

## CASE DATA

Incident Date: 03/06/2018

Administrative Date: 03/06/2019 for officers who used non-lethal force

Notes: SFPD Command Staff received notification of the OIS notification on 3/6/2018.

Tolling: Allegations against the unidentified officers who used lethal force pending the criminal investigation.

Database Involvement Categories: OIS

## OIS RESPONSE

Received the following notification by email on March 6, 2018 at 11:18 pm:

An OIS has occurred in the Mission. District involving SFPD Only. A conference line has been opened for coordination. Updates will be provided at regular intervals via the conference line.

Command Staff, the involved District Station Captain, and Night Captain (if applicable) should call 415-553-1071. All others should call into the conference line provided for more information.

Incident Details: New

Case Number: [REDACTED]

CAD Number: [REDACTED]

Date of Incident: 03-06-2018 at 22:36:00

Incident Address: Capp St and 20th St

Command Post Location: 626 Capp St

Safe Avenue of Approach: Capp St

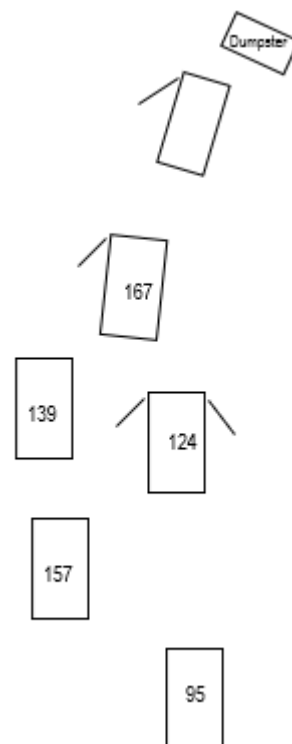
Scene Secure (CODE4): Yes

Preliminary Incident Information:

OIS has occurred in the Mission District. 3D300 is 97 and taking command.

Prepared by: Sgt. Michael Wibunsin

I responded to the incident location on March 7, 2018 at 12:05 a.m. with Deputy Director Erick Baltazar and Attorney John Alden. Animal Care and Control took custody of a black puppy shortly after we arrived. We were informed of the following preliminary information: Officers were conducting a 211 felony stop of three suspects. Nine officers used firearms. Seven officers witnessed the shooting. I participated in a walk-through. Cars 157, 139, 167, 124, and 095 were involved. The front driver and passenger side doors of 124 were open. A bullet hole in the front passenger side door of 124 appeared to have been shot outward. Gouges in the hood of 124 appeared to have been caused by bullets. The trunk of car 167 was open. The trunk of the suspect's car was open. The rear window of the suspect's car was shattered. A handgun was inside the trunk in the left corner closest to the bumper. There were several other items in the trunk that appeared to include clothing. There appeared to be a smear of blood on the barrel. I noted addresses of possible witnesses for canvassing purposes (lights were on in several windows). An officer took a crime scene video at 1:30 a.m. There were no signs of homeless encampments on the block. At one point, I noticed that an officer standing with



an agitated man at the edge of the crime scene tape on 22<sup>nd</sup> Street and South Van Ness. It appeared to be the same man who had walked past crime scene tape as were arriving.

### Initial Allegations

Officer Identification Pending (Officers 1-9): Unnecessary Force (UF)—The officer used unnecessary force.

Forms submitted to the clerical team.

03/07/2018: DD Baltazar assigned this case to Investigators Carpenter and Stonecipher.



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## INTAKE REVIEW

### SUMMARY OF PLANNING MEETING

- Contact Wordjet and request quote for Spanish transcription and translation.
- Interview witness officers starting May 14<sup>th</sup>
- Interview named officer starting June 4<sup>th</sup>
- Add fieldwork notes to CWS

### INITIAL PROPOSED ALLEGATIONS

Unnecessary Force (UF) – The officers used deadly force.

### INVESTIGATIVE PLAN

1. Request transcription of BWC, using time parameters.
2. Request the language certification for Officer
3. Update document tracking form and resubmit document requests to SFPD Legal
4. Complete interviews of witnesses

Submitted for Intake Review: 04/18/18

Signature: *Carolina Carpenter*

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## CHRONOLOGICAL OF INVESTIGATION

3/7/18: Received an email from SI Maunder regarding the OIS notification from SFPD, the assigned DPA number, and preliminary information about the incident.

Received a copy of the scene diagram, prepared and signed by Sgt Watkins, SFPD Homicide.

Printed CAD No. [REDACTED] (13 pages).

Researched, reviewed, and printed articles and photos in the articles.

Inv Stonecipher faxed a request to Records for the IR and faxed a request to SFPD Legal for the BWC footage.



03/08/2018 Fieldwork

Downloaded a news segment from KPIX. There is clear video of a person shooting at officers from inside a car trunk. Several people could be seen on the street during the incident. Witnesses [REDACTED] and [REDACTED] were interviewed. Briefed the canvassing team on the video and possible witnesses.

Went to the incident location with several investigators, intending to canvas for witnesses and take photos. A crowd was forming at a sidewalk memorial. We left and made plans to return the following day.



**3/8/18:** Faxed SFPD Legal a request for all documents on the Document Request and Tracking Form for OIS cases.

Re-faxed IR and BWC footage to Records and SFPD Legal. The fax server was down 3/7/18.

Faxed request to Mission Station for the Use of Force log for 3/7/18.

Discussed fieldwork plan of action and reviewed preliminary evidence with SI Maunder.

Prepared fieldwork briefing agenda and DPA witness flyers.

Participated in fieldwork briefing and visited [REDACTED] to conduct fieldwork.

Obtained addresses between 20th and 21st Capp St from the Assessor's Office online property search. Mailed 59 witness letters from obtained addresses.



03/09/2018 Fieldwork

Went to the incident location with Deputy Director Baltazar and Investigators Calderon, Armstrong, Nechuta, Torgeson, Comer, and Walton. Several investigators conducted interviews. Fieldwork notes, interview summaries, and photos will be forwarded to Inv. Carpenter for addition to the file.



**3/9/18:** Received SFPD Media Advisory regarding the Town Hall meeting scheduled for 3/12/18.

Received an email from Witness [REDACTED]. He emailed photos and a video of the Capp St OIS. He stated that he started recording the video 10 seconds after the shots were fired. He stated that he did not see anything before the shooting, but he could hear the megaphone for about a 1/2 minute before the shots. Received an email correspondence between DD Baltazar, SI Maunder, and [REDACTED] had a 7 min 41 sec video of the OIS and the aftermath. He provided an edited version of the video and informed DPA he was willing to provide the longer video.

