



## Multnomah County Sheriff's Office

### INCIDENT REPORT #27682

(Dep Tim Barker #35798)



**INCIDENT:** Use Of Force - Inmate  
**LOCATION:** MCDC - 5D (cell 5D23)  
**PACKET #:** 2258

Occurred: **06/28/2017 2032 hrs**  
Submitted: **07/15/2017 1141 hrs**

**SUMMARY:** On 062817 Force was used to move Inmate Sullivan to disciplinary housing.

<b>SUBJECT:</b>	#677564 Sullivan, Cyrus	M/W	06/26/1983	MCDC - 4F - 1
<b>MENTIONED:</b>	#31450 Dep Hubert, Philip	715		
	#34887 Sgt Ingram, Matthew	6-10 Sergeant		
	#42885 Dep Muth, Wendy	718		
	#31638 Dep Simpson, Paul	720 REC 2		

**INJURIES:** Sullivan, Cyrus - Visible (Not Hospitalized) Medical Care: Offered  
- Was sent out to Hospital for broken arm. (Examined: **06/28/2017 2040 hrs**)

**NARRATIVE:** On 062817, at approximately 2030 hour, a radio call came out for escorts to respond to 5D. As I was 741 Act. Sgt. it was in my area of responsibility so I started to head that way. Before I was able to get to the elevators a second call was made asking for 741 to come to 5D as the inmate was refusing to be handcuffed. At this time I responded by radio, I was in route to the area of 5D. When I walked into 5D Deputy Pemberton informed me that inmate Sullivan was not following orders, he was ordered to enter the sally port, but ran up to his cell and closed the door. He was refusing to be handcuff thru the food port. Deputy Pemberton also reported to me that this issue started over some Gatorade that he was not supposed to have. After speaking with Deputy Pemberton I started up the stairs where the rest of the staff had gather just outside of the cell 5D23.

I walked up to the cell door where Sgt. Ingram was standing; he asked to see if I could get Sullivan to comply. I looked in the cell and recognized Inmate Sullivan from the fourth floor where all my interactions were cordial. I keyed open the food port to speak to him to try and deescalate the inmate into compliance. I asked inmate Sullivan to turn around and place his hands out to be handcuffed. He replied "no I'm not going to be handcuffed thru the door, just come in." I took that as if he was going to comply. At this time the inmate did not present as a threat. It should be noted that I have used this technique in the past when presented with complying inmates with no issues to mention. I told inmate Sullivan we are going to come in and place him in handcuffs. I allowed time to pass for acknowledgment from him. He nodded. I told him to turn around and place his hands behind him. Inmate Sullivan turned toward the bunks as if acknowledging me and started to put his arms behind him, as if to be handcuffed. At this time I spoke to Sgt. Ingram if he was ready and if he wanted OC or Taser as a precautionary in case inmate Sullivan became unexpectedly aggressive. He pointed to Deputy Simpson whom had his Taser out at the low ready position. I looked again at the Sgt. Ingram and said ok let's go in.

I asked for the door to be opened. As the door opened inmate Sullivan looked over his left shoulder as we entered the cell. Sgt. Ingram was just in front of me in the cell maybe two steps when inmate Sullivan suddenly attacked by spinning around and throwing a hand full of red powder into the Sgt. Ingram's face. This powder also hit the left side of my face. The inmate reached up on top of the bunk and grabbed what I believe to be a second hand full of the red powder. He then threw it towards us as Sgt. Ingram made contact with inmate Sullivan. This powder did not directly hit me in the face but landed on my left shoulder and going past me. At this time I was able to make contact with the inmate. Sgt. Ingram and I were trying to turn Sullivan around to gain control; the inmate was swinging his fist but missed me. I was able to push him around enough where he was facing away from me. This was when I saw the inmate look back over his left shoulder and start throwing elbows. His elbow hit me on the left side of my face and neck and another hit me on the left upper arm. I tried to grab his left arm with my left hand below his left elbow; Inmate Sullivan was still trying to pull away. I was yelling for the inmate to stop resisting. I repeated this order over and over. I told Sullivan to give me his arm and put your hand behind you. I was able to get my right hand under his left arm and grab

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Sullivan's left wrist this is when I was trying to pull his left arm behind his back. He kept pulling up and away from me and this is when I heard, what I thought was a pop. I waited for a reaction indicating an injury and there was no indication of this. I was able to get his arm behind him. Sgt. Ingram was able to place the left wrist in the cuff. Once the restraints were secured the level of force deescalated. I called out that he was cuffed and asked if we were ready to move; someone said yes. This was when we stood up and told the inmate to turn and walk out the door. As we were walking out and towards the stairs, inmate Sullivan started to go passive resisting by slumping down and trying to sit down and not walk.

