

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 00042748 / 0081-19

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4 INTERVIEW OF: OFFICER BRYAN SANTANA, #2097

5 DATE OF INTERVIEW: 07/31/2019

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8 INVESTIGATOR ELLEN DOLESE: This interview is regarding DPA
9 case number 0081-19. And the InSite case management system
10 number is 00042748 and is taking place at the Department of
11 Police Accountability on July 31st, 2019 at approximately 4:20
12 p.m. Conducting this interview is Investigator Ellen Dolese. I
13 work for the Department of Police Accountability and I have been
14 designated by the Police Commission to conduct this
15 investigation. The member being interviewed is Officer Bryan
16 Santana, star number 2097, who is a named officer in this
17 matter. Representing Officer Santana is Kevin Martin, POA
18 representative. And Officer Santana, have you read the DPA form
19 293 and the Allegation form regarding the allegations of
20 misconduct in this matter?

21 OFFICER BRYAN SANTANA: I have.

22 DOLESE: All right. And I've also provided you with a DPA
23 Administrative Interview Advisements form, which you and your
24 representative have signed and those will be stored in the DPA
25 file for this case. With all these Advisements in mind, is
26 there any reason why you cannot go forward with the interview
27 right now?

28 SANTANA: There's no reason.

1 DOLESE: And Kevin, do you have anything for the record?

2 KEVIN MARTIN: Thank you. Because this is a compelled
3 interview insofar as Officer Bryan Santana, star number 2097, of
4 the San Francisco Police Department has been ordered to appear
5 or face disciplinary actions, the statements he is about to give
6 during the course of this interview cannot necessarily be used
7 against him in a court of law or legal proceeding pursuant to
8 the California Supreme Court's Instruction in it's Lybarger
9 Decision. Additionally, no statement offered by the officer can
10 necessarily be used against him in a civil proceeding pursuant
11 to California State Government Code 3303, subsection (e) which
12 in part encompasses the California Peace Officer Bill of Rights.
13 Thank you.

14 DOLESE: You're welcome. Amazing you can remember all
15 that. Impressive. You can recite it all from memory. Officer
16 Santana, how long have you been a member of SFPD?

17 SANTANA: [REDACTED] of 2016.

18 DOLESE: And what is your current rank?

19 SANTANA: I'm a police officer.

20 DOLESE: Okay. And you're a Q2 or Q3?

21 SANTANA: Q4.

22 DOLESE: Q4. Oh, okay. Great. What is your current
23 assignment?

24 SANTANA: I am at Mission Station swing-shift, as the
25 Castro FOP.

26 DOLESE: Okay. And you're Patrol Division, right?

27 SANTANA: Yes.

28 DOLESE: Okay. And who do you currently report to?

1 SANTANA: I report to Lieutenant Gerald Newbeck.

2 DOLESE: And did you review any materials before coming
3 here today?

4 SANTANA: I reviewed my written statement regarding the
5 incident.

6 DOLESE: Okay. Did you review any Body Worn Camera
7 footage?

8 SANTANA: I did not.

9 DOLESE: Or the- there was some video surveillance footage.

10 SANTANA: Security footage.

11 DOLESE: Did you review that?

12 SANTANA: I did review that.

13 DOLESE: Great, okay. So, I won't show it to you again
14 then if you don't want- unless you want me to.

15 SANTANA: No, no.

16 DOLESE: Okay. And so, we're gonna be discussing events
17 that occurred on February 14, 2019.

18 SANTANA: Yeah.

19 DOLESE: This involved the arrest of the Co-Complainant,
20 [REDACTED] and there was a use of force- there was some
21 force used during his arrest.

22 SANTANA: Yes.

23 DOLESE: And this incident occurred at Jane Warner Plaza at
24 Castro and Market Streets at approximately 17:50 hours. Does
25 that sound accurate?

26 SANTANA: Yes, it does.

27 DOLESE: Okay. And is [REDACTED] known by any other
28 names?

1 SANTANA: [REDACTED].

2 DOLESE: Okay. So, that's his street name?

3 SANTANA: Yes.

4 DOLESE: Okay. And do you recall what your unit identifier
5 was on February 14, 2019?

6 SANTANA: 3-David-41-David.

7 DOLESE: And your unit was the primary unit?

8 SANTANA: Yes.

9 DOLESE: Okay. And who was your partner that day?

10 SANTANA: Nick Nagai, star 2017.

11 DOLESE: Thank you. And were you and Officer Nagai in
12 uniform that day?

13 SANTANA: Yes.

14 DOLESE: Okay. And do you recall who your supervisor was
15 on that date?

16 SANTANA: I don't remember the Lieutenant but Sergeant
17 Josey Russell, ah, was working. She was in charge.

18 DOLESE: Thank you. And just in your own words basically,
19 can you just tell me what led up to your contact with Mr.
20 [REDACTED] that day?