Received fieldwork notes from Inv Armstrong:

Capp Street Canvassing Results 3/9/2018					
Address	Home (Yes or No)	Witness Event	Name	Cellphone	Notes
████	No				
████	Yes	Witnessed Event	████████ ██████████ ████████████████ ██████████████	██████████ ████	██████████ ██████████
████	No				██████████ ██████████
████	No				
████	No				
████	No				
████	Yes	██████████ ██████	██████████████	██████████ ████	
████	Yes	██████████ ██████	██████████████	██████████ ████	
████	No				
████	No				
████	No				
████	Yes	Witnessed Event	██████████████	██████████ ████	
████	No				
████	████				
████	Yes	Witnessed Event	██████████████	██████████ ████	██████████ ██████████ ████████████████ ██████████████
████	Yes	Witnessed Event	██████████████	██████████ ████	
████	No				
████	No				
████	No				
████	No				
████	No				
████	Yes	Came home after event	██████████████	██████████ ████	████████████████ ██████████ ████████████████ ██████████ ████████████████ ██████████████ ██████████████

Received fieldwork notes from Inv Nechuta:



[REDACTED] - Witnessed the incident from her [REDACTED] and took a photo. Gave her your card. She said she would be willing to give a statement.

[REDACTED] – She was at home with [REDACTED] and took some video. She said she would email video. Gave her your and Sara's card. She will pass the info to her roommates as well.

\_\_\_\_\_ – No answer. \_\_\_\_\_.

Received fieldwork notes from Inv Comer:

### Interview #1:

Inv. Walton and I spoke with [REDACTED]. She lives at [REDACTED] with her husband. On March 6th, [REDACTED] was at the back of her home when she heard a noise. She came to her front window where she saw between five to ten police cars, and approximately ten police officers. The officers had their guns drawn and pointed at a car. In her opinion, she had a perfect view of the incident although she could not see the back of the car the officers were focused on.

At this point, [REDACTED] saw a man in the middle of the road who was taken away, possibly removed and arrested by the police. [REDACTED] windows were closed so she couldn't perfectly hear what was being said. However, she did hear the police say, "Hands up!" She witnessed two men [REDACTED] throw their hands up and walk across the street. [REDACTED]

The police kept yelling, "Get out with your hands up!" The officers started using a loud speaker. Through the loud speaker came a woman's voice saying, "Get out with your hands up," in both English and Spanish. The officers issued these commands for several minutes. Then there was a lot of gunfire. After the gunfire, the officers spoke to someone else in the car and asked them to get out with their hands up if they could. [REDACTED] took photos after this point. She saw other witnesses to the incident at watching from [REDACTED] and at [REDACTED].

phone number is . Her email is .

### Interview #2:

I spoke with [REDACTED]. He does not live on Capp Street but his [REDACTED], does. [REDACTED] lives at [REDACTED] and had told [REDACTED] he had witnessed the shooting. [REDACTED] was not home to be questioned because he works during the day as an electrician. [REDACTED] gave me [REDACTED] phone number.

### Interview #3:

Inv. Walton and I spoke with [REDACTED]. He lives in [REDACTED]. He did not see the incident. He did hear the gunshots, but he thought they were firecrackers. However, his wife, [REDACTED], was outside when the incident occurred. According to [REDACTED], she saw the incident and

then ran to her apartment building. She was in a phone conference and could not be interviewed, but [REDACTED] gave us her phone number.

[REDACTED]

Interview #4:

Inv. Walton and I spoke with [REDACTED] [REDACTED] wishes to remain anonymous. He was in bed when he heard a lot of shouting and sirens. He did not see any shooting. He did not recognize any of the officers, but there is a lot of police activity in the neighborhood. This police activity is usually related to the bar at the end of the street.

Interview #5:

Inv. Walton and I spoke with [REDACTED]. She was sick and in bed when the incident occurred, but her roommate, [REDACTED], told her he went outside to watch the incident. [REDACTED] was not at home. [REDACTED] did not know [REDACTED]. However, she gave us her number to call and potentially speak with [REDACTED] through her phone.

[REDACTED]

Interview #6:

I spoke with [REDACTED]. He does not live on Capp Street, but he works for a woman named [REDACTED] who lives at [REDACTED]. [REDACTED] doesn't know if she was home during the incident, but he gave me her phone number.

[REDACTED] phone number is [REDACTED]

Received fieldwork notes from Inv Torgeson.

[REDACTED] [REDACTED] [REDACTED]

Store/Closed

Left Card

[REDACTED]

[REDACTED] –Spoke with her in-person. She did not see or hear shooting.

[REDACTED] – Not at home, but [REDACTED] said he heard the shots.

Left Card, asked him to call us.

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

No answer, send letter.

[REDACTED]

[REDACTED] – Not at home. Name identified through mail.

Send Letter.

[REDACTED]

[REDACTED]

No answer.

Send letters.

[REDACTED] - No answer. Left card, send letter.

[REDACTED] -No answer. Left card, send letter.

[REDACTED] -No answer. Left card, send letter.

[REDACTED] -No answer. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED] - No one home. Left card, send letter.

[REDACTED]  
[REDACTED]  
[REDACTED]

Witnessed shooting/video recording.

He was watching TV when he heard the commotion. He saw 2 guys in the street with hands up. He started recording. He has 8 mins worth of footage. He provided SFPD with a copy. He was interviewed (recorded) by SFPD homicide (Gary? British accent) and the DA's office at the Hall of Justice.

[REDACTED]  
[REDACTED]

Witnessed/ video recorded.

He recorded the close-up video. He sold it to channel 5 so he could not provide a copy. Inv. Calderon interviewed Lopez in Spanish.

[REDACTED] - no one home, left cards, send letter.

[REDACTED] - no one home, left cards, send letter.

[REDACTED] - no one home, left cards, send letter.

[REDACTED]  
[REDACTED]

Did not hear or see shooting.

[REDACTED] - Heard shooting but did not see.

[REDACTED]

[REDACTED] - no one home, left cards, send letter.



**3/10/18:** Received an email from Witness [REDACTED]. She emailed a photo of the Capp St incident.

Received fieldwork notes from Inv Calderon.



03/12/2018 Town Hall

Attended the Town Hall meeting at Cesar Chavez School at 6:00p.m. Community members in attendance expressed anger about the quality of the de-escalation tactics used by the involved officers. They suggested that officers should not have shouted, should have said "please," should have expressed concern for Mr. Delgado's life, and should not have announced that they planned to shoot him. Many people criticized the quality of the translation services provided. The crowd chanted, "Assassinos" multiple times. Exhibits and five videos used during the town hall meeting were published on SFPD's website. SFPD announced that 10 officers fired 99 rounds of ammunition. One round of ammunition from a 9mm handgun was also recovered.



03/12/2018 Witness Video

Downloaded a 0:07:30 minute video from witness [REDACTED]. The video is from the same angle as one of the KPIX witness videos. It appears to have been taken from a balcony. It shows the shooting and approximately seven minutes of the aftermath.



**3/12/18:** Researched, reviewed, and printed new articles regarding the OIS. Copies in file.

Received a copy of IR No. [REDACTED], including the supplemental reports.

Attended Town Hall Meeting w/ Director Henderson, COS Hawkins, DD Baltazar, SI Maunder, and PM Motley-Lewis.

Obtained [REDACTED] contact info. During his public comment he stated that he witnessed and took video of SFPD harassing mourners at Mr. Delgado's memorial on Capp St. [REDACTED] took the DPA outreach flyers to pass out to community members. He stated that he was a member of the [REDACTED].



**3/13/18:** Received Use of Force logs from Mission Station.

Received BWC footage.





