



For reporting a Level 4 force incident, use a
Level 4 Use of Force Report (TF-967g)

USE OF FORCE REPORT Oakland Police Department

TF-967 (Rev. May 10)

- Face Sheet Only to IAD
☐ IAD Tracking Copy
☒ Risk Management Advisement

FORCE LEVELS			
Indicate the highest force level used.			
Investigations shall be conducted at the highest level when multiple levels of force are used.			
Check One	<input type="checkbox"/> Level 1 Force	<input type="checkbox"/> Level 2 Force	<input checked="" type="checkbox"/> Level 3 Force
Incident Number	RD Number	Use of Force Control No.	IAD Case No.
191	12-050027	12F-1010	

Part 1 - (List additional Subjects on a Use of Force Continuation Report)

Incident Date	Day	Time	Location	CP Beat
4 Oct 12	Thu	0804	600 blk Bellevue Ave	14X

#1 Subject's Name	Sex	Race	DOB
	M	H	
Address	<input checked="" type="checkbox"/> Oakland	City/Zip	Contact Number
#2 Subject's Name	Sex	Race	DOB
Address	<input type="checkbox"/> Oakland	City/Zip	Contact Number
#3 Subject's Name	Sex	Race	DOB
Address	<input type="checkbox"/> Oakland	City/Zip	Contact Number

Part 2 - List all involved members/employees, indicate the subject(s), and all the Force Type(s) used by numeric identifier (Chart on back page). (List additional Members/Employees on a Use of Force Continuation Report)

Member/Employee	Serial No.	Force Type #	Subject # Force Used on	Regularly Assigned Supervisor	Regularly Assigned Division Commander
#1 J. Turner	8944	11, 16, 22	1	Sgt. F. Rojas	Capt. B. Medeiros
#2 C. Marie	8611	22	1	Sgt. F. Rojas	Capt. B. Medeiros
#3 A. Banks	8700	22	1	Sgt. A. Steinberger	Capt. J. Davis
#4					

Part 3 - List all witnesses to the use of force. (If more space is needed or to list additional witnesses on a Use of Force Continuation Report)

List members and employees before private person witnesses. If there are no known private person witnesses, specify "NO KNOWN WITNESSES" in the "#1 Witness Name" box.

Witness Information (Include Rank & Serial No. or Agency Affiliation if appropriate)			
#1 Witness Name	Sex	Race	DOB
T. O'Conner 8996			
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number
OPD			510-238-3455
#2 Witness Name	Sex	Race	DOB
R. Alvarez 8631			
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number
OPD			510-238-3455
#3 Witness Name	Sex	Race	DOB
N. Clark 8709			
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number
OPD			510-238-3455
#4 Witness Name	Sex	Race	DOB
No additional known witnesses			
Address OR Agency Affiliation	<input type="checkbox"/> Oakland	City/Zip	Contact Number

Part 4

UOF Report Prepared By	Serial No.	Date of Report	Supervisor Notified	Serial No.	Date / Time Notified
H. Nguyen	8416	4 Oct 12	A. Lt. B. Wehrly	8240	4 Oct 12 / 815

Part 2a
Numeric Identifiers - Type of Force Used

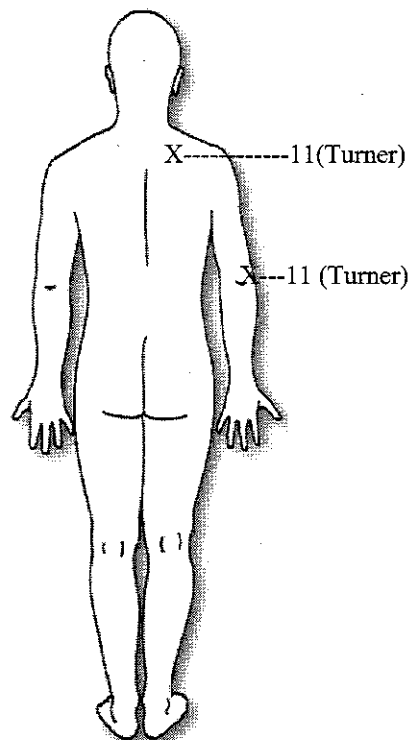
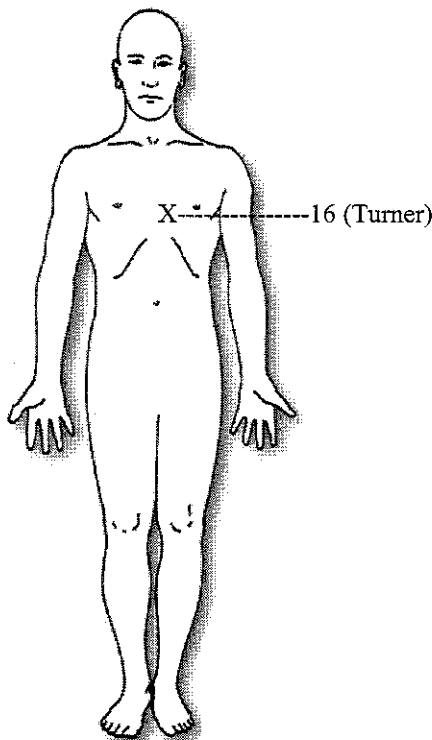
(Chart Rev. 1/09)

