

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/16 **DATE OF COMPLETION:** 04/21/17 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SUMMARY OF ALLEGATIONS #3-4: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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SUMMARY OF ALLEGATIONS #5-6 [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT: [REDACTED]

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force during the arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when the named officers arrested a man she was with and searched inside his waistband, he moved, and the officers thought he was trying to resist. She stated the named officers slammed the man to the street and punched him. She further stated that officers continued to beat the man after they transported him to the police station.

The detainee stated that after the officers searched him and told him they were taking him to the station, he tried to run from them. He stated that one of the officers jumped on his back, and then jumped in the back seat of the patrol car and began punching him. He also said that once he arrived at the station, the officers took him into a holding cell and strip-searched him, whereupon a packet of crack cocaine rocks fell onto the floor. He stated he thought the officers were trying to plant drugs on him, so he put them into his mouth to destroy the evidence. He stated that at this point he again attempted to run. He stated that the officers tackled him and tried to choke him, fracturing his elbow in the process.

One of the named officers said that when the detainee tried to run after being placed in handcuffs on the street, the man violently charged the officer and knocked him down. The officer stated that he managed to hold onto the detainee but was severely injured in the process. The named officers stated that any force used was limited to what was necessary to apprehend the detainee. Both of the named officers denied punching the detainee in the patrol car. The named officers both stated that when they brought the detainee to the holding cell and began strip-searching him, a packet of several crack rocks fell to the ground. They stated that the detainee then grabbed the crack and tried to put it in his mouth. They stated that officers from the station joined in the effort to get the crack away from the detainee's mouth, which they were eventually able to do. They stated that leaving the drugs in the detainee's mouth could have caused his death, either through asphyxiation or overdose. Both named officers denied choking the detainee or seeing any other officer do so.

A witness stated that he was handcuffed to a bench in the booking area of the station when he saw the detainee enter the holding cell with the named officers to undergo a search. The witness stated that after the officers thought the detainee had swallowed the crack cocaine, the three of them came out of the holding cell in a "tussle," which soon involved several other officers. The witness stated that he saw an officer choke the detainee. He gave the name of this officer but no one by that name was identified on the station roster.

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SUMMARY OF ALLEGATIONS #7-8 continued:

Surveillance video for the holding area shows the detainee being strip-searched. While one of the named officers is shaking out his clothes, a small white packet falls to the floor. Neither officer appears to notice the packet, and the detainee covers it with his right foot. He keeps his foot on top of the packet until he is un-cuffed to get dressed, at which time he lifts his foot from the packet. One of the named officers observes the packet, and a scuffle among the three men begins as the detainee lunges for the packet. The two named officers and the detainee exit the holding cell as they are struggling with one another. Multiple officers join to subdue the detainee and get the drugs away from him. No choking, kicking, punching, or compliance holds are visible on the video, in which the detainee is surrounded by uniformed officers.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish their police tasks.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO



Erick Baltazar
Deputy Director

May 3, 2017

[REDACTED]

RE: DPA Case No. 0188-16

Dear [REDACTED]:

The Department of Police Accountability has conducted an investigation of the above-referenced complaint. A summary follows of the DPA's **preliminary** findings as to each allegation:

[REDACTED]

[REDACTED]

[REDACTED]

The allegation of **Unnecessary Force** against police officers for using unnecessary force during the arrest is **Not Sustained**.

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The DPA strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Susan Gray** at (415) 241-7711 to discuss the preliminary findings and to re view the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

**Department of Police Accountability
ATTN: Investigative Hearing Coordinator
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102**

[REDACTED]
DPA Case No. 0188-16

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after DPA's investigation, including any investigative hearing, the DPA's investigation and findings as to sustained allegations shall be transmitted to the Chief of SFPD or the Chief's designee for review and action.

