

Sacramento Police Department

Use Of Force Report

Incident Entered By: Police Sergeant Matthew Young - 1122
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/20/2014	3/20/2014	18:00
Record ID #	Report Number	IA No
15765	14-74946	UOF2014-031
Date/Time Entered		
4/17/2014 16:40		

Incident Summary

On March 20, 2014, at approx. 1130 hours, Officer Gilbertson and Officer G. Gonzales were working as 2PL3, in full uniform and in a marked police vehicle (2PL3). Gilbertson observed suspect STAIB run a red light on his bicycle at 7th St/L St. The subject refused to stop for the officers and a physical confrontation ensued between the Officers and STAIB. During the arrest, STAIB intentionally placed Officer Gilbertson's hand into his mouth and bit Officer Gilbertson's fingers, resulting in serious injury. Officers Ratcliffe and Cook were among the group of Officers that responded to the scene to assist. It was at that time that Officers Ratcliffe and Cook learned of STAIB'S violent attack on Officer Gilbertson.

Officers Ratcliffe and Cook were assigned to guard STAIB as he received medical treatment at the UCD Medical Center prior to being incarcerated. STAIB was in-custody at that time for felony battery on an officer. Upon arrival at the Med Center STAIB was restrained by medical personnel on a gurney. The restraints at that time consisted of soft leather wrist restraints anchored to the gurney, along with a torso restraint that was placed across his chest horizontally and secured behind the back rest.

Over the next several hours medical personnel performed a number of tests, screenings, etc. on STAIB, including a CT scan. STAIB'S interaction with medical personnel during this time was somewhat amicable, so long as both officers were a short distance away and did not engage him in conversation. At some point, likely when STAIB was moved into a room for the CT scan, medical personnel removed and/or unsecured the soft wrist restraints on STAIB. The Officers had not shackled STAIB prior to this time.

At approximately 1730 hours Officers Ratcliffe and Cook were advised by medical staff that STAIB was cleared for incarceration. One of the officers called me and advised as such. 3PL3, Officers Strauss and Swift, were then dispatched to take custody of and transport STAIB to the main jail. It should be noted that both Officers Strauss and Swift had been present at swing shift roll call and had been advised of the circumstances of the incident in which STAIB violently attacked and injured Officer Gilbertson.

At approximately the time Officers Strauss and Swift arrived in the emergency room of UCD, STAIB was becoming verbally belligerent and uncooperative with Officers Ratcliffe and Cook as they attempted to prepare him for discharge and subsequent transport. He began to call the officers names. It was at approximately that time that Officers Ratcliffe and Cook realized that STAIB'S soft wrist restraints were no longer in place. The four Officers approached STAIB while attempting to gain compliance verbally. STAIB was still seated on the gurney wearing a hospital gown. Officers Ratcliffe and Cook, one on each side, attempted to gain control of STAIB'S arms. STAIB violently reacted, striking Officer Cook directly in the chest with his fist.

Seeing Officer Cook assaulted by STAIB, and with STAIB violently throwing his hands and legs towards the officers, Officer Swift deployed and cycled his CED (prongs) into STAIB'S chest. STAIB immediately pulled the prongs out of his body while yelling "motherfuckers." Officer Strauss then deployed her CED at STAIB'S torso. It was ineffective. STAIB continued to violently resist and assault all the officers. Officer Strauss attempted to move to his (left side) to drive stun STAIB to defend the officers in immediate danger of being struck or bitten by STAIB. As Officer Strauss moved to do so, she was kicked by STAIB in the face and stomach. She was not injured. Officer Strauss got to his left side and drive-stunned STAIB.

During the time STAIB was actively assaulting officers, and after CED'S were deployed by both Officers Swift and Strauss (ineffective), Officer Ratcliffe attempted to discharge his CED. It failed. Officer Ratcliffe then picked up Officer Swift's CED, removed the spent cartridge, placed his live cartridge in Officer Swift's CED and discharged it at STAIB. The deployment also appeared to be ineffective.

All four Officers were eventually able to get STAIB'S hands behind his back and cuffed. An on scene physician removed the remaining probes stuck in STAIB. STAIB was transported to the wagon and then to main jail. At

main jail he refused to walk and SSD deputies placed him in a wheel chair.

Hospital video surveillance of the incident was obtained (approximately 10 days later). It has been forwarded via intra-department mail. The SPD wagon ICC captured STAIB'S transport from UCD to jail and a portion of his interaction with SSD deputies (Back-End 14-74946). CSI responded to the main jail and took photographs of STAIB'S injuries from the CED deployments and drive-stun (redness on chest, stomach, and left rib-cage). The UCD police report (M14-0222) was forwarded to me approximately 3 weeks after the incident (attached hereto in PDF).