He was told to stand up at least four times by me and by others. When we reached the stairs we again ordered him to stand informing him we did not want to fall down the stairs. We waited for compliance and continued down the stairs and out of the unit. The entire time we were escorting inmate Sullivan he kept trying to pull away and then sit down. We had to keep lifting him up and telling him to walk. As we entered 4F13 I gave the order for inmate Sullivan to kneel down on the gray mattress. He complied. After he knelt down I told Inmate Sullivan to lay down face first while I helped him down. I held on to the front of his shoulder and lowered him down. He kept trying to pull away. Due to his unruly behavior, Sgt. Ingram asked for the cutters and we started to cut the clothes off of him. First the shirt was removed then the pants. After it was determined he had no contraband on his person. We told him that we were going to remove the restraints and follow our directions. I then removed the right handcuff and told to place his right hand under belly. Inmate Sullivan would not comply with simple directions and he had to be helped with this task by rolling him to the left a few inches. This move helped place his hand under him. I told him that I was going to remove the left side for him to do the same with his left hand. As I removed the handcuff and laid his left arm down beside him, he was told to place it under himself. This was the first time Inmate Sullivan complained about his arm. He said he couldn't move his arm. I asked him again to place his hand under himself and he stated "I think my arm is broke." We then asked for someone to call and have medical to come and exam his arm. At this time the inmate stopped fighting with us as he was more worried about the arm then fighting us. At this time I started first aid to prevent any further injury to his arm. Why we were waiting for the ambulance and medical Sgt. Ingram asked for a sheet to cover inmate Sullivan to help keep him warm and to cover him, as not to expose him to the responding staff. I told Inmate Sullivan I would help sit him up and we did, so he could support his arm. After the nurses determined that he needed to go to the hospital Sgt. Ingram radio for master control to call for the ambulance. So inmate Sullivan could be taken to a hospital. After Inmate Sullivan was taken to the hospital. I had no further contact with inmate Sullivan.

**ACTION PENDING:** Forwarded for review.

**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. Staff were called to respond to escort Inmate Sullivan to disciplinary housing for the rule violations he committed. According to reports, once staff arrived in 5D Inmate Sullivan was given multiple orders by multiple staff members to be handcuffed through the food port, all of which he refused. Staff also noted that Sullivan used obscene language toward staff and made threats against their well-being. Staff noted that Sullivan finally agreed to be handcuffed but not through the food port and advised staff to come in and get him. Sgt. Ingram noted in his report that, "It appeared to me he [Sullivan] posed no threat and was ready to be handcuffed." However, Inmate Sullivan had deceived staff members and once staff entered the cell Sullivan instantly became combative. He attempted to punch Sgt. Ingram in the face, elbow several staff members and mule kicked Deputy Muth, knocking her to the ground. Most unusual though, was the fact that Inmate Sullivan had crafted a weapon out of ground up super spicy chips and threw it in the faces of responding staff as a way to disable them as they entered. The apparent motive of Sullivan with the chips was to use the ground up substance as a kind of pepper spray towards staff members. Staff at that point had governmental interest to use force to restrain and move Inmate Sullivan to disciplinary housing. Staff noted in their reports that Sullivan, "Resisted furiously," and "Struggled the entire way," as well as pushed a deputy off of him with his legs. Staff noted that throughout the move to disciplinary housing they ordered Inmate Sullivan to stop resisting and stop fighting them. Once they arrived in 4F, Sgt. Ingram made the decision to cut Inmate Sullivan's clothes off to be changed into a white suit for disciplinary level 4. Sullivan had been non-compliant the entire process and there was no reason for Sgt. Ingram to believe Sullivan would have been compliant with the strip search and clothing exchange. I conclude that the decision to cut Sullivan's clothes off while he was already restrained and at a position of disadvantage was the best decision to minimize the possibility of furthering the use of force.

After the clothing was removed, Sullivan was quoted in reports as saying he wasn't going to fight or resist anymore and staff were able to facilitate the nurse entering the cell to examine him. As a means to provide after care, Sgt. Ingram noted that he turned Inmate Sullivan on his side so he could breathe easier and covered him in a white jumpsuit to act like a blanket and keep him warm. Sullivan was soon transferred to the

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hospital where he was treated for the injury to his arm he sustained during his resistance in the use of force. After reviewing this use of force and gaining an understanding of how the entire incident unfolded, I believe staff acted with the goal in mind of preventing further assault from Inmate Sullivan and to get him safely contained in a disciplinary cell. This use of force appears to have been conducted in accordance with MCSO Use of Force Policy. (Sgt Gary Glaze)

