



San Diego County Sheriff's Department

Arrest/Juvenile Contact Report

Case No. **13123027**CAD Event No.: **E787024**Case Disposition: **Arrest**Primary Victim: **Farber, P**Report No. **13123027.1****1**

Page 1 of 9

**ARREST REPORT****JUVENILE CONTACT REPORT**WARRANT: ☐ LOCAL ☐ OUT**GENERAL CASE INFORMATION**

Primary Charge: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)			
Special Studies:		Related Cases:	
Location, City, State, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901		Occurred On: 05/06/2013 23:57:00 (Monday)	
Jurisdiction: Alpine - ALPINE	Beat: 552	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S**Victim #1**

Person Code: <input type="checkbox"/>		Secured Premise <input type="checkbox"/>		Discovered Crime <input type="checkbox"/>		Reporting Party <input type="checkbox"/>		Law Enforcement Officer <input type="checkbox"/>	
Name: Farber, P						Victim Type: I - Individual		Interpreter Language:	
ALIAS / AKA / NICKNAME / MONIKER:									
Name Type:		First:		Middle:		Last:		Suffix:	
Victim Of: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)								County Residence: U - Unknown	
Home Address, City, State, ZIP:				Res. Country:		Place of Birth:		Undocumented:	
Race: W	Sex: M	Date of Birth / Age: 29	Height: 6' 1"	Weight: 200	Hair Color:	Eye Color:	Facial Hair:	Complexion:	
Employment Status: E - Employed		Occupation/Grade: Deputy Sheriff		Employer/School: SDSO		Employer Address, City, State, ZIP: 2751 Alpine Blvd., Alpine, CA 91901			
CONTACT INFORMATION:									
Type: WP - Work Phone				Number/Address: [REDACTED]					
IDENTIFICATION:									
Type: SH - Sheriff ID		Number: 9605		State:		Country:			
Attire:		Injury: M - Apparent Minor Injury		Extent of Treatment: 02 - Treated		Violent Crime Circumstances:			
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION		Type:		Type Activity:		Type Assignment:			
VICTIM OFFENDER RELATIONSHIPS		Offender: McIlhenney, Patrick Davis				Relationship: ST - Victim Was Stranger			

IBR/UCR OFFENSE/S

Offense Description: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)		Level: F	Against: PE	Completed?: Yes	Counts:	Using: A - Alcohol
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)			Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:		
Weapons/Force: 40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)	Tools:		Targets:			
Offense Description: 23152 (A) - VC - DUI ALC/DRUGS (M)		Level: M	Against: SO	Completed?: Yes	Counts:	Using: A - Alcohol

Reporting Officer: SH9605 - FARBER, PATRICK	Division / Organization: Alpine Station ALPINE PATROL	Reviewed By: SH1110 - GOLDBERG, CURT
Report Date: 5/7/2013 2:52:15 AM	Detective Assigned: SH6317 - CULLY, LUKE	Reviewed Date: 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

Case No. **13123027**CAD Event No.: **E787024**Case Disposition: **Arrest**Primary Victim: **Farber, P**Report No. **13123027.1****2**

Page 2 of 9

Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)		Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		
Offense Description: 23152 (B) - VC - DUI ALC/0.08 PERCENT (M)		Level: M	Against: SO	Completed? Yes	Counts A - Alcohol
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (No Bias)		Domestic Violence: No	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:		Targets:		
ARRESTEE/S					

Arrestee #1

Name: McIlhenney, Patrick Davis		County Residence: R - Resident	Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:			
Name Type:	First:	Middle:	Last:
Home Address, City, State, ZIP:		Res. Country: US	Place of Birth:
Race: W	Sex: M	Date of Birth / Age: - 59	Height: 6' 0"
Weight: 185	Hair Color: BRO	Eye Color: BRO	Facial Hair: 06 - Mustache Only
Hair Style: S - Straight	Hair Length: S - Short	Build: M - Medium	Teeth:
Employment Status: E - Employed	Occupation/Grade: Owner	Employer/School:	Employer Address, City, State, ZIP:
CONTACT INFORMATION:			
Type: HP - Home Phone	Number/Address:		
Type: WP - Work Phone	Number/Address:		
IDENTIFICATION:			
Type: DLN - Drivers License Number	Number:	State: CA	Country:
SCARS, MARKS, TATTOOS, ODDITIES:			
Attire:	Suspect Actions:		
ARREST INFORMATION			
Arrest Type: O - Probable Cause Arrest - New Case	LE Disposition: 1 - Released (849PC - No Charges Filed) (Adult Only)	JUS 750 Type: 3 - Other	Citation No.:
Arrested For: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)		Level: F	Completed: Yes
23152 (A) - VC - DUI ALC/DRUGS (M)		M	Yes
23152 (B) - VC - DUI ALC/0.08 PERCENT (M)		M	Yes
Arrested By: SH9605 - FARBER, PATRICK	Arrest Date and Time: 05/07/2013 00:01:00	Arrest Location, City, State, ZIP: 2119 Victoria Park Ter., Alpine, CA 91901	Beat: 552
Arrest Assisted By: SH1208 - BONANNO, PAUL SH4915 - MATEUS, GERARDO POULIN, THOMAS SH6013 - WILSON, JACOB SH7131 - GREENE, JOHN		Transported By: SH6013 - WILSON, JACOB	
Miranda Read: No	Admonished By:	Miranda Response:	Jail Billing Code: SD Sheriff's Office
		Booked Location:	

Reporting Officer: SH9605 - FARBER, PATRICK	Division / Organization: Alpine Station ALPINE PATROL	Reviewed By: SH1110 - GOLDBERG, CURT
Report Date: 5/7/2013 2:52:15 AM	Detective Assigned: SH6317 - CULLY, LUKE	Reviewed Date: 05/08/2013 09:16:20



San Diego County Sheriff's Department

Arrest/Juvenile Contact Report

Case No. **13123027**CAD Event No.: **E787024**Case Disposition: **Arrest**Primary Victim: **Farber, P**Report No. **13123027.1****3**

Page 3 of 9

Armed With: 01 - Unarmed		Use of Force to effect Arrest: Yes	
JUVENILES			
Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:
Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:
RELEASE INFORMATION			
Released Location: Kaiser Hospital Zion Ave. San Diego, CA	Released On: 05/07/2013 03:12:00	Released By: SH6013 - WILSON, JACOB	Release Reason: 07 - Other

SUSPECT/S (Not Yet Arrested)**WITNESSES****Witness #1**

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:				Person Code:		
						County Residence: R - Resident

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:				Res. Country:	Place of Birth:	Undocumented:		
				US		No		
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
		- 36						
Employment Status:	Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:				
CONTACT INFORMATION:								
Type:	Number/Address:							
MP - Mobile Phone								
IDENTIFICATION:								
Type:	Number:	State:	Country:					
DLN - Drivers License Number		CA						
Injury:	Extent of Treatment:							

Witness #2

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name:				Person Code:		
						County Residence:

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:				Res. Country:	Place of Birth:	Undocumented:		
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	M							
Employment Status:	Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:				
E - Employed	Canine Police Officer	San Diego Police Department		Broadway, San Diego, CA				
CONTACT INFORMATION:								
Type:	Number/Address:							
WP - Work Phone								
IDENTIFICATION:								
Type:	Number:	State:	Country:					
EI - Employee ID	4998							

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

Case No. **13123027**CAD Event No.: **E787024**Case Disposition: **Arrest**Primary Victim: **Farber, P**Report No. **13123027.1****4**

Page 4 of 9

Injury:	Extent of Treatment:
---------	----------------------

OTHER ENTITIES**Other Entity #1**

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer			
Name: [REDACTED]	Entity Type: OT - Other (Person)	Person Code: 12 - Other Expert	County Residence:

ALIAS / AKA / NICKNAME / MONIKER:									
Name Type:	First:	Middle:	Last:	Suffix:					
Home Address, City, State, ZIP:				Res. Country:	Place of Birth:	Undocumented:	Interpreter Language		
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:	
Employment Status: E - Employed	Occupation/Grade: [REDACTED]	Employer/School: [REDACTED]		Employer Address, City, State, ZIP: [REDACTED]					
CONTACT INFORMATION:									
Type: WP - Work Phone	Number/Address: [REDACTED]								
IDENTIFICATION:									
Type: EI - Employee ID	Number: [REDACTED]				State:	Country:			
Injury:					Extent of Treatment:				

PROPERTY**Property Item #1.000 - CD with photos**

Derivative No.: 0	Property Category: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 05/07/2013		
Owner:	Disposition: Alpine Station		
Evidence Tag: 1	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

Case No. **13123027**

CAD Event No.: **E787024**

Case Disposition: **Arrest**

Primary Victim: **Farber, P**

Report No. **13123027.1**

5

Page 5 of 9

Property Item #2.000 - Envelope with two vials of suspect's blood

Derivative No.: 0	Property Category: 3311 - Biological - Liquid Blood - in tube or vial		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: 05/07/2013		
Owner:	Disposition: Santee Station Evidence		
Evidence Tag: 2	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			
Lab Service Request: Toxicology Send Out	Property Notes: Test blood for alcohol content		

REPORT NARRATIVE

SYNOPSIS:

Subsequent to a traffic stop for excessive speed in the rain, driver Patrick McIlhenney refused to cooperate with law enforcement. McIlhenney displayed signs of intoxication and resisted being taken into custody. A takedown was used to gain control of McIlhenney resulting in the following injuries: Deputy Farber sustained bleeding scrapes to his right elbow and McIlhenney sustained a bleeding cut to his right eyebrow. Deputy Farber was treated by medics at the scene. McIlhenney was transported to Kaiser Hospital on Zion Ave for further treatment. X-Rays indicated McIlhenney may have also fractured his clavicle. Alpine resident, [REDACTED] witnessed the traffic stop from his backyard at [REDACTED].