Chads and spent cartridges were collected by officers at the scene and booked. Medical personnel that witnessed the incident were identified and interviewed (G.O. 14-74946). I downloaded the CED firing data from each of of Officers Strauss, Swift, and Ratcliffe's CED'S (reports attached hereto in PDF). The firing data from each device appears to correspond with facts articulated in the crime report. No Officers sustained injury.

Due to the Officers' knowledge of STAIB'S violent attack on another police officer earlier in the day, STAIB'S verbal and physical (punching and kicking) attack on the Officers attempting to subdue him, and the fact the Officers were in imminent and immediate danger of being struck and injured by STAIB, I believe the 3 deployments of the respective CED'S, and the application of the drive-stun, were appropriate, warranted, and within department policy.

[REDACTED]

Officer Ratcliffe was instructed to contact the Armorer for a CED replacement.

Incident Location

- 2315 Stockton Blvd., Sacramento, CA 95820 - Location of Occurrence: 6 - East - Precinct: 6B

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Assault	Other	
Weather Condition	Lighting Condition	Distance to Citizen
Other (Specify):		1 feet to 3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Large	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

DOB: 3/9/1950 Race: White Ethnicity: Gender: Male

Address

[REDACTED]

Phone

[REDACTED]

Role

•

Types of Resistance Citizen Used Against Officer(s)

- Punch/Kick
- Physical Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Medical Clearance Required		
Visible Injury		

Charges against this Citizen

- Assault on Officer

Involved Officers

Police Officer Jeremy Ratcliffe - Badge Number: 0224

Assignment at time of incident: Title: Police Officer OOF/DWNTWN CORE/TRAINING/DOWNTOWN

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 # - x00-515886
Cartridge # - Unknown-Booked

Projectile/probe contact Yes
 # of air cartridges used - 1
 Number of cycles through probes - 1
 Number of probe hits - 2
 Total number of probes deployed - 2
 Did the probe(s) penetrate subjects skin? Yes
 Was an additional cartridge deployed? No
 Follow up drive stun conducted No
 Duration of cycles -
 Accidental (unauthorized) discharge No

Application caused injury Yes
 Subject was wearing heavy clothing No
 Area of the body where projectiles/probes made contact - Chest

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 Elizabeth Strauss - Badge Number: 0586

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

Video Footage: [No Response]

Role

-

Less Lethal Force used by this officer against the citizen

- CED/Taser-Probe - Was Less Lethal Force Used Effective? No
Serial # - x00-565848
Cartridge # - Unknown-booked

Projectile/probe contact Yes
of air cartridges used - 1
Number of cycles through probes - 1
Number of probe hits - 2
Total number of probes deployed - 2
Did the probe(s) penetrate subjects skin? Yes
Was an additional cartridge deployed? No
Follow up drive stun conducted No
Duration of cycles -
Accidental (unauthorized) discharge No

Application caused injury Yes
Subject was wearing heavy clothing No
Area of the body where projectiles/probes made contact - Chest

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

-
- CED/Taser-Touch Stun - Was Less Lethal Force Used Effective? No
Serial # - x00-565848
Cartridge # - Unknown-booked

Direct contact/drive stun contact Yes
of cycles - 1
Was the cartridge attached? No
Follow up drive stun conducted No
Duration of cycles -
Accidental (unauthorized) discharge No

Application caused injury - Yes
Area of body where device applied - Chest

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		
CED/Taser-Touch Stun	No		

Police Officer Christopher Swift - Badge Number: 0668

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

Video Footage: [No Response]

Role

-

Less Lethal Force used by this officer against the citizen

- CED/Taser-Probe - Was Less Lethal Force Used Effective? No
Serial # - x00-515886
Cartridge # - Unknown-Booked

Projectile/probe contact Yes
 # of air cartridges used - 1
 Number of cycles through probes - 1
 Number of probe hits - 2
 Total number of probes deployed - 2
 Did the probe(s) penetrate subjects skin? Yes
 Was an additional cartridge deployed? No
 Follow up drive stun conducted No
 Duration of cycles -
 Accidental (unauthorized) discharge No

 Application caused injury Yes
 Subject was wearing heavy clothing No
 Area of the body where projectiles/probes made contact - Chest

 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		

Citizen Witnesses

Address

- 2315 Stockton Blvd., Sacramento, CA

Phone

██████████

Role

-

Officer Witnesses

Police Officer Todd Cook - Badge Number: 0213

Video Footage: [No Response]

