Sacramento Police Department Departmental Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
12/12/2017	12/08/2017	19:12
Record ID Number	Report Number	IA No
19489	17-351619	IAD2017-322
Date/Time Entered	Entered By	
12/12/2017 14:34	[IAPro entry - Sgt. Darryl Bryan #3080]	
Sacramento PD Blue Team Assigned Investigator	IAPro Assigned Investigator	
[Pending assignment]	Sgt. Darryl Bryan #3080	

Incident Summary

OPSA 2017-0106 - review. 12-12-2017: Macy's executives **and and and and contracted** IAD on a walk-in regarding an incident/detention that took place on 12-08-2017 @ approximately 2300 hours. Officer McDermid #0939 had responded to two juveniles in custody at 414 K Street, Macy's and appears to have used improper tactics which is captured on Macy's surveillance. DB

12-13-2017: Email rcvd from Lt. Oliveira indicating the investigation has been reclassified as a formal investigation. (Email attached). DB

12-15-17: I contacted Pat Flaherty and Joe Crady regarding offering a settlement agreement on this incident. Both were agreeable to \$2,000. Sgt. Bryan and I met with **and his father** and his father **and mother** at **a settlement** at **a settlement** at **a settlement** at **a settlement** agreement for \$2,000. S.O.

01-31-2017: Binder out to Central Command, Captain Leong advised. DB

03-23-2018: Lt. Harrington indicated the administrative disposition shall be sustained and termination. As such, OPSA notified, LOI crafted and forwarded to City Labor. Lastly, per Harrington, Skelly Captain will be Captain Husted. Skelly scheduled for April 16th @ 10AM AT 915 I Street, RM109. Binder is still out to command. DB

03/28/18 Binder returned to IA; Skelly watermarks for Labor and McDermid; thumb drives DB will deliver to Labor. B

03/28/18: Letter of Intent signed by SPD Chief provided to Labor for additional signatures. Skelly Captained reassigned per Lt. Harrington to Captain Joy. Harrington indicated he would notify all parties. DB

3/28/2018: Captain Joy notified that he is the assigned Skelly Captain. He will come on Monday 4/2/18 to pick up the binder for review. JH

3/29/2018 Letter of Intent signed by Labor Relations and City Manager and hand-carried by Harrington to IA. Thumb drive was delivered to Labor. JH

03/30/2018: This morning at 0900 hours, Captain Buckley advised Officer McDermid that he is placed on administrative leave. Additionally, Captain Buckley presented McDermid the letter of intent to terminate. I provided McDermid Skelly information including all investigative material. Additionally, McDermid was provided the Skelly date, time and contact information. Lastly, i contacted on-call I.T. who removed all city access. All material scanned into IAP. DB

04/02/2018: Officer McDermid left a voice mail message indicating he did not receive a copy of the administrative leave form. As such, i forwarded him a copy and cc's SPOA. DB

04/02/2018: Representative J. Olander requested and was provided a copy of the admin leave form for Officer McDermid. DB

04/05/2018: DC Peletta called and advised of a possible delay in skelly at the request of Joshua Olander. Information relayed to Lt. Harrington. DB

04/26/2018: Officer McDermid came in at approximately 9:35 am to submit his letter of resignation, effective EOD 04/26/18. He also turned in any additional equipment that wasn't seized from him upon being placed on administrative leave. Letter scanned into IAPro... J. Brown

04/26/2018: Lt. Harrington advised city personal and SPD Personal of Officer McDermids resignation. DB

05-01-2018: Final Disposition letter crafted and given to IAD LT. for review. DB

05/02/18 Dispo letter mailed certified mail. B

05-02-2018: Binder returned - IAP updated. DB

05/03/18 For Francine, OPSA, to pick up and review. B

05-04-2018: OPSA reviewed and agreed with disposition. At the request of OPSA a copy of both the summary and blue sheet were provided. Status Updated and binder returned. OPSA disposition Letter to follow via email. Upon receipt i will attach. DB

5/17/22: Flagged and held for SB16. -DNS

Incident Location

Addresses

414 K Street, Sacramento, 3M

- Location of Occurrence: 3 - Central

Reporting/Involved Citizen

Date of Birth	Race: Black	Ethnicity: African American	Gender: Male
Addresses			
Phone Numbers			

Role: [None Entered]

Involved Officers

Police Officer Garett McDermid

Assignment at time of incident: Police Officer OOO/Patrol/District 3/Richards/Sworn Case [None Entered] Role: [None Entered] Policy Outcome: Not yet entered

Linked Allegations

Conduct Unbecoming - Sustained - 03/28/2018

- Excessive Force Sustained 03/28/2018
- Neglect of Duty Sustained 03/28/2018
- Improper Tactics Sustained 03/28/2018

Citizen Witnesses

 Date of Birth: Unknown
 Race: Black
 Ethnicity: African American
 Gender: Female

 Role: [None Entered]
 Addresses

Phone Numbers

Date of Birth: UnknownRace: BlackEthnicity: African AmericanGender: MaleRole: [None Entered]Addresses414 K Street, Sacramento,3M

Phone Numbers

 Date of Birth: Unknown
 Race: Black
 Ethnicity: Unknown
 Gender: Male

 Role: [None Entered]
 Addresses
 Addres
 <t

Phone Numbers

 Date of Birth: Unknown
 Race: Black
 Ethnicity: African American
 Gender: Male

 Role: [None Entered]
 Addresses
 Addresses

Phone Numbers

 Date of Birth: Unknown
 Race: White
 Ethnicity: White
 Gender: Female

 Role: [None Entered]

 Addresses

 414 K Street, Sacramento,

 3M

 Phone Numbers

 Date of Birth:
 Race: Hispanic
 Ethnicity: Hispanic or Latino
 Gender: Male

 Role: [None Entered]
 Addresses

Phone Numbers

		Tasks					
Task Description	Date Due	Date Completed	Summary				
No running sheet entries to show	Runnir	ng Sheet Entries					
Attachments							
No assignment history							
	Chain of	Command History					

Sacramento Police Department Internal Affairs Division

Summary Report

IAD2017-322

Allegations:	Conduct Unbecoming Excessive Force Improper Tactics Neglect of Duty
Complainant:	/SPD
Report Prepared by:	Sgt. Darryl Bryan, #3080
Investigating Office:	Internal Affairs Division
Accused Employee:	Officer Garett McDermid

On December 8, 2017, at approximately 1912 hours, Officer McDermid, 1A32, responded to 414 K Street, Macy's, regarding two juveniles who were in custody for shoplifting. The juveniles, later identified as and and and a second and searched incident to arrest by Officer McDermid. However, during the search of a Officer McDermid is alleged to have used improper tactics, excessive force, neglect of duty and conduct unbecoming.

Sacramento Police Department

		Ciuzo	en Compiai	псгог	111				
							IAD NUMB	-R. IAD2017-	322
	NO		PHOTOS: YE	S	NO		OPSA	PD	
AT 3M	ASSIGNMENT	Patrol	INCIDENT SUPER	RVISOR	Sgt. J Ma	igee	MED. WAIVER	YES NO	
	TIME REPORTED		DATE OCCURRE	D	Т	IME OCCURR	ED	DAY	
	14:34		December 8, 2	017		19:12		Friday	
Street - S	acramento								
				A	GE	D.O.	B. SEX	K RACE	
						RESIDENC	E/CELL PHONE		
				ZIP C	CODE	BUSINESS/	CELL PHONE		
				D.0).B.			CELL PHONE	
			17			STATE	ZIP	BUSINESS PHON	
			AGE	D.0).B.	SEX	RACE	CELL PHONE	E
							B	BUSINESS PHON	E
						STATE	ZIP	BUSINESS PHON	
ED									
ED			BADGE #	SEX	RAG	CE	DESCRIPTION	VEHICLE NU	E
ED I			BADGE # 0939	SEX Male			DESCRIPTION Police Officer	VEHICLE NU	E
i	Street - S	ASSIGNMENT TIME REPORTED 14:34 Street - Sacramento	ASSIGNMENT Patrol TIME REPORTED 14:34 Street - Sacramento ident took place involving Off	NO	NO PHOTOS: YES EAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR TIME REPORTED DATE OCCURRED DATE OCCURRED 14:34 December 8, 2017 Street - Sacramento Additional action of the second	EAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR Sgt. J Mathematical Mat	NO PHOTOS: YES NO EAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR Sgt. J Magee TIME REPORTED DATE OCCURRED TIME OCCURRED TIME OCCURRED 14:34 December 8, 2017 19:12 Street - Sacramento AGE Do. RESIDENC ZIP CODE BUSINESS/ ident took place involving Officer McDermid who responded to two at Macy's. It appears that Ofcr McDermid may have used improper tac AGE DO.B. SEX AGE DO.B. STATE	NO PHOTOS: YES NO OPSA CAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR Sgt. J Magee MED. WAIVER TIME REPORTED DATE OCCURRED TIME OCCURRED TIME OCCURRED INCIDENT SUPERVISOR Sgt. J Magee MED. WAIVER AGE DATE OCCURRED TIME OCCURRED TIME OCCURRED INCIDENT SUPERVISOR Sgt. J Magee MED. WAIVER Street - Sacramento AGE D.O.B. SED RESIDENCE/CELL PHONE Ident took place involving Officer McDermid who responded to two juveniles (at Macy's. It appears that Ofcr McDermid may have used improper tactics on waited in the set of	IAD 2017- NO PHOTOS: YES NO OPSA PD EAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR Sgt. J Magee MED. WAIVER: YES NO EAT 3M ASSIGNMENT Patrol INCIDENT SUPERVISOR Sgt. J Magee MED. WAIVER: YES NO TIME REPORTED DATE OCCURRED TIME OCCURRED DAY 14:34 December 8, 2017 19:12 Friday Street - Sacramento AGE D.O.B. SEX RACE RAGE D.O.B. SEX RACE RAGE D.O.B. SEX RACE IDODE BUSINESS/CELL PHONE Ident took place involving Officer McDermid who responded to two juveniles (Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colspan="2"Colsp

Per California Penal Code Section 148.6(b):

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood this statement.

Signature:
Acknowledged via phone Refused to sign Initials: Badge #: Date:
Continued on other side.
Sacramento Police Department

Citizen Complaint Form

				IAD2017-322
INCIDENT CLASS	IFICATIONS:			
■ Force	□ Discrimination	□ False Arrest	□ Improper Search	□ Missing Property
□ Discourtesy	□ Harassment	Dishonesty	□ Firearm	■ Conduct Unbecoming
			Discharge	
□ Insubordination	□ Intoxication	□ Garnishment	□ Traffic	■ Neglect of Duty
□ Service				 Improper Tactics
DISPOSITION:				
DISPOSITION:				
Approved By:			Date:	
	Chief of Police			
SKELLY OR DISCIPLIN	IE SETTLEMENT:			

Date:_____

Approved By: Chief of Police

Sacramento Police Department

Citizen Complaint Form

REPORTED SOURCE:					IAD NUMBE	R: IAD2017-322
In Person INJURY: YES NO	PHOTOS: Y	ΈS	NO		OPSA I	۰D
3 - BEAT 3M ASSIGNMENT	Patrol INCIDENT SUP	ervisor <u>s</u>	gt. J Magee		MED. WAIVER:	YESNO
DATE REPORTED TIME REPORTED	DATE OCCURR			OCCURRE	D	DAY
December 12, 2017 14:34	December 8,	2017	1	9:12		Friday
LOCATION: 414 K Street - Sacramento						
CITIZEN						
NAME SPD		AG	E	D.0.1	3. SEX	RACE
RESIDENCE ADDRESS			RI	ESIDENCE	CELL PHONE	
BUSINESS ADDRESS	And	ZIP C	DDE BU	JSINESS/C	CELL PHONE	
	- 000 M.D.		1.1		1	
NARRATIVE: An incident took place involv						
in custody at Macy's. It appears th	at Ofer McDermid ma	ay have us	sed improp	ber tact	ics of w	hich is captured on
Macy's surveillance.						
WITNESSES			20-192			
NAME	AGE 17	D.0	B.	sex M	RACE B	CELL PHONE
RESIDENCE ADDRESS	17			STATE	ZIP	BUSINESS PHONE
	AGE	D.0	D	SEX	RACE	CELL PHONE
	AGE	D.0	.D,	F	B	CEEDTHONE
BEGIDELOS I BEREGO				STATE	ZIP	BUSINESS PHONE
EMPLOYEE INVOLVED				2.24		
NAME	BADGE #	SEX	RACE	T	DESCRIPTION	VEHICLE NUMBER
Garett York McDermid	0939	Male	White	P	olice Officer	
Person Accepting Inquiry:	Sgt. Darryl Bryan, #3	080				

Per California Penal Code Section 148.6(b):

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood this statement.

Signature:	*			
Acknowledged via phone Refused to sign	Initials: E	Badge #:	Date:	
Continued on other side.				

Sacramento Police Department Citizen Complaint Form

				IAD2017-322	0
INCIDENT CLASSI	FICATIONS:				$\left(\right)$
Force	□ Discrimination	□ False Arrest	□ Improper Search	□ Missing Property	
□ Discourtesy	□ Harassment	□ Dishonesty	□ Firearm Discharge	Conduct Unbecoming	
□ Insubordination	□ Intoxication	□ Garnishment	□ Traffic	 Neglect of Duty 	
□ Service				Improper Tactics	
DISPOSITION:	IERMINAT	ICE, CV!	30, NEGLEC	-7, IMPRONTAL	カントラ
Approved By:	Chief of Police	A/	Date: 3/2	8/18	•
SKELLY OR DISCIPLIN	E SETTLEMENT:				
Approved By:			Date:		
	Chief of Police				

SACRAMENTO POLICE DEPARTMENT Administrative Leave/Confiscation of City Property

Employee:

Date: 03.30.2018

Address:___

Personal E-ma

You are being placed on administrative leave with pay, pending an administrative investigation. As a result of this, the following orders and procedures shall be adhered to:

- Pursuant to employment with the Sacramento Police Department, your peace officer powers are hereby suspended until the administrative leave status is rescinded.
- Do not report for normal duty unless directed to do so.

DERMID

- For the remainder of the week, your schedule shall be _____
- Your work schedule shall be Monday through Friday 0800-1700 hours effective 04.02.2018

GADDETT

You are to be at home and accessible by telephone during these hours unless directed otherwise. You are allowed an equivalent lunch hour from 1200-1300 hours to be away from your home.

You are directed to call IAD at <u>hours</u>, Monday through Friday (916-808-2290), including holidays. You are to leave a voice mail message if no one answers. If you fail to call, you may not be paid and may be deemed insubordinate.

You are directed to stay away from all Department facilities unless given prior approval by an IAD investigator.

COURT – While you are on administrative leave, an IAD investigator will serve you your subpoena(s). You shall respond promptly to receive your subpoena(s) the same day you are notified unless otherwise directed by IAD staff. You shall notify an IAD Investigator immediately if you are unable to respond.

You are directed to appear to all scheduled subpoenas during the time you are on administrative leave. You shall have your subpoena signed by the Court Liaison Unit when you check in and out. Court appearances are not overtime. You shall return your subpoena to an IAD Investigator after your appearance. If you need copies of reports, you shall advise an IAD investigator.

PAY STATEMENTS – Your pay statement shall be mailed to you. Hereafter, all eCAPS entries shall be completed by IAD personnel unless otherwise notified. You shall not access nor attempt to access your eCAPS account in any manner.

HOLIDAY/VACATION USAGE - While on administrative leave, you may request to take vacation or other leave time. Prior to using any of your leave balances, you shall contact an IAD investigator to ensure that your request is approved and reflected in eCAPS.

CONFLICTS - If an emergency occurs and you are unable to remain at home during the designated hours or any other conflict arises, you shall immediately contact an IAD investigator. If an IAD investigator is not available, you shall leave a telephone voice message for your assigned Investigator, detailing the nature of conflict, the time you leave your home and the time you will arrive back at your home.

"You are hereby ordered not to discuss the circumstances surrounding your administrative investigation with any other Department employee."

**********	******	*************************************	*****
ABOVE DIRECTIONS GIVEN BY:		ADMINISTRATIVE LEAVE APPROVED	BY:
ALISA BREKUY, CAPIMI Name, Rank	Date	30/18 Buchley	<u>3/30/18</u> Date
EQUIPMENT RECEIVED BY:	Date	EMPLOYEE ACKNOWLEDGMENT OF	FRONT & BACK: 3/20/18 Date
ADMINISTRATIVE LEAVE RECINDED BY		EQUIPMENT RETURNED BY:	
Name, Rank	Date	Name, Rank	Date

1 2 3 4 5		INTERVIEW WITH Sgt. D. Bryan Det. J. Brown F. Tournour
6 7 8	Bryan:	Hello, are you ? How are you doing?
8 9		I'm good. Just getting dressed.
10 11 12	Brown:	I'm Officer Brown with the Sacramento Police Department.
12 13		Hi Officer.
14 15	Francine:	Hello, my name is Francine, it is nice to meet you.
16 17		Hi.
18 19	Bryan:	We want to let you know, no one's hurt or no one's in trouble.
20 21		Okay.
22 23 24 25	Bryan:	I know it's a little disturbing by having all of us show up from the police department.
25 26 27	Brown:	We are here to talk to you about an incident involving your son. Were you aware that he was arrested for shoplifting?
28 29 20		Yes.
30 31 22	Brown:	Last week?
32 33		Yes.
34 35 26	Brown:	Okay.
36 37		Yes.
38 39	Bryan:	But again, he's not in trouble. He's not injured. Is he here today by chance?
40 41		No he's not.
42 43 44	Bryan:	Is he at school?

INTERVIEW WITH Interviewer: D. Bryan, Ofc. (Brown) Case # IAD2017-322 Page 2 of 8

45 46		He ran away again.
40 47 48	Brown:	Oh okay.
49 50	Bryan:	Oh, he did?
51	Francine:	Do you know where normally stays when he runs away?
52 53		Somewhere in Oak Park area.
54 55	Francine:	Oh okay.
56 57 58 59		There's some apartments over there and then over there and then somewhere else in the Oak Park area. But I'm not sure. I just know the surrounding over in Oak Park, on Broadway to your left there's some, like housing developments.
60 61	Francine:	How often do you guys normally talk? Do you stay in touch with him?
62 63 64		E-mail him in his Facebook page
65	Francine:	Yes.
66 67 68		And that's it. I mean, and he doesn't respond to it. I know that he reads it because you can tell.
69 70 71	Brown:	Yes.
71 72 72		Somebody reads the messages. But that's it.
73 74 75	Bryan:	Did you hear he had a little trouble was it, last Friday?
75 76	Brown:	Yes.
77 78 79 80 81 82 83		Yes, I picked him up from Juvenile Hall in Rancho Cordova. I went and picked him up and I got the paperwork and then came back. I was at work. He was using the computer in the computer room and sent me a message talk about he was going to go to some boy's house and then I haven't heard from him since then. That was on Friday.
83 84 85	Bryan:	Friday.
83 86 87		Yes Friday.

INTERVIEW WITH Interviewer: D. Bryan, Ofc. (Brown) Case # IAD2017-322 Page 3 of 8

88	Bryan:	So that's why we are here. We are with internal affairs. She is with the Office
89		of Public Safety Accountability. A couple days ago, Macy's brought something
90		to our attention. As a parent and actually we are all parents, it disturbed me and
91		we wanted to reach out to you and talk to you about it.
92		
93		Okay.
94		
95	Bryan:	During your son being arrested the police showed up. There was a video which
96		was provided by Macy's in which we felt there were some issues and that would
97		need to be addressed with the officer. So, we wanted to talk to you as a parent,
98		first, because again, we all have kids and I would want the cops to come talk to
99		me if there were an issue.
100		
101		Yes.
102		
103	Bryan:	Did he share anything about the officer saying or doing anything to him?
104	-	
105		Yes he did. You know, because he has been running away I was kind of, like,
106		you know what? I can't stop them. I don't see no bruises on you. He was
107		trying to complain I said, "Did you talk to anybody else?" He said, "Yes." And
108		I was like, "Well, you know, who've gotten in trouble and it could have been
109		worse. And I keep trying to tell him. You keep running off, you keep doing
110		things, you know, you'll never know what's going to happen.
111		
112	Bryan:	Sure.
113		
114		You know. He didn't share with me what else happened. I just heard from it
115		from a lady who happened to call me that night at juvenile hall. And then she
116		said she was getting ready to leave her shift and she didn't call me back.
117		Somebody else called me to come and pick him.
118		× 1
119	Bryan:	Did she tell you about them being arrested?
120	5	
121		She just told me about him being arrested that that he got caught shoplifting at
122		Macy's. When I came and picked him up I was either going to speak to
123		someone - speak to anyone. They just gave me the paperwork, I signed off on it
124		and said that he would either have a parole officer or he would have to attend
125		court.
126		
127	Bryan:	So the video's about 20 minutes. I don't have it with me but obviously you
127		have my phone number, my address, if you want to come down and view it.
120		Again, it's at your time.
129		A gain, it's at your time.
130		Okay.
1.71		<i></i>

132		
133	Bryan:	At this point, we're going to talk to our officer, but I first want to talk to your
134	•	son and get his side of the story. As long as you don't have a problem with it.
135		Would you like to watch the video?
136		•
137		Yes I would.
138		
139	Bryan:	It could be today or it could be any time. I work Friday as well.
140		
141		Okay can I come tomorrow?
142		•
143	Bryan:	Yes.
144	2	
145		I did have my son, he has a recital, but afterwards I can come down tomorrow.
146		
147	Bryan:	I could bring the laptop here and we can show you here.
148	2	
149		Okay it doesn't matter.
150		
151	Bryan:	Okay well it's completely up to you.
152	2	
153		It doesn't matter.
154		
155	Bryan:	Take some time to think about it, call me, I work today until 5:00.
156	2	
157		Okay.
158		
159	Bryan:	What did he share with you?
160	2	
161		He said something about the cop pushing him down, fighting him and that's
162		about it. And that's the part where I cut him off and I, you know it could have
163		been worse. Yeah only because, you know, he's been gone for, like, for two
164		months. Then I get a call from juvenile hall, you know I'm saying, that was the
165		first time I actually got to see him after that. And then he runs away again. It is,
166		like, you know, what can you think as a parent? We're homeless right now.
167		We've been homeless this month and throughout the we've been homeless. So,
168		I work here. I only work here on a part-time basis so it's kind of hard for me.
169		
170	Bryan:	So, let me ask you this. You've been homeless for a year?
171	•	
172		Yes.
173		
174	Bryan:	Without getting too personal, are you allowed to ?
175	•	

INTERVIEW WITH Interviewer: D. Bryan, Ofc. (Brown) Case # IAD2017-322 Page 5 of 8

176 177		·
178	Bryan:	Do you received any services?
179 180 181 182 183 184		I've been trying. I've tried different services but -
185 186 187 188		
188 189 190	Bryan:	You're getting nothing at all?
190 191 192		No. I'm just working. That's it.
193	Bryan:	You getting SSI or anything?
194 195		Mm-mm.
196 197 198	Bryan:	The reason why we ask, I may have contacts and resources for those experiencing homelessness which I can reach out to.
199 200 201		Really?
201 202 203	Bryan:	If you're okay with that.
203 204 205		That's fine. Sure.
205 206 207	Francine:	And how many kids stay here now with you?
208 209		I have the two other siblings. A boy and a girl.
210 211	Francine:	Age?
212 213		will be 14 next week and then 15.
214 215	Francine:	Okay 14 and 15.
216 217		Yes.
218 219	Francine:	All right.

INTERVIEW WITH Interviewer: D. Bryan, Ofc. (Brown) Case # IAD2017-322 Page 6 of 8

220 221	Bryan:	What school are they going to?
221		goes to McClatchy and goes to Cal Middle School.
223		gees to the cantor y and gees to can the and some
224		So you used to work out in McClatchy
225	Decreme	Var
226 227	Brown:	Yes.
228	Bryan:	He was the School Resource Officer.
229		
230		And I was getting ready to say my daughter always talks about you. They miss
231		you so.
232		
233 234	Brown:	I miss them too. It was hard leaving so, no, I - I never
234 235	Bryan:	You can have him back.
235	Diyan.	Tou can have min back.
237	Brown:	Your daughter used to comes by my car and sit in the front seat all the time.
238		
239		My daughter she
240		So and she said you were very
241		nice
242	. .	
243	Francine:	Yeah so we could set something up for tomorrow. If you want to call, probably
244 245		any time before 4:00.
24 <i>3</i> 246		Okay.
247		Okdy.
248	Francine:	And then just say, "Hey, I'm free to come now." Then we can all meet down
249		there and go over the video. Like he kind of reiterated, they've already started
250		the process of dealing with the officer. But what we're doing now is just trying
251		to get some more information from your son so we can have the appropriate
252		investigative parts done.
253		Oharr
254 255		Okay.
255	Francine:	But, you know, basically since it is not the way that the Police Department likes
257	1 141101110.	to have their employees behave themselves, it's just really important that they
258		wanted to reach out to you directly and say so you know, we're looking into this
259		and you know, it's got to be handled. But at least give you the opportunity to
260		know
261		
262		I need to tell you that my son is just so blessed. I swear. Because when he's
263		always getting into it and people, like, overturn and help him because when

264 265 266 267 268 269 270		they're, like, he stole a sweat suit and they're going to let you out? I was like - well, they're like, "We're so glad that you answered the phone because every other kid that we've called their parents aren't answering the phone. I said, of course, that's my baby, I'm going to answer the phone, regardless."r:I'm just not going to (oppose) him in what he does if he's wrong, you know what I'm saying?
271	Brown:	If you want to tell him - like, you can use my name if you want. He knows me
272 273		Okay.
274 275 276	Bryan:	Also, it has nothing to do with the criminal case. He eventually has to deal with that eventually.
277 278	Bryan:	Okay? All right, do you have any questions for me?
279 280		Not yet, no.
281 282	Bryan:	Do we have a good phone number for you?
283 284	Brown:	Yes.
285 286		Yes.
287 288	Bryan:	Okay.
289 290		Or you can call me here.
291 292	Francine:	
292 293 294	Brown:	All right well
294 295	BIOWII.	All light well
296	Francine:	All right nice to meet you.
297 298		Thank you
299 300	Bryan:	I'll look forward to hearing from you, okay?
301 302		Thank you so much.
303 304	Bryan	You're welcome.
305 306 307	Brown:	Nice seeing you again.

308	You too.
309	
310	End of recording.
311	
312	
313	The transcript has been reviewed with the audio recording submitted and it is an accurate
314	transcription.
315	Signed
316	Sergeant D. Bryan

INTERVIEW WITH Interviewer: Sgt. Darryl Bryan Case # IAD2017-322 Page 1 of 20

1 2 3 4 5 6 7		INTERVIEW WITH Sgt. Darryl Bryan Lt. Oliveira
8 9	D. Bryan:	Hey, how's it going?
10 11 12		Hey.
13 14	D. Bryan:	You Mr. ?
14 15 16		Yes.
17 18	D. Bryan:	Did your mom tell you we swung by yesterday?
19 20		No.
20 21 22	D. Bryan:	Is she sleeping?
22 23 24		She is inside.
24 25 26	D. Bryan:	Do you mind if we come in real quick?
20 27 28		My mom doesn't have any clothes on.
28 29 30	D. Bryan:	Oh sorry.
30 31 32		It's okay. If you don't mind I can get dressed real quick.
32 33 34	D. Bryan:	Yes, that's fine.
35	Oliveira:	You just want us to step out until then?
36 37 28	D. Bryan:	Do you mind if we talk to your son real quick? You're not in trouble.
38 39		That's fine, I understand. Go ahead.
40 41 42	D. Bryan:	Are you?
42 43 44		You're right?

45 46	D. Bryan:	Daryl.
47		Daryl. That is right.
48 49 50	D. Bryan:	Hey, how's it going? My name's Daryl.
50 51		Good.
52 53	D. Bryan:	This is my partner Steve.
54 55	Oliveira:	Steve Oliveira.
56 57	D. Bryan:	We're with the Sacramento Police.
58 59		Okay.
60 61 62	D. Bryan:	So we came by yesterday just to talk to your mom about what happened last Friday at Macy's.
63 64		Okay.
65 66 67	D. Bryan:	This is not about the criminal portion of you being arrested.
67 68		Oh.
69 70	D. Bryan:	But about the officer's conduct. We are with Internal Affairs.
71 72		Okay.
73 74 75	D. Bryan:	And what we do is investigate officers misconduct. Such as lying or Excessive Force. We talked to your partner yesterday. What's his name?
76 77		Im am not sure.
78 79 80	D. Bryan:	Mr
81 82		Oh,
82 83 84 85 86 87 88	D. Bryan:	Yes, So, we talked to yesterday. He was kind of tripping because he's like, "Hey, you guys were actually nice to me". We pulled up and he was smoking a blunt out front. He thought we were going to take him to school. We're not about that. We're here to investigate what happened in terms of that officer.

89 90		Okay.
90 91 92 93 94 95	D. Bryan:	We were able to watch a video from Macy's and there was a couple things that happened that we don't agree with. We both have kids, we thought it was kind of disturbing. So we want to get your side of the story. If your okay with it, could just give us a brief summary of what happened.
96		Yes.
97 98 00	D. Bryan:	First off, are you injured at all?
99 100		No.
101 102	D. Bryan:	Because your partner said like your, uh, your shoulder or your knee was hurt?
103 104		Yes.
105 106	D. Bryan:	When he dumped you?
107 108 109		When he pushed my head into the wall then onto the ground, yes, it just hurt a lot. Because my arms were handcuffed.
110 111 112	D. Bryan:	Yes, we saw that.
112 113 114 115		And then he hit my knee on the ground. I have a bad leg and I used to play basketball and then I got hurt. He slammed my whole side of my knee on the ground.
116 117	D. Bryan:	Oh he did?
118 119		Yes.
120 121	D. Bryan:	Do you have any bruising or anything?
122 123		I'm not sure but I have a scratch on my back.
124 125	D. Bryan:	So when he dipped you that's when you got hurt?
126 127		Yes, this. (Showing right shoulder-See images)
128 129	Oliveira:	Scratch?
130 131 132	Oliveira:	That was from that day?

133	D. Bryan:	That's from Friday?
134 135 136 137 138 139		This is when he had thrown me down and I had hit my back on the ground. I also hit the inside of my knee when I was on the ground like this. He was just searching me weird. like he was kind of like wrestle me, kind of touching me like in my area. And I told him I didn't like it.
140	D. Bryan:	Have you ever been arrested before?
141 142		Well I've been searched before and I haven't been searched like that at all.
143 144	D. Bryan:	You know the difference, right?
145 146		Yes.
147 148 140	D. Bryan:	The waist check and the waistband?
149 150 151		Yes. And when he was on the inside of my leg he would just go up, like really go up. And I didn't like that at all. I'm all like oh no.
152 153	Oliveira:	Were your pants hanging low? like they are now?
154 155		No.
156 157	Oliveira:	No? They were up higher?
158 159		My pants were up higher.
160 161	D. Bryan:	You guys were there for awhile, right?
162 163		Yes, we were there for like about six hours.
164 165	D. Bryan:	So you were arrested at around 7pm?
166 167		Six, at six.
168 169	D. Bryan:	Six or seven.
170 171		Yes.
172 173 174 175	D. Bryan:	So, the officer showed up at 11. So a few hours later. How was his attitude right when you walked in?

176 177 178 179 180 181 182		Uh, he was just quiet. He just told b to stand up first and then he searched him. And then, he began searching me he told me to stand up. I turned around, he told me to face forward, I did. Then when he began searching me, he just went like he was searching me weird just touching me too much and I'm like - and I looked at him he just told me to look forward. And then, I'm just like, "Look, can you not search me like that?" And he said, "It's a search, you look forward."
183 184	D. Bryan:	And you had your handcuffs on at that time.
 185 186 187 188 189 190 191 192 		Yes, and he said just look forward. He pushed my face in the wall. He was just told me to look forward, pushed my face in the wall and then I was like, "Man, why are you searching me like that?" And then I told him, "You're hurting me, can you get me off the wall?" And then he told me, "No, you're not looking forward, you're not listening to what I have to say." Then he threw me on the ground. That's when he threw me on the ground.
193	D. Bryan:	Do you remember him cussing at you at all?
194 195		I don't remember him saying any cuss words.
196 197	D. Bryan:	No racial epithets, nothing like that?
198 199 200		No.
200 201 202	D. Bryan:	Do you remember like where his hands were when he pushed you against the wall?
203 204 205		When he pushed me against the wall his hands were on my head and my back.
205 206 207	D. Bryan:	Did you have any trouble breathing?
207 208		Just my face and my jaw was kind of hurting.
209 210 211 212	D. Bryan:	What was the distance when you pushed you against the wall? It's hard to tell in the video.
213		He was close so the desk is like right there, I mean the wall's right there.
214 215 216	Oliveira:	So just how many feet would you say?
216 217 218	D. Bryan:	So you're standing about three feet away right now.
218 219		So, yes, It is about this length.

220		
221	D. Bryan:	About two feet, three feet?
222	2	
223		Yes.
224		
225	D. Bryan:	Okay.
226	5	
227	D. Bryan:	And all the pressure was on your face?
228	5	1 2
229		Yes, on my face and my back.
230		
231	D. Bryan:	Was it against the pad or against the wall itself?
232	2.2.5	
233		There was a place where you sit at and then there's like this little wood piece
234		over the wood. And then my jaw hit that. And - when he pushed me against the
235		wall. He just told me I wasn't listening to what he had to say so he threw me on
236		the ground.
237		
238	Bryan:	So he brought you back. I remember the first time on the video he's kind of up
239	5	like this yelling at you
240		5 6 5
241		Yes.
242		
243	D. Bryan:	Pointing at you, what - do you remember what he was saying?
244	5	
245		He just said, "Stop, don't turn this way, look forward," he said to, um, what else
246		did he say he said I'm not complying to what he's saying.
247		
248	D. Bryan:	Like you're resisting?
249	2	
250		Yes. He said I'm resisting.
251		C
252	D. Bryan:	Did you feel like you were?
253	5	
254		No.
255		
256	D. Bryan:	And you weren't hiding anything? They'd had already gotten all their clothes
257	2	back and stuff?
258		
259		They got everything back.
260		
261	Oliveira:	Hi, is it okay if we come in to talk?
262		
263	D. Bryan:	Are you cold?

264		
265		Yes.
266 267 268	D. Bryan:	Yes, we can go inside.
268 269 270		Sorry about that.
271 272 273	D. Bryan:	Hey, do you mind if we get a photo of that shoulder? Sorry for just showing up like this.
274 275		That's okay because I was waiting on his dad to show up and we were actually going to come down to your office. He just got in town.
276 277 278	D. Bryan:	Oh okay, good. Yes, this all works out then. So, do you mind if I sit down then?
279 280 281		No, go ahead.
282 283 284 285	D. Bryan:	So we're just talking about what happened on Friday. He's just telling us about the details about him getting pushed into the wall. And then we went over the scratch on his shoulder. So, he pushed you in the wall the 2nd time?
285 286 287		Yes.
287 288 289	D. Bryan:	And he's yelling at you like you're resisting?
290		Yes.
291 292 202	D. Bryan:	And then what happened?
 293 294 295 296 297 298 		And then he tossed me on the ground and then he started searching me again and then he just keeps on getting close like he was touching my genital area and then, I'm looking at the lady while he's searching me. And the lady's just shaking her head like this is not right.
299	D. Bryan:	What's your partner doing?
300301302303		He's already, handcuffed, sitting down, everything. He already got searched and everything.
303 304 305	D. Bryan:	He didn't say anything?
305 306 307		Well he was saying like, "Man, you can't do that."

308 309	D. Bryan:	Because he ended up dumping you then, right?
310 311		Yes, he just throws me.
312 313	D. Bryan:	He throws you? And you're still in handcuffs?
314 315		Yes.
316 317	D. Bryan:	And that's when you said you hurt your shoulder a little bit and your knee?
318 319		It hurt, yes. I said you hurt my shoulder and my knee.
320 321 322	D. Bryan:	Okay, and then, I noticed he put your jacket back on, talks to you a little bit more, and then you all walk out together?
323 323 324 325		Yes, he picks me, he helped me up and then we walked to the car and then he's like twisting my arm and stuff.
326 327	D. Bryan:	Were you resisting at all at that point?
328 329 330		I was trying to get my arm from getting twist because he said I'm not walking fast enough.
331 332	D. Bryan:	Were you following your partner walking out?
333 334		I was following where we were going to the car.
335 336	D. Bryan:	Were you in the fron?
337 338 339 340 341		No, I wasn't in the front. I was in the back because he was twisting my arm and then I am like that's going to help me walk faster. You know, my knee is hurting. You just slammed me and stuff. He's telling me to walk faster, twisting my arm.
342 343 344	D. Bryan:	His body worn camera shows you saying, "I don't give a fuck, you know, I don't give a fuck."
345 346		Yes.
347 348	D. Bryan:	Or something like that. Why were you saying that?
349 350 351		Because he's saying that something about I'm resisting. I'm not resisting or anything. I said, "I'm listening to your rules." And he says he says something and then I forgot what he said. I forgot what made me say that.

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352		
353 354	D. Bryan:	At any point did you tell him that you're injured?
355		No, I didn't.
356 357	D. Bryan:	Did you tell anybody at juvenile hall that you were injured?
358 359		No.
360 361	D. Bryan:	Did you tell your partner you were?
362363364265		No, he just told me that this it's regular. He said that they're worse at juvenile hall.
 365 366 367 368 369 370 		And that's what he said when I went and picked him up. He said he did hurt his knee and his and I said, "Well you don't have no bruises on you or anything so thank God nothing worse happened to you," but I was like, "You need to go to the doctor," because he also has asthma, too.
371	D. Bryan:	Do you feel like it was excessive force?
372373374275		I'm not sure because I never been in that situation. I just didn't like the way he was touching me, searching me, that's what I didn't like.
375 376	Oliveira:	Did he tell you why he was searching you at all?
377378278		No, I just felt like it was just a regular search though I just went through with it
379380	D. Bryan:	So you have medical insurance?
381 382		I have Medi-Cal.
383 384	D. Bryan:	And have you taken him to the doctor?
385 386		No.
387 388	D. Bryan:	Are you planning on doing that?
389 390		I can, yes.
391 392	D. Bryan:	Well you don't need to.
393 394 395		Okay. I didn't know I need to. But, I can.

396 397	D. Bryan:	Did you show your mom your scratch on your shoulder?
398		Yes
399 400 401		Yes, on his arms.
401 402 403		right here and
404 405		And his - and his scratch on his shoulder.
406 407		Well these are the handcuffs, from the handcuffs.
408 409	D. Bryan:	Do you mind if we take pictures of those?
410 411		Yes.
412 413 414 415	D. Bryan:	So my colleague here is with our Professional Standards Unit. And so, I am with Internal Affairs. Professional Standards Unit and I actually work in the same building. He deals with dog bites, incidents like this where there's injuries. We have the ability actually to offer you money today.
416 417 418	Oliveira:	To help pay for any medical expenses.
419 420	D. Bryan:	To help pay for medical expenses and again it's completely up to you. And so we wanted to talk to you about that also.
421 422 423		I think he's okay unless he feels like he needs to go. That's his dad.
423 424 425	Oliveira:	Is that the - is that his dad?
426 427		Yes. Hi.
428 429	D. Bryan:	Hey, sir.
430 431		How you doing?
432 433	Oliveira:	Hey, how you doing?
434 435	D. Bryan:	Good, how's it going?
436 437		All right.
438 439	D. Bryan:	No one's in trouble.

440		All right.
441		
442		These are the two detectives.
443		
444	:	Oh how you doing?
445		
446	D. Bryan:	How's it going? My name's Darryl.
447 448		All night
449	:	All right.
450	D. Bryan:	Nice to meet you.
451	Di Di juli	
452		I'm
453		
454	D. Bryan:	You're the father?
455		
456		Yes.
457	D. D	
458 459	D. Bryan:	Okay. So we're explaining to, your wife and also your son here.
460		Baby mama.
461		Duby mumu.
462	D. Bryan:	That was an incident that happened on Friday.
463		
464		Uh-huh.
465		
466	D. Bryan:	involving Macy's.
467		TTI 1 1
468 469		Uh-huh.
409 470	D. Bryan:	And so I don't know if you're familiar with internal affairs, or what we do.
471	D. Diyall.	And so I don't know if you te fammar with internal attails, of what we do.
472		Internal affairs is when they're investigating the police.
473		
474	Oliveira:	Right.
475		
476	D. Bryan:	Yes, sir.
477		
478		Okay, what's going on?
479 480	D Brunn	So an issue was brought to our attention that we you know we fall was
480 481	D. Bryan:	So an issue was brought to our attention that we, you know, we felt was disturbing
482		usturonig
483		Uh-huh.

484		
485	D. Bryan:	and that's why we've been trying to contact you and we spoke to his partner,
486	•	Mr.
487		
488		Okay.
489		5
490	D. Bryan:	And then we made our way here yesterday to talk about the incident that
491	D. Di juli.	happened with the officer, not with your son.
492		happened with the officer, not with your son.
493		Okay.
494		Okay.
495	D Drycony	And so we were just taking a statement from your son
	D. Bryan:	And so we were just taking a statement from your son.
496		T TI. 11.
497		Uh-huh.
498		
499	D. Bryan:	There was a video which shows your son was pushed against a wall and then
500		also thrown down on the ground while he was in handcuffs by the officer.
501		
502		Right.
503		
504	D. Bryan:	And so, uh, we found the video a little disturbing, and wanted to come take
505		statements, make sure your son was okay, not injured. He says he has an injury
506		or some pain on his knee and also from his shoulder.
507		
508		Right.
509		
510	D. Bryan:	But again it's totally different from the criminal aspect.
511		
512		Uh-huh.
513		
514	D. Bryan:	We handle the administrative portion.
515	•	-
516	:	Yes.
517		
518	D. Bryan:	And so the last part of this investigation we're actually going to talk to the
519	5	officer.
520		
521		Okay, yes, I mean. So where's the video?
522		Shuj, jes, i mean so where s the views.
523	D. Bryan:	We don't have the video.
525 524	D . D 1yuii.	
525	Oliveira:	It's back at the office. We were here yesterday.
526	Onvena.	it is such at the office. We were here yesterday.
220		

527 528 529 530	D. Bryan:	So yesterday we were here and we invited her to go back to see the video. It's just a large video we're not able to actually bring our laptops or anything and play it here.
531 532		Okay - okay.
533 534	D. Bryan:	The video was produced from Macy's so they gave it to us.
535 536	:	Oh okay, yes, their - their surveillance.
537 538	D. Bryan:	Right.
539 540	Oliveira:	Yes.
541 542	D. Bryan:	So they came to our office a couple days ago
543 544		Yes.
545 546 547 548 549	D. Bryan:	it's happening pretty quick so they came a couple days ago and said, "Hey, you guys might want to watch this, we watched it." That's when we started contacting people and, uh, we called the schools trying to look for your son and we found his mom here and then we already interviewed the people at Macy's.
550 551		Okay.
552 553 554	D. Bryan:	So if you all want to watch the video, I'd more than happy to go down there and do that.
555 556	:	So you want to watch this video?
557 558 559		Well, you took his statement. What's going to happen? What's going to happen at this point, you're just going to discipline the officer?
560 561	Oliveira:	That is what happens next.
562 563 564 565	D. Bryan:	That's the last thing of the process. So, we have the video, we have everybody's statements. But, I would like to photograph that scratch on his shoulder.
566 567		Okay, yes.
568 569	Oliveira:	Just - just the injury, you know, the scratches.
570		Okay, yes.