Use the appropriate numeric identifier and document the reasons for elevating an investigation in the Use of Force Report Narrative for any force investigation elevated to a higher level.

Level 1 Force Type			
1	Lethal Firearm Discharge	5	Unintentional Firearm Discharge with Injury
2	Force Resulting in Death	6	Force Results in SBI (Defined by DGO K-4) Other than Carotid Restraint
3	Force Creating Substantial Risk of Causing Death	7	Carotid Restraint with Loss of Consciousness
4	Intentional Strike to Head w/ Impact Weapon-- Regardless of Injury	8	Other: (Describe in Narrative)
Level 2 Force Type			
9	Strike to the Head - Other than an Intentional Strike to Head with an Impact Weapon	12	Impact/Impromptu Weapon with Contact - Regardless of Injury
		13	Any Use of Force Resulting in Injury (Other than a Level 1 Force Type)
10	Carotid Restraint without Loss of Consciousness	14	Police Patrol Canine Bites Clothing, Skin, or Injures a Person
27	Unintentional Firearm Discharge Not Resulting in Injury	15	Other (Describe in Narrative)
Level 3 Force Type			
11	Taser® Probes Impact Clothing, Penetrates Skin, or Push Stun	18	Taser Fired but Probes Miss
16	Weaponless Defense Technique Other than Control Hold	19	Non-Striking Use of Baton
17	O/C Applied to a Person	20	Attempted Impact Weapon Strike, but Misses
17a	Other Chemical Agent Deployed / Applied to a Person	21	On-Duty Firearm Discharge at Animal Other than to Dispatch an Injured Animal
Level 4 Force Type			
22	Intentionally Pointing a Firearm at a Person	25	A Weaponless Defense Technique Control Hold is applied: Escort (elbow); Twist lock; Arm-bar; or Bent-wrist.
23	Weaponless Defense Technique applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid, shoulder grab)		26
24	On-Duty Firearm Discharge to Dispatch an Injured Animal		
			A level 3 use of force incident meeting the criteria to be reported as a Level 4 AND reviewed and approved by supervisor or commander. (Indicate the Level 3 force type used in the Narrative.).

Use the diagrams below, if appropriate, and mark with an "X" and the numeric identifier
Indicate where on the body the force (Level 1-3) was used. (e.g., X---17 to indicate OC spray) Double-click on body

Subject #1





**USE OF FORCE
NARRATIVE REPORT**
Oakland Police Department
TF-967a (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027	
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]

Part 5 – Assessment and Compliance – To be completed by the preparer of the Use of Force or In-Custody Death Report

Assessment Issues:

Conduct a thorough review of all documents, interviews, and evidence to be included in the Use of Force Report packet to ensure completeness, accuracy, and quality and assess the following:

1. ☒ Yes ☐ No Was the original detention or subsequent arrest lawful?
2. ☒ Yes ☐ No Was the type and amount of force objectively reasonable and used proportional to the resistance encountered?
3. ☒ Yes ☐ No Was the type and amount of force related to a legitimate law-enforcement objective the member/employee was attempting to achieve?
4. ☒ Yes ☐ No Was the force reasonably de-escalated?
5. ☒ Yes ☐ No Was verbal persuasion used to attempt to resolve the situation without force?

Any "NO" response requires an explanation in the Narrative Section.

The following recommendation is based on the facts revealed by the use of force investigation.

Check the appropriate box and document the analysis in the Narrative (Part 6).

- ☒ The use of force was **IN Compliance** OR
- ☐ The use of force was **OUT of Compliance**
- ☐ – Misconduct – IAD Notified.
 - ☐ – Criminal Misconduct – The investigation revealed criminal misconduct and the appropriate commander has been notified in accordance with the provisions of DGO M-4.1.

