

## Sacramento Police Department Use Of Force Report

**Incident Entered By:** Police Sergeant Vance Chandler - 168

**Assigned Investigator:** [Incident pending assignment]

### Incident Details

Date Received	Date of Occurrence	Time of Occurrence
7/30/2017	7/30/2017	18:55
Record ID #	Report Number	IA No
19236	17-216537	UOF2017-074
Date/Time Entered		
8/4/2017 16:40		

### Incident Summary

On Sunday, 7-30-17, at approximately 1845 hours, Officer Lopez #485 was working supplemental employment at Arden Fair Mall (1689 Arden Way). Officer Lopez was in full police uniform and driving a marked black and white police vehicle. He was equipped with a body worn camera.

While working at the mall, Arden Mall security advised Officer Lopez that they needed his assistance at [REDACTED] for two subjects that had been caught shoplifting by loss prevention. Once inside the loss prevention office in [REDACTED], loss prevention requested him to conduct a records check on the two subjects detained. Both subjects stated that they did not have any form of identification on them. The two subjects identified themselves verbally as [REDACTED] and [REDACTED]. After receiving this information, Officer Lopez returned to his patrol vehicle to conduct a records check on both subjects.

During a records check, Officer Lopez was unable to locate either subject. Both subjects stated that they lived in Yuba City, so Officer Lopez made contact with Yuba City PD. After talking with Yuba City PD, Officer Lopez believed that the female had an outstanding warrant ([REDACTED]) out of Yuba. He advised mall security, via radio, to escort the female out of the Loss Prevention office to his patrol vehicle.

Officer Lopez talked with the female and she admitted to lying about her name. She stated that her real name was [REDACTED]. At that point, Officer Lopez asked her if the male also gave a false name and [REDACTED] did not answer. Officer Lopez stood by with [REDACTED] at his patrol vehicle, while mall security went to the security office to bring the male out to the patrol vehicle. When the male exited, Officer Lopez asked him if the name he originally provided was accurate. The male said it was not and Officer Lopez asked for his real information. Then, the male stated that his first name was [REDACTED] and stopped talking.

At that point, Officer Lopez approached [REDACTED] to place him in the backseat of his patrol vehicle. As Officer Lopez approached him, the male took a step away. One of the mall security officers ([REDACTED]) was standing behind the male and wrapped both of his arms around the male in an attempt to keep him from fleeing. Officer Lopez also reached for the male and advised him to not resist and to have a seat in the back of his patrol vehicle. The male started to cry and yell, "[REDACTED]! I love you, [REDACTED]!" Officer Lopez gave him additional orders to not resist and to have a seat in the back of the patrol vehicle. The male refused to comply. Instead, the male attempted to break away and resist by kicking and struggling with Officer Lopez and assisting security unit, [REDACTED] (Witness [REDACTED]), along with two other assisting security officers (Witness [REDACTED] and Witness [REDACTED]).

Officer Lopez feared for his safety and the safety of assisting security officers from Arden Mall. To prevent the male subject from harming one of them with his repeated kicks, Officer Lopez applied a rear carotid control hold on the subject. Officer Lopez applied the carotid control hold until the male subject lost consciousness. Once the subject was unconscious, Officer Lopez placed handcuffs on the subject and rolled him into a recovery position, on his side. After placing the subject on his side, he regained consciousness. At that point, Officer Lopez sat him up and placed him in the back of his patrol vehicle. Via radio, Officer Lopez requested a sergeant to respond to the scene.

I, Sergeant Chandler #3040, was working as 3SM2. I responded to the scene. Additional units responded and assisted with a canvas.

SPD Fire/Medics responded to the scene to check on the male subject, who was identified as [REDACTED]. SPD Fire advised that he appeared to be dehydrated, but his condition was fine and did not need to be

transported to a hospital.