Deputy Bonanno and Deputy Mateus went to Kaiser to evaluate McIlhenney for being under the influence of alcohol. McIlhenney refused to be evaluated, but he consented to a preliminary alcohol screening test (PAS) and to having his blood drawn so it could be evaluated by the crime lab. Deputy Bonanno indicated McIlhenney's blood alcohol content readings were approximately .138% and .135%, nearly twice the legal limit, over an hour and a half after the initial traffic stop. McIlhenney was released from custody at the hospital with an 849.5 PC release form to facilitate his treatment. Criminal charges are desired against McIlhenney for resisting a peace officer resulting in minor injury in violation of 69 PC and driving under the influence of alcohol in violation of 23152(a) VC and 23152(b) VC.

ORIGIN:

On 05-06-13, at about 2357 hours, I was patrolling the area of Alpine in a marked Sheriff patrol car. I was parked in front of the Chevron gas station at 1145 Tavern Road, facing northbound. My vehicle's amber emergency lights were illuminated to warn traffic of my presence as I examined a U-haul truck with an Arizona license plate parked in front of the Chevron. It was raining at the time so the roads were wet. I heard the loud extended honking of a vehicle horn which startled me. I saw a white Cadillac SUV, license

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department

Arrest/Juvenile Contact Report

CAD Event No.: **E787024**

Primary Victim: **Farber, P**

Case No. **13123027**

Case Disposition: **Arrest**

Report No. **13123027.1**

6

Page 6 of 9

[REDACTED], drive within two feet of my vehicle as it passed me northbound on Tavern Road at a high rate of speed which appeared to be unsafe for the conditions in violation of 22350 VC.

INVESTIGATION:

I activated my overhead emergency lights and siren and pursued the vehicle. The vehicle took an unusually long time to yield. I followed the vehicle for about half of a mile and paced it going about 60 miles per hour in the 50 mile per hour zone before it began to slow down and suddenly stop on the right shoulder near 2119 Alpine Park Terrace. I stopped behind the vehicle. The vehicle suddenly reversed for about two feet before stopping. I requested a cover unit through dispatch and exited my car.

The Cadillac driver's door suddenly opened. In my experience, it is unusual for people to exit their car during a traffic stop unless directed to do so by a deputy. I loudly ordered the driver, later identified as Patrick McIlhenney, to close the door. After repeatedly yelling at him to close the door, he finally did after about ten seconds. I then repeatedly ordered him to roll down his driver's window. He refused to do so for about two minutes. I saw movement in the cab of the SUV. Suddenly, the driver's door opened again. I again repeatedly ordered him to close the door and he refused. At this point, I was very concerned for my safety. Based on him honking at me, his lack of cooperation after the stop and his movement in the car, I suspected he was planning to ambush me and may be armed and dangerous. I requested code cover through dispatch.

McIlhenney stuck one arm out of the open door with his middle finger extended and shouted, "Fuck You!" I continued to order him to roll down his window and shut the door. He refused. His arm then went back into the vehicle out of my view. I was concerned he could be arming himself and planning an attack against me. I loudly ordered him to show me his hands. He stuck both hands out of the door momentarily with his middle fingers extended and continued to shout at me, "Fuck You!" before putting his hands back inside the vehicle. I told McIlhenney that he was making this a bigger deal than it had to be. I told him to just stay in the vehicle until my backup arrived.

Suddenly, McIlhenney stepped out of the open door and walked toward me at a fast pace. He had an angry scowling expression on his face. He held up both his middle fingers and continued to shout, "Fuck You!" to me. Based on his behavior, I believed he was intent on fighting with me. His shirt was tucked in and I could not see any weapons on his person; however, I could not see if he had any weapons tucked in his waistband at his back. In anticipation of a physical confrontation with McIlhenney, when he was about 15 feet from me, I drew my Taser and pointed it just below McIlhenney chest while ordering him to stop and turn around. I noticed that McIlhenney was stumbling as he walked toward me and that his speech was slurred. I suspected he was under the influence of alcohol. McIlhenney stopped walking momentarily once he arrived at the rear of his vehicle, but he would not turn around after I ordered him to do so several times.

To prevent him from fighting with me and injuring me, I considered deploying my Taser. Before deploying my Taser, I considered his age (he appeared to be in his late 50's with graying hair) and I also

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

Case No. **13123027**

CAD Event No.: **E787024**

Case Disposition: **Arrest**

Primary Victim: **Farber, P**

Report No. **13123027.1**

7

Page 7 of 9

considered that he momentarily complied with my one command to stop. I considered that he may not be following my instructions because of his impaired judgment due to his alcohol consumption. For his and my safety, I chose to holster my Taser and attempt to place him in handcuffs using arm guidance.

I approached him and grabbed his arms, turned him around so he was facing away from me and ordered him to put his hands behind his back. McIlhenney rigidly held his arms above his head and refused to put his arms down and behind his back. I struggled to pull his arms down and behind his back. As I lowered his arms down to his waist, McIlhenney turned to his left toward me, while violently attempting to pull his arms free from my grasp. He was able to free his right hand.

Fearing McIlhenney was going to escape my grasp and attack me, I put my right arm around his neck from behind and pulled him backward toward the ground to gain a position of advantage and regain control of McIlhenney.

I followed McIlhenney to the ground while maintaining control of his head and placing some of my body weight on his back and most of my weight on the balls of my feet. I continued to order him to put his hands behind his back and he refused. I grabbed both his hands and forced them behind his back while he continued to attempt to pull free of my grasp. After about a minute of struggling with him, I was able to put both of his hands into handcuffs. Through dispatch, I notified Sergeant T. Poulin that I used force at 0001 hours.

McIlhenney continued to curse at me and face toward me while I ordered him to stay on the ground and face away from me. I noticed McIlhenney had a bleeding cut on his right eyebrow. I also noticed my right elbow was in pain and that it was scrapped and bleeding. I placed McIlhenney under arrest for resisting a peace officer causing minor injury per 69 PC. I searched him incident to arrest and I found no contraband. While searching him, McIlhenney shouted, "Don't touch me you fucking faggot!"

I requested an ambulance through dispatch. San Diego Police canine Officer D. Leach arrived on scene to assist. He said he was on his way home in the area when he saw me on the traffic stop. Deputy Greene and Deputy Wilson arrived on scene to assist shortly after. The Alpine fire department and AMR Medic 17 arrived on scene. I requested CHP to evaluate McIlhenney for driving under the influence. CHP refused to evaluate McIlhenney. I requested the assistance of a Santee traffic deputy to evaluate McIlhenney and the unit indicated he was too busy to assist. Medics examined my elbow and indicated that I did not appear to need further treatment. Deputy Greene photographed my injuries. Medics transported McIlhenney to Kaiser Hospital on Zion Avenue. Deputy Wilson followed the ambulance to the hospital to maintain custody of McIlhenney. Deputy Wilson photographed McIlhenney's injuries. Deputy Bonanno and Deputy Mateus agreed to assist me in evaluating McIlhenney at Kaiser Hospital. See Deputy Mateus' Deputy Report attached to my arrest report for further details.

McIlhenney refused to be evaluated and refused to answer many questions, but he consented to a preliminary alcohol screening test (PAS) and to having his blood drawn so it could be evaluated by the crime lab. Deputy Bonanno indicated McIlhenney's blood alcohol content readings were approximately

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

Case No. **13123027**

CAD Event No.: **E787024**

Case Disposition: **Arrest**

Primary Victim: **Farber, P**

Report No. **13123027.1**

8

Page 8 of 9

.138% and .135%, nearly twice the legal limit, over an hour and a half after the initial traffic stop. Deputy Mateus witnessed phlebotomist [REDACTED] draw McIlhenney's blood. Mateus later placed the blood into evidence at the Santee station.

McIlhenney had x-rays completed at the hospital which indicated he may have a broken clavicle. On my request, Deputy Wilson provided McIlhenney with an 849.5 PC release form and released him from Sheriff custody to facilitate his treatment. Criminal charges are desired against McIlhenney for resisting a peace officer resulting in minor injury in violation of 69 PC and driving under the influence of alcohol in violation of 23152(a) VC and 23152(b) VC.

At the scene of the traffic stop, shortly after McIlhenney was transported from the scene, an Alpine resident called out to me from the backyard of the residence at [REDACTED] adjacent to the site of the traffic stop. I walked to the yard and spoke to a white male adult who identified himself as [REDACTED]. [REDACTED] indicated he witnessed the traffic stop. [REDACTED] was standing about 25 yards south of the traffic stop, on the passenger side of the vehicles. He provided me with the following information.

STATEMENT of [REDACTED] (Witness):

[REDACTED] said he was sleeping in his house when he heard me repeatedly shouting, "Close your door!" [REDACTED] said he went to his backyard to see what was happening. [REDACTED] said he could see my patrol car parked behind the white SUV. [REDACTED] said he heard me yelling, "Get back in your car and roll the window down!" [REDACTED] said he heard the driver of the SUV shout, "Fuck You!" repeatedly. [REDACTED] heard me yell to the driver to stay in the car until my backup arrived. [REDACTED] heard the driver respond by saying, "Fuck You!" [REDACTED] saw the driver walk toward the patrol car in a "threatening manner." [REDACTED] said he saw me point something that could be a gun at the driver. [REDACTED] said he heard me yell at the driver to stop and turn around. [REDACTED] said the driver did not turn around. [REDACTED] said he saw me put away what I was pointing at the driver. [REDACTED] heard me shout, "Turn around" as I approached the driver. [REDACTED] said the driver did not turn around. [REDACTED] saw me approach the driver. [REDACTED] said he heard me shout, "Put your hands behind your back!" [REDACTED] then saw both me and the driver fall to the ground and he heard a loud "thump" sound. [REDACTED] said he then heard the driver shout, "Do you feel good now!" Then he heard the driver shout, "Stop touching me you faggot!" [REDACTED] said he heard me tell the driver "I don't know if you have a gun, I have to search you." [REDACTED] said the driver replied, "Fuck You!" [REDACTED] said other officers arrived on scene shortly after.