Training and/or Tactical Issues

- ☒ I considered and discussed, as necessary, any training/tactical issues involving the availability and practicality of other force options with involved personnel and documented the issues in the Narrative below.
- ☐ Yes ☒ No – **Recommendations/Comments**
- The investigation revealed training and/or tactical issues.
- If a Level 1-2 incident, document for review by the appropriate Board.
 - If a Level 3 incident, Division Commander shall ensure training is conducted and/or training is requested from the Training Section when it cannot be accomplished at the division level. (Document the circumstances, and the person and date of referral to the Training Section in the Narrative Section).

Part 6 - Narrative - To include an analysis of the investigation. For additional space, use a Use of Force Continuation Report (TF-967b) (List additional involved and witness personnel, other witnesses, and evidence before the narrative.) Document risk management issues in the Narrative Section below.

I. ADDITIONAL PERSONNEL (Not a Witness to the Use of Force)

1. A/Lt. B. Wehrly (Scene Commander)
2. Sgt. H. Nguyen 8416 (Supervised search team and UOF writer)
3. Sgt. S. Babka 7905 (Supervised perimeter)
4. Sgt. P. Bernard 7982 (Supervised perimeter)
5. Off. S. Choi 9014 (Perimeter, canvass)
6. Off. C. Crabtree (Perimeter)
7. Off. L. Odom (Perimeter)
8. Off. R. Moore (Perimeter)
9. Off. S. Hamilton (Perimeter)
10. Off. G. Chacon (Perimeter)
11. Off. C. Peterson (Perimeter)
12. Off. C. Amaral (Perimeter)
13. Off. J. Low 8606 (Perimeter)
14. Off. M. Komoda 8739 (Perimeter)
15. Off. K. Arias 8607 (Perimeter)

Reporting Member H. Nguyen	Serial No. 8416	Date of Report 4 Oct 12	Supervisor A. Lt. B. Wehrly	Serial No. 8240	Page 3 of 10
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**USE OF FORCE
CONTINUATION REPORT
Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027	
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]

Narrative – Continued

16. Off. K. Evans 8895 (Perimeter)
17. Off. K. Yslava 8913 (Search team)
18. Off. J. Breden 8966 (Perimeter)
19. Off. M. Finnicum 8609 (Perimeter)
20. Off. E. Jordan 9070 (Perimeter)
21. Off. M. Baddie 9039 (Perimeter, hospital guard)
22. Off. R. Ponce de Leon 9086 (Perimeter, hospital guard)
23. Off. B. Christensen 8395 (Perimeter, tech scene)

II. EMERGENCY PERSONNEL

1. PMP #2121
2. ACH [REDACTED]

III. NOTIFICATIONS

A/Lt. Wehrly was on scene and advised of the use of force. On 4 Oct 12 at approx 1155 hrs in accordance with DGO K-4, I completed the Use of Force Report face sheet and emailed it to:

- DC A. Rachal
- Capt. B. Medeiros
- Capt. J. Davis
- A/Lt. Wehrly (emailed 5 Oct 12 0816 hrs)
- BFO Admin
- OPD IAD

IV. DESCRIPTION OF INCIDENT SCENE

The incident occurred during daylight hours during a day with clear weather. The use of force portion of this incident occurred in two locations. The Taser deployment occurred in the 600 blk of Bellevue Ave in the park, near the foot path. The pointing of a firearm occurred in the rear stairway of 461 Bellevue Ave. The stairway is narrow and is approximately 3 levels high. The use of force occurred on the top landing of the stairway.

V. SUMMARY OF INCIDENT

On 4 Oct 12 at approx 0753 hrs Ofc. J. Turner 8944 was dispatched to an indecent exposure call in the area of Euclid Ave and Grand Ave. The reporting party advised that she had walked past a 70's American made 2 door car, light green, and occupied by a male Hispanic in his 40's. The RP witnessed this male expose himself and start to masturbate. While en route to the call, Ofc. Turner called the RP (V1/W1 [REDACTED]) on his cell phone. RP told him that she had seen the suspect, who she thought was a MH with a mustache, actively masturbating. RP told him that the suspect was in the passenger seat of a large, American car that was parked on the lake side (S side) of Grand Ave near Euclid Ave.