21 SANTANA: Yeah. Having worked in the Castro neighborhood
22 for almost a year and a half as the foot beat, I've learned a
23 lot of people that hang out there; the transients, the people
24 that hang out at the bars, the employees of the bars and
25 whatnot. I've encountered Mr. [REDACTED] several times. I knew
26 that he is a parolee and a sex offender-sex registrant. So, in
27 the past, I remember we had chased him around because I thought
28 he had occupied a stolen car and we got in a foot chase with him

1 and it turns out he was just in an altered mental state because
2 of narcotics. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 DOLESE: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] So, I thought I saw him. We
13 were parked in a car and was walking around the area and I
14 glanced and like, I think that's [REDACTED]. So, I ran the
15 computer. [REDACTED]. So,
16 I told my partner, Nick, that, okay, [REDACTED] is right
17 there, let's go see if that's him because he was facing away in
18 a group of people. I walked up, called out his name to try and
19 get him to turn around so I can get a better look at his face.
20 Didn't respond. So, I walked up and tapped his shoulder. And
21 as I walked up, I said, [REDACTED]. And as I tapped him on
22 the shoulder, he spun around very quickly, looked at me and just
23 shoved me without warning, just out of nowhere, shoved me. So,
24 at that point, I knew it was him because he hit me. And I saw
25 his face. I had tried to activate my Body Camera. It was in
26 buffering mode but I guess I didn't hit it correctly, hit it
27 right, but I was trying to chase after him. Jane Warner Plaza
28 is the F-line turnaround for the streetcars. So, as he was

1 running towards Castro Street, the F-line car was making its way
2 around to Market Street and so I saw Nick had grabbed him. I
3 don't know by his shoulder or by his torso, to stop him. And
4 so, I grabbed onto him and we were kinda tumbling- stumbling
5 towards the streetcar as it was moving. So, so we didn't fall
6 under the wheels of the streetcar, I kinda pulled back the other
7 way. And there was a group of people standing there who he was
8 talking with and all of them appeared to be transient. Some of
9 them I recognized having talked to them before and some of them
10 were new, but they had lots of belongings and we tripped over a
11 baby carriage full of belongings. Luckily, there was no baby in
12 it. But we tripped over. I fell onto my back. [REDACTED]
13 fell on top of me with his hands on my chest and then my partner
14 Nick, was standing like above him, like his arms wrapped around
15 his chest from behind. At that point, he started to like scream
16 at me, get the fuck off. Don't make me hurt you. Get off me.
17 And ah, you know, I was trying to push him off of me because he
18 was holding me down to the ground. Um, at that point, I was
19 trying to call on the radio for help that we were in a fight.
20 It knocked my- I have the same microphone that I have normally-
21 it got knocked off my shirt and was like laying on the ground.
22 So, I saw my partner ended up grabbing it and screaming on the
23 radio that we were in a fight. Um, at some point, we stood back
24 up. He was able to gain his footing, so he was standing up
25 trying to continue running away. And I wrapped my arms from
26 behind around his torso to keep him from going. So, I tried to
27 do like an Arm Bar take down. An Academy technique where you
28 hold their arm and torso and kinda twist.

1 DOLESE: Was that effective?

2 SANTANA: Well, normally. But because we were standing
3 next to a cement blockade and also a stroller that had fallen
4 and like three other people, it wasn't working quite well. But
5 the way I was able to grab him, my arm went around his neck and
6 we kinda just twisted and fell to the ground. When we get him
7 to the ground, and ah, right when we got to the ground, he
8 started screaming, you're choking me. I can't breathe. Ah, so
9 I realized that my arm was around his neck and kinda moved it.
10 He fell to his side. I was- I fell on my left side. He was
11 directly in front of me. I was holding him kinda like a bearhug
12 at that point. And then Nick was able to get his right hand in
13 the handcuffs. Like he was still trying to roll over onto his
14 back to get away and to get us off him. Eventually, the first
15 unit that was able to respond came, lights and sirens, down
16 Market Street and was able to get out and two officers jumped
17 out and it took like another 30-seconds of us trying to pull him
18 onto his stomach to get him into handcuffs because the entire
19 time was he was struggling to get away and push and get us off
20 of him. And at that point, my Body Camera I believe had been
21 knocked off my chest from the commotion. Grabbed it- someone
22 handed it to me, grabbed it. It had been turned on in the
23 middle of the scuffle. Notified Sergeant Russell of the use of
24 force as we used physical force to throw him down and whatnot.

25 [REDACTED]

26 [REDACTED] and new charges for resisting arrest
27 and whatnot. I don't believe there was any initial complaint of
28 pain but once we got back to the station, he did make a

1 complaint of pain and an ambulance was called and I believe he
2 was sent to San Francisco General to be looked at by a doctor
3 and was subsequently released. And that was about it.

4 DOLESE: Okay. He was transported to the jail after he was
5 released?

6 SANTANA: Yeah, yeah.

7 DOLESE: Okay. Because he was booked on the charges?

8 SANTANA: Correct.

9 DOLESE: Okay. And do you recall- so, when you and Officer
10 Nagai, when you initially decided to initiate contact, was it
11 your intent to arrest [REDACTED] on the [REDACTED] ?