[REDACTED] indicated that he was concerned for my safety and that he was going to help or say something, but he felt I had it under control. When asked if he believed the force I used on the driver was reasonable, Cory replied by saying, "Oh, definitely reasonable. He (the driver) was very threatening and he wouldn't comply at all." When asked if he believed the suspect sounded intoxicated, [REDACTED] said he believed the suspect was intoxicated. [REDACTED] said, "Normal people don't act like that when they are pulled over." [REDACTED] had no further information.

I secured McIlhenney's vehicle at the scene. I returned to the Alpine station. I copied the photos onto a CD and placed it into evidence at the Alpine station. I concluded my investigation.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department Arrest/Juvenile Contact Report

CAD Event No.: **E787024**

Primary Victim: **Farber, P**

Case No. **13123027**

Case Disposition: **Arrest**

Report No. **13123027.1**

9

Page 9 of 9

EVIDENCE:

Item# 1 CD with photos - impounded at the Alpine station

Item# 2 Two vials of McIlhenney's blood - impounded at the Santee station

INJURIES:

Deputy Farber sustained bleeding scrapes to his right elbow.

McIlhenney sustained a bleeding cut to his right eyebrow and possibly a broken clavicle.

FOLLOW-UP:

The crime lab results for the blood alcohol content of McIlhenney's blood is needed.

RELATED REPORTS:

See Deputy Report of Deputy Mateus.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20

AGE 21 AND OLDER OFFICER'S STATEMENT
SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS DAYS TO YOUR LOCAL DRIVER SAFETY OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO. 13123027	DETENTION/ARREST DATE 5/7/13	FOR DMV USE ONLY		
DRIVER'S NAME (LAST, FIRST, M.I.) MCILHENNEY, PATRICK DAVIS		DRIVER LICENSE NO. [REDACTED]	COMMERCIAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	STATE CA
MAILING ADDRESS [REDACTED]		STATE [REDACTED]		ZIP CODE [REDACTED]
DOB: [REDACTED]		Sex: M	Hair: BRD	Eyes: BRD Ht.: 6'0" Wt.: 185
Driver License: <input type="checkbox"/> Suspended/Revoked <input checked="" type="checkbox"/> Surrendered (Attached) <input type="checkbox"/> Not in Possession <input type="checkbox"/> Unlicensed		<input type="checkbox"/> 0.01% or more BAC DUI Probation <input type="checkbox"/> 0.04% or more BAC/COMM VEH <input checked="" type="checkbox"/> 0.08% or more BAC Chemical Tests Results		
		<input type="checkbox"/> PAS or other Chemical Test Refusal - (DUI Probation) (Complete reverse) <input type="checkbox"/> Chemical Test Refusal (Complete reverse) <input type="checkbox"/> Forced Blood Test (Complete reverse)		

Vehicle Lic. No. or VIN [REDACTED]
☐ **COMMERCIAL VEHICLE:** Vehicle operation requires a commercial driver license (Section 15210 CVC).
☐ **HAZARDOUS MATERIALS:** (transporting materials requiring placards/markings per Section 27903 CVC).
 On **5/7/13** at **2357 AM/PM** in (City and County) **ALPINE SAN DIEGO** CA, the above named driver was:
☒ Driving: ☐ observed by this officer or ☒ the observer shown in the shaded area on the second page, ☒ admitted to driving.
☐ Contacted per Section 40300.5 CVC. (Describe details in probable cause section on second page.)
☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.
 I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the shaded area on the second page on **5/7/13** (Month/Day/Year) at **2357 AM/PM** for violation of Section 23152 or 23153, 23154 CVC.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☐ Odor of alcoholic beverage ☒ Unsteady gait ☒ Slurred speech
☐ Other: [REDACTED] Observed by: **P. FARBER** at **2357 AM/PM**

PRELIMINARY ALCOHOL SCREENING TEST 0.01% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC) DUI PROBATION
 Driver submitted to and completed a Preliminary Alcohol Screening (PAS) test with the results of:
TEST 1 **0.138%** BAC on **5/7/13** at **0140 AM/PM** **TEST 2** (Optional) **0.135%** BAC on **5/7/13** at **0142 AM/PM**
OFFICER'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (Name/Number) **ALCO-SENSOR FST**, Serial# **053010**, Manufactured by **INTOXIMETERS INC**, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test. ☐ PAS Test Unavailable
 Date **5/7/13** Signature **X** [Signature] BADGE/ID NO. **1208** Agcy./Div. **SDSD**

CHEMICAL TEST
Breath Test Results (Attach copy of the results, if available)
TEST 1 ___% BAC on ___ DATE ___ TIME ___ AM/PM **TEST 2** ___% BAC on ___ DATE ___ TIME ___ AM/PM **TEST 3** ___% BAC on ___ DATE ___ TIME ___ AM/PM
BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.
 Date ___ Signature **X** [Signature] Badge/ID No. ___ Agcy./Div. ___
Blood Test Results ☐ Blood Test on ___ DATE ___ TIME ___ AM/PM ☐ Breath Test Unavailable
Urine Test Results ☐ Both Breath and Blood tests unavailable. ☐ Drug use suspected. ☐ Urine required.
☐ Urine Test First Void on ___ DATE ___ TIME ___ AM/PM Test on ___ DATE ___ TIME ___ AM/PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date **5/7/13** AT: City **ALPINE** County **SAN DIEGO** State **CA**
 OFFICER'S PRINTED NAME **G. MATEUS** BADGE/ID NO. **4915** TELEPHONE NO. **(619) 956-4000**
 AGENCY **SAN DIEGO COUNTY SHERIFFS** AREA **SANTE** COURT CODE (IF UNKNOWN, COURT NAME) **EL CAJON**
☒ I did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.
 ISSUE DATE OF ORDER **5/7/13** SIGNATURE OF ARRESTING OFFICER **X** [Signature]
 IF ORDER SERVED BY ANOTHER OFFICER: I personally served a copy of the order to the driver on the date shown below:
 ISSUE DATE OFFICER'S PRINTED NAME BADGE/ID NO. SIGNATURE OF OFFICER **X**

OFFICER'S STATEMENT - PAGE 2
SECTIONS 13353, 13353.1, 13353.2 AND 13389 CVC

APS

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO. 13123027		DETENTION/ARREST DATE 5/7/13		FOR DMV USE ONLY	
DRIVER'S NAME (LAST, FIRST, M.I.) MCILHENNEY PATRICK DAVIS		DRIVER LICENSE NO. [REDACTED]	COMMERCIAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	STATE CA	THUMB PRINT (Right thumb or specify)
MAILING ADDRESS [REDACTED]		STATE [REDACTED]	ZIP CODE [REDACTED]		
DOB: [REDACTED]	Sex: M	Hair: BRO	Eyes: BRO	Ht.: 6'0" Wt.: 185	
Driver License: <input type="checkbox"/> Suspended/Revoked <input checked="" type="checkbox"/> Surrendered (Attached) <input type="checkbox"/> Not in Possession <input type="checkbox"/> Unlicensed <input type="checkbox"/> 0.01% or more BAC DUI Probation <input type="checkbox"/> PAS or other Chemical Test Refusal - (DUI Probation) <input type="checkbox"/> 0.04% or more BAC/COMM VEH <input type="checkbox"/> Chemical Test Refusal <input checked="" type="checkbox"/> 0.08% or more BAC Chemical Tests Results <input type="checkbox"/> Forced Blood Test					

Complete shaded area only if driving/collision observed by someone other than arresting officer or arrest done by another officer.

<input checked="" type="checkbox"/> Driving observed	<input type="checkbox"/> Driver arrested	<input type="checkbox"/> Collision witnessed	By <input type="checkbox"/> Officer <input type="checkbox"/> Citizen	<input type="checkbox"/> Driving observed	<input type="checkbox"/> Driver arrested	<input type="checkbox"/> Collision witnessed	By <input type="checkbox"/> Officer <input type="checkbox"/> Citizen
NAME (PLEASE PRINT) P. FARBER (DEPUTY)				NAME (PLEASE PRINT)			
ADDRESS 8811 CUYAMACA STREET				ADDRESS			
TELEPHONE NO. (419) 956-4000		OFFICER'S BADGE/ID NO. 9605		OFFICER'S AGENCY SDSD		TELEPHONE NO. ()	

PROBABLE CAUSE (DESCRIBE IN DETAIL THE FACTS AND CIRCUMSTANCES THAT LED TO THE STOP OR CONTACT.)
THE NARRATIVE MUST BE AN ORIGINAL. PRINT OR WRITE DIRECTLY ON THIS PAGE. (A SYNOPSIS OF THE SUPPLEMENTAL REPORT MAY BE CUT AND PASTED BELOW AND MUST BE DATED AND CONTAIN AN ORIGINAL SIGNATURE.) (FOR DUI PROBATION VIOLATIONS) CLEARLY INDICATE BELOW HOW YOU DETERMINED THE DRIVER WAS ON DUI PROBATION.

ORIGIN:

On 5-7-13, at about 0039 hours, I was working as a Patrol Deputy in the City of Santee when I received a radio call (CAD#787024), from Deputy Farber to evaluate a possible drunk driver he made a traffic stop on.

SYNOPSIS:

Patrick Davis McIlhenney was contacted during a traffic stop by Deputy Farber #9605 for driving 60 mph in a 50 mph zone. McIlhenney had glassy/ bloodshot eyes, slurred speech and unsteady gait. McIlhenney actively resisted the Deputy during the traffic stop and was injured during a use of force to subdue him. McIlhenney was placed under arrest for 69PC; Obstructing or resisting officers. McIlhenney was then transported to the Kaiser Hospital where he consented to take a preliminary alcohol screening (PAS) and blood test. A PAS test was conducted on McIlhenney which indicated 0.138 BAC. McIlhenney was additionally charged with 23152(a/b)VC; Driving under the influence.

