contacted the complainant, who told them that her brother, Sia Thao, had pushed, punched and threatened to kill their father. Sia Thao had also supposedly told the complainant that she "would be sorry" if she called the police. The complainant was requesting a mental health evaluation.

Officers attempted to contact Sia Thao, who had locked himself in his bedroom and was cursing and yelling, and did not want to answer the door. Sia Thao eventually came out of the bedroom and attempted to walk past the officers and to the living room where his father was seated. Officer Miller could tell that Thao had been drinking and was agitated. The officer grabbed Thao's right arm and attempted to control him via a rear wrist lock. As the officer increased pressure to the wrist to prevent Thao from going to the living room, he heard a "pop" from Thao's arm. The officers were able to detain Thao shortly after in handcuffs.

Thao complained of pain to his arm. Officer Miller loosened the handcuffs transported Thao to Kaiser Morse where it was determined that Thao had suffered a broken right arm.

I interviewed Thao at Kaiser Morse the morning on 8/31. His statement regarding what happened is generally in line with the officer's statement. Thao acknowledged that when the officers knocked on his door, he ignored them for quiet some time before eventually opening the door and trying to walk straight to the living room. Thao told me that he had a couple of beers as well.

Based on my review of this incident, I believe that the use of the rear wrist lock was appropriate and necessary given the following circumstances:

1. Thao had already engaged in violent behavior with his father.
2. Thao had made statements threatening his sister if the police were called.
3. Thao ignored the officers when they called him out of his room.
4. When Thao finally came out of his room, he attempted to walk past the officers and straight to the living room (where his dad was seated).
5. Thao's overall behavior with the officers was non-compliant.

A twist lock or rear wrist lock seemed to me to be an appropriate use of force to control Thao. I believe that it was appropriate and within SPD policy.

Incident Location

[REDACTED] Fig Street, Sacramento, CA 95838 - Location of Occurrence: 2 - Northeast - Precinct: 2A

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
5150	Calls For Service	
Weather Condition	Lighting Condition	Distance to Citizen

1 feet to 3 feet

Citizen Injured

Yes

Citizen Taken to Hospital

Yes

Citizen Arrested

No

More than 1 Citizen Involved

No

Citizen's Build

Med

Citizen's Height

5'4" to 5'6"

Officer Assessment of Citizen Condition During Incident

Alcohol

Officer(s) Injured

No

Officer(s) Taken to Hospital

No

Reporting/Involved Citizen Information

DOB: 9/17/1980 Race: Pac Islander Ethnicity: Gender: Male

Address

- [REDACTED]

Phone

- [REDACTED]

Role

-

Types of Resistance Citizen Used Against Officer(s)

- Physical Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Medical Clearance Required		

Involved Officers

Police Officer Darin Miller - Badge Number: 0867

Assignment at time of incident: Title: Police Officer OOF/DIST 1 NW/PATROL

Video Footage: Pac Islander

Role

-

Force used by this officer against the citizen

- Twist/Wrist Lock - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Twist/Wrist Lock	Yes		

Officer Witnesses

Police Officer Anna Mahoney - Badge Number: 0901

Video Footage: Pac Islander

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
11/13/2014	AA Thuy Nguyen #6502	(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 Paul Freeman
Sent To:	Police Captain Wendy Brown
CC:	(none)
Sent Date/Time:	9/17/2014 10:46 AM
Instructions from Reserve Police Offi 09006 Paul Freeman to Police Captain Wendy Brown:	
Per Bassett, I completed the use of force on this. Citizen complaint referred to IA.	
P	
Comments/Response from Police Captain Wendy Brown:	
Approved: Not approved	
Reason: Need Additional Information	
Comments: [Forwarded by Police Lieutenant-Exempt Wendy Brown]	

Routing #2	
Sent From:	Police Captain Wendy Brown
Sent To:	Police Captain Jason Bassett
CC:	(none)
Sent Date/Time:	9/18/2014 10:25 PM
Instructions from Police Captain Wendy Brown to Police Captain Jason Bassett:	
For review	
Comments/Response from Police Captain Jason Bassett:	

Approved: Not approved
Reason: Need Additional Information
Comments:
[Forwarded by Police Lieutenant-Exempt Jason Bassett]

Routing #3

Sent From:	Police Captain Jason Bassett
Sent To:	Reserve Police Offi 09006 Paul Freeman
CC:	(none)
Sent Date/Time:	10/7/2014 8:27 AM

Instructions from Police Captain Jason Bassett to Reserve Police Offi 09006 Paul Freeman:
add signature on red border

Comments/Response from Reserve Police Offi 09006 Paul Freeman:
Approved: Approved
Reason:
Comments:
Red Border form signed.

