

Sacramento Police Department Use Of Force Report

Incident Entered By: Police Sergeant Michael Harbison - 3391

Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
7/7/2016	7/7/2016	13:12
Record ID #	Report Number	IA No
18252	16-197182	UOF2016-056
Date/Time Entered		
7/20/2016 09:03		

Incident Summary

On 7-7-16, at approx. 1318 hours, Officer B. Jensen and J. Jennings were working a two man car and were in full uniformed and marked vehicle. They were flagged down by a Regional Transient security guard whom stated a known subject was high on methamphetamine and acting strange. The officers saw subject Charles Reed dancing in the street on the light rail tracks. Officer Jensen noted that the subject was taking a fighting stance in the street and looked like he was threatening passersbys.

The subject walked to the sidewalk as officers drove towards him and walked towards him. The subject yelled "fuck this nigger and fuck all these niggers out here." The subject initially complied and sat on the sidewalk. Officers noticed the subject had an odor of an alcoholic beverage emitting from him and combined with his actions concluded he was so drunk he could not care for himself.

Officer P. Diaz and Officer D. Walker arrived on scene to assist and the subject continued to verbally abusive and officers grabbed a hold of him to place him in cuffs and he began to attempt to pull away. Officer Jennings was putting the subjects left arm in a twist lock, Officer Jensen and Walker were controlling the subjects right arm and Officer Diaz began to pull the subject to the ground; in addition Officer Jennings swept the subjects legs. The other subject went to the ground and hit his forehead on a planter just to his right. The area above his head began to bleed and he sustained a 2" laceration. Officers requested code three medical and had to continue to hold the subject on the ground because he was attempting to get up. He was continuing to be verbally abusive. A spit mask was placed on the subject.

This incident was captured on R.T. surveillance. I reviewed the surveillance and saw that the subject was extremely agitated and appeared like he wanted to fist fight officers as he shifted his weight from foot to foot like a boxer. In addition, witness statements stated the subject was acting hostile, looked like he was on methamphetamine, yelling "nigger," trying to cause fights and that he appeared to want to fight the officers.

The subject had to be transported to the hospital for stitches/staples. Due to an extended ETA to have him medically cleared he was cited for 148 PC. I concluded this use of force was within policy based on the totality of the circumstances. The RT video of the incident was booked as evidence. Officers Jennings and Jensen did activate their ICC cameras after the subject was taken down. Officers Diaz and Walker activated their ICC camera before they contacted the subject.

I reviewed the ICC policy with Officers Jennings and Jensen, reminding them their ICC needed to be activated prior to contacting the subject.

Incident Location

- 415 12th Street, Sacramento, CA 95820 - Location of Occurrence: Other

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered
-------------------------	------------------------

Other	Calls For Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear		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	
Med	6'1" to 6'3"	
Officer Assessment of Citizen Condition During Incident		
Alcohol		
Officer(s) Injured	Officer(s) Taken to Hospital	
Yes	No	

Reporting/Involved Citizen Information

DOB: [REDACTED] Race: White 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
Visible Injury		
Medical Clearance Required		

Charges against this Citizen

- 148(a) PC - Misdemeanor

Involved Officers

Reserve Police Offi 09006 Pete Diaz - ABRA Number:

Assignment at time of incident: Title: Police Officer 000/Patrol/District 3

Video Footage: [No Response]

Role

•

Force used by this officer against the citizen

- Takedowns - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedowns	Yes		

Police Officer Jonathan Jennings - ABRA Number:

Assignment at time of incident: Title: Police Officer OOO/Patrol/District 3

Video Footage: [No Response]

Role

•

Force used by this officer against the citizen

- Takedowns - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedowns	Yes		

Police Officer Brian Jensen - ABRA Number:

Assignment at time of incident: Title: Police Officer OOO/Patrol/District 3

Video Footage: [No Response]

Role

•

Force used by this officer against the citizen

- Takedowns - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedowns	Yes		

Police Officer Drake Walker - ABRA Number:

Assignment at time of incident: Title: Police Officer OOO/TRAINING/PATROL/FIELD TRAINING

Video Footage: [No Response]

Role

•

Force used by this officer against the citizen

- Takedowns - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Takedowns	Yes		

Citizen Witnesses

Address

- [REDACTED]

Phone

- [REDACTED]

Role

-

Address

- [REDACTED]

Phone

- [REDACTED]

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
8/16/2016	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:	Police Sergeant Michael Harbison
Sent To:	Police Lieutenant-Exempt Jeffery Watson
CC:	(none)
Sent Date/Time:	7/22/2016 6:36 AM
Instructions from Police Sergeant Michael Harbison to Police Lieutenant-Exempt Jeffery Watson:	
UOF at light rail 7-7-16	
Comments/Response from Police Lieutenant-Exempt Jeffery Watson:	

Comments:
Additional information is needed in the summary.

Routing #2

Sent From:	Police Lieutenant-Exempt Jeffery Watson
Sent To:	Police Sergeant Michael Harbison
CC:	(none)
Sent Date/Time:	7/31/2016 12:34 PM

Instructions from Police Lieutenant-Exempt Jeffery Watson to Police Sergeant Michael Harbison:

Please review G.O. 525.03

Comments/Response from Police Sergeant Michael Harbison:

Comments:
Correction made

Routing #3

Sent From:	Police Sergeant Michael Harbison
Sent To:	Police Lieutenant-Exempt Jeffery Watson
CC:	(none)
Sent Date/Time:	8/11/2016 7:37 AM

Instructions from Police Sergeant Michael Harbison to Police Lieutenant-Exempt Jeffery Watson:

Correction made.

Comments/Response from Police Lieutenant-Exempt Jeffery Watson:

Comments:
The use of force is within policy.

Routing #4

Sent From:	Police Lieutenant-Exempt Jeffery Watson
Sent To:	Police Lieutenant-Exempt Jason Bassett
CC:	(none)
Sent Date/Time:	8/14/2016 10:59 AM

Instructions from Police Lieutenant-Exempt Jeffery Watson to Police Lieutenant-Exempt Jason Bassett:

For review. Officers were verbally counseled on use of the ICC.

Comments/Response from Police Lieutenant-Exempt Jason Bassett:

Comments:
Concur that Use of Force is within policy and verbal counseling on use of ICC.

Routing #5

Sent From:	Police Lieutenant-Exempt Jason Bassett
Sent To:	Police Captain Justin Eklund
CC:	(none)
Sent Date/Time:	8/15/2016 7:29 AM

Instructions from Police Lieutenant-Exempt Jason Bassett to Police Captain Justin Eklund:

for your review,

Comments/Response from Police Captain Justin Eklund:

Comments:
In policy. ICC issue already addressed at Sergeant level.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Police Lieutenant-Exempt Jeffery Watson

Police Sergeant Michael Harbison

Police Lieutenant-Exempt Jason Bassett

Police Captain Justin Eklund

Report Number: 2016-197182

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 complainants or witnesses (Cal. Pen. Code § 832.7(b)(5)(B));

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)(6));

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 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)(5)(C)); 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.

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