[Signature] 4915 5/8/13





San Diego County Sheriff's Department Evidence Report

Case No: **13123027**Evidence Sheet No: **001****1**

Page 1 of 2

GENERAL CASE INFORMATION

REPORTING AGENCY: SH - Sheriff				
CALL FOR SERVICE NUMBER (CAD) E787024	OFFENSE TYPE: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFCR BY FORCE (F)	DIVISION: ALP - Alpine Station	BILLING CODE: SDSO - SD Sheriff's Office	SEARCH WARRANT NUMBER:
DATE OF INCIDENT: 5/6/2013	INCIDENT LOCATION (CITY, STATE, ZIP): 2119 VICTORIA PARK TER, ALP			KEY CASE NUMBER:
REPORTING OFFICER: SH9605 - FARBER, PATRICK		ID: SH9605	DIVISION: Bomb/Arson Unit	
ASSIGNED DETECTIVE: SH6317 - CULLY, LUKE		ID: SH6317	DIVISION: Alpine Station	

OUTSIDE AGENCY

OA CASE NUMBER:	AGENCY NAME:	ASSIGNED DETECTIVE:	CONTACT PHONE:
	AGENCY ADDRESS (CITY, STATE, ZIP):		

INVOLVED PEOPLE

AFFILIATION: VIC1	NAME (Last, First, Middle): [E] STATE OF CALIFORNIA	DOB:	AGE:	SEX:	RACE:
	HOME ADDRESS (CITY, STATE, ZIP):	HOME PHONE:			
AFFILIATION: VIC2	NAME (Last, First, Middle): FARBER, P	DOB: 1/11/1900	AGE: 113	SEX: M - Male	RACE:
	HOME ADDRESS (CITY, STATE, ZIP):	HOME PHONE:			
AFFILIATION: SUS3	NAME (Last, First, Middle): MCIHENNEY, PATRICK DAVIS	DOB: [REDACTED]	AGE: 59	SEX: M - Male	RACE:
	HOME ADDRESS (CITY, STATE, ZIP): [REDACTED]	HOME PHONE: [REDACTED]			

EVIDENCE INFORMATION SECTION

FIN 1.1	OA Item/TAG #	PROPERTY DESCRIPTION: COMPACT DISK (PHOTO DISC)		 * I 1 3 5 6 6 5 6 *	
VALUE:	QUANTITY: 0	MAKE / MANUFACTURER:	MODEL:		
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE: 1302 - Compact Disc Player			
PROPERTY STATUS: ES - Evidence (Seized)		SEARCH WARRANT:			
PROPERTY DISPOSITION: Disposed		DATE/TIME RECVRD / SEIZED: 5/7/2013		CSI	PFIN
DRUG TYPE:		DRUG QUANTITY:		DRUG MEASURE:	
NOTES:					



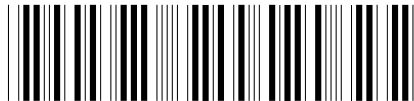
San Diego County Sheriff's Department Evidence Report

Case No: **13123027**

Evidence Sheet No: **001**

2

Page 2 of 2

FIN 1.2	OA Item/TAG #	PROPERTY DESCRIPTION: BLOOD SAMPLE (2 VIALS OF SUS BLOOD- PATRICK MCILHEN		 * I 1 3 7 9 4 5 7 *
VALUE:	QUANTITY: 0	MAKE / MANUFACTURER:	MODEL:	
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE: 3311 - Biological - Liquid Blood - in tube or vial		
PROPERTY STATUS: ES - Evidence (Seized)		SEARCH WARRANT:		
PROPERTY DISPOSITION: Disposed		DATE/TIME RECVRD / SEIZED: 5/7/2013	CSI PFIN	
RELATED PERSON: [E] STATE OF CALIFORNIA		RELATION TYPE: CO - Current Owner		FWTC:
DRUG TYPE:		DRUG QUANTITY:		DRUG MEASURE:
NOTES:				



San Diego County Sheriff's Department Officer Report

CAD Event No. **E787024**Case No. **13123027**Report No. **18060****1**

Page 1 of 1

GENERAL CASE INFORMATION

Special Studies:		Related Cases:	
Location, City, State, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901		Occurred On: 5/7/2013 12:01:00 AM (Tuesday)	
Jurisdiction: Alpine - ALPINE	Beat: 552	Call Source:	(and Between):

INDIVIDUAL/S

Name: McIlhenney, Patrick Davis				Person Code:		Interpreter Language:	
ALIAS / AKA / NICKNAME / MONIKER:							
Home Address, City, State, ZIP: [REDACTED]				Res. Country: US - UNITED STATES		County Residence: R Resident	
Race: W	Sex: M	Date of Birth / Age: [REDACTED] - 59	Height: 6' 0"	Weight: 185 lbs	Hair Color: BRO	Eye Color: BRO	Facial Hair: 06 - Mustache Only
Employment Status: E - Employed		Occupation/Grade: Owner	Employer/School: [REDACTED]			Employer Address, City, State, ZIP:	

CONTACT INFORMATION

Type: HP - Home Phone	Number/Address: [REDACTED]
Type: WP - Work Phone	Number/Address: [REDACTED]

IDENTIFICATION:

Type: DLN - Drivers License Number	Number: [REDACTED]	State: CA - California	Country:
Attire:	Injury: Yes	Extent Of Treatment: 4 - Hospitalized	Violent Crime Circumstances:
Subject Injury Description:			
Officer Injury Description:			

REPORT NARRATIVE

See narrative of arrest report for details.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization ALP_PAT / ALP - Alpine Station	Reviewed By SH1852 - MOODY, KELLY
Report Date 5/7/2013 3:13:56 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 5/16/2013 12:00:20 AM



San Diego County Sheriff's Department Officer Report

CAD Event No. **E787024**Case No. **13123027**Report No. **18061****1**

Page 1 of 2

GENERAL CASE INFORMATION

Special Studies:		Related Cases:	
Location, City, State, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901		Occurred On: 5/6/2013 11:57:00 PM (Monday)	
Jurisdiction: Alpine - ALPINE	Beat: 552	Call Source:	(and Between):

INDIVIDUAL/S

Name: McIlhenney, Patrick Davis				Person Code:		Interpreter Language:	
ALIAS / AKA / NICKNAME / MONIKER:							
Home Address, City, State, ZIP:				Res. Country: US - UNITED STATES		County Residence: R Resident	
Race: W		Sex: M		Date of Birth / Age: - 59		Height: 6' 0"	
Weight: 185 lbs		Hair Color: BRO		Eye Color: BRO		Facial Hair: 06 - Mustache Only	
Complexion:		Employment Status:		Occupation/Grade:		Employer/School:	
Employer Address, City, State, ZIP:							
CONTACT INFORMATION							
Type: HP - Home Phone				Number/Address:			
Type: WP - Work Phone				Number/Address:			
IDENTIFICATION:							
Type: DLN - Drivers License Number		Number:		State: CA - California		Country:	
Attire:		Injury:		Extent Of Treatment:		Violent Crime Circumstances:	
Subject Injury Description:							
Officer Injury Description:							

REPORT NARRATIVE**ORIGIN:**

On 5-7-13, at about 0039 hours, Deputy Farber #9605 requested a deputy assist him in conducting a driving under the influence evaluation on Patrick Davis McIlhenney. McIlhenney was being transported to Kaiser Hospital (Zion) in San Diego after being injured during a use of force. Deputy Bonanno #1208 and I responded Kaiser Hospital for the evaluation. (CAD#787024).

DEPUTY'S OBSERVATION AND ACTIONS:

Deputy Farber advised that McIlhenney was in violation of driving about ten miles over the posted speed limit when the traffic stop was conducted. Deputy Bonanno and I arrived at the above location and asked McIlhenney a few questions. McIlhenney's speech was slurred and I could smell the odor of an alcoholic beverage emitting from his breath as he would speak. I asked McIlhenney if he would be willing to comply with a preliminary alcohol screening (PAS) test and a blood test. McIlhenney refused and became very angry and said, "Fuck You." McIlhenney was advised that if he refused that it was possible that the Department of Motor Vehicles would revoke his driver's license for one year.

McIlhenney later stated he would comply with both the PAS test and blood test. At about 0140 hours, Deputy Bonanno administered the first PAS test. The PAS device read 24 degrees Celsius at the time of testing. McIlhenney first breath test read 0.138 BAC. At about 0142 hours, the PAS device read 25 degrees Celsius at the time of testing. McIlhenney second breath test read 0.135 BAC.

I explained to McIlhenney that due to his BAC being over the legal limit he was being placed under arrest for driving under the influence. I admonished McIlhenney from my department issued Deputy's notebook. McIlhenney answered, "Yes" he understood his rights and "Sure" he would speak with me. I obtained the following statement.

STATEMENT:

Reporting Officer SH4915 - MATEUS, GERARDO	Division / Organization SPS_PAT / SPS - Santee Station	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 3:29:54 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 5/8/2013 8:42:17 AM



San Diego County Sheriff's Department Officer Report

CAD Event No. **E787024**

Case No. **13123027**

Report No. **18061**

2

Page 2 of 2

Statement of Patrick Davis McIlhenney,

McIlhenney stated he had not drunk any alcohol and did not know why the test came out high. McIlhenney stated his vehicle did not have any mechanical defects. McIlhenney was not suffering from any type of physical or mental illnesses.

