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LOCAL

Sacramento deputy kicked a suspect during an arrest. Now a lawsuit questions decisions

BY SAM STANTON

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Sacramento sheriff's Deputy Brittany Linde was working the graveyard shift just before 1 a.m. on Aug. 1, 2021, when she began following a silver Honda Accord that had no rear license plate.

As she flashed her lights and tried to pull over the car, the Honda pulled off Florin Road and headed north on Highway 99 until it exited on 47th Avenue and began speeding up to 100 mph, blowing through stop signs along the way.

Three minutes into the chase, the Honda crashed into a parked car in the 3900 block of 26th Avenue in South Oak Park, and the driver bailed out and started

running.

Linde and Deputy Shayn Bowen chased the suspect on foot, with Bowen finally shoving the man in the back and knocking him to the ground, where deputies were able to handcuff 40-year-old Larry Weigle, a Sacramento County man who had an outstanding felony warrant for firearms violations.

“Weigle initially resisted however I was able to overcome his resistance and get his hands behind his back,” Bowen wrote in an arrest report that night. “With the assistance of other deputies we handcuffed Weigle.”

Deputy Hunter Greenwood, who responded to the scene while he was training another deputy, filed his own report, writing that Bowen was “actively fighting” with Weigle as the suspect tried to crawl under a parked car, possibly to reach for a weapon.

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“Weigle refused to show his hands and stop resisting despite Deputy Bowen giving him instructions to do so,” Greenwood wrote. “With my right foot I kicked Weigle twice in his upper torso.

“I raised my right leg up and drove my foot down towards Weigle’s person. I kicked Weigle in an attempt to get him to stop fighting Deputy Bowen and to produce his hands from underneath his person.”



In an image taken from sheriff's body-worn video, Larry Weigle is handcuffed following a struggle to arrest him by Sacramento County Sheriff's Office deputies. Moments before, video shows Deputy Hunter Greenwood rushing to assist other deputies. In the video, Weigle is heard screaming after being stomped by Greenwood's boot twice. *Sacramento County Sheriff's Office via attorney Mark Merin*

The criminal case was resolved within weeks, with Weigle accepting a plea deal that allowed him to plead no contest to a single felony count of attempting to evade police.

He was sentenced to two years in jail, with a recommendation that he be allowed to serve the sentence on the sheriff's work project. Jail records show Weigle since has been arrested on charges of receiving stolen property and injury to a spouse or cohabitant, and he is being held without bail.

Now, 18 months after the August 2021 chase, an internal affairs investigation by the Sheriff's Office and a federal civil rights lawsuit differ sharply about some of the claims that were made that night about how Weigle's arrest went down.

Internal sheriff's documents obtained by The Sacramento Bee and court documents say that, after the arrest, Greenwood asked his trainee, Deputy Mark Hampton, if his body-worn camera was "hot," slang for whether the device was turned on.

“Make sure it’s off,” Greenwood told Hampton after his trainee touched his hand to the on/off button and said it was off.

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“I kaboomed him twice,” Greenwood then said as the trainee’s camera continued to record. “Gave him the good ol’ boot.”



In an image taken from sheriff’s body-worn video, Deputy Mark Hampton is seen trying to turn off his camera as he and training partner Deputy Hunter Greenwood drive away from a scene in which Larry

Weigle was arrested Aug. 1, 2021. In the recording, Greenwood is heard saying he stomped Weigle twice adding that he, "Gave him the good ol' boot." *Sacramento County Sheriff's Office via attorney Mark Merin*

Greenwood's comments are heard on the video and acknowledged in the internal documents.

Those comments are now central to the lawsuit filed on behalf of Weigle by Sacramento attorney Mark Merin, and the internal affairs probe into the incident.

Merin said he offered to settle the case for \$200,000, but that the county's offer was only \$5,000 and the two sides are now fighting it out in court.

Sacramento County Sheriff's Office spokesman Sgt. Amar Gandhi declined to comment, citing policy against discussing pending litigation.

But he said that Sheriff's Office policy allows for deputies to turn off their body-worn cameras if they are not involved in a "critical incident" where they anticipate interaction with the public.

"They're allowed to turn the camera off without requesting specific permission," Gandhi said.

The Sheriff's Office also declined to provide internal records of the incident requested under the California Public Records Act and a four-year-old law requiring release of certain use-of-force documents, citing the need to "locate, review, and redact these records."