Sincerely,



Erick Baltazar
Deputy Director

EB:pcg
Attachment Enclosed

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO



Erick Baltazar
Deputy Director

May 3, 2017

Officer John Fergus #1943
Tenderloin Station

RE: DPA Case No. 0188-16

Dear Officer Fergus:

The Department of Police Accountability has conducted an investigation of the above-referenced complaint. A summary follows of the DPA's **preliminary** findings as to each allegation:

[REDACTED]

[REDACTED]

[REDACTED]

The allegation of **Unnecessary Force** for using unnecessary force during the arrest is
Not Sustained.

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The DPA strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Susan Gray** at **(415) 241-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

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Officer John Fergus #1943
DPA Case No. 0188-16

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Sincerely,



Erick Baltazar
Deputy Director

EB:pcg
Attachment Enclosed
cc:Commanding Officer

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO



Erick Baltazar
Deputy Director

May 3, 2017

Officer Mario Marino #2079
Tenderloin Station

RE: DPA Case No. 0188-16

Dear Officer Marino:

The Department of Police Accountability has conducted an investigation of the above-referenced complaint. A summary follows of the DPA's **preliminary** findings as to each allegation:

[REDACTED]

[REDACTED]

[REDACTED]

The allegation of **Unnecessary Force** for using unnecessary force during the arrest is
Not Sustained.

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The DPA strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Susan Gray** at (415) 241-7711, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

Department of Police Accountability
ATTN: Investigative Hearing Coordinator
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Officer Mario Marino #2079
DPA Case No. 0188-16

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Sincerely,



Erick Baltazar
Deputy Director

EB:pcg
Attachment Enclosed
cc:Commanding Officer

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/29/2016

DATE OF COMPLETION:

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SUMMARY OF ALLEGATIONS #1-2

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

SUMMARY OF ALLEGATIONS #3-4:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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[REDACTED]

SUMMARY OF ALLEGATIONS #5-6: [REDACTED]

CATEGORY OF CONDUCT:

[REDACTED]

FINDING:

[REDACTED]

DEPT. ACTION:

FINDINGS OF FACT:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/29/2016**DATE OF COMPLETION:****PAGE# 3 of 4****Officers John Fergus #1943 and Mario Marino #2079****SUMMARY OF ALLEGATIONS #7-8:** The officers used unnecessary force during the arrest.**CATEGORY OF CONDUCT:** UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when the named officers arrested a man she was with and searched inside his waistband, he moved, and the officers thought he was trying to resist. She stated the named officers slammed the man to the street and punched him. She further stated that officers continued to beat the man after they transported him to the police station.

The detainee stated that after the officers searched him and told him they were taking him to the station, he tried to run from them. He stated that one of the officers jumped on his back, and then jumped in the back seat of the patrol car and began punching him. He also said that once he arrived at the station, the officers took him into a holding cell and strip-searched him, whereupon a packet of crack cocaine rocks fell onto the floor. He stated he thought the officers were trying to plant drugs on him, so he put them into his mouth to destroy the evidence. He stated that at this point he again attempted to run. He stated that the officers tackled him and tried to choke him, fracturing his elbow in the process.

One of the named officers said that when the detainee tried to run after being placed in handcuffs on the street, the man violently charged the officer and knocked him down. The officer stated that he managed to hold onto the detainee but was severely injured in the process. The named officers stated that any force used was limited to what was necessary to apprehend the detainee. Both of the named officers denied punching the detainee in the patrol car. The named officers both stated that when they brought the detainee to the holding cell and began strip-searching him, a packet of several crack rocks fell to the ground. They stated that the detainee then grabbed the crack and tried to put it in his mouth. They stated that officers from the station joined in the effort to get the crack away from the detainee's mouth, which they were eventually able to do. They stated that leaving the drugs in the detainee's mouth could have caused his death, either through asphyxiation or overdose. Both named officers denied choking the detainee or seeing any other officer do so.

A witness stated that he was handcuffed to a bench in the booking area of the station when he saw the detainee enter the holding cell with the named officers to undergo a search. The witness stated that after the officers thought the detainee had swallowed the crack cocaine, the three of them came out of the holding cell in a "tussle," which soon involved several other officers. The witness stated that he saw an officer choke the detainee. He gave the name of this officer but no one by that name was identified on the station roster.