Upon arrival, Ofc. Turner saw a large tan colored Lincoln Mark VIII (later IDd as CA Lic. [REDACTED]) parked on the S curb of the 450 blk of Grand Ave, just W of Euclid Ave. This was the only vehicle parked on this block, and was of similar description to that given by the RP (large, American made, 2 door). The car was facing E/B, and the rear window was tinted, so Ofc. Turner couldn't initially see if the vehicle was occupied. Ofc. Turner pulled his patrol car behind the suspect vehicle to investigate further.

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**USE OF FORCE
CONTINUATION REPORT
Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027	
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]

Narrative – Continued

As Ofc. Turner got out of his patrol car, he saw movement inside the suspect vehicle on the passenger side and, suddenly, a MH (later IDd as S1 [REDACTED]) got out of the passenger seat of the car. [REDACTED] appeared to be pulling up his pants, and looked extremely nervous – [REDACTED] began walking away from Ofc. Turner, into the park, but kept looking back over his shoulder. Ofc. Turner came around his patrol car to approach [REDACTED], who suddenly began running S/B into the park, towards the water. Given [REDACTED] behavior, and believing that he was the same suspect associated with the RP's call, Ofc. Turner initiated a foot pursuit, advising OPD radio of the direction of flight and the want.

Ofc. Turner continued to update radio, and also gave [REDACTED] clear commands to stop, identifying himself as a police officer and warning [REDACTED] that force would be used on him if he continued to resist. As Ofc. Turner approached [REDACTED], [REDACTED] suddenly stopped and swung his R elbow back towards Ofc. Turner's head, intending to hit his face, yelling "Fuck you!" Ofc. Turner ducked under the blow, pushing [REDACTED] away from him with both hands, causing [REDACTED] to fall to the ground. Due to the fact that [REDACTED] was already violent towards Ofc. Turner, and his continued active attempts to avoid arrest, Ofc. Turner used his electronic weapon against [REDACTED], firing his electronic weapon. One probe appeared to impact [REDACTED] R upper back, while the other appeared to strike the back of his R arm. Ofc. Turner gave [REDACTED] at least two commands to "Get down on the ground!" [REDACTED] did not comply, however, and, after the first 5 second cycle was complete, [REDACTED] straightened back up, standing erect on his feet. Because [REDACTED] continued to actively resist by disobeying commands and was still trying to flee Ofc. Turner then gave a second 5 second cycle from his electronic weapon. [REDACTED] then reached down with his L hand and was able to knock the probe away from the back of his L arm. [REDACTED] then kept running, going N/B away from the lake. As [REDACTED] ran, he pulled away, snapping the electronic weapon probe wires.

[REDACTED] ran across Bellevue Ave and up the driveway just to the W of 493 Bellevue. As [REDACTED] was running into a yard, Ofc. Turner stayed on the street to set a perimeter. [REDACTED] was last seen moving E/B in the back of a tan apartment building E of 493 Bellevue, into a carport area.

Prior to the search, dispatch had advised officers that [REDACTED] was on felony probation for 11359 H&S with an S-7 search clause. Sgt. C. Wong had also advised that [REDACTED] was possibly involved in a prior firearm possession incident about a month prior. [REDACTED] had been wearing a large jacket, which easily could have concealed a firearm. Given this new information about his probation status and his possible involvement in prior firearm possession violations, plus his already demonstrated intent to assault officers, [REDACTED] presented a high threat to officers on the search team. A search team was established, and the search began at 493 Bellevue Ave, where [REDACTED] was last seen in the yards. The search team cleared this area, and then proceeded up the rear stairs of an adjoining apartment building (later discovered to be 461 Bellevue). At the top of the staircase, [REDACTED] was located and officers engaged him. Due to the fact that [REDACTED] had already been violent towards police, and that he was a named suspect in a prior armed suspect call, Ofc. Marie and Ofc. A. Banks pointed their firearms at [REDACTED] while both Ofc. Alvarez and Ofc. O'Conner switched to their electronic weapons to provide less lethal support. Ofc. C. Marie verbally engaged [REDACTED] by giving him the verbal commands of, "Get your hands up man, get your hands up!" "Get on the ground, get on the ground." "Get on the ground, do as you are told." "Put your hands behind your back. Get your hands behind your back." [REDACTED] complied with all the commands. Ofc. A. Banks then handcuffed [REDACTED].

Code 3 medical was called for [REDACTED] due to the TASER deployment. [REDACTED] was placed under arrest for 148(a)(1) PC, 243(b) PC, and 1203.2(a) PC.

INVESTIGATION

- I arrived on scene and responded to the driveway where [REDACTED] was last seen running from. I spoke with Turner and checked on his injuries.
- I established a search team and supervised the search. [REDACTED] was located during the search and taken into custody without incident.