But the internal affairs documents and body-worn camera videos provided by Weigle's attorney show Weigle emerging from the incident with his head covered in blood as he is led away in handcuffs.

"Which one of you all kicked me in my face when I was down?" Weigle asked. "Was that you sir?"

Minutes later, as he sits in the back of a patrol car, Weigle asked again.

"Somebody kicked me, was that you officer?" Weigle said to Bowen.

“No, I pushed you down, I was right behind you,” Bowen says, adding “I have no clue” who kicked Weigle.



In an image taken from sheriff's body-worn video, Larry Weigle is seen handcuffed in a patrol vehicle following his arrest on Aug. 1, 2021. During the effort to restrain Weigle, who had run from police, a deputy stomped Weigle twice, causing the suspect to scream in pain. Weigle is now suing the Sheriff's Office as part of a federal civil rights lawsuit. *Sacramento County Sheriff's Office via attorney Mark Merin*

According to internal sheriff's documents, Greenwood acknowledged the force he used was excessive and that his initial description of the incident was not accurate, something Merin addresses in court documents.

“Everything that Greenwood reported about his interaction with Weigle was an outright lie and despicable,” Merin wrote in the complaint, filed Feb. 16.

“Greenwood ‘kicked’ Weigle (false, Greenwood ‘stomped’ Weigle); Weigle had his hands ‘under his body’ (false, Weigle’s hands were ‘behind his back’); Weigle was attempting to crawl under a vehicle (false, he was lying on the ground restrained by Bowen).

“Not only did Greenwood falsify his report about his abuse of Weigle but, while training Hampton, he instructed his trainee to turn-off his body-worn camera so

that he could describe how he twice stomped ('kaboomed') Weigle with his foot ('good ol' boot') in clear violation not only of departmental prohibition on the use of unreasonable force but also of the Fourth Amendment to the United States Constitution."

Greenwood, a five-year veteran of the Sheriff's Office who joined after three years as a Sacramento police officer, initially was found to have committed "discourteous treatment of the public" under the sheriff's use of force policy and "failure of good behavior" that could discredit the office, internal sheriff's documents say.

Sheriff's Capt. Ed Yee initially recommended on July 7 that Greenwood receive a letter of reprimand, but Chief Deputy Santos Ramos wrote on Oct. 18 that he did "not feel a Letter of Reprimand adequately addresses Deputy Greenwood's conduct" and recommended a 40-hour suspension.

But then-Undersheriff Jim Barnes rejected that on Nov. 28, exonerating Greenwood of use of force that was "discourteous treatment of the public" and sustaining a finding that Greenwood caused "discredit to the Sheriff's Office," documents say.

Barnes wrote that he was "very disappointed in Deputy Greenwood's choice of words and his description of the force used to Deputy Hampton."

"It was uncalled for, unprofessional, and I expect more from him," Barnes wrote.

But he added that the force Greenwood used "was reasonable at the time" and recommended a letter of reprimand. Sheriff Jim Cooper signed off on that recommendation in mid-December, just after taking office, the documents say.

