



Multnomah County Sheriff's Office



INCIDENT REPORT #27637

(Sgt Matthew Ingram #34887)

INCIDENT: Use Of Force - Inmate
LOCATION: MCDC - 5D (Cell 23)
PACKET #: 2258

Occurred: 06/28/2017 2030 hrs
Submitted: 07/13/2017 2113 hrs

SUMMARY: On date and time mentioned force was used on inmate Sullivan due to a staff assault.

Table with 4 columns: SUBJECT, ID#, Name, and Location. Includes entries for Sullivan, Cyrus; Dep Barker, Tim; Dep Hubert, Philip; and Dep Simpson, Paul.

INJURIES: Sullivan, Cyrus - Visible (Not Hospitalized) Medical Care: Offered
- Broken Left Arm (Examined: 06/28/2017 2039 hrs)

NARRATIVE: On June 28, 2017 I was working as the 6-10 sergeant (761). On that day at about 2030 hours, I responded to a radio call for assistance in housing unit 5D. Staff radioed for the 3-5 sergeant (741) to respond to the unit as they had an inmate refusing to move. I arrived on scene a short time after the radio call to see if I could assist in some fashion. Upon arriving into the unit I spoke with Deputy Pemberton, who was the staff member assigned to the unit. He informed me that inmate Sullivan refused to return Gatorade he took from the med aid. He went on to tell me he ordered inmate Sullivan into the unit sally port, however Sullivan told him no and ran up to his cell 23 and closed the door. Pemberton went on to say before closing the cell door Sullivan stated I am putting you on my website and will have a hit put on you. (Referring to the med aid) I looked in the direction of cell 23 and noticed several deputies standing outside the cell in an apparent attempt to communicate with Sullivan. I decided to make my way to cell #23. Once arriving at Sullivan's cell I allowed staff to continue to talk with Sullivan. My hope was staff would be able to build rapport, allow time to pass thereby defusing the situation and perhaps convince Sullivan to move to disciplinary housing. However staff attempts failed and the communication ceased. I decided to re-establish communications with Sullivan. My hope was to de-escalate the incident seeking compliance by will not force. In my initial contact I introduced myself and explained I wanted to help with the matter at hand. We spoke about the incident in some detail. This discussion allowed for more time to pass which I felt could help in diffusing the issue and allow for cooperation from Sullivan. I offered Sullivan a few options during our conversation. I asked him to move with me out of the unit so we could chat about the incident. He stated no. I asked him why and he had no reply. I directed him to place his hands through the food port and allow me to place him in handcuffs for the move. He told me no, he would not put his hands through the food port. It should be noted that while talking with Sullivan he appeared calm and did not present with any indications of hostility. Based on my experience Sullivan posed no threat to staff or himself based on his presentation at the time. Shortly after his refusal to place his hands through the food port, 741 acting sergeant Barker arrived on scene. I decided to cease my attempt of verbal de-escalation and allow 741 to try to gain compliance through communication. I backed away from Sullivan's cell and Barker began communication with him. It appeared to me after a short while Barker (741) was building some rapport. I heard him mention "we never have had any issues, c'mon handcuff up so we can move you." Sullivan replied he could not be handcuffed through the food port stating "I can't do it that way." Sullivan stated "just come in here and handcuff me." This statement was not aggressive in nature but rather seemed matter of fact. At this point I thought it best to stay vigilant therefore I asked Deputy Simpson to stand ready with his Taser. Barker replied to Sullivan by repeating "you want us to come in and place you in handcuffs." Sullivan stated "yes." Acting sergeant Barker said "we can do that, I need you to turn around and place your hands behind you back." I peered into the cell and saw Sullivan turn his back toward the cell door and put his hands behind him. It appeared to me he posed no threat and was ready to be handcuffed. He seemed to be fully ready to cooperate. It should be noted that the technique of entering a cell to place an inmate in handcuffs is not an unusual approach considering the type of situation (non-aggression). Barker told Sullivan we are coming in and allowed for acknowledgement from Sullivan, who

nodded his head yes. Barker then asked for the cell door to be opened. During this time I staged my handcuffs expecting a routine handcuffing.