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**USE OF FORCE
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Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027	
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]

Narrative – Continued

- Although I was part of the search team, I did not witness the second use of force. I was in the rear of the stacking order as the team was ascending up a narrow stairwell. I could hear the officers above me engage [REDACTED] and I used my radio to advise dispatch of the situation. The second use of force occurred on a landing on the level above me, therefore I was unable to see what was occurring.
- I determined that Ofc. J. Turner was involved in the use of force. I spoke to Ofc. Turner individually and he advised me that he used his electronic weapon on [REDACTED] when [REDACTED] attempted to elbow him in the head. The electronic weapon was ineffective. It should be noted that I did not take a written or recorded statement from Ofc. Turner, but rather used my conversation with him and his written crime report as basis for my investigation.
- I spoke to [REDACTED] and took a recorded statement from him. [REDACTED] complained that his handcuffs were uncomfortable, so I adjusted both sides and double locked them before beginning. [REDACTED] stated that the handcuffs felt better. The following is a summary of [REDACTED]' statement to me:

[REDACTED] admitted to running from Ofc. Turner, and initially stated that he was tackled at first. [REDACTED] said that Turner used the Taser on him, and that he felt a probe in his upper left shoulder area. [REDACTED] said that he could feel the effects of the Taser, but still tried to get away and eventually continued to run from Ofc. Turner because he was "trying to save his ass." [REDACTED] admitted to resisting Turner's commands and running to evade capture, but denied that he ever tried to punch, kick, or hit Ofc. Turner. [REDACTED] then said that Ofc. Turner had pushed him to the ground before using the Taser. At the end of the statement, [REDACTED] again changed his statement and said that Ofc. Turner kicked him in the back to get him to the ground initially, before using the Taser on him. I asked [REDACTED] if he had any questions for me, and he said no.
- Because [REDACTED] alleged that Ofc. Turner kicked him during the incident and Ofc. Turner said that he only pushed [REDACTED] and used his electronic weapon on him I completed a Complaint Memorandum regarding this issue and completed the necessary steps of the complaint process per DGO K-4 and M-3. I emailed the memorandum and dropped off the completed packet with attachments to IAD.
- PMP #2121 responded to the scene and transported Turner to ACH. Off. Baddie and Off. Ponce De Leon followed Turner to ACH.
- I ensured Off. Christensen took photos of [REDACTED] and Ofc. Turner while on scene. Off. Christensen also recovered Ofc. Turner's discarded Taser cartridge, along with both wires and probes, and approximately 3 aphids.
- I arranged for an uninvolved officer to conduct a canvass in the area of the use of force, (see below), no witnesses found.
- I reviewed the report, supplemental reports, and CRIMS declaration.
- I approved the arrest of [REDACTED] while on scene.
- I reviewed the below listed PDRD videos, See Summary of Evidence Section.
- I ordered the below listed PDRD videos from the PDRD unit. I received this CD on 26 Oct 12 and included it in this report.
- I ordered a CD of photos from this incident from the OPD Photo Lab. I obtained this CD on 11 Oct 12 and included it in this report.

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**USE OF FORCE
CONTINUATION REPORT
Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027	
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]

Narrative – Continued

VI. CIVILIAN WITNESS STATEMENT(S) / CANVASS

I requested an additional uninvolved officer to respond to the scene to conduct a canvass for witnesses of the use of force. I contacted Off. S. Choi and directed him to where the incident occurred and to the building that needed to be canvassed. He conducted the canvass but did not locate any witnesses, see his supplemental report.

VII. SUMMARY OF EVIDENCE

- Off. B. Christensen took photos of the scene, Ofc. Turner, and [REDACTED]. I reviewed the photos and they appear to be consistent with Ofc. Turner's account of events. I saw no visible injuries to [REDACTED]
- Radio Purge
- Cleared for incarceration report from ACH. It should be noted that [REDACTED] noted that [REDACTED] had no visible injuries, just complaints of pain. It appears that [REDACTED] had no puncture wounds from the probes and the probes only penetrated his loosely fitting jacket.
- CD containing digital audio recordings of my interviews with [REDACTED].
- CD containing PDRD videos:
 - PICT0006_2012.10.04_15.06.18.AVI - Joseph Turner- taser of susp, level 3-11 by Off J. Turner 8944
 - PICT0007_2012.10.04_15.20.20.AVI - Joseph Turner - pointing firearm at susp during his arrest, level 4-22 by Ofc. J. Turner 8944
 - PICT0022_2012.10.04_15.26.24.AVI- Christopher Marie- pointing of firearm at susp during arrest, level 4-22 by Ofc. C. Marie.
 - PICT0001_2012.10.04_15.17.20.AVI - Tod Oconner -no UOF, seach and arrest of susp
 - PICT0001_2012.10.04_15.21.54.AVI- Richard Alvarez- no UOF, search and arrest of susp
 - PICT0031_2012.10.04_15.25.14.AVI - Kito Yslava - no UOF, seach and arrest of susp