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Surveillance video for the holding area in the shows the detainee being strip-searched. While one of the named officers is shaking out his clothes, a small white packet falls to the floor. Neither officer appears to notice the packet, and the detainee covers it with his right foot. He keeps his foot on top of the packet until he is un-cuffed to get dressed, at which time he lifts his foot from the packet. One of the named officers observes the packet, and a scuffle among the three men begins as the detainee lunges for the packet. The two named officers and the detainee exit the holding cell as they are struggling with one another. Multiple officers join to subdue the detainee and get the drugs away from him. No choking, kicking, punching, or compliance holds are visible on the video, in which the detainee is surrounded by uniformed officers.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish their police tasks.

There was insufficient evidence to either prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
4/20/16	

--Received complaint via telephone and conducted digitally recorded interview with the complainant.

4/21/16

--Ran QALL, QIR, QPRL, QCA, QRAP

--Made Routine Request for Incident Report [REDACTED]

--Summary of digitally recorded interview with complainant [REDACTED]:

The complainant is calling on behalf of [REDACTED], who is in custody at SF County Jail in San Bruno. On 2/29/16 at around 10:30 PM, [REDACTED] was at the intersection of Ellis and Leavenworth with the complainant when two officers (Fergus #1943 and another officer who was a white male, bald, heavy set, about 6'2 and 220-230 lbs, no facial hair) drove up in a marked vehicle and detained [REDACTED] "because he was in a high-drug area and looked suspicious." The officers searched [REDACTED] (the complainant states this was an illegal search despite [REDACTED] being on parole). The [REDACTED]

[REDACTED] When the officer was performing the search inside [REDACTED] pants, [REDACTED] "moved a little" and the complainant says the officers may have thought he was trying to run away or resist. The officers slammed [REDACTED] into the ground and dragged him into the middle of the street. [REDACTED] face was on the concrete and the officer's knee was on his face while the officers were punching him. [REDACTED] was then placed into the same police car as the officers who had just assaulted him, which the complainant believes is improper. [REDACTED]

[REDACTED] that the officers continued to beat him when they got him to the station (along with three other officers). One of the officers sustained an injury during the arrest, but the complainant feels that the injury came from trying to beat up [REDACTED]. [REDACTED] elbow was broken and he had multiple bruises and scars from the arrest.

Allegations:

Allegation 1

UF: The officers used unnecessary force during the arrest. (John Fergus #1943 and ID Pending)

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INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
[REDACTED]	
--Drafted ACF and Narrative. Copy with 293 to Admin.	
[Signature]	
4/22/16	
--Received Incident Report [REDACTED]	
[Signature]	
4/28/16	
<u>Investigative Plan:</u>	
- Order Use of Force Log for Tenderloin Station for the period including 2/29/16;	
- Interview [REDACTED] at County Jail 5 in San Bruno;	
- Interview Officer John Fergus #1943 and Marino #2079;	
- Close case.	
--File to ASI Ball for Intake Review.	
[Signature]	
- Reviewed complaint, evidence. Concur with preliminary allegations and plan, with the following additions.	
[REDACTED]	
-- Review and summarize the incident report, listing the officers involved in the fights with the arrestee.	
-- Include the Station Keeper from the shift at the time of the arrest, and prepare to interview.	
-- Contact [REDACTED], [REDACTED] attempt to interview the witness.	
-- Contact the stationkeeper or a Lieutenant at TTF and see if there are cameras that captured the incident, and if they recorded or were saved, accessed after this incident.	

OFFICE OF CITIZEN COMPLAINTS
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NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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- Send Non-routine request for the video from the station.
- Find out what is at 441 Ellis and attempt to obtain any video from that location or any that would have vantage of arrest location.
- Make sure to ask [REDACTED] if he wishes to be a complainant, if so, add allegations as needed.
- Case to DD Baltazar for intake review of UF allegations.

J. Ball

04/28/16: [REDACTED]

C. Baltazar

5/2/16

--Made non-routine request for video from the holding cells at Tenderloin Station for 2/29/16 from 22:30 to 23:45.

--Conducted digitally recorded interview with [REDACTED].
Summary to follow.