571		
572 573 574	D. Bryan:	Like I was saying, we handle a lot of cases, you know, range from dog bites, from accidental falls, etc. We do have ability to pay for his injuries and also like a pain a suffering as well.
575 576 577		Okay.
578 579	D. Bryan:	And so we could do that today.
580 581		Okay.
582 583	D. Bryan:	You guys feel comfortable doing that? Because I don't know if you guys need help covering his medical bills?
584 585 586		Yes, uh, we definitely going to need, uh, help covering his medical bills.
587 588		Well, I have Medi-Cal.
589 590		Will Medi-Cal will pay for it?
591 592 593 594 595	Oliveira:	Right, well we can help. They will but, you know, if we can give you some money to help pay for some of the things if there's any kind of co-payments or anything like that or if you have to get prescriptions that aren't covered and we can kind of help with that kind of stuff.
595 596 597		Okay.
597 598 599	Oliveira:	So we're authorized to, provide some money for that sort of thing.
600 601		Okay.
602 603 604	Oliveira:	That way you guys aren't out of pocket anything plus your time. I know it's time out of your day and have the inconvenience and all that sort of thing.
605 606		Yes, because I just had to come from way far come out here to see what was going on.
607 608 609	Oliveira:	Okay.
610 611	D. Bryan:	So have you looked at his scratch on his shoulder?
612 613		No, I haven't. Let me - let me see.
614	D. Bryan:	You guys want to talk amongst each other?

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615		
616		All right, yes.
617		
618	D. Bryan:	What do you think would be a fair settlement?
619		
620		I don't know, I can't even, you know, I don't know
621		
622	D. Bryan:	On a side note, um, did anybody call you yesterday regarding the - the homeless
623		stuff?
624		
625		Yes, they called when I was laying here in bed, I was just talking to the social
626		worker from there so I got to leave from there and go and fill out some
627		paperwork. She wants me to reapply to see what I can get from there so she told
628		me to call - that's what she's saying, she's like, "Is that such and such? Let
629		them that I'm on" that they're on it, they wanted to let you know that they're on
630		it.
631		A 11 · 1 /
632	D. Bryan:	All right.
633		
634		Yes, they have it, thank you.
635	D. Durana	Dut a prin this is totally severate
636 627	D. Bryan:	But again this is totally separate.
637		Then's you guve as much
638 639		Thank you, guys, so much.
640	D. Bryan:	Yes, of course.
641	D. Diyall.	res, or course.
642		Plus we needed their help. It's been so hard and discouraging at times. But -
643		but, uh, as far as anything else, uh, is there anything else we need to do on our
644		part?
645		parti
646	Oliveira:	No.
647		
648		That's it?.
649		
650		His knee kind of swollen.
651		
652	D. Bryan:	Did you just take photos?
653	5	5 5 1
654	Oliveira:	Well - well or you can send him the pictures.
655		
656	D. Bryan:	Yes, you can send them, too. I'll give you my email. You can send them over
657	-	to me.
658		

659	Oliveira:	Want to do that?
660 661		Yes.
662 663	Oliveira:	Okay.
664 665 666	D. Bryan:	So here's the deal, um, I don't want to come here and appear as though I'm low balling you guys. I am a parent also.
667 668		Right.
669 670 671	D. Bryan:	But I'll be straight up with you. So, we can give you guys \$2,000 today and that's the most we can give you today.
672 673 674 675	Oliveira:	That's what we are authorized up to. And that'll help if you have to go to the hospital but if he ever needs to or if you co-pays or prescriptions aren't covered at least that would help cover that and any inconvenience.
676 677 678		So he can still get coverage for anything?
678 679 680 681	Oliveira:	Well that's what this \$2,000 would be for. I know you're still covered, I know you have your insurance but this would cover anything else that you would have to pay out of pocket or something in case that were to happen.
682 683	D. Bryan:	But that's up to you.
684 685 686	Oliveira:	This amount is to help you out so it's completely up to you.
687 688	D. Bryan:	I don't want to put any pressure on anybody.
689 690		I mean that's up to you - you know what I mean? So
691		Well it's just for his medical, right?
692 693 694		It's for - to cover his insurance or whatever, his medical or whatever else might come after that like, uh, his medication.
695 696 697	Oliveira:	And for your time, and for your time, too. If you have to take him down there that's time out of your day.
698 699 700		Well, yes, you have to put gas for you truck.
700 701 702	Oliveira:	That's right.

703 704 705	D. Bryan:	We want to do is take care of you and then you guys allow us to take care of the administrative portion, the officer.
705 706 707		Right.
708 709 710	D. Bryan:	And then you can take care of medical stuff and let us deal with the administrative or discipline portion.
710 711 712		Okay.
713 714 715	Oliveira:	If that's something you're interested in then, I can go get the paperwork and we can come back in maybe like an hour or so if you guys are going to be here. If that's something you guys want to do.
716 717 718		Well that's okay.
718 719 720 721		Yes, can you give me an hour. Like can you come back because I have to go down to the local office.
721 722 723	Oliveira:	Okay.
723 724 725		do some paperwork and stuff, too, so can I meet you back like after 4 o'clock?
726 727	Oliveira:	You want me to come back at four?
728 729		Yes.
730 731	Oliveira:	Okay. I can do that.
732 733		Can you call me and let me know
734 735	Oliveira:	Yes.
736 737		So what's going to happen to this officer though?
738 739 740	D. Bryan:	Well, that is the investigation portion. So,we're going to call the officer in because obviously he's our employee. Officers are held to a certain standard.
740 741 742		Yes, uh, correct.
742 743 744 745	D. Bryan:	So what we do as internal affairs sergeant is gather all the facts. I can tell you this, the people that watched the video are a little disturbed by it.

746 747 748 749 750	D. Bryan:	So, we're going to gather all the facts, we literally create a binder and place all the material in it. Afterwards, we provide that to the Chief of Police. So, in terms of discipline, I don't have the authority to discipline but those who are way above my pay grade will certainly read all the facts and watch the video. Also, read my witness statements, so forth and they make their decision.
751 752		Okay.
753		e nugi
754 755	Oliveira:	We do very thorough investigation.
756 757	D. Bryan:	It's very thorough as you know.
758 759	Oliveira:	That's why we came back here again today.
760 761	D. Bryan:	We were just informed about this video less than 48 hours ago.
762		It doesn't ever really happen where you guys actually contact people. I don't
763		know anybody that you know, that the police department come and say that we
764		have an investigation on an officer.
765		
766		They're internal affairs.
767		
768	Oliveira:	Yes.
769		
770		I know.
771		
772 773 774	Oliveira:	It happens quite a bit. A lot a stuff comes to us either through a 3rd party, this was through Macy's that brought it to our attention.
774 775		Yes, Macy's felt that it disturbing, you know after they looked at their cameras.
776		Tes, Macy's feit that it disturbing, you know after they looked at their cameras.
777	Oliveira:	Right.
778		Tright.
779		their surveillance. They felt it disturbing so they contacted internal affairs.
780		, <u> </u>
781	D. Bryan:	And we have a good relationship with them, with Macy's
782		
783		Yes.
784		
785	D. Bryan:	and we also want to maintain that with the community, right?
786		
787		Right - right.
788		¥7
789		Yes - yes.
790		
------------	------------	-----------------------------------------------------------------------------------------------------
791	D. Bryan:	And so anytime we find something that's disturbing, We are going to admit our
792		faults.
793		
794	Oliveira:	When we receive complaints sometimes it comes directly from where it
795		happened. Yes, so we get them from different directions and sometimes we get
796		them from our own, uh, supervisors and officers who see something they didn't
797		like and they contact us and let us know about it then we start looking into it.
798		So, it comes from all different angles.
799 800	D. Bryan:	But let's keep this in mind also you still have to deal with the whole Meav's
800 801	D. Diyali.	But let's keep this in mind also you still have to deal with the whole Macy's issue that's severate
801 802		issue, that's separate.
802	Oliveira:	We can run down to the bank and be back here in a half hour.
803	Olivella.	we can full down to the bank and be back here in a half hour.
805		Yes - oh yes - yes - yes, right, yes.
806		
807		Okay, that's fine.
808		
809	Oliveira:	Will that work?
810		
811		Yes.
812		
813		I'll do that, yes.
814		
815	Oliveira:	Okay.
816		
817		Then I can leave in a little bit.
818	D D	U
819	D. Bryan:	How old are you, 17?
820 821		Yes.
822		1 cs.
822	Oliveira:	Hey, Daryl, I can run down and go get the stuff, do you want to stay here or do
824	Onvena.	you want to come with me and come back? She said she'll be here in a half
825		hour, we can come back.
826		
827	D. Bryan:	Yes, that's fine.
828	5	
829	Oliveira:	Want to do that?
830		
831	D. Bryan:	Yes. I'll go with you.
832		
833	Oliveira:	Okay. All right, we'll be back in about a half hour?

D. Bryan:	You guys don't mind hanging around here for 30 minutes?
	No, that's fine.
Oliveira:	Can I get your name real quick, because you're the biological dad, too, right?
	Yes, I'm his dad, yes.
Oliveira:	
:	Yes,
Oliveira:	Okay.
D. Bryan:	Where'd you drive from?
D. Di juli.	
	From
D. Bryan:	Oh wow.
	actually, so area. It was a long drive.
	actually, so area. It was a long unive.
Oliveira:	So
Oliveira:	Okay.
Onvena.	Okuy.
D. Bryan:	How do you feel about all this?
	I don't know. It has never happened to me.
1	has been reviewed with the audio recording submitted and it is an accurate
transcription.	
Signed	Set Dermul Draven
	Sgt. Darryl Bryan

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3 Lt. Oliveira 4 5 6 Image: Constraint of the sector o	1 2		INTERVIEW WITH Sgt. Bryan
6 7 8 9 9 Oliveira: 11 Bryan: 12 1 13 Oliveira: 14 1 15 Bryan: 16 1 17 I see that. 18 1 19 I see that. 20 Yes. 21 Yes. 22 I was like, "You all coming for us? What'd we do?" 24 Oliveira: 25 Oliveira: 26 No. A guy with a gun, he pointed it at a police officer across the street. A white guy, black hoodie with a black leather jacket, with a chrome handgun.	4		Lt. Oliveira
7 8 9 Oliveira: What number? 10 Bryan: 11 12 Oliveira: We're back. 13 Oliveira: We're back. 14 15 Bryan: You guys got some action outside your room. 16 1 I see that. I see that. 19 I see that. I see that. 20 I see that. Yes. 23 I was like, "You all coming for us? What'd we do?" I was like, "You all coming for us? What'd we do?" 24 Oliveira: No. A guy with a gun, he pointed it at a police officer across the street. A white guy, black hoodie with a black leather jacket, with a chrome handgun.			
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11 Bryan: Image: Constraint of the system of the syst		Oliveira:	What number?
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26 guy, black hoodie with a black leather jacket, with a chrome handgun. 27			
27		Oliveira:	
			guy, black hoodie with a black leather jacket, with a chrome handgun.
20 01, wow.			Oh wow
29			
30 Oliveira: Okay, I have the documents here.		Oliveira:	Okay, I have the documents here.
31	31		
32 Bryan: Do you guys have any questions?		Bryan:	Do you guys have any questions?
34 Okay. So, well, yes, I kind of do. 35			Okay. So, well, yes, I kind of do.
36 Bryan: You still okay with this or no?		Bryan	You still okay with this or no?
37		Di yun.	Tou sum okay with this of no.
			Oh, well, I am, I'm just wanting to know what's wrong with the injury, you
39 know, if anything comes up later on. What we're signing off on.			know, if anything comes up later on. What we're signing off on.
40			
			And that's what we sign off on? so you're going to say we're going to have to
 42 deal with that because anything else as far as bothering him. 43 			deal with that because anything else as far as bothering him.
43 44 Bryan: Earlier you guys said you do have medical coverage.		Bryan:	Earlier you guys said you do have medical coverage.



89 two above, discharges the city, officers, and any of their past and present agents, 90 servants, and employees, and each of them, and each and every agent, 91 employee, and representative thereof from any and all actions, causes of actions, 92 or obligations, costs attorney fees damages, losses, claims, liabilities, and 93 demands of whatever character including but not limited to the generality of the 94 forgoing releases and any and all causes of actions or claims of whatever 95 character including but not limited to intentional tortes, negligence, and 96 constitutional claims, and all matters alleged and which could or would have 97 been alleged and other counter claims and cross claims and all other pleadings 98 which were filed - which could have been filed in said actions. Number four. 99 and does hereby expressly agree that this 100 settlement agreement extends to all claims of every nature and kind what so 101 ever, known or unknown, suspected or unsuspected on his or her part against 102 the city and each and every agent, officer, employee, servant, and representative 103 thereof and advisedly waives all rights granted to him or her under section 1542 104 of the California civil code and the section reads as follows. The general lease 105 does not extend to claims, which credit, or know, or suspect to exist in his favor at the time of executing this release, which is - which in known by him must 106 107 have materially affected a settlement with a debtor. Number five. 108 . and does understand and hereby expressly agree that 109 this general and special agreement shall insure to the benefit of the successors in interest of the city and each and every agent, officer, employee, and their 110 111 representative thereof and shall be binding upon , uh, and in each of his or her successors in interests, agents, and 112 113 representatives. And then number six is, it is further understood and agreed to by all parties top this settlement agreement that this settlement is a good faith 114 compromise of a disputed claim and that the above referenced payments are not 115 to be constructed as an admission of liability on the part of any party to the 116 This settlement agreement constitutes the entire 117 settlement agreement. agreement between the parties and the terms of this settlement agreement are 118 119 contractual and not mere recital. Number eight. The under assigned each states 120 that he or she has carefully read the foregoing settlement agreement and knows 121 it's contents and signs the same of his or her own free act and will. All parties agree to cooperate in the preparation and execution of all documents called for 122 by the terms of the settlement agreement. It is further expressly agreed to and 123 by the parties to this settlement agreement that the rights, obligations, and 124 liability established by the terms and conditions of their settlement agreement 125 126 will be - will become effective and binding on any party hereto until such time 127 as all parties have executed this settlement agreement as called for here in. It is understood that this settlement agreement is without prejudice to the rights of 128 129 any party here to - to pursue any remedy he or she may have against any party 130 who is not expressly referenced in this settlement agreement. Were you able to 131 follow along? 132

133 134		Yes.
135	Oliveira:	Yes, okay.
136 137		What's that? We both sign the paperwork.
138 139	Oliveira:	You guys, all three of you would sign the paperwork.
140 141 142		Yes.
143 144 145	Bryan:	If we can answer any questions, feel free to do so. Like we said, we don't want to pressure you into anything. He's got the cash right there in his hand. It won't be a check it'll be cash.
146 147		I mean, we keep looking at it like I don't even know.
148 149		Well.
150 151 152		I'm feeling like it's okay because right now he don't have really been complaining about any injuries or anything, and I'm glad that nothing else is.
153 154		He just told me his leg is swollen and it hurts.
155 156		Well, you know.
157 158 159 160 161 162 163		But you still need to get checked out at the doctor. You still need to go to the doctor. You still do. Because he said it hurt, and he said his shoulder was hurting, so. I know it's, like, skinned up, like, but it's gotten swollen on his knee. Well, he got Medi-Cal. Medi-Cal can take care of that and whatever. They have to take care of whatever other expense, his medication or whatever. So yes, I guess so, you know what I sayin.
164 165 166	Bryan:	So, also, I talked to Ms. Tornour, and she wants to arrange for you guys to place in counseling, or get him some help if you would like.
167 168		Yes.
169 170	Bryan:	So if you want to do that.
171 172		Yes.
173 174		Yes.
175 176	Bryan:	Okay.

177		
178 179	Oliveira:	That - that would be something separate.
180	Bryan:	So she's going to arrange that.
181 182		Okay, yes.
183 184 185 186	Bryan:	Um, so if you guys are okay with it we could sign this, give you the cash today, and then I still want to offer you to come down next week to view the video. She wants to be part of that and I would like for him to show up as well.
187 188		Yes.
189 190		Okay.
191 192		Yes.
193 194	Bryan:	And that way he can provide details while he watches the video.
195 196		
197 198		Yes.
199	Bryan:	And he can provide more of a description
200 201		Right.
202 203	Bryan:	to assist with our administrative investigation.
204 205		Okay.
206 207	Bryan:	Is everybody okay with that?
208 209		Yes.
210 211	Oliveira:	Okay.
212 213	Oliveira:	That way he can go, okay, this is where he did this, and this is when I said this.
214 215		Yes.
216 217	Oliveira:	Because there's no sound.
218 219 220		Okay.

221 222	Oliveira:	So we don't know what the interactions were.
223		Okay.
224 225	Oliveira:	So he could help fill in those blanks.
226 227 228		Okay, I see.
229	Bryan:	So I've got the witness statements. In fact, I have everybody statement.
230 231		Okay, that's fine.
232 233 234 225	Oliveira:	So all three of you. So if you guys could sign the last two lines since both of you are the parents and then I'll have him sign the line before that.
235 236		Okay.
237 238 239	Oliveira:	I'll sign the first line.
240		So we got to sign both of these?
241 242 242		Yes.
243 244 245	Oliveira:	Yes. I'll give you pen.
245 246	Bryan:	So, does he need help getting back into, Legion?
247 248	Bryan:	Oh, he did.
249 250 251 252 253		He did make it to Legion, then he came back because I sent them to go stay with his dad, and then I brought him back, and he went back to Legion. And then, uh, he started having all these other problems and so they kicked him out thinking he was a problem.
254 255		Well, he's going to be going to Job Corps.
256 257	Bryan:	You want to put him in the Corp?
258 259		Yes, he's going to go to Job Corps.
260 261 262		You want to go to Corps?
262 263 264		He got to go to Job Corps.

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265		Or is there any other program
266 267 268	Bryan:	Because he turns 18 in correct?
268 269		Yes.
270 271	Bryan:	Yes.
272 273		Job Corps would be the best thing.
274 275		Job Corps is good for him.
276 277		for him at this moment.
278 279	Oliveira:	Yes.
280 281		Because he's like way
282 283	Oliveira:	Have you sign
284 285	Bryan:	I joined the army at 18. It is called delayed entry program.
286 287		Yes.
288 289 290	Bryan:	So you can sign up at a young age and then when you turn 18, you get shipped off.
291 292		Right.
293 294 295	Bryan:	I loved it. I was there for four years. I was in Germany for three years and I had a good time. I saw the world.
296 297 298		Yes. Nice, huh? Europe is nice, I heard. I had a friend posted in Europe. He said it's nice.m
299 300	Bryan:	I went all through Europe.
301 302	Oliveira:	Do you want to come over here?
303 304		Come over here.
305 306	Oliveira:	We'll have you sign next.
307 308		All right.

309		
310	Bryan:	I mean, they're paying you to live there right.
311		
312		Yes, yes. They paying for everything
313		
314	Bryan:	I've seen Italy
315		
316		so why not?
317		
318	Bryan:	Germany, I went to Austria.
319		
320	Oliveira:	Okay. You can sign here, and here.
321		
322	Bryan:	But you're still in the army you know.
323	-	
324	:	Right.
325		
326	Oliveira:	And then, today's date is $12/15/17$.
327		•
328		Do you know who I would get in contact in regards to a program that I want to
329		do? I wanted to start my own non-profit but I do work with some of the youths.
330		
331	Bryan:	Oh, you do.
332	•	
333		Like, my son, and I try to keep the kids out of trouble myself. So, if I can get
334		involved, or see how I can get involved in it, I'd like to know who I need to get
335		in contact with.
336		
337	Bryan:	Okay.
338		
339	Oliveira:	Get in touch with community outreach or something.
340		
341	Bryan:	How about when we see you on Tuesday when you come down to the office.
342	-	
343		Yes.
344		
345	Oliveira:	Okay. Will 1 o'clock work?
346		
347		It'll be about 1 o'clock.
348		
349	Oliveira:	Yep.
350		
351	Bryan:	Will that work, at our office?
352		

353		Yes, I'll be here.
354 355	Oliveira:	Okay.
356 357		Yes, that's fine.
358 359	Oliveira:	All right.
360 361	Bryan:	And then those photos, were you able to send them to me?
362 363		Yes. I will send them.
364 365	Oliveira:	Yes, just put today's date.
366 367	Bryan:	do you mind if I take a picture of your shoulder, and also that knee?
368 369 370	Bryan:	That looks you had scratched yourself on something. You got something over here too.
371 372		Well, um, I don't know why I didn't see it.
373 374	Bryan:	Okay.
375 376		I'll just tell you, I was bleeding through my shirt.
377 378	Bryan:	Let me just do an overall. You guys don't mind me doing this?
379 380		Mm-mm.
381 382		No, go ahead, sir.
383 384	Bryan:	Was your face on the wall or the padding?
385 386		It was on the wall.
387 388	Bryan:	And you didn't suffer any bruising?
389 390		No, he just pushed my face against it.
391 392	Bryan:	Was his hand on your chin?
393 394		It was on my, like, my forehead.
395 396	Bryan:	Okay. Did your face hit the wall, or did his hand hit the wall?

397		
398		He was, like, my face hit the wall.
399		
400	Bryan:	Okay.
401		
402		And all the door area
403	D	
404	Bryan:	Do you want me to take a picture of his face?
405 406		Sure.
400		Sure.
408	Bryan:	You can put your shirt back on. You said there's bruising on your knee too.
409	21)	
410		Yes.
411		
412		Uh, it's not, like.
413		
414	Bryan:	I don't know if you're going to be able to pull those pants up man.
415		
416		You can't pull them up. Them a little too tight. You know, I think them a little
417 418		too tight.
418		Yes, I do have a question for you. So how do I claim this? Do I claim it as a
420		gift, or a settlement?
421		gitt, of a settlement.
422	Oliveira:	Uh, it's a settlement.
423		
424		I don't have to claim it.
425		
426	Bryan	I'm not a tax expert.
427		
428	Oliveira:	Yes, you'd have to talk to your tax guy.
429		
430 431		Okay.
431	Bryan:	That's a good question.
433	Diyan.	
434	Oliveira:	We have to take a picture of you with the money that it shows that we gave it to
435		you.
436		-
437		Okay.
438		
439	Oliveira:	So that way our bosses know that.
440		

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441 442 443 444	Oliveira:	I'm going to count out the money so you guys can see, so if you want to watch me, the two of you, or three of you. If you guys want to - so there's one, two, three, four, five, 600, 700, 800, 900, 1,000. So that's 1,000. 100, 200, 300, 400, 500, 600, 700, 800, 900, 950, 1,000. So that's 2,000, is that right?
445 446		Yes.
447 448 449	Oliveira:	Okay. So we'll leave that here.
449 450 451	Bryan:	Do you have an address I could get for you in ?
452		Yes.
453 454 455	Bryan:	And you're
455 456 457		·
437 458 459	Bryan:	And, I'm sorry, what's your date of birth again.
439 460 461		
461 462 463	Bryan:	And what's your address down there?
463 464 465		Um,
463 466 467	Bryan:	
467 468 469		
409 470 471	Bryan:	
471 472 473		
473 474 475	Bryan:	And what's the zip code?
476 477		Uh, n-, uh, I think.
478 479	Bryan:	Okay.
479 480 481		Yes.
481 482 483	Bryan:	And what's a good phone number for you?
483 484		·

485		
486 487	Bryan:	And does your son have a phone?
488		No, he don't have a phone.
489 490	Bryan:	Are you going to be able to, uh, watch the video on Tuesday?
491 492		Yes.
493 494	Bryan:	You're not going to run away anymore are you?
494 495 496		No.
490 497 498		No, you going to be there.
498 499	Oliveira:	All right. Can you guys get together and just hold the contract and the money
500 501		and let me just take a picture that shows all three of you were present when we did this.
502		
503 504	Bryan:	This shows that you're not under duress.
505	Oliveira:	Yes, this is just for our administrative records.
506 507	Bryan:	All right. Guys, it was a pleasure meeting you.
508 509		All right, man, it was a pleasure, man.
510 511		Thank you, guys.
512 513	Oliveira:	Thenk you And we'll see you on the Tuesday then
515 514	Onvena.	Thank you. And we'll see you on, uh, Tuesday then.
515	Bryan:	Yes. If things change, just give me a call, okay. Otherwise, I'll put it on my
516		calendar.
517 518	Oliveira:	Do you want to write down, the address and all that for them so they can.
519		
520	Bryan:	Yes, they got my card.
521 522	Oliveira:	All right, you got the card.
523		
524 525	Oliveira:	Do you want us to write the time - the date and time on the card.
526	Bryan:	You think Raiders are going to beat the Cowboys this weekend?
527 528		Ves
528		Yes.

529		
530	Baker:	No.
531 532		Yes.
533		
534		Yes.
535 536		No.
537		
538 539		Yes.
539 540 541		They're not going to beat the cowboys. No way.
542 543	Bryan:	Oh, she's a Cowboy fan?
544		No, it's not going to happen.
545 546		Yes.
547 548	Bryan:	Ah, they're going to beat them.
549 550		Yes, I think they're going to beat the Cowboys.
551 552		You think so? We're going to see.
553 554	Oliveira:	Do you know where the police department is? Have you been there before?
555 556		The one that's over here?
557 558	Oliveira:	On Freeport. It's on Freeport.
559 560		Wells Fargo Bank.
561 562	Oliveira:	Yes, right.
563 564	Bryan:	Yes, right across the street.
565	01' '	
566 567	Oliveira:	So
568		Yes.
569		
570 571 572	Oliveira:	There's the big building where you go in to, like, get records and reports and do all that stuff. But there's a little building in the parking lot and that's our building.

573		
574	Bryan:	Right when you pull in, it's right to the right.
575		
576	Oliveira:	You got my binder
577		
578	Bryan:	Yep.
579		
580	Oliveira:	and all my stuff? Okay.
581		
582	Bryan:	All right.
583		
584	Oliveira:	That's a wrap there guys, take it easy.
585		
586	Bryan:	Have a good weekend, okay.
587		
588		All right.
589		
590	End of recording.	
591		
592	TT1 / · / 1 1	
593	-	been reviewed with the audio recording submitted and it is an accurate
594	transcription.	
595 506	Signed	Cot Downl Davon
596		Sgt. Darryl Bryan

Interview with Interviewer: Sgt. Darrell Bryan Case # IAD2017-322 Page 1 of 21

1 2 3 4 5		Interview with Sgt. Darrell Bryan Det. Joe Brown
6 7 8	Sgt. Bryan	Today's date is December 13th, the time is approximately 1:30 pm. I'm Sergeant Darryl Bryan with the Sacramento Police Internal Affairs. And I'm speaking to?
9 10 11 12		. I was the detaining asset protection detective for Macy's downtown commons, Store number 406 that day 12-8-17.
13	Sgt. Bryan	And can you spell your first and last name for me, please?
14 15 16		, last name
17 18	Sgt. Bryan	And what's your responsibility here?
19 20		I'm an asset protection detective, so I am the one that makes the apprehensions and detains subjects when caught for shoplifting.
21 22 23	Sgt. Bryan	Okay. And do you recall an incident that took place, I believe it was December 8th at approximately 7:00 pm that night?
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40		Yes. With two juvenile subjects. It was a solution of the sales floor, talking to a cosmetics associate about a previous incident when I noticed and a solution of the sales floor, talking to a cosmetics associate about a previous incident when I noticed and a solution of the sales floor, talking to a cosmetics associate about a previous incident when I noticed and and the solution of the sales associate about a previous incident when I noticed and and the solution of the sales associate about a previous incident when I noticed and and the solution of the sales associate about a previous incident when I noticed and a solution of the solution of th
41 42 43 44		and recovered our merchandise because that's where it was concealed. So after we got permission we searched their backpacks, got the merchandise out and then the subjects were cooperating with names, but had no ID. They had no parent or guardian information. So at that point we couldn't release them, so we had to call

45 46 47 48 49 50		Sac PD. We called about 7:00 pm. called about 7:13 pm, and then at that point I waited all the way up until 11:04 pm, calling every single hour, on the hour, asking why our call is still pending. At one point the officer, I think about two hours, told the dispatcher that we had an officer en route, and then all of a sudden they were not on there.
50 51 52	Sgt. Bryan	So that was roughly four hours later? Okay.
53 54 55 56		Four hours later, Officer McDermid came in. He immediately came in and apologized, saying, "Oh, I'm so sorry I took so long. There's been a lot of calls." And I was like, "Yeah, I know, I understand."
57 58	Sgt. Bryan	And just for the record, I'm going to show you a picture of an individual in uniform. Is that the same officer you're referring to?
59 60 61 62		Yes. He had a hat on, so it looks a little bit different. But that is him, his face, yes.
62 63	Sgt. Bryan	Okay.
64 65		Yes. But he did have a SPD ball cap on.
66 67 68	Sgt. Bryan	Okay.
 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 		Yes. So I didn't, I assumed he was bald like that, if not had a little bit of hair. But yes. So once he came in, he apologized. Said that why he was running that he was late, that the, you know, the - it had been a very busy day. And I was like, "Yes, I understand." Like PD had, or dispatch had informed us that there was a lot of calls in the area. And so at that point he asked me what happened. I said I detained and for shoplifting. had a \$197.00 dollar theft, I guess you would say. I mean, we recovered it. And then had \$196.00. No ID, no parent information. And so I told him that's why I called him out, it's protocol. At that point he told the boys to both stand up and turn around. We did not have them in handcuffs because they did not, they weren't resisting us. They didn't put up a fight in the beginning. We sat there for three and a half hours talking to them like they were normal human beings, they were really chill, and we didn't have any issues with them. So immediately the officer, after that, told them to get up, took out handcuffs, handcuffed first. So he looked at thim and said, "Why is he handcuffing him?" And he said, "Shut up and turn around." So he looked at the wall. When he caught, when he immediately went to her her caught and seleves very aggressive, which you can see on the camera.

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I didn't hear him call him any names, anything get really aggressive, anything like that. And so at that point, when he shoved him into the wall, he at that point face like hit the wall and I was just like, "Oh, my God." Like, what is going on at this point. So then he tried to do it again. He tried to go back down moved his right leg, to cover his groin area, and and do a pat down again. then the officer then slammed him into the wall again and said he needs to cooperate. At that point he then went to go kick his feet open, and spread his legs, but at that point he was kind of like straddling the bench really awkwardly, and so he was about to fall. So he was trying to kick his legs open, but it looked like he wasn't trying to comply but he couldn't, because he was leaning up against really awkwardly, in handcuffs, which weren't even necessary because we had a pat down done, and we had informed him we had a pat down done and we had found nothing for weapons. And that he was wearing tight fitting jeans, so if there was a weapon we would have seen it. And there was nothing in his waistband, anything. And so then when he kicked his feet apart, and he was almost falling, he then took him and tried to throw him to the ground. When he threw him to the ground, he went to go and do another like, still trying to do a pat down on him. When he had already tried to attempt to do it twice. So at that point I'm just like looking at him, because face is turned towards me and his, he looks like he's about to be in tears. Like, from my opinion he looks like he's about to be in tears. He's just lying there just humiliated because of how, how aggressive the officer was trying to do a pat down multiple times, which shouldn't even have happened. That if there was a weapon he would have already found it. His excuse for still trying to do the pat down was he said that teenagers can carry guns, and teenagers can carry guns and hide them in their testicle area. And I just kind of looked at the other witness and I was just kind of like, like what do you, like what do you mean? Like I, if he would have had a weapon you would have already found it. And he, had also told him that he wasn't carrying, so there should have been no reason to do that. And he kept just trying to say, Just stop. Just stop." And at that point, he was on the floor. "Just stop. was sitting on the bench. He told to sit on the bench. was sitting there with his hands behind his back, and he was like just telling him, "Bro, you're doing too much. You're doing too much." And so after a few minutes he brought him back up, sat him back down, and then he went to go pat down stood up, he zipped down his jacket a little bit hard, but not as aggressive as Completely different. And then when he did that he did a pat down as well, and tried to kind of cup him as well, but not as aggressive as he did And so after that he just, after he concluded his pat down he just had them sit down, we did some paperwork, he took off his jacket and his whole demeanor changed. Like he was just kind of like, "Okay, well like let's get this finished." And I was like, what the hell? Like you're like Jekyll and Hyde. Like, what? And so I felt really awkward, and so was just sitting there with his head down the whole time. His jacket, you can see in the video, is off his shoulder. He just looks, he just has his head down, he can't

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177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196		even look up. He can't look up at anybody in the eyes. Like, it was just, I don't even know. Like it was just, it was crazy. But he, when we went to go do paperwork, he uncuffed him, had him sign it. That was probably around like 11:35, 11:40-ish. We sat there, we were finishing up paperwork because I was missing a lot of information that I didn't have. So we were trying to finish the paperwork, and at that point when we got done he re-cuffed the boys back up. I and a sales manager took the boys upstairs. He wanted us to help him escort them to his patrol car that he had parked out between Levi, or Levi's handbags or 4th Street handbags doors and Levi doors. So I took him up, with the boys. He kind of kept close to him. He said the was walking really, really slow, so he then put his arm on him to help him. The was in between myself and the officer, and that he, you know, that he's going to run, or whatever the deal may be. So we go towards the handbag doors, and at that point he's telling him he needs to hurry up, that he's on his time and he's on my time, and I just started walking slower. Because I was just like, okay. Well, he's getting aggressive again. And at that point you see in the video he takes his arms that are in handcuffs, he lifts his arms, twists them, and twists his wrists where findential for the off it. And yes, so it, yes.
197 198 199 200	Sgt. Bryan	Okay. We just have a few follow up questions. Oh, yeah. No, no.
201 202 203 204	Sgt. Bryan	And again thanks for coming forward. You're welcome.
205 206 207 208 209 210	Sgt. Bryan	Just so you are aware, we've opened and launched a formal investigation. Aside from Mr. you're the first person we've spoken to. So when you called in and you spoke to dispatch, obviously you've been doing this for a while. Did you explain to them that the two detainees were cooperative?
211 212 213	Set Bryon	Yes.
214 215	Sgt. Bryan	You did? Okay. I did.
216 217 218	Sgt. Bryan	And what were the demeanors? The juvenile's demeanors?

219 220 221 222		They were just quiet. They kept to themselves. I had multiple like male VSOs down here while they were still on their shifts, so, because I can't be alone with males.
223	Sgt. Bryan	Sure.
224 225 226 227 228 229 230		So I had multiple VSOs down here, and we were sitting around. I was on my lunch at one point. Well I still had male witnesses and one of the VSOs was asking them, because he's from another state, like, "Hey, what's like the best like rapper out here?" And they were talking, and they were being cooperative, and they were just like, we're just waiting around for PD.
231	Sgt. Bryan	So there was even a dialog prior?
232 233 234		Exactly.
235 236	Sgt. Bryan	Okay.
237 238 239		Yes. So they weren't aggressive, anything. They didn't have any, any intentions of running. They were, they were really like friendly and nice.
240 241	Sgt. Bryan	The gig was up.
241 242 243		Yes.
243 244 245	Sgt. Bryan	Okay.
246		Yes, so.
247 248	Sgt. Bryan	Did you recognize them at all from any prior encounters?
249 250 251 252		I had recognized from the day I got hired on May 10, 2017 that had on the bench Sac PD came out and they were arresting him for shoplifting.
253	Sgt. Bryan	Okay.
254 255 256 257 258		When he said, when I remembered his name for the second time, I was like I remember who it is. So I pulled out my case file and I was like, "Aw, dang. That's him." But I was just like, I didn't want to make the burn worse.
259 260	Sgt. Bryan	Sure.
260 261 262		So I didn't mention it to the officer.



307 308 309	Sgt. Bryan	Okay. Any, any, so it was aggressive behavior and also his, his tone? Okay. So during, because we did observe that. So during the initial pat down it was
309 310 311		Yes.
312 313	Sgt. Bryan	Yeah, he moved and you said he applied what you described as a cup?
314 315		Yes.
316 317	Sgt. Bryan	Did you see that?
318 319		For a few seconds, yes.
320 321	Sgt. Bryan	And can you describe that?
322 323 324		So when he went to go pat him down on his leg, when he went back up he went to try to go feel
324 325 326	Sgt. Bryan	In the groin area?
327 328 329 330		For what he said was a weapon. Yes. What he said was a, he was feeling for a weapon. And then so got kind of weirded out, and he was like, "Whoa, what are you doing?" Like, which is every man's reaction, is when someone's going to touch their groin area they move their leg.
331 332 333	Sgt. Bryan	Sure.
334 335 336		And especially younger boys, like that, you know, they're not used to that. You know? So
330 337 338	Sgt. Bryan	And you've been doing this for a while?
339 340 341 342 343		Yeah, and I've never seen, and all of our officers that have come out of our bike unit, they're amazing. I've never had issues like this with them. Even officers that have come out that we have never recognized before, I've never had issues like this.
344 345	Sgt. Bryan	How long have you been doing this?
345 346 347		I've been doing this for three and a half years.
347 348 349	Sgt. Bryan	Okay.

350		Hara L'us haan hara 6 months. And wa'ya soon multiple police officers. Put all
350 351		Here, I've been here 6 months. And we've seen multiple police officers. But all of our, especially our bike unit
352		or our, espectanty our once and
353	Sgt. Bryan	How many encounters would you say you have with the police?
354 355		Almost every single case.
356		
357 358	Sgt. Bryan	So hundreds?
359		Yes. Yes.
360 361	Sgt. Bryan	Several hundreds?
362	~8 <u>21</u> juli	
363 364		Hundreds.
365	Sgt. Bryan	Okay.
366		
367		Because we're at, like less than 100 because we're at, we're almost at 100 cases
368		right now
369 370	Sgt. Bryan	Okay.
371	Sgt. Diyun	Ondy.
372		And when I started we were at about 6.
373		
374	Sgt. Bryan	Yes.
375 376		So about over 90.
370		So about over 90.
378	Sgt. Bryan	So of the hundred contacts approximately, you've had no contacts like this?
379		
380		Yes. Yes.
381		
382 383	Sgt. Bryan	Okay.
383 384		They've never, yes. All of our bike unit is amazing. I was surprised they didn't
385		come out, because they normally help us out, and I don't know, I don't know if
386		officers can choose what kind of calls they can take? Because I felt like this one
387		for some reason after the incident happened, I felt like this officer chose to take
388		this call and that's why it took them so long. Because with juveniles we've never
389		had over two hours.
390		
391	Bryan	So getting back to the detention. The initial time that he drove him, where did he
392		have his right hand?
393		

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394 395		Over his jaw.
396	Sgt. Bryan	It was his jaw?
397 398 200		His chin.
399 400 401	Sgt. Bryan	Lower jaw, and then his back hand was on the back of his neck?
401 402 403		When he smashed his face into the wall.
403 404 405	Sgt. Bryan	And that's what you describe as smashing it?
406 407 408 409		It was very violent. He just went boom, and like hit, threw him against the wall and it was three separate times he did it, and he just, he grabbed really hard. You can tell he was using all of his power.
409 410 411 412 413	Sgt. Bryan	So the video captures two. So two, and then the takedown. But the in between the first and second's probably what? Fifteen seconds? So was there two or three?
413 414 415		There's, there's two then. Not three.
416 417	Sgt. Bryan	Okay.
417 418 419		There's two.
420	Sgt. Bryan	So you had, you describe what is called pressing on his
421 422 423		Yes.
423 424 425	Sgt. Bryan	So it wasn't his neck, it was jaw?
426 427 428 429		No, it was his chin. Yes, it was his chin. So he had his hand, like his thumb and his index finger over his lower jaw, and had the same kind of L shape with his right hand and put it on the back of his head and then kind of drove him into the wall.
430 431 432 433	Sgt. Bryan	And so at that point, the officer positioned his left leg up, kind of like a Captain Morgan position.
433 434 435		Yes. Yes.
435 436 437	Sgt. Bryan	And he's leaning into him?

438 439 440 441 442		Yes. And that's where he's like awkwardly like standing, and I've had that happen with subjects before, and that hurts your shin. That sharp edge hurts your shin, so I can only imagine how excruciating it was when you're getting hit as well as you're having your legs into that edge of that seat.
443 444 445	Sgt. Bryan	Do you remember what he was saying? Because he was yelling at him, at that point
446 447 448 449 450		He was telling him that he needs to cooperate and that he needs to get the pat down done and, you know, and wasn't saying anything to him. didn't say, you know, like, fuck you. He didn't say, you know, any, he didn't say anything.
451	Sgt. Bryan	Do you feel it was constricting his breathing?
452 453 454		Mmm, no. I don't feel like it was.
455	Sgt. Bryan	Okay.
456 457 458		I mean, I don't think he, he wasn't over like his, from what I could see, it wasn't.
459 460	Sgt. Bryan	Okay.
460 461 462		I mean, it, it could have been. I don't, I don't think so.
463 464 465	Sgt. Bryan	So he was just telling him, "Stop resisting." He needs, he needs to cooperate with his pat down?
466 467 468 469		Yes, and then he was man your, like what the, when he moved his knee he was like, "What are you doing?" Like, for like why are you trying to go again? And so, and trying to grab him again.
470 471	Sgt. Bryan	So he pulls him off the wall, he resumes the pat down, then at that point remember him moving his right leg.
472 473		He moves his knee.
474 475 476		Yeah, because he knew he was going to try to do it again.
476 477 478	Sgt. Bryan	Okay.
478 479 480 481		And so when he tried to grab his groin area again, he said, "What are you doing?" He was like, "Man, that feels funny." And the officer then said, you know, was just, got more angry and that's when he took him down.



482		
483	Sgt. Bryan	So it, no, that's when he drove him in the wall?
484		
485		And that's when he drove him into the wall again, and then when he was trying,
486		and then he, at that point he could, he barely even stand. You can see he can
487		barely stand. So he kicks his feet open, and then when he can't really straddle
488		the wall, because he's handcuffed this whole time, and he, he then takes him
489		down.
490		
491	Sgt. Bryan	Okay. Were there another witness in your room?
492		
493 494		, he's a VSO. Seasonal VSO.
495	Sgt. Bryan	Because Mr. said you felt that you needed to call someone that wasn't on
496	Sgu Dijuli	duty. Is that inaccurate?
497		
498		No, I did call someone that was not here.
499		
500	Sgt. Bryan	Okay.
501		•
502		I did. I called my co-worker.
503		
504	Sgt. Bryan	So, wasn't in the room the entire time?
505		
506		was there until, he left right before the officer came. He was off. He left
507		early, he left about 10:15 pm.
508		
509	Sgt. Bryan	Okay.
510		
511		So he left about an hour before the officer came. So he knew the boys' demeanor.
512		They were fine, we were offering them water. You know, we were talking to
513		them, chit chatting, been doing this for over 10 years, he's been here
514		the same amount of time I have, and we've never seen this. And so at that point,
515		you know, I called because I felt so uncomfortable. I don't know
516 517		personally, he's our VSO. That was the other witness. I, he
518		hasn't been here for a long time like us.
519	Sgt. Bryan	So there were two witnesses there?
520	Sgt. Diyali	So there were two withesses there:
520		There was myself, and then was in there.
522		
523	Sgt. Bryan	Okay.
524		
525		In the room.