I reviewed the PDRD footage and it appeared to be consistent with the account of events. In Ofc. Turner's PDRD footage it showed [REDACTED] trying to flee from him and ignoring commands. It also showed [REDACTED] attacking Ofc. Turner. In light of the circumstances, it was not practical for Ofc. Turner to give a warning to [REDACTED] about the use of his electronic weapon; as Ofc. Turner was trying to defend himself. Additionally, after that cycle ended [REDACTED] continued to ignore commands and actively resist by attempting to pull the probes from his jacket. Therefore, a second cycle from Ofc. Turner's electronic weapon was reasonable. It should be noted that earlier Ofc. Turner had already given a verbal warning about the use of force to [REDACTED] if he continued to actively resist.

- I received a copy of Ofc. J. Turner's electronic weapon download report. The report showed that Ofc. Turner deployed his electronic weapon twice on 10/04/12 at 08:08:40 hrs and 08:08:46 hrs. Both deployments were 5 seconds in duration, just as Ofc. J. Turner had described in his report. After reviewing Ofc. Turner's PDRD footage it appears that [REDACTED] did not receive a full cycle of stimulus the second time because [REDACTED] had pulled the probes from his jacket. In reviewing the report, it also appears that Ofc. Turner regularly spark tests his electronic weapon.

VIII. INJURIES / MEDICAL CARE OR TREATMENT PROVIDED

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**USE OF FORCE
CONTINUATION REPORT
Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027		
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]	

Narrative – Continued

[REDACTED] did not have any visible injuries. He was still wearing a jacket when I contacted him, therefore I was unable to see any puncture wounds. The probes were removed by [REDACTED] himself during his attempt to flee. During my interview, [REDACTED] had complained that he had pain where the probe had struck his jacket on the back. [REDACTED] was transported to ACH shortly after due to the fact that he was exposed to an electronic weapon. While at ACH, [REDACTED] had a complaint of pain to his head and back. He was medically cleared for incarceration and transported to jail.

IX. DISCREPANCIES

I noted the following discrepancies:

In Ofc. J. Turner's initial report, he stated that he had pushed [REDACTED] to the ground after dodging an elbow strike from [REDACTED]. During my interview of [REDACTED] he initially stated that he was tackled to the ground by Ofc. Turner, and then later changed to being pushed to the ground by Ofc. Turner, and finally changed again to being kicked in the back as he was trying to get up off the ground by Ofc. Turner. After being kicked, [REDACTED] stated he was then tased by Ofc. Turner, but he was able to break free. [REDACTED] said he continued to run away from Ofc. Turner until he was located later by police.

I reviewed Ofc. J. Turner's PDRD video of the incident and could clearly see [REDACTED] attempting to strike Ofc. J. Turner with an elbow strike. Ofc. Turner is able to dodge the blow, and [REDACTED] is caught off balance. Ofc. J. Turner then immediately pushed [REDACTED] with both hands, which caused [REDACTED] to fall to the ground. [REDACTED] got back up on his feet and ignored commands to stay down on the ground. Ofc. J. Turner then used his electronic weapon on [REDACTED], striking him in the upper right shoulder area and back upper right arm. This caused [REDACTED] to stop running, and he showed signs of the effects of the electronic weapon by hunching over and his limbs appeared to be rigid. After about 5 seconds, when the first cycle ended, [REDACTED] was able to reach towards the Taser wires and pull them off of him, still ignoring commands to get on the ground. Ofc. Turner attempted to give [REDACTED] a second cycle from his electronic weapon, but the second cycle had no effect because the wires had been disconnected by [REDACTED]. [REDACTED] then continued to flee on foot and Ofc. Turner then initiated a perimeter to contain [REDACTED]. In reviewing Ofc. Turner's PDRD, it clearly showed that at no time did Ofc. Turner kick [REDACTED].