12 SANTANA: Yes.

13 DOLESE: Okay. So, you were approaching with the intent of
14 arresting him. Is that correct?

15 SANTANA: Yes.

16 DOLESE: Okay. And did you have an opportunity to give Mr.
17 [REDACTED] any commands or anything? I know you said you tapped
18 him on the shoulder and-

19 SANTANA: Yeah.

20 DOLESE: Referred to him by his street name, [REDACTED].

21 SANTANA: I didn't because I wasn't one hundred percent
22 sure it was him just because he was facing away in a group of
23 people. So, by the time I said his name twice and tapped on
24 him, he immediately just shoved me and there wasn't any kind of
25 time to talk or do anything because he started running from
26 there so I didn't have time to give commands.

27 DOLESE: And you had had prior contacts with him?

28 SANTANA: Yes.

1 DOLESE: And do you think he recognized you or do you know?
2 And I don't want you to guess. Just if you thought that he
3 recognized you.

4 SANTANA: No. I don't think he recognized me. I think it
5 happened so fast that he turned around and saw a police officer.

6 DOLESE: Okay. Because you were in uniform.

7 SANTANA: I was in uniform.

8 DOLESE: So, it was pretty obvious.

9 SANTANA: Yeah.

10 DOLESE: Okay. And so, after he pushed you and like you
11 said then he took off running and Officer Nagai was able to grab
12 him first as he was heading towards the streetcar that was
13 turning.

14 SANTANA: Yes.

15 DOLESE: Okay. And how would you describe [REDACTED]
16 actions? Was he actively resisting?

17 SANTANA: Absolutely. He was- I mean he physically shoved
18 me. He was assaultive to me. And then actively resisting by
19 running away. Once we had grabbed him, he was still actively
20 resisting, trying to pull away from us. When we had gotten on
21 the ground, he was holding-holding me down, screaming like, get
22 off me. Like, don't make me hurt you.

23 DOLESE: Right.

24 SANTANA: So, at that point, he was very much assaultive.

25 DOLESE: And he was able to get up on his feet again after
26 you already had him on the ground the first time.

27 SANTANA: Yes.

28 DOLESE: Is that correct?

1 SANTANA: Yes.

2 DOLESE: And you had to basically continue to engage with
3 him physically in order to get him back on the ground?

4 SANTANA: Yeah. He wasn't complying with anything. It was
5 the opposite.

6 DOLESE: Because there was like a- it's kinda like a
7 retaining wall or planter box of some type-

8 SANTANA: Yeah.

9 DOLESE: And that looked to be probably three to four feet.

10 SANTANA: Yeah, it was about like waist height for us.

11 DOLESE: Yeah.

12 SANTANA: And ah, there was kinda like blocking us to where
13 we tripped over the stroller, fell kinda next to the planter and
14 there were people around kind of forming a semi-circle and it
15 was kind of chaotic.

16 DOLESE: Okay. And so, as far as what the- the force
17 options that you had available to you, you used like a physical
18 control, like a take down of Mr. [REDACTED]

19 SANTANA: Exactly. Exactly.

20 DOLESE: Okay. And um, did you see- I know Officer Nagai
21 had to use some closed fists a couple of times-

22 SANTANA: Um hmm.

23 DOLESE: Punched him in the head. Did you see that happen?

24 SANTANA: I don't really remember seeing that. I mean it's
25 very possible, but I don't have a recollection of that.

26 DOLESE: Okay. And the technique that you used to get him
27 back on the ground the second time, was it effective?

28 SANTANA: It- it was. We- just because there's so many

1 | obstacles that I- it was effective because I got him off of
2 | balance and he tripped over the carriage again.

3 | DOLESE: Okay. But the take down that you used, that's
4 | something that's taught in the Academy?

5 | SANTANA: Yeah.

6 | DOLESE: All right. And did you have to- I think it was
7 | Officer Nagai got ahold of his right- [REDACTED] right arm in
8 | order to try to handcuff him?

9 | SANTANA: Yeah. Um hmm.

10 | DOLESE: Did you assist him in handcuffing Mr. [REDACTED] ?

11 | SANTANA: I was trying to get his left arm from under his
12 | stomach 'cause when we had fell, he was on his left side and
13 | then Nick had gotten his right arm 'cause he was up and then so
14 | I kept trying to push him onto his stomach 'cause the arrest and
15 | control technique there is to have them on their stomach and
16 | have their arms out at their side, either going up into a
17 | control hold or if they're compliant, just have them out at the
18 | sides. So, when he was on his side, it was kind of hard to get
19 | his arm out and into handcuffs. So, I was actively trying to
20 | get him back onto his stomach and pull his arm out to the side
21 | and he was still tucking his arm under and rolling around
22 | preventing us from doing that.

23 | DOLESE: Okay. And there was another- I know there were
24 | several units that responded as backup, but one unit pulled up
25 | and I believe three officers jumped out.

26 | SANTANA: Yeah.

