



# CHICO POLICE DEPARTMENT

## PRESS RELEASE

530-897-4900

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**TYPE OF INCIDENT:** Resisting Arrest

**LOCATION OF INCIDENT:** 1000 Block of Esplanade

**DATE/TIME OCCURRED:** August 27, 2016 / 0208

**INCIDENT CASE NUMBER:** 16-6471

**VICTIM:** State of California

**SUSPECT:** Nicole Braham (DOB: 6-30-97) & Madeline Hemphill (5-15-95)

**NARRATIVE:**

On August 27, 2016 at approximately 0140 hours, Officer Steve Dyke was acting as a cover Officer for another Chico Police Officer on a DUI investigation in the area of 810 Esplanade. During the investigation, Officer Dyke witnessed two females watching the investigation and filming with their cellular telephones. One of the females, later identified as Madeline Hemphill, initially started filming the investigation from the sidewalk area then moved into the middle of the street. Officer Dyke asked Hemphill to move out of the street. After three repeated requests, Officer Dyke had to command Hemphill out of the street for her safety as she initially stated she had the right to stand there.

While Hemphill was standing near the traffic stop, Officer Dyke witnessed a vehicle pull up next to Hemphill and stop. Officer Dyke noted the vehicle did not have a functioning license plate light. It was unknown if Hemphill got into this vehicle or not. Once the DUI investigation was completed, Officer Dyke departed the area in his marked Chico Police patrol vehicle.

At 0208 hours, Officer Dyke witnessed a vehicle traveling nearby from this location with an inoperative license plate light. Officer Dyke initiated a traffic stop for the violation in the 1000 block of Esplanade. The vehicle stopped and parked in front of 1024 Esplanade. Officer Dyke noted the doors of the vehicle open and occupants start exiting from both sides. Officer Dyke made contact with the driver, later identified as Nicole Braham, and

**Supervisor:** N/A

**Watch Commander:** N/A

**Prepared By:** Chief Michael O'Brien

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told her to get back into the vehicle. Braham would not listen to Officer Dyke's command and stated she did not have to because she was home and going inside. Officer Dyke advised Braham he was making a traffic enforcement stop and she was being detained. Braham ignored Officer Dyke and attempted to push by him. After Braham failed to acknowledge three requests to have a seat back into her vehicle and attempting to push past the officer, Officer Dyke made the decision to detain her.

Officer Dyke placed Braham into a hand/wrist control hold. Officer Dyke immediately witnessed a front right passenger exit the vehicle and start to scream at him. Officer Dyke also witnessed the female from his earlier encounter, Hemphill, was now also at this scene. It was unknown if she had gotten into this vehicle or had walked to the area. Due to the situation rapidly evolving with other people becoming involved, Officer Dyke made the decision to call for immediate officer assistance. Officer Dyke had to remove Braham from the side of her vehicle and over to his patrol vehicle for his safety. Officer Dyke made the decision to place Braham under arrest for resisting and delaying a peace officer.

While detaining Braham, Officer Dyke noted she was holding items in her hand, which included keys on a lanyard. Officer Dyke asked Braham to put the items down, but she refused and had to be told a second and subsequent third time. While detaining Braham, Officer Dyke witnessed Hemphill start to yell and attempt to distract him, ultimately, moving behind him. Officer Dyke attempted to place handcuffs onto Braham but she became resistive and started pulling away from him. Braham was ordered to stop resisting, but she continued to resist. While Braham was pulling away, Officer Dyke made the decision to allow her own momentum to carry her to the ground. Officer Dyke used this opportunity to get Braham on the ground where she continued to struggle. Officer Dyke gave Braham several more commands to get on her stomach, stop, and stop resisting, she still did not comply. Braham struggled to the point where she stood up. Officer Dyke again used Braham's arm to pull her back to the ground where he was assisted by another Officer in placing her into handcuffs and ultimately taking Braham into custody.

While doing so, Hemphill was contacted by other Officers and attempts were made to detain her for officer safety purposes. Hemphill also resisted the detention by multiple Officers. Hemphill pulled away from Officers and tensed her arms in attempts to resist being placed into handcuffs. Based on her failure to cooperate and resisting arrest, Officers had to place Hemphill on the ground, where she was detained into handcuffs. Hemphill was ultimately placed under arrest for resisting and delaying a peace officer.

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Hemphill would later submit to a blood alcohol screening at the Chico Police holding facility, which yielded a .141 blood alcohol content.

Both Braham and Hemphill obtained minor injuries during this incident, which consisted of an abrasion to one knee on each of them.

The Chico Police Department would like to remind citizens you have an absolute right to watch or film Officers while they perform their duties. However, citizens need to understand it should be done in a method which makes the situation safe for the Officers to perform their duties. This is exactly what a third female who was associated with Braham was doing at the scene during this incident. That female did not interfere with the incident, rather she stayed out of the Officers way as she filmed the incident with her cellular telephone. It is believed the video she obtained during the incident was posted on Facebook for dissemination.

During the investigation, it was learned Hemphill had lost her cellular phone during the arrest. Officers have searched for the phone at the scene, police station, and the patrol vehicle she was transported within. The phone has not been located; however, we are still attempting to locate it.

This incident is under review by the Chico Police Department to ensure all laws and department policies were followed.

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