**08/01/2017 2248 hrs** - I have read the attached reports. There is no video footage of this event. All reports appear consistent in their description of the event, however there are some variations due to individual perspective and recall. Staff reports indicate that Inmate Sullivan was initially hostile and challenging to staff that arrived first on the scene. Staff responded appropriately by requesting a sergeant to assist with the matter. Sergeant Ingram arrived and attempted to de-escalation techniques in hopes of resolving the situation by gaining cooperation from Inmate Sullivan. This was unsuccessful. Acting Sergeant Barker arrived and began a dialogue with the Inmate and also attempted to deescalate the situation. Deputy Muth's report indicates that Inmate Sullivan was verbally hostile and challenging to Sergeant Ingram and Acting Sergeant Barker. This is inconsistent with the information provided by Sergeant Ingram and Acting Sergeant Barker. All other staff reports seem to support the perception of the Sergeant and Acting Sergeant and indicate that Inmate Sullivan was not displaying hostility and anger as he was interacting with Sergeant Ingram and Acting Sergeant Barker.

After interacting with Inmate Sullivan and attempting to gain cooperation, both Sergeant Ingram and Acting Sergeant Barker felt that it was safe to enter the Inmate's cell and secure him in handcuffs. They both indicated that Inmate Sullivan appeared to be willing to submit to handcuffing and they did not perceive him to be a threat based on his behavior and interaction at the time. They ensured that staff were ready with other force options (Taser) before entering the cell as a safety precaution. After Inmate Sullivan turned around and placed his hands behind his back as directed, the cell door was opened and staff entered in anticipation of applying handcuffs to a compliant Inmate. Reports indicate that as they entered the cell they were suddenly and unexpectedly assaulted as Inmate Sullivan spun around and threw handfuls of crushed corn chips covered with powdered hot peppers in the faces of staff and then began to throw closed fist punches at them. Staff responded by attempting to gain control of the Inmate's arms and pin him against the wall and desk area in the cell. Acting Sergeant Barker noted in his report that Inmate Sullivan delivered several targeted elbow strikes to his head/upper body. Acting Sergeant Barker stated that Inmate Sullivan was looking over his shoulder in order to direct his elbow strikes.

Based on staff reports Inmate Sullivan fought violently and even once he was pinned against the cell wall/desk he began to "mule kick" staff. Deputy Muth documented that Inmate Sullivan kicked her in the upper abdomen causing her to lose her balance and fall to the floor. Sergeant Ingram also stated that the Inmate kicked him in the leg and then took hold of his arm which was under the Inmate and would not let go. Sergeant Ingram ordered the Inmate to let his arm go and the Inmate failed to comply. At this point Sergeant Ingram delivered several focused blows to the back of the Inmate's arm stating that he was hopeful that he would strike a nerve and cause the Inmate to loosen his grip. It appears that this was successful as Sergeant Ingram was finally able to pull the Inmate's arm free, place it behind his back and secure it in a handcuff. Acting Sergeant Barker was also struggling to pull the Inmate's other arm behind his back and documented that the Inmate continued to pull and struggle against his attempts to control the arm. Acting Sergeant Barker noted that as the Inmate continued to resist, he pulled on the Inmate's arm and heard a "pop". Staff note that the Inmate did not react but that they were finally able to move his other arm behind his back and secure it in restraints.

Once the Inmate was restrained, staff escorted him out of the cell where they document that he continued to struggle, "go limp" and resist their efforts to move him to disciplinary housing. Staff note that Inmate Sullivan actively resisted their efforts during the entire escort to the forth floor and into the 4F13 cell. According to reports, Inmate Sullivan did not stop resisting until his clothing was removed and he verbalized that his arm was injured. After being notified of possible injury staff contacted medical and requested that the Inmate be assessed. Staff also note that they covered Inmate Sullivan with a white jumpsuit and a sheet to keep him warm and to ensure some privacy.

Based on the information provided in the attached reports, it appears that staff used a reasonable level of force in order to stop Inmate Sullivan's assaultive behavior, secure him in restraints and move him to disciplinary housing. Staff only escalated force in response to the actions and behavior demonstrated by Inmate Sullivan. Staff gave multiple verbal commands to the Inmate and allowed opportunity for compliance. Staff deescalated force appropriately once Inmate Sullivan was controlled. Medical staff were notified of the event as per policy.

It should be noted that I requested reports from Deputy Pemberton and Deputy Dilger after I received this packet for review. I did not send the packet back to previous reviewers as I do not believe that any of the

information provided by either writer would alter the conclusion of any previous reviewers. (Lt Kurtiss Morrison)

**HAZARD:**

Sullivan, Cyrus Controlled		
Reason for Contact:	Inmate was being moved to disciplinary housing	
Reasons for Force:	Defend Self Assault (Deputy)	Physical Resistance or Intent
Resist Conditions:	Combative	
Physical Control:	Digital Control <i>Physical Force Effective: Yes</i>	
Last Method of Control that Contained the Threat: Inmate Sullivan was taken an placed in handcuffs with digital control		