03/14/2018

Inv. Carpenter is unable to access this work summary in the database. Worked with Eric Ho to grant her access. She will then add her work summary entries, which she has been tracking in a separate document.

[REDACTED]

**3/14/18:** Reviewed SFPD website and printed and downloaded videos presented at the Town Hall Meeting.

*Carpenter*

03/15/2018 Phone Call

Spoke with [REDACTED] of the Consulate General of Mexico regarding Consul General Gemi Jose Gonzalez Lopez's letter of March 9, 2018. Confirmed that their office is already in communication with Director Henderson.

[REDACTED]

**3/15/18:** Received an email from Witness [REDACTED], He stated that he did not witness the shooting, b/c guns were [REDACTED]. He stated that he moved from the window. He stated the officers acted professionally and gave the suspect plenty of time to get out of the trunk.

*Carpenter*

**3/18/18:** Updated CWS.

*Carpenter*

**3/20/18:** Reviewed and printed a news article identifying the officers that fired their weapon at Mr. Delgado.

USPS returned two undelivered witness letters to DPA. The addresses were [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Prepared table of contents and organized the binder.

Inv Stonecipher and I visited [REDACTED] to interview Witness [REDACTED], but went to wrong address.

Received 2<sup>nd</sup> set of BWC footage. Downloaded 1<sup>st</sup> and 2<sup>nd</sup> set of BWC footage and placed in recordings folder.

*Carpenter*

**3/21/18:** Emailed Witness [REDACTED] to reschedule the interview.

Updated OIS Involved Parties Spreadsheet.

Rescheduled interview with [REDACTED]. Interview scheduled for 3/22/18 at 6pm at [REDACTED].

Prepared witness questions.

Contacted Witness [REDACTED] and obtained a recorded statement.

*Cardace Caperstone*

**3/22/18:** Rena, SFPD Legal, called and informed me that the Supervisory Use of Force Evaluation form was not on the routine request form, therefore it is a non-routine request. She requested that I send a non-routine request for the document.

Faxed a request to SFPD Legal the Supervisory Use of Force Evaluation form.

Received Mugshots from ID Bureau.

Mailed witness letters to [REDACTED].

Inv Stonecipher and I visited [REDACTED] to interview [REDACTED]. After the interview we took pictures of the crime scene from [REDACTED] vantage point.

**Description of [REDACTED]**

It is a [REDACTED] [REDACTED] is on the [REDACTED] floor and [REDACTED] is located on the [REDACTED] floor. With no obstructions, the living room and kitchen windows overlook the [REDACTED] building, parking lot, sidewalk, and street.

*Cardace Caperstone*

03/22/2018

Called [REDACTED] @ 3:29 p.m. Not able to leave a voicemail.

Called [REDACTED] @ 3:32 p.m. Got voicemail. Left a message.

Called [REDACTED] @ 3:34 p.m. Got voicemail. Left a message.

*M.A. [REDACTED]*

03/23/2018

Emailed DD Baltazar regarding viewing the vehicle that was involved in the incident.

Updated the involved parties spreadsheet with the names of the shooting officers.

*M.A. [REDACTED]*

**3/26/16:** Received 3<sup>rd</sup> set of BWC footage, dated 3/23/18. Downloaded and placed in recordings folder.

Emailed Inv Calderon and requested her assistance in interviewing the victim of the robbery.

Received a copy of the Return to Duty Panel Memo from DD Baltazar.

Amended AF. Named officers involved in the OIS and forwarded to admin.



**3/28/18:** Received an email from Inv Calderon. She stated that she interviewed [REDACTED] and downloaded the recording to the recordings folder.



04/02/2018

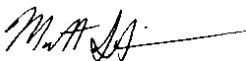
Called [REDACTED]. Wrong number.

Spoke with [REDACTED] at 2:34 p.m. [REDACTED] stated that her roommate [REDACTED] heard gun shots and then went outside to see what happened. She said that SFPD yelled at him to go back inside his apartment which he did. [REDACTED] stated that she did not have a phone number for [REDACTED] and that he moved out recently. She said that she would send him a message on Facebook and would have him give us a call. She also stated that earlier she passed along a business card provided by a DPA investigator to [REDACTED]

Spoke with [REDACTED] at around 3:00 p.m. [REDACTED] stated that she was inside when the shooting happened and did not see the incident. She stated that she was corresponding with a person on twitter that goes by [REDACTED] who said that he witnessed the incident.

Looked at [REDACTED] twitter page. There is a link to a personal webpage [REDACTED]. His contact email is listed on the webpage: [REDACTED] Sent a contact email.

Was contacted by [REDACTED] at around 3:30 p.m. Conducted an interview over the phone. Summary to follow.



**4/3/18:** Dated 3/27/18, SFPD mailed the booked evidence in IR, Use of Force Log, Crime Scene Log, Training records of OIS involved members, and supervisory use of force evaluation.

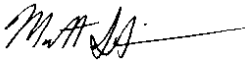


**4/9/18:** Inv Stonecipher forwarded me an email from SFPD Legal. SFPD Legal sent a link for 12 BWC videos. Downloaded recordings and placed in recordings folder.



04/10/2018

Updated involved parties spreadsheet.



04/11/2018 Status Meeting

Case status meeting with Inv. Stonecipher and Inv. Carpenter. Discussed the division of tasks, projected interview dates, and intake review preparation. Inv. Carpenter will update the intake review plan in the intake review section above.



**4/11/18:** Amended the CWS. Added the fieldwork notes from investigators that conducted fieldwork. See 3/9/18 notes.

Requested assistance scanning requested documents. DD Baltazar approved the request.

Spoke to Inv Calderon. We discussed Mr.  interview. She stated that Mr.  told her the following:

- The suspect spoke to him in Spanish.
- The suspect pressed the gun against his stomach
- He saw and felt the gun
- The suspect said, "Give me your money...No, give me all of it."
- A witness flagged down an officer passing by and told the officers that the suspect had a gun
- He spoke to a Spanish speaking officer at the scene
- He was 10-12 feet from the incident
- He heard all the commands given to the suspect
- He was taken to the station after the OIS and gave statements to SFPD and the DA's Office.

Updated the binder.

Updated the document request and tracking form.

Reviewed the UOF Log, CAD, IR, and Supervisory UOF Evaluation. Updated the involved parties spreadsheet.



**4/12/18:** MaryAnn scanned evidence that was mailed to DPA by SFPD Legal and uploaded it to s:/ drive.

 called and left a message regarding the shooting.



**4/13/18:** Called [REDACTED], but there was no answer or voicemail.

*Cardace Casper*

**4/18/18:** Reviewed file. Updated the planning meeting notes, investigative analysis, and initial allegation.

*Cardace Casper*

04/19/2018

Met with members of the Mexican Consulate, [REDACTED] and members of Jesus Adolfo Delgado's family at 11:30 a.m. Present at the meeting was Director Paul Henderson, Chief of Staff Sarah Hawkins, DD Erick Baltazar, DPA Attorney Tinneta Thompson, and Senior Inv. Sara Maunder.