During the physical altercation with Officer Lopez, Suspect [REDACTED] sustained scratches/marks in these areas: Under right eyebrow, forehead, right side of neck, bottom of chin and right elbow. Officer Lopez sustained scratches/marks on his legs and a complaint of pain to his back. CSI responded to the scene and took photos of Suspect [REDACTED] and Officer Lopez.

A records check showed Suspect [REDACTED] to be a parolee at large and have three outstanding felony warrants. He was later transported to the main jail for booking.

A red border was completed due to the use of the carotid control hold technique.

I reviewed all available ICC footage for the incident. The only ICC footage from this incident is post carotid control application. Officer Lopez was wearing a body worn camera during the incident. However, the camera was not activated until after applying the carotid control hold.

I reviewed all reports that were related to this incident.

Based on my review of this use of force, it was appropriate, justified, and within policy. However, I did notice a few areas worth addressing with Officer Lopez.

I spoke with Officer Lopez and we went over the following procedural and officer safety reminders:

1. When you have information that a subject is not revealing is true identity and there is a concern that the subject is wanted, consider detaining the subject prior to walking him outside to prevent an altercation or the subject fleeing. Additionally, consider detaining the subject yourself rather than having security (non-sworn) people take on this responsibility.
2. During a physical altercation, if you have the opportunity without compromising your safety, activate your body worn camera to catch video footage of the incident.
3. When you have information that there is a subject who is not revealing his true identity and may be wanted, consider asking for additional resources to ensure your safety and the safety of everyone involved.

Officer Lopez was receptive to the critique.

## Incident Location

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- 1689 Arden Way, Sacramento, CA 95838 - Location of Occurrence: 2 - Northeast - Precinct: 2C

## Use of Force Specific Information

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<b>Reason for Use of Force</b>	<b>Service Being Rendered</b>	
Other	Other	
<b>Weather Condition</b>	<b>Lighting Condition</b>	<b>Distance to Citizen</b>
Clear		1 feet to 3 feet
<b>Citizen Injured</b>	<b>Citizen Taken to Hospital</b>	<b>Citizen Arrested</b>
Yes	No	Yes
<b>More than 1 Citizen Involved</b>		
No		
<b>Citizen's Build</b>	<b>Citizen's Height</b>	
Med	5'7" to 5'9"	
<b>Officer Assessment of Citizen Condition During Incident</b>		
Unknown		
<b>Officer(s) Injured</b>	<b>Officer(s) Taken to Hospital</b>	
Yes	No	

## Reporting/Involved Citizen Information

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

**Address**

• [REDACTED]

**Role**

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

- Punch/Kick

**Injuries sustained by this citizen**

Injury	Regions	Injury Locations
Visible Injury		
scratches under chin		
Abrasion on forehead.		
scratches on right eyebrow		
Scratches on neck		
Scratches on elbow		

**Charges against this Citizen**

- 148(a) PC - Misdemeanor
- Drugs - Misdemeanor
- 3056 PC - Felony
- BOL/Warrant/Want - Felony

## Involved Officers

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**Police Officer Johnny Lopez - ABRA Number:**

**Assignment at time of incident:** Title: Police Officer 000/Patrol/District 5

**Video Footage:** [No Response]

**Role**

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

- Carotid Control Hold - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Carotid Control Hold	Yes		

**Injuries sustained by this officer**

Injury	Regions	Injury Locations
Comp of pain to lower back		
Scratches on legs		

### Citizen Witnesses

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**Address**

- [REDACTED]

**Phone**

- [REDACTED]
- [REDACTED]
- [REDACTED]

**Role**

- 

**Address**

- [REDACTED]

**Phone**

- [REDACTED]

**Role**

- 

**Address**

- [REDACTED]

**Phone**

- [REDACTED]

**Role**

- 

**Address**

- [REDACTED]

**Phone**

- [REDACTED]

**Role**

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### Tasks

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No tasks to show
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### Running Sheet Entries

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No running sheet entries to show
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### Attachments

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Date Attached	Attachment Description	Attachment Type
8/12/2017	CAD Call # 17-216537	pdf
8/12/2017	REPORT # 17-216537	pdf