5/3/16

--Summary of Incident Report [REDACTED]:

On 2/29/16, Officers Fergus #1943 and Marino #2079 were in uniform conducting narcotics surveillance in the area of Ellis and Leavenworth. They were in an elevated location using binoculars, and they observed [REDACTED] removing a clear plastic baggie containing white rocks from his rear waistband area. [REDACTED] concluded he was selling crack and approached him near [REDACTED]. They smelled a strong odor of marijuana coming from [REDACTED], and he told the officers he was on active CDC parole and wearing an ankle monitor. Officer Fergus placed [REDACTED] under arrest and conducted an arrest search on him, at which point he tried to break away and run. He dragged the officers into the street as they tried to prevent his escape. They advised dispatch of the incident and numerous Tenderloin units arrived on scene to assist. Sgt. Rodatos #4056 arrived and Ofc. Fergus advised him of the incident. At this point Fergus also located and removed a bag

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OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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of marijuana from [REDACTED] rear waistband. Officers Clifford #2338 and Pusung #890 transported [REDACTED] to Tenderloin Station. Once there, Fergus advised Sgt Rodatos of his use of force and a "small abrasion" that [REDACTED] suffered to his face and Rodatos made an entry into the Use of Force log. Fergus also advised Sgt Fong #1088 of the incident, and Sgt Fong authorized and signed a strip search form. Officers Marino and Fergus conducted a strip search on [REDACTED] as he remained handcuffed. When [REDACTED] handcuffs were removed so he could get dressed, a bag of crack cocaine fell to the ground. At this point [REDACTED] grabbed the bag of crack and put it in his mouth. Officer Redmond #1857, Sgt Dunne #1775, Ofc Clifford #2388, Ofc Pusung #890 entered the holding cell to assist Ofc Marino and Ofc Fergus with subduing [REDACTED]. Once [REDACTED] was handcuffed and placed in a hobble, he complained of pain to his left shoulder and was transported to SFGH by SFFD Medic #61.	
---	--

--Made Routine request for Use of Force Log for period including 2/29/16 from TTF.

--Summary of digitally recorded interview with [REDACTED]:

[REDACTED] stated that on 3/1/16 [not the date on the IR], Officers Fergus and Moreno emerged in uniform from an unmarked vehicle, came up to [REDACTED] on the street, and said he had drugs on him. [REDACTED] denied this and [REDACTED] but found no drugs on him. According to [REDACTED], the officer then placed [REDACTED] in handcuffs and searched in the rear of [REDACTED] pants, where he found some marijuana. [REDACTED] admits that when the officer said he was taking [REDACTED] to the station, he tried to run, and the officer "jumped on my back." Then the officer "jumped in the back seat of the patrol car" with [REDACTED] and was punching him. When they arrived at the station, [REDACTED] again tried to run away. Officers tackled him and in the process of immobilizing him, they broke his elbow. [REDACTED], another man (approx 50yo) who was being booked at the same time, witnessed the excessive force. [REDACTED] was on parole with a warrantless search condition at the time of this incident. He said that [REDACTED] where the arrest took place, is next to a hotel [Google maps reveals it is the [REDACTED]]. Once back at the station, the officers took [REDACTED] into a holding cell and strip searched him, whereupon a packet of crack cocaine rocks fell out onto the floor. (In an unrecorded part of the interview, after we went off the record, [REDACTED] stated that he thought the officers were trying to plant drugs on him so he put them into his mouth to try and destroy the evidence.) At this point he again attempted to run. [REDACTED]

OFFICE OF CITIZEN COMPLAINTS
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NAME: [REDACTED]

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states that he does not know where the rocks that allegedly fell out of his pants came from, because [REDACTED]	

[REDACTED]

[REDACTED] declined to be a co-complainant due to the active criminal case pending against him.

--Called [REDACTED] at [REDACTED] to try and get surveillance video from the incident. No answer or voice mail.

--Ran CAD [REDACTED] from RMS. Call is 917 (suspicious person), then 148 (resisting arrest).