The family stated that they are looking for answers on why their son was shot and felt that they've been going around in circles after meeting with Chief Scott and George Gascon. The family also stated that there were multiple issues with the case they felt should be looked into:

- Discrepancies with SFPD's statements: According to the family, SFPD says that officers were flagged down at 20<sup>th</sup> and Capp. The family states that Adolfo can be seen running in the video from 21<sup>st</sup> street.
- The family stated that there were witnesses/bystanders that were nearby during the shooting and were never taken to a safe area
- SFPD stated in their incident report that it was a traffic stop which was contrary to what happened.
- The family felt based off of the BWC footage that Adolfo was being given mixed commands from various officers on scene. The family stated officers can be heard yelling, "show me your hands" and then yelling, "stop moving". The family felt that Adolfo was confused by this.
- The use of the ERIW [bean bag round] when the situation was at a standstill.
- There was not a certified translator on scene. The family brought this up after Adolfo's sister mentioned that Adolfo spoke, "perfect English".
- The phrase, "put the gun down" was never used.
- The driver can be heard yelling, "we didn't do anything!" in the body worn camera footage.
- Based off the body cam footage that has been released, the family there was no one in charge on scene.
- Adolfo was hit with a bean bag when he was, "already complying"
- Chief Scott told the family that the officers involved in the shooting are already back on duty which upset them.

The family also wanted to know how many bullets were fired from Adolfo's gun. The family and representatives were provided with DPA brochures and left at around 1:20 p.m.

*M.A. J.*

**4/26/18:** Received CAD audio and CAD.

*Cardace Casper*

05/10/2018



Received another set of body worn camera footage from SFPD Legal. It appears to be a duplicate.

*M.A. JJ.*

06/18/2018

Received 14 more BWC videos from SFPD Legal. Files saved to the P and S Drive folders.

*M.A. JJ.*

**6/18/18:** Faxed a follow up request to SFPD Legal regarding documents from the OIS tracking form.

Inv Stonecipher coordinated and managed the summarizing of the BWC videos. Intern [REDACTED] was assigned to summarize the 48 BWC videos. The summaries are saved in the recordings folder labeled "For [REDACTED]".

*Caroline Carpenter*

**7/12/18:** Received OIS documents from SFPD Legal:

- Received Range Training, OIS/Return to Duty for Officers Carroll #987, Nagai #2017, Chiu #1306, Ishida #2035, Tupper #4115, Smets #253, O'Rourke #2214, Gustilo #1469, Smith-Russack #4132, and Cassinelli #1104
- Return to Duty PowerPoint presentation
- Chronological Record of Investigation, prepared by IAD Sergeant Pilar Torres #597
- Chronological Record of Investigation, prepared by Homicide Sergeant Martin Bandvik #479
- Mugshots and Criminal History of the 3 involved subjects
- Cal Photo of [REDACTED]
- Evidence and Biological Specimen Release Record, Office the Chief Medical Examiner
- Notes taken during officer interviews, prepared by Homicide.
- Crime Lab Examination Request for Jesus Delagado-Duarte, prepared by Homicide
- Gunshot residue Data Sheet for [REDACTED], requested by Homicide
- Crime Scene Report
- IAD audio interviews (CD) and transcriptions

*Caroline Carpenter*

07/24/2018 Case Review

Most document requests are complete. Inv. Carpenter is planning the following next steps:

- Schedule the interviews to take place during August
- Review the body-worn camera summaries completed by Marcus
- Request the medical examiner records.
- Prepare an IIB records request per the new MOU.

[REDACTED]

**8/7/18:** Reviewed BWC summaries.

*Carla Caputo*

**8/22/18:** Called and spoke to Rena, SFPD Legal, and followed up with DPA's request for the Medical Examiner's Report. She stated that the Medical Examiner's Report was NYA on 7/6/18, but it could be available now.

Faxed a follow up request to SFPD Legal for NYA documents.

- Crime Scene Report
- Crime Scene Photos
- Videos SFPD made or obtained
- Evidence Inventory & Processing
- Report Laboratory Exam Request
- Homicide: Chronology of OIS investigation
- Homicide: Investigative Conclusion Report
- IAD: Investigator's interview notes
- IAD: Investigative conclusion report
- District Attorney's Letter of Evaluation of OIS
- Medical Examiner Register
- ME Investigator's Report
- ME: Autopsy Report
- ME: Toxicology Report
- ME: Wound Trajectory Diagram
- ME: Investigator Notes
- ME: Photos
- ATF Firearm Worksheet
- Firearm Info Report
- Ballistics and Firearm Report
- Gunshot Residue Analysis Report
- Total Station Reports and Analysis
- San Francisco Field Arrest Card
- Material presented to Firearm Discharge Review Board
- FDRF's findings and recommendations

Scanned OIS documents received on 7/12/18 to the evidence folder.

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- Gunshot residue Data Sheet for [REDACTED], requested by Homicide
- Crime Scene Report
- IAD audio interviews transcriptions

Scanned CAD and DPA-SFPD Document Request and Tracking for OIS cases (dated 7/6/18) to the evidence folder.

Downloaded IAD audio interviews to the recordings folder.

Placed BWC summaries in the evidence folder.

Organized the OIS Binder.

*Carla Carpenter*

**8/29/18:** Meet with SI Maunder and Atty Thompson and formulated questions for the 1<sup>st</sup> round of officer interviews.

*Carla Carpenter*

**9/4/18:** Sent NTAs to Officers Banegas (9/10/18 at 3:30p), Roman (9/10/18 at 7p), Santana (9/14/18 at 3:30p, ERIW), and Bohannon (9/14/18 at 5:30p, injured)

*Carla Carpenter*

09/07/2018

Spoke with Attorney Don Nobles [REDACTED] in Inv. Carpenter's absence. He is representing witness Officer Milen Banegas. He requested a rescheduling of her interview for Friday, September 14<sup>th</sup> because he is unavailable on September 10<sup>th</sup>. He understands that Officer Banegas is not entitled to representation during her witness interview and explained that he only plans to standby outside the interview room. Confirmed with Inv. Carpenter by phone that she is willing to transfer the interview to September 14<sup>th</sup>. Sent an email to Officer Banegas and Inv. Carpenter confirming that the interview is rescheduled for Friday, September 14, 2018 at 1:30 p.m.

[REDACTED]

**9/10/18:** Received an email from Officer Roman requesting to reschedule the DPA interview. He cc'd his POA rep, Officer Connell. He provided dates for the interview 9/17, 9/18, 9/24, 9/25, and 9/26.

Emailed Officer Roman and rescheduled the DPA interview for 9/17/18 at 5am.

*Carla Carpenter*

**9/11/18:** Officer Clark called DPA on Officer Santana's behalf. Officer Clark requested to reschedule Officer Santana's interview to 9/20/18 at 3:30pm.

Emailed Officer Santana regarding the rescheduled date and time for his interview. Officer Santana confirmed receipt of email and interview date.

Atty Nobles called and requested to reschedule Officer Bohannon's to 3:30p, so that it is closer to Officer Banegas' interview. Officer Bohannon's interview time was changed to 3:30pm.