DEPUTY'S OBSERVATION AND ACTIONS: (Cont'd),

Deputy Bonanno requested a Phlebotomist to come to Kaiser to take a blood sample from McIlhenney. At about 0214 hours, Phlebotomist [REDACTED] arrived and drew two vials of blood from McIlhenney's right arm. The vials of blood were later placed into the Santee Station evidence refrigerator.

This concluded my participation in the incident.

Reporting Officer SH4915 - MATEUS, GERARDO	Division / Organization SPS_PAT / SPS - Santee Station	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 3:29:54 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 5/8/2013 8:42:17 AM



San Diego County Sheriff's Department Property and Evidence Report

Case No. **13123027****1**

Page 1 of 1

GENERAL CASE INFORMATION

REPORTING AGENCY: SH - Sheriff			CASE NUMBER: 13123027	
CALL FOR SERVICE NUMBER (CAD) E787024	OFFENSE TYPE: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	DIVISION: Alpine Station	BILLING CODE: SDSO - SD Sheriff's Office	SEARCH WARRANT NUMBER:
DATE OF INCIDENT: 05/06/2013 23:57:00 (Monday)	INCIDENT LOCATION, CITY, STATE, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901			KEY CASE NUMBER:
REPORTING OFFICER: SH9605 - FARBER, PATRICK			ID: SH9605	DIVISION: Bomb/Arson Unit
ASSIGNED DETECTIVE: SH6317 - CULLY, LUKE			ID: SH6317	DIVISION: Alpine Station

INVOLVED PEOPLE

AFFILIATION: V1	NAME (Last, First, Middle): Farber, P	DOB:	AGE: 29	SEX: M	RACE: W
HOME ADDRESS, CITY, STATE, ZIP:			HOME PHONE:		
AFFILIATION: A1	NAME (Last, First, Middle): McIlhenney, Patrick Davis	DOB:	AGE: 59	SEX: M	RACE: W
HOME ADDRESS, CITY, STATE, ZIP:			HOME PHONE:		

EVIDENCE INFORMATION SECTION

ITEM NUMBER: 1.000	PROPERTY DESCRIPTION: CD with photos		SEIZED ON DATE: 05/07/2013	PLACE BAR CODE LABEL HERE
VALUE:	COUNT: 1	MAKE / MANUFACTURER:	MODEL:	
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE: 1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative		
PROPERTY STATUS: ES - Evidence (Seized)		SEARCH WARRANT:	FWTC:	
PROPERTY DISPOSITION: Alpine Station				
NOTES:				

ITEM NUMBER: 2.000	PROPERTY DESCRIPTION: Envelope with two vials of suspect's blood		SEIZED ON DATE: 05/07/2013	PLACE BAR CODE LABEL HERE
VALUE:	COUNT: 1	MAKE / MANUFACTURER:	MODEL:	
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE: 3311 - Biological - Liquid Blood - in tube or vial		
PROPERTY STATUS: ES - Evidence (Seized)		SEARCH WARRANT:	FWTC:	
PROPERTY DISPOSITION: Santee Station Evidence				
RELATED PERSON: A1 - McIlhenney, Patrick Davis		RELATION TYPE: SU - Suspect		
LAB SERVICE REQUEST: 75 - Toxicology Send Out		PROPERTY NOTES: Test blood for alcohol content		
NOTES:				

COURT #		STATEMENT OF CASE – PART 1	OPID	
DESIGNATION		SYSTEM CONTROL NUMBER <div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	REFILED	<input type="checkbox"/> YES <input type="checkbox"/> NO
DA #		San Diego County Sheriff's Department	CMS #	
<input type="checkbox"/> RI05 <input type="checkbox"/> SR02 <input type="checkbox"/> DA09 <input type="checkbox"/> DF05 <input type="checkbox"/> MA09 <input type="checkbox"/> PR17				

DEFENDANT INFORMATION

DEFENDANT NAME McIlhenney, Patrick Davis			RACE White		SEX M - Male	DOB / AGE - 59
HEIGHT 6' 0"	WEIGHT 185	EYE Brown	HAIR Brown	# OF DEFENDANTS 1		
ID TYPE DLN - Drivers License Number			ID NUMBER [REDACTED]			
DEFENDANT'S ADDRESS [REDACTED]					COUNTY RESIDENCE R - Resident	DURATION
EMPLOYER [REDACTED]	EMPLOYMENT STATUS E - Employed		EMPLOYMENT TYPE		BOOKING NUMBER	
SUSPECTED USER	UNDOCUMENTED PERSON	INTERPRETER LANGUAGE		PROPERTY/EVIDENCE/NARCOTICS TAG #		

OFFENSE AND ARREST INFORMATION

DATE/TIME OF OFFENSE 05/06/2013 23:57:00		OFFENSE LOCATION 2119 Victoria Park Ter, Alpine, CA 91901	
AGENCY Alpine - ALPINE	DATE/TIME OF ARREST 05/07/2013 00:01:00	ARREST LOCATION 2119 Victoria Park Ter., Alpine, CA 91901	ARRESTED AT SCENE? <input type="checkbox"/> YES <input type="checkbox"/> NO
RELEASE STATUS OF THIS OFFENSE <input type="checkbox"/> BAIL <input type="checkbox"/> OR <input type="checkbox"/> CUSTODY <input type="checkbox"/> WT <input type="checkbox"/> NL		BOOKING BAIL	AGENCY INVESTIGATION CONTINUING <input type="checkbox"/> YES <input type="checkbox"/> NO

CASE INFORMATION (If Applicable)

VICTIMS ONLY – WHETHER CAUSED BY ABOVE DEF OR NOT		WHETHER STOLEN BY ABOVE DEF OR NOT	
INJURY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> TREATED <input type="checkbox"/> HOSPITALIZED <input type="checkbox"/> DEATH		PROPERTY STOLEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	VALUE \$0.00
		PROP. RECOVERED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

CHARGE INFORMATION

AGENCY ORIGINATED CHARGE	CODE SECTION AND DESCRIPTION 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	COMPL? Yes	COUNT	TYPE	CRIME	SEQ	ATT	ALLEGATIONS	AGENCY ID SH - Sheriff
REJECTION REASONS	PRIMARY - SECONDARY							REPORT # (CASE NUMBER) 13123027	
DA'S ORIGINATED CHARGE	CODE SECTION	COUNT	TYPE	CRIME F 4 M I	SEQ	ATT	DIVISION Alpine Station		
AGENCY ORIGINATED CHARGE	CODE SECTION AND DESCRIPTION 23152 (A) - VC - DUI ALC/DRUGS (M)	COMPL? Yes	COUNT	TYPE	CRIME	SEQ	ATT	ALLEGATIONS	AGENCY ID SH - Sheriff
REJECTION REASONS	PRIMARY - SECONDARY							REPORT # (CASE NUMBER) 13123027	
DA'S ORIGINATED CHARGE	CODE SECTION	COUNT	TYPE	CRIME F 4 M I	SEQ	ATT	DIVISION Alpine Station		
AGENCY ORIGINATED CHARGE	CODE SECTION AND DESCRIPTION 23152 (B) - VC - DUI ALC/0.08 PERCENT (M)	COMPL? Yes	COUNT	TYPE	CRIME	SEQ	ATT	ALLEGATIONS	AGENCY ID SH - Sheriff
REJECTION REASONS	PRIMARY - SECONDARY							REPORT # (CASE NUMBER) 13123027	
DA'S ORIGINATED CHARGE	CODE SECTION	COUNT	TYPE	CRIME F 4 M I	SEQ	ATT	DIVISION Alpine Station		

