

COPY



August 23, 2016

MEMORANDUM

TO: Officer Michael Creighton

FROM: Brian Addington, Chief of Police

SUBJECT: Staff Review of Use of Force Incident C16-3471

On May 17, 2016 you were involved in use of force incident that was documented in Pittsburg Police report C16-3471.

Pursuant to Pittsburg Police Department Policy Manual section 301.8.5(a), the Chief directed a Staff Review of this use-of-force incident. The staff review was conducted on July 16, 2016. The panel concluded that the level of force used in this incident was reasonable, and within policy.

If you have any additional questions, feel free to contact me.



Pittsburg Police Department Use of Force Review Report

Date of Incident: 05/17/2016

PPD Case #: C16-03471

Admin Tracking #: 16/18

Location of Occurrence:

Suspect Name/DOB:

Officers Involved: Officer Creighton

Witness Officer: Officer Palma

Reviewed By: Captain Michael Perry

Date Reviewed: 05/18/2016

Training Issues Identified: No, see recommendations.

If Yes, Explain:

Reviewer's Recommendations:

Convene a Use-of-Force Staff Review Panel to evaluate and determine if the level of force used during this incident was within Department policy.

Chief of Police: Disposition/Further Action

IN Policy. BWC'S ACTIVATED.

NO FURTHER ACTION.

B. Anderson
Chief of Police

6/23/16
Date



Pittsburg Police Department Use of Force Review

Date & Time: 5/17/2015 at 2112 hours

Case #: 16-3471

Admin #: 16-18

Location: [REDACTED]

Suspect: [REDACTED]

Facts:

On the above date and time, Officers Creighton and Palma were dispatched to a domestic dispute at a residence. The dispute involved the suspect acting irrationally at [REDACTED] residence. It was also learned that the suspect was armed with a handgun and had brandished the firearm while standing on the front porch.

As Officers Creighton and Palma arrived they encountered the suspect standing on the front porch. Numerous commands were given to the suspect to reveal [REDACTED] hands however [REDACTED] did not comply. As a result, Officer Creighton fired several rounds at the suspect with is duty gun striking the suspect one time in the leg.

The suspect was detained and the firearm [REDACTED] had was recovered.

Review:

Based on the circumstances of this incident, this investigation was conducted using the Contra County Officer Involved Incident Protocol.

Both Officers Creighton and Palma had their body cameras activated during this incident. This resulted in the incident being captured on video from two different angles.

A Review Board with Sergeant Terry and myself was conducted on June 16, 2016. During this time input was received from Officer Creighton. Officer Creighton provided perspective and insight as to how he reverted to previous training during this incident.

Conclusion:

After reviewing this incident, we believe the force used was within department policy.

Michael Perry

From: James E. Terry
Sent: Thursday, May 19, 2016 6:14 PM
To: PD Admin
Subject: Use of Force Notification: C16-3471

Location: [REDACTED]

Suspect: [REDACTED]

On Tuesday, May 17 2016 I responded to a disturbance that Officer Creighton and Officer Palma were dispatched to. While enroute, Officer Palma broadcasted that shots had been fired. When I arrived, the suspect was in custody and medical personnel had been summoned to the scene. Officer Creighton told me that he fired at the suspect after the suspect refused his commands and made movements. Officer Palma was the only other officer present. Neither Officer received an injury and the suspect sustained a gunshot wound. Two other subjects on scene sustained gunshots as well and were treated for the injuries. Both officers on scene had their body worn cameras operating.

Sgt Terry



PITTSBURG POLICE DEPARTMENT

Reporting Use of Force Incidents

Case Number 16-03471

Pittsburg Police Department must submit a use of force report of all instances when a peace officer employed by PPD is involved in any of the following:

Use of Force Incident Definition

- ☒ The incident involved the shooting of a civilian by a peace officer.
- ☐ The incident involved the shooting of a peace officer by a civilian.
- ☐ The incident in which the use of force by a peace officer against a civilian resulted in serious bodily injury or death.
- ☐ The incident in which use of force by a civilian against a peace officer resulted in serious bodily injury or death.
- ☐ This incident does not meet the reporting criteria.

Upon determination that the incident meets the Use of Force reporting definition, please forward this form to the Records Manager for statistical purposes.

Effective January 1, 2016, Chapter 462, Statutes of 2015 (Assembly Bill 71) adds Government Code section 12525.2 pertaining to the collection and reporting of use of force incidents.

Shooting definition

This includes any discharge of a firearm during an interaction between a civilian and an officer, regardless of whether any person was injured. A firearm is defined as a weapon which fires a shot by the force of an explosion, e.g., all handguns, rifles, shotguns, and other such devices commonly referred to as firearms. Notable exceptions to this category are electronic control devices, stun guns, BB, pellet, air, gas-powered guns, or weapons that discharge rubber bullets or bean bags.

Serious Bodily Injury Definition

Government Code section 12525.2(d) defines serious bodily injury as "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ."

"Serious bodily injury" is more severe than mere physical injury. Per California Criminal Law Jury Instruction 925, physical injuries that are considered serious may include (but are not limited to) loss of consciousness, wounds requiring extensive suturing, bone fractures or concussions. In the majority of cases, such an injury will require a visit to a hospital or advanced medical care facility, either as an outpatient or by being admitted into the facility (routine medical clearances would not be included).

Serious bodily injury should not, however, mean that one must seek or require medical treatment at a hospital (e.g., a person experiences a loss of consciousness or because the injury is such that it is not immediately apparent that hospital care is necessary). Under those or similar circumstances, agencies must still report the use of force incident upon discovering that it resulted in serious bodily injury.