**9/13/18:** Prepared for interviews. Drafted questions.

Received an email from Officer Roman requesting to reschedule his DPA interview, because the POA has a representative assigned to this incident.



**9/14/18:** Emailed Officer Roman and requested that he contact me.

Discussed Officer Banegas' BWC with Inv Calderon. There was a concern regarding the Spanish interpretation Officer Banegas used to warn the decedent about the ERIW shot. Officer Banegas used the Spanish term "balazos" which means "to shot". Met w/ COS Hawkins, Atty Thompson and Inv Calderon re: Officer Banegas' BWC. It was determined that Officer Banegas would still be interviewed as a witness officer.

Interviewed Officers Banegas and Bohannon.

Contacted Kevin Martin, POA, to determine if Officer Roman's request was reasonable.

Emailed DD Baltazar requested instruction on how to obtain an updated SFPD language proficiency report.



**9/17/18:** Emailed Officer Roman and cc'd Mr. Martin, POA, and Atty Nobles the rescheduled date and time for Officer Roman's interview. Officer Roman's interview is scheduled for 9/25/18 at 5am.

Called Rena, SFPD Legal, regarding follow up document request.

Reviewed BWC.

Prepared transcription quote request for BWC for Officers Banegas, Tupper, Cassinelli, and Sergeant Perez, as well as interviews for Witnesses [REDACTED] and Officers Banegas and Bohannon.



**9/18/18:** Prepared interview questions for Officer Santana's interview.

Received interview confirmation from Officer Roman.

*Cardace Carpenter*

**9/19/18:** Discussed the transcription quote with DD Baltazar. DD Baltazar approved the transcription quote.

Called and spoke to Stephanie, Wordjet regarding the transcription quote.

Prepared and submitted audio files to Wordjet for transcription.

Received documents from SFPD Legal

- Crime scene diagram
- Video SFPD made or obtained
- Evidence inventory & processing
- Homicide video/audio of OIS interviews
- Firearm information

Discussed case w/ Inv Stonecipher.

*Cardace Carpenter*

09/19/2018 Case Review with Inv. Carpenter

One officer interview is tomorrow. Inv. Stonecipher will assist with contacting the witnesses and interviewing the involved officers.



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## FINDINGS RECOMMENDATIONS

[Your analysis and closure recommendations go here.]

Submitted for closure review: [00/00/0000]

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## REVIEW

[Supervisor analysis and closure recommendations go here.]

**9/20/18:** Scanned documents received by SFPD Legal.

Prepared for Officer Santana's interview.

Received a call from Officer Clark, Officer Santana's POA rep. Officer Santana requested to reschedule his DPA interview, because he was out on bereavement leave.

*Cardace Carpenter*



**9/24/18:** Received, printed and saved the following transcriptions, dated 9/23/18.

- Witness [REDACTED]
- Witness [REDACTED]
- Witness Officer Banegas
- Witness Officer Bohannon
- BWC audio Sergeant Perez
- BWC audio Officer Cassinelli

Inv Stonecipher and I discussed the case and reviewed Officer Gustilo's BWC. The timestamp for the muzzle flash from Mr. Duarte's gun is 4:01.

Discussed video forensics with ASI Gray. She provided the contact information for the forensics analyst she used for a DPA case.

*Cardace Casper*

**9/25/18:** Interviewed Officer Roman.

*Cardace Casper*

**9/26/18:** Received involved officers' training records from SFPD Legal.

Emailed Officer Santana and rescheduled his DPA interview for 9/27/18 at 5p.

Reviewed evidence.

Reviewed interview questions and made amendments.

DD Baltazar forwarded my request for an updated SFPD language proficiency report to Atty Marion. Received an email from Atty Marion stating she forwarded the request to the new SFPD language liaison Officer Paramjit Kaur for an updated list of certified bilingual and non-certified bilingual officers

*Cardace Casper*

**9/27/18:** Reviewed interview questions, attachments, and evidence.

Interviewed Officer Santana.

*Cardace Casper*

**10/22/18:** Prepared table of officers.

*Cardace Casper*

**10/23/18:** Downloaded Homicide interviews, scene photos, etc to p drive.

*Carla Carpenter*

11/29/2018

Transferred files from discs provided by SFPD to flash drive that will be submitted with the 270 day letter. Forwarded discs and flash drive to Senior Inv. Carpenter.

*M.A. J.*

**11/30/18:** Reviewed and signed 270-day letter. Letter to M. McCormick to mail the letter.

*C. Baltzer*

**12/24/18:** Mailed Medical Examiner Report request to the ME's Office.

*Carla Carpenter*

**1/2/19:** Received and reviewed Medical Examiner's Report.

*Carla Carpenter*

**1/4/19:** Emailed Atty Thompson regarding next steps in the case. Scheduled the meeting for 1/10/19 at 10am.

### **Preliminary Analysis**

**Allegations 1-9: Unnecessary Force (U)** - The officers used excessive force.

SFPD responded to a fresh pursuit of a robbery suspect with a gun. There was a standoff that resulted in an officer involved shooting.

BWC footage and security camera footage shows that the decedent simultaneous lifting himself out of the trunk and fired a shot at officers. As a result, officers returned fire.

The Medical Examiner Report shows that Mr. Delgado's cause of death was "multiple gunshot wounds."

**Rule:** DGO 5.01

**Recommendation:** Unknown. Pending Q2 interviews and CSO interviews.

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cardice Carpenter

**1/7/19:** Received a letter from SFPD Legal responsive to my document request for NYA documents. The letter stated that NYA items are still not available yet.

Emailed SFPD Legal and requested another copy of the gunshot residue report and ballistics and firearms report.

Cardace Cooper

Reviewed and summarized Officer Banegas' DPA interview transcripts.

- [REDACTED]
- Certified with DHR as Spanish proficient between 2007-2008
- DHR Spanish proficiency test was verbal not written
- DHR Spanish proficiency test was based on a law enforcement scenario. Choose from 1 out of 3 scenarios
- To her knowledge, there is no re-certification
- As a bilingual Spanish officer, she assists colleagues in conducting interpretation for witnesses, citizens, victims, suspects, etc
- Conducted Spanish interpretation daily
- [REDACTED] learned Spanish before English, [REDACTED]
- Speaks Spanish daily with mother.
- Has not received training in translation or interpretation.

- She did not pull out her gun because multiple officers' guns were drawn and she was confident in their abilities.
- To her knowledge there was no Spanish translation for beanbag or ERIW
- The decedent became angry after the ERIW shot hit him.
- Saw Sgt Caldera standing at the trunk of the primary patrol car during the shooting.
- Couldn't tell who fired shots first. Saw flashes and heard someone say the decedent had a gun. Saw something in the decedent's hand but couldn't tell if it was a gun.
- BWC 1:22 tell decedent to show hands or they would throw bullets (transcript p. 30, line 25)
- Translated "Echar" as "to throw or toss", because the it was a beanbag and not a bullet. It was the word she could think of at the time. (transcript p. 34, line 4)
- Translated "Balazos" as "bullets"
- Never provided interpretation in that type of incident before.

Emailed quote request to Wordjet for Officers Santana and Roman's interviews.

Transcription request approved by DD Baltazar.

