

## Sacramento Police Department Use Of Force Report

**Incident Entered By:** Police Sergeant Joseph Ellis - 263  
**Assigned Investigator:** [Incident pending assignment]

### Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/17/2017	3/17/2017	21:05
Record ID #	Report Number	IA No
18962	17-76580	UOF2017-034
Date/Time Entered		
3/28/2017 05:12		

### Incident Summary

On 3/17/17, at approx 2105 hrs, SPD received a call of a subject sitting in a truck parked on the maintenance road by the creek at [REDACTED] Dry Creek Rd. K9 Officer Yasonia, who was riding with his K9 partner Reno, arrived on scene at 2135 hrs.

Ofc. Yasonia contacted the complainant, who stated that the vehicle was now parked down the levee. Ofc. Yasonia could see it parked approx 200-300 yards down the levee, and approached it on foot. When he got approx 40 yards from the car, he illuminated the cab with his flashlight, and observed a MWA in the driver's seat. The subject, later ID'd as (S)-[REDACTED], turned on the headlights of the truck and started it up.

Ofc. Yasonia was now approx 30-40 feet away from the suspect vehicle, and gave (S)-[REDACTED] multiple commands to turn the car off. (S)-[REDACTED] put the car in gear, and drove directly at Ofc. Yasonia, turning towards him and going straight at him. Ofc. Yasonia had to run to the side of the road to avoid being struck by the fleeing vehicle. He missed being struck by the vehicle by approx 5 feet.

At 2139 hrs, Ofc. Yasonia advised, via radio, that the suspect vehicle was taking off from him. (S)-[REDACTED] sped down the levee towards Ofc. Yasonia's car, then sped away off the levee through some fields.

At 2142 hrs, SSD air unit STAR advised that they had eyes on the suspect vehicle. They followed the vehicle as it continued to drive through fields, unable to get back over the levee onto a street.

At 2145 hrs, STAR advised that the suspect vehicle drove at some officers. At this time, I advised over the radio that no officers were to approach the suspect vehicle.

At 2147 hrs, STAR advised that the vehicle was stuck in the mud, and had turned it's lights off. This was just on the west side of the levee, off of Rose St. at Rood Ave. I arrived on scene at 2153 hrs.

At this time, a perimeter was set up. A contact team and arrest team were set up, and two rifles were deployed.

I spoke with Ofc. Yasonia about what happened. At this time, it was determined that (S)-[REDACTED] was arrestable for 245(C) PC.

Lt. Green arrived on scene at 2213 hrs.

At approx 2215 hrs, we began making PA announcements using a patrol car's PA that had been pulled up onto the levee. There was no response from the suspect vehicle. We continued to make announcements for approx 30 minutes.

At 2245 hrs, dispatch advised that the suspect's wife had called in, identifying (S)-[REDACTED] as the driver of the vehicle. She stated that he was high on methamphetamines, and had no weapons in the car.

A records check showed that (S)-[REDACTED] was on PRCS probation for DUI.

At approx 2250 hrs, I contacted (S)-[REDACTED] via cell phone, with the number provided by his wife. I would ask for him by name, and he would acknowledge me. After that, he would hang up. I called him several times. When on the phone with him, I would ask him to exit the truck, or at least roll down the window. He did not.

At one point, he did tell me that he was having chest pains, and I requested that fire respond out and stage.

I had Ofc. Stambaugh call him, and he did not hang up on her. She stayed on the phone with him for approx 1 hour, until it appeared that his cell phone died. During that entire time, she was asking him to exit the car, and he did not.

At approx 2342 hrs, the decision was made to deploy less than lethal options in an attempt to get (S)-[REDACTED] to exit the truck. The decision was made based on the following:

His assault on Ofc. Yasonia  
His non compliance with our orders for him to exit the truck  
Not knowing if he was armed  
The location of the truck making it very unsafe for patrol officers to make an approach

None of the patrol officers on the call were trained in either the 40mm launcher, or the pepper ball launcher. Based on this, Sgt. Brown was selected to use them.

At approx 2343 hrs, Sgt. Brown fired a 40mm rubber baton round at the front driver's side window, in an attempt to break the window so OC could be administered inside the truck. The window did not break.