ADDITIONAL INFORMATION

DEFENDANT'S PROBATION/PAROLE/REGISTRANTS STATUS AT THE TIME OF ARREST OR COMMISSION OF CURRENT CRIME

--

--

SYSTEM CONTROL NUMBER

--	--	--	--	--	--	--	--	--	--	--

--

--

ISSUANCE OR REJECTION DATE	BY DEPUTY DISTRICT ATTORNEY	SPECIAL ID FOR CASE



San Diego County Sheriff's Department

Use of Force Supplemental

UFO DATE AND TIME 5/7/2013 00:01	EVENT NUMBER E787024	CASE NUMBER 13123027	DOCUMENT NUMBER 18060	STATION/FACILITY ALP - Alpine Station
INCIDENT DESCRIPTION / OFFENSES UOF 69 PC / 23152 VC--S: MCILHENNEY				
SUBJECT'S NAME (LAST, FIRST, MI) McIlhenney, Patrick Davis		DATE OF BIRTH [REDACTED]	ARRESTED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SUPERVISOR PRESENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE/TIME SUPERVISOR NOTIFIED 05/07/2013 00:01				
REASON(S) FOR USING FORCE: <input checked="" type="checkbox"/> Necessary to effect an arrest <input checked="" type="checkbox"/> Necessary to prevent a violent forcible felony <input type="checkbox"/> Delaying Jail Operations <input checked="" type="checkbox"/> Necessary to defend self or another <input checked="" type="checkbox"/> Necessary to restrain for subject's safety <input checked="" type="checkbox"/> Necessary to prevent escape/evasion <input type="checkbox"/> Necessary during high-risk incident <input type="checkbox"/> Necessary to effect a lawful detention <input type="checkbox"/> Necessary during riot				
SUBJECT APPEARED TO BE <input checked="" type="checkbox"/> Under the influence of alcohol and/or drugs <input type="checkbox"/> Mentally impaired		NUMBER OF OFFICERS ON SCENE 4		NUMBER OF OFFICERS USING FORCE 1
LEVEL(S) OF RESISTANCE ENCOUNTERED <input type="checkbox"/> NONE (subject cooperated/complied) <input checked="" type="checkbox"/> PSYCHOLOGICAL INTIMIDATION (non-verbal cues indicating subject's attitude or physical readiness to resist) <input checked="" type="checkbox"/> VERBAL NON-COMPLIANCE (subject's expressed unwillingness to comply with the officer's commands) <input type="checkbox"/> PASSIVE RESISTANCE (represents by a refusal to respond to verbal commands but also offers no form of physical resistance) <input checked="" type="checkbox"/> ACTIVE RESISTANCE (pushing, pulling or running away from the officer to avoid control; not attempting to harm the officer) <input checked="" type="checkbox"/> ASSAULTIVE BEHAVIOR (physical actions of assault) <input type="checkbox"/> AGGRAVATED ACTIVE AGGRESSION (potential injury or death)				
LAW ENFORCEMENT TOOL/TECHNIQUE USED TO GAIN COMPLIANCE OR OVERCOME RESISTANCE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> Verbal Commands: "Stay in the car!" "Stop!" "Turn around!" "put your hands behind your back!" "Stop resisting!" <input checked="" type="checkbox"/> Empty Hand Control <input type="checkbox"/> Grab, Push, Pull, or Body Weight <input type="checkbox"/> Control Hold (Duration:) <input type="checkbox"/> Pressure Point (Duration:) (# of Contacts:) <input type="checkbox"/> Strike (Body part used:) (# of Contacts:) <input checked="" type="checkbox"/> Takedown Type: Upper body takedown <input type="checkbox"/> Carotid (Rendered Unconscious? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No) (Duration:) <input checked="" type="checkbox"/> Tool/Device/Weapon <input type="checkbox"/> OC Agent (Duration:) (# of Contacts:) <input type="checkbox"/> Decontaminated <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Cord Cuff Restraint Device (Duration:) <input type="checkbox"/> Impact Weapon (# of Contacts:) Type: _____ <input type="checkbox"/> Canine (Duration:) (# of Contacts:) <input type="checkbox"/> Vehicle/Forcible Stop <input checked="" type="checkbox"/> Weapon Pointed at Subject (Duration: 5 seconds) Type: Taser <input type="checkbox"/> Spit Sock (Duration:) <input type="checkbox"/> Pro-Strait Chair <input type="checkbox"/> Tactical Shield <input type="checkbox"/> WRAP <input type="checkbox"/> Less-Lethal Weapon System <input type="checkbox"/> PepperBall - OC Powder <input type="checkbox"/> PepperBall - Water <input type="checkbox"/> 37 mm Rifle - Standard <input type="checkbox"/> 37 mm Rifle - Low Energy <input type="checkbox"/> 40 mm Rifle - Bean Bag <input type="checkbox"/> 40 mm Rifle - Sponge <input type="checkbox"/> Taser - Probes <input type="checkbox"/> Taser - Drive Stuns <input type="checkbox"/> Stingball Grenade <input type="checkbox"/> Sound/Light device <input type="checkbox"/> 12-Gauge Super Sock <input type="checkbox"/> Ultron/NOVA Shield <input type="checkbox"/> REACT Belt <input type="checkbox"/> Firearm <input type="checkbox"/> Type: _____ <input type="checkbox"/> Other: _____				
WAS INITIAL USE OF FORCE EFFECTIVE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
WAS ADDITIONAL CONTROL OR FORCE NEEDED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
SUBJECT INJURED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		EXTENT OF TREATMENT <input type="checkbox"/> None <input type="checkbox"/> Treated at hospital <input type="checkbox"/> Treated at scene <input checked="" type="checkbox"/> Hospitalized <input type="checkbox"/> Refused treatment		
SUBJECT INJURY DESCRIPTION		OFFICER(S) INJURED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
		EXTENT OF TREATMENT <input type="checkbox"/> None <input type="checkbox"/> Treated at hospital <input type="checkbox"/> Treated at scene <input type="checkbox"/> Hospitalized <input type="checkbox"/> Refused treatment		
OTHER FORCE USED/COMMENTS/EQUIPMENT PERFORMANCE: Taser only pointed at suspect momentarily, not deployed.		<p>Cut to right eyebrow and x-rays may show broken clavicle</p> <p>MARK FIGURE TO INDICATE CONTACT POINT(S)</p>		
SERGEANT		ARJIS	DATE	
LIEUTENANT		ARJIS	DATE	
CAPTAIN		ARJIS	DATE	



San Diego County Sheriff's Department

Use of Force Supplemental

Use of Force Supplemental Instructions

Lines 1 & 3: Fill in the blanks.

Line 2: If the suspect was committing a crime and force was used to stop or apprehend the subject, document the appropriate penal code. If the UOF occurred in the performance of the officer's duties, document the incident description, i.e. officer transport, officer escort, making arrest, detaining suspect, cell extraction etc.

Primary Reason for Using Force: Check appropriate box(s).

Subject Appeared To Be: Check if applicable.

Number of Officers on Scene: List number of officers present.

Number of Officers Using Force: List number of officers that used force.

Level(s) of Resistance Encountered: Check appropriate box(s).

L.E. Tool/Technique Used: Check appropriate box(s). If known and/or applicable, include duration (approximate length of time) tool/technique was used. If known and/or applicable, include the number of contacts (approximate number of strikes, impacts, etc.) when requested on form.

Was Initial Use of Force Effective? If initial force used was effective, check "Yes." If initial force used was ineffective and additional force was necessary, check "No."

Was Additional Control or Force Needed: If initial force used was ineffective and additional force was necessary, check "Yes." If initial force used was effective, check "No."

Target Distance: If applicable (refers primarily to less lethal weapon systems), approximate distance or provide range (i.e. 7-15 feet, 15-20 yards, etc.) from subject during application of force.

Subject Injured: Check "Yes" if medically treated for injury sustained as a possible result of force applied by a officer(s) – does not include previous injuries suffered prior to officer contact. Check "No" if subject was not injured or simply complains of injury/pain suffered as a result of force applied by an officer(s) and refuses medical attention. Any complaints of pain shall be documented in the use of force report narrative (whenever any physical force used by a officer results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately).

Extent of Treatment: Check appropriate box. Check none if subject was evaluated and no treatment was required. Specifically, check "Treated at Scene" if subject was treated at scene by EMS for injuries that may have resulted due to force applied by officer(s). Check "Treated at Hospital" if subject was transported to hospital for treatment of injuries that may have been sustained as an apparent result of force applied by officer(s). Check "Hospitalized" if subject was admitted to the Hospital as a result of injuries that were sustained as a result of force applied by officer(s).

Officer Injured: Check appropriate box (see above).

Extent of Treatment: Check appropriate box. Check none if officer was evaluated and no treatment was required. Specifically, check "Treated at Scene" if officer was treated at scene by EMS for injuries. Check "Treated at Hospital" if officer was transported to hospital for treatment of injuries. Check "Hospitalized" if officer was admitted to the Hospital as a result of injuries.

Other Force Used/Comments/Equipment Performance: This section can be used to document other force options not listed on the form; relevant comments about the incident such as complaints of pain/injury (room permitting) and negative/positive comments regarding equipment performance.

Mark Figure to Indicate Contact Points: When applicable, mark the areas on the figure where applied force contacted the subject's body.

Sergeant: Sign, list ARJIS number and date reviewed.

Lieutenant: Sign, list ARJIS number and date reviewed.

Captain: Sign, list ARJIS number and date reviewed.



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Primary Victim: **Farber, P**

Case No. **13123027**

Report No. **13123027.1**

1

Page 1 of 6

GENERAL CASE INFORMATION

Primary Charge: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	
Location, City, State, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901	Call For Service Date/Time 05/06/2013 23:57:28 (Monday)
Occurrence Date/Time 05/06/2013 23:57:00 (Monday)	Call For Service Event Type: TRAFFIC STOP

VICTIM/S

Victim #1

Name: Farber, P	Sex: M	Age: 29	Injury: M - Apparent Minor Injury
Home Address, City, State, ZIP:			
Victim Of: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)			
Employment Status: Employed	Occupation/Grade: Deputy Sheriff	Employer/School: SDSO	Employer Address, City, State Zip: 2751 Alpine Blvd., Alpine, CA 91901

IBR/UCR OFFENSE/S

Offense Description: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	Level: F	Against: PE	Completed? Yes	Counts
Offense Description: 23152 (A) - VC - DUI ALC/DRUGS (M)	Level: M	Against: SO	Completed? Yes	Counts
Offense Description: 23152 (B) - VC - DUI ALC/0.08 PERCENT (M)	Level: M	Against: SO	Completed? Yes	Counts

ARRESTEE/S

Arrestee #1

Name: McIlhenney, Patrick Davis	Sex: M	Date of Birth / Age: [REDACTED] - 59	Height: 6' 0"	Weight: 185	Hair Color: BRO	Eye Color: BRO
Home Address, City, State, ZIP:						
Employment Status: Employed	Occupation/Grade: Owner	Employer/School: [REDACTED]	Employer Address, City, State Zip: [REDACTED]			

ARREST INFORMATION

Arrested Type: O - Probable Cause Arrest - New Case	LE Disposition: 1 - Released (849PC - No Charges Filed) (Adult Only)	JUS 750 Type: 3 - Other	Booking No.:
Arrested For: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)		Level: F	Completed: Yes
23152 (A) - VC - DUI ALC/DRUGS (M)		M	Yes
23152 (B) - VC - DUI ALC/0.08 PERCENT (M)		M	Yes
Arrest Date and Time: 05/07/2013 00:01:00	Arrest Location, City, State, ZIP: 2119 Victoria Park Ter., Alpine, CA 91901		
Booking Date/Time:	Booked Location:	Armed With: 01 - Unarmed	

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Name: [REDACTED]	Sex: M	Age: 36	Injury:
----------------------------	------------------	-------------------	---------

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL
Report Date 05/07/2013 02:52:15	Detective Assigned SH6317 - CULLY, LUKE



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Case No. **13123027**

2

Primary Victim: **Farber, P**

Report No. **13123027.1**

Page 2 of 6

Home Address, City, State, ZIP:

Employment Status:

Occupation/Grade:

Employer/School:

Employer Address, City, State Zip:

Witness #2

Name:

Leach, D

Sex:

M

Age:

Injury:

Home Address, City, State, ZIP:

Employment Status:

Employed

Occupation/Grade:

**Canine Police
Officer**

Employer/School:

**San Diego Police
Department**

Employer Address, City, State Zip:

Broadway, San Diego, CA

OTHER ENTITIES

Entity #1

Name:

Home Address, City, State, ZIP:

Employment Status:

Employed

Occupation/Grade:

Employer/School:

Employer Address, City, State Zip:

**PROPERTY
REPORT NARRATIVE**

SYNOPSIS:

Subsequent to a traffic stop for excessive speed in the rain, driver Patrick McIlhenney refused to cooperate with law enforcement. McIlhenney displayed signs of intoxication and resisted being taken into custody. A takedown was used to gain control of McIlhenney resulting in the following injuries: Deputy Farber sustained bleeding scrapes to his right elbow and McIlhenney sustained a bleeding cut to his right eyebrow. Deputy Farber was treated by medics at the scene. McIlhenney was transported to Kaiser Hospital on Zion Ave for further treatment. X-Rays indicated McIlhenney may have also fractured his clavicle. Alpine resident, [REDACTED] witnessed the traffic stop from his backyard at [REDACTED].