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ent, they were

569 570 571 572 573 574 575 576 577 578		Absolutely. Absolutely was, was very, just shocked as well as I was. We just kept sitting there, just staring at him. Especially when he was on the ground, he looked so helpless and was just looking at me like can you help me? And at that point I was fearful if I say something I'm going to get arrested. So at that point I was just like, I, I, that's why I called for the as I didn't know what else to do. Because I'm just like, dude, I need someone else here that's got my eyes, that has, not necessarily that for the couldn't attain to what we do, but he doesn't do the same job that we do. And he's new to this, and he doesn't do the same job as we do.
579	Sgt. Bryan	Sure.
580 581 582 583 584 585 586 586 587		And so I wanted somebody that, that deals with PD every day, that's here just like I to see this. And so that's when the next day I called a source with the one that DDAP, and he forwarded it to be a source with a source with the one that made, him and the made the executive decision of this is police brutality and we have to report it. And they told me that I did a great job for reporting it to them, because it needed to be given some extreme attention.
588 589 590	Sgt. Bryan	Yeah. So that's important. So let's circle back. You said you obviously made eye contact with
591 592		Yes.
593	Sgt. Bryan	You wanted to intervene, but you felt that if you did
594 595		I would have been arrested.
596 597	Sgt. Bryan	You would have been arrested.
598 599		Yes.
600 601	Sgt. Bryan	What gave you that impression?
602 603 604 605		The officer's behavior. If he's like that towards two boys, teenage boys, how is he going to be like to me, who's a female, who's an LP with a bunch of males?
606	Sgt. Bryan	Yes.
607 608 609 610 611 612		So if he's aggressive with, with children? I mean, I don't know how he is, how he is with females. I don't know if he's had a history of domestic violence, I've, you know, getting a little deep, I've had issues with domestic violence in the past and I know when a, when someone looks like that, there's kind of like really no stopping it. And if it's a light switch temper, there's no stopping it.

613		
614	Sgt. Bryan	So in your opinion that's what it was?
615		
616		Yes. Light switch.
617	Cat Darran	Very said Lastela and Harda andian?
618 619	Sgt. Bryan	You said Jeckle and Hyde earlier?
620		Yes.
620 621		105.
622	Sgt. Bryan	Okay.
623	8	
624		Yes.
625		
626	Sgt. Bryan	So this is also important. You said he asked you to assist in escorting two young
627		men out.
628		
629		Yes.
630		
631	Sgt. Bryan	He paid more attention to
632 633		Absolutely
634		Absolutely.
635	Sgt. Bryan	And you said as you approached the car?
636	Sgi Dijun	
637		Well, before we approached the handbags doors, it's on camera. I thought I
638		didn't have it, but when I went back on Sunday and reviewed it is, there is footage.
639		I made a disk that has it.
640		
641	Sgt. Bryan	Oh, okay. Can I get that today?
642		
643		Absolutely.
644 645	Set Derven	Oltav
645 646	Sgt. Bryan	Okay.
647		He's already in handcuffs, and at that point he lifts up the handcuffs and twists
648		his wrists. And he says, "Bro, what you doing?" And he was like, "You're
649		walking too slow." And you just see Line limp out the door.
650		
651	Sgt. Bryan	Okay.
652		-
653		And at that point I kind of turned around and I was just like, I was already having
654		kind of anxiety from all of this whole situation, and like, you know, am I really
655		witnessing this? You see it on Facebook, you see it on Instagram all these, of
656		police brutality. I'm like, am I really witnessing this? And I'm just kind of like

657 658 659		in shock at that point. I'm just like, I'm going to hurry and do my best to get these boys safely to squad car, and that's what I did. And yes.
660 661	Sgt. Bryan	How many people were able to view the video?
662 663		All of our AP did, and the store manager, and and
664 665 666	Sgt. Bryan	And that's protocol prior to you elevating it to Mr. Okay. And you don't get further than Mr.
 667 668 669 670 671 672 673 674 675 676 677 678 679 680 		No, that's our regional, I mean, there probably is, but I don't know if they saw it. I know that was in Washington, DC, on a, on a training. So he didn't get to see it until Monday. My, one of my co-workers, who was here the next day, I asked him to watch it and I said, "Do you feel that I'm in the right, right now? Because I don't want to make this call if I'm over exaggerating." And he looked at it and he was so disturbed he couldn't finish it. Store manager had to know about it just because this is her store, and if for some reason this kid's family comes after me because I'm the last adult, I'm liable. I mean, in my opinion I feel like I'm liable already. So it's just like I showed her, and she felt the same way, very disturbed. Everybody that watched it felt disturbed, except a few people that were like, "Well, I see why," and justified why he could have done it. But there was no justification sitting there, there's no justification. You know?
680 681 682 683	Sgt. Bryan	And that was my last question. In your opinion was there any reason why the officer acted the way he did?
684 685		Nope.
686 687	Sgt. Bryan	Okay.
688 689 690 691 692 693 694 695 696 697 698 699 700		Nope. I've had Chan, Officer Chan come in here, who is one of our bike officers, and he's gotten mad at a teenager before for mouthing off. And he's gotten angry and have yelled at him, but I've never seen them come in and initially handcuff them. We've never needed to be handcuffed. They're, they're children. They don't know any better. You know? So it's just like, at this point, it's like why are, and even if, even if said anything to him, or said anything to him to ever tick him off, why are you letting a 17 or 16 year old get to you when you deal with this every day and I bet you there's more aggressive subjects that you deal with on a daily basis than these two that just stole less than \$200.00. You know? So it's, and, you know, like I said, if it's, if he's doing this to them, who else is he doing it to? And I think that was the main thing of what's going on? I didn't know if he had any, had any complaints before. We had an incident out here on Sunday where there was a DUI arrest, and there was a sergeant out

701 702 703 704 705 706		there, and I didn't get a chance to talk to him. I was going to try to talk to him and be like, "Hey, you know, what, what is the next steps?" And so that's when my DDAP and wanted to do a formal investigation on this, just because of how disturbing it was, and that if even if that got out, how bad it would make Sac PD look.
708 707 708	Sgt. Bryan	And you conducted your own internal investigation?
709 710		No, we didn't.
711 712	Sgt. Bryan	Okay.
713 714 715 716		So I just did my report like for our CIS case I did my report. I put my narrative in there, and then I let and handle it. So that was what I was told to do, and so I did.
717 718	Sgt. Bryan	All right.
719 720 721 722		And I've made four copies of video. I have, well I have, just in case. I don't, I don't know what the next steps are at this point. I don't if I, if he's like, whatever the deal with the next, you know, I don't know what's next.
723 724 725 726	Sgt. Bryan	Well, as, as you we said earlier, so the next step was taken by Mr. He came to our office and requested that we look into it. He showed us the video. After reviewing the video we launched our own formal investigation. And that's why we're here today.
727 728 729		Yes.
730 731	Sgt. Bryan	So, administratively we're going to going to take care of this.
732 733		Absolutely.
734 735 736	Sgt. Bryan	We briefed all of our upper management, including our Chief, today on the incident.
737 738		Okay.
739 740 741	Sgt. Bryan	And we want to expedite this because we're just as disturbed as you after watching that video.
741 742 743		Yes.
743 744	Sgt. Bryan	That's why we felt it was important to put some narrative with the video.

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746 747 748 749 750 751 Absolutely, yes. And that, my thing is, if for any reason if he's charged with 752 anything like do we have to, do I have to go and testify or anything like that, and 753 that's why I made more videos and I did all of that before our DVR erases it. 754 Because once it's erased there's, it's his word against ours and at this point, I just 755 wanted to make sure it gets in the right hands, and that the appropriate, as you guys are, that you guys get a hold of it and are able to take care of it before 756 757 something else worse happens. Because this shouldn't happen to anybody else, 758 nobody's child. 759 760 Sgt. Bryan I agree. We both have kids, we agree with you. 761 762 Oh, absolutely. And then in this day and age, you know, people already don't 763 trust the police department, and law enforcement, and they don't even trust us 764 because they think that we're going to feed them to the wolves, and this could 765 create a monster for this kid, and this kid could also have some major emotional repercussions from it. He could he could go and be, you know, get start being 766 767 depressed, or get on drugs or alcohol, or commit suicide. And, you know, he thinks that nobody's going to believe him because of, when in this day and age 768 769 of police brutality and it, you know, him thinking it could be a race issue. And I 770 don't ever want anybody to feel that way, and I don't ever want Macy's to even be conducted that way. I don't want us to be a business of, "Oh, we profile," and, 771 "Oh, we sic cops on people that, you know, need to learn a lesson." No. You 772 773 know, if I could have, I don't know if I'm in the, entitled, as working here for this 774 and I didn't really talk to my supervisor about this yet, but if we're entitled to ask 775 for another officer to come out next time. Because if that happens again, I'm 776 going to ask for another officer. Because that, if I could have, I would have. But 777 we already 778 779 Sgt. Bryan So I just mentioned earlier, so effective this evening. You know, he's going to 780 be ordered a cease and desist. So he won't be permitted to come to your store. Pending our administrative investigation. 781 782 783 Okay. 784 785 Sgt. Bryan So do you have anything? 786 787 Yes. 788

745

789 790 791 792	Det Brown	I just have a couple questions, real quick. When you guys called, were they, did they give the right names initially, or was it just that you couldn't find them at all?
793 794 795 796		No, they gave us the right names. We had the last time. We just didn't have any x-refs. They're 16 and 17. They don't know their, they know their x-refs.
797 798	Det Brown	So they gave the right names, then?
799 800		Yes. We just didn't have parent information.
800 801 802	Det Brown	Parent information? Okay.
802 803 804		Yes.
805 806 807	Det Brown	And then lastly when he had against the wall . He was, did make any comment? Did he reply to him at all and make a response to either of them?
808 809 810 811 812		Not really. He just, I mean, I didn't really hear anything, so I don't, I want to say no, but when he tried and he blocked his leg, he was like, "What are you doing?" Like that, like, "Sir, that's that feels weird." And that's the only thing I really remember, and then at that point it kind of made him more mad, because he was resisting.
813814815816	Det Brown	So there's no dialog that would have, there was no dialog from that would have provoked the officer to handle him that way at all?
816 817 818		I didn't hear anything, no.
818 819 820	Det Brown	Or, or
820 821 822		No, yeah. No, yeah.
822 823 824	Det Brown	Okay.
824 825 826 827 828 829 830		If it was, I mean, that would be, that wouldn't, that wouldn't still justify that. For sure. But I don't, I didn't hear anything that was like, you know, him saying any racial slurs to him, or saying profanity, or anything like that. He was just trying to be, he was just trying to comply, and then when he took him to the ground that was extremely unnecessary. But it, it was all unnecessary, but yes.
830 831 832	Det Brown	Okay, did claim, or say, "I'm hurt," or, "Ouch," or did he, did he appear to be like he was injured at any time? At any point?



833		
834		No, he didn't say ouch or ow, he just, you know
835 836 827	Det Brown	Wasn't favoring like a side or, you know, okay. All right.
837 838 839 840		When he twisted his wrists when we were walking out the door he was limping, and that's how I knew he was hurt.
841 842	Det Brown	Okay.
842 843 844 845		But I think at that point he just wanted to stay quiet because he didn't want any more repercussions.
846 847	Det Brown	Okay. But for the takedown, like, he wasn't like, he didn't show that he was visibly injured after being
848849850851852		No. I think after that point he kind of just realized if he shuts his mouth it's better. Because there's that's going to save him from this officer, because I couldn't even do anything.
852 853 854	Sgt. Bryan	We really appreciate your cooperation.
855 856		Thank you.
857 858	Sgt. Bryan	Yes. If there's anything in addition to what you've discussed, feel free to contact me, or email me.
859 860 861		Absolutely.
861 862 863	Sgt. Bryan	And then if you could just grab that video?
864 865		Yes, and I have I can print you out a copy of my narrative, too. It has like everything from like, detail to detail to what happened.
866 867	Sgt. Bryan	That'd be great.
868 869 870	Det Brown	Sure, yes.
870 871		Okay. I will do that.
872 873	Sgt. Bryan	Thank you so much.
874 875 876		Thank you so much
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877	Det Brown	Yes.
878 879		I appreciate it.
880 881 882	Sgt. Bryan	Appreciate it.
882 883		Let me give you one of the videos right now, I have it actually right here.
884 885	Sgt. Bryan	Is this the one where you were exiting the store?
886 887 888		It's actually on both. I don't know, I mean, I can pull it up on the DVR for you guys to watch it. I have it on both, too.
889 890	Sgt. Bryan	We can just bring it down to our IT.
891 892		Okay. Yes.
893 894	Sgt. Bryan	Thank you.
895 896		Let me get another, well, I'll give you that.
897 898	Sgt. Bryan	Thank you.
899 900 901		I have it on there, should have both where he, where we're walking out and he lifts him up and starts twisting, and at that point he's limping.
902 903	Sgt. Bryan	Okay.
904 905 906		All right. Thank you.
907 908 909	End of recordin	ng.
910 911 912 913 914	The transcript hat transcription.	as been reviewed with the audio recording submitted and it is an accurate
915	Signed	<i></i>
916		Sgt. D. Bryan

1 2 3 4 5		INTERVIEW WITH Sgt. D. Bryan Det. J. Brown Witness
6 7 8	Bryan:	Can you spell your last name for me?
9 10 11	Bryan:	And do you work here at Macy's? If so, in what capacity?
12 13 14		I am a visual security officer.
15 16 17	Bryan:	And how long have you been working here at Macy's? One month.
18 19	Bryan:	One month? Are you enjoying it?
20 21 22		It's okay. It's just the transition.
23 24 25	Bryan:	And Mr. do you remember an incident that took place on December 8 th when you were working with
26 27		Yes.
28 29 30 31 32 33 34 35	Bryan:	Can you describe that for me, please? We had an apprehension during the time we had two juveniles, and and and the I believe his name was. They stole over, I believe it was \$400 worth of Polo between each other. So, we apprehended them and so we took them downstairs. So we had to call PD. We waited about 3 1/2 hours before Officer McDermid showed up.
36 37	Bryan:	Which is around 11 o'clock?
38 39 40 41 42 43 44		Yes. When McDermid showed up. He apologized for the wait he asked if we searched them before. Said that she did but just for weapons. He had them both stand up. He handcuffed first, told him to turn around, face the wall and, "Don't look any other way." He had stand up, turn around, handcuffed him, told him to face the wall. He first started searching As he was searching he told him to look forward. Turned to the right and he told him, "Look forward again," that's when McDermid

45		grabbed his neck and pushed him to the front and said, "Listen to what I say."
46		After that, he told him to spread his feet. He didn't spread his feet. He told him
47		that he does not care. Then Officer McDermid asked him one more time. He
48		didn't do it again. And so Officer McDermid used his foot and kicked his feet
49		open. And he began his search at that time. He searched his jacket, he searched
50		everything else. Once he got to his inner leg, I believe his right every time he
51		would get closer to his groin or his waistband area would continually
52		move his leg and tell him to, "Stop touching me like that." McDermid told him
53		he was trying to search for a weapon. He told him to stop moving his leg. He
54		did it again. He did it twice and then that's when Officer McDermid used a
55		takedown on and dropped him to the ground. then was
56		talking to the officer when he sat down and told him that he was racist and
57		that's why he only did it to him. McDermid explained to him that teenagers can
58		have guns and that it was a red flag to him. And he said, "But we're just
59 60		teenagers." And McDermid said, "Because teenagers don't kill people." And iust stood there. And then, after that he continued his search
60 61		just stood there. And then, after that he continued his search, finished it and then he stood up the sat him down and then
62		needed help with his handcuffing. He fixed his handcuffing and put his jacket
63		back on and then he went to search which went fine. And then he
64		sat down and then they finished their paperwork.
65		activit and then mey minimed then paper work.
66	Bryan:	Initially, how would you describe the officer's demeanor upon contact of the
67	5	two?
68		
69		Polite. To us or to the juvenile?
70		
71	Bryan:	Juveniles.
72		
73		He was, I feel like he was normal up until the fact where he told him to look
74 75		forward and he turned and looked at the officer.
75 76	Dation	Obey and then you said he repeated it a sounds times?
76 77	Bryan:	Okay and then you said he repeated it a couple times?
78		Yes.
79		1 05.
80	Bryan:	To look forward?
81	5	
82		Yes.
83		
84	Bryan:	And then you said, "I don't care".
85		
86		Yes he said, "I don't care because you're not going to listen to me." He said, "I
87		didn't do anything." And then he said, "I don't care," again. And so that - and

INTERVIEW WITH Interviewer: Ofc. D. Bryan, Ofc. J. Brown Case # IAD2017-322 Page 3 of 6

88 89 90		every time he it seemed like McDermid was getting mad about it. And that's when he pushed him against the wall by his neck.
91	Bryan:	What do you mean you stated, it seemed like he was getting mad?
92 93 94		He seemed like he was getting mad because every time he told him to look forward, he was looking to his right and looking at Officer McDermid.
95 96 07	Bryan:	Okay. And then so after he had indicated, he pushed him into the wall?
97 98		Yes
99 100		He grabbed him by the back of his neck.
101 102	Bryan:	And then that was with his left hand?
103 104		Yes.
105 106	Bryan:	Do you remember where his right hand was at the time?
107 108		His right hand?
109 110	Bryan:	Yes, sir.
111 112		No, I do not remember where his right hand was.
113 114	Bryan:	Do you remember if there was a video?
115 116		Yes.
117 118	Bryan:	Is McDermid actually yelling on the video?
119 120		Yes.
121 122	Bryan:	And is he using, aggressive language?
123 124		Yes.
125	Demonstra	
126 127	Bryan:	Watching the video, describe what he was saying?
128 129 130 131		Honestly, I couldn't remember exactly what he was saying but he was - he was really agitated at the fact that he wasn't listening to him. He told him, he was like, "I told you what to do. You're not listening. You need to look forward. I told you to look forward multiple times. You need to look forward." And then

132 133 134		kept talking back to him and then that's when it kind of escalated to the point where McDermid took him down to the ground.
134 135 136	Bryan:	Okay. Did he use any profanities?
130 137 138		No not at all.
138 139 140	Bryan:	Any racial epithets?
140 141 142		No, not at all.
142 143 144	Bryan:	Okay did you feel the officer was using excessive force?
144 145 146		I felt when he pushed him against the wall was a bit excessive. Honestly, no.
140 147 148	Bryan:	You don't at all?
148 149 150 151		I think the part where he pushed him against the wall was. But, other than that, no.
151 152 153	Bryan:	Okay, did you feel the takedown was actually necessary?
154 155 156		If he wasn't allowing him to search, him, and there's no way if him knowing if there's a gun or not in his waistband and I agree that teenagers do kill and teenagers do have weapons on them.
157 158 159	Bryan:	Okay did you notice or did the two individuals indicates they had any injuries or complaints of pain?
160 161 162		said that he was trying to fix his handcuffs and so, McDermid got up and fixed his handcuff and put his jacket back on him.
163 164 165 166	Bryan:	Okay. Do you remember if the officer called for cover or asked for additional assistance?
167 168		No.
168 169 170	Bryan:	And there was no one else here to assist him?
170 171 172		No.
173	Bryan:	Okay did he ask you to help him?
174 175		No.

176		
177 178	Bryan:	When he first arrived on scene, did he ask you if the two juveniles were cooperative?
179 180		He asked that a little bit later, I believe.
180		The asked that a fittle bit fater, I believe.
182 183	Bryan:	Okay but not initially?
184 185		No.
186 187	Bryan:	Did you feel as though you needed to intervene with the two individuals?
188 189		No, it's not my place to intervene.
190 191	Bryan:	Did you feel like you could have or should have?
191 192 193		No.
193 194 195	Bryan:	I notice you're wearing a, SSD, thin-blue line bracelet.
195 196 197		Yes.
197 198 199	Bryan:	Are you in the sheriff's academy or something?
200 201		I just graduated.
201 202 203	Bryan:	Oh, you did?
203 204 205		Yes.
203 206 207	Bryan:	Okay you're going to work for the sheriff's department?
207 208 209		They want me to wait a year.
209 210 211	Bryan:	Okay, well congratulations.
212		Thank you.
213214215	Bryan:	Mr. do you have a phone number you can be contacted at?
215 216 217		Yes,
217 218 219	Bryan:	Do you have anything?

20 21	Brown:	One question, you said was not allowing the officer to search him. How was that?
22 23 24		Every time he would go up to his groin right here - every time he would go for it, he'd move his leg away from his hand, every time, three times.
25 26	Bryan:	So, at no point did you see him grab his groin?
27 28		No not at all.
29 30	Bryan:	Okay.
31 32		He was just searching.
33 34	Brown:	Was the officer still able to get to the area?
35 36		After he took him to the ground.
37 38 39 40	Brown:	I mean was. Okay, when he's standing up, though, was he still able to search. Was he still able to? What caused him not. I mean, beside him moving his leg a little bit, was he still able to
41 42		Get to that area?
43 44	Brown:	So you feel it was justified in taking him down to the ground like he did?
45 46		Yes.
17 18	Bryan:	Okay we're going to conclude the interview.
49 50		All right.
51 52 53	End of recor	rding.
54 55 56 57	transcription.	ot has been reviewed with the audio recording submitted and it is an accurate
58	č	Sergeant D. Bryan



45	Det Brown	How you doing man?
46 47		I'm good.
48 49 50	Det Brown	Mind if I sit down?
50 51 52		Huh?
52 53 54	Det Brown	Mind if I sit down?
55 56		Yes.
57 58	Sgt Bryan	Is there a light we can turn on. I'm just going to take some notes. You mind if we record the interview too? Can you spell your first and last name please?
59 60		. Spell it?
61 62	Sgt Bryan	And what grade are you in?
63 64		11 th grade.
65 66 67	Det Brown	Do you remember him from school? Was he cool?
67 68		Yeah
69 70 71 72	Sgt Bryan	And again, the reason why we're going to record is because we work Internal Affairs, so we're going to do a report. Again, the report has nothing to do with you guys other than you just being a witness.
73 74 75		Okay.
75 76 77 78 79	Sgt Bryan	And what Internal Affairs does is we investigate officer's misconduct for, uh, you know, things of lying, stealing, abuse, neglect all this other stuff. So any time there's an allegation we take it serious and that's what we do. So we just have a few questions for you.
80 81		All right.
82 83	Sgt Bryan	Do you remember that incident?
84 85 86		Yes, kind of.
86 87 88	Det Brown:	Why don't you just tell us what happened.

89		From the beginning?
90 91 92 92	Sgt Bryan	Yes. I mean, not necessarily like all the details but kind of.
93 94 95		We were waiting there for 4 hours for the cop to arrive.
96 97 98	Det Brown:	So when they contacted you, you knew the gig was up, right? You guys didn't fight or do anything crazy?
98 99 100 101 102		Nah. We just went down to the basement and shit. And then we waited 4 hours for the cop to get there and when he got there he said that he thought that we had a gun. He thought had a gun.
103	Det Brown:	Have you ever seen the cop before?
104 105 106 107 108 109 110 111 112 113		No. This is my first time seeing him. So when he got there he checked first and then he thought that was resisting and stuff so he put him on the wall hella hard and shit I was like damn. And then he dropped him and said I don't even know what he said. He said something about us having a gun and I was like, "We don't have a gun." And then he said if I wanted me to get dropped on the ground and I said I don't want that because I didn't really do nothing. So I was just standing there until he searches us and everything and he started acting weird and shit.
113 114 115	Sgt Bryan	Are you faded a little bit right now?
115 116 117		Yes.
117 118 119	Sgt Bryan	Okay. How much weed did you smoke before we talked to you?
120 121		Just a blunt.
121 122 123	Sgt Bryan	Okay. You good to answer questions?
123 124 125		Yes.
125 126 127 128	Sgt Bryan	All right. So, when he first came in did you notice right away that hey, this cop's pissed off or was he cool?
128 129 130		Yes. He came really mad.
130 131 132	Sgt Bryan	He did?

133 134		Yes.
135	Sgt Bryan	And what gave you that impression?
136 137		He walked in there hella fast, like, damn.
138 139	Sgt Bryan	So when he talked, because there was a young lady in there also. Was she cool?
140 141		Yes, she was cool.
142 143	Sgt Bryan	And you guys were talking to them.
144 145		Yes.
146 147	Sgt Bryan	And there was another dude.
148 149		A dude, buff dude with glasses, I mean, yes with glasses and another dude.
150 151	Sgt Bryan	A buff guy like me or a little skinner guy like him?
152 153		Like him.
154		
155 156	Sgt Bryan	Skinny?
157		Yes.
158 159	Sgt Bryan	Okay.
160 161		The other one bigger than you, like, way bigger than you.
162 163	Sgt Bryan	Really?
164	8 9	•
165 166		Yes, yes.
167	Sgt Bryan	So he came in and you said he had a attitude?
168 169		Yes, had an attitude.
170 171	Sgt Bryan	Can you describe the officer what he looked like?
172		-
173 174		He was bald. I know his badge number too, 939.
175 176	Sgt Bryan	939.

177		939. Yes.
178 179	Sgt Bryan	For the record, I'm going to show you a picture of an officer.
180 181		Yes, him.
182 183 184	Sgt Bryan	Is that him? Okay. So he came in. Were you guys handcuffed at all or were you unhand cuffed?
185 186		We were unhand cuffed then he cuffed us. The cop did, put us in handcuffs.
187 188	Sgt Bryan	Was he polite?
189 190		No.
191 192	Sgt Bryan	What'd he say to you?
193 194 195		He was really, like, put your hands on the wall and the whole shit, turn around, don't look at me or anything so we just turned around.
196 197 198	Sgt Bryan	Were you guys mouthing off at all to him? So immediately he came in and told you to turn around?
199 200		Yes.
201 202 203 204	Sgt Bryan	So because we both watched the video, so on the video he has you face the wall to the left, right? And then you kind of look over and I remember on the video because there's no audio, he's pointing.
205 206		Yes, he's like, "Turn around."
207 208	Sgt Bryan	Turn around? And what'd your boy do?
209 210		I don't know. I didn't even see after that. He just dropped him on the ground.
211 212	Sgt Bryan	But you didn't see what happened? You just heard it?
213 214		Yes.
215 216 217	Sgt Bryan	Did you hear say anything to the officer that, like, would have provoked it?
218 219 220		Well when he was on the ground, yes.

221 222	Sgt Bryan	What about before when he pushed his head?
223 224 225		Yes. He started cussing at him because he did that hella rough, like, he was crazy, hella crazy.
226 227 228	Sgt Bryan	But you didn't, so if you were facing the wall how did you actually see him push himself into the wall?
229 230 231		Because I was like this. I was like, I was like this and then I was looking at, like, this corner.
231 232 233	Sgt Bryan	Your peripheral?
234 235		And he just went hella rough there.
236 237 238	Sgt Bryan	But you didn't hear him talking to the cop? Did you hear him say something like hey don't search me?
239 240		Yes. He said, he said, "Don't touch me like that." Because he touch our private stuff and shit.
241 242 243	Sgt Bryan	What do you mean your private stuff like balls?
243 244 245		Balls and ass.
243 246 247	Sgt Bryan	We're big boys you can just say balls.
247 248 249		All right.
250 251	Sgt Bryan	So he didn't like him touching his balls or his groin area?
251 252 253		Yes. And he was like we were just searching for if you had a gun or not.
255 254 255	Sgt Bryan	What did he mean by that?
256 257		I don't even know.
258 259	Sgt Bryan	He's searching for guns? You ever been known to carry a gun?
260 261		No.
261 262 263	Sgt Bryan	Your boy?
263		No.

265		
266	Sgt Bryan	No? You guys don't bang like that? Okay. So, he's touching him, he moves a
267		little bit, he jams him into the wall. And then what did the officer what was he
268		doing at that time?
269		
270		Yep, he was, like, stop resisting and then that's when he just picked him up and
271		slammed him.
272		
273	Sgt Bryan	Do you remember the officer using any cuss words?
274	Sgi Di juli	
275		Nah. But I don't, I don't even know.
276		
277	Sgt Bryan	Did he drop any, like, racial words or comments?
278	Sgt Diyan	Did he drop any, fike, factar words of comments:
278		No.
		100.
280	Cat Daraa	N ₂ 9
281	Sgt Bryan	No?
282		
283		When we were walking, like at the end, we were walking out Macy's to get to the
284		car and then was walking slow and he was like, rushing him and everything
285		to get, like, get to the car already.
286		
287	Sgt Bryan	Who was rushing who?
288		
289		The cop.
290	~ D	
291	Sgt Bryan	Was rushing Where were you at in the front or the back?
292		
293		In the front. All the way in the front.
294		
295	Sgt Bryan	Why?
296		
297		I don't know.
298		
299	Sgt Bryan	Were you afraid of the cop?
300		
301		Hell no. I was, like, I was, like, kind of walking and he was, like, like, 5 feet
302		away. I was just like this walking.
303		
304	Det Brown:	So you were ahead of and then the cop was behind
305		
306		Yes.
307		
308	Det Brown:	Okay.



353 354 355 356	Det Brown:	Okay. He's not in trouble. It's the same thing we're doing with you. We're just going to talk to you and try to get some information in regards to what happened so.
357	Sgt Bryan	Have you two, did you tell your parents that what happened?
358 359 360		Yes. They told her.
361 362	Sgt Bryan	They told who?
363		My mom.
364 365	Det Brown:	Oh the cop?
366 367		Yes.
368 369	Sgt Bryan	So when you guys were down at juvie who came and picked you up?
370 371		My mom.
372 373	Sgt Bryan	Your mom did?
374 375		Yes.
376 377	Sgt Bryan	Was she upset?
378 379		Yes.
380381382	Sgt Bryan	Was she upset that, uh, obviously about the whole incident, did you tell her about the cop?
383 384		Yes. No, I didn't. I just stayed quiet
385 386	Sgt Bryan	Why didn't you tell her?
387 388		I don't know.
389 390	Sgt Bryan	So we're going to leave our cards today. And I'm sure she has qu.
391 392		All right.
393 394	Sgt Bryan	And then if she wants to call me when she gets home by all means do so.
395 396		Okay.

397		
398 399	Sgt Bryan	Let her know that we're not here about you getting in trouble or anything although I would like for you to go to school.
400 401		All right.
402 403	Sgt Bryan	Obviously you got to get an education man.
404 405		I am gonna go tomorrow.
406 407	Sgt Bryan	Tomorrow?
408 409		Yes.
410 411 412	Sgt Bryan	You promising us?
412 413		Yes.
414 415	Det Brown:	I talked to the vice-principal and he said you hadn't been to school in a month.
416 417		In a month?
418 419 420	Det Brown:	When I was there last year you always show up, like, what 10:00 am, 11:00 am? Go to McDonald's hang out. You were barely there man, right?
421 422	Sgt Bryan	Why aren't you going to school man? Don't you have friends at school?
423 424		Somewhat. I barely don't talk to them.
425 426	Sgt Bryan	What do you want to do when you get older? Want to go in the military?
427 428		No.
429 430	Sgt Bryan	What do you want to do?
431 432		I don't know.
433 434	Sgt Bryan	Want to be a cop?
435 436		No. That's what I'm not going to do.
437 438	Sgt Bryan	So here's my card and with my name, okay?
439 440		All right.

441		
442	Sgt Bryan	Do we got your date of birth and everything? Did you get that?
443		
444	Det Brown:	I got all that.
445		-
446	Sgt Bryan	Okay. And, uh, you don't have a phone number or your parents don't have a
447		phone number?
448		
449		My mom does.
450		
451	Sgt Bryan	What's her name?
452		
453		
454		
455	Det Brown:	That one?
456		
457		Yeah.
458		
459	Det Brown:	Okay.
460		
461		
462		
463	Det Brown:	Her number still ?
464		
465		Yes.
466	C (D	
467	Sgt Bryan	Okay. Same last name
468		Ver
469 470		Yes.
470 471	Det Brown:	No, it's right?
472	Det Diowii.	No, it's right?
473		
474		
475	Sgt Bryan	
476	Sgt Diyun	
477	Det Brown:	Yes.
478		
479	Sgt Bryan	You said you're from ?
480	8 - J	
481		Yes.
482		
483	Sgt Bryan	Okay. All right. Any questions for us?
484		

485 486		Not really. I wasn't expecting this.
487 488	Sgt Bryan	Well, and again if you have any questions or your mom just have her give us a call, okay?
489 490		All right. I will.
491 492	Sgt Bryan	All right.
493 494		How about I call her right now anyways.
495 496 497 498	End of recording.	
498 499 500 501	The transcript has b transcription. Signed	been reviewed with the audio recording submitted and it is an accurate
502	<i>c</i>	Sgt. Darryl Bryan

1		INTERVIEW WITH OFC. GARETT MCDERMID
2		Det. Joe Brown
3		Sgt. Darryl Bryan
4		Josh Olander
5		Ofc. Garett McDermid
6		
7		
8	Brown:	The date is Friday, December 29, 2017. The time is 10:24 am. Present in the
9		Internal Affairs Office is Officer Garett McDermid, his representative, Josh
10		Olander, Sergeant Darryl Bryan, and myself, Detective Joe Brown. Also
11		present is Sergeant Erik Forbeck who is here in an observatory capacity. For
12		the record, Officer McDermid, do you mind spelling your first and last name?
13		the record, officer mederine, do you mine spennig you mist and last hame.
14	McDermid:	Garett, G-A-R-E-T-T, McDermid, M-C-D-E-R-M-I-D.
15	MeDennia.	
16	Brown:	The purpose of this meeting is to conduct an interview of Officer Garett
17	Diewii	McDermid who is an employee of the Sacramento Police Department in the
18		capacity of Police Officer. This is an administrative investigation on the
19		charges of improper tactics, force, neglect of duty and conduct unbecoming an
20		officer involving Officer Garett McDermid. This is an administrative
20		investigation only on these charges. Do you understand that?
22		investigation only on these enarges. Do you understand that:
23	McDermid:	Yes sir.
24	WieDennid.	105 511.
25	Brown:	However, since the allegations indicated that a crime may have been committed,
26	Diewii	I'm advising you that you have the right to remain silent. Anything you say
27		may be used against you in court. You have the right to the presence of an
28		attorney before and during any questioning. If you cannot afford an attorney,
29		one will be appointed to you free of charge before any questioning if you want.
30		Do you understand each of these rights that I explained to you?
31		Do you understand each of these rights that i explained to you.
32	McDermid:	Yes.
33	MeDennia.	105.
34	Brown:	Having these rights in mind, do you wish to talk to us now?
35	Diown.	Thaving these rights in mind, do you wish to tark to us now.
36	McDermid:	No.
37	Webernind.	110.
38	Brown:	Although you have the right to remain silent and not incriminate yourself, your
39	DIOWII.	silence can be deemed insubordination and result in administrative discipline.
40		Do you understand that based upon the authority vested in me by the Chief of
41		Police I'm ordering you to answer all questions. Any statement made under
42		compulsion of a threat of discipline cannot be used against you later in criminal
43		proceedings. However, if you do not answer all my questions truthfully and
44		fully, a charge of insubordination may be imposed, which could result in
		rany, a charge of insubordination may be imposed, which could result in

45 46 47		discipline up to and including termination. Do you understand this is an administrative investigation?
48 49	McDermid:	Yes.
50 51	Brown:	Do you understand the allegations?
52 53	McDermid:	Yes.
54 55 56 57	Brown:	And do you understand that I am ordering you to answer my questions and that if you do not answer them truthfully and fully it could result in disciplinary action up to and including termination?
58 59	McDermid:	Yes.
60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81	Bryan:	All right. Good morning. At approximately 0900 hours this morning you arrived with your representative, Joshua Olander, and prior to you answering any questions related to today's administrative interview, I provided you a binder, which you have here to my right, which contain two Sacramento County known photographs, also Sacramento Police General Orders 525.07, which is the body worn camera general order as well as 580.02, use of force and then 210.04, which is general professional conduct. Additionally, you were provided Sacramento Police Department CAD Call identified as 2017-351619, which is dated December 8, 2017. Also, you were provided Sacramento Police Department General Order Offense Report 2017-351619, which was authored by you, Garett McDermid, dated December 9, 2017 but actually it was dated December 8, 2017 with time beginning 11:09 pm and ending at 11:10 pm or 2310 pm. Also, two photographs of the right shoulder and right knee of juvenile, documents from your Sacramento Police training manual, a body worn camera video dated July 8. No, I'm sorry, dated December 8 at 2130 hours, 0030 hours, which you and several others were in attendance. Oh. So that's the training record. So,again for clarification, it was the body worn camera training records dated July 8 at 2130 hours, which you and other were in attendance. I think Sergeant Singewald was your supervisor at that point. Correct?
82 83	McDermid:	Yes sir.
84 85 86 87 88	Bryan:	You were also shown four videos, one of which provided by Macy's executives management. The others are your body-worn camera from that evening dated December 8, 2017 in which you responded to Macy's located at 414 K Street for two juveniles that were in custody and detained for shoplifting. Lastly, you were provided a copy of the citizen complaint form known as the blue sheet

89 90 91		labeled as IAD2017-322 again with the allegations classification of force, conduct unbecoming, neglect of duty and improper tactics. Did you have an opportunity to review this material?
92		
93 94	McDermid:	Yes I did.
95 96	Olander:	Yes.
97 98	Bryan:	Do you need any additional time?
99 100	McDermid:	No sir.
101 102 103 104	Bryan:	As mentioned earlier, in the event you're asked a question and you need it as a reference, by all means you can refer to the material and then we'll highlight that portion for you as well. Okay?
104 105 106	McDermid:	Understood.
107 108 109	Bryan:	Okay. For the record, can you please state your name, begin with your last name, first name?
109 110 111	McDermid:	Last name McDermid, first name Garett.
112 113	Bryan:	And can you spell that for me please?
114 115	McDermid:	M-C-D-E-R-M-I-D, G-A-R-E-T-T.
116 117	Bryan:	Okay. And did you attend and graduate from the Sacramento Police Academy?
118 119	McDermid:	Yes sir.
120 121	Bryan:	And when did you graduate?
122 123	McDermid:	December 17, 2015.
124 125	Bryan:	And prior to being placed on modified duty, what was your patrol assignment?
126 127	McDermid:	Team 18, Sergeant Magee's Team, downtown graveyard shift.
128 129	Bryan:	And what are the hours for the graveyard?
130 131	McDermid:	Begins at 2100, 9 o'clock and finishes at 0700.
132	Bryan:	Did you have any prior law enforcement experience?

133		
134	McDermid:	No.
135		
136	Bryan:	And you said Sergeant Magee was your supervisor?
137		
138	McDermid:	Yes.
139		
140	Bryan:	Okay. Did you ride solo or were you with another officer?
141		
142	McDermid:	I was solo.
143		
144	Bryan:	Have you been solo the entire time?
145		
146	McDermid:	Off and on most for the last four months or so.
147		
148	Bryan:	Okay. Do you have any military experience?
149		
150	McDermid:	Yes.
151		
152	Bryan:	And if you could, please tell me about your military experience.
153		
154	McDermid:	I was a Navy Seal for nine years. We practiced close quarters combat and direct
155		action missions, insertion over the beach, and small boat tactics.
156		
157	Bryan:	What's the training consist of or still training in terms of like BUDS training
158		and so forth?
159		
160	McDermid:	BUDS training is approximately six months long. It's a strenuous training. Out
161		of our class, BUDS Class 252, we started with about 215 and only 15 of us
162		finished about six months later.
163		
164	Bryan:	That's impressive.
165		
166	McDermid:	Yeah. So the whole training to become a Seal consisted of about a year, year
167		and a half to go through BUDS, SQT, jump school, SERE school. And then
168		once you check into your team, you have another year and a half training before
169		you go out to do a deployment.
170	_	
171	Bryan:	Wow, That's impressive.
172		
173	McDermid:	Thank you.
174	D	
175	Bryan:	So, while in the military and as a Seal, were you deployed into combat?
176		

177 178	McDermid:	I was deployed to a combat zone but never saw combat.
179 180	Bryan:	And you said you did a total of nine years?
181 182	McDermid:	Yes.
182 183 184	Bryan:	Which includes are your training and so forth?
185 186	McDermid:	Yes sir.
187 188 189	Bryan:	So we're all former military. Did you feel that it was a smooth transition going into SAC PD Academy?
190 191 192	McDermid:	It was nice. We had newborn twins so it was a break for me to go to the academy when my wife was having the twins.
192 193 194 195	Bryan:	You're talking about when the drill instructors at the academy were yelling at you, it's not the real deal.
195 196 197	McDermid:	Corporal Laird tried to get me. Yes. Good time. It wasn't that bad.
197 198 199	Bryan:	All right. Did you find it was a smoother transition?
200 201	McDermid:	Very smooth.
202 203 204 205	Bryan:	Okay. As a recent graduate of SAC PD Academy, obviously you're tested in various dimensions such as report writing, officer safety, navigation of various laws. Can you please explain to me why you were tested on these dimensions?
205 206 207 208	McDermid:	To ensure understanding of our knowledge of laws and the ability to conduct the job in a professional manner.
200 209 210	Bryan:	And obviously you successfully passed those because you're riding solo.
211 212	McDermid:	Yes sir.
212 213 214 215 216 217	Bryan:	Okay. Do you remember on June 2, 2017 Officer Mantell administering a series of practical tests? I think this is like your Phase 4 exit test in which you were asked to demonstrate the following? The cursory search, the standing modified, and the felony prone. Do you remember that?
218 219	McDermid:	Yes.

220 221 222	Bryan:	And can you please provide an example when each search would be used on a subject beginning with the cursory?
223 224 225 226	McDermid:	Cursory search is somebody who is suspected of committing a crime but is not detained at the moment and searching mostly for weapons or possibly contraband.
227 228	Bryan:	Okay. And then the standing modified?
229 230 231 232 233 234	McDermid:	Standing modified is when you believe they have committed a crime. You're doing a more thorough search and intend to place the person in handcuffs and then will transition over to felony kneeling. So, kneeling is a search where you have more control over the subject because they can't move as easily since they're on their knees.
235 236	Bryan:	And obviously it's a felony.
230 237 238	McDermid:	Correct.
239 240 241	Bryan:	You use it on like felony vehicle stops and so forth depending on weather, correct?
242 243	McDermid:	Yes.
244 244 245	Bryan:	And what about a felony prone?
246 247 248 249	McDermid:	Felony prone is the most serious search. It renders the subject more incapacitated as far as movement. It is more difficult for them to move so there is more officer safety involved.
250 251 252 253 254 255 256	Bryan:	Okay. On that same day Officer Mantell asked you to demonstrate various control holds. Specifically, Officer Mantell asked you to demonstrate the following, which was a twist lock, one handed rear wristlock, one handled front wristlock and also the two handed rear wrist lock and the same thing. Can you please provide an example of when the wristlock would be administered on a subject beginning with the twist lock?
250 257 258	McDermid:	In order to control a subject.
258 259 260	Bryan:	And what about the one-handed rear wrist lock?
261 262 263	McDermid:	It's a little more advanced. It's a pain compliance hold. So, if they're starting to resist you can administer that hold and apply pain to get them to comply with your orders.