Once the cell door opened I took 1 step and entered the cell. Immediately I was met with an unprovoked attack from Sullivan. He took a powdered substance and threw it in my face. This took me by surprise and there were no indications given by Sullivan of a threat. I was wearing glasses at the time and the powder had little effect on my eyes. Sullivan quickly followed up with a closed fist strike in the direction of my face. I was able to redirect the strike and grabbed his right forearm and used his momentum to turn him away from me. I ordered him to stop fighting. I place my left hand on his right shoulder and pushed him downward we landed on the counter inside the cell. During this initial struggle my handcuffs had fallen to the cell floor. Once on the counter Sullivan somehow had a hold of my right arm which was now located under his abdomen. I ordered him to let go of my arm and stop resisting. He did not let up with his grip and fighting/resisting. Sullivan started mule kicking at staff and struck me in the leg. At this point using my left hand I delivered 3 closed fist focused blows to the back of Sullivan's right tricep area. My intent was to strike a nerve in his arm thereby weakening his grip of my arm. Next I grabbed his right arm just above his elbow with my left hand and pulled his arm out away from his body. This move broke his grasp of my arm. I was able to gain control of his right wrist. I ordered him to place his hands behind his back. He continued to struggle against my attempts to place him in handcuffs. I was able to get his right wrist to the small of his back just above his buttocks. I asked for my handcuffs from staff. Once I regained my handcuffs I placed his right wrist in the cuff. Once secured; I told Sullivan to give us his left hand and place it behind his back. It was at this point I noticed Barker was trying to control his left arm. I continued to give verbal commands to stop resisting and allow us to handcuff him. I could hear other staff telling him to do the same. He continued to resist against Barker not allowing his left hand to be placed behind him. I again told him "just stop fighting and put your hand to your back". Soon thereafter I heard a pop noise and his left wrist appeared to the small of his back. I placed his left wrist in the handcuff.

Now that Sullivan was secure we attempted to move him out of the unit. As we exited the cell he decided to twist and turn in what appeared to be an attempt to break free from our escort. Barker and I were performing the escort, with me in his right side and Barker to his left. For the escort I placed my left arm under his right arm and helped support his movement. Once we reached the stairs in the unit Sullivan went limp in an apparent attempt to oppose our movement. I stopped the escort and explained we did not want any harm to come to him or staff during our decent down the stairs. We paused and I ordered him to walk down the stairs. He stated "ok." We continued down the stairs and escorted him out of the 5d unit. Once outside the unit I called for an elevator to be staged on the 5th floor for movement of inmate to 4F. We arrived at the elevators to find the one waiting for us with the doors opened. We entered the cell and started the decent to the fourth floor. Once we arrived on the fourth floor the elevators doors opened and we continued our escort to 4F. We were met on the floor by Deputy Kovachevich. It should be noted that during this escort Sullivan struggled against the escort. He twisted his hips from side to side. I gave clear and concise orders to walk and stop his struggling to no avail. We entered 4F13 Sullivan continued to twist and toss his hips from side to side. I ordered Sullivan to lay down on the mattress in 4F. My order was met with a no. Therefore I and Barker slowly lowered him to the mattress face down. Once on the ground I again ordered Sullivan to stop resisting. I allowed him the opportunity to comply but he did not. I decided for safety reasons, based on how the incident unfolded, it would be best to cut off his jail clothing. I asked staff to retrieve me the clothing cutters and a white jump suit. While waiting for the items to arrive Sullivan stated he could not breathe. I was located next to his upper body at this point. I grabbed his left side and rolled him slightly to one side to assist/aid him. It should be noted that it did not appear to me that he had any issues breathing as he was now yelling and I could hear him exhaling and inhaling. Staff retrieved both items and I handed the clothing cutter to Barker who cut off Sullivan's jail clothing. Once the clothing was removed I gave clear directions to Sullivan about the removal of his hand cuffs. I ensured he understood the commands given by asking him to repeat them. He complied with the commands while Baker removed the handcuffs. I placed the white jump suit over his body to help cover him, keeping him warm. At this point all staff exited the cell. I made the decision to immediately seek medical attention and called for the medical staff. Medical staff arrived on scene and evaluated Sullivan's vitals. Medical noted his left arm appeared to be broken. I had master control call for an ambulance. I spoke with the shift lieutenant informing him of the situation and asked him to arrange for a transport. As we waited for the ambulance to arrive I ensured Sullivan was covered with a sheet. The measure helped to keep him warm and ensure his privacy. AMR transported Sullivan to the hospital. I had no further contact.

ACTION PENDING: forward

REVIEWS: 07/15/2017 2109 hrs - I have been assigned the review of packet #2258 involving Inmate Sullivan, C. #677564, which occurred in 5D on 6-28-17. All reports are included and complete in content, (there is no video of this incident). This incident began when Inmate Sullivan took some Gatorade (which he was not supposed to have taken) from the med tech, ran to his cell and disobeyed the orders from the module deputy.

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