Routing #4

Sent From:	Reserve Police Offi 09006 Paul Freeman
Sent To:	Police Captain Jason Bassett
CC:	(none)
Sent Date/Time:	10/22/2014 10:54 AM

Instructions from Reserve Police Offi 09006 Paul Freeman to Police Captain Jason Bassett:
Signed per your request.

Comments/Response from Police Captain Jason Bassett:
Approved: Approved
Reason:
Comments:
I have reviewed this report and find it to be within policy. The use of force was reasonable for the situation and Officer Miller notified hospital staff of the possible injury.

Routing #5

Sent From:	Police Captain Jason Bassett
Sent To:	Reserve Police Offi 09006 Shawn Rogers
CC:	(none)
Sent Date/Time:	10/26/2014 6:54 AM

Instructions from Police Captain Jason Bassett to Reserve Police Offi 09006 Shawn Rogers:
Shawn, please review and forward to Captain...thanks, J

Comments/Response from Reserve Police Offi 09006 Shawn Rogers:
Approved: Approved
Reason:
Comments:
I agree with Lt. Bassett that the use of force was justified and within department policy. After listening to the suspect interview, it sounded like he contributed to his injury.

Routing #6

Sent From:	Reserve Police Offi 09006 Shawn Rogers
Sent To:	Dep Chief of Police David Risley
CC:	(none)
Sent Date/Time:	10/27/2014 12:51 AM

Instructions from Reserve Police Offi 09006 Shawn Rogers to Dep Chief of Police David Risley:
For your review.

Comments/Response from Dep Chief of Police David Risley:
Approved: Approved
Reason:

Comments:

[Forward to IA/PSU by Police Captain

David Risley]

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Police Captain Wendy Brown

Police Captain Jason Bassett

Reserve Police Offi 09006 Paul Freeman

Reserve Police Offi 09006 Shawn Rogers

Dep Chief of Police David Risley



SACRAMENTO POLICE DEPARTMENT

PUBLIC HARDCOPY

RELEASED PER PUBLIC RECORDS ACT REQUEST

GO# SA 2014-244586 SUSPENDED-FIELD
SUPERVISOR

7000-30 5150 WI DANGER SELF/OTHERS

General Offense Information

Operational status: **SUSPENDED-FIELD SUPERVISOR**

Reported on: **Aug-31-2014 (Sun.) 136**

Occurred on: **Aug-31-2014 (Sun.) 136**

Approved on: **Aug-31-2014 (Sun.)** by: **3391 - HARBISON, MICHAEL 3012**

Report submitted by: **3296 - MILLER, DARIN 0867**

Org unit: **OOO PATROL DIST 1 LATE (TEAM 5)**

Address: **FIG ST**

Municipality: **SACRAMENTO** County: **SACRAMENTO COUNTY**

District: **2** Beat: **2A** Grid: **0505**

Felony/Misdemeanor: **MISDEMEANOR**

Family violence: **No**

Offenses (Completed/Attempted)