27 | DOLESE: Do you- did those officers assist with the
28 | handcuffing?

1 SANTANA: yes.

2 DOLESE: And do you know- do you know how many officers in
3 total it took to get him into handcuffs?

4 SANTANA: All five of us.

5 DOLESE: So, it was five of you.

6 SANTANA: It was all five 'cause I do remember there was-
7 they're from the HSOC unit, so I don't know them personally. I
8 just recognize them as working through the HSOC unit and ah, it
9 took all five of us to physically overcome his resistance.

10 DOLESE: Okay. And do you feel that you used any
11 unnecessary or excessive force during the arrest of Mr.
12 [REDACTED] ?

13 SANTANA: No. Okay. And so, would you consider the force
14 that you had to use to be reasonable under the circumstances?

15 SANTANA: Absolutely. I was trying to use the least amount
16 of force. I wasn't punching him. I wasn't using any other
17 higher level of force like OC spray, baton. I was just trying
18 to get control of him at that point.

19 DOLESE: Okay. So, there really- was there any time for
20 you to really try to use any kind of de-escalation techniques?

21 SANTANA: Not at all. It immediately turned into an
22 assault.

23 DOLESE: And did you see Officer Nagai use any unnecessary
24 or excessive force during the interaction with Mr. [REDACTED] ?

25 SANTANA: No.

26 DOLESE: Okay. Did you ever take [REDACTED] by the back of
27 his head and slam his head on the concrete?

28 SANTANA: No.

1 DOLESE: Did you ever see Officer Nagai slam [REDACTED]'s
2 head on the concrete?
3 SANTANA: No.
4 DOLESE: And then what about the other officers that
5 responded? Did you ever see any of them slam his head on the
6 concrete?
7 SANTANA: No.
8 DOLESE: If somebody had slammed his head on the concrete,
9 do you think that there would have likely been some sort of a
10 visible injury?
11 SANTANA: Absolutely. I mean the concrete will do that to
12 someone if they get their head slammed on the cement. Wasn't
13 anything like that.
14 DOLESE: And I know that you saw- did you ever put [REDACTED]
15 in a chokehold? I know you indicated you did have your arm kind
16 of around his neck.
17 SANTANA: So, when I did the Arm Bar take down, I twisted
18 to my left and was standing behind him. I had his arm out and
19 so when we fell down, my arm went around his neck and we were on
20 the ground when we fell like that and he started screaming, I
21 can't breathe. So, if you look at the video, I noticed that I
22 deliberately moved my arm off of his neck.
23 DOLESE: But would that have been considered a chokehold?
24 SANTANA: I wouldn't say so, no.
25 DOLESE: Okay.
26 MARTIN: There was no specific intent to put Mr. [REDACTED]
27 in a chokehold by any means. Right?
28 SANTANA: No.

1 DOLESE: Right. And that's what I was trying to
2 distinguish between I understand it was- things were very fluid-
3 SANTANA: Yeah.
4 DOLESE: And you're trying to get him down and you put your
5 arm around him.
6 SANTANA: Correct.
7 MARTIN: It was not a designed effort.
8 SANTANA: Correct
9 DOLESE: Did you- yeah. Did you ever- did you observe was-
10 was [REDACTED] actually in any distress as far as his breathing?
11 SANTANA: No.
12 DOLESE: I know everybody was huffing and puffing because
13 there was a lot of physical activity, but-
14 SANTANA: Correct. I think it was like two minutes long
15 from start to finish.
16 DOLESE: Okay. And he was yelling and screaming quite a
17 bit.
18 SANTANA: Yes.
19 DOLESE: Okay.
20 MARTIN: May I ask one more question regarding that?
21 DOLESE: Yes.
22 MARTIN: If a person [unintelligible] doesn't necessarily
23 have a means to talk and verbalize their situation. Correct?
24 SANTANA: Correct.
25 MARTIN: Thank you.
26 DOLESE: Yeah, that's what I was saying because he-
27 SANTANA: He was verbal and was saying, I can't breathe,
28 you're choking me. And saying it very well.

1 DOLESE: He was very verbal. Do you have any recollection
2 did you ever have to yank hard on his arm?

3 SANTANA: Yes.

4 DOLESE: Okay.

5 SANTANA: Because he was tucking it under his body, so I
6 was trying to pull it out from under his stomach and he was not
7 letting me do that.

8 DOLESE: Okay. And do you think it's possible that if a
9 bystander saw that that they might think that that- perceive
10 that as being something- some sort of use of force that's
11 unnecessary, what could possibly look that way?

12 SANTANA: Correct. I mean physically restraining someone
13 for us as a use of force in and of itself. I mean any sort of
14 taking anyone into custody that doesn't want to be, looks like
15 it could be something that's a use of force but at that point, I
16 was just trying to get his hand from under his stomach.