Another discrepancy that I noted was that in Ofc. Baddie's supplemental report she noted that [REDACTED] was the attending physician, but on the release paperwork it stated [REDACTED] was the attending physician. This is not significant, as there are quite often multiple physicians that treat patients at ACH, and it has no bearing on the outcome of this investigation.

In reviewing Ofc. Alvarez's supplemental report I noticed that he indicated that Ofc. Small handcuffed [REDACTED]. However, Ofc. Small was never on scene. It was Ofc. Banks that handcuffed [REDACTED]. Again, this discrepancy has no bearing on the outcome of this investigation and is not germane to the case.

X. ANALYSIS OF USE OF FORCE

Officers had probable cause to detain [REDACTED] as he matched the suspect description for a criminal offense reported by a citizen. Officers had probable cause to place [REDACTED] under arrest once [REDACTED] failed to comply with Ofc. Turner's lawful orders and attacked him. The amount and type of force used on [REDACTED] by Ofc. Turner during his takedown and initial deployment of his electronic weapon was reasonable given [REDACTED]'s actions in trying to escape and his attempt to attack Ofc. Turner. Ofc. Turner's second cycle of stimulus given to [REDACTED] was also reasonable due to [REDACTED] still trying to flee to evade capture. The pointing of firearms at [REDACTED] upon being found hiding within the perimeter was also reasonable given that it was unknown if he had armed himself with a weapon and given his known criminal history involving weapons. The use of force was reasonably escalated and de-escalated on [REDACTED] in accordance to his response and actions to verbal commands given.

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**USE OF FORCE
CONTINUATION REPORT
Oakland Police Department**
TF-967b (Rev. May 10)

Date of Incident 4 Oct 12	Incident No./RD No. 191 / 12-050027		
# 1 Member/Employee's Name J. Turner	Serial No. 8944	#1 Subject's Name [REDACTED]	

Narrative – Continued

XI. TRAINING POINT

Ofc. J. Turner used exceptional restraint by not following the suspect into the yards and keeping his composure to initiate a perimeter for responding units. Officers on the search team searched a large area and used good tactics and communication throughout. During the arrest of the suspect, officers again did a good job of keeping an adequate number of lethal and nonlethal cover available, and then immediately de-escalating once the suspect was in custody. There were no training points discovered during this incident.

While Ofc. Turner was in foot pursuit of [REDACTED], he warned [REDACTED] to stop and "I will use force." Approximately 3 seconds later, [REDACTED] stopped and immediately swung his right elbow back towards Ofc. Turner, in an attempt to strike him. Although initially [REDACTED] appeared to be following Ofc. Turner's commands to stop, it was evident that he was luring Ofc. Turner in closer so that he could strike the officer. Ofc. Turner followed Departmental policy by announcing that he would use force, but before he could be more specific on the type of force, [REDACTED] appeared to follow his commands by stopping. As Ofc. Turner closed the gap to take [REDACTED] into custody, [REDACTED] attempted to strike Ofc. Turner with an elbow strike. Ofc. Turner then pushed [REDACTED] to the ground and used his electronic weapon. [REDACTED] had already shown that he would use violence against Ofc. Turner in his attempt to evade capture, and any delay in reaction to defend himself would not have been practical in this situation. Officers should be reminded however to announce the type of force they intend to use during situations when practical. I entered the appropriate SNF entry into Ofc. Turner's iPAS file and included a copy of the entry in the Use of Force investigation packet.

Attachments:

RD# 12-050027, CAD purge, Daily Detail for 4 Oct 12, CDs containing photos, PDRD recordings, and audio recording of interview of [REDACTED], Electronic Weapon Download, Medical Paperwork.

Hamann Nguyen
Sergeant of Police
Patrol Division



USE OF FORCE CHECKLIST Oakland Police Department

TF-967d (Rev. May 10)

Date of Incident 4 Oct 12	Incident No. 191	RD No. 12-050027
Subject Member/Employee J. Turner	Serial No. 8944	Investigating Supervisor H. Nguyen
		Serial No.

This checklist is to be used by preparers. Complete and attach this checklist to the **FRONT** of Level 2 & 3 Use of Force Report packets.

Investigators shall check the appropriate box to indicate a "Task" has been completed and/or documented in the Offense/Supplemental or Use of Force Report or included in the Use of Force packet.