8/12/2017

RED BORDER #17-216537

pdf

### Assignment History

Sent Dt	From	To
10/19/2017	Ofcr. Mark Scurria #0526	(None Specified)
<b>Assignment notes</b>		
Released back to IAPro		
<b>Email sent to receiver</b>		
No email sent		

### Chain of Command History

Routing #1	
Sent From:	Police Sergeant Vance Chandler
Sent To:	Police Lieutenant-Exempt Roman Murrietta
CC:	(none)
Sent Date/Time:	8/12/2017 10:54 PM
<b>Instructions from Police Sergeant Vance Chandler to Police Lieutenant-Exempt Roman Murrietta:</b>	
Lieutenant Murrietta, Here is the blue team for the use of force incident, Report #17-216537. Thanks, Vance	
<b>Comments/Response from Police Lieutenant-Exempt Roman Murrietta:</b>	
Comments: I find this Use of Force to be reasonable, legal and within policy. The related issues were properly addressed by Sgt. Chandler. Lt. Murrietta	

Routing #2	
Sent From:	Police Lieutenant-Exempt Roman Murrietta
Sent To:	Police Captain Pamela Seyffert
CC:	(none)
Sent Date/Time:	8/17/2017 6:13 PM
<b>Instructions from Police Lieutenant-Exempt Roman Murrietta to Police Captain Pamela Seyffert:</b>	
For your final review. Lt. Murrietta	
<b>Comments/Response from Police Captain Pamela Seyffert:</b>	
Comments: Looks like we are missing a secondary Lt review? Pam	

Routing #3	
Sent From:	Police Captain Pamela Seyffert
Sent To:	Police Lieutenant-Exempt Roman Murrietta
CC:	(none)
Sent Date/Time:	8/28/2017 12:43 PM
<b>Instructions from Police Captain Pamela Seyffert to Police Lieutenant-Exempt Roman Murrietta:</b>	
Need a second Lt. review? Pam	
<b>Comments/Response from Police Lieutenant-Exempt Roman Murrietta:</b>	
Comments: James, for 2nd review only then to Capt. Seyffert. Thanks! Roman	

Routing #4	
Sent From:	Police Lieutenant-Exempt Roman Murrietta
Sent To:	Police Lieutenant-Exempt James Harrington
CC:	(none)
Sent Date/Time:	8/31/2017 2:02 PM
<b>Instructions from Police Lieutenant-Exempt Roman Murrietta to Police Lieutenant-Exempt James Harrington:</b>	

James, Accidentally sent this to Capt. Seyffert without a 2nd review. Please review then send to Capt. Seyffert. Thanks! Roman

**Comments/Response from Police Lieutenant-Exempt James Harrington:**

Comments:  
I agree that this use of force was within policy and justified. Issues were appropriately addressed already by SGT Chandler.

**Routing #5**

Sent From:	Police Lieutenant-Exempt James Harrington
Sent To:	Police Captain Pamela Seyffert
CC:	(none)
Sent Date/Time:	9/1/2017 2:03 PM

**Instructions from Police Lieutenant-Exempt James Harrington to Police Captain Pamela Seyffert:**

For your final review.

**Comments/Response from Police Captain Pamela Seyffert:**

Comments:  
UOF was justified and within policy.

**Assigned Investigator Signature Line**

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[Incident pending assignment]

**Chain of Command Signature Lines**

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Police Lieutenant-Exempt Roman Murrietta

\_\_\_\_\_  
Police Captain Pamela Seyffert

\_\_\_\_\_  
Police Lieutenant-Exempt James Harrington

**Report Number: 2017-216537**

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Records or information, the disclosure of which would compromise the anonymity of complainants or witnesses (Cal. Pen. Code § 832.7(b)(5)(B));

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(6));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 6255(a));

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 6254(k); see also Cal. Const. art. 1 Sec. 1.

Sacramento Police Department  
Professional Standards Unit  
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