264		
265	Bryan:	So, it's a pain compliance?
266		
267	McDermid:	Yes.
268		
269	Bryan:	What about a front wristlock?
270		
271	McDermid:	It's also a pain compliance hold and it's used more for transporting somebody
272		so you can as you're walking face forward and walk with them.
273		
274	Bryan:	And then transitioning over to the two-handed rear wristlock.
275		
276	McDermid:	It's the most pain compliance hold that there is.
277		
278	Bryan:	And then again what is the intent of the wristlocks?
279		
280	McDermid:	To control a subject who's being uncooperative and administering - it's like a
281		pain compliance to get them to comply to prevent them from resisting.
282		
283	Bryan:	And then you've been out there for a little over two years now (unintelligible).
284	•	Can you provide an example or scenario, which you had to use a wristlock or
285		had applied a wristlock on a subject who's already in handcuffs?
286		
287	McDermid:	Besides this one or
288		
289	Bryan:	Yeah. Or maybe a scenario.
290	•	·
291	McDermid:	I think - so even though somebody's still handcuffed, they're still a threat. Even
292		though they don't have use of their hands, they're still - they can still kick,
293		jump, bite, and so I find it necessary to apply the wristlock if people are trying
294		to control the situation. And so an example, there was one incidence where it
295		was in the old SAC parking garage. Another officer had to use a control hold
296		and he actually had to drop the person to the ground as the person was walking
297		past some victims. The person lunged at the victims. And so he brought the
298		person to the ground.
299		
300	Bryan:	And that's through the wristlock and the subject was already in handcuffs?
301	5	
302	McDermid:	Correct.
303		
304	Bryan:	Okay. During the academy or in field training what were you trained to do in
305	2	the event a subject who is already in handcuffs is deemed by you to be resistive
306		and/or uncooperative?
307		1 L

308 309	McDermid:	Can you repeat that one more time?
310 311 312 313	Bryan:	Absolutely. During the academy or in field training what were you trained to do in the event a subject who is already in handcuffs is deemed by you, Officer McDermid, to be resistive and/or uncooperative?
314 315	McDermid:	As far as I can remember it would be to apply a pain compliance hold.
316 317	Bryan:	And through what means a pain compliance hold?
318 319	McDermid:	Through a rear wristlock.
320 321	Bryan:	Any types of rear wristlock?
322 323	McDermid:	Yes.
324 325	Bryan:	Were you trained to do anything else?
326 327	McDermid:	No. Not that I can remember. No. Not that I can remember.
328 329	Bryan:	Okay. Can you please explain to me what your definition of resistive is?
330331332333	McDermid:	Not following commands or orders. Moving their body in a way that could put me in jeopardy. Even just taking the combative stance or an attitude that would demonstrate their intent to be resistive.
334 335	Bryan:	Okay.
336 337 338	McDermid:	Like a fighting stance or a, you know, even a look of intent, you know, can show somebody's intentions.
339 340	Bryan:	Okay. Can you please explain to me what you definition uncooperative is?
341 342	McDermid:	When you ask them to do something and they don't do it.
 343 344 345 346 347 348 349 	Bryan:	Okay. During the Sacramento Police Academy obviously you're trained in various dimensions, ACB, report writing, et cetera. Also in field training you're trained several techniques by your field training officer. During training, were you trained any technique that is approved by the Sacramento Police Department in which it is permissible to throw or leg trip a subject who's already in handcuffs?
350 351	McDermid:	No.

352 353 354	Bryan:	Minus exigency, under what circumstances is it permission to grab a subject near, on or around the head or neck region?
355 356	McDermid:	I don't know. Take control of the subject if they're being resistive.
357 358	Bryan:	And is that a trained technique?
359 360 361 362 363 364 365 366 367	McDermid:	I don't remember if it was trained or not. We weren't trained in the academy as far as I can remember how to search somebody who is being resistive. All of our searches in the academy that I can remember were done on compliant people. I think the only time I've seen searches done on people that were un- compliant was in the jail by deputies. I was told by my FTOs at the time to observe how the deputies would search people because they were very thorough. So, I've seen them do it hundreds of times with un-compliant people and that's the method that they use.
368 369	Bryan:	So again, this is my question or do you want me to reread the question?
370 371	McDermid:	Yes please.
372 373 374	Bryan:	Minus exigency, under what circumstances is it permissible to grab a subject near, on or around the head or neck region?
375 376	McDermid:	I don't know the answer to the question.
377 378	Bryan:	You doing okay?
379 380	McDermid:	Yes.
381 382 383	Bryan:	Okay. Minus the carotid, and you're familiar with the carotid, you've been shown that. Under what circumstances would you use a carotid hold?
384 385 386	McDermid:	Carotid hold is almost considered a deadly use of force and it's only to be used in serious circumstances.
387 388 389 390	Bryan:	So, minus the carotid, were you trained or shown a department approved technique, which permits the grabbing of subjects by the front or rear of their neck?
391 392	McDermid:	No.
393 394	Bryan:	Okay. So we're going to transition. As explained earlier I'm going to have you read some general orders. Could you please read the highlighted portions of

General Order 580.02, which is a use of force? If you need some water, take your time.

398 McDermid: Officer shall use only the amount of force necessary under the circumstances 399 presented that the offer reasonable believes is required. Officers are expected to 400 use de-escalation techniques when reasonably possible and without increasing 401 the risk of harm to officers or others in an effort to reduce or eliminate the use 402 of force. Injury. Any visible bodily injury or complaint of bodily injury, non-403 visible injury. The injury must be reasonably related to the use of force applied. 404 Injury as defined in this order does not include temporary pain associated with 405 the proper application of control holds and/or restraints. Reportable use of force. Any use of force that causes injury as defined above, any use of force 406 407 whether or not it results in injury involving discharge of a firearm, a canine bite 408 or use of an impact weapon, chemical agent, carotid restraint or CED, and any 409 use of force whether or not it results in injury that deviates from the techniques 410 taught and the equipment provided by the department. Force shall be used in 411 compliance with Penal Code Section 835A, which states any peace officer who has reasonable cause to believe that the person to be arrested has committed a 412 413 public offense may use reasonable force to affect the arrest, to prevent escape or 414 to overcome resistance. When using force officers should use techniques and 415 equipment that are approved by the department. Under extraordinary conditions 416 that involve the risk of serious bodily injury or death and in situations where it 417 may be impractical or impossible to comply with the provisions of this order, officers may resort to any reasonable means of force to prevent injury or death 418 419 to themselves or any other person. If officers are in doubt as to whether the use 420 of force is reportable, the officers shall notify their field supervisor who will then be responsible for making the determination. Any reportable use of force 421 422 shall require the immediate notification of the officer's field supervisor and the 423 The applicable reports, crime, casualty and/or incident shall be following. 424 completed and include a complete description of how and why force was used 425 as well as a description of the injuries that were suspected that the suspect 426 received or claims to have received 427 428 Bryan: So prior to you going solo, you were provided again with a number of written -

428 Bryan: So prior to you going solo, you were provided again with a number of written 429 a written examination also known as like your Phase 4 test or Phase 3 test on a
430 myriad of law enforcement related subjects. One of which you are asked to
431 explain what 835A PC is. For the record, can you please read the highlighted
432 portions and I believe it is actually your handwriting labeled one through five.
433 It's right here. You recognize this?

435 McDermid: Yes.
436
437 Bryan: Okay. That's your handwriting?
438

395

396

397

439 440	McDermid:	Yes.
440 441 442	Bryan:	So the highlighted portion beginning up top.
442 443 444 445 446 447 448 449 450	McDermid:	Explain 835A PC and SPD policy and procedure on the use of force. Use only the amount of force that appears reasonably necessary given the facts and circumstances as perceived by the officer at the time of the event in order to make an arrest overcome resistance or prevent an escape. And my reply was don't overdo the force used while detaining someone. Respect life and try to de-escalate whenever possible. Use one level of force above what a suspect is using. Assume every action is being recorded and will be posted online.
451 452	Bryan:	Okay. When was this test given to you? Is it part of your exit test?
453 454	McDermid:	Yes.
455 456 457	Bryan:	Okay. And at the time of the test you're not provided any material? it's not open book. It's just based on your memory?
458 459	McDermid:	Correct.
460 461 462 463	Bryan:	Okay. If during the course of your duties someone is resistive and are uncooperative, what's the Penal Code that's applicable if you choose to arrest this person for being resistive or uncooperative?
463 464 465	McDermid:	148 PC.
465 466 467	Bryan:	And what's that defined?
468 469	McDermid:	It's failure to comply with an officer's lawful orders, resisting arrest.
470 471	Bryan:	Okay. And is it mandatory to arrest a person for 148?
472 473	McDermid:	I don't believe so.
474 475	Bryan:	Okay. We're going to have you read another general order.
476 477	McDermid:	Okay.
478 479 480	Bryan:	So this is going to be the body-worn camera, 525.07, the highlighted portions please.
481 482	McDermid:	Policy. It shall be the policy of the Sacramento Police Department to utilize a body-worn camera in a manner that will assist in criminal prosecutions or civil

483 litigation by providing a recording of the incident that may supplement an 484 employee's report and help document professional policy conduct. One. All 485 officers issued a body-worn camera are required to wear and use their body-486 worn cameras while working in uniform. The uniform is to be considered the 487 standard uniform as well as any apparel, tactical or rain vests that identifies the 488 wearer as a police officer. B. Ensure the body-worn cameras as functioning 489 properly. Any apparent damage, malfunction or loss shall be brought to the 490 attention of a supervisor as soon as reasonably practical. C. Required 491 activation of the body-worn camera. Employees shall activate their body-worn 492 cameras during any enforcement or investigative activity whether self-initiated 493 or in response to a dispatched call. Examples include but are not limited to the 494 following. While executing searches of individuals, when advising suspects of 495 their rights per Miranda, when conducting arrests, detentions or citations, while 496 taking statements from witnesses, victims and other subjects. During other 497 contacts that become adversarial or in which in the employee's judgment a 498 video recording would assist in documenting the incident for later investigation 499 or review. If the body-worn camera was not utilized in a required event, the 500 reason shall be documented on the CAD call. De-activation of the body-worn 501 camera except as listed below. Once activated officers shall not de-activate 502 their body-worn cameras until the investigation or enforcement activity 503 involving a member of the public has reasonably concluded. If enforcement or 504 investigation activity with a member of the public resumes, the officer shall 505 reactivate the body-worn camera and continue recording. 506 507 Bryan: All right. Thank you. And then as mentioned earlier, we have your training 508 date. You attended your training for body-worn camera. I think you were on 509 graveyards at that time. 510 511 McDermid: Yes. 512 513 Bryan: Do you have your completion date? 514 515 McDermid: Yes. 516 517 Bryan: The date you attended was July 8, 2016 at 2130 hours. Do you remember being 518 in that class? 519 520 McDermid: I was actually teaching that class. 521 522 Bryan: Oh you were? You were instructor? 523 524 McDermid: Yes.

525 526

Bryan:

Okay.

527		
528	McDermid:	I took a train the trainer class. I don't remember the exact date of that.
529		
530	Bryan:	Okay. All right. Perfect. So, you're familiar with the body-worn camera.
531		What's your protocol for you prior to your shift? I've never worn it because I've
532		been in the office for the last couple of years.
533		
534	McDermid:	Okay. It goes in the charger in my charging locker. The green light means it's
535		charged and ready to go. If it's flashing, any other combination of lights,
536		there's a lot of different combinations. I've always told people to look on the
537		charger and it tells you what the flashing combinations mean. Either it didn't
538		upload correctly or if it's a red circle, it means the battery's not charged. So,
539		once it's green, means go and put it on. Officers are instructed to wait until they
540		leave the parking lot to flip the switch to make sure it works. Starts recording
541		just like the ICC. It's starts buffering recording. But then it won't start
542		recording until you double tap the center ring.
543		
544	Bryan:	And then as an instructor, what do you inform your students in terms of
545		docking?
546		
547	McDermid:	What do you mean?
548		
549	Bryan:	Do you dock it after watch or do you do it before roll call?
550		
551	McDermid:	No. It takes a while to upload the video. And then charging I don't even know
552		how long it takes to charge it. It's as long as people upload it and dock it
553		overnight. Everyone has their own docks now. And they're able to dock it and
554		let it charge and upload overnight.
555		
556	Bryan:	Okay. What do you do?
557		
558	McDermid:	That's what I do. I just leave it in the dock all night long. It charges and is
559		ready to go the next day.
560		
561	Bryan:	So, as an instructor, how do you ensure your body cameras are working before
562		you start your shift?
563		
564	McDermid:	You flip the switch as you go out the door. You look down and there's a blue
565		light that blinks. And then one of the issues that I've had with body-worn
566		cameras at night is the - there's two different things and you can adjust the
567		settings in the body-worn camera. At night the blinking light - if it's blinking
568		green it means it's buffering and it's working fine. So you look down and see
569		the green blinking light. At night it's a very bright light and so people have
570		been instructed to put white out or something over the white like to make it not

571 572		so bring. And they actually issue a little piece of tape in the body-worn cameras.
573 574 575	Bryan:	I gather that's a safety issue.
576	McDermid:	The other thing that you can activate or de-activate is the beeping sound it
577		makes when it records. After you double tap, it has an audible function and also
578 570		has a feedback where it vibrates. And so you can de-activate the noise, the beep
579 580		because it's also officer safety issue at night especially. It, you know, beeps every - I don't know how often. Like 20 seconds or something - a loud beep.
580		And so I've chosen to de-activate the audible beeping. But the light still flashes
582		and it still vibrates. So I know if I've hit record it's going to vibrate and also
583		beep. And then the red light will be blinking red but it's covered by tape so.
584		
585	Bryan:	Sounds like you're pretty familiar with everything.
586		
587	McDermid:	Try to be.
588		
589	Bryan:	What do you do? Do you follow that instruction prior to your shift to see it's
590		working?
591		
592	McDermid:	Yeah. The green light and the charger means it's ready to go. Battery is fully
593		charged and I always have a green light before I go out.
594	D	
595 596	Bryan:	Perfect. Okay. We're going to have you read the one last general order. And that's going to be General Order 210.04. And this is the general and
597		professional conduct. Again, just the highlighted portions.
598		
599	McDermid:	Policy. It shall be the policy of the Sacramento Police Department to ensure
600		exemplary conduct of department employees both on and off duty and in
601		keeping with the standards of the City Charter, Civil Services Rules and
602		Regulations and the established labor agreements. Professional conduct. All
603		employees. Employees on or off duty shall not commit any act whether
604		negligent, intentional, criminal or otherwise that could bring discredit upon the
605		department or the city. Properly perform assigned responsibilities during a
606		scheduled shift. Not file false, inaccurate or improper information orally or in
607		writing either personally or through another employee for criminal prosecution,
608		personal gain or for unearned recognition including sick or injury reports,
609		falsification of public records or for any other purpose.
610	Deriver	I think that might had it Olyon So Constitute source and sould sould sould sould be
611 612	Bryan:	I think that might be it. Okay. So Garett in your own words, could you tell me
612 613		what it means when it states here that could bring discredit upon the
613 614		organization?
014		

615 616 617 618 619	McDermid:	You're always a police officer whether you're on or off duty. So if you do something off duty like what the sheriff's deputy did that got in trouble for being with a prostitute. He was a sheriff's deputy and that's what everybody sees him as it brings discredit upon the sheriff's department.
620 621	Bryan:	What about on duty?
622 623 624 625	McDermid:	You're like an ambassador. You're wearing a uniform. Everybody sees you and you stand out. So anything you do is, you know, going to be viewed differently.
625 626 627	Bryan:	How do you feel about that?
628 629	McDermid:	Hey, I knew what I was getting into when I signed up for it.
630 631	Bryan:	It's similar to military, right?
632 633	McDermid:	Correct.
634 635	Bryan:	All right. Everybody good?
636 637	McDermid:	Yes.
638 639	Bryan:	You guys need a break at this point?
640 641	Man:	No I'm good.
 642 643 644 645 646 647 648 649 650 	Brown:	Okay. So we're going to transition to that evening of the call. Okay? Officer McDermid, according to Sacramento police records you were working the evening of December 8, 2017 as the graveyard unit. And I believe you were 1A32. At 2256 hours you were dispatched to 414 K Street, which is the Macy's. The remarks on the call, which were entered by the communication center of Sacramento police dispatch indicated two in custody for 484, which is shoplifting, unknown names, both juveniles not cooperative with information. Also says downstairs. No further information. Do you remember the call?
651 652	McDermid:	Yes.
653 654 655	Bryan:	And we're going to actually have you read your observations. And again, just your observations. And if you can just begin.
656 657 658	McDermid:	Okay. On 12-9-2017, which was false and was actually 12-8-2017, at approximately 2256 hours, I Officer McDermid, Badge 939, was dispatched to 414 K Street regarding two subjects in custody for shoplifting. I arrived on

 659 660 661 662 663 664 665 666 667 668 669 670 671 672 672 		scene at approximately 2302 hours and observed the following in summary. I contacted the loss prevention officer, the identified the two subjects seated in her office as the suspects in the theft. One was a male black juvenile and the other a male Hispanic juvenile. She stated that she was unable to identify the male black juvenile. I contacted the male black juvenile, asked him to stand, handcuffed him and conducted a search incident to arrest. He verbally identified himself as the suspect of the male black juvenile and resistive shirking his shoulder at me while I tried to position him for the search. I pressed the search. The verbally is continued to be verbally and physically resistive. I lowered to the ground to better control his movement and continued my search. I conducted the - I contacted the male Hispanic juvenile who verbally identified himself as
673 674 675 676 677 678 679 680 681 682 683 684 685		contacted a search incident to arrest to the search incident to arrest of issued notices of trespass to and the as well as a restitution fee. The was detained outside of the store with two pairs of Polo sports pants. The total value of the items was approximately \$193. The value of the items and a polo sports pants and a Polo sports jacket valued at approximately \$195. Neither had money on them to pay for the items. The parents or guardians were in order to release them to. Because no guardians were available, I transported and and the booking room of juvenile hall I obtained Mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the booking room of juvenile hall I obtained mirandized statements and the statements and
686 687 688	Bryan:	All right. Perfect. And again, had mentioned earlier that the date was inaccurate but that's just a typo?
689 690	McDermid:	Correct.
691 692 693 694	Bryan:	And just for clarification purposes, you had misspelled their names or names as a second sec
695 696	McDermid:	Correct.
697 698	Bryan:	Or an oversight?
699 700	McDermid:	Yes.

701 702 703 704	Bryan:	Does it read chronologically correct in terms of you arriving on scene, contacting the LPO, obtained her statement and then transported the two subjects to custody?
704 705 706	McDermid:	Correct.
707 708	Bryan:	All right. Let's see. You want to take a break?
709 710	McDermid:	Yeah.
711 712 713 714	Bryan:	All right. Let's take a break. All right. So prior to break, you were asked a question in terms of the chronological order of your report. Do you want me to re-ask the question?
715 716	McDermid:	No. I understood.
717 718	Bryan:	I just asked if the chronological order of your report is accurate
719 720	McDermid:	Okay.
721 722	Bryan:	in terms of you calling the LPO, obtaining her statement and then transitioning your focus in on the two juveniles.
 723 724 725 726 727 	McDermid:	Well I have to clarify. When I contacted the LPO I just briefly. She had told me that the people sitting down were the suspects. Later after I had searched the suspects, I obtained a more thorough statement from the LPO.
728 729	Bryan:	Okay. And that's what the video depicts.
730 731	McDermid:	Correct.
732 733	Olander:	If I can just add something.
734 735	Bryan:	Yes, go ahead.
736 737 738	Olander:	When you wrote your report in the chronology that you wrote it in, that was your recollection at the time?
739 740	McDermid:	Correct.
741 742 743	Olander:	And what you're saying now based on your view of the video. Is that what you're saying?
744	McDermid:	Yes sir?
749obtained from the Sacramento C750WKPF. You're familiar with the751Yes sir.752McDermid:Yes sir.753Bryan:Did you recognize these two ind755McDermid:Yes I did.758Bryan:And who's in this photo here?759McDermid:Image: Comparison of the sector of the		
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781 McDermid: They were athletic. They were	And do you remember their physical stature?	
782 played sports. They were maybe	And do you remember their physical stature?	
	And do you remember their physical stature? what seemed like they were in shape. They	
783	what seemed like they were in shape. They	
784 Bryan: Do you need to refer to your crim	what seemed like they were in shape. They	
785	what seemed like they were in shape. They	
786 McDermid: Yeah, if I could.	what seemed like they were in shape. They approximately five ten/	
787	what seemed like they were in shape. They approximately five ten/	
788 Bryan: Yeah. Absolutely.	what seemed like they were in shape. They approximately five ten/	
784Bryan:Do you need to refer to your crim785	And do you remember their physical stature?	

789		
790	Brown:	Let me find that for you.
791	DIOWII.	Let me mid that for you.
792	McDermid:	You talking about my written report as far as their entities?
793	wicDennia.	Tou taiking about my written report as far as then entities:
794	Bryan:	Height and weight and so forth.
795	Diyan.	Treight and weight and so forth.
796	McDermid:	Okay.
797	wieDenniu.	Okay.
798	Bryan:	So we have is here and Counsel, you can look at that as well.
799	Diyan.	so we have is here and counsel, you can look at that as well.
800	McDermid:	So is 5'6", 120 pounds.
800	wieDenniu.	18 5 0 , 120 pounds.
801	Bryan:	Is that accurate?
802	Diyan.	
803	McDermid:	He seemed a little heavier than 120 pounds. I don't know how old this data is.
805	MeDennia.	The seemed a fittle fleavier than 120 pounds. I don't know how old this data is.
805	Bryan:	Did you enter the data?
807	Diyan.	Did you enter the data?
808	McDermid:	I entered it but I don't know if I updated it. This is what had come up when I did
809	MeDennia.	the search. And I didn't accurately correct any data that was in there to reflect
810		his current height and weight.
811		his current height and weight.
812	Bryan:	Okay. And he at the time of contact he was wearing a hooded sweatshirt?
813	Diyan.	Okay. And he at the time of contact he was wearing a hooded sweatshift.
814	McDermid:	Correct.
815	MeDennia.	
816	Bryan:	Did you ever see him without that hooded sweatshirt?
817	Di juli.	Dia you over see min white the nooded sweatsmit.
818	McDermid:	Not beforehand. You mean during the whole night or the whole evening?
819		The selecter and a selection of the sele
820	Bryan:	Correct.
821	Difuni	
822	McDermid:	I can't recall if I took it off at juvenile hall during booking process.
823		i ean eireean n'i toon it eir a ja einte nan aaning cooning process.
824	Bryan:	Okay. So, what gives you the impression that he seemed or appeared to be
825		bigger than 120 pounds?
826		
827	McDermid:	His height and stature.
828		8
829	Bryan:	Okay.
830	5	
831	McDermid:	He seemed bigger, more muscular, more - just heavier
832		66 /

833 834	Bryan:	Okay.
835 836	McDermid:	than 120.
837 838	Bryan:	And then can you find for me there please?
839 840	McDermid:	, 5'10", 130 pounds.
841 842	Bryan:	And that's Page 4 of 14 we're showing you there?
843 844 845	McDermid:	And again, the same thing. I found him but I never entered and updated height and weight description from him.
846 847 848	Bryan:	Did you find him after you searched him after you cleared the juvenile hall or prior to?
849 850 851 852	McDermid:	I believe it was prior to. Once we got in the car I think I ran them both. After we got in the car I ran them up and found them in the system. But honestly, I'm not 100% certain when I found them in the system.
853 854	Bryan:	Okay. Again, it's indicating or depicting 5'10", 130?
855 856	McDermid:	Yes.
857 858	Bryan:	Okay.
859 860 861	McDermid:	His height seems correct. I think his weight still could have been a little heavier.
862 863	Bryan:	Okay. How tall are you?
864 865	McDermid:	Six foot.
866 867	Bryan:	And how much do you weigh?
868 869	McDermid:	220.
870 871 872	Bryan:	Two twenty. Okay. We're going to transition over to your demeanor. I'm going to ask you specifically about that evening?
873 874	McDermid:	Okay.

875 876 877 878	Bryan:	And prior to arriving at the scene or being dispatched, were you agitated at all whether related to a prior call for service or something that had happened at home?
879 880	McDermid:	No.
881 882 883 884 885	Bryan:	Okay. And, you know, as a former graveyard officer, when I saw call pending for several hours, which I thought would've been or should have been handled by a swing shift unit, I personally became agitated because the call had been pending for so long. Do you remember being agitated at all?
885 886 887 888 888	McDermid:	You know what. I honestly thought they'd be gone after four hours. I showed up and they're locking the store. And I asked if the suspects were still there. And he said, "Yes." So, I was surprised that they were there but not agitated.
890 891	Bryan:	I too was surprised they were there. It was like four hours, right?
892 893	McDermid:	Right.
894 895 896 897	Bryan:	Your report indicates that during your search became uncooperative and resisted. For clarification was verbally or physically resistive or uncooperative?
898 899	McDermid:	Both.
900 901	Bryan:	Both?
902 903	McDermid:	Yes.
904 905 906	Bryan:	Okay. We're going to transition out a little bit and just discuss the body-worn camera.
907 908	McDermid:	Okay.
909 910 911	Bryan:	Okay. So prior to your shift you routinely ensure that both your body-worn camera and also you ICC are functioning properly.
912 913	McDermid:	Correct. Yes.
914 915 916	Bryan:	You do. And as an instructor, what's the protocol if your body-worn camera is malfunctioning?
917 918	McDermid:	In what way is it malfunctioning?

919 920	Bryan:	Well you tell me. You're the instructor.
921 922 923	McDermid:	Well, I guess we're going to go over if it's malfunctioning during the shift if they even have spare body-worn cameras to use.
924 925	Bryan:	What do you do if it doesn't work?
926 927 928 929	McDermid:	If mine doesn't work, I'm not sure. Call or email James Nelson or Doug Light are the experts on it. I've emailed them before to try and figure out the settings in there but it's never malfunctioned by me before.
930 931	Bryan:	Do you notify your supervisor?
932 933	McDermid:	Yes.
934 935	Bryan:	Would you ask for an additional body-worn camera?
936 937	McDermid:	I haven't but I would think that's a good idea to do.
938 939 940	Bryan:	All right. Let's refer back to the general order. You can just read in the event it's malfunctioning. I think there's a certain page.
941 942 943 944 945	McDermid:	Yeah. It's right here. Ensure body-worn cameras are functioning properly. Any apparent damage, malfunction or loss shall be brought to the attention of a supervisor as soon as reasonably practical. So as far as yes. If it's malfunctioning, notify supervisor.
946 947 948	Bryan:	Okay. Perfect. Prior to entering Macy's, did you activate your body-worn camera as required by policy?
948 949 950	McDermid:	No.
951 952 953 954 955 956	Bryan:	Obviously the policy indicates you shall activate your body-worn camera during the investigation activity whether self-initiated or in response to a dispatched call. Additionally, it is required when conducting searches on individuals and advising suspects of their Miranda rights. The question is, why didn't you activate your camera?
950 957 958 959 960 961	McDermid:	I didn't activate it before the search. I just neglected to. During the search I attempted to activate it when I realized he was becoming uncooperative while I was conducting the search. I tried to double tap it. I didn't even realize it hadn't turned on until later I think when I was after I had completed the search of both of the individuals, I looked down and realized my light was still flashing

962 963 964		green indicating that if it was flashing red it would be recording. It was flashing green and hadn't started recording. And I tried to activate it.
965 966 967 968	Bryan:	But the policy indicates any self-initiated activity or response to dispatch calls, not necessarily searching an individual. So when you were dispatched to this call, per policy were you supposed to activate your camera?
969 970	McDermid:	Yes.
971 972 973	Bryan:	And you're indicating you activated or tried to during the search. Should have you activated it prior to even entering Macy's?
974 975	McDermid:	Yes.
976 977	Bryan:	And why didn't you?
978 979	McDermid:	I neglected to. I forgot.
980 981 982 983	Bryan:	Okay. According to your body-worn camera footage, which you were provided today, your body-worn camera was only activated upon escorting the juveniles out of Macy's. Why did you activate it at that time?
984 985 986	McDermid:	He was resisting again as we were walking and I realized it hadn't been recorded and he's continuing to resist.
987 988	Bryan:	Physically?
989 990 991 992 993	McDermid:	Yes. Physically. He was walking slow. I asked him to walk faster and he wouldn't. So I had to apply the rear wristlock that we had talked about earlier in our pain compliance hold to get him to walk faster. I realized when I was doing that I needed to activate my camera.
994 995 996 997	Bryan:	Okay. So as mentioned earlier, you said you failed or neglected to turn it on when you responded to Macy's. By doing so, by failing to turn it on, did you violate the general order?
998 999	McDermid:	Yes.
1000 1001	Bryan:	And did you intentionally do that or was it a - just a mistake?
1002 1003	McDermid:	A mistake.
1004 1005	Bryan:	When you received the call at Macy's that evening, were you aware at that time how long the call had been pending?

1007McDermid:Yes.1008Bryan:And if you need to refer to the call, how long had the call been pending?1010McDermid:Approximately four hours.1011McDermid:Approximately four hours.1013Bryan:You received the call on December 8, 2017 at 1912 hours or 7:12 PM. You1014were 1A32 that evening.That was when the call came in at 1712 hours. Had1015you been to Macy's before?1016I've never been inside. Well, there was a subject that had locked himself inside1018the bathroom. We went inside briefly to get him and walked back out.1019Bryan:Were you familiar with the layout of the facility?1021I wasn't aware of where the loss prevention office was. And I had never actually walked through the entire store before. And so I was not familiar with the layout.1025Bryan:Okay. Were you aware there's an interior camera at Macy's?1027No.1028McDermid:No.1030Bryan:As a graveyard officer, what's your protocol or what's the process regarding a 941? Can you walk me through the process if you're responding to somebody's
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1031 941? Can you walk me through the process if you're responding to somebody's
1032 in custody for shoplifting?
1032 in custody for snophiling.
1034 McDermid: I've taken one where or I was assisting on one at a Safeway on 19th. And it
1035 was a signed release. I think that time it might have even been juveniles.
1036 Juveniles' parents were there at the time. We issued a citation and they were
1037 released to their guardians.
1037 Totolsed to their guardians.
1039 Bryan: So that's your protocol?
1040
1041 McDermid: Yes.
1042
1043Bryan:To attempt to contact the parents or do a site cite release?
1044
1045 McDermid: Correct.
1046
1047 Bryan: So we're going to refer over to the video now. Do you recognize the two
1048 individuals in the video here?
1049

1050 1051	McDermid:	I do.
1051 1052 1053	Bryan:	And you recognize the gal sitting her to your right?
1055 1054 1055	McDermid:	I do.
1056 1057	Bryan:	And for the record, can you describe - I know it's black and white. Can you describe who they are?
1058 1059 1060 1061 1062	McDermid:	So the lady sitting down on the desk is the loss prevention officer. The subject sitting on the bench to the right in the hoodie is and to the left is
1062 1063 1064 1065 1066 1067	Bryan:	Okay. And we're going to go and begin the recording from - the video from its recording. It's 1107:01. And as you arrive, you're seen speaking to the witness at 1107:52 for a total of 14 seconds before handcuffing juvenile - or before handcuffing Do you remember what you two had discussed?
1067 1068 1069	McDermid:	Yeah. Not clearly.
1070 1071	Bryan:	So you enter from the door which was behind her?
1072 1073 1074 1075	McDermid:	Yes. She basically identified the two individuals as the suspects that she had detained for stealing the Polo sweatpants. I think she had also told me that she wasn't able to get a hold of their parents. And that's why they were never released from the four hours that they were sitting there.
1076 1077 1078	Bryan:	That she was not able to get a hold of their parents?
1078 1079 1080	McDermid:	Correct.
1080 1081 1082	Bryan:	Okay. Did she tell you that here and this is you in the video?
1082 1083 1084	McDermid:	Correct.
1085 1085 1086 1087	Bryan:	Okay. So again, you spoke to her for about 14 seconds. You're not sure exactly what you were talking about?
1087 1088 1089	McDermid:	Correct.
1089 1090 1091	Bryan:	Did she inform you that the two detainees were cooperative?
1091 1092 1093	McDermid:	She didn't really say. I was going on with notes of the call set that they were uncooperative and did not provide their names. And when I asked her there, she

1004		and a second device the second device and second discuss the second discuss the second discuss its
1094 1095		said again they - she could not have released them because they didn't provide any names of their guardians. So that sounded like they were being
1095		, , , ,
1090		uncooperative.
1097	Derrow	Just with providing their names they also
	Bryan:	Just with providing their names though?
1099	MaDamaid	Correct
1100	McDermid:	Correct.
1101	Damas	Olean Another two investigations along the in her dearffs?
1102 1103	Bryan:	Okay. Are the two juveniles already in handcuffs?
	MaDamid	They are not
1104	McDermid:	They are not.
1105	Demonstra	Olever Andrews server that there had been aitting for four hours?
1106	Bryan:	Okay. And you were aware that they had been sitting for four hours?
1107	MaDamaid	Var
1108	McDermid:	Yes.
1109	D	Oleve Were in line to a colling in some second dust two incoming the second to the
1110	Bryan:	Okay. You indicated earlier in your report that two juveniles provided their
1111		names upon contacting them.
1112	MaDamait	Comment
1113	McDermid:	Correct.
1114	D	
1115	Bryan:	Specifically, they provided their correct names as and and
1116		Upon receiving this information, was there any attempt by you to
1117		contact their parent or guardian prior to being transported to juvenile hall?
1118	N(D) 11	
1119	McDermid:	I talked to them for a while trying to figure out who their parents or guardians
1120		were. They didn't provide any information. They said they didn't know the
1121		phone numbers of their parents or guardians. One of them said he was staying
1122		at his cousins house. And I didn't feel comfortable releasing him to his cousin.
1123		I didn't know that was a legal guardian. And I think that was He
1124		wouldn't provide me with his name of his legal guardian. And I think
1125		had tried to tell me his grandma's name but only knew her as grandma or
1126		Grandma And I didn't believe I would be able to locate them.
1127	Dama	
1128	Bryan:	So you didn't get a phone number?
1129	MaDamaid	Correct
1130	McDermid:	Correct.
1131	D	
1132	Bryan:	Okay. Did you do a computer check on them?
1133	MaDama 1	T den 24 heliener T diden hen T erst heels 45 4heese
1134	McDermid:	I don't believe I did when I got back to the car.
1135	Deres	Did way da a maganda abaal-2
1136	Bryan:	Did you do a records check?
1137		

1138 1139	McDermid:	No.
1139	Bryan:	Use your radio?
1141	21)	
1142	McDermid:	No.
1143		
1144	Bryan:	So at what point when you entered the store do you recall that you're going to
1145	21)	arrest and transport them?
1146		
1147	McDermid:	After I conducted the search, I contacted my sergeant via cell phone and
1148		explained the situation to him and that they weren't identifying themselves so
1149		that I was going to have to transport them to juvenile hall.
1150		
1151	Bryan:	And that was Sergeant Magee?
1152	21)	
1153	McDermid:	Correct.
1154		
1155	Bryan:	Okay.
1156		
1157	McDermid:	I think I even kind of told the juveniles that if they wouldn't give the names of
1158		their guardians, I was going to be required to take them to juvenile hall. I tried
1159		to give them opportunity to provide the names of their guardians and their
1160		contact information.
1161		
1162	Bryan:	And where was that done?
1163	5	
1164	McDermid:	It was during the whole process, the search process, just during this process in
1165		the
1166		
1167	Bryan:	In the detention center?
1168	•	
1169	McDermid:	Correct.
1170		
1171	Bryan:	Okay. And then when you talk in, you're handcuffing them within a few
1172	2	seconds.
1173		
1174	McDermid:	Correct.
1175		
1176	Bryan:	Is that a routine that you practice? Common routine?
1177	-	
1178	McDermid:	Yes. They've been sitting for four hours. I wasn't aware of who they were.
1179		There was two of them. There was one of me. I hadn't run them. I didn't
1180		know who they were, had warrants or anything. So for officer safety reasons, I
1181		handcuffed them.

1182		
1183	Bryan:	Okay. Is it your practice to handcuff each individual on scene and then search
1184		incident to arrest?
1185		
1186	McDermid:	Yes. I don't know if I understand the question exactly.
1187		
1188	Bryan:	So say there was a couple of individuals in the room such as this. Do you
1189		handcuff them, have them sit down or stand and then once everyone's
1190		handcuffed then you search them for weapons or do you handcuff and search
1191		that individual immediately and then move on to the second individual?
1192		
1193	McDermid:	I thought about this and I don't know how many times we've had to search -
1194		handcuff and search one person while another suspect is not handcuffed. It
1195		seemed more practical to handcuff both of them at the same time and then go
1196		back and do searches.
1197		
1198	Bryan:	Okay. Well we'll play the video. What are you telling him at this point?
1199		
1200	McDermid:	Stand up. Come here.
1201		
1202	Bryan:	So you pointed to
1203		
1204	McDermid:	Correct.
1205		
1206	Bryan:	And can you explain to me what you're doing right now?
1207		
1208	McDermid:	Ask him to turn around and put his hands behind his back. I pushed his
1209		sweatshirt sleeves up so I could handcuff his wrists.
1210		
1211	Bryan:	So while you're handcuffing are you giving him verbal orders? At
1212		any point was he uncooperative or resistive? And again, for the record, there
1213		seems to be like <u>a pause at hour 1108:26</u> . It pauses for just a brief moment. So
1214		at any point was uncooperative or resistive?
1215		
1216	McDermid:	He was cooperative the whole time.
1217		-
1218	Bryan:	Okay, are you giving him instructions the entire time?
1219	•	
1220	McDermid:	I can't remember what I'm telling him right now. I think I was more concerned
1221		about getting them both cuffed. And I did tell him to turn around and face the
1222		wall. He turned around.
1223		
1224	Bryan:	So, for the record, it's 1108:33. You're pointing at in the photo and
1225	-	what are you telling him right now?

1226		
1227	McDermid:	To turn back around and face the wall.
1228		
1229	Bryan:	Okay. Did you provide an initial instruction like I'm going to handcuff you?
1230		After handcuffing you, I want you to face the wall?
1231		
1232	McDermid:	Yes.
1233		
1234	Bryan:	You did?
1235		
1236	McDermid:	Yeah, I believe I did.
1237		
1238	Bryan:	Okay. And so you've transitioned from Now you're contacting the
1239		male to the right, which is later identified as with the black hooded
1240		sweatshirt. Can you describe for me if you could please what's taking place.
1241		Are you giving him instructions?
1242	MaDamaidi	Dicht nom I'm just acting the handouffe on him
1243	McDermid:	Right now I'm just getting the handcuffs on him.
1244 1245	Bryan:	Catch up here. Are you giving him instructions such as I'm going to place the
1245	Diyan.	handcuffs on you. After placing the handcuffs on you you're not to move. Are
1240		you providing any verbal instructions?
1247		you providing any verbar instructions?
1240	McDermid:	I don't remember if I was.
1250	Webernind.	i don t iememoer n'i was.
1251	Bryan:	Is that a common practice when you handcuff somebody? You are kind of
1252	201) 411.	articulating what you're doing.
1253		arabaaang what you to domg.
1254	McDermid:	Yes.
1255		
1256	Bryan:	I'm going to put the handcuffs on. I'm going to search you after, incident to
1257	-	arrest. I'm going to search you for weapons or so forth.
1258		
1259	McDermid:	Yes.
1260		
1261	Bryan:	At this point in the video do you know who he is in the black hooded
1262		sweatshirt?
1263		
1264	McDermid:	I can't remember the names as far as she told me who was who. I don't think,
1265		because I remember afterwards after I had searched them, got their names and I
1266		talked to her, she showed me on the paper this was this guy. I think she'd only
1267		gotten name.
1268		

1269 1270	Bryan:	And again, are you providing him any instructions at all as to what you're doing?
1271		
1272 1273	McDermid:	I don't remember if I was or not.
1274 1275	Bryan:	And at this point is he cooperating or resisting?
1276 1277	McDermid:	He's cooperating.
1277 1278 1279 1280	Bryan:	And then while you're applying those handcuffs, is that something you're taught in the SAC PD Academy?
1280 1281 1282	McDermid:	Yes.
1282 1283 1284	Bryan:	What's that procedure called in terms of handcuffing?
1285 1286	McDermid:	Speed cuff.
1280 1287 1288	Bryan:	Speed cuff.
1289 1290 1291	McDermid:	It was a little difficult because it's my second pair of cuffs that I keep in my left pocket. Wasn't my normal location. So I kind of fumbled a little bit.
1292 1293	Bryan:	So you're speed cuffing and have you already or do you remember at this point if you're giving him any instructions?
1294 1295 1296	McDermid:	I don't remember if I was. I don't believe I was.
1290 1297 1298 1299	Bryan:	So at this point you turn. Did you observe had turned around and was looking at you? Do you remember what you had said to him?
1300 1301	McDermid:	I think I told him - I reminded him again look at the wall.
1302 1303	Bryan:	All right. And why would he need to look at the wall?
1304 1305 1306	McDermid:	Officer safety issue. I don't want him to look at what I'm doing and decide to attack me.
1307 1308	Bryan:	And plus he has not been searched. Correct?
1309 1310	McDermid:	Correct.
1311 1312	Bryan:	So at this point you're double locking the handcuffs?

1313 1314	McDermid:	Correct.
1315 1316 1317	Bryan:	So at this point the video - it's at 1109 and 16 seconds. appeared to have stepped away from you.
1318 1319	McDermid:	Correct.
1320 1321 1322	Bryan:	And again, you said you did not provide any instructions or you don't remember providing instructions. At this point is he deemed resisting or uncooperative?
1323 1324 1325	McDermid:	Not resisting. Possibly uncooperative. Just not - he's not - he's kind of doing what he wanted to do. And so I didn't instruct him to move and he moved.
1325 1326 1327 1328	Bryan:	But you indicated earlier you're not sure if you provided any instruction for him not to move.
1328 1329 1330	McDermid:	Correct.
1331 1332	Bryan:	And what did you tell him when he stepped away from you?
1333 1334	McDermid:	I don't remember exactly what I told him. Just probably to come back and don't walk away.
1335 1336 1337	Bryan:	Okay. Did you tell him why?
1338 1339	McDermid:	Because I was searching him.
1340 1341 1342 1343	Bryan:	And that this point you're seen pulling your jacket up. Is that a standard practice you do when you're searching somebody if you're wearing your jacket?
1344 1345 1346	McDermid:	Yes. It just gets in the way of my wrists so I pull it up. I mean I don't do too many searches with my jacket on inside buildings. It's usually outside. I think it was getting warm.
1347 1348 1349 1350	Bryan:	Okay. And at this point you said he was uncooperative or not resisting? what did you say exactly?
1351 1352	McDermid:	He had not resisted but was trying to walk away before I had instructed him to move or not move.
1353 1354 1355 1356	Bryan:	Okay. And you're talking to the witness, Do you remember what you were saying to her at this point?