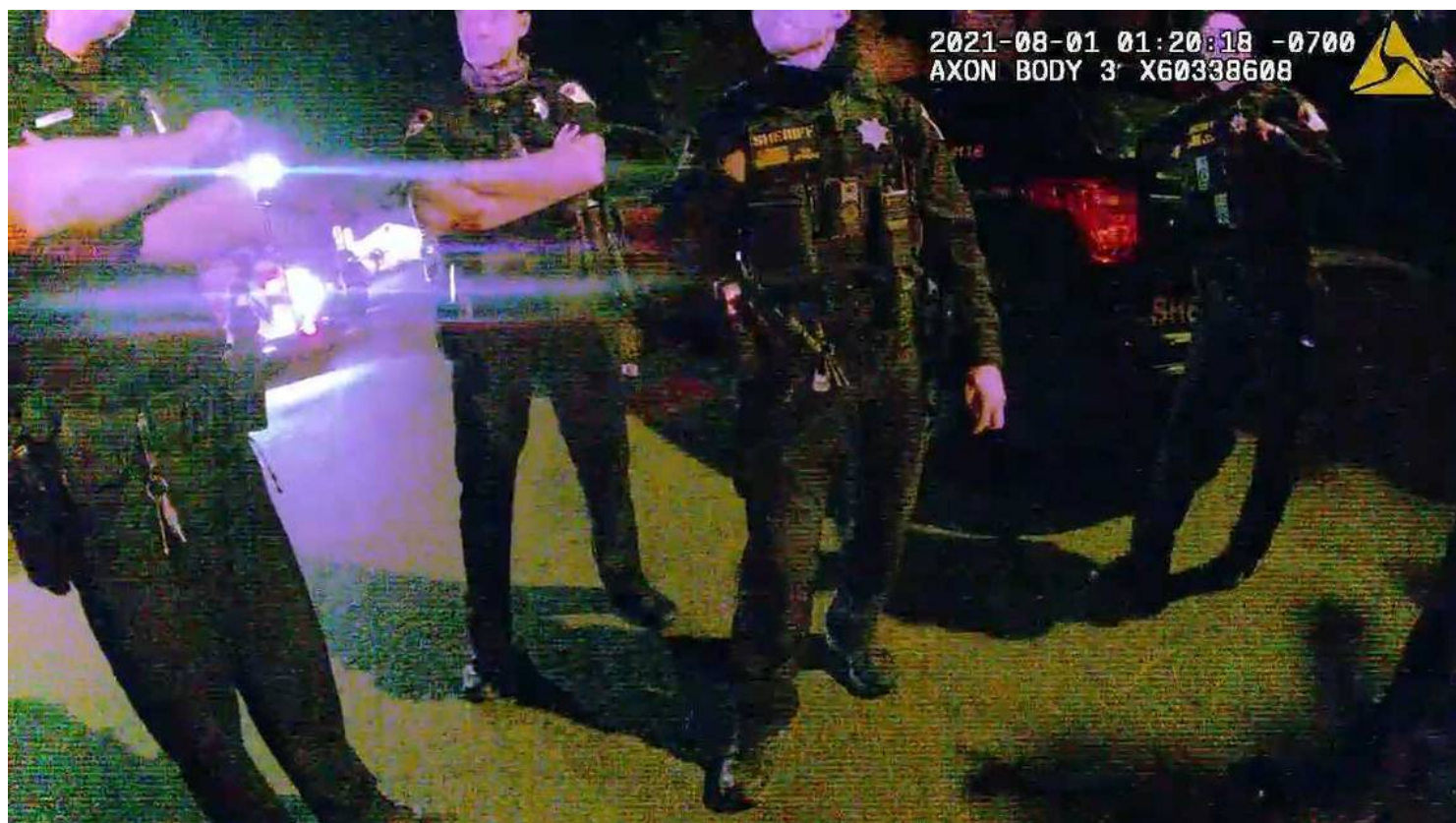
"Deputy Greenwood used force that he felt was reasonable, at the time of the incident, based on the totality of facts leading up to the incident," Barnes wrote. "Mr. Weigle was a fleeing suspect in a stolen vehicle, driving recklessly, and endangering the lives of citizens and pursuing deputies."

Greenwood also heard from the air unit that another deputy was in a "fight with one," leading Greenwood to believe Weigle was fighting with a deputy when he used "appropriate force to subdue Mr. Weigle," Barnes wrote.

Barnes' conclusion came after he reviewed California Highway Patrol aerial footage of the incident that he felt showed Greenwood "applied force almost simultaneous to when Deputy Bowen states he thought he had control of the suspect's hands."

Court filings in the civil suit say that the CHP's aerial footage was used to overturn the finding that Greenwood used inappropriate force during the incident, contradicting initial internal affairs findings.

Greenwood did not respond to an email request for comment.



In an image taken from sheriff's body-worn video, deputies are seen discussing the events during the arrest of Larry Weigle following a police pursuit in the South Oak Park section of Sacramento on Aug. 1, 2021. In footage from at least two body-worn videos, a supervisor is heard asking the deputies who Weigle fought with during the arrest. Deputy Hunter Greenwood is identified as the deputy who "kicked" Weigle before Greenwood is heard saying "I just pushed him." Greenwood later told investigators that he stomped on Weigle's right shoulder twice because he perceived that Weigle's hands were under his body, something he conceded was inaccurate after viewing video of the arrest. *Sacramento County Sheriff's Office via attorney Mark Merin*

The documents note that Greenwood "genuinely took responsibility for his actions" during the internal affairs probe, and they add that state law requires the release of his body-worn camera footage. Such a release of Greenwood's

statements could “further erode trust between our communities and the law enforcement profession,” internal sheriff’s documents say.

“If the public were made aware of the statements, it would certainly generate negative public perception for the Sheriff’s office and law enforcement profession,” the documents state.