--Ran roster for TTE on 2/29/16; Station Keeper was Officer [REDACTED]

S. Gray

5/6/16

--Resubmitted request for use of Force Log - prior fax failed.

S. Gray

5/13/16

--Received Use of force Log for 2/29/16. [REDACTED] is listed as not complainant of pain but of being injured. Type of force used was "physical control."

S. Gray

5/17/16

--Received response from SFPD Legal that "there is no media responsive to request" for holding cell video from Tenderloin Station on 2/29/16.

--E-mailed [REDACTED] public defender, [REDACTED], in an effort to obtain the video.

S. Gray

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NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
5/19/16	

--Received e-mail from Deputy Public Defender [REDACTED] regarding holding cell video. He has it and has agreed to provide it. I requested that he leave a copy at the front desk in the Public Defender's Office and notify me when it is ready.

S. Gray

7/26/16

--Summary of video:

File 1: 03292016_2200-0000_cell11.avi

21-2 Cell 1, 2/29/16 10:00 PM - 12:00 AM

The video is from a surveillance camera inside a darkened station holding cell. At the time stamp of 11:20:24, the cell door opens and the light goes on. An officer backs into the cell and looks on while another officer (#2) brings in a handcuffed African - American man (presumably [REDACTED]). Presumably at the officers' request, [REDACTED] steps out of his pants and underwear until they are around his left ankle. [REDACTED] bends over and complies with a strip search. [REDACTED] sits down on the metal bench in the cell, and officer #2 removes [REDACTED] pants from his left ankle and begins to shake them out and search them. [REDACTED] is talking to the officers while the clothing search is occurring. At time stamp 11:21:57, a small white packet falls out of [REDACTED] pants onto the ground. The officers do not notice it. At time stamp 11:22:10, [REDACTED] carefully extends his right leg, covers the white item with his foot, and draws it towards him. [REDACTED] remains engaged in conversation with the first officer while #2 continues carefully searching his pants. Officer #2 then has [REDACTED] stand up while he searches the hoodie he is wearing. [REDACTED] complies, keeping his right foot on the ground at all times. When finished, Officer #2 speaks to [REDACTED], then turns him around to uncuff him so he can get dressed. While lifting his feet to put his underwear back on, [REDACTED] tries to kick the white packet under the bench at 11:24:19. The first officer notices and goes to look under the bench at 11:24:22. [REDACTED] leans down and blocks him and in the same motion quickly pops the white packet into his mouth. Both officers are immediately upon him as he then tries to run. The three men remain in a struggle as they stagger out of the cell at

OFFICE OF CITIZEN COMPLAINTS
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OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
time stamp 11:24:30. At 11:38:17, an officer returns to the cell and picks up [REDACTED] pants. He begins to search them as Officer #2 joins him and they speak briefly. The officer searching the pants finds nothing more and leaves the cell at 11:38:56.	

File 2:

21-3 Holding (Exterior of cell)

At 10:51:21, [REDACTED] enters the holding cell area with two officers. He sits handcuffed on the metal bench. The officers book his property with the station keeper and go through his pockets. One of the officers leaves and the other remains, talking to [REDACTED]. At 10:59, 15, Officer #2 (the one who ultimately searches his clothes during the strip search) comes back in and speaks to [REDACTED]. At 11:02:14 [REDACTED] kicks off his shoes. At 11:16:33, another person ([REDACTED]) is brought to the holding cell area and is handcuffed to the bench opposite [REDACTED]. At 11:19:20, Officer #2 comes and puts on gloves. At 11:20:44, [REDACTED] is brought into the cell for a strip search. They remain out of view in the cell until 11:24:27, when [REDACTED] and the two officers come struggling out of the holding cell and wrestle across the room, landing on top of [REDACTED]. 8 other officers come rushing in from the station and assist in restraining [REDACTED] and extracting the crack from his mouth. The officers block the camera view of exactly what is happening, but there appear to be no swinging fists or other signs of overt aggression. At 11:27:42, the officers step back. [REDACTED] is lying on the floor. At 11:28:22 the officers re-cuff [REDACTED] and place him in a hobble. At 11:29:45 he is guided to the metal bench where he was before and is again handcuffed to it. At 11:30:36, medical attention for [REDACTED] arrives. They examine his left arm and at 11:42:30 the medics cut [REDACTED] shirt off so they can examine him while he is in cuffs. At 11:47:30 he is uncuffed and placed in a medical transport wheelchair, which he is then cuffed to. At 11:49:30 the medics cover him with a paper blanket, and at 11:50:30 he is wheeled out.