1357 1358	McDermid:	I don't.
1359 1360 1361	Bryan:	So at this point in the video you had just pulled his hoodie down. And you're to the right of him. Are you providing any instructions at all?
1362 1363	McDermid:	I don't know if I was or not.
1364 1365	Bryan:	And at this point does he appear to be resisting or uncooperative?
1366 1367 1368 1369	McDermid:	He starts to look at me and as the video plays, I instruct him not to and he continues. So at this point he's just started to look at me and I don't think I provided him an instruction.
1370 1371	Bryan:	You had not provided him instruction?
1372 1373	McDermid:	Correct.
1374 1375 1376	Bryan:	Okay. And just prior to this at 1109:29 you had pointed to the wall. So you're providing an instruction.
1377 1378	McDermid:	Correct.
1379 1380	Bryan:	And do you remember what you were telling him?
1381 1382	McDermid:	I told him to look forward and face the wall.
1383 1384	Bryan:	Okay. Why would you want him to look forward and face the wall?
1385 1386 1387 1388	McDermid:	Officer safety issues. If he's looking at me, he can see what I'm doing. And if he wants to make a move to attack me in any way, it's easier for him to do that if he's looking at me.
1389 1390 1391	Bryan:	Okay. And again, you pointed to the wall for a second time. Are you telling him that you're going to search him?
1392 1393	McDermid:	I don't remember if I was telling him I'm going to search him or not.
1394 1395 1396 1397	Bryan:	So at this point in the video. We will label this as 1109:33. Shortly after pointing to the wall, you do what appears to be grabbing him around the neck region or head. Where exactly are your hands?
1398 1399	McDermid:	My left hand is on the base of his skull and my right hand is on his chin.
1400	Bryan:	And are you giving him instructions at this point?

1401		
1402	McDermid:	After he failed to comply with my order previously with the wall, I instructed
1403		him again and moved his head to face the wall so he was clear what I wanted
1404		him to do.
1405		
1406	Bryan:	Do you feel by grabbing his jaw and the back of his neck that you were
1407	5	constricting his breathing at all?
1408		
1409	McDermid:	No.
1410		
1411	Bryan:	No, you don't feel like you're constricting his breathing?
1412	21)	
1413	McDermid:	I believe I was not constricting his breathing at all.
1414	MeDennia.	i beneve i was not constricting his breathing at an.
1415	Bryan:	Okay. And are you providing instructions while you're grabbing the
1416	Dijuli	base of his neck and his jaw?
1417		buse of his neek and his jaw.
1418	McDermid:	Yes.
1419	WieDennia.	105.
1420	Bryan:	And what is that?
1420	Diyan.	And what is that:
1422	McDermid:	Face forward.
1423	WieDennia.	
1423	Bryan:	Face forward. And at this point is resisting or uncooperative?
1425	Diyan.	resisting of uncooperative.
1425	McDermid:	Yes.
1427	WieDennia.	1 63.
1427	Bryan:	Which one?
1429	Diyan.	which one:
1430	McDermid:	He's resisting. Actively resisting by turning his head towards me after I
1431	WieDennia.	repeatedly told him to face forward.
1432		repeatedly told min to face forward.
1432	Dation	Would you say someone who's looking at you who's in handcuffs is actually
1433	Bryan:	
1434		resisting?
1435	McDermid:	So you're right. He was haing unconnective than
1430	McDellilla.	So, you're right. He was being uncooperative then.
	Duran	L'accompanying?
1438	Bryan:	Uncooperative?
1439	MaDamaid	Compet
1440	McDermid:	Correct.
1441	Duran	Dut according to your report you gold be because resisting and successful
1442	Bryan:	But according to your report, you said he became resisting and uncooperative.
1443		So at this point is he uncooperative?
1444		

1445 1446 1447 1448 1449 1450	McDermid:	So you play - the next time he starts to resist as I placed his head forward with my hands. He's resisting against my hands on the back of his neck and his jaw and trying to turn and look at me. And at that point he becomes physically resistive. He's trying to still look at me, continues to look at me while I'm holding his head to try and keep him facing forward.
1450 1451 1452 1453 1454	Bryan:	Okay. So again, for clarification because we've been doing this job for a while, by someone who's looking at you and is in handcuffs, would you consider that resisting?
1455 1456 1457 1458 1459 1460	McDermid:	Being uncooperative. But when I physically have to turn his head to look at the place where I'm telling him to look and he starts to turn back and continue to look at me, I think that's a physically resistive motion of him turning his head to look at me. Because before I said it's an officer safety issue. He's continuing to look at me and not following instructions.
1461	Bryan:	Why were you afraid of him looking at you? What could he have done?
1462 1463 1464 1465 1466 1467	McDermid:	I wasn't afraid. I was just trying to get him to follow my instructions and be cooperative, provide any information that we needed to have him provide. And he continued to be uncooperative. Then when I had to physically grab his head and move it, that's when he started to resist and pull back against my hands.
1468 1469	Bryan:	Okay.
1470 1471	Olander:	If I can just ask it another way.
1472 1473	Bryan:	Do you have a clarifying questions?
1474 1475 1476 1477	Olander:	Yeah. What concerns in terms of officer safety would you have with a suspect continuing to look at you? What kind of actions could he take for you to be concerned about?
1477 1478 1479 1480 1481	McDermid:	He still can bite me. He can spit at me, head butt me. I'm close to the stairs. He can decide if he wants to try and shove me down the stairs. So there's concerns for officer safety that I had with him looking at me.
1482 1483 1484	Bryan:	So at this point in the video you're to the right of him. Rather than, you know, turning his face - forcibly turning his face, what are some alternative measures that you could have done?
1485 1486 1487	McDermid:	I could have moved him over maybe to the center of the room.
1487	Bryan:	What else could you have done?

1489	MaDamaid	
1490 1491	McDermid:	I'm sorry.
1492 1493 1494	Bryan:	You said you were close to the stairs. Could you have gone to the other side of him?
1495 1496	McDermid:	Yes.
1497 1498	Bryan:	What are some other options? Was your radio working properly?
1499 1500 1501	McDermid:	Yes. I could have called for another unit. I said I've got someone who's being uncooperative. He's detained but uncooperative.
1502 1503	Bryan:	Okay.
1504 1505	McDermid:	I could have requested another unit.
1506 1507 1508 1509	Bryan:	So we're going to play the video from this point forward. Again, it's from 1109:33. And for clarification, you said that your hands were on the base of his neck region, your left hand, your right hand was placed on his jaw.
1510 1511	McDermid:	Correct.
1512 1513	Bryan:	Can you describe for me where your hands were exactly?
1514 1515 1516	McDermid:	Thumb on one side of the jaw and my index finger and the middle finger on the other side of his jaw.
1517 1518	Bryan:	So, were you concerned at all him biting you by placing your hand on his jaw?
1519 1520	McDermid:	Not at the moment.
1521 1522 1523	Bryan:	That's an officer safety concern, Is it not? I've had people bite me and that's an issue. Did you think about that?
1524 1525	McDermid:	Now I'm thinking about it. And realize that that's not very safe.
1526 1527	Bryan:	Is that a common practice for you to do that?
1528 1529	McDermid:	I've never had to do it before. I've never - no. It's not common.
1530 1531	Bryan:	Is it not common or you've never had to do it before?

1532 1533	McDermid:	Both. It's not a common practice for me to do and I've never had to do it before.
1534 1535 1536 1537	Bryan:	Okay. So at this point we'll stop the video. According to your report, and you can refer to your report if you want, you indicated you pressed the state into the wall. Is that accurate?
1538 1539 1540	McDermid:	It's not as accurate as it should have been.
1540 1541 1542	Bryan:	Can you explain to me how you pressed him against the wall?
1543 1544 1545	McDermid:	Using my left hand at the base of his head and skull. I pushed from there his head into the wall.
1546 1547	Bryan:	So you said it's not as accurate as it should have been. What should have been written? Based on what you see now in the video.
1548 1549 1550 1551	McDermid:	Like I said, I pressed the back head into the wall. I pressed the back of head and pressed his face into the wall.
1552 1553	Bryan:	So if given an opportunity to rewrite the report, you would have written that?
1554 1555	McDermid:	I don't know. I don't know how I would have done it differently.
1556 1557	Bryan:	Well, I'm asking you.
1558 1559 1560 1561 1562 1563	McDermid:	Okay. Well, I don't want to say that I slammed him against the wall. I know it just sounds a lot harder than what I did. I'm trying to find something between slammed and pressed I guess because it's harder than pressed. I forced him against the wall is maybe the best way instead of slammed. It's somewhere in the middle. I forced him against the wall.
1565 1565	Bryan:	Is it accurate to say you forced his head against the wall?
1565 1566 1567	McDermid:	Correct.
1568 1569	Bryan:	Why didn't you write that?
1570 1571	McDermid:	I don't know.
1571 1572 1573	Bryan:	Did you intentionally avoid writing those details?
1575 1574 1575	McDermid:	No.

1576 1577	Bryan:	Did you intentionally avoid putting details such as your hand placement or your technique that you used?
1578		
1579	McDermid:	No.
1580	D	
1581	Bryan:	Then why didn't you add that?
1582		
1583	McDermid:	I didn't remember it at the time when I was writing the report. It was based on
1584		my recollection. I hadn't seen the video. And it was at the end of the shift.
1585		And so honestly I didn't remember exactly all the details.
1586	D	
1587	Bryan:	So again, I'll ask you again. If given the opportunity to rewrite this report, how
1588		would you accurately depict this in your report or in your observations?
1589		
1590	McDermid:	I forced head against the wall.
1591	D	
1592	Bryan:	Based on what?
1593		
1594	McDermid:	He did not following instructions and resisting my placement of his - of where
1595		he was looking - his head. continued to resist my instructions. After
1596		trying to physically force his face forward, he pushed back against my hands to
1597		continue trying to look at me. At that time I moved by his head towards
1598		the wall and forced his head against the wall.
1599	Duran	Ober And I don't ment to get into the milele computing of assisting memory
1600	Bryan:	Okay. And I don't want to get into the whole semantics of resisting versus
1601 1602		being uncooperative. But again, having watched this video and he's looking at
1602		you, you said you provided him verbal instructions to look at the wall.
1603		Wouldn't you say he was uncooperative rather than resisting?
1604	McDermid:	Yes.
1605	McDennia.	Tes.
1607	Bryan:	And have you, as an officer who's been active for several years now and we've
1608	Diyall.	all had subjects that have been resistive, can you give me a scenario or a
1609		hypothetical scenario where someone's actually active resisting or resisted in
1610		the past for you?
1611		the past for you.
1612	McDermid:	Trying to handcuff somebody and they hold their hands in front of their body to
1612	Webernind.	prevent you from getting their hands.
1614		provent you from getting their hunds.
1615	Bryan:	And was he resisting prior to you handcuffing him?
1616	Dijuli	This was no rootsting prior to you nandouring mini-
1617	McDermid:	No.
1618		
1619	Bryan:	And was he resisting when you were doing anything at this point?

1620		
1621	McDermid:	Just with his head movement after I tried to place his face forward. And he
1622		tried to continue to turn and look at me.
1623		
1624	Bryan:	Okay. So at this point again you indicated - just for clarification, is he both
1625		resisting and being uncooperative?
1626		
1627	McDermid:	Yes.
1628		
1629	Bryan:	Is grabbing someone in this manner a technique that was taught to you by the
1630		Sacramento Police Department in the academy and/or in field training?
1631		
1632	McDermid:	No.
1633		
1634	Bryan:	And you indicated that it's not common. You've never done this before.
1635		You've never had to do this before. Did you have to do this?
1636		
1637	McDermid:	No.
1638		
1639	Bryan:	Where did you learn this technique?
1640		
1641	McDermid:	I don't remember if I learned it anywhere. I've seen deputies search people in
1642		the jail and when their suspects being booked into jail are uncooperative, they
1643		usually push them against the wall.
1644		
1645	Bryan:	Okay. But you understand that's the sheriff's department.
1646		
1647	McDermid:	I understand.
1648		
1649	Bryan:	We don't work for the sheriff's department.
1650		
1651	McDermid:	I understand.
1652		
1653	Bryan:	So where did you learn the technique?
1654		
1655	McDermid:	I didn't learn it anywhere.
1656		
1657	Bryan:	What prompted you to do this?
1658		
1659	McDermid:	I was trying to control the situation.
1660		
1661	Bryan:	And at this point, so he's forced against the wall. This is the first time. So for
1662		the video, do you recall how large this bench is?
1663		

1664 1665	McDermid:	Just from looking at it on the video, I can determine how large it was.
1665 1667	Bryan:	I mean he's 5'8". You're over six foot, right? He's on his tippy-toes.
1668 1669	McDermid:	So it's a foot and a half.
1670 1671	Bryan:	Were you aware the distance between where you were and he was?
1672 1673	McDermid:	Not at the time.
1674 1675 1676	Bryan:	And we touched based earlier on this. Why didn't you ask for an additional unit if you felt he was uncooperative or resisting?
1677 1678	McDermid:	I don't know.
1679 1680	Bryan:	Was your radio functioning properly?
1681 1682	McDermid:	Yes it was.
1683 1684 1685	Bryan:	Have you asked for additional units before on uncooperative or resisting subject?
1686 1687	McDermid:	Yes.
1688 1689 1690	Bryan:	And having read the general orders, what level of force do you feel this is? having watched the video, what level of force do you think this rises to?
1691 1692	McDermid:	Can I refer back to the general orders?
1693 1694	Bryan:	Let me ask you this. Is this a verbal? Do you remember the odaloop?
1695 1696	McDermid:	Yes.
1697 1698	Bryan:	So what level of force is this? Is it a verbal?
1699 1700	McDermid:	No, it's not a verbal.
1701 1702	Bryan:	Okay. So it's elevated.
1703 1704	McDermid:	Correct.
1705 1706	Bryan:	What level of force? It's not lethal.
1707	McDermid:	No. It's physical level of force.

1708		
1709	Bryan:	Is it a reportable use of force?
1710		
1711	McDermid:	I don't believe it was at the time.
1712		
1713	Bryan:	And what makes you think it's not at this point?
1714	5	у I
1715	McDermid:	There were no injuries sustained. I guess that's the main reason why I didn't
1716		think it was a reportable use of force. There was no injuries besides temporary
1717		pain resulting from the application of handcuffs and mostly there was no
1718		injuries sustained.
1719		5
1720	Bryan:	Did it deviate from a technique that's been used or taught at the SAC PD?
1721		
1722	McDermid:	I guess it did, yes.
1723		- 8
1724	Bryan:	Well I don't want you to guess. Did it deviate from a technique that you were
1725		taught at SAC PD?
1726		
1727	McDermid:	Yes.
1728		
1729	Bryan:	Okay. Again, having watched this video, do you feel at this point that you
1730		should have advised a supervisor of your actions?
1731		
1732	McDermid:	Yes.
1733		
1734	Bryan:	And why didn't you?
1735		
1736	McDermid:	I don't know.
1737		
1738	Bryan:	Did you intentionally not advise a supervisor?
1739	5	5 5 1
1740	McDermid:	No.
1741		
1742	Bryan:	All right. We'll play this video. You guys good? You want to take a break?
1743	5	
1744	McDermid:	I'm okay.
1745		
1746	Bryan:	Okay. So at this point you throw. Actually why don't you describe what you're
1747	-	doing? So the video we'll mark it at 1109:37. I think that was two minutes and
1748		52 seconds into the video. You just placed your left leg behind him.
1749		
1750	McDermid:	I was off balance and so I placed my left leg on the other side of him to
1751		maintain my balance.

1752		
1752	Dimioni	And that was necessary to keep him from moving or resisting?
	Bryan:	And that was necessary to keep min from moving of resisting?
1754		T 1 24 41 1
1755	McDermid:	I don't think so.
1756	5	
1757	Bryan:	It was just to keep your balance?
1758		
1759	McDermid:	Correct.
1760		
1761	Bryan:	Are you still applying pressure on the back of his neck?
1762		
1763	McDermid:	Yes I think I am.
1764		
1765	Bryan:	Well I don't want you to guess.
1766	,	
1767	McDermid:	I don't remember if I am. I'm still continuing to press his head against the wall.
1768		Yes.
1769		
1770	Bryan:	And you're about approximately just a few inches from his face and you're
1771	Diyun.	looking at him.
1772		
1773	McDermid:	Correct.
1774	McDennia.	Contett.
	Dama	De very noment en eaving anything to him at all?
1775	Bryan:	Do you remember saying anything to him at all?
1776		
1777	McDermid:	I remember telling him that it's not a game. That he needs to listen to me and
1778		do what I say.
1779	5	
1780	Bryan:	And what instructions were you giving him other than saying hey, it's not a
1781		game.
1782		
1783	McDermid:	"I'm going to search you. I need to make sure that you don't have weapons on
1784		you."
1785		
1786	Bryan:	And this leg maneuver that you said is to keep your balance, is this something
1787		that is common practice for you to use?
1788		
1789	McDermid:	I've never been in that situation before. So it's not common.
1790		
1791	Bryan:	My question to you is have you ever done this before? Is this a technique that
1792	-	you were taught at the SAC PD?
1793		
1794	McDermid:	No.
1795		

1796 1797	Bryan:	And you just felt the need to throw it out there to keep your balance?
1798 1799	McDermid:	Yes.
1800 1801	Bryan:	And at this point are you aware that is placed in an awkward position?
1802 1803	McDermid:	Yes.
1804 1805 1806	Bryan:	Are you based on the video or based on when you had him in person at the time?
1807 1808	McDermid:	The time. Yes. At the time.
1809 1810	Bryan:	At the time you were aware of it?
1811 1812	McDermid:	Yes.
1813 1814 1815 1816	Bryan:	Having watched this video and based on him being on his toes and his face against the wall, do you think this could have caused any injuries to his face or his
1810 1817 1818	McDermid:	Yes.
1819 1820	Bryan:	legs or his
1821 1822	McDermid:	Yes it could have.
1823 1824	Bryan:	Do you feel at this point you were restricting from breathing?
1825 1826	McDermid:	No.
1827 1828	Bryan:	Was he saying anything to you?
1829 1830	McDermid:	No.
1831 1832	Bryan:	So what gives you the impression that he was able to breathe?
1833 1834	McDermid:	There was no expression on his face that he was having a hard time breathing.
1835 1836	Bryan:	But he wasn't talking to you.
1837 1838	McDermid:	I don't remember if he was or not.
1839	Bryan:	Do you feel at this point you're in compliance with the use of force policy?

1840		
1841	McDermid:	No.
1842		
1843	Bryan:	And why not?
1844	2	
1845	McDermid:	Because we weren't trained to do that.
1846		
1847	Bryan:	Okay. Do you feel you were in violation of the use of force policy?
1848		
1849	McDermid:	I don't know. We have never been trained how to search somebody who's
1850		being resistive. So when you asked me if we were trained that, we weren't.
1851		And so
1852		
1853	Bryan:	But you indicated earlier that a resistive subject or uncooperative subject who's
1854		handcuffed and we went through the techniques, right, the rear wristlock, the
1855		different types. And we can have you reread those different types of locks
1856		and/or you can call for you backup.
1857		
1858	McDermid:	Okay.
1859	5	
1860	Bryan:	So let me ask you again. At this point do you feel you were in compliance with
1861		what you were taught?
1862		
1863	McDermid:	No.
1864	D	
1865	Bryan:	Do you feel you were in compliance with the use of force policy?
1866	MaDamaida	Na
1867 1868	McDermid:	No.
1869	Bryan:	After seeing the video, do you feel you could have transitioned into another
1809	Diyall.	department approved technique?
1870		department approved teeninque:
1871	McDermid:	Yes.
1872	Webennid.	1 03.
1873	Bryan:	Such as what?
1875	Di yull.	Such as what.
1876	McDermid:	A rear wristlock. Calling for another unit.
1877	Web ennina.	The whole with the second seco
1878	Bryan:	And I think you had mentioned this earlier. Do you feel at this point a
1879	219	supervisor should have been notified?
1880		
1881	McDermid:	Yes.
1882		
1883	Bryan:	Why?
	-	•

1884		
1885	McDermid:	Because its elevated to use of force.
1886		
1887	Bryan:	Do you recall if at this point is indicating he's in pain or do you
1888	5	remember seeing any visible injuries?
1889		
1890	McDermid:	No.
1891		
1892	Bryan:	Which one?
1893	5	
1894	McDermid:	Не
1895		
1896	Bryan:	You didn't see any visible injuries?
1897	5	
1898	McDermid:	I did not see any visible injuries and he did not say that he was injured.
1899		
1900	Bryan:	Okay. And I'm going to show you - we'll roll the video but I'll - at 1110 hours
1901	5	you're seen pulling him back with what appears to be your left hand around his
1902		neck. Can you describe for me please when the video rolls where your right
1903		hand is located?
1904		
1905	McDermid:	I don't know where my right hand is located.
1906		
1907	Bryan:	So at this point you appear to be pulling him back. At this point did you
1908	2	provide instructions to him? So for the record, we're showing him the video
1909		marked at 1109:49. You're kicking his feet apart. Did you tell him to actually
1910		spread his feet?
1911		
1912	McDermid:	I did. I said, "Spread your feet" and I started to tap his foot with my foot.
1913		
1914	Bryan:	But in the same time his face is still pressed against the wall.
1915		
1916	McDermid:	Correct.
1917		
1918	Bryan:	Have you ever tried to spread your feet when your face is against a wall and
1919		you're in that position, handcuffed?
1920		
1921	McDermid:	No.
1922		
1923	Bryan:	Would you agree that's completely unorthodox and would throw him off
1924		balance as well?
1925		
1926	McDermid:	Yes.
1927		

1928 1929	Bryan:	Okay. So you chose to actually kick his feet apart based on what?
1930 1931 1932	McDermid:	I don't remember. He was - I must have been getting impatient with him and kicked his foot unnecessarily.
1932 1933 1934	Bryan:	Are you continuing to give him orders at this point?
1935 1936	McDermid:	Yes.
1937 1938 1939	Bryan:	You indicated that you were agitated. Do you remember at this point or were you angry?
1940 1941 1942 1943 1944	McDermid:	I wasn't angry. I might have been a little agitated. I was - I had raised the level of my voice to get his attention to show him that he was in a serious situation and he needed to comply. So I raised the level of my voice to try and get his attention that way.
1945 1946 1947	Bryan:	You said you weren't angry. You were just agitated. And you did elevate your voice?
1948 1949	McDermid:	Yes.
1950 1951	Bryan:	Is that a common practice?
1952 1953	McDermid:	Yes.
1954 1955	Bryan:	And what is the purpose of that?
1956 1957 1958	McDermid:	It's the whole use of force paradigm like using your voice to control a situation and different levels of your voice to help with the situation.
1959 1960 1961	Bryan:	Okay. So at this point when you kicked his feet apart, he appears to move them back a little bit. Is he resisting or uncooperative at this point?
1962 1963 1964 1965	McDermid:	No. He's just pressed against the wall still. I don't know. I just basically giving him instructions and not giving him a chance to comply with at this point.
1966 1967	Bryan:	And what instructions if you recall?
1968 1969	McDermid:	That he just needed to cooperate and I'm going to search him for weapons.
1970 1971	Bryan:	But is he not allowing you to search him for weapons?

1972 1973 1974	McDermid:	He - no. He was just being uncooperative with the way his head was looking at me.
1974 1975 1976 1977 1978	Bryan:	Well, okay. So you said he's uncooperative the way he was looking at you. But his faced is pressed against the wall and you have complete control over his neck and head.
1979 1980 1981	McDermid:	But at this - no, I'm sorry. That was earlier. At this point he's being cooperative because I had him against the wall.
1982 1983 1984 1985	Bryan:	Okay. Again, you had indicated that you were providing instructions that you're going to search him and so forth. And at this point I asked you is he cooperative or resisting in any capacity.
1985 1986 1987	McDermid:	Yes, he's being cooperative
1988 1989	Bryan:	Okay.
1990 1990 1991	McDermid:	at this point.
1992 1993	Bryan:	Is saying anything to you at this point?
1994 1995	McDermid:	I don't remember.
1996 1997	Bryan:	Were you cursing at all at him?
1998 1999	McDermid:	I don't remember.
2000 2001	Bryan:	You don't remember using any profanities?
2002 2003	McDermid:	I don't believe I did but I don't remember if anything slipped out.
2004 2005 2006 2007	Bryan:	And at this point we'll mark it at 11:10:05 pm. And we're about three minutes and 20 seconds into the video. So your left hand appears still to be on the back of his base of his neck. You don't know where your right hand is?
2008 2009	McDermid:	No.
2009 2010 2011 2012	Bryan:	Can you describe for me please how you pulled him back? So now we're away from the wall. And we're at minute 3:21.
2012 2013 2014 2015	McDermid:	I don't remember how I pulled him back. Looking at the video, I either have my hand on his throat or on his chest. It's somewhere around here. But I can't remember where.

2016		
2017	Bryan:	So you're right hand's either on his throat or his chest?
2018	5	
2019	McDermid:	Correct.
2019	MeDennia.	
2020	Bryan:	And your left hand's on the base of his neck?
2021	Diyan.	And your left hand's on the base of his neek?
	MaDamaid	Correct
2023	McDermid:	Correct.
2024	D	
2025	Bryan:	Did you ask him to step back or did you pull him back?
2026		
2027	McDermid:	I think I pulled him back but I don't remember.
2028		
2029	Bryan:	Why'd you have to pull him back?
2030		
2031	McDermid:	Because his head was against the wall and he was off balance.
2032		
2033	Bryan:	And you're seen pointed at the wall and giving him instructions again. Can you
2034	21)	describe for me please what you're asking him to do?
2035		deserve for the preuse what you to asking thin to do.
2035	McDermid:	To continue looking at the wall.
2030	McDennia.	To continue looking at the wall.
2037	Durion	Olvery And at this point in the rides are you siving him any instructions
	Bryan:	Okay. And at this point in the video are you giving him any instructions.
2039	MaDamaid	Instale of I'm accuration time
2040	McDermid:	Just that I'm searching him.
2041	D	
2042	Bryan:	That you're going to search him?
2043		
2044	McDermid:	Yes.
2045		
2046	Bryan:	And is he cooperative?
2047		
2048	McDermid:	Right now he is.
2049		
2050	Bryan:	Is he resisting?
2051	5	
2052	McDermid:	No.
2052	meDennia.	
2055	Bryan:	And you continue to give him instructions?
2054	Diyan.	And you continue to give min instructions:
	McDermid:	Vec
2056	McDermia:	Yes.
2057	D	
2058	Bryan:	So at this point we'll mark the video because it appears to have sped up.
2059		

2060 2061	McDermid:	Just different frame rates.
2062 2063 2064	Bryan:	The frame rate. So at 1110:28 which is 3:42 seconds into the video there appears to be some frame rate change or acceleration.
2065 2066 2067 2068 2069	McDermid:	And if I can note, I think it's at this point where he does this shoulder shirk. It's hard to tell and it looks like he's off balance. And I'm reaching around. That's when he kind of shoves his shoulder forward to kind of appear to move my hand away from searching his body.
2009 2070 2071	Bryan:	Is that what you're referring to?
2072 2073	McDermid:	Yes. And I told him not to and he denied he did it.
2074 2075	Bryan:	Moving his shoulder?
2076 2077	McDermid:	Shirking I think is used in my report. Like shoulder shove.
2078 2079 2080	Bryan:	Okay. So you're referring to him moving his shoulders. Can you describe for me please where your body placement is?
2081 2082	McDermid:	It's on the right side of him. My left leg is behind between his legs.
2083 2084 2085	Bryan:	Is that a technique that you used where you actually expose your face to the right of people that are being searched?
2086 2087	McDermid:	No.
2088 2089 2090	Bryan:	What are you taught in the academy to do. Specifically, how to search a handcuffed subject?
2091 2092	McDermid:	To stay to the side of him.
2093 2094	Bryan:	And why is that?
2095 2096	McDermid:	For officer safety.
2097 2098	Bryan:	So would you agree that you placed yourself in this position of vulnerability?
2099 2100	McDermid:	Yes.
2101 2102 2103	Bryan:	So by him moving his shoulders, you indicated that he was uncooperative or resisting?

2104 2105	McDermid:	He was resisting.
2106 2107 2108	Bryan:	Prior to that did you give him any instructions like not to move your body, don't move, don't move your shoulder specifically?
2109 2110	McDermid:	No.
2111 2112	Bryan:	So how could someone be resisting if you didn't give him instructions?
2113 2114	McDermid:	I don't know.
2115 2116	Bryan:	So this point here can you describe for me what you're doing?
2117 2118	McDermid:	I'm searching his legs.
2119 2120	Bryan:	And can you describe for me how you're searching his legs?
2121 2122	McDermid:	Two hands on his legs going down.
2123 2124	Bryan:	And where's your head placement?
2125 2126	McDermid:	Down to the right of his body.
2127 2128	Bryan:	And is that a technique that you're taught by SAC PD?
2129 2130	McDermid:	No.
2131 2132 2133	Bryan:	And at this point are you agitated or angry? Are you aware of your surroundings like what's going on?
2134 2135	McDermid:	Yes.
2136 2137	Bryan:	And why would you put yourself in that situation?
2138 2139	McDermid:	I don't know.
2140 2141	Bryan:	Did you have to physically pick his leg up and move it out?
2142 2143	McDermid:	Yes. I asked him to move it and he didn't. So I physically moved it out.
2144 2145 2146 2147	Bryan:	Okay. And if you could please for me describe, so you're to the right of him. What's the reasoning for having someone spread their feet or legs when you're doing a search?

2148 2149	McDermid:	Puts them off balance and makes it hard for them to move.
2150 2151 2152	Bryan:	And where's your body positioned normally when you're searching someone when you have them spread their feet? I mean I'm not a tall guy. I'm 5-9.
2153 2154 2155	McDermid:	Behind them. If I'm searching the right side of him, my left leg would be between his legs.
2156 2157 2158	Bryan:	Okay. So you're a taller guy. So what's the purpose of actually having him spread his feet when you're searching him?
2159 2160	McDermid:	To make him off balance.
2161 2162	Bryan:	Okay.
2163 2164	McDermid:	And then it's also easier to do the crotch sweep if his legs are spread apart.
2165 2166 2167	Bryan:	Okay. Can you describe for me the technique that were used in terms of where your hand placement was specifically?
2168 2169 2170	McDermid:	I used two hands to feel down the pant - his pant leg. And I think I might have used my right or my left hand to do a crotch sweep.
2171 2172	Bryan:	So you did two hands. Is that a technique that was taught here at SAC PD?
2173 2174	McDermid:	No.
2175 2176	Bryan:	And what's the technique?
2177 2178	McDermid:	Use one hand while one hand maintains control of his hands.
2179 2180	Bryan:	And why is that?
2181 2182	McDermid:	For officer safety?
2183 2184 2185	Bryan:	With your right hand are you supposed to be grabbing the cuffs while doing the search?
2186 2187	McDermid:	Yes.
2188 2189	Bryan:	And then you transition to the left hand?
2190 2191	McDermid:	Correct.

2192 2193 2194 2105	Bryan:	Okay. And can you describe for me if you are an FTO and I'm your trainee, how would you describe for me verbally on how to properly train somebody or search somebody, I'm sorry, if he's in handcuffs?
2195 2196 2197	McDermid:	Are you talking about if I was an FTO to explain to you?
2198 2199	Bryan:	Yes.
2200 2201	McDermid:	To search somebody like you were trained in the academy.
2202 2203	Bryan:	Tell me how.
2204 2205 2206 2207 2208 2209 2210 2211 2212 2213	McDermid:	So start with the front waistband. Search the front waistband, front right pocket, up chest, around the chest, down back belt, back waist pocket, up the backside, down the arm and then down the inside of the arm. And switch sides. Do the left side. Same procedure of waistband, left pocket, up the chest, down the chest, around the back waistband, back pocket, up the back, around the arm and down and then from there go to a leg - lower leg search. Left hand down the leg, feel the shoe, up the leg, crotch sweep, transition back to the right side, down the right pant leg with the right hand and then up the right pant leg with the right hand while continuing to hold onto the
2213 2214 2215	Bryan:	Perfect. How come you didn't use it here?
2216 2217	McDermid:	I don't know. I wasn't using good techniques.
2218 2219 2220	Bryan:	But you had indicated you were earlier agitated. Were you agitated at this point?
2221 2222	McDermid:	I believe I was agitated.
2223 2224	Bryan:	Why?
2225 2226 2227 2228	McDermid:	He wasn't following instructions. I had to force him against the wall and, like I say, I didn't like doing that. And so it just was, you know, something I don't like to do, so I'm agitated.
2229 2230 2231	Bryan:	You indicated you had to force him into the wall. In hindsight, did you have to force him into the wall?
2232 2233	McDermid:	Not at all.
2234 2235	Bryan:	If you had done it again would you force him into the wall?

2236 2237	McDermid:	Absolutely not.
2237 2238 2239 2240	Bryan:	So at this point he's forced into the wall a second time. Can you describe for me please what happened? What prompted you? What did he say to you?
2240 2241 2242 2243 2244 2245	McDermid:	He accused me of grabbing his balls or whatever when I did the crotch sweep. And I said, "I have to make sure you don't have a weapon there." I said, "I apologize. I'm sorry." I think he became agitated and was verbally resistive or confrontational with me having to do a crotch sweep.
2243 2246 2247 2248	Bryan:	Did you explain to him earlier hey, I'm going to search you for weapons or did you catch him by surprise?
2249 2250 2251 2252	McDermid:	I don't think I caught him by surprise. I had told him I was doing a search and I was searching for weapons. It looks like definitely in the video I caught him by surprise. I don't think he was expecting that to happen.
2252 2253 2254 2255	Bryan:	So he told you he didn't like that. Maybe I'm confused. What prompted you to push him back into the wall again?
2256 2257 2258 2259 2260	McDermid:	Again, I think this might be where the video sped up. It seems like it goes a lot faster than it was at the time. I was trying to explain to him like I needed to do my job to search him for weapons. And he was still verbally resistive. And that's why I pushed him into the wall again.
2260 2261 2262	Bryan:	So let me ask you this.
2262 2263 2264	McDermid:	Again, it wasn't necessary.
2265 2266	Bryan:	What level of force is authorized on a verbally resistance individual?
2267 2268	McDermid:	Not physical force on a verbal resistive person.
2269 2270 2271 2272 2273 2274	Bryan:	And as a police officer, unfortunately it's part of our job, right. Understand people use profanities at us every day and we can't physically take that as someone being resistive or uncooperative. If someone's verbally resisting. I've never heard of the term before. So, you said he was verbally resisting and that's why you forced him back into the wall?
2275 2276	McDermid:	Correct. I guess verbal resistance wasn't a good term to use.
2270 2277 2278	Bryan:	What term would you use?
2278	McDermid:	Uncooperative.

2280		
2280 2281	Bryan:	So go ahead and play the video. So at this point you're giving him instructions?
	Diyall.	so go anead and play the video. So at this point you re giving him instructions?
2282		X
2283	McDermid:	Yes.
2284	5	
2285	Bryan:	And again, what were you saying to him?
2286		
2287	McDermid:	At this point I'm not giving him instructions when I pushed his head into the
2288		wall a second time. I had given him instructions that I was searching for
2289		weapons when I did the crotch sweep and that's what caused him to kind of
2290		kick his leg out. And now I'm telling him - so again, I think it was fast. And I
2291		don't know at what point I was warning him that if he's going to continue to be
2292		resistive, I'm going to continue the search on the ground.
2293		
2294	Bryan:	Verbal resistive.
2295	21)	
2296	McDermid:	Yes.
2297	MeDennia.	
2298	Bryan:	So if he continued to be resistive and you indicated he was verbally resistive,
2298	Diyall.	you're going to do what to him?
		you re going to do what to min:
2300	MaDamaida	Continue the second on the second
2301	McDermid:	Continue the search on the ground.
2302	D	
2303	Bryan:	Okay. So at this point in the video it's 1110:43 for three minutes at 53 seconds
2304		in the video. So have you made your mind up at this point you're going to take
2305		him down?
2306		
2307	McDermid:	I think yes. At this point in the video I had made my mind to take him down.
2308		
2309	Bryan:	So can you tell me exactly where your hand placement is?
2310		
2311	McDermid:	My left hand is on his left elbow. And my right hand I believe is on his right
2312		arm.
2313		
2314	Bryan:	And can you please tell me exactly what you're doing?
2315		
2316	McDermid:	I'm positioning my body behind him and using my momentum to pull him
2317		towards me in order to take him to the ground.
2318		
2319	Bryan:	Okay. Would you say this is lowering him to the ground as indicated in your
2320	<i></i>	report or actually tripping or throwing?
2320		report of actually applied of anowing.
2321	McDermid:	It's more like trip.
2322	with Definitu.	it's more like uip.
2323		
2324 2325	Bryan:	You indicated in your report that you actually lowered him to the ground, if I'm not mistaken.
------------------------------------------------------	-----------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------
2326 2327 2328	McDermid:	No, that's correct in the report.
2329 2330	Bryan:	And why did you put lowered to the ground?
2330 2331 2332	McDermid:	It sounded better.
2332 2333 2334	Bryan:	Did you intentionally avoid saying you threw him to the ground?
2335 2336	McDermid:	Yes.
2337 2338	Bryan:	Why?
2339 2340 2341 2342 2343 2344 2345	McDermid:	When I was in training saying that you threw someone to the ground was notI was told it doesn't sound good. So to use a different term. And I think we used - and I cant remember at the time when I wrote the report it was a takedown I think is what we used before when I wrote a report and we took somebody down to the ground. We used a takedown and took them to the ground.
2346 2347	Bryan:	So why didn't you say takedown?
2348 2349 2350	McDermid:	At the time when I was writing the report I couldn't remember what that term was. I didn't remember.
2350 2351 2352	Bryan:	So you intentionally avoided putting in that you took him down?
2353 2354	McDermid:	Yes.
2355 2356	Bryan:	Why?
2357 2358	McDermid:	Because it sounds better.
2359 2360	Bryan:	Okay. When you walk through the video, does the video look bad?
2361 2362	McDermid:	Yes.
2362 2363 2364	Bryan:	Is the report inaccurate?
2364 2365 2366 2367	McDermid:	It's not as accurate. You're right. It's inaccurate. It's not as accurate as it should be.

2368 2369 2370	Bryan:	If given an opportunity again to rewrite the report, what would you say or describe that in your report?
2370 2371 2372 2373	McDermid:	I conducted a takedown of while he was handcuffed. I placed my leg behind his and pulled him backwards and then took him down to the ground.
2374 2375 2376	Bryan:	Okay. Is taking someone down or throwing someone in handcuffs a technique that's taught at SAC PD?
2377 2377 2378	McDermid:	No.
2379 2380	Bryan:	Or in field training?
2381 2382	McDermid:	No.
2383 2384	Bryan:	Can you tell me where you learned the maneuver?
2385 2386	McDermid:	I don't know.
2387 2388	Bryan:	Have you ever used it before?
2389 2390	McDermid:	I can't remember if I ever used it before.
2391 2392 2393	Bryan:	Not necessarily taking someone down or throwing someone but actually taking someone down who's in handcuffs.
2394 2395 2396 2397 2398 2399	McDermid:	No. I can't remember taking somebody down in handcuffs. I've seen it. I was there when it had happened before. The person had been in handcuffs and was still being combative and the officer took him down to the ground but the suspect landed on his face and had a laceration. So that was an obvious use of force.
2400 2401	Bryan:	And you saw that here at SAC PD?
2402 2403	McDermid:	I did.
2404 2405	Bryan:	And who was that with?
2406 2407 2408 2409 2410	McDermid:	It was two or three months ago on graveyard shift. I don't remember the name of the officer. I think he was a Sector 6 officer and had on-viewed a 415 that had turned out to be a pistol whipping at the old Sac garage after the caller had gotten out.
2411	Bryan:	And who was the officer?

2412		
2413	McDermid:	I think his name was I can't remember the name exactly because he
2414	MeDennia.	was in a different area and he was coming in the jail with somebody on viewed
2415		this. I'm not saying what he did was right. He, you know, we talked about it
2416		afterwards because we're in the same central building and he had to write a use
2417		of force report. He said he had to take this person down to the ground because
2417		this person was trying to attack one of the victims.
2418		this person was trying to attack one of the victims.
	Dana	Ob Sale water a war of former war out?
2420	Bryan:	Oh. So he wrote a use of force report?
2421		TT 1'1 X7
2422	McDermid:	He did. Yes.
2423		
2424	Bryan:	And he notified his supervisor. Okay. How long ago was that?
2425		
2426	McDermid:	It was two or three months ago.
2427		
2428	Bryan:	And would you compare that scenario to this scenario?
2429		
2430	McDermid:	Yes. But his subject was injured and had a laceration with blood. It was an
2431		obvious injury.
2432		
2433	Bryan:	So had you caused injury that would have been different?
2434		
2435	McDermid:	It would have made it more clear that it was use of force.
2436		
2437	Bryan:	As it's not clear to you that it's use of force?
2438		
2439	McDermid:	It's clear now.
2440		
2441	Bryan:	And at this point in the video - we'll play it. So your leg trip him or throw him
2442	5	to the ground. Having watched the video, do you think a supervisor should
2443		have been notified?
2444		
2445	McDermid:	Yes.
2446	intel entitie.	1.00.
2447	Bryan:	And can you explain to me why?
2448	Di juli.	The car you explain to me why.
2449	McDermid:	I guess at the time I was thinking because there was no injury it was not a
2450	WieDennid.	reportable use of force.
2451		reportable use of force.
2452	Druge	What do you think now?
2452	Bryan:	
	McDermid:	That it was.
2454	meDerinia:	That it was.
2455		

2456 2457	Bryan:	So at this point would you agree you threw him to the ground or leg trip him rather than lowered him?
2458		
2459	McDermid:	Yes.
2460		
2461	Bryan:	So after you threw to the ground was he resistive or uncooperative?
2462		
2463	McDermid:	No.
2464		
2465	Bryan:	And at this point since he's down, can you please explain to me what you're
2466	Di juli.	doing?
2467		doing:
	McDermid:	I had him on the anound. I think I as to the other side of him and seensh the
2468	McDermid:	I had him on the ground. I think I go to the other side of him and search the
2469		other side because that's the side I hadn't searched.
2470	D	
2471	Bryan:	You grabbed his leg in some manner or fashion- his right leg. I can back it up if
2472		you want.
2473		
2474	McDermid:	Okay. I don't
2475		
2476	Bryan:	So right there you can see you have his foot. The video is out of sight.
2477		
2478	McDermid:	His foot is on my leg somehow. I think I was trying to pull his foot off of my
2479		leg.
2480		
2481	Bryan:	It was just the way he landed?
2482	5	
2483	McDermid:	Yes.
2484		
2485	Bryan:	Okay. So at this point you're giving instructions to And keep in
2486	Dijuli	mind, I don't believe has been searched at this point. Correct?
2487		hus been searched at this point. Context.
2488	McDermid:	Correct.
	McDennia.	Contect.
2489	Darran	Conversion marrielle a instructional. Con very along tall me what very're doing to
2490	Bryan:	So you're providing instructions. Can you please tell me what you're doing to
2491		him?
2492		
2493	McDermid::	I told him to sit down so that he wouldn't interfere with the rest of my search.
2494		
2495	Bryan:	Now what kind of search are you doing since the subject's on the ground and
2496		I'm assuming he's face down. Correct?
2497		
2498	McDermid:	Correct.
2499		

2500 2501	Bryan:	What kind of search are you conducting? And is the subject handcuffed.
2501 2502 2503	McDermid:	Prone search. It's like a modified prone. I think it's called a prone.
2503 2504 2505	Bryan:	The subject is proned out and handcuffed?
2506 2507	McDermid:	Yes.
2508 2509	Bryan:	prone down and handcuffed?
2510 2511	McDermid:	Yes.
2512 2513	Bryan:	Okay.
2514 2515	McDermid:	Prone search.
2516 2517	Bryan:	What's the technique for searching somebody who's proned down?
2518 2519 2520	McDermid:	Generally they're not handcuffed first. If they're prone down, they make a Y with their arms.
2520 2521 2522	Bryan:	What about a handcuffed subject? because he's obviously handcuffed?
2523 2524 2525 2526	McDermid:	You would start on the right side and roll them up and search their waistband, chest, back of the waistband, back arm and then search their leg. And then at this point you would sit them up and bring them back up to search the left side.
2527 2528	Bryan:	Is that what you did here?
2529 2530	McDermid:	No.
2531 2532	Bryan:	Did you find any weapons at all when you searched him?
2533 2534	McDermid:	No.
2535 2536	Bryan:	Anything that was stolen?
2537 2538	McDermid:	No.
2539 2540	Bryan:	Okay. At this point are you agitated? Were you upset?
2541 2542	McDermid:	I'm sure I was, yes.
2543	Bryan:	Are you kind of in disbelief like what just happened?