Deputy Bonanno and Deputy Mateus went to Kaiser to evaluate McIlhenney for being under the influence of alcohol. McIlhenney refused to be evaluated, but he consented to a preliminary alcohol screening test (PAS) and to having his blood drawn so it could be evaluated by the crime lab. Deputy Bonanno indicated McIlhenney's blood alcohol content readings were approximately .138% and .135%, nearly twice the legal limit, over an hour and a half after the initial traffic stop. McIlhenney was released from custody at the hospital with an 849.5 PC release form to facilitate his treatment. Criminal charges are desired against McIlhenney for resisting a peace officer resulting in minor injury in violation of 69 PC and driving under the influence of alcohol in violation of 23152(a) VC and 23152(b) VC.

ORIGIN:

On 05-06-13, at about 2357 hours, I was patrolling the area of Alpine in a marked Sheriff patrol car. I was parked in front of the Chevron gas station at 1145 Tavern Road, facing northbound. My vehicle's amber emergency lights were illuminated to warn traffic of my presence as I examined a U-haul truck with an

Reporting Officer

SH9605 - FARBER, PATRICK

Division / Organization

**Alpine Station
ALPINE PATROL**

Report Date

05/07/2013 02:52:15

Detective Assigned

SH6317 - CULLY, LUKE



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Primary Victim: **Farber, P**

Case No. **13123027**

Report No. **13123027.1**

3

Page 3 of 6

Arizona license plate parked in front of the Chevron. It was raining at the time so the roads were wet. I heard the loud extended honking of a vehicle horn which startled me. I saw a white Cadillac SUV, license [REDACTED] drive within two feet of my vehicle as it passed me northbound on Tavern Road at a high rate of speed which appeared to be unsafe for the conditions in violation of 22350 VC.

INVESTIGATION:

I activated my overhead emergency lights and siren and pursued the vehicle. The vehicle took an unusually long time to yield. I followed the vehicle for about half of a mile and paced it going about 60 miles per hour in the 50 mile per hour zone before it began to slow down and suddenly stop on the right shoulder near 2119 Alpine Park Terrace. I stopped behind the vehicle. The vehicle suddenly reversed for about two feet before stopping. I requested a cover unit through dispatch and exited my car.

The Cadillac driver's door suddenly opened. In my experience, it is unusual for people to exit their car during a traffic stop unless directed to do so by a deputy. I loudly ordered the driver, later identified as Patrick McIlhenney, to close the door. After repeatedly yelling at him to close the door, he finally did after about ten seconds. I then repeatedly ordered him to roll down his driver's window. He refused to do so for about two minutes. I saw movement in the cab of the SUV. Suddenly, the driver's door opened again. I again repeatedly ordered him to close the door and he refused. At this point, I was very concerned for my safety. Based on him honking at me, his lack of cooperation after the stop and his movement in the car, I suspected he was planning to ambush me and may be armed and dangerous. I requested code cover through dispatch.

McIlhenney stuck one arm out of the open door with his middle finger extended and shouted, "Fuck You!" I continued to order him to roll down his window and shut the door. He refused. His arm then went back into the vehicle out of my view. I was concerned he could be arming himself and planning an attack against me. I loudly ordered him to show me his hands. He stuck both hands out of the door momentarily with his middle fingers extended and continued to shout at me, "Fuck You!" before putting his hands back inside the vehicle. I told McIlhenney that he was making this a bigger deal than it had to be. I told him to just stay in the vehicle until my backup arrived.

Suddenly, McIlhenney stepped out of the open door and walked toward me at a fast pace. He had an angry scowling expression on his face. He held up both his middle fingers and continued to shout, "Fuck You!" to me. Based on his behavior, I believed he was intent on fighting with me. His shirt was tucked in and I could not see any weapons on his person; however, I could not see if he had any weapons tucked in his waistband at his back. In anticipation of a physical confrontation with McIlhenney, when he was about 15 feet from me, I drew my Taser and pointed it just below McIlhenney chest while ordering him to stop and turn around. I noticed that McIlhenney was stumbling as he walked toward me and that his speech was slurred. I suspected he was under the influence of alcohol. McIlhenney stopped walking momentarily once he arrived at the rear of his vehicle, but he would not turn around after I ordered him to do so several times.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	
Report Date 05/07/2013 02:52:15	Detective Assigned SH6317 - CULLY, LUKE	



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Primary Victim: **Farber, P**

Case No. **13123027**

Report No. **13123027.1**

4

Page 4 of 6

To prevent him from fighting with me and injuring me, I considered deploying my Taser. Before deploying my Taser, I considered his age (he appeared to be in his late 50's with graying hair) and I also considered that he momentarily complied with my one command to stop. I considered that he may not be following my instructions because of his impaired judgment due to his alcohol consumption. For his and my safety, I chose to holster my Taser and attempt to place him in handcuffs using arm guidance.

I approached him and grabbed his arms, turned him around so he was facing away from me and ordered him to put his hands behind his back. McIlhenney rigidly held his arms above his head and refused to put his arms down and behind his back. I struggled to pull his arms down and behind his back. As I lowered his arms down to his waist, McIlhenney turned to his left toward me, while violently attempting to pull his arms free from my grasp. He was able to free his right hand.

Fearing McIlhenney was going to escape my grasp and attack me, I put my right arm around his neck from behind and pulled him backward toward the ground to gain a position of advantage and regain control of McIlhenney.

I followed McIlhenney to the ground while maintaining control of his head and placing some of my body weight on his back and most of my weight on the balls of my feet. I continued to order him to put his hands behind his back and he refused. I grabbed both his hands and forced them behind his back while he continued to attempt to pull free of my grasp. After about a minute of struggling with him, I was able to put both of his hands into handcuffs. Through dispatch, I notified Sergeant T. Poulin that I used force at 0001 hours.

McIlhenney continued to curse at me and face toward me while I ordered him to stay on the ground and face away from me. I noticed McIlhenney had a bleeding cut on his right eyebrow. I also noticed my right elbow was in pain and that it was scrapped and bleeding. I placed McIlhenney under arrest for resisting a peace officer causing minor injury per 69 PC. I searched him incident to arrest and I found no contraband. While searching him, McIlhenney shouted, "Don't touch me you fucking faggot!"

I requested an ambulance through dispatch. San Diego Police canine Officer D. Leach arrived on scene to assist. He said he was on his way home in the area when he saw me on the traffic stop. Deputy Greene and Deputy Wilson arrived on scene to assist shortly after. The Alpine fire department and AMR Medic 17 arrived on scene. I requested CHP to evaluate McIlhenney for driving under the influence. CHP refused to evaluate McIlhenney. I requested the assistance of a Santee traffic deputy to evaluate McIlhenney and the unit indicated he was too busy to assist. Medics examined my elbow and indicated that I did not appear to need further treatment. Deputy Greene photographed my injuries. Medics transported McIlhenney to Kaiser Hospital on Zion Avenue. Deputy Wilson followed the ambulance to the hospital to maintain custody of McIlhenney. Deputy Wilson photographed McIlhenney's injuries. Deputy Bonanno and Deputy Mateus agreed to assist me in evaluating McIlhenney at Kaiser Hospital. See Deputy Mateus' Deputy Report attached to my arrest report for further details.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	
Report Date 05/07/2013 02:52:15	Detective Assigned SH6317 - CULLY, LUKE	



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Primary Victim: **Farber, P**

Case No. **13123027**

Report No. **13123027.1**

5

Page 5 of 6

McIlhenney refused to be evaluated and refused to answer many questions, but he consented to a preliminary alcohol screening test (PAS) and to having his blood drawn so it could be evaluated by the crime lab. Deputy Bonanno indicated McIlhenney's blood alcohol content readings were approximately .138% and .135%, nearly twice the legal limit, over an hour and a half after the initial traffic stop. Deputy Mateus witnessed phlebotomist [REDACTED] draw McIlhenney's blood. Mateus later placed the blood into evidence at the Santee station.

McIlhenney had x-rays completed at the hospital which indicated he may have a broken clavicle. On my request, Deputy Wilson provided McIlhenney with an 849.5 PC release form and released him from Sheriff custody to facilitate his treatment. Criminal charges are desired against McIlhenney for resisting a peace officer resulting in minor injury in violation of 69 PC and driving under the influence of alcohol in violation of 23152(a) VC and 23152(b) VC.