--Ran QALL on [REDACTED]. He is in custody at CJ5 in San Bruno but may just have been OR'd.

--Contacted CJ5 and was informed he is still being housed there. Reserved Prius to conduct interview tomorrow, 7/28 (OR hearing is scheduled to occur on 7/29).

S. Gray

OFFICE OF CITIZEN COMPLAINTS
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OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
8/1/16	

--Due to emergency illness, this investigator was unable to visit witness [REDACTED] in CJ5 on 7/28. He has since been released on OR per the front lobby deputy at CJ5.

--Call to [REDACTED] attorney Lisa Katz to determine a valid address for him - possibly [REDACTED]?

--Lisa Katz was [REDACTED] attorney in [REDACTED]. He has private counsel, Betsy Wolkin.

--Called Betsy Wolkin at [REDACTED] and left message asking her to confirm current address of [REDACTED].

S. Gray

9/15/16

--Called [REDACTED] at [REDACTED] and left a message for [REDACTED] to please call me back.

S. Gray

9/16/15

--Sent Witness Contact Letter to [REDACTED] at [REDACTED].

S. Gray

11/21/16

[REDACTED]

--Visited [REDACTED] in effort to locate witness [REDACTED]. The front desk called him room but he was not in. I left a note with a business card requesting that he call me.

S. Gray

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

PAGE: 9 of 20

=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
12/5/16	

--Conducted digitally recorded interview with witness [REDACTED]
[REDACTED]. Summary:

On 2/29/16, [REDACTED] was in the holding cell at Tenderloin Station. Another inmate ([REDACTED]), there on an unrelated case, was also present. Officers came and were investigating [REDACTED] for dealing drugs. They went to strip search [REDACTED] in the bathroom of the holding cell, and a minute or two after being in there, "a tussle proceeded." [REDACTED] was resisting, and the "tussling match," came out of the bathroom area and into the main holding cell, to where [REDACTED] was seated handcuffed to the bench. The officers and [REDACTED] fell on top of [REDACTED] and then the officers took [REDACTED] to the floor. [REDACTED] says he was only a couple of feet away at this point. The plainclothes narcotics officer who arrested [REDACTED] [REDACTED] and about five other officers came running in and assisted in subduing [REDACTED] and trying to extract the drugs they believed him to have swallowed. All the officers piled on top of [REDACTED], and [REDACTED] observed [REDACTED]. There was also a sergeant present, standing off to the side - [REDACTED] could not see his name but could see his stripes. [REDACTED] Eventually [REDACTED] saw one of the officers come up with something that looked like a small white sponge in his hand.

S. Gray

2/21/17

--Requested Arrest log from TTF for 2/29/16.

S. Gray

2/22/17

--E-mailed Mary Moretz at SFPD to request Station Roster for Shifts 2-3 on 2/29/16. Need to identify and interview Station Keeper [REDACTED]

S. Gray

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
2/22/17	

--Received roster for Watch 2 and Watch 3 for TTF on 2/29/16.
Station Keeper for Watch 3 was [REDACTED]

[REDACTED]

--No matches for an officer with this name stationed out of TTF.

--Conferred with SI Ball re next steps.

- E-mailed [REDACTED] for roster of Patrol Bureau Task Force for 2/29/16;
- Ran 2/29/16 HRMS for all 10 officers above with last names similar to [REDACTED] None of the officers appear to have been on anything other than patrol, Station Keeper, or vacation.