17 DOLESE: Okay.

18 MARTIN: And a lot of that would be perception, correct?

19 SANTANA: Correct.

20 MARTIN: Thank you. And perception based on just what they
21 saw and not seeing the entirety of it, correct?

22 SANTANA: Correct.

23 MARTIN: Thank you.

24 DOLESE: And aside from the contact that you had with him
25 and you kinda had your arm wrapped around his neck 'cause you
26 were trying to get him down, did you see any other officer ever
27 put [REDACTED] in a chokehold?

28 SANTANA: No.

1 DOLESE: Okay. And um, when you had his neck sort of in
2 the crook of your arm, were you squeezing his neck in any way
3 or?

4 SANTANA: No. I mean we were- I was just holding him down.

5 DOLESE: Okay. So, you were just trying to rotate his body
6 basically?

7 SANTANA: Correct.

8 DOLESE: And trying to get-

9 SANTANA: It wasn't like I was closing on his airway or
10 anything like that.

11 DOLESE: Okay. And do you recall [REDACTED] saying you're
12 hurting me?

13 SANTANA: Something to that effect.

14 DOLESE: And you're choking me?

15 SANTANA: Yeah.

16 DOLESE: Okay. And did you observe any injuries to Mr.
17 [REDACTED]?

18 SANTANA: Um, not that I can remember. Because at that
19 point, he was trans- like we separated because we had just been
20 fighting with him, we were kinda huffing and puffing. The
21 officers who arrived after took over with him and let us catch
22 our breath and they transported him back to the station and at
23 that point is when he made- I believe he made a complaint of
24 pain to his hand.

25 DOLESE: Okay. So, do you recall if he ever complained of
26 any pain at the scene?

27 SANTANA: I don't recall.

28 DOLESE: Okay. And um, did a supervisor respond to the

1 scene?

2 SANTANA: Yes. Sergeant Russell.

3 DOLESE: Sergeant Russell. And you reported the use of
4 force to Sergeant Russell I think you said that.

5 SANTANA: Yes.

6 DOLESE: And then do you know if Sergeant Russell prepared
7 a Supervisory Use of Force evaluation?

8 SANTANA: Yes.

9 DOLESE: And do you know if an entry was made in the use of
10 force log?

11 SANTANA: Yes.

12 DOLESE: Okay. Um, and do you know if the use of force was
13 determined to be within Departmental policy?

14 SANTANA: Yes.

15 DOLESE: Okay. So, nobody ever counseled you or said you
16 did anything improper?

17 SANTANA: Correct.

18 DOLESE: Okay. Um, and did you sustain any injuries during
19 the incident?

20 SANTANA: Yes. I had abrasions on my left knee and my left
21 elbow. And I had pain in my left knee and my neck afterwards.

22 DOLESE: And did you require any medical treatment?

23 SANTANA: No. I didn't end up going to the hospital or
24 anything. I was gonna set it out.

25 DOLESE: Okay. And do you recall did Officer Nagai, did he
26 sustain any injuries?

27 SANTANA: I believe he did. I don't remember what they
28 were. I think they were complaints of pain more than anything.

1 DOLESE: Okay. And um, do you know who transported Mr.
2 [REDACTED] to Mission Station?
3 SANTANA: That I do not know.
4 DOLESE: Okay. And do you know why he was transported to
5 Mission Station?
6 SANTANA: He was under arrest.
7 DOLESE: And I assume you were gonna do further
8 investigation?
9 SANTANA: Correct.
10 DOLESE: Okay.
11 SANTANA: Complete the booking process.
12 DOLESE: And then at some point, he gets transported to San
13 Francisco General?
14 SANTANA: Yes.
15 DOLESE: And do you know who summoned the ambulance?
16 SANTANA: That I don't remember. It was all- I was out of
17 my purview at that point. I don't remember.
18 DOLESE: Okay. Is it usually the station keeper?
19 SANTANA: 'Cause when we bring them to the station, come
20 into the station, they'll ask a series of medical questions; are
21 you injured? Do you require medical attention? I'm not sure if
22 it occurred during that point or after they had already finished
23 the questions and sat down and said, you know, like my hand
24 hurts. It was probably sometime during that time.
25 DOLESE: Okay. And do you believe that you complied with
26 DGO 5.01?
27 SANTANA: Yes.
28 DOLESE: Okay. And did you have any need to employ any

1 type of control holds or anything with [REDACTED] at the station?
2 SANTANA: No. Not that I recall.
3 DOLESE: So, he was compliant at that point.
4 SANTANA: Yeah.
5 DOLESE: And probably handcuffed I assume?
6 SANTANA: Yes.
7 DOLESE: So, can we just talk about what justified the use
8 of the physical control? You felt that the force that you used
9 was reasonable under the circumstances?
10 SANTANA: Yes.
11 DOLESE: Okay. And you felt that- did you feel that
12 situation required the immediate use of physical control?
13 SANTANA: Yes.
14 DOLESE: Okay. And how would you describe [REDACTED]'s
15 demeanor once he got back to the station?
16 SANTANA: Um, back to the station, I didn't really see him
17 too much, but I think he was upset but not- he had calmed down
18 drastically compared to when he was fighting with us.
19 DOLESE: And that was back at the scene?
20 SANTANA: Yeah.
21 DOLESE: Okay. And then at some point, did you learn that
22 [REDACTED] had fractured his pinkie finger?
23 SANTANA: Ah, I believe so. After he'd been taken to the
24 hospital.
25 DOLESE: Okay. And do you know when that injury occurred
26 during the- at some point during the contact or if it occurred
27 during the contact?
28 SANTANA: I have no clue.