At the scene of the traffic stop, shortly after McIlhenney was transported from the scene, an Alpine resident called out to me from the backyard of the residence at [REDACTED] adjacent to the site of the traffic stop. I walked to the yard and spoke to a white male adult who identified himself as [REDACTED]. [REDACTED] indicated he witnessed the traffic stop. [REDACTED] was standing about 25 yards south of the traffic stop, on the passenger side of the vehicles. He provided me with the following information.

STATEMENT of [REDACTED] (Witness):

[REDACTED] said he was sleeping in his house when he heard me repeatedly shouting, "Close your door!" [REDACTED] said he went to his backyard to see what was happening. [REDACTED] said he could see my patrol car parked behind the white SUV. [REDACTED] said he heard me yelling, "Get back in your car and roll the window down!" [REDACTED] said he heard the driver of the SUV shout, "Fuck You!" repeatedly. [REDACTED] heard me yell to the driver to stay in the car until my backup arrived. [REDACTED] heard the driver respond by saying, "Fuck You!" [REDACTED] saw the driver walk toward the patrol car in a "threatening manner." [REDACTED] said he saw me point something that could be a gun at the driver. [REDACTED] said he heard me yell at the driver to stop and turn around. [REDACTED] said the driver did not turn around. [REDACTED] said he saw me put away what I was pointing at the driver. [REDACTED] heard me shout, "Turn around" as I approached the driver. [REDACTED] said the driver did not turn around. [REDACTED] saw me approach the driver. [REDACTED] said he heard me shout, "Put your hands behind your back!" [REDACTED] then saw both me and the driver fall to the ground and he heard a loud "thump" sound. [REDACTED] said he then heard the driver shout, "Do you feel good now!" Then he heard the driver shout, "Stop touching me you faggot!" [REDACTED] said he heard me tell the driver "I don't know if you have a gun, I have to search you." [REDACTED] said the driver replied, "Fuck You!" [REDACTED] said other officers arrived on scene shortly after.

[REDACTED] indicated that he was concerned for my safety and that he was going to help or say something, but he felt I had it under control. When asked if he believed the force I used on the driver was reasonable, [REDACTED] replied by saying, "Oh, definitely reasonable. He (the driver) was very threatening and he wouldn't comply at all." When asked if he believed the suspect sounded intoxicated, [REDACTED] said he believed the suspect was intoxicated. [REDACTED] said, "Normal people don't act like that when they are pulled over." [REDACTED] had no further information.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	
Report Date 05/07/2013 02:52:15	Detective Assigned SH6317 - CULLY, LUKE	



San Diego County Sheriff's Department
Public Records Request
Victim Copy

Primary Victim: **Farber, P**

Case No. **13123027**

Report No. **13123027.1**

6

Page 6 of 6

I secured McIlhenney's vehicle at the scene. I returned to the Alpine station. I copied the photos onto a CD and placed it into evidence at the Alpine station. I concluded my investigation.

EVIDENCE:

Item# 1 CD with photos - impounded at the Alpine station

Item# 2 Two vials of McIlhenney's blood - impounded at the Santee station

INJURIES:

Deputy Farber sustained bleeding scrapes to his right elbow.

McIlhenney sustained a bleeding cut to his right eyebrow and possibly a broken clavicle.

FOLLOW-UP:

The crime lab results for the blood alcohol content of McIlhenney's blood is needed.

RELATED REPORTS:

See Deputy Report of Deputy Mateus.

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	
Report Date 05/07/2013 02:52:15	Detective Assigned SH6317 - CULLY, LUKE	



San Diego County Sheriff's Department Witness List

- ☐ A Case Addition
☐ D Case Deletions
☐ C Case Changes

Case No. 13123027

1

Page 1 of 2

GENERAL CASE INFORMATION

Primary Charge: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)			
Location, City, State, ZIP: 2119 Victoria Park Ter, Alpine, CA 91901		Beat: 552	District:

VICTIM/S

Victim #1

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer							
Name: Farber, P				Home Address, City, State, ZIP:			
Race: W	Sex: M	Date of Birth / Age: 29	Interpreter Language:	County Residence: U - Unknown	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status: E - Employed		Occupation/Grade: Deputy Sheriff	Employer/School: SDSO	Employer Address: 2751 Alpine Blvd., Alpine, CA 91901			

RELATIONSHIP TO OFFENDER(S):

Offender:	Relationship:
-----------	---------------

CONTACTS:

Type: WP - Work Phone	Number/Address: [REDACTED]
---------------------------------	-------------------------------

IDENTIFICATION:

Type: SH - Sheriff ID	Number: 9605	State:	Country:
---------------------------------	------------------------	--------	----------

WITNESSES

Witness #1

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer							
Witness Type Code: <input type="checkbox"/> 01-Arresting Officer <input type="checkbox"/> 06-Other Lay Witness <input type="checkbox"/> 07-Narc Chemist <input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other							
Name: [REDACTED]				Home Address, City, State, ZIP: [REDACTED]			
Race: W	Sex: M	Date of Birth / Age: [REDACTED] - 36	Interpreter Language:	County Residence: R - Resident	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:		Occupation/Grade:	Employer/School:	Employer Address:			

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim:	Relationship:
------------------	---------------

CONTACTS:

Type: MP - Mobile Phone	Number/Address: [REDACTED]
-----------------------------------	-------------------------------

IDENTIFICATION:

Type: DLN - Drivers License Number	Number: [REDACTED]	State: CA	Country:
--	-----------------------	---------------------	----------

Statement:

Witness #2

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer							
Witness Type Code: <input type="checkbox"/> 01-Arresting Officer <input type="checkbox"/> 06-Other Lay Witness <input type="checkbox"/> 07-Narc Chemist <input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other							
Name: Leach, D				Home Address, City, State, ZIP:			
Race: W	Sex: M	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



San Diego County Sheriff's Department

Witness List

- ☐ A Case Addition
☐ D Case Deletions
☐ C Case Changes

Case No. 13123027

2

Page 2 of 2

Employment Status: E - Employed	Occupation/Grade: Canine Police Officer	Employer/School: San Diego Police Department	Employer Address: Broadway, San Diego, CA
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):			
Offender/Victim:		Relationship:	
CONTACTS:			
Type: WP - Work Phone		Number/Address: [REDACTED]	
IDENTIFICATION:			
Type: EI - Employee ID	Number: 4998	State:	Country:
Statement:			

Reporting Officer SH9605 - FARBER, PATRICK	Division / Organization Alpine Station ALPINE PATROL	Reviewed By SH1110 - GOLDBERG, CURT
Report Date 5/7/2013 2:52:15 AM	Detective Assigned SH6317 - CULLY, LUKE	Reviewed Date 05/08/2013 09:16:20



COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT

CERTIFICATE OF RELEASE

Case No. 13123027

Booking No. _____

As required by the provisions of Penal Code Section 851.6 (as amended by Stats. 1975, ch 1117), I hereby verify that

the taking into custody of MCILHENNEY, PATRICK D. on 5-7-13
(subject's name) (date)

by the San Diego County Sheriff's Department was a detention only, not an arrest.

MCILHENNEY, PATRICK D. was released on 5-7-13 by the
(subject's name) (date)

San Diego County Sheriff's Department pursuant to the provisions of: Penal Code 849(b)(1) _____
(name of releasing agency) 849(b)(3) _____
849.5 X

Pertinent portions of Penal Code 849 can be found on the reverse side of this certificate.

Signed [Signature]

Title RELEASING OFFICER.
(State also whether releasing officer or his/her superior officer)

Both halves are to be signed by the releasing officer or his/her superior officer: one half is to be given to the Detained Person, the other half to be forwarded to the Records Division.

CALL SLIP

Use Blue or Black Ink Only. Press Firmly. MILITARY TIME ONLY!

<p>Specimen Specialists of America, Inc. 2003-A Opportunity Drive, Ste. #5 Roseville, CA 95678 24 hr Dispatch: 1-888-502-1098 Fax: 1-877-514-2592</p>	<p style="text-align: right;">Call Slip No. - 46048</p> <div style="background-color: black; width: 100%; height: 40px; margin-bottom: 5px;"></div> <p>Phlebotomist Name: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> First Last </div></p>
<p>Phlebotomist Called - Date: <u>05-07-2013</u> Time: <u>0147</u></p>	
<p>ETA of Subject: <u>msr 42</u></p>	<p>Location: <u>Kaiser Hwy 56787024</u></p>
<p>Phlebotomist Arrival - Date: <u>5-7-13</u> Time: <u>0214</u></p>	<p>Kit #: _____ Event/Case #: <u>13123027</u></p>
<p>Name of Subject: <u>METUSANY PATRICK D.</u></p>	<p>Puncture Site: <u>ARM</u></p>
<p>Witnessing Officer's Name: <u>WELSON</u> <u>6013</u></p>	<p>I.D. No: <u>6013</u></p>
<p>Witnessing Officer's Signature: <u>[Signature]</u></p>	<p>Agency: <u>5050</u></p>
<p>Officer: Was 30 minute time limit met by the Phlebotomist? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Officer Initials: <u>[Signature]</u></p>	
<p>Phlebotomist Signature: <u>[Signature]</u></p>	<p>Work Completed - Date: <u>5-7-13</u> Time: <u>0228</u></p>
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input checked="" type="checkbox"/> Blood Alcohol </div> <div style="width: 50%;"> <input type="checkbox"/> Urine Alcohol </div> <div style="width: 50%;"> <input type="checkbox"/> DNA </div> <div style="width: 50%;"> <input type="checkbox"/> Suspect Kit </div> <div style="width: 50%;"> <input type="checkbox"/> Blood Drug </div> <div style="width: 50%;"> <input type="checkbox"/> Urine Drug </div> <div style="width: 50%;"> <input type="checkbox"/> Dry Run </div> <div style="width: 50%;"> <input type="checkbox"/> Sit Down </div> <div style="width: 100%;"> <input type="checkbox"/> Other (explanation required) </div> </div>	

Comments/ Reason 30 minutes not met: _____