*Cardene Capesita*

**1/16/19:** Sent Officers Santana and Roman's recordings to Wordjet.

[REDACTED]

*Cardene Capesita*

**1/17/19:** [REDACTED]

*Cardene Capesita*

**1/18/19:** [REDACTED]

*Cardene Capesita*

[REDACTED]

[REDACTED]

[REDACTED]

*Cardene Capesita*



**1/23/19:** Contacted the Medical Examiner's Office and requested copies of Mr. Delgado's autopsy photos.

Cardice Carpenter

[illegible]

Cardice Caputo

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Cardace Carpenter

\_\_\_\_\_

\_\_\_\_\_

■ [REDACTED]  
■ [REDACTED]

*Cordell Carpenter*

**2/5/19:** Discussed the case with Atty Thompson.

*Cordell Carpenter*

**2/6/19:** Discussed the case with DD Baltazar.

■ [REDACTED]  
■ [REDACTED]

*Cordell Carpenter*

[REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

*Cordell Carpenter*

[REDACTED]

*C. Baltazar*

[REDACTED]

■ [REDACTED]  
[REDACTED]

- Assigned Inv Schultheis to create and organize OIS binders.
  - OIS binders are in Inv Schultheis' cubicle.

*Cordell Carpenter*

**2/21/19:** Discussed the OIS binders with Inv Schultheis.

*Cordell Carpenter*

**2/25/19:** Received an email from Atty Thompson regarding scheduling a case review.

*Cordell Carpenter*

**3/4/19:** Received confirmation from Atty Thompson regarding case review. Case review scheduled for 3/13/19 at 2pm. COS Hawkins and Inv Stonecipher were also sent invites to the case review.

*Cordell Carpenter*

**3/11/19: Receipt of Documents**

- Received a letter from SFPD Legal regarding a document request for NYA documents.
- Ballistics and Firearm Report were not done in this case.
- Gunshot Residue Analysis Report is NYA.
- Received:
  - ME Register
  - ME: Investigator's Report
  - ME: Toxicology Report
- The updated Document Request Tracking form was missing
- Emailed Rena, SFPD Legal, and informed her that I did not receive a copy of the updated document request tracking form.
- Reviewed documents and scanned to evidence folder.

**3/13/19: Case Review with Chief of Staff Hawkins**

- Atty Thompson and Inv Stonecipher were also present.
- [REDACTED]
- Interview CSI
- Schedule Q2 interviews by end of March

Emailed COS Hawkins.



[REDACTED]

3/15/18

[REDACTED]

**3/21/19: Drafted NTAs.****Interviews scheduled for:**

- April 3, 2019

- Officer Chiu at 11:30am
- Officer Ortiz (CSI) at 2:30pm
- Officer Smith-Russack at 5:30pm
- April 4, 2019
  - Officer O'Rourke at 7pm
  - Officer Ishida at 9pm
- April 8, 2019
  - Officer Gustilo at 11am
  - Officer Carroll at 2:30pm
- April 9, 2019
  - Officer Cassinelli at 7pm
  - Officer Tupper at 9pm
- April 12, 2019
  - Officer Smets at 3:30pm
  - Officer Nagai at 5:30pm

**3/22/19: Sent NTAs.**

- Reserved the conference room.
- Sent interview invites to Atty Thompson and Inv Stonecipher.
- Sent NTAs through SharePoint.



**3/25/19:** Received a call from Mission Station Subpoena Officer Trapesi stating that Officer O'Rourke was not served because he was re-assigned to Park Station.

Checked SharePoint regarding the status of the NTAs.

- Officer's not served
  - Chiu (Co A)
  - Ortiz (CSI)
  - Tupper (Co B)
  - Gustilo (CED)
  - Carroll (CED)
- Officer served
  - Nagai (Co D)
  - Cassinelli (Co D)
  - Ishida (Co D)
  - Smith-Russack (Co J)
  - Smets (Co C)

Discussed NTA attachments with Atty Rosenstein.

Amended all NTAs that were not served to officers. Per 3304(g) DPA is not required to provide copies of the IAD or homicide to officers in preparation for their first DPA interview.

Emailed all the officers that were served and informed them that I would not email them a copy of their homicide interview.

*Cardace Capers*

### **3/28/19: Officer Interview Updates**

- Amended and re-sent Officer O'Rourke's NTA.
- Checked Sharepoint.
  - The following officers confirmed service:
    - Officer Colby Smets #253
    - Officer Ari Smith-Russack #4132
    - Officer Stephen Cassinelli #1104
  - The followings officers are unconfirmed:
    - Officer John Ishida #2035
    - Officer Nicholas Nagai #2017
    - Officer Corby Carroll #987
    - Officer Juan Gustilo #1469
    - Officer Ray Ortiz #4189
  - The following officer was not served:
    - Officer Loren Chiu #1306

### **Investigation Update**

Discussed case with Inv Stonecipher.

- Audit document requests to SFPD Legal
- Obtain ME photos.
- Follow up with witnesses.
- Schedule interviews for Lt Bana and Sgt Perez.
- [REDACTED]
- Summarizing reports.

Discussed case with Atty Thompson.

- Schedule interviews for Lt Bana and Sgt Perez.
- CSI questions.
- Officer interview questions.
- SWAT SME re: tactics.

Summarized CSI Reports. Saved to CSI evidence subfolder.

*Cardace Capers*



**3/30/19 - 4/2/19:** Prepared for officer interviews

- Reviewed CSI report, ME report, Return to Duty, IAD transcripts.
- Drafted interview questions.
- Emailed interview questions to Atty Thompson and Inv Stonecipher for review.

**4/3/19: Officer Interviews**

Received a call from POA Atty Nobles requesting to reschedule Officer Smith-Russack's interview and to discuss obtaining copies of previous interview recordings and transcripts, dated 4/1/19.

Checked SharePoint.

- Officers Chiu and Ortiz are unconfirmed. Both officers were served by Subpoena Officer Bright.
- Officer Ishida was served but is unconfirmed.

Checked HRMS.

- Officer Chiu was on vacation from 3/27/19 – 3/30/19, worked 3/31/19 – 4/1/19, and is on vacation from 4/2/19 – 4/8/19. He was served on 3/28/19.
- Officer Ortiz is scheduled to work today.
- Officer Ishida is scheduled to work today and tomorrow. His interview is scheduled for 4/4/19. He has not responded to my email regarding rescheduling the time of the interview.

Emailed the updates to Atty Thompson and Inv Stonecipher.

Sent NTA to Officer Sean O'Rourke #2214. His interview is scheduled for 4/17/19 at 1pm.

Spoke to POA Attorney Nobles

- Q2 Smith-Russack's interview is rescheduled for 4/10/19 at 5pm.
- Q2 O'Rourke's interview is rescheduled for 4/30/19 at 12:30pm

Spoke to Officer Nagai. He requested to reschedule his DPA interview. He will be on vacation.

**Investigation Update**

- Received an email from Inv Stonecipher with a list of outstanding documents from SFPD Legal.
- Received an email from Inv Stonecipher regarding the civil case filed by Mr. Delgado's parents. Case # 19-CV-01339-SK. Copy in file and saved to evidence folder, subfolder civil litigation.