Offense: # **1** **7000-30 5150 WI DANGER SELF/OTHERS - COMPLETED**

Location: **RESIDENCES**

Offender suspected of using: **N/A**

Bias: **NONE (NO BIAS)**



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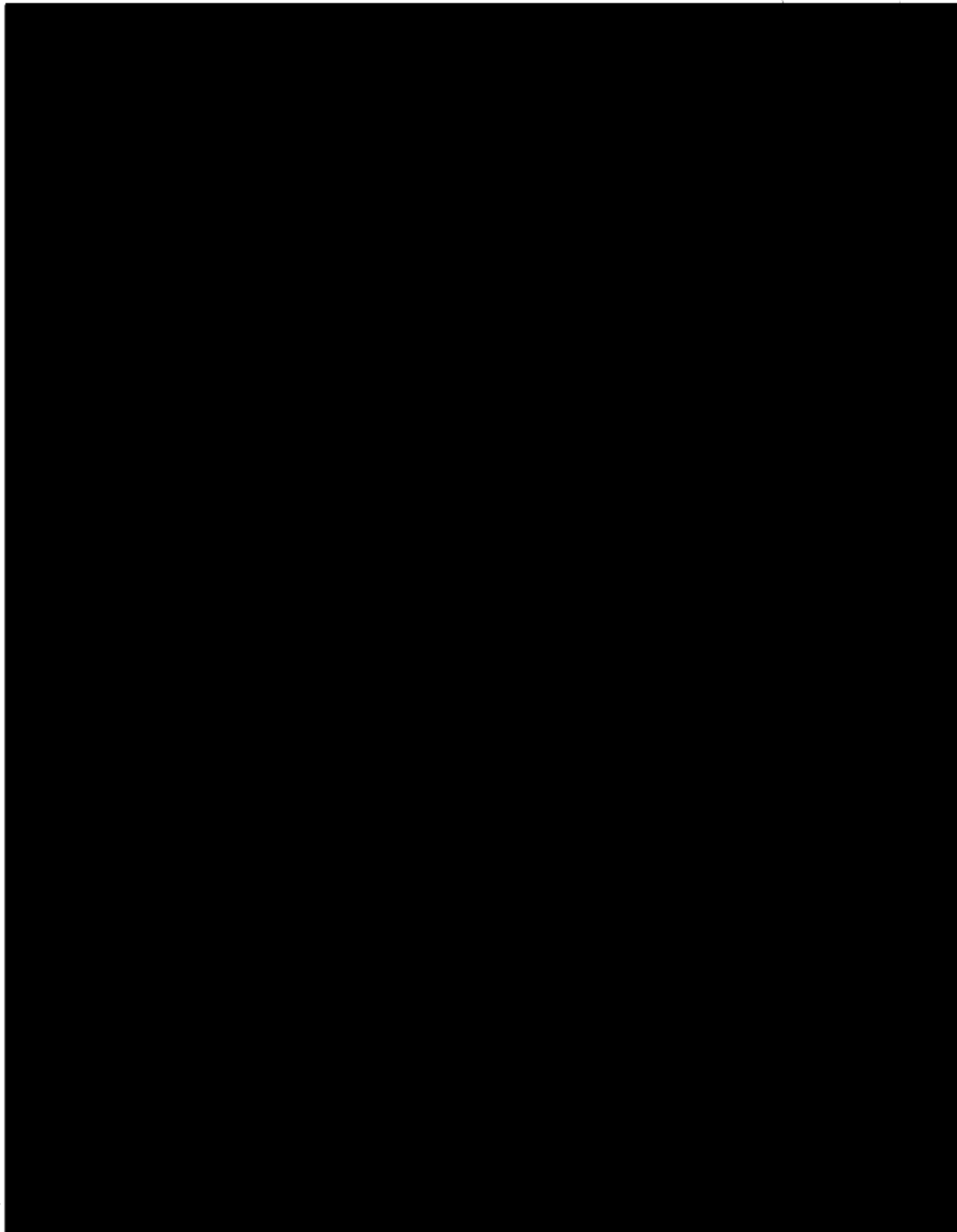
7000-30 5150 WI DANGER SELF/OTHERS

Related Attachment(s) - ATTACHMENTS

Attachment Description:

Reference Number:

14-244586





SACRAMENTO POLICE DEPARTMENT

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**GO# SA 2014-244586 SUSPENDED-FIELD
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7000-30 5150 WI DANGER SELF/OTHERS

Related Person(s)

1. SUSPECT # 1 - THAO, SIA

(Case Specific Information)

Sex: MALE

Race: ASIAN (ALL)/ PACIFIC ISLANDER

Date of birth: Sep-17-1980

Address: [REDACTED]

Municipality: [REDACTED]

Phone Numbers

MAIN [REDACTED]

HOME PHONE:

2. SUBJECT # 1 - [REDACTED]

(Case Specific Information)

Sex: FEMALE

Race: ASIAN (ALL)/ PACIFIC ISLANDER

Date of birth: [REDACTED]

Address: [REDACTED]

Municipality: [REDACTED]

Phone Numbers

MAIN [REDACTED]

HOME PHONE:

3. PARENT/GUAR # 1 - [REDACTED]

(Case Specific Information)

Sex: FEMALE

Race: ASIAN (ALL)/ PACIFIC ISLANDER

Date of birth: [REDACTED]

Address: [REDACTED]

Municipality: [REDACTED]

Phone Numbers

MAIN [REDACTED]

HOME PHONE:

4. PARENT/GUAR # 2 - [REDACTED]

(Case Specific Information)

Sex: MALE

Race: ASIAN (ALL)/ PACIFIC ISLANDER

Date of birth: [REDACTED]

Address: [REDACTED]



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Municipality: [REDACTED]



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Related Text Page(s)

Document: 04 OBSERVATIONS

Author: 3296 - MILLER, DARIN 0867 [REDACTED]

Subject: 1A13

Related date/time: Aug-31-2014 (Sun.) 241

On Sunday, 8-31-14, at approx 0137 hrs, I responded to [REDACTED] Fig St regarding a reported assault in progress. A male had reportedly assaulted his father, and threatened to kill him. I arrived on scene at approx 0147 hrs. Upon arrival I observed that 1A16 (Mahoney) was on scene.

We contacted the complainant, and she advised us that her brother (later identified as victim Thoa) had pushed her father, tried to punch him, and threatened to kill him. The victim had told the complainant that she, "would be sorry," if she called the police. She was afraid that the victim would harm herself, or her father, and requested [REDACTED]
[REDACTED]

We entered the residence, and I observed that the complainants father was seated on the living room couch. He advised me that the victim had pushed him, but he was not injured.