He then fired a 40mm OC projectile at the same window. This time, the window broke, and the OC was deployed into the car. (S)-[REDACTED] did not exit. We were on the phone with him still, and he would not come out. A second 40 mm OC round was deployed into the vehicle, with negative results.

At approx 2247 hrs, Sgt. Brown began to fire volleys of pepper balls at the suspect vehicle. Many of them made it into the cab, by (S)-[REDACTED] still refused to come out. We would stop and give him the opportunity to exit, but he refused.

At one point, Sgt. Brown asked me if I could shoot the pepper balls, and I did. (S)-[REDACTED] still refused to exit the vehicle. We did this until approx 0010 hrs. In that time, we fired approx 150 pepper balls at the suspect vehicle.

After (S)-[REDACTED] phone died, we continued to call out to him over the patrol car's PA.

At approx 0025 hrs, the Battalion Chief stated that they would no longer stand by, and would only come back when we had (S)-[REDACTED] in custody.

At 0034 hrs, Ofc. Pennington arrived, and one more volley of pepper balls was launched at the suspect vehicle (approx 50). Again, they were unsuccessful in getting (S)-[REDACTED] to exit the car.

At approx 0039 hrs, (S)-[REDACTED] did look out the window for the first time. We called out for him to exit, but he refused.

Based on the fact that none of the less than lethal options we were using were working, a SWAT callout was initiated, and the radio channel was dedicated at 0045 hrs.

At approx 0130 hrs, Lt Ellis and Sgt. Lightfoot were on scene, and changed out SWAT officers with the patrol officers for most of the interior perimeter positions. They began to prepare to deploy a gas plan to try and get (S)-[REDACTED] to exit.

At 0219 hrs, Ofc. Jarvis fired 2 ferret rounds into the vehicle. (S)-[REDACTED] refused to come out.

At 0223 hrs, Ofc. Jarvis fired a 3rd ferret round in to the vehicle. (S)-[REDACTED] refused to come out.

At approx 0228 hrs, Ofc. Jarvis threw the first of several Tri-Chambers into the cab of the truck. (S)-[REDACTED] still refused to come out. At one point, he picked up one of the Tri-Chambers, and threw it back at out the SWAT officers.

At approx 0310 hrs, (S)-[REDACTED] exited from the rear passenger door. Ofc. Yasonia deployed his K9 partner. Ofc. Patterson also fired one beanbag round at (S)-[REDACTED] in an attempt to stop him from getting back into the vehicle. The beanbag round hit (S)-[REDACTED] in the left shoulder, but it did not stop (S)-[REDACTED] from jumping back into the truck, slamming the door shut.

At 0319 hrs, Sgt. Lightfoot advised that they had exhausted their gas plan.

None of the chemical agents that had been deployed were effective at getting (S)-[REDACTED] to exit the truck. The decision was made to use overwhelming less than lethal force, in an attempt to get (S)-[REDACTED] out of the truck. This was to consist of SWAT approaching the truck, using a beanbag shotgun, and K-9.

At 0322 hrs, SPD had requested Sac Fire to stage, as they were going to attempt to make contact with (S)

[REDACTED], and take him into custody. Again, the Battalion Chief refused.

At approx 0329 hrs, SWAT and both K9 officers approached the vehicle, breaking out the rear window. Ofc. Patterson fired a bean bag round at the suspect, striking him in the neck. Ofc. Harshbarger threw his K9 partner threw the back driver's side window. (S)-[REDACTED] still did not exit. The K9 made contact with (S) [REDACTED], but then jumped back out of the car when (S)-[REDACTED] hit him with an object from inside the car.

SWAT officers were able to grab a hold of (S)-[REDACTED] and pull him out of the vehicle. Once out of the vehicle, he continued to fight with officers, before taking him into custody.

Officers immediately requested code 3 fire for (S)-[REDACTED]. He had a puncture wound to his neck area, which was later determined to be from the second beanbag round fired by Ofc. Patterson. The beanbag was lodged in his neck. He also had abrasions and bite marks from the K9 on his right forearm, behind his right ear, and left tricep area. They walked him back up to the levy, where they administered first aid for his injuries, until fire arrived on scene at 0338 hrs.