**4/4/19: Officer Interview**

- Officer Ishida has not responded to DPA's email and he was not confirmed his interview on Sharepoint. Cancelled Officer Ishida's night interview.
- Atty Thompson received an email from Officer Ishida's POA Attorney, Tony Brass. Officer Ishida's interview will be rescheduled.
- Prepped for Officers Gustilo and Carroll's interview.



#### 4/8/19 Officer Interviews

- SI Carpenter and Atty Thompson interviewed Officer Gustilo. Attorney Don Nobles represented Officer Gustilo.
  - He and his partner Officer Chiu were the first backup unit to arrive at the scene.
  - He was fixated on Mr. Duarte in the trunk.
  - He was near Officer Carroll.
  - He fired his weapon after he saw Mr. Duarte raise his handgun and point it at officers.
  - He has attended CIT or AO training.
  -
- SI Carpenter and Atty Thompson interviewed Officer Carroll. Attorney Don Nobles represented Officer Carroll.
  - He and Officer Smets were part of the arrest team that took [REDACTED] into custody.
  - He saw [REDACTED] in the backseat prior to the OIS and notified Officer Cassinelli.
  - He heard the Red Light notification for the ERIW and repeated it.
  - He was positioned in front of his patrol vehicle to the left of the #1 car, with no cover or concealment. He did not plan on using his firearm. He planned on being part of the arrest team that took Mr. Duarte into custody.
  - He saw a muzzle flash and fired his weapon at Mr. Duarte's center mass.
  - He attended paramedic school for a 1 year. He performed lifesaving measures on Mr. Duarte before the paramedics arrived at the scene and told him to stop.
  - He attended CIT and AO training
  - Prior to the incident, he could not recall how he was trained to fire his weapon before accessing the threat. He believed it was 3 or 4 shots and access. He was recently training 2 shots and access.

*Caroline Carpenter*

04/09/19

Called Medical Examiner's office at around 1:20 p.m. Forwarded to Nina's voicemail. Left a message.

*M.A. J.*

#### Officer Interviews

- Printed DGO 5.02. This DGO was rescinded 12/21/16.
- Reviewed and printed sections of the Field Training Manual re: Firearm Use, Cover vs Concealment, Tactical Communication, and Hostage and Barricaded Subjects.
- Amended Officers Tupper and Cassinelli's interview questions.
- SI Carpenter and Atty Thompson interviewed CSI Officer Ortiz as a witness officer.
- SI Carpenter and Atty Thompson interviewed Officer Tupper. Attorney Don Nobles represented Officer Tupper.
  - He and Officer Cassinelli were flagged down and conducted the felony stop.
  - He was the passenger.

- A victim of a robbery ran to his window and yelled “pistola” and pointed toward a man running to a vehicle and jumping in the vehicle’s trunk.
  - Officer Cassinelli affected his lights and siren and stopped the vehicle.
  - Officer Cassinelli used the radio.
  - He did not use his radio.
  - He removed the rifle from the patrol vehicle, exited the vehicle, and pointed his rifle at Mr. Duarte.
  - The only commands he gave were, “let me see your hands” and “stop reaching.”
  - He has not attended CIT or AO training.
- SI Carpenter and Atty Thompson interviewed Officer Cassinelli. Tony Brass represented Officer Cassinelli.
    - He was the driver.
    - He was the senior officer between he and Officer Tupper.
    - He gave radio notification and commands to [REDACTED] and Mr. Duarte.
    - He did not recall Officer Carroll informing him that [REDACTED] was in the backseat of the vehicle until after he reviewed his BWC.
    - He requested a Spanish speaker officer take over the commands after Mr. Duarte was non-complaint.
    - He did not give anymore commands after Officer Banegas took the over the commands. He did not know what Officer Banegas said in Spanish to Mr. Duarte.
    - He repeated the Red Light notification for the ERIW. He did not know where Officer Santana was when he fired the ERIW.



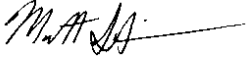
#### 4/10/19: Officer Interviews

- Spoke to Atty Nobles. Officer Smith-Russack’s interview is pushed up to 2:30pm. Requested that Inv Stonecipher be present during the interview for training purposes.
- SI Carpenter and Atty Thompson interviewed Officer Russack. Inv Stonecipher was present during the interview. Don Nobles represented Officer Smith-Russack.
  - He was partnered with Officer Carroll.
  - He arrived at the scene with Officers Carroll and Smets. He was the passenger.
  - He exited the patrol vehicle, deployed his rifle, and used a red trunk as cover.
  - After Officer Carroll and Smets took [REDACTED] into custody, Officer Carroll asked him to check for other passengers in the suspect vehicle.
  - He informed Officer Carroll that he she a female frame in the backseat of the vehicle.
  - He did not broadcast that information on the radio.
  - He saw a muzzle flash and heard two gunshots before firing his rifle.
  - He did not know how many rounds he fired.
  - He stopped firing when he saw Mr. Duarte’s body was limp.
  - After the shooting he saw that a round entered a garage. He and Officer Winkoop contacted residents of the garage and were given consent to enter to search for potential victims in the garage.
  - The garage was clear.



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Received gunshot trajectory diagram and investigator notes from the Medical Examiner. Saved documents in the evidence folder.

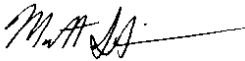
**4/11/19: Transcription Request**

- Prepared and emailed transcription quote for Officers Gustilo, Carroll, Ortiz, Tupper, Cassinelli, and Smith-Russack.
- Received approval from DD Baltazar.
- Uploaded the recordings to Wordjet.



04/15/19

Received autopsy photos from the medical examiner's office. Photos saved in the evidence folder.



04/16/19

Weapon used in the alleged robbery identified from the crime scene photos. The weapon was a Taurus Millennium PT111 9mm handgun.



[https://www.budsgunshop.com/catalog/product\\_info.php/products\\_id/13493](https://www.budsgunshop.com/catalog/product_info.php/products_id/13493)

*M.A. [Signature]*

#### 4/22/19 -4/24/19 Transcription Update

- Received interview transcripts for Officers Carroll, Gustillo, Ortiz, Smith-Russack, and Tupper.
- Transcripts saved in evidence folder, subfolder DPA Transcripts.

*Carroll Carpenter*

#### 4/25/19: Officer Interview Update

- Prepared for Officer Chiu's interview. His attorney Tony Brass
- Officer Chiu's interview was rescheduled. TBA

#### 4/29/19: Officer Interview Update

- Prepared for Officer Smet's interview. His attorney is Tony Brass.
- Officer Smets interview was rescheduled. TBA.

*Carroll Carpenter*

#### 4/30/19: Officer Interview Update

- Prepared for Officer O'Rourke interview. His attorney is Don Nobles.
- Q2 O'Rourke interview rescheduled to May 23<sup>rd</sup> at 1pm.

*Carroll Carpenter*

**5/1/19: Officer Interview**

- Contacted Officer Nagai regarding rescheduling his interview. He is on Platoon schedule M: Monday, Tuesday off, every other weekend off. His attorney is Tony Brass.