1 DOLESE: Okay. He never said anything about the pinkie? I
2 know you hear him yelling a lot about his elbow.

3 SANTANA: Yeah.

4 DOLESE: Which was previously injured.

5 SANTANA: Correct. He didn't say anything about the
6 pinkie.

7 DOLESE: Okay. And do you know if he refused medical
8 treatment at the hospital?

9 SANTANA: That I don't know.

10 DOLESE: Okay.

11 SANTANA: I would imagine no because they saw him and were
12 able to determine that he had a fracture, but I don't know the
13 full extent.

14 DOLESE: Okay. And do you know who transported him to CJ?

15 SANTANA: That I don't remember.

16 DOLESE: Okay. And do you recall what he was charged with?

17 SANTANA: 69 PC, resisting a public official; I believe-
18 oh, here it is. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 DOLESE: That was a local warrant? Yeah.

22 SANTANA: So, he had- so he had- the charges we added were
23 the 69 PC, which is obstructing a public official, 290.011(a)
24 which is failure to maintain compliance for a 290 registrant,
25 243(b) PC which is assault on a peace officer and 148(a)(1),
26 which is resisting, delaying a peace officer in conjunction with
27 a- he had warrant for burglary. [REDACTED]

28 [REDACTED].

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[REDACTED]

DOLESE: Okay. All right. Thank you.

SANTANA: Um hmm.

DOLESE: And did Sergeant Russell approve all those charges?

SANTANA: Yes.

DOLESE: And then have you had any contacts with Mr. [REDACTED] since you arrested him on February 14, 2019?

SANTANA: No.

DOLESE: Have you seen him around town?

SANTANA: I think I saw him last week, but he has another warrant that's valid and he stepped away and ran into the park and [unintelligible].

DOLESE: And he just got out of jail. And I know he was in custody- he got sent- he got out here and then he was sent to Martinez and then he got released from there and I figured it was just a matter of time before he'd come back to San Francisco. Okay.

MARTIN: We'll be here next week.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

1 DOLESE: Okay. And did you intend to detain him or did you
2 intend to arrest him?

3 SANTANA: Arrest.

4 DOLESE: Arrest, okay.

5 MARTIN: If in fact that was Mr. [REDACTED].

6 SANTANA: Correct.

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1 DOLESE: Okay.

2 SANTANA: One hundred percent it was him.

3 DOLESE: Okay. Kevin, do you have anything?

4 MARTIN: Just a couple questions. As related to the use of
5 physical control. In the techniques you employed were taught at
6 the Academy. Correct?

7 SANTANA: Yes.

8 MARTIN: And while you attended the Academy, you had to
9 pass a series of performance objectives. Correct?

10 SANTANA: Yes.

11 MARTIN: And part of the performance objectives were
12 defense attack and some physical training that's controlled.
13 Correct?

14 SANTANA: Yes.

15 MARTIN: And you obviously you successfully passed all
16 those performance objectives.

17 SANTANA: Yes.

18 MARTIN: Did you deviate from any of the training you
19 received in the Academy to employ this arrest?

20 SANTANA: No.

21 MARTIN: Very good. If there was a violation of the use of
22 force policy, the Department would have taken some type of
23 action or at least notified you of this [unintelligible].
24 Correct?

25 SANTANA: Yes.

26 MARTIN: But you have not been notified by any member from
27 the Department of any violation as to 5.01.

28 SANTANA: Correct.

1 MARTIN: Very good. And you earlier indicated that- let me
2 back up. You've very familiar with the use of force continuum.
3 Correct?

4 SANTANA: Correct.

5 MARTIN: It started with the verbal commands and then went
6 from there.

7 SANTANA: Um hmm.

8 MARTIN: Um, and then at no time did you have the
9 opportunity to engage in any type of verbal commands or
10 instructions. Correct?

11 SANTANA: Correct.

12 MARTIN: You merely tapped on his shoulder to confirm the
13 identity of someone that you may believe or believed that was a
14 wanted individual?