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
5/7/2014	Captain Dave Risley	(None Specified)
Assignment notes		
Released back to IAPro		
Email sent to receiver		
No email sent		

Chain of Command History

Routing #1	
Sent From:	Police Sergeant Matthew Young
Sent To:	Police Captain Charles Husted
CC:	(none)
Sent Date/Time:	4/18/2014 6:31 PM
Instructions from Police Sergeant Matthew Young to Police Captain Charles Husted:	
Here you go LT. I had to wait forever for the video surveillance (forwarded to Kinney intra-department mail) and the UCD report. Let me know if there are any issues. Thanks - Matt	
Comments/Response from Police Captain Charles Husted:	
Approved: Approved	
Reason:	
Comments:	
The deployment & use of the CED as described was reasonable and within policy [REDACTED]	
[REDACTED]	
[REDACTED]	

Routing #2	
Sent From:	Police Captain Charles Husted
Sent To:	Police Captain Wendy Brown
CC:	(none)
Sent Date/Time:	4/26/2014 11:48 PM
Instructions from Police Captain Charles Husted to Police Captain Wendy Brown:	
Please provide a secondary review & forward to Captain Gardner.	
Comments/Response from Police Captain Wendy Brown:	
Approved: Approved	
Reason:	
Comments:	
The use of force was within department policy [REDACTED]	
[REDACTED]	

Routing #3	
Sent From:	Police Captain Wendy Brown
Sent To:	Police Captain William Champion, Jr
CC:	(none)
Sent Date/Time:	4/27/2014 4:05 AM
Instructions from Police Captain Wendy Brown to Police Captain William Champion, Jr:	
For your review	
Comments/Response from Police Captain William Champion, Jr:	
Approved: Approved	
Reason:	
Comments:	
UOF appropriate and within policy.	

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Police Captain Charles Husted

Police Captain Wendy Brown

Police Captain William Champion, Jr

Sacramento Police Department

Use Of Force Report

Incident Entered By: Reserve Police Offi 09006 Robert Huff - 439
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/20/2014	3/20/2014	11:30
Record ID #	Report Number	IA No
15708	14-74946	UOF2014-055
Date/Time Entered		
3/27/2014 13:43		

Incident Summary

On 3/20/14 at approx 1130 hrs, Officers Gilbertson and Reserve Officer Gonzalez were working the wagon, on patrol in the downtown core. Officer Gilbertson observed Suspect Staib riding his bicycle on the north sidewalk of L street (a w/b street) riding east bound. Gilbertson observed Staib cross 7th street against a don't cross sign. Officer Gilbertson attempted to use the PA in the wagon to stop Staib for the violations but he continued riding on the north sidewalk.

Officer Gilbertson drove through the alley east bound, paralleling Staib and caught up to him at 9th / L Streets. Staib had stopped for traffic on the corner of 9th and L streets.

Officer Gilbertson activated the wagons emergency lights as he drove towards the intersection and advised over the wagon's PA to "wait there bicyclist" and he parked the wagon with Staib at the driver's door. Staib appeared to look everywhere except at the patrol wagon.

Officer Gilbertson quickly exited the vehicle as Staib was moving his bike towards the back of the wagon. As Staib was about to clear the back of the wagon, Gilbertson reached out and grabbed him by the back of the pants, stopping his forward movement.

Staib yelled and took a wild swing at Officer Gilbertson. Staib was still straddling his bike. Staib grabbed Officer Gilbertson's right hand and while they they struggled, Staib and his bicycle went to the ground. Staib then began to bite Officer Gilbertson's right hand. Officer Gilbertson tried pulling his hand out of Staib's mouth but was not able to. Officer Gilbertson struck Staib once in the head with his knee to free his hand. Staib released Officer Gilbertson's hand. Officer Gonzales had come around from the passenger side of the wagon to assist in taking Staib into custody. Staib was resisting Officers Gilbertson and Gonzales to violently they were not able to control him. Officer Bonilla and Cook responded and the four officers were finally able to handcuff Staib.

Officer Gilbertson received a laceration to his right middle finger that required two stitches. Staib lost three teeth. Staib had abrasions on his hands and wrists and a small amount of blood around his mouth. He complained of pain to his wrists, chest, and mouth. He was taken to SMC for medical clearance.

The use of force was within departmental policy and reasonable. Specifically section B (4): Under extraordinary conditions that involve the risk of serious bodily injury or death (suspect biting finger), and in situations where it may be impractical to comply with the provisions of this order (one hand painfully trapped in the suspect's mouth), officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.