05/02/19

Interviewed witness [REDACTED] at 10:00 a.m. Used Language Line for Spanish interpretation.

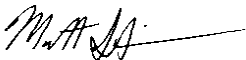
Summary of interview with [REDACTED]

- [REDACTED] at [REDACTED] on the [REDACTED] which is nearby where the incident happened.
- He observed the incident through his apartment window. He approximated that he was about [REDACTED]
- He stated that there were three people in the car. The police told them that they needed to get out with their hands up which they refused to do.
- The commands were "get out of the car with your hands up". The commands were given in English and Spanish. They also said "if he doesn't get out, they will shoot".
- [REDACTED] was able to understand the commands that were being said in Spanish perfectly.
- [REDACTED] stated that the person in the trunk was given commands for about 4 to 5 minutes before the shooting happened.
- After that, an officer shot one time at the car [bean bag round], then the person opened the trunk and shot at the officers.
- He stated that one of the bullets went into the door of the main entrance to his apartment. Another bullet hit [REDACTED]'s car as well.
- He met with an officer who provided him a case number.

After the recording, [REDACTED] mentioned that he was approached by the victim's family a day or two after the incident. They were wanting to know what happened and he informed them that their son fired at the police officers.

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Spoke with [REDACTED] over the phone (used Language Line for Spanish interpretation). [REDACTED] wanted to speak in person so we set up a time to meet, Monday May 6, 2019 at 1:00 p.m.

**5/2/19**

- Discussed case with Inv Stonecipher.

**Witness Follow Up Update**

- [REDACTED] after the OIS. He was not home at the time. The property manager was informed of the damage. (See Officer Kajasa's Statement) DPA and [REDACTED] played phone tag. [REDACTED] did not return DPA's phone call.



05/06/19

[REDACTED] was a no show for his interview.

*M.A. JJ.*

05/08/19

Reviewed case file. Cross referenced names on the witness spreadsheet.

*M.A. JJ.*

05/13/19

Mailed out contact letters to [REDACTED]  
[REDACTED]

*M.A. JJ.*

05/14/19

Spoke with [REDACTED] over the phone at 1:58 p.m. Set up time for phone interview. Interview time is May 20, 2019 at 1:00 p.m.

Called [REDACTED] at 2:25 p.m. Got voicemail. Left message.

Reviewed Off Frisk's BWC footage. Individual that had the shots go through his window was identified as Chris Cook who lives at [REDACTED] Drafted and mailed contact letter to [REDACTED].

*M.A. JJ.*

05/15/19

Conducted an interview over the phone with [REDACTED] at 9:15 a.m.

Summary of interview with [REDACTED]

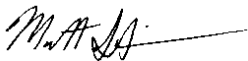
- [REDACTED] resides at [REDACTED]. On the day of the incident, she saw a lot of police lights so she walked into her front room that [REDACTED]. Her partner is [REDACTED].
- Through her window, she saw a car located [REDACTED] and saw multiple police cars and police men in a semi-circle around the car.
- She could not see into the trunk of the car.
- She heard officers giving commands to the individuals in the car in English and Spanish.
- She recalled hearing officers say, "get out of the car" and "we will shoot"
- The commands went on for seven minutes after an individual was removed from the car.
- Then she heard a lot of shooting from the police officers.



- [REDACTED] stated that she ducked when she heard the gunshots and during that point, she lost sight of the vehicle.
- She described it as she heard one gunshot then a lot of gunshots.
- [REDACTED] estimated that she was one building length away from the incident. She was [REDACTED] floor above the incident looking down on it.
- Her view was not obstructed when she was viewing the incident.
- [REDACTED] said that the incident took place at night and she was in a room that had the lights off so she felt she had a good view from her interior window.
- [REDACTED] said that there was a bullet hole in the right side of her house near the parking lot which she spoke to SFPD officers about.

#### Record Request

Submitted a non-routine request to SFPD Legal for the audio or video recordings of [REDACTED] interview.



#### **5/15/19 Officer Interview Update**

- Ran Personnel Schedule (PS) for Sergeant George Perez #739 and Lieutenant Ronald Banta #2251.
- [REDACTED] Copy saved to the evidence folder, subfolder Officer Interviews.
- Prepared and sent NTA to Sergeant Perez. His interview is scheduled for 5/29/19 at 7pm. He is a witness officer.



#### **5/17/19 Officer Interview Update**

- Received message from Sgt Perez requesting to reschedule his DPA interview scheduled for 5/29/19. He stated that he was scheduled off on 5/29/19 and will be in training and on vacation until June 17<sup>th</sup>. For the month of June, he will be available for his interview 7/17/19, 7/18/19, 7/19/18, or 7/20/19.
- Sent cancelled interview notification to Atty Thompson and DPA Calendar.



05/21/19

Conducted an interview over the phone with [REDACTED]

#### Summary of interview with [REDACTED]

- On the day of the incident, [REDACTED] was sitting in his living room at his residence located at [REDACTED].
- He heard some commotion outside so he went to this front door.
- He saw two men with their hands up and saw police telling them to get out of the street.
- [REDACTED] then looked north and saw a car pulled over and several police cars behind it.
- He heard officers giving the commands "show us your hands" in English and Spanish.
- [REDACTED] went back into his house, grabbed his cell phone, and began recording the incident.
- Within a minute of recording, [REDACTED] heard a single shot [bean bag round].



- 10 seconds later he heard another shot immediately followed up by a lot of shots. The police had opened fire on the vehicle.
- Later in the night police came by to do a wellness check and [REDACTED] informed them he took video of the incident and showed it to the officers.
- Later in the night early morning, [REDACTED] went to [REDACTED] and spoke with inspectors.
- [REDACTED] could not see into the trunk of the vehicle from where he was standing.
- [REDACTED] had an unobstructed view of the entire incident.
- The officers were standing in a semi-circle behind the suspect's vehicle.
- He could not tell if any of the officers were moving as they were shooting.
- [REDACTED] later saw body cam footage of the incident, "it appears that the fellow in the back of the car took a shot at the cops and they returned fire".

*M.A. J.*

### 5/23/19 Officer Interview

- Atty Thompson and I interviewed Officer Sean O'Rourke. Don Nobles, POA Attorney, represented Officer O'Rourke.
- Transferred interview recording to the recordings folder, subfolder DPA interviews.
- Emailed transcription quote request to Wordjet.
- Transcription quote approved by CI Baltazar

*Cardace Carpenter*

### 5/29/19 – 5/30/19

- Uploaded all audio video and photos to the recordings and evidence folder.
- Uploaded O'Rourke's interview to Wordjet for transcription.

*Cardace Carpenter*

### 6/10/19-6/14/19 Investigation Update

- Discussed next steps with Inv Stonecipher.
- Discussed next steps with Atty Thompson.
- Emailed POA Attorney Brass to schedule the remaining named officers' interview in June.
- [REDACTED]
- Emailed Sergeant Perez and provided a status update regarding his rescheduled interview.
- Updated OIS binders and scanned new evidence to the evidence folder.

*Cardace Carpenter*