McDermid:	Yes.
Bryan:	Which one?
McDermid:	It was a lot to take in. I mean, like I said, I didn't like doing that. And so more
	surprised that it happened.
Bryan:	Okay. But you're not agitated. Just more surprised? Because it, you know, we
-	could play the video. But it appears as though you take a few seconds to kind of
	gather your thoughts.
McDermid:	Yes.
Bryan:	I'm not there.
McDermid:	No. I mean yeah. Like I was agitated during the process and taking him down.
	It was a surprise and when I get up I'm sure I have to take a deep breath and just
	reflect on what happened.
Bryan:	So at this point do you feel your use of force warranted a report. Use of force
5	report or notification?
	1
McDermid:	At the time of the incident?
Bryan:	Right now having watched the video.
5	6 6
McDermid:	Having watched the video, yeah, definitely.
Bryan:	Okay. So while conducting the search on you turn and have a discussion
2	with Then you turn back to and begin speaking with him
	while you're pointing you finger. You'll see this shortly. What do you
	remember what you were saying?
McDermid:	I think had called me a racist at some point when I was - after I had taken
	him to the ground.
	6
Bryan:	It appears you two are having a dialog at this point. He just called you a racist?
5	
McDermid:	did or I can't remember who it was.
Bryan:	But appears you and were talking.
2	
	Bryan:McDermid:Bryan:McDermid:Bryan:McDermid:Bryan:McDermid:Bryan:McDermid:Bryan:McDermid:Bryan:McDermid:Bryan:

2588		
2589	Bryan:	Do you remember what you were saying?
2590		
2591	McDermid:	No. I think I was trying to tell him that I wasn't racist. That I was trying to do
2592		my job but I don't remember exactly what I said.
2593		
2594	Bryan:	Okay. I mean it's clear you two are having a conversation. At this point you're
2595	5	pointing to
2596		F8
2597	McDermid:	Yeah. Right. I was trying to - I think I was trying to explain why I had to
2598		search him because he could have a weapon anywhere. I think was
2599		trying to argue why I was searching him.
2600		aying to argue why I was searching min.
2600	Bryan:	What was the point of you trying to have a conversation with him?
2602	Di yan.	what was the point of you frying to have a conversation with him?
2602	McDermid:	I'm not trying to be a bad guy. I'm trying to explain to them why I have to do
2603	Webernind.	my job. And if I have to talk to him and explain that, hopefully that helps him
2605		understand why I'm doing what I'm doing. I think they had mentioned that
2605		they're just kids. And I'm trying to explain like there are kids that kill people
2607		all the time. I, you know, doesn't, you know, that old to have a gun and shoot
2608		somebody.
2608		somebody.
	Derrom	Is that what your concern, was safety?
2610	Bryan:	Is that what your concern, was safety?
2611 2612	McDermid:	Yes.
	McDellina.	1 cs.
2613	Derrow	And that think of loads was to may next exception. Co you've concerned with
2614	Bryan:	And that kind of leads me to my next question. So you're concerned with
2615		safety. One question obviously teenagers do kill and they kill cops. You know,
2616		an unfortunately it happens more often than not. So you're searching
2617		You place directly behind you. had not been searched
2618		yet although he's been handcuffed. That's a clear officer safety issue, right?
2619		
2620	McDermid:	Correct.
2621	D	
2622	Bryan:	Especially if your concern is safety. If your concerned with him having a
2623		weapon. Why would you place him directly behind you?
2624		
2625	McDermid:	It was a bad decision. I don't know why I did it. I tried to get him out from
2626		where he was because he was in the way before.
2627	_	
2628	Bryan:	Because you're not even paying any attention to at this point in the
2629		video.
2630		
2631	McDermid:	Okay. That's correct.

2632		
2633	Bryan:	What are some alternatives you could have done at this point in terms of officer
2634		safety?
2635		
2636	McDermid:	Definitely should have called for another unit. I could have - instead of coming
2637		and facing him, I should have come around the other side so I could have kept
2638		my eyes on
2639		
2640	Bryan:	Or, you know, alternatively you could have had him stand and face the wall.
2641		Right?
2642		
2643	McDermid:	Right.
2644		
2645	Bryan:	Now he's watching everything you're doing plus you're vulnerable. And then
2646	•	this is when you transition over to the other side of Correct?
2647		
2648	McDermid:	Correct.
2649		
2650	Bryan:	At this point do you know where the witnesses are located like
2651	•	
2652	McDermid:	I don't know.
2653		
2654	Bryan:	Had you had any dialog or conversation with them since this incident took
2655		place?
2656		•
2657	McDermid:	No.
2658		
2659	Bryan:	No. They're not talking to you that you remember?
2660		
2661	McDermid:	Not that I remember.
2662		
2663	Bryan:	Okay. Do you feel like that you had gotten tunnel vision at this point?
2664	-	
2665	McDermid:	I don't know if I had tunnel vision or not. It was - I was hot. I remember
2666		having to take off my jacket.
2667		
2668	Bryan:	Prior to the incident you were aware of your surroundings?
2669	•	
2670	McDermid:	Yes.
2671		
2672	Bryan:	Can you describe for me please what you're doing outside the video? What
	-	were unable to watch here?
2674		
2675	McDermid:	I think I was just continuing the search of and searching his left side.
2673 2674	Bryan: McDermid:	were unable to watch here?

2676		
2677	Bryan:	Did you help him get up?
2678	5	
2679	McDermid:	Yes.
2680		
2681	Bryan:	In what manner?
2682	21)	
2683	McDermid:	The department approved manner where he brings his knees up to his chest and
2684		then I help pull him up to his knees and had him stand up on is one leg and then
2685		the other.
2686		
2687	Bryan:	And so after you had thrown him down? Did you assess him for any injuries?
2688	Di yan.	And so after you had thrown min down. Did you assess min for any injuries.
2689	McDermid:	No.
2690	WieDermid.	
2691	Bryan:	Did you see any visible injuries on his shoulder?
2692	Diyan.	Did you see any visible injuries on his shoulder:
2692	McDermid:	No.
2693	MCDellinu.	INO.
2694	Dation	Arm neal nothing?
2695	Bryan:	Arm, neck, nothing?
	MaDamaid	NL
2697	McDermid:	No.
2698	D	
2699	Bryan:	Okay. Did he have any complaints of pain?
2700		
2701	McDermid:	He said it hurt I think when I threw him to the ground. He said, "That hurt."
2702		Said, "You're a racist. Why are you doing that" I think is what he said.
2703	D	
2704	Bryan:	Did he specify what hurt?
2705		
2706	McDermid:	No.
2707	_	
2708	Bryan:	So when you use force, coupled with complaint of pain or visible injury, for that
2709		matter, what does that mean?
2710		
2711	McDermid:	A use of force report.
2712		
2713	Bryan:	And at that point you weren't aware of that?
2714		
2715	McDermid:	No, I was. When he had said it hurt I guess I was assuming that it wasn't an
2716		injury and not a complaint of pain is what I must have been thinking at the time.
2717		
2718	Bryan:	Okay. Are you familiar with the different types of border, the blue border or
2719		red border?

2720		
2721	McDermid:	Yes.
2722		
2723	Bryan:	And can you for the record describe what both of those mean or what they're
2724	5	intended for?
2725		
2726	McDermid:	Blue border is when there's use of force that needs to be documented and
2727		investigated. Red border is usually when there's damage to the property and
2728		also is investigated.
2729		
2730	Bryan:	So in this case what would be the protocol for someone who has either a visible
2731	Di juli.	injury or complaint of pain coupled with the use of force?
2732		injury of complaint of pain coupled with the use of force.
2733	McDermid:	To notify my supervisor, have fire respond to check for injuries.
2734	Webernind.	To notify my supervisor, have the respond to encek for injuries.
2735	Bryan:	CSI maybe?
2736	Diyun.	est maybe.
2737	McDermid:	And CSI.
2738	WieDennia.	
2739	Bryan:	So at the time you weren't aware of all this but having watched the video you're
2740	Diyun.	aware?
2741		
2742	McDermid:	At the time what I was under the impression was it was an injury not associated
2743	Webernind.	with handcuffing him or temporary pain associated with handcuffing was what
2744		would be a required use of force report.
2745		would be a required use of force report.
2746	Bryan:	But now having watched the video, familiarizing yourself with the general
2747	Diyun.	orders, would you have done anything differently in terms of report writing?
2748		orders, would you have done anything unterentry in terms of report writing.
2749	McDermid:	At this point definitely would have filed a use of force report.
2750	meDennia.	The mis point domintery would have mod a use of force report.
2751	Bryan:	So at this point are the juveniles cooperative?
2752	Dijuli	
2753	McDermid:	Yes.
2754	meDennia.	
2755	Bryan:	After you placed him on the ground. Are they resisting in any manner?
2756	Dijuii	The hey recommendation of the growner the hey recipients in any manner.
2757	McDermid:	No.
2758	meDennia.	
2759	Bryan:	Okay. And you're having a dialog with them?
2760		
2761	McDermid:	Yes.
2762		
2763	Bryan:	Can you please describe for me please what you asked to do?

2764		
2765	McDermid:	Stand up and turn around so I could search him for weapons.
2766		1
2767	Bryan:	Did you find any weapons on
2768	2219411	
2769	McDermid:	No.
2770	MeDennia.	
2771	Bryan:	And are you aware is directly behind you?
2772	Diyan.	And are you aware is directly bennid you?
2773	McDermid:	Yes.
2774	WieDermid.	163.
	Derrow	And what approximately was the distance between you and
2775	Bryan:	And what approximately was the distance between you and
2776	MD 1	
2777	McDermid:	Two to three feet.
2778	D	
2779	Bryan:	And if someone who had you deemed earlier is uncooperative or resisting, is
2780		that a safe position to place yourself in, two to three feet having just thrown him
2781		onto the ground?
2782		
2783	McDermid:	No.
2784		
2785	Bryan:	What if anything could you have done differently?
2786		
2787	McDermid:	Faced towards - facing towards I could have kept my eyes
2788		on while I searched
2789		
2790	Bryan:	Did you still deem to be uncooperative or resistant or a threat at all at this
2791	-	point?
2792		
2793	McDermid:	I don't. I mean I don't know how much of a threat I deemed him to be. But it
2794		definitely was not a safe place for him to be or for me to be no matter what level
2795		of threat he was.
2796		
2797	Brown:	So we can speed the video up because I don't know if you want me to
2798	210.111	
2799	Bryan:	So later in the video you're seen at 2331 hours - you're seen removing the
2800	Difuii	handcuffs of And what was the purpose of that?
2801		funded is of find that this the pulpose of that.
2802	McDermid:	So that he could sign the paperwork from the loss prevention officer.
2802	WEDermid.	so that he could sign the paper work from the loss prevention officer.
2803	Bryan.	Is it common practice or is it a technique that you use to actually remove
2804	Bryan:	handcuffs of an individual which you deemed resistive or uncooperative. Both
		· · ·
2806		handcuffs to sign documentation?
2807		

2808 2809 2810 2811 2812 2813	McDermid:	No. I think I initially put the handcuffs on him so I could search him. And then in case I found a weapon or something, contraband, that he would have been in control of the situation. After I completed searching him and he does have any weapons on him, I felt confident to remove his handcuffs so he could sign the paperwork.
2813 2814 2815 2816 2817 2818	Bryan:	Okay. In fact when you removed his handcuffs and they remained off of him for a while to the point where you actually placed them on a bench. He was not cuffed for several minutes, actually for two minutes. And then you re-cuffed him. Were you aware of that?
2818 2819 2820	McDermid:	Yes.
2821 2822 2823	Bryan:	And you felt at this point he was not a threat, not a flight risk considering earlier you had deemed him uncooperative and resisting.
2824 2825 2826	McDermid:	I don't know why I didn't put his handcuffs back on him. I should have. After I had him sign the paperwork, I should have cuffed him again.
2820 2827 2828	Bryan:	And we can watch the video if you want.
2828 2829 2830	McDermid:	I understand.
2831 2832 2833	Bryan:	Was it because you felt earlier that you said you didn't want to do that? Did you feel bad for having thrown him?
2834 2835	McDermid:	Yes.
2836 2837 2838	Bryan:	And by allowing him to sit there without his handcuffs on, is that your way of feeling remorse?
2839 2840	McDermid:	Yes.
2841 2842 2843 2844	Bryan:	After obtaining their information did you make any attempt to notify their parent or guardian? Because at this point you're getting information from the witness. Correct?
2845 2846 2847 2848 2849 2850	McDermid:	Correct. And I don't remember if she had given me the parent information. It was - I don't know. Honestly, I don't remember the conversation I had with the two they seemed like they did not know the phone numbers or any way to contact their guardians. And I don't remember what she gave me as far as their guardian information or not.

2851 2852 2853	Bryan:	Okay. That's fine. At 2340 hours you're seen exiting the detention area and carrying their two backpacks. Did you give them instructions on what to do in terms of transporting to juvenile hall?
2854		
2855	McDermid:	Yes.
2856	P	
2857	Bryan:	I want you to walk in front of me.
2858		
2859	McDermid:	Yes.
2860	_	
2861	Bryan:	Did you give them specific instructions?
2862		
2863	McDermid:	Yes. I said we have to go to juvenile hall if I can't find out who your parents
2864		are to release you. I asked them that a couple times because I didn't want to
2865		have to take them to juvenile hall. And then when they didn't give me the
2866		information I needed to contact their parents, I said, "Okay. We'll have to go to
2867		juvenile hall and go out to my patrol car."
2868		
2869	Bryan:	Okay. Did you ask for the assistance from any officers?
2870	5	
2871	McDermid:	No.
2872		
2873	Bryan:	At that point were the juveniles cooperative and they were not resisting?
2874	21)	
2875	McDermid:	Correct.
2876	THE CHING	
2877	Bryan:	Did you ask for the assistance for LPOs?
2878	Diyun.	Did you ask for the assistance for Er os.
2879	McDermid:	No.
2880	Webernind.	
2881	Bryan:	Loss prevention officers?
2882	Diyan.	Loss prevention officers.
2883	McDermid:	No.
2883	WieDennia.	
2885	Bryan:	Okay. Because I noticed that in the video they actually walked out with you.
2885	Diyall.	Okay. Decause I noticed that in the video they actually walked out with you.
2880	McDermid:	Yes.
	McDennia.	1 es.
2888	Durran	What was the manager for that?
2889	Bryan:	What was the reason for that?
2890	M.D. 1	
2891	McDermid:	Just so they could guide me out of the store. I think the store was locked up at
2892		that point.
2893		

2894 2895 2896	Bryan:	And what was their demeanor, both and and when they were being escorted out of Macy's?
2897 2898	McDermid:	Quiet.
2899 2900	Bryan:	Did you notice limping at all?
2901 2902	McDermid:	No.
2903 2904	Bryan:	Did you tell or that they needed to walk faster?
2905 2906 2907 2908 2909 2910 2911	McDermid:	I told Initially he was walking slow and I said, "We need to go along faster." The prevention officers and I was were getting ahead of us and was walking slow. And I asked him to walk faster. And he said, "That's just the way I walk" indicating to me that he wasn't injured. That he was just saying he walks slow. He didn't give me any reason why he walked slow but he said, "That's the way I walk."
2912 2913	Bryan:	Did you feel at that point was uncooperative or resisting?
2914 2915	McDermid:	Yes.
2916 2917	Bryan:	Which one?
2918 2919 2920 2921	McDermid:	Once I started pushing on his back to try and get him to walk faster, he started pushing back. And that point it felt like he was resisting my command to make him walk fast to keep up with the rest of the group.
2922 2923 2924 2925	Bryan:	Okay. So he went from being un-cuffed to cuffed walking out. What's the distance between the detention center to where your vehicle was parked approximately?
2926 2927 2928 2929	McDermid:	Approximately 200 yards, 150. I don't know, 100 because we had to go upstairs and then through the department store. So going up the stairs and through the department store was maybe 100 to 150 yards.
2930 2931	Bryan:	So at what point did he become, in your terms, resistive or uncooperative?
2932 2933 2934	McDermid:	As we're walking through the department store, about halfway through the store.
2935 2936 2937	Bryan:	Okay. And when you told him to speed up, what if anything did you have to do?

2938 2939	McDermid:	What do you mean?
2940 2941	Bryan:	In terms of pain compliance, controls.
2942 2943 2944	McDermid:	So I tried to push on his back to get him to go faster and he resisted and pushed back. Continued to go slow. So I administered a rear wristlock.
2945 2946 2947 2948	Bryan:	Okay. So the body-worn camera, and we could play it if you would like, it shows you it was activated while you were existing the store. Why at that point did you choose to activate it?
2948 2949 2950 2951	McDermid:	I realized it hadn't activated earlier and then he starts to resist my movements and I realized I had to use the rear wristlock, I activated my body camera.
2951 2952 2953	Bryan:	So and as an instructor you know this. So it rolls back towards the 30 seconds.
2954 2955	McDermid:	Yes.
2956 2957 2958	Bryan:	Is there a dialog prior to leaving the detention center and you said it was a couple hundred yards, prior to your camera being activated?
2950 2959 2960 2961 2962	McDermid:	There was. So I activated my camera towards the middle point of the store. And before that when he was walking slow I had not activated my camera but I told him in the first half to walk faster. And he said, "This is the way I walk."
2962 2963 2964	Bryan:	Okay.
2965 2966	McDermid:	In that first half.
2967 2968	Bryan:	Did that irritate you at all?
2969 2970	McDermid:	Yeah. A little bit.
2971 2972	Bryan:	He just wasn't keeping pace with everybody?
2973 2974	McDermid:	Yes.
2975 2976 2977 2978	Bryan:	Because the video, again, we could play it. There is really not distance between. He's like right on So did you expect him to walk faster or the same pace? And why were you irritated?
2979 2980 2981	McDermid:	Maybe it was the first half of the video where he's not - and there was a lot more distance. I think we caught up at that point.

2982	Bryan:	So prior to this you said he was just he walking by himself?
2983 2984 2985	McDermid:	What do you mean? I was behind him.
2985 2986 2987	Bryan:	So you didn't have a control on him at this point?
2988 2989 2990	McDermid:	No. He was walking by himself. But there's a gap that started to form between us and the loss prevention officers in the front.
2991 2992	Bryan:	Okay.
2993 2994	McDermid:	So
2995 2996	Bryan:	And that's why you felt you had to use a control to speed him up?
2997 2998	McDermid:	Yes.
2999 3000	Bryan:	And during the transport to juvenile hall were they cooperative?
3001 3002	McDermid:	They were quiet.
3003 3004	Bryan:	They were both quiet?
3005 3006	McDermid:	Yes.
3007 3008	Bryan:	Okay. And while at juvenile hall, did you observe any injuries to
3009 3010	McDermid:	No.
3011 3012 3013 3014	Bryan:	And I watched your booking video. It's been a few years since I've been in juvenile. So the nursing station is separate from the intake. It's a separate small building or little room. Was free to walk about intake?
3015 3016 3017 3018	McDermid:	I asked the nurse if I could leave him in there and because I was trying to complete the paperwork and she said yeah, it was fine. And then when he was done, I think he came out and we switched.
3019 3020	Bryan:	And they weren't resisting, uncooperative?
3021 3022	McDermid:	No.
3023 3024	Bryan:	And you advised him of the Miranda?
3025	McDermid:	Yes.

3026		
3027	Bryan:	One thing I forgot to mention. So during the detention center and while in the
3028		detention room in Macy's, there was a phone that you grabbed. His cell phone.
3029		I think it was cell phone. Did he give you permission to pick the
3030		phone up?
3031		
3032	McDermid:	I don't remember if he did or not.
3033		
3034	Bryan:	Did you look at any of the messages?
3035		
3036	McDermid:	No. I think he said that he used Instagram or someone in social media to get a
3037		hold of his guardian or his cousin. Because I was trying to figure out how to get
3038		a hold of his guardian. And I picked up his phone and when he said it was a
3039		social media thing, I was like I'm not going to - I don't think I was going to try
3040		and do his social media to contact his relative.
3041		
3042	Bryan:	Okay. So you didn't go through his phone at all?
3043		
3044	McDermid:	No.
3045		
3046	Bryan:	Okay. So we're almost done here. So, after watching the video or actually
3047		what would you say to someone who believes after watching the video would
3048		indicate that was an unnecessary use of force?
3049		
3050	McDermid:	What would I say to them?
3051		
3052	Bryan:	Yes.
3053		
3054	McDermid:	If it was unnecessary? I'd say right. I mean it's - things escalate quickly. And
3055		I think learning how to de-escalate is a lot harder than it sounds. Because once
3056		stuff starts escalating, it goes quick. I think a de-escalation idea is a great idea.
3057		I think it takes training and practice to be able to do it and to do it well. You get
3058		in that mindset and you have that focus and I was trying to think about how
3059		we're using the use of force and de-escalation tactics and how there's a fight or
3060		flight technique or instinct, you know, and I think you should be more of like a
3061		fight or flight or de-escalate in trying to overcome your instincts of going
3062		forward and attacking, you know, and just trying to be able to come back and
3063		reevaluate I think is something that takes effort and practice.
3064		
3065	Bryan:	And that was my next question. Have you attended CIT?
3066		
3067	McDermid:	Yes.
3068		
3069	Bryan:	And they teach you how to de-escalate?

3070		
3071	McDermid:	Yes.
3072		
3073	Bryan:	Did you use any de-escalation techniques?
3074	5	
3075	McDermid:	It didn't - no. I should have definitely slowed down a lot more than I did.
3076		Establish more rapport. I think I jumped right into trying to solve the problem
3077		of getting the guys searched and ID'd so I could move onto the next call. And I
3078		think how busy we always are I need to start try and slow down sometimes and
3079		handle things differently.
3080		
3081	Bryan:	After watching the video, reading the report what if anything would you have
3082		done differently?
3083		
3084	McDermid:	Filed a use of force report. Notify my sergeant. Filed a more accurate report. I
3085		mean the whole thing could have been avoided very easily if I had done things a
3086		lot differently. Even just a little bit differently.
3087	Durana	Would way not have the same the laid into the surell?
3088 3089	Bryan:	Would you not have thrown the kid into the wall?
3089	McDermid:	Right. I wouldn't.
3091	WeDennid.	Right. 1 wouldn t.
3092	Bryan:	Would that be one of the things?
3093	Dijuli	
3094	McDermid:	Definitely.
3095		
3096	Bryan:	What about the report? Would you change how report reflects the chain of
3097	-	events?
3098		
3099	McDermid:	Yes.
3100		
3101	Bryan:	And how so?
3102		
3103	McDermid:	It could be more detailed on exactly how the force was applied and in what way
3104		and not try and sugarcoat it I guess so much.
3105	Durana	After watching the wides and reviewing your report do you feel your estimate
3106 3107	Bryan:	After watching the video and reviewing your report, do you feel your actions brought discredit upon the organization?
3107		brought discredit upon the organization?
3109	McDermid:	Yes.
3110	mel enniù.	
3111	Bryan:	And how so?
3112	5	

 3113 3114 3115 3116 3117 3118 3119 3120 	McDermid:	I think about the two kids. I was trying to establish rapport with them later on as the night went on and I don't think, you know, if they have another interaction with police officers, I don't think it's going to be easy for them to get along or have any - a positive interaction with the officers because I think I put a bad interaction in their minds and the loss prevention officer was obviously not happy with the way I handled it. And so the whole Macy's Department Store is - has a bad impression from my actions.
3120 3121 3122 3123 3124 3125	Bryan:	Garett, I don't know if you're familiar with pitches and what would you say if someone looks at this report and deems you as being intentionally dishonest because you said you intentionally left this out because it sounded bad? What would you say that you intentionally lied?
3126 3127	McDermid:	I don't think - they're right.
3128 3129	Bryan:	Did you intentionally lie?
3130 3131	McDermid:	I intentionally tried to use different terms that didn't sound so bad.
3132 3133	Bryan:	Yes or no?
3134 3135	McDermid:	I did not intentionally lie.
3136 3137	Bryan:	Did you violate the use of force policy?
3138 3139	McDermid:	Yes.
3140 3141 3142	Bryan:	After watching the video do you feel your tactics deviated from what is taught at the SAC Police Department?
3143 3144	McDermid:	Yes.
3145 3146 3147	Bryan:	Would you have done things differently knowing this tape would have surfaced or knowing you were being videotaped?
3148 3149	McDermid:	What would I have done differently?
3150 3151	Bryan:	Would you have acted differently?
3152 3153 3154 3155	McDermid:	Yes. No. I mean just thinking about - I always assume I'm being recorded wherever I am on patrol. So no, I mean - I don't know. If I had known I was being recorded, I may actually just acted differently whether or not I knew I was being recorded or not. I mean it's easy to look back at it and say that was

3156		messed up. And at the time it was a short-sided narrow-minded kind of thing
3157		that I did.
3158		
3159	Bryan:	So I'll ask you the question again. Would you have acted differently if you had
3160		known you were being recorded?
3161		
3162	McDermid:	No. I would have acted differently now that I know what I know. But at the
3163		time it just happened and I would have, you know, looking back on it.
3164		
3165	Bryan:	Do you feel your actions were justified?
3166		
3167	McDermid:	No.
3168		
3169	Bryan:	And how so?
3170	•	
3171	McDermid:	They were all too extreme.
3172		•
3173	Bryan:	In what capacity?
3174	5	
3175	McDermid:	Pressing him against the wall twice, throwing him to the ground. I think it
3176		could have been done differently and weren't necessary.
3177		
3178	Bryan:	Counsel, do you want to take a break?
3179	5	
3180	Olander:	Sure.
3181		
3182	Bryan:	Okay. And then we'll come back and complete it. All right. The time now it's
3183	5	1256. We're going to resume our recording in the interview. We had left when
3184		I indicated my last question was do you feel your actions were justified. You
3185		indicated no. And that's what I have. Does anybody have any follow up
3186		questions?
3187		1
3188	Olander:	No.
3189		
3190	Bryan:	Detective Brown?
3191	21)	
3192	Brown:	No sir.
3193	210	
3194	Bryan:	Counsel?
3195	Dijuli	
3196	Olander:	No.
3197	- 10110011	
3198	Bryan:	Officer McDermid?
3199		

3200	McDermid:	Yes sir.
3201 3202 3203 3204	Bryan:	Do you have any clarifications or follow up for us before we conclude the interview?
3205 3206 3207 3208 3209 3210 3211 3212 3213 3214 3215 3216 3217	McDermid:	Yeah. I'm sorry I put you guys in this situation to have to do this. Shouldn't have happened. Looking back on it, I realize how much more I could have done differently and how much my actions have cost the department. And, you know, I could have changed so many other things to make it not turn out the way it did. When it just happened fast and I should have been able to slow it down. I have enough training and experience to know how to slow things down. And I didn't. And I was wrong. And I realize how my report is not as good as it should have been. I should have made things more detailed. At the time when I wrote the report that's - I believe that hadn't been a use of force incident. But it was wrong. And I need to understand things better if I'm going to be an officer and know how to know the difference on things as significant as what happened.
3218 3219 3220	Bryan:	If this video were leaked, hypothetically, to the media, is this a true portrayal of the department and/or you as an officer?
3221 3222	McDermid:	No. Definitely not.
3223 3224 3225	Bryan:	And what would you say to the media if they were given an opportunity to interview you?
3226 3227 3228 3229 3230	McDermid:	I acted in a manner that isn't appropriate for an officer - SAC PD or for anyone. And I'm sorry for what I did. And I want everyone to know that it's not the type of person I am. I'm usually more calm and am able to handle special situations. And this time it didn't work out.
3231 3232	Bryan:	Why do you think that was? What do you think?
3233 3234 3235 3236 3237	McDermid:	I don't know why I handled it that way. It was, you know, maybe just - if it was - why was it handled - happen that way? Stress maybe. Maybe I was stressed out and something - I mean it's not like, yeah, like a snap. It was like it escalated so fast I don't have any excuse for why it happened the way it did.
3238 3239	Bryan:	Okay. Counsel, you have anything?
3240 3241	Olander:	No.
3242 3243	Bryan:	Okay. I'm going to read the closing interview. And then prior to me reading this - so what will happen now is as explained earlier, I'll transcribe your

3244 3245 3246		interview verbatim. I'll gather all the facts. And my investigation at that point is concluded. I'll deliver it to the managers. And they'll read the case and they'll find a disposition, okay.	
3247 3248 3249	McDermid:	Okay.	
3250 3251 3252 3253	Bryan:	But in the meantime if you have any questions, feel free to contact me. You have my card and/or your Counsel. And you can correspond through me or the POA. Okay?	
3255 3254 3255	McDermid:	Okay.	
3256 3257 3258	Bryan:	So this is just a standard closing. Is there anything else in this matter that we have - which we have not covered that needs to be added, clarified or changed? If so, I'm ordering you to provide that now.	
3259 3260 3261	McDermid:	No.	
3261 3262 3263 3264 3265 3266 3266 3267	Bryan:	If after you leave this interview should you remember anything that is different from or in addition to the information that you were given today, I'm ordering you to contact me immediately or your Counsel. Okay? I'm also ordering you not to discuss this matter with any other department employees. Do you understand these orders?	
3268 3269	McDermid:	Yes.	
3270 3271 3272	Bryan:	Okay. So until notified otherwise, your to remain on modified duty and report to Sergeant Naska.	
3272 3273 3274	McDermid:	Yes.	
3275 3276	Bryan:	And that's it.	
3277 3278	McDermid:	All right.	
3279 3280	Bryan:	Okay. The interview is going to conclude. It is now let's say 1300 and I'm stopping my recorder.	
3281 3282 3283	End of recording		
3284 3285 3286	The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.		
3280 3287	Signed	Sgt. Darryl Bryan	

Sacramento Police Department Internal Affairs Division

Investigative Log

IAD2017-322

Investigator: Sgt. Darryl Bryan, #3080

Investigative Log:

12-12-2017: Macy's Executives, and contacted and presented IAD with a video depicting Officer McDermid searching, handcuffing and arresting Juveniles and indicated they were notified by their onwho was present when Officer McDermid arrested site loss prevention agent, According to and transported felt the officer used and excessive force during the arrest of As such, brought the matter forward to her chain of command.

12-12-2017: Captain Leong responded to IAD and reviewed the aforementioned video.

12-13-2017: I, Sergeant Bryan, received an email from Lt. Oliveira requesting that IAD conduct a formal internal affairs investigation.

12-13-2017: I, Sergeant Bryan, contacted OPSA, via phone and advised OPSA Director, Tournour of the allegation's and video.

12-13-2017: I, Sergeant Bryan, attempted to upload and view Officer McDermid Body Worn Camera depicting incident 2017-351619, dated December 8, 2017. However, there was no video uploaded for the entire day or incident.

12-13-2017: Using SPD EORG, I, Sergeant Bryan, was able to determine Officer McDermid, Garett is currently assigned to the Central Station, 2100-0700 hours, with Sunday, Monday and Tuesday's off.

12-13-2017: I, Sergeant Bryan, sent an email to **Example 12**, with Macy's Corporation, indicating that the Sacramento Police Department, Internal Affairs Division has launched a formal investigation. As such, I requested to interview both Loss Prevention Agents who were witnesses.

12-13-2017: I, Sergeant Bryan, attached both the CAD Call and General Offense 17-351619.

12-13-2017: Using the Sacramento County Known Person System, I located both and

12-13-2017: Detective Joe Brown and I, Sergeant Bryan, responded to and interviewed Witnesses/Loss Prevention Agent's and at 414 K Street, Macy's. Audio Recorded and uploaded to Net Transcripts.

12-13-2017: Detective Brown and I, Sergeant Bryan, responded to Witness residence located at and obtained his statement. Additionally, I requested that his mother contact me asap to discuss the incident.

Sacramento Police Department Internal Affairs Division

Investigative Log

IAD2017-322

12-13-2017: OPSA Director, Tournour, Detective Brown, and I, Sergeant Bryan responded to where we contacted and spoke with the mother of who was identified as

12-13-2017: Captain Leong and Lieutenant Green provided Officer McDermid with a *Cease and Desist.* They also placed Officer McDermid on modified duty.

12-14-2017: Officer McDermid's BWC viewed and attached. However, BWC video was not activated during the detention, search or arrest of the juveniles. Additionally, the video was not initially downloaded at the conclusion of shift and therefore unable to obtain. When activated, the BWC depicted McDermid escorting the juveniles to parked patrol vehicle outside of Macy's.

12-15-2017: Lt Oliveira and I, Sergeant Bryan, responded to where we spoke with the serveral pictures of injuries in which identified as having sustained during the arrest and takedown by Officer McDermid. At the conclusion of the interview, Lt. Oliveira offered and settled a claim in the amount of \$2,000.00 with the parents of the interview. (Scanned and attached).

12-15-2017: OPSA advised via phone of the alleged injuries and settlement amount.

12-16-2017: I, Sergeant Bryan, reviewed and attached the applicable General Orders.

12-19-2017: I, Sergeant Bryan, noticed Officer McDermid of his interview scheduled for December 29, 2017 @ 1000 hours.

12-20-2017: Detective Brown and I, Sergeant Bryan, responded to the Sacramento Police Academy and reviewed Officer McDermid's academy file. Documentation later attached to the investigation. Additionally, I spoke with Sacramento Police Academy Commander Lt. Moore regarding the training procedures of subjects who are in handcuffs and uncooperative. Lt. Moore indicated an email depicting the training procedures would be crafted and sent to me via email.

12-20-2017: Sergeant Briggs and Detective K. Morse reviewed and copied Officer McDermid's watch file.

12-20-2017: I, Sergeant Bryan, obtained and attached documentation indicating Officer McDermid had attended and completed the Sacramento Police Body Worn Camera course on July 8, 2016 @ 2130 hours.

12-21-2017: I, Sergeant Bryan, contacted Sacramento Police Sergeant Steven Lau, regarding the POST Hiring Dimensions. Sgt. Lau provided a copy of the dimensions which were reviewed and scanned into the investigation.

12-26-2017: I, Sergeant Bryan, received, reviewed and attached an email from Sacramento Police Academy Commander, Lt. Stephen Moore regarding techniques taught/used at the SPD Academy on resistive subjects who are handcuffed.

Sacramento Police Department Internal Affairs Division

Investigative Log

IAD2017-322

12-27-2017: Detective Brown conducted a query search for an additional body worn camera footage of the event from Officer McDermid and located two additional videos. Both videos show Officer McDermid at Juvenile Hall booking and additional without incident.

12-28-2017: Representative, Joshua Olander with Mastagni and Holstedt, called my office line and requested to view both the Macy's and Body Worn Camera footage. Acting Lt. Naff approved the viewing. At 1345 hours, Olander responded to IAD and viewed the videos.

12-29-2017: At approximately 0900 hours, Officer McDermid and Joshua Olander arrived at IAD. In preparation for the administrative interview I provided them with the following material:

- A. Two Sacramento County Known Photographs. (
- B. Sacramento Police General Orders 525.07 (Body-Worn Camera), 580.02 (Use of Force), 210.04 (General and Professional Conduct).

) and (

- C. Sacramento Police Department CAD call Identified as 2017-351619 & Dated 12-08-2017
- D. Sacramento Police Department General Offense Report 2017-351619, which was authored by Officer McDermid and dated 12-08-2017.
- E. 18 still Images dated December 8, 2017, with time beginning at 11:09 pm and ending at 11:10PM.
- F. 2 photographs of the right shoulder and RT knee of Juvenile,
- G. Documents from Officer McDermid's Sacramento Police Task Manual
- H. Body Worn Camera training records, dated July 8, at 2130 0030 hours.
- I. Four videos. One of which was provided by Macy's executive management. The others are from Officer McDermids Body Worn Camera.
- J. Copy of the Citizen Complaint form (aka-Blue Sheet) labeled as *IAD2017-322* with allegation classifications of Force, Conduct Unbecoming, Neglect Of Duty, and Improper Tactics.

At approximately 1025 hours, Detective Brown and I, Sergeant Bryan conducted the administrative interview. The interview was recorded and later uploaded to Net Transcripts for dictation.

01-10-2018: I, Sergeant Bryan, reviewed and attached the completed transcription of Officer McDermids, Witness Witness Witness and Witness and Low Action 1.

01-10-2018: Detective Brown reviewed and attached Witness transcription.

01-10-2018: I called OPSA and provided a status update to Francine Tournour.

01-16-2018: Sgt Naff delivered the binder to DC Peletta as requested.



Request for Review Form

Date of Request: 12/20/2017

IAD Case #: IAD2017-322

OPSA Case #: OPSA2017-0106

Complainant Last Name: SPD

Employee / Badge #: McDermid / 0939

OPSA:

X WILL AUDIT

WILL NOT AUDIT

James Harrington

From: Sent: To: Cc: Subject: Francine Tournour <FTournour@cityofsacramento.org> Friday, March 23, 2018 3:09 PM Darrald Bryan Chris Wheeler; James Harrington Re: McDermid - OPSA 2017-106

Thanks. I will need to review the binder. Since the intent is to terminate, my review does not need to be prior to the letter being served.

On Mar 23, 2018, at 10:49 PM, Darrald Bryan <<u>DBryan@pd.cityofsacramento.org</u>> wrote:

Hello,

This afternoon I was informed by Lt. Harrington, SPD Management Team has sustained all findings on the McDermid investigation (**OPSA 2017-106**). As such, the disposition shall be termination. The hardcopy investigation is currently in the possession of DC Pelleta.

Lastly, I am finalizing the Letter of Intent to terminate and will forward it to City Labor after the Chief has an opportunity to both review and sign it.

Please contact Lt. Harrington or myself if you have any questions/concerns.

Regards, Darryl

Sgt. D. Bryan Sacramento Police Department Internal Affairs Division Office (916) 808-2297 Darryl,

I spoke to Capt. Leong yesterday and Chief Hahn at our bi-weekly IA Update meeting regarding the incident that occurred at Macy's with Officer McDermid. This is just to confirm that we are moving forward with a formal investigation.

Lt. Steve Oliveira Sacramento Police Department Internal Affairs & Professional Standards 916-808-2292 soliveira@pd.cityofsacramento.org

From:	
То:	Bryan, Darrald
Cc:	
Subject:	Re: Investigation
Date:	Tuesday, December 12, 2017 7:31:30 PM

Sgt. Bryan-

I have requested that **our AP** Manager for the DT Sacramento location forward you the internal case report. He will also be your point of contact for the witnesses that were in the office on that day.

- I approve the release of the below requested documents. Please complete the eform notification for the release and forward the documents to the Sgt. at your earliest convenience. (Include the video release notification as well, as that was delivered today by and I.)

<u>Thanks</u>,

Vice President of Asset Protection | Northwest Region | Macy's, Inc. 170 O'Farrell Street | San Francisco, CA 94102 Office: Mobile:

On Dec 12, 2017, at 12:06 PM, Bryan, Darrald <<u>DBryan@pd.cityofsacramento.org</u>> wrote:



Mr

Per our conversation, can you please forward me any and all documentation pertaining to the recent arrest involving **example**, dated December 8, 2017?

Thank you, Darryl Bryan

Sgt. D. Bryan Sacramento Police Department Internal Affairs Division Office (916) 808-2297

* This is an EXTERNAL EMAIL. Stop and think before clicking a link or opening attachments.

From:	
To:	Bryan, Darrald
Subject:	RE: Investigation
Date:	Thursday, December 14, 2017 2:43:20 PM
Attachments:	image001.png

Sgt. Bryan-

Thanks for your review and investigation on this matter.

If we can be of any assistance, please don't hesitate to reach out to myself or any member of my team.

Vice President of Asset Protection | Northwest Region | Macy's, Inc. 170 O'Farrell Street | San Francisco, CA 94102 Office: Mobile: Mobile: From: Bryan, Darrald [mailto:DBryan@pd.cityofsacramento.org] Sent: Thursday, December 14, 2017 2:36 PM To: Cc:

Subject: RE: Investigation



The email is to inform you that the *Sacramento Police Department* has launched a formal Internal Affairs Investigation. As such, the Officer in question has been placed on modified duty pending an administrative investigation. Additionally, the officer in question has been provided a Cease and Desist precluding the officer from any additional contact with your employee(s).

Again, we at the Sacramento Police Department will not tolerate nor condone behavior depicted on the provided video.

Please call me or send an email if you should have any additional questions or concerns.

Sincerely, Darryl Bryan

Sent: Tuesday, December 12, 2017 19:31

To: Bryan, Darrald <<u>DBryan@pd.cityofsacramento.org</u>>

Cc:

Subject: Re: Investigation

Sgt. Bryan-

I have requested that **Control** our AP Manager for the DT Sacramento location forward you the internal case report. He will also be your point of contact for the witnesses that were in the office on that day.

I approve the release of the below requested documents. Please complete the eform notification for the release and forward the documents to the Sgt. at your earliest convenience. (Include the video release notification as well, as that was delivered today by and I.)