Greenwood told investigators that he stomped on Weigle’s right shoulder twice because he perceived that Weigle’s hands were under his body, something he conceded was inaccurate after viewing video of the arrest.

He also said he understood how his direction to Hampton to turn off his camera could be construed.

“It’s perceived as you’re trying to hide something when you — when you have — ask if your camera is turned off...” he said. “I just wish the camera had been on and I hadn’t asked that question because then at least it wouldn’t look like I’m trying to, to hide something.”

Greenwood also said that after viewing video of the incident he agreed that he used excessive force, and that he should have taken a deep breath and assessed the situation, documents say.

“I made a mistake on this one,” he said.

Hampton, the deputy Greenwood was training that night, later told internal affairs investigators he agreed that Greenwood’s comments were inappropriate.

“Our profession is held to a high standard, and while I didn’t interpret it that way or Deputy Greenwood didn’t mean it that way, with the climate — not just the climate but just our profession, we’re held to a high standard,” Hampton said, according to internal sheriff’s documents. “And you should treat everyone with respect no matter what they did or even if the actions were completely justified.

“Respect is the name of the game and we need to hold ourselves higher than anybody else.”

Hampton added that he did not believe Greenwood used excessive force because Greenwood said he thought Weigle was reaching for something under a nearby car when he kicked him, documents say.

And he said he believed Greenwood told him to turn off his body-worn camera so the two could have “a private conversation,” documents say.

“We were turning the body cameras off because we were leaving the scene and then a conversation ensued afterwards,” Hampton told investigators. “My interpretation was that it wasn’t related, turn it off specifically so we can have this conversation about the use of force.

“It was, the investigation was over. We were driving away from the scene. Turn your body camera off and then we had a conversation about the use of force.”



In an image taken from sheriff's body-worn video in the minutes after his arrest, Larry Weigle is seen being photographed by deputies and is heard asking, “Which one of you all kicked me in my face when I was down?” Later, while in the back of a patrol vehicle, Weigle repeatedly asked which deputies kicked him, if deputies had their body cameras on and said he wanted to file a report about being kicked. *Sacramento County Sheriff's Office via attorney Mark Merin*

In a separate interview, Bowen told investigators he felt Greenwood's use of force was excessive, that Weigle's "hands were behind his back."

Weigle, in his own interview with internal affairs investigators, said he was already handcuffed when he was kicked.

"...I wasn't resisting," he said. "There's no other reason – even if I was resisting, there's no reason to stomp somebody anyway."

He also said he has had lasting injuries from the incident.

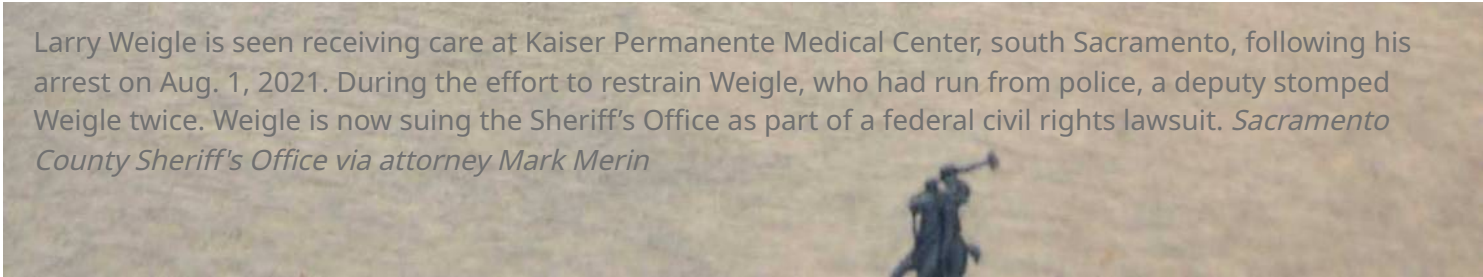
"I ended up having headaches for about the first two months I was locked up," Weigle told internal affairs investigators. "I can't smell or taste.

"And I got anxiety — real bad anxiety."



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Larry Weigle is seen receiving care at Kaiser Permanente Medical Center, south Sacramento, following his arrest on Aug. 1, 2021. During the effort to restrain Weigle, who had run from police, a deputy stomped Weigle twice. Weigle is now suing the Sheriff's Office as part of a federal civil rights lawsuit. *Sacramento County Sheriff's Office via attorney Mark Merin*



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