15 SANTANA: Yes.

16 MARTIN: Immediately upon the person turning around,
17 recognizing the uniform and not necessarily you-

18 SANTANA: Um hmm.

19 MARTIN: Immediately assaults you, runs away.

20 SANTANA: Yes.

21 MARTIN: His intent was to avoid arrest.

22 SANTANA: Yes.

23 MARTIN: There was no ambiguity about that at all.

24 Correct?

25 SANTANA: Correct.

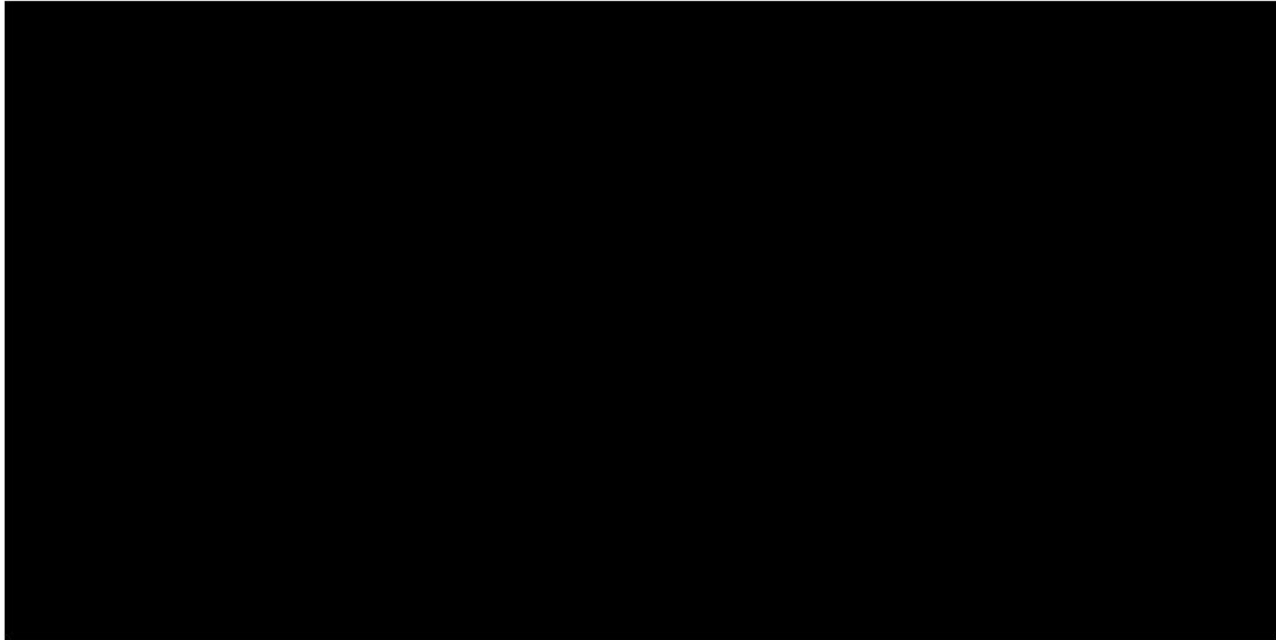
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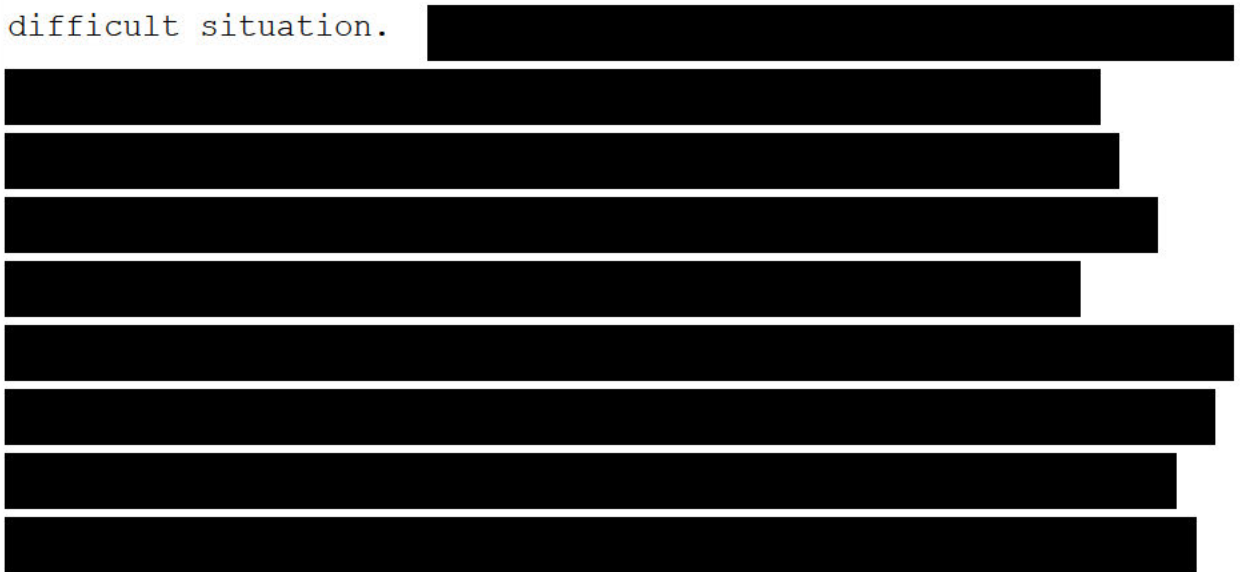
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MARTIN: Very good. I have no further questions of the officer. Certainly, we don't believe there's any misconduct or allegations that can be sustained in terms of the excessive force. I believe both officers were very, very articulate in describing the actions that occurred; what they saw, the environment, the terrain that they were dealing with, not only with Mr. [REDACTED] who is obviously a very physical 148- excuse me- physical resister of arrest but also the obstacles and other individuals that were present at the time made it a very difficult situation. [REDACTED]