The only ICC video I was able to locate was of the suspect in the back seat of the transport units car.

Incident Location

- N/A 9th / L Streets, Sacramento, CA - Location of Occurrence: 3 - Central - Precinct: 3M

Use of Force Specific Information

Reason for Use of Force

Service Being Rendered

VC	Vehicle Stop	
Weather Condition	Lighting Condition	Distance to Citizen
Clear		
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Large	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Unknown		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	Yes	

Reporting/Involved Citizen Information

DOB: 3/9/1950 Race: White Ethnicity: Gender: Male

Address

[REDACTED]

Phone

[REDACTED]

Role

-

Types of Resistance Citizen Used Against Officer(s)

- Physical Resistance
- Punch/Kick
- Other Noncompliance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
Medical Clearance Required		
Complaint of Pain		
Visible Injury		

Charges against this Citizen

- Penal Code - Felony

Involved Officers

Police Officer Donald Gilbertson - Badge Number: 0683

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

Video Footage: [No Response]

Role

-

Force used by this officer against the citizen

- Physical-Other - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Physical-Other	Yes		

Injuries sustained by this officer

Injury	Regions	Injury Locations
bite to right middle finger		
scrapes to back of rt hand		

Citizen Witnesses

Address

- [Redacted]

Phone

- [Redacted]

Role

-

Address

- [Redacted]

Phone

- [Redacted]

Role

-

Address

- [Redacted]

Phone

- [Redacted]

Role

-

Address

- 2315 Stockton Blvd., Sacramento, CA

Phone

- [Redacted]

Role

-

Officer Witnesses

Police Officer Elias Bonilla, Jr. - Badge Number: 0226

Video Footage: [No Response]

Role

-

Police Officer Todd Cook - Badge Number: 0213

Video Footage: [No Response]

Role

Reserve Police Offi 09006 Gilbert Gonzales - Badge Number: 7796

Video Footage: [No Response]

Role

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
7/11/2014	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 Robert Huff
Sent To:	Police Captain Justin Risley
CC:	(none)
Sent Date/Time:	5/1/2014 11:13 AM
Instructions from Reserve Police Offi 09006 Robert Huff to Police Captain Justin Risley:	
use of force	
Comments/Response from Police Captain Justin Risley:	
Approved: Not approved	
Reason: Need Additional Information	
Comments: Any ICC video from the responding units?	

Routing #2	
Sent From:	Police Captain Justin Risley
Sent To:	Reserve Police Offi 09006 Robert Huff
CC:	(none)
Sent Date/Time:	5/15/2014 7:08 AM
Instructions from Police Captain Justin Risley to Reserve Police Offi 09006 Robert Huff:	

Per comments.

Comments/Response from Reserve Police Offi 09006 Robert Huff:

Approved: Approved

Reason:

Comments:
ICC info added....

Routing #3

Sent From: Reserve Police Offi 09006 Robert Huff

Sent To: Police Captain Justin Risley

CC: (none)

Sent Date/Time: 6/20/2014 11:39 AM

Instructions from Reserve Police Offi 09006 Robert Huff to Police Captain Justin Risley:

ICC info added

Comments/Response from Police Captain Justin Risley:

Approved: Approved

Reason:

Comments:
I concur that the use of force was reasonable and within policy considering the totality of the circumstances.

Routing #4

Sent From: Police Captain Justin Risley

Sent To: Police Lieutenant-Exempt Thomas Sweeney

CC: (none)

Sent Date/Time: 6/21/2014 5:10 PM

Instructions from Police Captain Justin Risley to Police Lieutenant-Exempt Thomas Sweeney:

Hi Tom,

Can you please take a second look.

Thanks,

Justin

Comments/Response from Police Lieutenant-Exempt Thomas Sweeney:

Approved: Approved

Reason:

Comments:
This use of force was justified based on the circumstances, appropriate, and within policy.

Routing #5

Sent From: Police Lieutenant-Exempt Thomas Sweeney

Sent To: Police Captain William Champion, Jr

CC: (none)

Sent Date/Time: 6/22/2014 10:47 AM

Instructions from Police Lieutenant-Exempt Thomas Sweeney to Police Captain William Champion, Jr:

Use of force for your review.

Comments/Response from Police Captain William Champion, Jr:

Approved: Approved

Reason:

Comments:
Use of Force reasonable and within policy.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Police Captain Justin Risley

Reserve Police Offi 09006 Robert Huff

Police Lieutenant-Exempt Thomas Sweeney

Police Captain William Champion, Jr

Report Number: 14-74946

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 is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 6254(k); 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 § 6255(a));

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4));

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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