Thanks,

Vice President of Asset Protection | Northwest Region | Macy's, Inc. 170 O'Farrell Street | San Francisco, CA 94102 Office:

Mobile:

On Dec 12, 2017, at 12:06 PM, Bryan, Darrald <<u>DBryan@pd.cityofsacramento.org</u>> wrote:

▲ EXT MSG:

Mr

Per our conversation, can you please forward me any and all documentation pertaining to the recent arrest involving **arrest**, dated December 8, 2017?

Thank you, Darryl Bryan

Sgt. D. Bryan Sacramento Police Department Internal Affairs Division Office (916) 808-2297

* This is an EXTERNAL EMAIL. Stop and think before clicking a link or opening attachments.

* This is an EXTERNAL EMAIL. Stop and think before clicking a link or opening attachments.

DB,

I'm forwarding you an email from Capt. Leong regarding placing Officer McDermid on modified duty and serving the Cease and Desist order last night. Please attach to the case.

Lt. Steve Oliveira Sacramento Police Department Internal Affairs & Professional Standards 916-808-2292 soliveira@pd.cityofsacramento.org

From: Leong, Norm
Sent: Thursday, December 14, 2017 1:34 PM
To: Oliveira, Steve <SOliveira@pd.cityofsacramento.org>
Subject: Officer Mcdermid

On 12/13/17, Lt. Green and I met with Officer Garett Mcdermid after late watch roll call. During our meeting, Officer Mcdermid was told he would be placed on modified duty pending an Internal Affairs investigation regarding a complaint on force used during a call at Macy's he handled. The officer was given and signed a cease and desist order which explained to not talk about the incident or make contact with the subjects involved in the incident. The original signed cease and desist will be delivered to IA.

We also had the officer retrieve his body worn camera from his locker and I had it placed in my office Axon download port for the evening in order to download any video related to the incident.

After discussion with the officer, he was offered to be modified duty with his exact same schedule or to go day shift. The officer decided day shift was what he wanted to work. He was also given the option for days off and chose SSM.

From:	<u>Bryan, Darrald</u>
То:	McDermid, Garett
Cc:	<u>tdavis@spoa.org;</u> Brown, Joe
Subject:	IAD2017-322
Date:	Tuesday, December 19, 2017 2:15:00 PM
Attachments:	<u>2017-351619.pdf</u>
Importance:	High
Sensitivity:	Confidential

Officer McDermid

You have been identified as an *accused employee* in an Internal Affairs Investigation (IAD2017-322) on the administrative charge of Neglect of Duty, Conduct Unbecoming, Excessive Force, and Improper Tactics. These allegations stem from a call in which you responded to Macy's. (Please see the attached document). As such, I need you to respond IAD on December 29, 2017 at 1000 hours, this should be your normal work hours. Please also advise your immediate supervisor of your date/time of your interview. You have the right to consult with a representative, but it will be your responsibility to obtain one. On behalf of the Chief of Police I am giving you an order to not discuss this matter with any department employee, except your union representative. If you have any questions please feel free to call me. Lastly, please respond to me upon receipt of this notification.

Regards, Darryl Bryan

Sgt. D. Bryan Sacramento Police Department Internal Affairs Division Office (916) 808-2297



To Bryan, Darrald

You replied to this message on 12/22/2017 19:24.

Darrald,

Sorry for the delay on this, but the final answer is what I had thought. For someone who is handcuffed and becomes uncooperative or resistive we teach the use of control holds and pain compliance to gain compliance. In general this would be a two-handed rear wrist lock or one-handed rear wrist lock. The concept of using a wall or other hard object to as a surface to gain leverage against the subject is also mentioned.

We do not train any methods to take a handcuffed subject to the ground. There is a shoulder throw takedown that we teach if somebody becomes resistive during the standing modified but it is applied prior to handcuffing.

Please let me know if you have any additional questions.

Stephen

Get Outlook for Android














































CAM 15

left hand around back of head & neck

12/8/2017 11:09:32 PM









Race/Ethnicity Information

State Race/Ethnicity: Federal Race/Ethnicity Designation: Race(s): Hispanic/Latino: Race/Ethnicity Determination:

Date Entered US: Date Entered US School:

Person Comments:

600:Black, not Hispanic 4:Black or African American Black or African American N:No 03:Observer Determined

Contact Information Comments:



City of Sacramento Police Department

NCIC History Report

Printed On: 12/13/2017

2/9/2017 01:28:20	DCNDA00VXP	4342 (MCDERMID, GARETT) (Unit 1A32; MCDERMID system: SPD_RFS (M6007 (MMI AA172.30.36.7))
<u>Request</u>		
		-

Page 2 of 3

	r uge e er e
	-
END AFS RESPONSE.	

New Claim Set-Up

Features (Sacramentonewlosses.com)

Client Name:	3607 - City of Sacramento (liability) Branch: 506
Adjuster:	Joe Crady (office x15129)
<u>Supervisor</u>	Mike Berndt
Line of Business:	<u>X</u> GL AL
Date of Loss:	<u>12/8/2017</u>
Loss Reserve:	\$250
Division 1 :	Police110011
Location :	Central Command11001171
Type of Claim:	Property Damages Injury:
Location Desc.:	Lampasas Avenue Sacramento, CA
Description :	Police officer damaged claimant property during arrest.
Claimant:	Birthdate: N/A
Address:	<u>SSN : N/A</u>
	Claim Operations/York Risk Services As Third Party Claims Administrator for City of Sacramento

CLAIMANT FIRST CONTACT

.

. Claimant_	Phone #
Address_	Claim Forms sent <u>Mo</u>
	-
Date of Loss: 12/8/2017 Time:	AM PM
Location:	
Description: Claimant Was injur	el during his
arrest for petty theft.	
Damages:	
Homeowner:Tenant:	· · · ·
Claimant's Vehicle:	
Disposition/Location:	
City Vehicle: Employee	e Name:
Other Passengers:	
Witnesses:	-
Police Report #: 17-357619 Ambulance	e: Y. N. Hospital: Y N
Injuries: Strained right Knee & She	rulder. abrasion to
the back	· · · ·
Other Contacts Made:	•
City Division: Police 1100 #1 Centre	al Command 11001171
Reconstruction Company:	
Enterprise Rent-A-Car	
Thomas Appraisals:	
Temporary Housing	
Other Notes:	· · · ·
$\dot{\Lambda}$	
Report Taken by: De Chady	Date: 12/21/17
	. 1

Race/Ethnicity Information

State Race/Ethnicity: Federal Race/Ethnicity Designation: Race(s): Hispanic/Latino: Race/Ethnicity Determination: Date Entered US: 500:Hispanic 1:Hispanic/Latino

Y:Yes 04:Unknown

Date Entered US School: Person Comments:

IT: Updated the Birth Country to match the Birth State.

Contact Information Comments:



City of Sacramento Police Department

NCIC History Report

Printed On: 12/13/2017

2/9/2017 01:25:46	4342 (MCDERMID, GARETT) (Unit 1A32; MCDERMID system: SPD_RFS (M6007 (MMI AA172.30.36.7))



Page 3 of 9



Page 4 of 9


Page 5 of 9



Page 6 of 9



Page 7 of 9



END AFS RESPONSE.	

SETTLEMENT AGREEMENT

WHEREAS on or about ______, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, ____, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 2017, 20 hereinafter ") was detained by the oncers or the sacramento Police Department; received personal injuries arising out of AND WHEREAS, and related to this detention and contact with officer(s) or police dog(s) of the Sacramento Police Department;

AND WHEREAS, the City of Sacramento (hereinafter "City"), Officer(s) MCDERMID (hereinafter "Officers"), and ______, without any admission of liability, desire to settle all claims and potential claims which might arise between them and arising out of the above described incident by entering into this agreement (Settlement Agreement)

IT IS THEREFORE AGREED TO AND BY THE PARTIES RECITED HEREIN THAT:

1. City agrees to make a total payment in the sum of Two Thousand dollars

(\$ 2,000).

2.

acknowledges that City and Officers have fully informed him/her of his/her right to seek legal counsel prior to signing the Settlement Agreement and that he/she signs this Settlement Agreement voluntarily with a full understanding and waiver of the right to counsel and each and every term of this Settlement Agreement

___, for his/her part and in consideration of the payment 3. referenced in Paragraphs 1 and 2 above, discharges City, Officers, and any of their past and present agents, servants, and employees, and each of them, and each and every agent, employee, and representative thereof, from any and all actions, causes of actions or obligations, costs, attorneys' fees, damages, losses, claims, liabilities, and demands of whatever character including, but not limited to, the generality of the foregoing releases and any and all causes of action or claims of whatever character including, but not limited to, intentional torts, negligence and constitutional claims, and all matters alleged and which could or would

have been alleged and other counter-claims and cross claims and all other pleadings which were filed which could have been filed in said actions.

4 does hereby expressly agree that this Settlement Agreement extends to all claims of every nature and kind whatsoever, known or unknown, suspected or unsuspected, on his/her part against City and each and every agent, officer, employee, servant, and representative thereof and advisedly waives all rights granted to him/her under Section 1542 of the <u>California</u> <u>Civil Code</u>, which section reads as follows:

> A general release does not extend to claims which creditor know or suspect to exist in his favor, at the time of executing the release, which in known by him must have materially affected a settlement with the debtor.

5. ______ does understand and hereby expressly agrees that this general and special Settlement Agreement shall inure to the benefit of the successors in interest of the City and each and every agent, officer, employee, and their representative thereof and shall be binding upon ______ and each of his/her successors in interest, agents, and

representatives.

6. It is further understood and agreed to by all parties to this Settlement Agreement that this settlement is a good faith compromise of a disputed claim, and that the above referenced payments are not to be constructed as an admission of liability on the part of any party to this Settlement Agreement.

7. This Settlement Agreement constitutes the entire agreement between the parties and the terms of this Settlement Agreement are contractual and not a mere recital.

8. The undersigned each states that he/she has carefully read the foregoing Settlement Agreement and knows its contents and signs the same of his/her own free act and will.

9. All parties agree to cooperate in the preparation and execution of all documents called for by the terms of this Settlement Agreement.

10. It is further expressly agreed to and by the parties to this Settlement Agreement that the rights, obligations, and liability established by the terms and conditions of their Settlement Agreement will be

become effective and binding on any party hereto until such time as all parties have executed this Settlement Agreement as called for herein.

11. It is further understood that this Settlement Agreement is without prejudice to the rights of any party hereto to pursue any remedy he or she may have against any party who is not expressly referenced in this Settlement Agreement.

CITY OF SACRAMENTO By:

12/15/17 . Dated

R/15/17 Dated

<u>12/15/17</u> Dated <u>12/15/1</u>7 Dated

<u>ノス・15・17</u> Dated

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Revised 03-17 INJURY / Juvenile

4	A	В	С
N.	RICHARDS LATE WATCH PERSONNEL - BODY CAMERA TRAINING	30 OFFICERS AND SGT	s
		-	-
a start			
8			
0	FOUR TEAMS WITH OVERLAP ON WEDNESDAY AND SATURDAY		
1			
2	TOTAL 9 CLASSES OVER 5 WEEKS LASTING APPROX 3 HRS TRAINING WILL OCCUR ON WEDNESDAYS AND SATURDAY		
3			
4	Saturday: July 8 2130-0030		
5	Trainer: Garett McDermid		
6	1 George Singewald - Supervisor		
7	2 Ryan Woo		
8	3 David Jarrell		
9	4 Bradley Nelson		
0	5 Gine Truesdale		
1	Wednesday: July 12 2130-0030		

Table 2.1SUMMARY OF POST BACKGROUND INVESTIGATION DIMENSIONSFOR PEACE OFFICERS AND PUBLIC SAFETY DISPATCHERS

MORAL CHARACTER	1.	Integrity
		Honesty
		Impartiality
		Trustworthiness
		 Protection of Confidential Information
		Moral/Ethical Behavior
	2.	Impulse Control/Attention to Safety
		Safe Driving Practices
		Attention to Safety
		Impulse/Anger Control
V 1	з.	Substance Abuse and Other Risk-Taking Behavior
HANDLING STRESS	4.	Stress Tolerance
AND ADVERSITY		Positive Attitude and Even Temper
	•	Stress Tolerance and Recovery
		 Accepting Responsibility for Mistakes
	5.	Confronting and Overcoming Problems, Obstacles, and Adversity
WORK HABITS	6.	Conscientiousness
		Dependability/Reliability
		 Personal Accountability and Responsibility
		 Safeguarding and Maintaining Property, Equipment, and Belongings
		 Orderliness, Thoroughness, and Attention to Detail
		Initiative and Drive
		General Conscientiousness
INTERACTIONS	7.	Interpersonal Skills
WITH OTHERS		Social Sensitivity
		Social Interest and Concern
		Tolerance
		Social Self-Confidence/Persuasiveness
		• Teamwork ·
INTELLECTUALLY-	8.	Decision-Making and Judgment
BASED ABILITIES		Situation/Problem Analysis
		Adherence to Policies and Regulations
		Response Appropriateness
	~	Response Assessment
	9.	Learning Ability
	10.	Communication Skills
		Oral Communication
		Written Communication

Before the test, each candidate MUST agree to and sign the following order not to discuss any information from the test with other Sacramento Police Department employees.

You are being ordered not to discuss this test with any other department employee. If you do not comply with this order, you may be disciplined for insubordination which could lead to punishment up to and including termination. Name: GARETT Mademil Badge: 739 Signature: Z. Maddal Date: 6/2/2017

Proctor: U.M.C. Date: 6/2/77 Signature: SGT W.C.

PRACTICAL TEST (Revised 12/11/15)

ARREST CONTROL AND BATON TACTICS

The Officer must properly perform the following ACB techniques:

SEARCHING AND HANDCUFFING

1. Cursory Search	Pass 🖊	Fail
2. Standing Modified	Pass 🖊	Fail
3. Felony Kneeling	Pass 🖊	Fail
4. Felony Prone	Pass 🖌	Fail

CONTROL HOLDS AND TRANSITIONS (Both sides)

(Recc. sequence: "_____- side twist lock, step forward 2 steps, 180° spin, 1-handed front wrist lock, step forward 2 steps, 180° spin, 1-handed rear wrist lock, back to twist lock, then 2-handed rear wrist lock, release, other side...)

1. Twist lock	Pass _/	Fail
2. One handed Front Wrist Lock	Pass 🗾	Fail
3. One handed Rear Wrist Lock	Pass //	Fail
4. Two handed Rear Wrist Lock	Pass 🧾	Fail

OMMENTS:	
1614 4000	SARCHES
VELY GOOD	CONTROL HOLDS FITMINSSETIONS
о т — т т т т т т т т т т т т т т т т т	

MANTELL HOOS CE/04/17 SCTW.M'C ________ ACB Instructor Bate FTO Staff ______ Date

WRITTEN TEST

Use of Force

1. Explain 835a P.C. and SPD policy and procedure on the Use of Force.

PASS FAIL <u>o</u>f Sice Use only. the annount facto hl Vilson officer. the T 37 esterine 144 Gr res e. k noke resistand In aseapl seco force the while Ta Lina Somene. 1)on4 overdo urd A 9~ de-escalak Whenever popil hesp force above Use one sis sect of 15 en using is be, ha reisrak w.1 HISun 105 Ker every action online officer retrat or be deenes the Not 1/2 Sports. . . .

- 2. A: List the criminal elements of 148 P.C.
 - B: Give an example (describing a scenario) of a violation of this code.
 - C: List the investigative steps you would take.

PASS FAIL No abstructs or de 92 0 estig ston atter p grrest 4 Ĵų, Pess. VI resi31 activel wn charge 48P.C. ŵ be A Canva) esson Conduct ed Witness ston ld for vites not Stakeno offiler En writer Observent-)

USE OF FORCE

Q. Define Penal Code Section 835a.

A. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Q. Discuss what force options are available to you starting with the lowest level and ending with the highest level.

A. Command presence, verbal, physical, less-lethal weapons, carotid constriction,

Q. What reports and requirements are needed when force was used?

1. Notify a supervisor.

Appropriate reports, i.e. crime, casualty, etc.

3. Red border form.

4. Photographs if applicable

S. Note any injury on booking form.

6. Notify SSD accepting officer/sobriety nurse of injury and what type of force was used.

Scenario #1

Α.

On a 415 call you contact the husband who is outside the apartment where the wife is





210.04 GENERAL AND PROFESSIONAL CONDUCT 07-12-17

PURPOSE

The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

PREAMBLE

Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY

It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

- 1. Employees on or off duty shall
 - a. Be governed by ordinary and reasonable rules of good conduct and behavior.
 - b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
 - c. Abide by all laws to include, but not limited to the Penal Code, the Health and Safety Code, and the Welfare and Institutions Code. In addition, employees shall ensure that their personal vehicles are compliant with the California Vehicle Code.
- 2. Employees shall
 - a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
 - b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.
 - c. Treat other employees in the Department, regardless of rank, with the respect due to them as fellow employees.
 - d. Properly perform assigned police responsibilities during a scheduled shift.
 NOTE: Improper performance or failure to perform assigned police responsibilities during a scheduled shift shall be regarded as neglect or dereliction of duty and cause for disciplinary action.
 - e. Not speak slightingly or express humiliating discourtesies or derogatory comments to or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.
 - f. When contacting the public in the performance of their official duties
 - (1) Courteously and accurately provide all appropriate information upon request.
 - (2) Respectfully provide their name, badge, and/or identification number upon request.
 - (3) Impartially serve all persons coming to the attention of the Department.
 - g. Remain awake while on duty. If unable to stay awake, employees shall report this fact to their supervisor, who shall determine the appropriate course of action.

NOTE: Sleeping on duty shall be regarded as dereliction of duty and cause for disciplinary action.



- h. Not lend, sell, or permit the use of their badges or credentials by other employees/persons under any circumstances.
- i. Not seek the influence or intervention of any person outside the Department for purposes of personal advantage, transfer, or advancement.
- j. Not use any electronic amplifying or recording device to eavesdrop upon or record the conversation of any other employee without their knowledge. This shall not prohibit the use of taping devices or electronic amplifying or recording devices during criminal investigations or other law enforcement activity in which there is no expectation of privacy.
- k. Not file false, inaccurate or improper information orally or in writing, either personally or through another employee, for criminal prosecution, personal gain, or for unearned recognition, including sick or injury reports, falsification of public records, or for any other purpose.
- I. Submit written reports as required by Department orders or instructions from a superior.
- m. Pay their debts promptly.
- n. Maintain a telephone with voicemail capability where they can be reached during any emergency requiring their services. NOTE: Employees on duty or officially on call shall be directly available by normal communication, including cellular telephones.
- Complete an Emergency Notification Form (SPD 552) pursuant to General Order 256.01 (Address and Telephone Changes).
- p. Upon notification of an emergency, report for duty as soon as reasonably possible or in compliance with the directive given upon notification.
- q. Not interfere with any person arrested, case under investigation, or case being prosecuted, with the intention of doing physical harm, delaying, or preventing the case from reaching a successful conclusion in accordance with lawful procedure.
- r. Not converse with arrested persons unless required by the nature of their police duties or connected with an official investigation of a case.
- s. Report all facts in writing to the COP if they receive any information that the lawful prosecution of any criminal charge is being, or has been, interfered with in any manner that would indicate any unlawful compounding, compromising, or fixing.
- t. Not, while on duty, suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Employees shall not
 - (1) Convey communications between prisoners and their attorneys, bail bond brokers, or persons involved in a criminal or civil case of interest to this Department. A supervisory officer may exercise such authorization when an in-custody prisoner requests a specific attorney to be contacted.
 - (2) Act as bailor for any person in custody where a fee, gratuity, or reward is solicited or accepted.
- B. AUDIOVISUAL MEDIA FOR SOCIAL NETWORKING OR PERSONAL USE
 - 1. All audiovisual media (e.g., film/digital images, video, etc.) captured in the performance of an employee's duties shall be considered property of the Sacramento Police Department.
 - 2. It shall not be recorded, printed, downloaded, or distributed for an employee's personal or non-Departmental use unless used in a manner approved by the Chief of Police.
 - 3. Employees shall not use personally-owned cameras or equipment (including cellular phone cameras) to capture audiovisual media during the performance of their duties pursuant to GO 525.04 (Use of Digital Cameras for Investigative Purposes).
 - 4. If a situation exists in which the use of personal or non-Departmental equipment is deemed necessary, employees shall notify their supervisor.





C. <u>GRATUITIES</u>

- 1. A gratuity is defined as any gift or reduction in normal price, offered or given, whether solicited or not, because of one's position with the Police Department. These include
 - a. Discounts or free food and drink (including coffee) at restaurants and drive-ins.
 - b. Discounts or free admission to places of amusement (e.g., sporting events and theaters) on or off duty.
- 2. Employees shall not accept any gratuity as they represent a compromise of our professional status.
- 3. This order shall apply only to those types of gratuities that are given to employees because of their employment with the Police Department. Discount prices offered to employee groups as a normal procedure for business operations shall not be prohibited by this order.
- 4. Employees offered or who suspect that they have been given a gratuity shall
 - a. Explain to the donor that they cannot accept a discount or gift as it is against Department policy.
 - b. Ask the person(s) offering to cooperate with the Department in doing their part to eliminate this practice.
- 5. Supervisors who are made aware of the gratuity shall
 - a. Contact the business person(s) suspected of or known to offer gratuities and advise them of the Department policy.
 - b. Advise these persons that if the practice continues, it may result in officers not being allowed to frequent the establishment during duty hours. NOTE: Officers invited to various functions to speak or for other purposes as Department representatives are allowed to accept free meals.
- 6. Department personnel in their capacity as City employees shall not endorse products or services when they know or should reasonably know the endorsement identifying the Department will be used for advertising.

D. SUPERVISION/LAWFUL ORDERS

- 1. Employees are subject to the lawful supervision of all superiors.
 - a. Any employee given an order in conflict with any previous order or direction shall call the conflict to the attention of the person giving the order.
 - b. If that supervisor requires the order still be carried out, the employee shall comply and the responsibility for the conflict and the action taken by the employee shall rest with that supervisor.
- 2. Supervisors shall not knowingly issue any order that is in violation of any law, ordinance, Department order, or the Law Enforcement Code of Ethics.
- 3. Employees shall fulfill the functions of the Department and the office to which they are assigned and perform any lawful duty assigned by a superior.
- 4. The willful disobedience of any lawful order issued by a superior is insubordination.
- 5. Employees shall not publicly criticize instructions or orders received.
- 6. Employees in doubt as to the nature or details of their assignment shall seek clarification from their supervisor.
- E. OFFICER RESPONSIBILITY
 - 1. Officers shall act reasonably within the limits of their authority as defined by statute and judicial interpretations to ensure the rights of both the individual and the public are protected.
 - 2. Officers, on or off duty, shall take appropriate police action toward aiding all fellow peace officers exposed to danger.
 - 3. On duty officers shall
 - a. Be in uniform/properly dressed and have required equipment required on/with them.
 - b. Be attentive and alert to the directions of supervisors at roll call.





- c. Acquaint themselves daily with the information provided by the Department (e.g., AB, IB, SNOW, etc.).
- d. Respond to their given assignment promptly and remain to the end of their shift, unless otherwise relieved.
- e. Be attentive to reports and complaints by citizens and take appropriate action or refer them to the appropriate person or agency.
- f. Not allow prisoners or suspects access to weapons or objects readily adaptable as weapons.
- g. Respond as soon as possible to calls meeting the criteria for police assistance from citizens or other officers.
 - (1) Failure to answer a call for police assistance promptly without justification shall be regarded as dereliction of duty and cause for disciplinary action.
 - (2) Except under extraordinary circumstances or when otherwise directed by a supervisor, employees shall not fail to answer any direct landline or radio call directed to them.
- h. When in plain clothes, conspicuously display their badge if their firearm is exposed.
- 4. Off-duty officers shall perform reasonable police services pursuant to GO 570.02 (Crimes Involving Officers or Their Families).
- 5. Plainclothes off-duty officers shall not wear or carry their firearm conspicuously exposed.
- 6. On or off-duty plainclothes officers shall not draw or display their firearm in any public place except during the course of an arrest or investigation or when an officer reasonably believes it is necessary for their safety or the safety of others.
- 7. Officers outside the boundaries of this state for extradition or other matters of direct concern to the City shall not engage in police activities unless necessary in the performance of their extradition duties as an agent of the state, and then only after consideration of the tactical situation. If an officer does engage in police activities, he/she must notify the Department as soon as reasonably practical after taking such action.
- 8. The priority of call assignments depends on many factors and shall normally be the responsibility of Communications personnel and field supervisors.
 - a. Officers may delay responding to a call if
 - (1) Contacted by a citizen in need of immediate police attention.
 - (2) Personal observation of an event requires immediate police attention.
 - b. Such determination shall be based on the comparative urgency and the risk to life and property of the assigned call and the intervening incident.
 - c. When it is impossible for an officer to handle a citizen's concern or an observed event, the officer shall, if circumstances permit, either give directions for obtaining such assistance or initiate the necessary notifications.

F. <u>MEALS/PERSONAL BUSINESS</u>

- 1. While on duty, employees shall
 - a. Devote their time to the performance of police functions.
 - b. Not carry on personal business. Personal visitations shall only be made during the approved meal period.
 - c. Arrange for a meal period in accordance with the established labor agreements and the schedule made by the employees' supervisors and/or the need for police service.
 - d. Not play any illegal games of chance for money.
 - e. Not, while in uniform, shop or carry packages containing merchandise unless required in the line of duty.
 - f. Not leave their assigned area for any reason other than for police duties without permission from their supervisor. Approval or disapproval of the request shall be within the authority of





the supervisor and shall be based on the following considerations, including, but not limited to:

- (1) Distance from the work area.
- (2) Anticipated time required.
- (3) Expected workload.
- (4) Need for police services.
- 2. No more than four (4) uniformed personnel and a maximum of three (3) marked cars shall be permitted at a place of business or parked together except for official business.
- 3. Police Department cashiers shall not cash personal checks for employees at any time.
- G. ABSENCE WITHOUT LEAVE
 - 1. Employees shall report for duty as scheduled unless absence is authorized by a supervisor.
 - 2. Employees shall be absent without leave upon failing to appear for duty at the date, time, and location specified without supervisory approval.
 - 3. Supervisors shall report absences without leaves as follows:
 - a. Absences of one (1) day shall be reported in writing to the respective division/watch commander.
 - b. Absences in excess of one (1) day shall be reported in writing to the Chief of Police (COP).

H. ALCOHOL/DRUG IMPAIRMENT

- 1. Employees shall not
 - a. Use or possess marijuana or marijuana products, as defined by California H&S code Section 11018.1, medical or otherwise, on or off duty.
 - b. Drink alcoholic beverages to an extent that renders them unfit to report for their next regularly scheduled shift.

Appear on duty under the influence of any alcoholic beverage or drug.

- c. While on duty, transport alcoholic beverages in a police vehicle except as evidence, property of the prisoner or suspect, or found property.
- d. Carry a firearm on or off duty when impaired due to being under the influence of alcohol, medication, or any other substance.
- e. While on duty or on call, drink any kind of intoxicating beverage or take any intoxicating drugs.
 - (1) Employees shall notify their supervisor if they are taking, while on duty or on call, a prescribed medication that may impair their judgment or performance.
 - (2) Supervisors shall follow GO 220.06 (Employees Suspected of Working Under the Influence WUI) concerning the employee's fitness for duty or his/her ability to remain on call.
- 2. Plainclothes officers may, while on special assignment, partake of an alcoholic beverage when necessary for the performance of such assignment.
 - a. The alcoholic beverage shall be consumed in moderation and officers shall not become intoxicated.
 - b. Advance notice of the assignment shall be given to the Division Commander. This advance notice shall include pertinent details of the assignment, as well as the specific location(s) (if known) where the employees are going to consume alcoholic beverages.
 - c. Employees working hours during which their respective division commander is not available shall give advance notice to an on-duty watch commander





525.07 BODY-WORN CAMERA 04-26-17

PURPOSE

The purpose of this order is to establish policy and procedures for the use and deployment of the body-worn camera.

POLICY

It shall be the policy of the Sacramento Police Department to utilize a body-worn camera in a manner that will assist in criminal prosecutions or civil litigation by providing a recording of the incident that may supplement an employee's report and help document professional police conduct.

PROCEDURE

- A. <u>GENERAL</u>
 - 1. All officers issued a body-worn camera are required to wear and use their body-worn cameras while working in uniform. A "uniform" is to be considered the standard uniform as well as any apparel (e.g., tactical/raid vests) that identifies the wearer as a police officer.
 - Body-worn camera video provides additional information regarding an investigative or enforcement contact with a member of the public. As body-worn camera recordings provide only a limited perspective of the encounter, all other available evidence, such as witness statements, officer interviews, forensic analyses, and documentary evidence should be considered before any conclusions are reached.
 - 3. Body-worn cameras should assist in the following:
 - a. Documenting an initial police response.
 - b. Collecting evidence for use in criminal investigations and prosecutions.
 - c. Assisting officers with completing reports and providing testimony in court.
 - d. Deterring criminal activity and uncooperative behavior during police-public interactions.
 - e. Promoting accountability.
 - f. Recording video for use in training Sacramento Police Department employees.
 - g. Documenting the performance and professionalism of Sacramento Police Department employees.
 - 4. Body-worn camera video is not meant to replace or to relieve the employee from submitting any documentation as required by policy.
 - 5. All recordings (including audio and visual) made using body-worn cameras are the property of the Sacramento Police Department and will not be released or disseminated to the public without the express written consent of the Chief of Police or authorized designee or unless otherwise expressly required by federal or state law.
- B. EMPLOYEE RESPONSIBILITY
 - 1. Employees issued a body-worn camera shall be trained in the proper use of the device prior to deployment.
 - 2. Employees assigned a body-worn camera shall
 - a. Be responsible for the reasonable care and maintenance of the body-worn cameras they are assigned.
 - b. Ensure the body-worn cameras are functioning properly. Any apparent damage, malfunction, or loss shall be brought to the attention of a supervisor as soon as reasonably practical. If an employee's body-worn camera has been lost, damaged, or stolen, the employee shall contact his/her supervisor as soon as practicable for a replacement and shall submit a Red Border form as required in GO 410.02.





- c. Affix their issued body-worn cameras to their uniforms at the beginning of their shift in accordance with training and the manufacturer's guidelines. The body-worn camera shall be worn for the entire shift.
- d. Ensure their issued body-worn cameras are fully charged and have adequate video storage to complete their shift.
- e. Only use body-worn cameras that have been approved by the Department.
- 3. Generally, employees shall download all media prior to the end of their shift; however, supervisors may approve other download schedules when appropriate.
- 4. Employees shall note in reports when a body-worn camera was used.
- 5. Employees are authorized to review their own body-worn camera recordings, including prior to giving a statement after being involved in a critical incident, writing a report, and testifying in court or other proceeding, or for any other official use.
- 6. Employees may be authorized to review other officers' body-worn camera recordings after being involved in critical incidents at the discretion of the Chief of Police.
- 7. Employees shall not
 - a. Make copies of any recorded event for personal use.
 - b. Use a recording device such as a cell phone camera or secondary video camera to record a bodyworn camera file or image.
 - c. Copy, upload, or disseminate any body-worn camera recordings publicly or privately, nor shall employees post recordings on social media for personal use.
- C. REQUIRED ACTIVATION OF THE BODY-WORN CAMERA
 - 1. This policy is not intended to describe every possible situation in which the body-worn camera should be utilized. Not all situations will clearly start out as necessitating the activation of the body-worn camera, nor will all events have a clear ending when the body-worn camera is no longer necessary.
 - 2. If immediate activation of the body-worn camera is not feasible due to risk to the safety of the employee or others, the employee should activate the body-worn camera as soon as it is safe to do so.
 - 3. Employees shall activate their body-worn cameras during any enforcement or investigative activity, whether self-initiated or in response to a dispatched call. Examples include, but are not limited to, the following:
 - a. When conducting vehicle stops.
 - b. When administering field sobriety tests.
 - c. When conducting pedestrian and vehicle contacts.
 - d. While responding to any in-progress, just occurred, or any other call for service in which the fleeing suspect and/or vehicles may be captured leaving the crime scene.
 - e. When responding to calls reportedly involving weapons or violence.
 - f. When responding to calls involving suspected suicidal individuals.
 - g. When pursuing a suspect on foot.
 - h. During Code 3 responses (including vehicle pursuits), regardless of whether the vehicle is equipped with an in-car camera system.
 - i. While executing searches of individuals, vehicles, buildings, and other places. NOTE: The bodyworn camera should be utilized to record consent to search when practical. The intent of the recording is to corroborate the consent and is not intended to replace the use of any form used to document the consent to search.
 - j. When advising suspects of their rights per Miranda.
 - k. When conducting arrests, detentions, and/or citations.
 - I. While taking statements from witnesses, victims, and other subjects (Exception: See sections D.2.d. and D.2.e.).
 - m. During protests, demonstrations, or civil unrest.
 - n. When ordered to by a supervising officer.





- o. During other contacts that become adversarial or in which, in the employee's judgement, a video recording would assist in documenting the incident for later investigation or review.
- 4. If the body-worn camera was not utilized on a required event, the reason shall be documented on the CAD call.
- 5. Employees are not required to give notice they are recording when talking with private citizens during the course and scope of their official duties, even when the contact occurs in a private residence. If asked, employees shall advise citizens they are being recorded. Moreover, employees should strongly consider advising citizens that they are being recorded as a tool to de-escalate a situation or when dealing with instances such as outlined in D.2.e.
- 6. Generally, employees should not record informal or casual encounters with members of the public. Employees should consider that recording people in some circumstances may inhibit sharing information or developing strong ties between members of the community and employees.
- 7. Absent a deliberate intent or repeated pattern, the failure to activate the body-worn camera shall not alone constitute cause for discipline.
- D. DEACTIVATION OF THE BODY-WORN CAMERA
 - 1. Except as listed below, once activated, officers shall not deactivate their body-worn cameras until the investigative or enforcement activity involving a member of the public has reasonably concluded. If enforcement or investigative activity with a member of the public resumes, the officer shall re-activate the body-worn camera and continue recording.
 - 2. Employees may deactivate the body-worn camera at any time, based on their discretion, in the following circumstances:
 - a. When the employee is discussing tactical or confidential information with other law enforcement personnel, during briefings, or during conversations with confidential informants.
 - b. When there is a necessity to conserve battery life, an employee on a perimeter or assigned to a static post where they are not in contact with citizens or actively part of the investigation may deactivate the body-worn camera to conserve battery life. The body-worn camera should be reactivated when these circumstances no longer apply.
 - c. When it is necessary to discuss issues or concerns with an employee, supervisor, doctor, nurse, or paramedic in private.
 - d. When a witness or victim refuses to provide a statement if recorded and the encounter is nonconfrontational.
 - e. When, in the employee's judgement, a recording would interfere with their ability to conduct an investigation or when recording is inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault).
- 3. Details regarding the reason for deactivation should be recorded and documented when appropriate.
- E. RESTRICTED USE OF THE BODY-WORN CAMERA AND/OR STORED MEDIA
 - 1. Under no circumstances, except those instances involving a criminal investigation of Department personnel, shall a conversation between Department employees be intentionally recorded without all parties to the conversation being aware that it is being recorded.
 - 2. The body-worn camera will not be intentionally activated to record Department personnel during briefings, meetings, roll calls, or while in private spaces such as locker rooms, restrooms, or any other place where a reasonable expectation of privacy exists.
 - 3. The body-worn camera shall not intentionally be utilized to record confidential informants or undercover employees.
 - 4. Prior to conducting a strip search, the officer shall record a 360-degree video of where the strip search will be conducted. During the strip search, the body-worn camera will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched.





- 5. Employees should not normally record patients during medical or psychological evaluation by a clinician or similar professional or during treatment. Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers should be careful to avoid recording persons other than those who are the focus of the investigations.
- 6. Employees shall not play back body-worn footage for citizens or the media without prior approval from the Chief of Police or authorized designee.
- 7. Employees who have made an inadvertent recording may request to have that video deleted. Requests shall be submitted to their Division Captain.
- F. <u>SUPERVISOR RESPONSIBILITY</u>

Supervisors shall

- 1. Ensure that employees assigned a body-worn camera have completed required training and are familiar with applicable policies and procedures.
- 2. Conduct periodic inspections of employees assigned body-worn camera equipment and ensure that the body-worn cameras are properly affixed to the employees' uniforms and fully operable.
- 3. Respond to the scene and secure the body-worn camera as soon as practical when an incident arises that requires the immediate retrieval of body-worn camera footage for chain of custody purposes (including, but not limited to, serious crime scenes, officer involved shootings, or other incidents as determined by policy).
- 4. Have the opportunity to view recordings in the field to mitigate and address citizen complaints when necessary.
- 5. Have access to video footage of all users. This will allow instant access when creating or reviewing a pursuit or a use of force report in Blue Team and for training or administrative purposes.

G. USE OF VIDEO FOR TRAINING

- 1. Recordings may be used for training purposes.
- 2. When a recording contains footage that may embarrass an employee, consideration should be given before the video is used for training.
- 3. If an involved employee objects to the use of a recording, the employee may object in writing through his/her chain of command to the COP or authorized designee to determine if the training value outweighs the employee's objection. In no event shall any recording be used for the purpose of ridiculing or embarrassing any employee.

H. DATA MANAGEMENT AND FILE RETENTION

- 1. Body-worn camera recordings will be retained for a minimum of 18 months from the date created in accordance with the City of Sacramento Retention Schedule. Video recordings that become evidence will be kept in accordance with the crime classification listing in the City of Sacramento Retention Schedule SPD-007.
- 2. Any attempt to erase, alter, or tamper with the body-worn camera or its recordings, except as authorized by law or Department policy, will be considered employee misconduct.
- 3. An external audit shall be facilitated bi-annually by the Professional Standards Unit in compliance with GO 340.02.
- 4. Digital evidence captured by a body-worn camera shall be treated as official records and handled pursuant to existing Department policies and procedures as outlined in GO 525.03, sections F and G.
- 5. Refer to GO 580.01 for public release of video related to an officer involved shooting or death-incustody incident.





580.02 USE OF FORCE 5-16-17

PURPOSE

The purpose of this order is to outline procedures for the use and application of force, the medical follow-up that may be needed when the use of force results in injury, and the reporting and investigation of incidents involving the use of force.

POLICY

It shall be the policy of the Sacramento Police Department that officers value and preserve the sanctity of human life at all times. Officers shall use only that amount of force necessary under the circumstances presented that the officer reasonably believes is required. Officers are expected to use de-escalation techniques when reasonably possible and without increasing the risk of harm to officers or others in an effort to reduce or eliminate the use of force. When using force, officers shall continuously reassess the perceived threat to select the reasonable use of force response.

When making use of force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

PROCEDURE

- A. <u>DEFINITIONS</u>
 - INJURY Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury
 must be reasonably related to the use of force applied. Injury, as defined in this order, does not
 include the temporary pain associated with the proper application of control holds and/or
 restraints.
 - 2. MEDICAL CLEARANCE INJURY Any injury that requires a Fit for Incarceration report prior to booking or, if the suspect is not booked into jail/juvenile hall, any injury that would likely require a Fit for Incarceration report.
 - 3. LESS LETHAL FORCE Any force, agent, or device that is not reasonably likely to cause death.
 - 4. IMPACT WEAPON Any weapon/device/technique used to strike a subject or fire an impact projectile at a subject. Examples of impact weapons include, but are not limited to, baton, pugilistic hand strikes, 40 MM launchers, and flexible baton rounds.
 - 5. DEADLY FORCE Any force, agent, or device that is likely to cause death.
 - 6. REPORTABLE USE OF FORCE Any use of force (UOF) that causes injury as defined above; any UOF, whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Department (see extraordinary conditions in section B.4).
 - 7. FIELD SUPERVISOR The district sergeant for officers working in a patrol capacity or the specialized unit supervisor for officers working in a specialized unit capacity (e.g., POP, Bikes, Mounted Units, RT, SWAT, etc.). The specialized unit supervisor must be a sworn member of the Sacramento Police Department holding the rank of sergeant, acting sergeant, or higher and must be able to respond within a reasonable period of time and assume the responsibilities of supervisor as outlined in this order. If not, the district sergeant is the field supervisor by default.





- 8. BLUE TEAM (BT) Web-based computer software that allows sergeants to enter UOF and pursuit incidents from a Department computer.
- 9. DE-ESCALATION Employing techniques to stabilize a situation, to decrease the likelihood of the need to use force, and to increase the likelihood of voluntary compliance.
- B. <u>GENERAL</u>
 - 1. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance."
 - 2. Officers may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses a threat of death or serious bodily injury, either to the officer or to others.
 - 3. Officers shall not use force upon a subject's head or neck area in an effort to prevent individuals from swallowing or attempting to swallow evidence.
 - 4. When using force, officers should use techniques and equipment that are approved by the Department. Under extraordinary conditions that involve the risk of serious bodily injury or death, and in situations where it may be impractical or impossible to comply with the provisions of this order, officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.
 - 5. When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations. De-escalation techniques include, but are not limited to, gathering information about the incident; assessing risks; gathering resources (personnel and equipment); using time, distance, cover; using crisis intervention techniques; and communicating and coordinating a response.
 - 6. Refer to GO 522.02 Emergency Care for Individuals Under Police Care or Control when rendering emergency medical treatment or summoning medical assistance.
- C. MANDATORY REPORTING PROCEDURE
 - 1. Officers' Responsibilities
 - a. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so and without increasing the risk of harm to officers or others, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.
 - b. If officers are in doubt as to whether the UOF is reportable, the officers shall notify their field supervisor, who will then be responsible for making the determination.
 - c. Any reportable UOF shall require the immediate notification of the officer's field supervisor and the following:
 - (1) The applicable report(s) (crime, casualty, and/or incident) shall be completed and include a complete description of how and why force was used, as well as a description of injuries that the suspect received or claims to have received.
 - (2) When an individual is arrested, the booking officer shall notify the jail intake nurse or detox staff nurse of the injury and type of force used.
 - (3) The City of Sacramento General Liability Loss Report Non-vehicular (RM Red Border Form) shall be completed and forwarded through the chain of command to the Professional Standards Unit (PSU).