(S)-[REDACTED] was transported, and admitted to UCD, where he was treated for his injuries. He was booked on 3/20/17.

I reviewed Ofc. Yasonia's ICC footage. His microphone was properly synced. There is not much visible, as his car is parked at the gate at the end of the bike trail. In the audio, you can hear him tell the subject to turn off his vehicle 5 times. I saw no issues with this video.

Based on the report, Ofc. Yasonia's ICC, and my personal observations on scene, I feel that the use of force in this incident was appropriate, and within policy.

### Incident Location

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- N/A Rose Street, Sacramento, CA 95838 - Location of Occurrence: 2 - Northeast - Precinct: 2A

### Use of Force Specific Information

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**Reason for Use of Force**

Assault

**Service Being Rendered**

Calls For Service

**Weather Condition**

Clear

**Lighting Condition**

**Distance to Citizen**

1 feet to 3 feet

**Citizen Injured**

Yes

**Citizen Taken to Hospital**

Yes

**Citizen Arrested**

Yes

**More than 1 Citizen Involved**

No

**Citizen's Build**

Med

**Citizen's Height**

5'10" to 6'0"

**Officer Assessment of Citizen Condition During Incident**

Parole-Drugs

**Officer(s) Injured**

No

**Officer(s) Taken to Hospital**

No

### Reporting/Involved Citizen Information

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DOB: [REDACTED] Race: White Ethnicity: Gender: Male

**Address**

- [REDACTED]

**Phone**

• [REDACTED]

**Role**

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

- Other Noncompliance
- Physical Resistance

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Admitted to Hospital		
Visible Injury		

**Charges against this Citizen**

- 245 PC - Felony
- 148(a) PC - Misdemeanor
- Other Felony
- 3454(c) PC - Felony (Flash Incarceration)
- 23153(a) VC - Felony
- Vehicle Code - Misdemeanor

**Involved Officers**

**Police Sergeant Justin Brown - ABRA Number:**

**Assignment at time of incident:** Title: Police Sergeant OOO/Patrol/District 1

**Video Footage:** [No Response]

**Role**

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

- Pepperball - Was force effective: No
- Sage/Arwen - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Pepperball	No		
Sage/Arwen	No		

**Police Sergeant Joseph Ellis - ABRA Number:**

**Assignment at time of incident:** Title: Police Sergeant OOO/Patrol/District 1

**Video Footage:** [No Response]

**Role**

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

- Pepperball - Was force effective: No

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Force Used	Effective?	Regions	Points of contact
Pepperball	No		

**Police Officer John Harshbarger - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer OSS/METRO/TRAF/AIR OPS/K9

**Video Footage:** [No Response]

**Role**

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

- K-9 - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
K-9	Yes		

**Police Officer Jeremiah Jarvis - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer OSS/METRO/SPEC OPS/SWAT

**Video Footage:** [No Response]

**Role**

- 

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

- CS Gas - Was force effective: No
- Sage/Arwen - Was force effective: No

Force Used	Effective?	Regions	Points of contact
CS Gas	No		
Sage/Arwen	No		

**Police Officer Daniel Patterson - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer OSS/METRO/SPEC OPS/SWAT

**Video Footage:** [No Response]

**Role**

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

- BeanBag - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
BeanBag	Yes		

**Police Officer Anthony Pennington - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer 000/Patrol/District 6

**Video Footage:** [No Response]

**Role**

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

- Pepperball - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Pepperball	No		

**Police Officer Zackary Yasonia - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer OSS/METRO/TRAF/AIR OPS/K9

**Video Footage:** [No Response]

**Role**

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

- K-9 - Was force effective: No

Force Used	Effective?	Regions	Points of contact
K-9	No		

**Citizen Witnesses**

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**Address**

- [Redacted]

**Phone**

- [Redacted]

**Role**

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**Address**

- [Redacted]

**Phone**

- [Redacted]