Check the appropriate box. **Detail any "No" response in the Comment Section or any clarification, when necessary, in the Narrative, as indicated.**

Part 1 - INVESTIGATIVE STEPS REQUIRED FOR AN ON-SCENE SUPERVISOR/COMMANDER/INVESTIGATOR FOR LEVEL 2-3 INCIDENTS

1. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Responded to the use of force incident scene. (Level 2-3)	9. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Witness statements taken (Level 2-3) <input checked="" type="checkbox"/> N/A
2. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Determined the appropriate reporting level. (All Levels)	10. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Ensured involved and witness personnel submitted the required Offense or Supplemental Reports.
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All uses of force, documented in Offense and Supplemental Reports, are listed on UOF Face Sheet.	11. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Injuries If yes, to whom: <input type="checkbox"/> OPD personnel <input type="checkbox"/> Subject(s)
4. <input type="checkbox"/> Yes <input type="checkbox"/> No Available private person witnesses were identified and interviewed. (Level 2-3) <input checked="" type="checkbox"/> No Known witnesses	12. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Medical service requested.
5. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Separated and interviewed involved and witness personnel. (Level 2-3)	13. <input type="checkbox"/> Yes <input type="checkbox"/> No Ensured subject was transported to a medical facility for medical evaluation when a carotid restraint was applied. <input checked="" type="checkbox"/> N/A
6. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Ensured a reasonable canvas was conducted. (Level 2)	14. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Evidence collected. <input type="checkbox"/> None
7. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Interviewed the subject(s) of the use of force.	15. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Technician on scene.
8. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Identified involved and witness personnel.	16. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input checked="" type="checkbox"/> Digital <input type="checkbox"/> Film
	17. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Communications Section contacted to ensure the incident is reported on the IAD Daily Incident Log.

Part 2 - REPORT DOCUMENTATION

<input checked="" type="checkbox"/> Yes	OFFENSE AND SUPPLEMENTAL REPORTS REVIEWED FOR COMPLETENESS, ACCURACY, AND QUALITY. NO "BOILERPLATE" OR "PAT" LANGUAGE WITHOUT DESCRIPTIVE OR EXPLANATORY DETAILS OF THE ACTION.
NOTE: DOCUMENT ANY INVESTIGATIVE ELEMENTS INTENTIONALLY NOT DOCUMENTED IN THE COMMENT SECTION.	
Part 2a - OFFENSE/SUPPLEMENTAL OR USE OF FORCE REPORT SHALL INCLUDE THE FOLLOWING DETAILS	
1. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Summary of the incident.	6. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Summary of evidence collected.
2. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Summary of pertinent statements.	7. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Detail injuries and medical treatment. <input type="checkbox"/> N/A
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Summary of interviews when statement not taken	8. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Original reason for police presence.
4. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Description of the use of force.	9. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Circumstances or precipitating acts that lead to the use of force.
5. <input type="checkbox"/> Yes <input type="checkbox"/> No When OC is used, the number of bursts, duration of each burst, the approximate distance from the subject, and the location of spray contact. <input checked="" type="checkbox"/> N/A	10. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Arrest approval properly documented on CAR and in Offense Report.
Part 2b - USE OF FORCE REPORT DOCUMENTATION SHALL INCLUDE THE FOLLOWING DETAILS (See RWM U-1 for inclusive list)	
1. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Analysis of evidence.	3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Discrepancies Found (Detail in Narrative) If Yes, detail how resolved or if unresolved in Narrative
2. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reviewed documentation for discrepancies.	

Part 3 - REQUIRED FOR THE UOF REPORT PACKET - The preparer and reviewers shall ensure the UOF Report packet is complete.

1. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Original UOF Report	8. <input type="checkbox"/> Yes <input type="checkbox"/> No Field Contact Card <input checked="" type="checkbox"/> N/A
2. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Copy of Offense/Supplemental reports	9. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Medical Report <input type="checkbox"/> N/A
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Statements	10. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Other documents pertinent to the investigation. Describe in Comment Section.
4. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Copy of C.A.R.	11. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Photos <input checked="" type="checkbox"/> Digital - Include photo CD in packet <input type="checkbox"/> Film - Requested to develop to CD
5. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Daily Detail	12. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Technician Report <input checked="" type="checkbox"/> Included <input type="checkbox"/> Requested
6. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CAD purge	
7. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Taser download information. <input type="checkbox"/> N/A	

Part 4 - TRACKING - Report preparer shall forward only the UOF FACE SHEET to the following as indicated:

<input checked="" type="checkbox"/> IAD (Level 2 & 3)	<input checked="" type="checkbox"/> BFO Admin (Level 2 & 3)
<input checked="" type="checkbox"/> Div. Cmdr. (Level 2 & 3)	<input checked="" type="checkbox"/> Deputy Chief (Level 2 & 3)