We attempted to contact the victim, but he had locked himself in his room. He was cursing, and yelling. He did not want to open the door for the police. 1A16 was able to get the victim to open the door so we could talk to him. The victim was verbally hostile, and appeared agitated, and angry. As soon as he stepped out of the bedroom, and into the hallway, he attempted to force his way past me. He put his right arm out, and pushed me to the side, in an attempt to get past me. The victims father was seated in the living room approx 20 feet behind me. It appeared that the victim was trying to get past me, in order to get to his father whom he had assaulted once already. I could smell a strong odor of an alcoholic beverage coming from the victims breath. He was possibly intoxicated.

Based on the victims agitated state, his assault on his father, and his threat to kill his father, there was reason to believe that the victim was a danger to others. The victims actions made me believe that he was trying to push past me, in order to agitated his father again. I took a hold of the victims right arm, and placed him in a departmentally approved two-handed rear wrist lock. 1A16 took a hold of the victims left arm.

The victim attempted to pull his arms free from our control holds. I increased the pressure on the two-handed rear wrist lock, in order to maintain control of the victim. As I increased the pressure, I heard a pop



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from the victims right arm. We were then able to detain the victim in handcuffs.

I walked the victim out to my patrol car, and I placed him in the back seat. I advised the victim of the reason he was detained. Approx 3 minutes after being cuffed, the victim advised me that his right arm was hurting, and asked to have his handcuff loosened. Approx 2 minutes later the victim stated that he thought his arm was broken. The victim had not complained of any pain after being handcuffed, after being walked to the car, or after being seated in the car for several minutes. I loosened the victims handcuff, and did not observe any swelling to the arm he claimed was injured. It had been approx 5 minutes from the time the victim had been handcuffed before he stated that he thought his arm was broken.

I advised him that [REDACTED] and that he was going to be transported to the hospital [REDACTED]. The victim continued to complain that he thought his arm was broken. I advised 1SM2 (Harbison) of the call, and of the victims complaint regarding his arm.

1A16 recontacted the victims family, and obtained their statements.

I transported the victim to Kaiser (Morse Ave), [REDACTED]. I advised the hospital staff that the victim thought his arm might be broken. They were not able to confirm whether the victims arm was broken before I left the hospital. When I removed the handcuffs from the suspect in the hospital, I did not observe any swelling, or any outward signs of the victims arm being broken, or otherwise injured.



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7000-30 5150 WI DANGER SELF/OTHERS

Follow Up Report # SA 1

Follow Up Report # SA 1

Assignment Information

Assigned to: 4072 - MAHONEY, ANNA 0901 Rank:

Capacity: SUPPLEMENTAL ADD (NOT FOR DETECTIVE USE) Org unit: OOO PATROL DIST 1 LATE
(TEAM 6)

Assigned on: Aug-31-2014 (Sun.) 905 by: 4072 - MAHONEY, ANNA 0901

Report due on: Sep-02-2014 (Tue.)

Submission Information

Submitted on: Aug-31-2014 (Sun.) 1247

Approved on: Aug-31-2014 (Sun.) by: 303 - FREEMAN, PAUL 7767

Follow Up Conclusion

Follow Up concluded: Yes

Narrative Text Report # 1

Document: 02 WITNESS STATEMENT

Author: 4072 - MAHONEY, ANNA 0901

Subject: [REDACTED]

Related date/time: Aug-31-2014 (Sun.) 407

On 8-31-14, at approx. 0200 hours, I, Ofc. Mahoney #901, spoke to parent [REDACTED] and obtained the following statement in summary:

My son Sia Thao has [REDACTED]. [REDACTED]. Sia has been drinking alcohol as well lately. Tonight he was yelling at and threatening myself, my wife, and my daughter. He yelled "I'm going to kill you" at me. He started saying things like he thought that my family had stolen from him. I tried to get him to go back into his room and thats when he started pushing me. I pushed him back. He tried to punch me but he was never able to. I started worrying for my families safety and called 9-1-1. [REDACTED]



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***** END OF HARDCOPY *****

Report Number: 2014-244586

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 whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would constitute an unwarranted invasion of personal privacy (Cal. Gov. Code § 7927.700; see also City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008);

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 § 1; Cal. Pen. Code § 832.7(a); Cal. Evid. Code § 1040);

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000);

Records or information that constitute confidential medical, financial, or other information, the disclosure of which is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy (Cal. Pen. Code § 832.7(b)(6)(C)); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 Sec. 1; and HIPAA 45 CFR Part 160 and Subparts A and E of Part 164).

Sacramento Police Department
Professional Standards Unit
916-808-3790
spdpsu@pd.cityofsacramento.org