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18 [REDACTED] One of the important things of making an arrest is being
19 able to identify the person you're taking into custody, either
20 by physical description or by other witnesses that are pointing
21 somebody out that is a person of interest or a suspect. It was
22 very incumbent on Officer Santana to make sure that the person
23 that he believed had the warrant was in fact that same person.
24 Upon immediate contact, there was a verbal call-out for his
25 name. There was no response to that. A tap on the shoulder. A
26 turnaround by Mr. [REDACTED], immediately recognizing the uniform,
27 caused an assault on a police officer and a fleeing of the scene
28 in order to escape the police actions. He knew that he had the

1 warrant or else he never would have acted the way he did. There
2 was no cause for that. The officers weren't actively pursuing
3 him at that point. You know, the point of contact was to
4 confirm identification. Once that was done, Mr. [REDACTED]
5 immediately took violent actions against the officers, attempted
6 to flee the scene. The officers were involved in a struggle
7 where both their Body Worn Cameras and their radio mics were
8 dislodged from their persons, making it extremely difficult to
9 request assistance. It was only a matter of luck that Officer
10 Nagai was able to grab Officer Santana's radio mic as it was
11 flung into the air, grabbed it and called for immediate
12 assistance. I think he- the only words were said were 148-17th
13 and Market or 17th and Castro. He was able to get out
14 information clearly and effectively enough where three officers
15 were able to respond and able to take over for the officers who
16 had been winded and were able to, you know, effect the arrest
17 and perform the transport back to Mission Station. The Police
18 Officers Association adamantly refutes any allegations of
19 misconduct against the Officers. We don't believe there's a
20 basis or foundation to sustain these allegations. And we
21 appreciate the opportunity to present our case. Thank you.

22 DOLESE: You're welcome. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

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7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 DOLESE: Okay. Thank you. Investigator LaVaute do you
15 have any questions for Officer Santana?

16 CLAIRE LAVAUTE: If I may.

17 SANTANA: Sure.

18 LAVAUTE: I have not seen the Body Worn Camera but I'm just
19 wondering if there was an opportunity for you and your partner
20 to maybe have strategized- I know it was very fast- like for
21 somebody to be in front of him, to be able to identify him from
22 the front and it sounds like you had said that there was some
23 experience with this individual where you had to chase him
24 around so it's like, if it were this person, you might be able
25 to anticipate that he was probably gonna resist.

26 SANTANA: Absolutely.

27 LAVAUTE: So, I'm just wondering if you thought about maybe
28 that as something- if something like this were to happen in the

1 future, if there's another way to- not triangulate because
2 there's only two of you but-

3 SANTANA: Yeah, yeah.

4 LAVAUTE: But to kind of make sure that you don't go up to
5 potentially an uninvolved person-

6 SANTANA: Yeah.

7 LAVAUTE: Um, misidentify. I mean I'm just thinking maybe-

8 SANTANA: Correct.

9 LAVAUTE: Maybe-

10 SANTANA: Had the circumstances been different, it would
11 probably been nice to have a plan 'cause you know, I had made an
12 arrest similar to this last week where there was a wanted
13 bulletin put out for someone that also had warrants and it was
14 very much like, hey, I think that's him. Flip around- I'm gonna
15 get out of the car here, you pull the car around here so they
16 can't run and then- things like that. Or get on the radio, hey,
17 I think I have eyes on someone who has a warrant. Can I have a
18 unit come this way? And just because we were- where we had
19 parked our car was maybe ten feet away from where they were so
20 it wasn't like we were driving by, stopped, turned around and
21 could talk about it. It was just like, oh, he's right there.
22 Like, because having dealt with him, I didn't think there was
23 even time to call for another unit.

24 MARTIN: It's very fluid. Correct?

25 SANTANA: Yes.

26 DOLESE: Okay. Um, is there any-

27 SANTANA: But your point is well taken.

28 DOLESE: Yeah. Good question. Is there any other

1 statement relevant to this incident you wish to make at this
2 time?

3 SANTANA: No.

4 DOLESE: Are there any witnesses or other evidence relevant
5 to this case you intend to submit on your behalf?

6 SANTANA: No. Not at this time.

7 DOLESE: Okay. You may submit material to the DPA before
8 an initial decision is made about whether or not to sustain any
9 of the allegations in this case and what discipline to impose,
10 if any. DPA requests that you submit any further material
11 within two weeks of this interview if possible. Is there
12 anything else you would like us to consider in that regard?

13 SANTANA: Not right now.

14 DOLESE: Okay. So, the interview is concluded. The time
15 now is 5:00 p.m. and we are off the record.

16 **END OF DOCUMENT**

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