- d. When the UOF has resulted in an injury, officers shall comply with the provisions in GO 522.02 Emergency Medical Care for Arrestees. If the individual is not arrested or will be released with a citation, officers should offer to call for an ambulance or assist in arranging transportation to an authorized medical facility.
- 2. Supervisors' Responsibilities
 - a. Upon notification of a reportable UOF, the officer's field supervisor shall
 - (1) Respond to the location of the arrest to ensure that a thorough investigation takes place. A thorough investigation into the UOF by officers should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which should be obtained by officers not involved in the UOF or a supervisor), suspect statements, and photographs of the scene and any injuries. If the supervisor is unable to respond to the location of the arrest, the supervisor shall note the reasons why on the call and in the BT entry (see section C.2.c. below).
 - (2) Review the incident with the arresting officer and/or other officers.
 - (3) Review all recordings (both audio and video) of the event (e.g. In-Car Camera [ICC] video, Body Worn Camera [BWC] video, surveillance video).
 - (4) Assess the appropriateness of the UOF and the charge(s) against the suspect (if applicable).
 - (5) Consider arranging for other officers to transport and book the suspect in the event the suspect continues to display hostile, confrontational, or oppositional behavior toward the arresting officer(s).
 - b. If the UOF requires a BT entry (as outlined in section C.2.c. below), the officer's field supervisor shall
 - (1) Notify the watch commander immediately.
 - (2) Review the UOF with the watch commander. If, after this review, the watch commander determines that the force used was inconsistent with this order or Department policy, the watch commander shall contact the officer's captain and review the incident. If necessary, the captain will refer the incident to Internal Affairs.
 - c. Blue Team
 - (1) The officer's field supervisor shall initiate a BT entry whenever the following reportable UOF events occur:
 - (a) Any use of force that results in the suspect having Medical Clearance as defined in section A.2.
 - (b) Any UOF, whether or not it results in injury, involving the discharge of a firearm or a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED.
 - (c) Any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Department. NOTE: Nothing shall preclude a supervisor or watch commander from using BT to document any type of UOF.
 - (2) The BT entry should contain the following information:
 - (a) Summary of the event, including which officer(s) were involved, what type of force was used, and the extent of injuries to the officer and the suspect (if any).
 - (b) Any information that is not relevant to the crime or incident report (e.g. administrative actions taken by supervisor or other personnel).
 - (c) The supervisor's opinion as to whether the UOF was consistent with Department policy.
 - (3) In cases where a firearm has been discharged or the UOF results in death, do not initiate a BT entry. IA/PSU will initiate a BT entry after the administrative review of the incident has been conducted.





- (4) Attach all pertinent documents to the BT entry.
- (5) If the UOF was captured on video, a copy of the video shall be forwarded to PSU.
- D. USE OF FORCE DEPLOYED BY SUPERVISORS
 - In the event a sergeant uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the watch commander will be responsible for identifying the person responsible for complying with section C.2. (Supervisor's Responsibilities).
 - 2. In the event the watch commander, another lieutenant, or a captain uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the division captain or deputy chief shall be notified immediately. The division captain or the employee's deputy chief will be responsible for identifying the person responsible for complying with section C.2. (Supervisor's Responsibilities).

SACRAMENTO POLICE DEPARTMENT COMPLAINT HARDCOPY

CP 2017 - 351619

Reported: Dec-08-2017 19:12:13

Summary Information Call Number: SA 2017-351619 Date/In Time: Dec-08-2017 19:12:13 Status: CLOSED Initial Call Type: PRISONER IN CUSTODY BY OFFICER OR CITIZEN Final Call Type: PRISONER IN CUSTODY BY OFFICER OR CITIZEN Priority: 5 Queue Type: R How Received: TELEPHONE Address: 414 K ST Community: SACRAMENTO Place Name: in MACYS District: 3 Zone: 3M Grid: 0742 Call Taker: 3311 MCMANNIS, TAMMY 6050 Call Taker Desk: SD13 Initial Remarks : 2 IN CUST FOR 484 .. UNK NAMES, BOTH JUVS. NOT **COOPERATIVE W/ INFO. DOWNSTAIRS . NFI** Complainant Name: Address: 414 KST Home Phone: **CELL PHONE** Clearance Remarks : 2 BOOKED INTO JUEVNILE HALL FOR 484, RTF Founded: Yes Report Expected: Yes How Cleared: POLICE MATTER RESOLVED AT SCENE BOLO: N Study: NA Reporting Officer1: 4342 - MCDERMID, GARETT 0939 Reporting Officer2: Cleared By: 4342 MCDERMID, GARETT 0939 Clearance Desk/Unit ID: 1A32 Call Times: Received : Dec-08-2017 19:12:13 Dispatch : Dec-08-2017 22:56:53 En Route : Dec-08-2017 22:57:17 On Scene : Dec-08-2017 23:02:04 Cleared : Dec-09-2017 01:30:57 Total - Units/Services: 2 Remarks: 6 Documents: 2 Entities: 0 Chronological Events 12-08-2017 19:48:21 SD16 4177 CONNAUGHTON, KATHY 6090 Call Remark C'S COWORKER CB...AOD 12-08-2017 20:28:05 SD13 3311 MCMANNIS, TAMMY 6050 Call Remark **CB FOR ETA. AOD NUA STILL** 12-08-2017 21:13:44 SD3 4599 HOGUE, ROBERT 6089 Call Remark LP CALLED FOR ETA,AOD 12-08-2017 21:57:19 SD15 4147 BEEDE, CARIN 6045 Call Remark C CB FOR ETA, AOD 12-08-2017 22:38:49 SR12 3311 MCMANNIS, TAMMY 6050 Special Service Request (HS) HOTSEAT: HS,SD9,CB PLS .. THEY HAVE A 2 HOUR LIMIT TO HOLD .. SO ARE THEY STILL HOLDING THESE FOLKS?

SACRAMENTO POLICE DEPARTMENT COMPLAINT HARDCOPY

CP 2017 - 351619

Reported: Dec-08-2017 19:12:13

12-08-2017 22:42:56 SD9 4573 DAYRIT, KIMBERLY 6034 Call Remark ON CB,RP AND BOTH JUV CUSTODIES STILL 906 BOTH JUVS REF'G TO GIVE RP THEIR PARENT'S PHONE # OR RESD ADDR
12-08-2017 22:44:17 SD12 4572 SANDOVAL, STEPHANIE 1047 Call Remark C CB ASKING FOR ETAAOD
12-08-2017 22:56:53 SR9 4177 CONNAUGHTON, KATHY 6090 Status Change 1A32 DP 4342 MCDERMID, GARETT 0939 414 K ST
12-08-2017 22:57:17 1A32 4342 MCDERMID, GARETT 0939 Status Change 1A32 ER 4342 MCDERMID, GARETT 0939
12-08-2017 23:02:04 1A32 4342 MCDERMID, GARETT 0939 Status Change 1A32 OS 4342 MCDERMID, GARETT 0939
12-08-2017 23:48:04 1A32 4342 MCDERMID, GARETT 0939 1A32 TR 4342 MCDERMID, GARETT 0939 JUVNILE HALL SM: 88271
12-09-2017 00:05:14 1A32 4342 MCDERMID, GARETT 0939 1A32 OS 4342 MCDERMID, GARETT 0939 TRANSPORT COMPLETED:JUVENILE HALL EM:88285
12-09-2017 00:50:01 SR12 3311 MCMANNIS, TAMMY 6050 1A32 OS 4342 MCDERMID, GARETT 0939 UNAVAILABLE
12-09-2017 01:25:46 1A32 4342 MCDERMID, GARETT 0939 External Query EXT O PERS-NAME: G1: DOB: SEX:M STATE: REC:Y CAD:N EXTN:Y EXTE:Y EXTM:N EXTI:Y EXTD:Y PKI:N TONC:Y UNIT:1A32
12-09-2017 01:25:46 1A32 4342 MCDERMID, GARETT 0939 RMS Query RMS O PERS-NAME: G1: G1: DOB: SEX:M STATE: REC:Y CAD:N EXTN:Y EXTE:Y EXTM:N EXTI:Y EXTD:Y PKI:N TONC:Y UNIT:1A32
12-09-2017 01:27:00 1A32 Text Document Subject: RMS RMS VPROD RMS QUERY PIN: IDENTIFIED PERSON: Score: DOB: App. Age: 16 Sex: MALE Race:
12-09-2017 01:28:00 1A32 Text Document Subject: RMS RMS VPROD RMS QUERY PIN: IDENTIFIED PERSON: Score: DOB: App.

SACRAMENTO POLICE DEPARTMENT COMPLAINT HARDCOPY

CP 2017 - 351619

Reported: Dec-08-2017 19:12:13

Age: 17 Sex: MALE **Race: AFRICAN AMERICAN/BLACK** 12-09-2017 01:28:01 1A32 4342 MCDERMID, GARETT 0939 External Query EXT Q PERS-NAME: G1: DOB: DOB: SEX:M STATE: REC:Y CAD:N EXTN:Y EXTE:Y EXTM:N EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:1A32 12-09-2017 01:28:20 1A32 4342 MCDERMID, GARETT 0939 RMS Query RMS Q PERS-NAME: G1: DOB: SEX:M STATE: REC:Y CAD:N EXTN:Y EXTE:Y EXTM:N EXT1:Y EXTD:Y PKI:N TONC:Y UNIT:1A32 12-09-2017 01:30:01 1A32 4342 MCDERMID, GARETT 0939 Call Cleared 1A32 IS 4342 MCDERMID, GARETT 0939 CLEARED CASE SA351619 FOUNDED-Y REPORT-Y CLEARED **BY-A FINAL-941 BOLO-N STUDY FLAG-NA REM-2 BOOKED INTO JUEVNILE HALL FOR 484, RTF** 12-09-2017 01:30:57 1A32 4342 MCDERMID, GARETT 0939 Status Change 1A32 IS 4342 MCDERMID, GARETT 0939 **Dispatch Information** Prime Unit: 1A32 Type:PT 4342 MCDERMID, GARETT 0939 Dispatched: Dec-08-2017 22:56:53 En Route : Dec-08-2017 22:57:17 On Scene : Dec-08-2017 23:02:04 In Service: Dec-09-2017 01:30:57 Unit: Type: Special Service Information At: Dec-08-2017 22:80:00 SR12 3311 Last Updated: 12-08-2017 22:38:49 ** END OF HARDCOPY **



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

General Offense Information

Operational status: CLEARED BY ARREST-PENDING SGT. APPROVAL Reported on: Dec-08-2017 (Fri.) 1912 Occurred on: Dec-08-2017 (Fri.) 1912 Approved on: Dec-13-2017 (Wed.) by: 3141 - BRYAN, DARRALD 3080 Report submitted by: 4342 - MCDERMID, GARETT 0939 Org unit: OOO PATROL DIST 3 LATE (TEAM 18) Address: 414 K ST Municipality: SACRAMENTO District: 3 Beat: 3M Grid: 0742 Felony/Misdemeanor: MISDEMEANOR Value loss: \$380.00 Value recovered: \$380.00 Gang involvement: NO GANG INVOLVEMENT Family violence: No

Offenses (Completed/Attempted)

Offense: #1 2399-2 484 PC PETTY THEFT - COMPLETED Location: DEPARTMENT STORES Offender suspected of using: N/A Bias: NONE (NO BIAS)



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Event(s)

СР	351619
AB	13349

AB 13347

Related Person(s)

1. WITNESS # 1 -

(Case Specific Information)

Sex: FEMALE Race: CAUCASIAN/WHITE/HISPANIC/EAST INDIAN/GUAMANIAN Date of birth: Municipality:

Particulars

Occupation: **LPO** Employer: **MACY'S 414 K ST** Ethnicity: **WHITE(Race:W)** Additional remarks: **XREF:**

Master Name Index Reference

Name: Sex: FEMALE Race: CAUCASIAN/WHITE/HISPANIC/EAST INDIAN/GUAMANIAN Date of birth: Ethnicity: WHITE(Race:W) Municipality: Phone numbers BUSINESS PHONE: (916) 444-3333 MAIN HOME PHONE: CELL PHONE: Linkage factors

Resident status : UNKNOWN Age range : 22-29 YEARS Access to firearm : No

2. JUV-ARR/CIT # 1 -

(Case Specific Information)

Sex: MALE Race: AFRICAN AMERICAN/BLACK Date of birth:

Municipality:



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Phone Numbers
MAIN HOME PHONE:
CELL
PHONE:
Particulars
Place of birth:
Occupation:
Employer:
Ethnicity: AFRICAN AMERICAN(Race:B)
Language(s) spoken: ENGLISH
Height: 5'06 Weight: 120 lbs. Build: ATHLETIC/MUSCULAR Complexion: MEDIUM BROWN
Eye color: BROWN
Hair color: BLACK
Additional remarks: XREF:
Master Name Index Reference
Name:
Sex: MALE
Race: AFRICAN AMERICAN/BLACK
Date of birth:
Ethnicity: AFRICAN AMERICAN(Race:B)
Address:
Municipality:
Phone numbers MAIN HOME PHONE:
BUSINESS PHONE: -
CELL PHONE:
Charge Summary
Charge # 1
Offense date: Dec-08-2017 (Fri.) 2300
Offense : PETTY THEFT
Charge statute: PC 484(A)
Charge severity: MISDEMEANOR
Domestic Violence: No
Linkage factors
Resident status : CITY OF SACRAMENTO RESIDENT
Age range : 16-17 YEARS
Access to firearm : No
Armed with : NONE
Offense: 2399- 2 484 PC PETTY THEFT - COMPLETED
Arrest date: Dec-09-2017 (Sat.)
Arrest type: ON VIEW ARREST (LOCAL ARREST NO WARRANT)



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL

2399-2 484 PC PETTY THEFT

3. JUV-ARR/CIT # 2 -(Case Specific Information) Sex: MALE Race: CAUCASIAN/WHITE/HISPANIC/EAST INDIAN/GUAMANIAN Date of birth: Address: Municipality: **Phone Numbers** MAIN HOME PHONE: CELL PHONE: **Particulars** Place of birth: Occupation: Employer: Ethnicity: HISPANIC(Race:W) Language(s) spoken: ENGLISH Height: 5'10 Weight: 130 lbs. Build: MEDIUM Complexion: LIGHT BROWN Eye color: **BROWN** Hair color: BLACK Hair style: SHORT Additional remarks: XREF: MOTHER **Master Name Index Reference** Name: Sex: MALE Race: CAUCASIAN/WHITE/HISPANIC/EAST INDIAN/GUAMANIAN Date of birth: Ethnicity: HISPANIC(Race:W) Address: Municipality: **Phone numbers** CELL PHONE: MAIN HOME PHONE: **Charge Summary** Charge #1 Offense date: Dec-08-2017 (Fri.) 2300 Offense : **PETTY THEFT** Charge statute: **PC** 484(A) Charge severity: MISDEMEANOR Domestic Violence: No



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL

2399-2 484 PC PETTY THEFT

Linkage factors

Resident status : **CITY OF SACRAMENTO RESIDENT** Age range : **16-17 YEARS** Access to firearm : **No** Armed with : **NONE** Offense: **2399- 2 484 PC PETTY THEFT - COMPLETED** Arrest date: **Dec-09-2017 (Sat.)** Arrest type: **ON VIEW ARREST (LOCAL ARREST NO WARRANT)**

Related Business(es)

1. VICTIM # 1 - MACY'S

Address: 414 K ST

Municipality: **SACRAMENTO**, **California** 95814-Phone number: (916) 449-2582 Type: **DEPARTMENT STORE**

Particulars

Security: Yes

Contact Name

Affiliation **LPO**

Phone Numbers (916) 444-3333

Contact # 1: Linkage factors

IBR Business Type: **BUSINESS** Victim of: **2399- 2 484 PC PETTY THEFT - COMPLETED**


GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Text Page(s)

Document: 02 WITNESS STATEMENT Author: 4342 - MCDERMID, GARETT 0939 Subject:

Related date/time: Dec-09-2017 (Sat.) 646

On 12/8/2017 I (Ofc McDermid #939) contacted Loss Prevention Officer and obtained her statement. She stated the following in

summary:

I observed the boys on security cameras, take the Polo jumpsuits and put them in their bags. I continuously monitored the boys until they walked out of the store where my loss prevention team detained them.

The Polo's run about \$95 each.



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Text Page(s)

Document: 03 SUSPECT STATEMENT Author: 4342 - MCDERMID, GARETT 0939 Subject:

Related date/time: Dec-09-2017 (Sat.) 635

On 12/8/2017, I (Ofc McDermid #939) contacted suspect at 414 K St (Macy's). I transported to Juvenile Hall where I advised him of his Miranda Rights verbaitm using my department issued SPD133 card. After every question I asked, said "yes". When I asked him to tell me what happend tongiht, he stated the followign in summary:

"I put a couple pairs of polo pants in my backpack then walked around the store for a bit. Then I walked out the door and got caught. I didn't have any money to pay for the pants."



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Text Page(s)

Document: 03 SUSPECT STATEMENT Author: 4342 - MCDERMID, GARETT 0939 Subject:

Related date/time: Dec-09-2017 (Sat.) 639

On 12/8/2017, I (Ofc McDermid #939) contacted suspect at 414 K St (Macy's). I transported to Juvenile Hall where I advised him of his Miranda Rights verbaitm using my department issued SPD133 card. After every question I asked, said "yes". When I asked him to tell me what happend tongiht, he stated the followign in summary:

"I took some stuff and got caught"



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Text Page(s)

Document: 04 OBSERVATIONS Author: 4342 - MCDERMID, GARETT 0939 Subject: OFC MCDERMID #939 Related date/time: Dec-09-2017 (Sat.) 610

On 12/09/2017 at approx 2256 hours, I (Ofc McDermid #939) was dispatched to 414 K St regarding two subjects in custody for shoplifting. I arrived on scene at approx 2302 hours and observed the following in custody.

I contacted Loss Prevention Officer (LPO) for the LPO office and obtained her statement (see statement). She identified the two subjects seated in her office as the suspects in the theft. One was a Male Black Juvenile (MBJ), the other was a Male Hispanic Juvenile (MHJ). She stated she was unable to identify the MBJ.

I contacted the MBJ, asked him to stand, hand cuffed him and conducted a search incident to arrest. He verbally identified himself as **Derivative**. During my search, **Derivative** became uncooperative and resistive, shirking his shoulder at me while I tried to position him for the search. I pressed **Derivative** into the wall in order to gain compliance and prevent him from resisting the search. **Derivative** continued to be verbally and physically resistive. I lowered **Derivative** to the ground to better control his movements and continue my search.

I contacted the MHJ who verbally identified himself as **Contacted** . I conducted a search incident to arrest of **Contacted** who was compliant.

LPO issued notices of trespass to and as well as a restitution fee.

was detained outside of the store with two pairs of Polo sports pants. The total value of items was approx \$193. Was detained with outside the door of Macys with a pair of Polo sports Pants and a Polo sports jacket, valued at approx \$195. Neither had money on them to pay for the items.

and were unable or unwilling to provide information on who their parents or guardians were in order to release them to. Because no guardians were available, I transported and and to Juvenile Hall where they were booked without incident.

In the booking room of Juvenile Hall, I obtained Mirandized statements from



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

and (see statements).



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL

2399-2 484 PC PETTY THEFT

Clearance Information

Agency: SACRAMENTO PD Cleared status: CLEARED BY ARREST - NOT APPLICABLE Cleared on: Dec-08-2017 (Fri.) Cleared by Officer 1: 4342 - MCDERMID, GARETT 0939 Org Unit: P3L01 - OOO PATROL DIST 3 LATE (TEAM 18) Complainant/Victim notified: No



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

Related Arrest Report: AB# 2017-13349

Arrestee: Date of birth: Related CD#:

Arrest Information

Status: CHARGED/BOOKED Type of arrest: PROBABLE CAUSE ARREST Reason for arrest: PICKUP (FRESH ARREST) Arrest date: Dec-08-2017 (Fri.) 2300 Rush file required: No Booked into cell: No Arrest agency: SAC CITY POLICE Arresting officers: 4342 - MCDERMID, GARETT 0939 Summary of facts: PETTY THEFT

Arrest location Address: **414 K ST** Place: **MACYS** Municipality: **SACRAMENTO** County: **SACRAMENTO COUNTY** District: **3** Beat: **3M** Grid: **0742**

SODA zone: No Drug free zone: No

File number: 10053408 Cause number: CA0340400

Additional Arrest Information

Case Screened: No Notify victim on release: No Juvenile: Yes Arrest status: **BOOKED** Armed with: NONE Diversion recommended: No Interpreter needed: No Rights given: No Mental exam required: No Statement taken: No Fingerprinted: Yes Photo taken: Yes CD updated: Yes Family notified: No Lawyer called: No Meal given: No Coffee given: No Arrestee's occupation: STUDENT Detained: No



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL

2399-2 484 PC PETTY THEFT

Related Arrest Report: AB# 2017-13347

Arrestee: Date of birth: Related CD#:

Arrest Information

Status: CHARGED/BOOKED Type of arrest: PROBABLE CAUSE ARREST Reason for arrest: PICKUP (FRESH ARREST) Arrest date: Dec-08-2017 (Fri.) 2300 Rush file required: No Booked into cell: No Arrest agency: SAC CITY POLICE Arresting officers: 4342 - MCDERMID, GARETT 0939 Summary of facts: PETTY THEFT

Arrest location Address: **414 K ST** Place: **MACYS** Municipality: **SACRAMENTO** County: **SACRAMENTO COUNTY** District: **3** Beat: **3M** Grid: **0742**

SODA zone: No Drug free zone: No

File number: 10053406 Cause number: CA0340400

Additional Arrest Information

Case Screened: No Notify victim on release: No Juvenile: Yes Arrest status: **BOOKED** Armed with: NONE Diversion recommended: No Interpreter needed: No Rights given: No Mental exam required: No Statement taken: No Fingerprinted: Yes Photo taken: Yes CD updated: Yes Family notified: No Lawyer called: No Meal given: No Coffee given: No Arrestee's occupation: STUDENT Detained: No



GO# SA 2017-351619 CLEARED BY ARREST-PENDING SGT. APPROVAL 2399-2 484 PC PETTY THEFT

*** END OF HARDCOPY ***

То:	Garett McDermid, Officer Office of Operations - Patrol	Date: December 13, 2017
Attn:	Dave Peletta, Deputy Chief Office of Operations	
From:	Norm Leong, Captain Office of Operations- Central Command	

Subject: Cease and Desist Order

This memorandum will serve as an order to immediately cease and desist all contact and communications related to any past, current, or future criminal investigations involving and server and server and server also prohibited from contacting any witness(es), victim(s), suspect(s), and/or any other persons who were involved in this investigation (referring to report # 17-351619). This order does not prohibit discussing the criminal case as needed with the District Attorney's office, while testifying in court, with your union representative, or Internal Affairs.

Contact or communication as written in this memorandum shall include, but not be limited to, text messages, phone calls, emails, notes, MDC messages, and verbal communication, whether directly or indirectly through other individuals.

You are also reminded that any and all computer, MDC, data retrieval, and other inquiries using Department equipment is to be on a need to know and right to know basis as part of your current assigned duties and tasks.

You are ordered not to discuss this matter with any other Department employee. Any violation of this order could be considered insubordination and subject you to disciplinary action up to and including termination.

Officer Garett McDermid

Captain Norm Leong



DANIEL HAHN Chief of Police 5770 Freeport Blvd., Suite 100 Sacramento, CA 95822-3516

> (916) 808-0800 Fax: (916) 808-0818 www.sacpd.org

May 1, 2018

IAD2017-322

Garett McDermid

Dear Garett,

An investigation in which you were an accused employee has been completed. The allegations against you were Conduct Unbecoming, Improper Tactics, Neglect of Duty and Excessive Force. The allegations were found to be **sustained**.

As required by law, we are informing you that you have adverse information that will remain in your personnel file. Based on the sustained allegations, discipline of termination would have been imposed. The issue of discipline is moot as a result of your resignation.

This is only a notification process and you do not need to respond to Internal Affairs. However, if you have any further questions regarding the matter, you may contact me at **916-808-2292**.

Respectfully,

James Harrington, Lieutenant Internal Affairs Division



INTENT LETTER RECEIVED DATE 03.30.2018 EMPLOYE SUPERVISO

5770 Freeport Blvd., Suite 100 Sacramento, CA 95822-3516

> (916) 808-0800 Fax: (916) 808-0818 www.sacpd.org

DANIEL HAHN Chief of Police

> March 30, 2018 IAD2017-322

Officer Garett McDermid 5770 Freeport Blvd., Suite 100 Sacramento, CA 95822

Dear Officer McDermid,

This letter is to inform you of our intent to terminate you from your position as a Police Officer and from City service. This action is based on the following facts:

- 1. On December 8, 2017, you were assigned as a patrol officer working in district 3 as Unit 1A32. At approximately 22:57 hours on this date, you responded to a call for service at Macy's Department Store, located at 414 K Street, involving two juveniles who were in custody for shoplifting. You arrived on scene at 23:02 hours and failed to activate your body worn camera as prescribed by Sacramento Police Department General Order 525.07 which states that employees shall activate their body-worn cameras during any enforcement or investigative activity, whether self-initiated or in response to a dispatched call.
- 2. Upon your arrival in the Macy's detention area, the two subject juveniles were sitting on a bench, unrestrained, and did not appear to be resistive or a threat to you or the Macy's employees that were present.
- 3. While on scene, you were observed by witnesses and on Macy's surveillance camera, placing your hands around the head and neck region of one of the detained juveniles, later identified as
- 4. While your hands were around the neck and head region of you were also observed by witnesses, on two separate occasions, forcing the handcuffed juvenile's face into a wall. After forcing the handcuffed juvenile into the wall a second time, you were observed by another witness, pulling him back and then throwing the handcuffed juvenile to the ground.
- 5. The force utilized by you and described in Paragraphs 3 and 4, above, violated Sacramento Police Department General Order 580.02 (Use of Force).
- 6. When you submitted your written report, you failed to provide details which accurately depicted the chain of events in several respects, but in particular as to the nature, extent and propriety of the force you used in detaining **several** In addition, in your December 29, 2017 fact-finding interview, you downplayed the actions you took during this incident.
- 7. You did not notify your supervisor of this reportable use of force.
- 8. During your December 29, 2017, fact-finding interview, you admitted the following: The Mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City.

- On December 8, 2017, you were working in District 3 and assigned as a solo unit, 1A32.
- On December 8, 2017, at 2302 hours you were dispatched to Macy's, located at 414 K Street, regarding two juveniles in custody for shoplifting.
- Upon entering Macy's, you failed to activate your departmental-issued body worn camera as required by Sacramento Police General Order 525.07 (page 22 of 75).
- While on scene you placed handcuffs on juvenile (page 30 of 75).
- While conducting a search of your placed your left hand on the base of his skull, your right hand on his chin and forced his head into the wall (page 36 of 75).
- That your statement that you "pressed" into the wall was inaccurate, as it mischaracterized the nature of your actions. (page 36 of 75)
- After pulling away from the wall, you forced his head into the wall a second time for being "verbally resistive" (page 52 of 75).
- That physical force is not authorized for suspects that are being only verbally resistive. (page 52 of 75)
- You placed your leg behind who was handcuffed, and conducted a takedown, forcing to the ground (page 53 of 75).
- In your report, GO SA 2017-351619, you omitted that you threw to the ground, instead writing that you, "lowered" to the ground, because it sounded better (page 54 of 75).
- You deviated from training taught at the Sacramento Police Academy (page 40 of 75).
- You violated the Sacramento Police Department Use of Force Policy (580.02) and brought discredit upon the Sacramento Police Department (page 71 of 75)
- You resorted to unreasonable use of force considering the circumstances (page 73 of 75).

Your actions constituted inefficiency, inexcusable neglect of duty; dishonesty; discourteous treatment of any member of the public; willful disobedience of a lawful rule, order or direction; and caused disruption and discredit to your employment and the public service and is cause for disciplinary action pursuant to Rule 12.2 (c), (d), (f), (n), (p), and (w) of the Rules and Regulations of the Civil Service Board.

Your actions in this matter are in violation of the Sacramento Police Department Manual of Orders, which states, in relevant part:

General Order 210.04 General and Professional Conduct 07-12-2017

PURPOSE

The purpose of this order is to establish criteria for the general and professional conduct of the Departmental employees.

PREAMBLE

Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY

It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of the Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

- 1. Employees on or off duty shall
 - b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
- 2. Employees shall
 - d. Properly perform assigned police responsibilities during a scheduled shift.
 - k. Not file false, inaccurate or improper information orally or in writing, either personally or through another employee, for criminal prosecution, personal gain, or for unearned recognition, including sick or injury reports, falsification of public records, or for any other purpose.

General Order 580.02 USE OF FORCE 05-16-17

PURPOSE

The purpose of this order is to outline procedures for the use and application of force, the medical follow up that may be needed when the use of force results in injury, and the reporting and investigation of the incidents involving the use of force.

POLICY

It shall be the policy of the Sacramento Police Department that officers value and preserves the sanctity of human life at all times. Officers shall use only that amount of force necessary under the circumstances presented that the officer reasonably believes is required. Officers are expected to use de-escalation techniques when reasonably possible and without increasing the risk of harm to officers or others in an effort to reduce or eliminate the use of force. When using force, officers shall continuously reassess the perceived threat to select the reasonable use of force response.

When making use of force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

PROCEDURE

A. DEFINITIONS

- 1. INJURY Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the use of force applied. Injury, as defined in the order, does not include the temporary pain associated with the proper application of control holds and/or restraints.
- 6. REPORTABLE USE OF FORCE Any use of force (UOF) that causes injury as defined above; any UOF, whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED; and any UOF, whether or not it results in injury, that deviates from the technique taught and the equipment provided by the Department (see extraordinary conditions in section B.).

B. GENERAL

- 1. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened of the person being arrested; nor shall such an officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest, to prevent escape or to overcome resistance."
- 4. When using force, officers should use techniques and equipment that are approved by the Department. Under extraordinary conditions that involve the risk of serious bodily injury or death,

and in situations where it may be impractical or impossible to comply with the provisions of this order, officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.

C. MANDATORY REPORTING PROCEDURE

- b. If officers are in doubt as to whether the UOF is reportable, the officers shall notify their field supervisor, who will then be responsible for making the determination.
- c. Any reportable UOF shall require the immediate notification of the officer's field supervisor and the following:

(1) The applicable report(s) (crime, casualty, and/or incident) shall be completed and include a complete description of how and why force was used, as well as a description of injuries that the suspect received or claims to have received.

General Order 525.07 BODY-WORN CAMERA 04-26-17

PURPOSE

The purpose of this order is to establish policy and procedures for the use and deployment of the bodyworn camera.

POLICY

It shall be the policy of the Sacramento Police Department to utilize a body-worn camera in a manner that will assist in criminal prosecutions or civil litigation by providing a recording of the incident that may supplement an employee's report and help document professional police conduct.

PROCEDURE

A. GENERAL

1. All officers issued a body-worn camera are required to wear and use body-worn cameras while working in uniform. A "uniform" is to be considered the standard uniform as well as any apparel (e.g. tactical/raid vests) that identifies the wearer as a possible police officer.

B. EMPLOYEE RESPONSIBILITY

- 2. Employees assigned a body-worn camera shall
 - b. Ensure the body-worn cameras are functioning properly. Any apparent damage, malfunction, or loss shall be brought to the attention of a supervisor as soon as reasonable practical.

C. REQUIRED ACTIVATION OF THE BODY-WORN CAMERA

- 3. Employee shall activate their body-worn cameras during any enforcement or investigative activity, whether self-initiated or in response to a dispatched call. Examples include, but are not limited to, the following:
 - i. While executing searches of individuals, vehicles, buildings, and other places.
 - j. When advising suspects of their rights per Miranda.
 - k. When conducting arrests, detentions, and/or citations.
 - 1. While taking statements from witnesses, victims, and other subjects.
 - o. During other contacts that become adversarial or in which, in the employee's judgement, a video recording would assist in documenting the incident for later investigation or review.
- 4. If the body-worn camera was not utilized or a required event, the reason shall be documented on the CAD call.

D. DEACTIVATION OF THE BODY WORN CAMERA

1. Except as listed below, once activated, officers shall not deactivate their body-worn cameras until the investigative or enforcement activity involving a member of the public has reasonably

concluded. If enforcement or investigative activity with a member of the public resumes, the officer shall re-activate the body-worn camera and continue recording.

All written materials, reports and documents upon which this action will be based have been provided to you for your review.

You have the right to respond to this letter either orally or in writing. If you choose to respond in writing, you have until April 9, 2018, to do so. If you wish to respond orally, you may meet with Captain Joy in the Labor Relations conference room on April 9, 2018, at 1000, at 915 I Street, Historic City Hall, Room 109, Sacramento. If you have any questions regarding a response to this action, please direct them to Captain Joy at (916) 808-0701.

IF YOU DO NOT RESPOND EITHER ORALLY OR IN WRITING BY THE DATE AND TIME SCHEDULED, YOU WILL HAVE WAIVED THE RIGHT TO RESPOND.

Your response, if any, will be considered prior to the imposition of the proposed discipline.

Sincerely. Daniel Hahn

Chief of Police

APPROVI Howard Chan

City Manager

APPROVED:

Shelley Banks-Robinson Director, Human Resources

cc: HR - Labor Relations HR - Employment, Classification & Development April 26, 2018

MEMORANDUM

To: City of Sacramento

From: Police Officer, Garett McDermid

Re: Resignation

Effective upon close of business on April 26, 2018, I, Garett McDermid, hereby resign from my position as a Police Officer with the City of Sacramento for personal reasons.

I acknowledge that my resignation is irrevocable.

Sincerely,

Hen Mc Wed

Garett McDermid





5770 Freeport Blvd., Suite 100 Sacramento, CA 95822-3516

RETURN SERVICE REQUESTED Internal Affairs Division #IAD2017-322



Mr. Garett McDermid

2020	U.S. Postal Service [™] CERTIFIED MAIL [®] REC Domestic Mail Only For delivery information, visit our website	
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	PS Form 3800, April 2015 PSN 7530-02-000-9047	See Reverse for Instructions

Internal Affairs Division #IAD2017-322

Mr. Garett McDermid



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

General Offense Information

Operational status: CLEARED BY ARREST-SERGEANT USE ONLY Reported on: Dec-08-2017 (Fri.) 1912 Occurred on: Dec-08-2017 (Fri.) 1912 Approved on: Jan-11-2018 (Thu.) by: 277 - FAN, JOHN 0815 Report submitted by: 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED) Org unit: OOO PATROL DIST 3 LATE (TEAM 18) Address: 414 K ST Place: MACYS Municipality: SACRAMENTO County: SACRAMENTO COUNTY District: 3 Beat: 3M Grid: 0742 Felony/Misdemeanor: MISDEMEANOR Value loss: \$380.00 Value recovered: \$380.00 Family violence: No

Offenses (Completed/Attempted)

Offense: #1 2399-2 484 PC PETTY THEFT - COMPLETED Location: DEPARTMENT STORES Offender suspected of using: N/A Bias: NONE (NO BIAS)



SACRAMENTO POLICE DEPARTMENT PUBLIC HARDCOPY

RELEASED PER PUBLIC RECORDS ACT REQUEST

GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY 2399-2 484 PC PETTY THEFT

Related Attachment(s) - ATTACHMENTS

Attachment Description: ICC & BWC REQUEST Reference Number:

City of SACRAMENTO	DIGITAL DUPLICATION REQUEST
Police Department	🖌 In Car Camera (ICC)

Police Department 🗹 Body Worn Camera (BWC)

Requestor			Badge #	Division	Phone #
Shirley Scheffler					
Name of Agency (Outside Agency Reque	st Only)		Date of Red	quest	Date Required
Sacramento County DA's Of	fice		12/26/20	17	01/09/2018
Title Criminal Investigator II	Name Shirley Scheffler	Address 9805 C	Goethe Roa	d	Phone # 875 - 5026
CAD/Report Number 17 - 3516	19				
Date/Time of Incident	Vehicle #	Type of	Incident		
12/08/2017, 1912 hrs.		484 P	C		

SPD Officers Involved in the Incident (Name & Badge #)

1. McDermid # 939	2.
3.	4.
Specific footage requested (e.g. suspect statement, pur	sult, etc.)
Officer McDermid responded to Macys on a reported the	ft, suspects in custody.
Additional Information/Incident Information/Officers	

Approving Person (When Required per G.O. 525.03)

PRINT NAME	BADGE#	
	SSS	
SIGNATURE	DATE	TIME

PRINT NAME OF REQUESTING DEP. DISTRICT ATTORNEY OR CITY ATTORNEY
DDA Bergez

FOR E&P USE ONLY

Date Request Received	Date Completed	Name	Badge
12/26/17	01/04/18	E. Talbot	6545
NOTES: 074319/11639. BWC x3	3.		

Please e-mail your requests to InCarCamera@pd.cityofsacramento.org (Requests must be received seven business days prior to required date)

SPD 524 (Rev 06/17)



SACRAMENTO POLICE DEPARTMENT PUBLIC HARDCOPY

RELEASED PER PUBLIC RECORDS ACT REQUEST

GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY 2399-2 484 PC PETTY THEFT

<u>Related Attachment(s) - OTHER</u>

Attachment Description: **DA REJECTION NOTICE** Reference Number:

DISTRICT ATTORNEY – JUVENILE DIVISION REJECTION/DEFERRAL NOTICE

	DETECTIVE AGENCY	ETENTION	
CASE REJI	ECTED FOR FOLLOWING REASON(S)		D FOR FOLLOWING
A C D E F G H I REMARKS:	Lack of Corpus Lack of Sufficient Evidence Inadmissible Search and Seizure Victim/Witness Unavailable / Declines to Testify Interest of Justice / Time Served Other (Indicate reason in Remark Section) Further Investigation (Requested Below) Section 654 W&I Informal Probation Recommended Deferred (May be filed at a later time) Neel MURA	A B C	Parental Remedies Sufficient at this tim School Remedies Sufficient at this tim See remarks below
] If box	is checked, D.A. does not request your agency to hold th	e evidence. Arres	sting agency may make
] If box dispos	is checked, D.A. does not request your agency to hold the sition decision. tion you may consider this letter your authority to release		ned minor from custody



GO# SA 2017-351619 CLEARED BY ARREST-

SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Related Attachment(s) - EVIDENCE.COM

Attachment Description: **Evidence.com Case URL** Reference Number: URL:

*** The attached file cannot be included in this hardcopy. ***



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Related Person(s)

1. WITNESS # 1 -

(Case Specific Information)

Sex: Female Race: CAUCASIAN/WHITE Date of birth:

Municipality:

2. JUV-ARR/CIT # 1 -

(Case Specific Information)

Sex: Male Race: AFRICAN AMERICAN/BLACK Date of birth: Address: Municipality: Phone Numbers MAIN HOME PHONE: CELL PHONE: 3. JUV-ARR/CIT # 2 -

(Case Specific Information) Sex: Male Race: CAUCASIAN/WHITE Date of birth:

Address: Municipality: Phone Numbers MAIN HOME PHONE: CELL PHONE:

<u>Related Business(es)</u>

1. VICTIM # 1 - MACY'S

Address: 414 K ST

Municipality: **SACRAMENTO**, **California** 95814 Phone number: (916) 449-2582 Type: **DEPARTMENT STORE**



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Particulars

Security: Yes

Contact Name

Affiliation **LPO**

Phone Numbers (916) 444-3333

Contact # 1: Linkage factors

IBR Business Type: **BUSINESS** Victim of: **2399- 2 484 PC PETTY THEFT - COMPLETED**



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Narrative Text

Type 02 WITNESS STATEMENT Related Person (WITNESS #1)

Subject

Author 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED)

Related Date Dec-09-2017 6:46

On 12/8/2017 I (Ofc McDermid #939) contacted Loss Prevention Officer and obtained her statement. She stated the following in summary:

I observed the boys on security cameras, take the Polo jumpsuits and put them in their bags. I continuously monitored the boys until they walked out of the store where my loss prevention team detained them.

The Polo's run about \$95 each.



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Narrative Text

Type 03 SUSPECT STATEMENT
Related Person (ARREST/CITE #1)
Subject

Subject

Author 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED) Related Date Dec-09-2017 6:35

On 12/8/2017, I (Ofc McDermid #939) contacted suspect at 414 K St (Macy's). I transported to Juvenile Hall where I advised him of his Miranda Rights verbaitm using my department issued SPD133 card. After every question I asked, said "yes". When I asked him to tell me what happend tongiht, he stated the followign in summary:

"I put a couple pairs of polo pants in my backpack then walked around the store for a bit. Then I walked out the door and got caught. I didn't have any money to pay for the pants."



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Narrative Text

Type 03 SUSPECT STATEMENT Related Person (ARREST/CITE #2) Subject Author 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED) Related Date Dec-09-2017 6:39

On 12/8/2017, I (Ofc McDermid #939) contacted suspect **Contract and an and** at 414 K St (Macy's). I transported **Contract and a state and**

"I took some stuff and got caught"



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

Narrative Text

Type 04 OBSERVATIONS Subject OFC MCDERMID #939 Author 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED) Related Date Dec-09-2017 6:10

On 12/09/2017 at approx 2256 hours, I (Ofc McDermid #939) was dispatched to 414 K St regarding two subjects in custody for shoplifting. I arrived on scene at approx 2302 hours and observed the following in custody.

I contacted Loss Prevention Officer (LPO) **Contact and an antipartition of the LPO** office and obtained her statement (see statement). She identified the two subjects seated in her office as the suspects in the theft. One was a Male Black Juvenile (MBJ), the other was a Male Hispanic Juvenile (MHJ). She stated she was unable to identify the MBJ.

I contacted the MBJ, asked him to stand, hand cuffed him and conducted a search incident to arrest. He verbally identified himself as **Exercise**. During my search, **Exercise** became uncooperative and resistive, shirking his shoulder at me while I tried to position him for the search. I pressed **Exercise** into the wall in order to gain compliance and prevent him from resisting the search. **Exercise** continued to be verbally and physically resistive. I lowered to the ground to better control his movements and continue my search.

I contacted the MHJ who verbally identified himself as **Example 1**. I conducted a search incident to arrest of **Example 2** who was compliant.

LPO issued notices of trespass to and as well as a restitution fee.

was detained outside of the store with two pairs of Polo sports pants. The total value of items was approx \$193. was detained with outside the door of Macys with a pair of Polo sports Pants and a Polo sports jacket, valued at approx \$195. Neither had money on them to pay for the items.

and were unable or unwilling to provide information on who their parents or guardians were in order to release them to. Because no guardians were available, I transported and and to Juvenile Hall where they were booked without incident.

In the booking room of Juvenile Hall, I obtained Mirandized statements from and statements).



GO# SA 2017-351619 CLEARED BY ARREST-

2399-2 484 PC PETTY THEFT

Clearance Information

SERGEANT USE ONLY

Agency: SACRAMENTO PD Cleared status: CLEARED BY ARREST - NOT APPLICABLE Cleared on: Dec-08-2017 (Fri.) Cleared by Officer 1: 4342 - MCDERMID, GARETT 0939 (QUIT - RESIGNED) Org Unit: P3L01 - OOO PATROL DIST 3 LATE (TEAM 18) Approved by: 277 - FAN, JOHN 0815 Org Unit: NCU3 - OOI INV SERVICES - NEIGHBORHOOD CRIMES UNIT SECTOR Complainant/Victim notified: No



GO# SA 2017-351619 CLEARED BY ARREST-SERGEANT USE ONLY

2399-2 484 PC PETTY THEFT

*** END OF HARDCOPY ***



KATHERINE LESTER Chief of Police

5770 Freeport Blvd., Suite 100 Sacramento, CA 95822-3516

> (916) 808-0800 Fax: (916) 808-0818 www.sacpd.org

Report Number: IAD2017-322

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 that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

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));

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4)); 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; Cal. Pen. Code § 15150 et seq.; Cal. Pen. Code §§ 11105 and 13300; and Cal. Welfare & Inst. Code § 827;

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