**Role**

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**Tasks**

No tasks to show

**Running Sheet Entries**

No running sheet entries to show

**Attachments**

Date Attached	Attachment Description	Attachment Type
4/1/2017	K9 Red Border Form	pdf
4/1/2017	Tactical Dispatch After Action Report	doc
4/1/2017	CAD Call	pdf
4/1/2017	Report	pdf
4/14/2017	Red Border	pdf

**Assignment History**

Sent Dt	From	To
5/22/2017	Ofcr. Mark Scurria #0526	(None Specified)
<b>Assignment notes</b>		
Released back to IAPro		
<b>Email sent to receiver</b>		
No email sent		

**Chain of Command History**

Routing #1	
Sent From:	Police Sergeant Joseph Ellis
Sent To:	Police Lieutenant-Exempt Adam Green
CC:	(none)
Sent Date/Time:	4/15/2017 5:43 AM
<b>Instructions from Police Sergeant Joseph Ellis to Police Lieutenant-Exempt Adam Green:</b>	
From the Levee UOF	
<b>Comments/Response from Police Lieutenant-Exempt Adam Green:</b>	
Comments: Per our conversation.	
Routing #2	
Sent From:	Police Lieutenant-Exempt Adam Green
Sent To:	Police Sergeant Joseph Ellis
CC:	(none)
Sent Date/Time:	4/27/2017 1:26 AM
<b>Instructions from Police Lieutenant-Exempt Adam Green to Police Sergeant Joseph Ellis:</b>	
Sgt. Ellis, Let's discuss this week. Lt. Green	
<b>Comments/Response from Police Sergeant Joseph Ellis:</b>	
Comments: [Forwarded by Police Sergeant Joseph Ellis]	

<b>Routing #3</b>	
Sent From:	Police Sergeant Joseph Ellis
Sent To:	Police Lieutenant-Exempt Adam Green
CC:	(none)
Sent Date/Time:	5/2/2017 5:08 AM
<b>Instructions from Police Sergeant Joseph Ellis to Police Lieutenant-Exempt Adam Green:</b>	
Changes made per our conversation.	
<b>Comments/Response from Police Lieutenant-Exempt Adam Green:</b>	
Comments: This UOF was justified and within policy. The suspects deliberate action of attempting to strike multiple officers with his vehicle justified the use of force to take him into custody. The suspect was given direction and many opportunities to exit the vehicle over a period of many hours. The suspect refused to follow instruction or exit on his own. Officers transitioned to pepper ball and then other gas options prior to the use of any other types of force. While the bean bag deployment did cause significant injury the officer did aim for approved target areas but the suspect was moving and the environment was challenging.	

<b>Routing #4</b>	
Sent From:	Police Lieutenant-Exempt Adam Green
Sent To:	Police Lieutenant-Exempt Zachary Bales
CC:	(none)
Sent Date/Time:	5/12/2017 10:32 PM
<b>Instructions from Police Lieutenant-Exempt Adam Green to Police Lieutenant-Exempt Zachary Bales:</b>	
Lt. Bales, Please conduct a secondary review. Lt. Green	
<b>Comments/Response from Police Lieutenant-Exempt Zachary Bales:</b>	
Comments: I concur that the various uses of force required to take the suspect into custody was reasonable and within SPD Policy. --LT Bales	

<b>Routing #5</b>	
Sent From:	Police Lieutenant-Exempt Zachary Bales
Sent To:	Police Captain Pamela Seyffert
CC:	(none)
Sent Date/Time:	5/15/2017 2:50 AM
<b>Instructions from Police Lieutenant-Exempt Zachary Bales to Police Captain Pamela Seyffert:</b>	
Captain, For your review. --LT Bales	
<b>Comments/Response from Police Captain Pamela Seyffert:</b>	
Comments: Use of force was justified and within policy.	

**Assigned Investigator Signature Line**

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 [Incident pending assignment]

**Chain of Command Signature Lines**

\_\_\_\_\_  
 Police Lieutenant-Exempt Adam Green

\_\_\_\_\_  
 Police Sergeant Joseph Ellis



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Police Lieutenant-Exempt Zachary Bales

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Police Captain Pamela Seyffert

DANIEL HAHN  
Chief of Police

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**Report Number: 2017-076580**

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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)); 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.

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