Susan Gray

2/24/17

--Received roster for Patrol Bureau Task Force for 2/29/16. Only Watch 2 information was available since no one was on Watch 3 per [REDACTED] There is no one on the roster with a name similar to [REDACTED]

Susan Gray

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/1/17	

--Sent NTA to:

- Officer John Fergus #1943: Appearance time 3/13/17 1:00 PM
 - Officer Mario Marino #2079: Appearance time 3/13/17 1:30 PM
- [REDACTED]

S. Gray

3/10/17

--Called Tenderloin Station and left message for the Captain's secretary to call me back regarding whether the officers have been served.

--Received call back from [REDACTED] Tenderloin Captain's secretary, who stated that Officers Fergus and [REDACTED] have been served, but she does not yet have the form for Officer Marino.

S. Gray

3/13/17

--Received notification from Officer Fergus and POA rep Sgt Michael Koniaris that, due to the semi annual shift sign up on Saturday 3/11, both Officer Fergus and Officer Marino are not at work today. Emailed both officers with suggested new interview date of 3/20/17.

[REDACTED]

--Conducted digitally recorded interview with Officer [REDACTED]

[REDACTED]

He does not recall the incident, despite recognizing himself on the surveillance video. As Station Keeper, his window looks out onto the booking area.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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In the video, he recognizes the officer speaking to [REDACTED] in the holding cell as John Fergus, and the officer standing off to the side as Mario Marino.

He stated that this sort of incident does not happen frequently, but it does happen. He says that he most likely saw the fight from his window and called it out, which led to officers coming from all over the station. He recognized himself in the video.

He did not see a hobble restraint or any distinctive moves or holds. It is difficult to see Mr. [REDACTED] in the video once the other officers get involved.

[REDACTED] to get the drugs out of his mouth, and states that he did not witness any other officer [REDACTED]

He did not have any reportable use of force during this incident.

He provided documentation (Medical Screening Card) showing that Mr. [REDACTED] received medical screening when he arrived at the station.

S. Gray

3/16/17

[REDACTED]

S. Gray

3/23/17

--Received POS from Officers Fergus and Marino.

S. Gray

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16
NAME: [REDACTED]
INV: S. Gray
PAGE: 13 of 20

=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
3/28/17	

--Conducted digitally recorded interviews with Officer John Fergus #1943 and Officer Mario Marino #2079. Summary to follow.

John Fergus

3/29/17

--Summary of digitally recorded interview with Officer John Fergus #1043:

- He was on duty on 2/29/16, assigned to patrol in full uniform.
- He detained [REDACTED] that day because officers observed him in possession of crack cocaine. Officers had been watching nearby and saw him holding a plastic bag of cocaine rocks. Officers approached him and placed him under arrest.
- He told [REDACTED], "San Francisco police, you're under arrest."
- [REDACTED] told officers he was on parole during the handcuffing process.
- Ofc Fergus denies that [REDACTED] on the street. "He's lying."
- He placed [REDACTED] in cuffs and began to search his pockets (he found some marijuana in his waistband), at which point [REDACTED] tried to escape. The cocaine was still hidden on [REDACTED] person "up around his sweatshirt."
- When [REDACTED] tried to escape he knocked Ofc Marino in the chest with his head and pulled the officers into the street.
- He did not execute any pain compliance techniques in taking [REDACTED] into custody. Other officers showed up and physically restrained [REDACTED]. [REDACTED] sustained an abrasion to his forehead while they were on the ground and Ofc Fergus logged the use of force for that.
- Ofc Marino sustained a heavily bruised right leg - the bruise goes from his groin to his foot. He was out for several months as a result of [REDACTED] actions.
- Ofc Fergus denies punching [REDACTED] in the patrol car.
- The strip search was deemed necessary because they knew he had more drugs on him (the crack) and could not get them all off of him at the scene.
- During the strip search a bag of crack cocaine falls out and [REDACTED] grabbed it and shoved it in his mouth.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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- | | |
|---|--|
| - Officers tried to get the drugs out of [REDACTED] mouth, but [REDACTED] released them himself by opening his mouth and a portion of the bag emerged. Officer Fergus then pulled on that corner of the bag and got the drugs out - if he had not, [REDACTED] would have asphyxiated. | |
| - Ofc Fergus did not [REDACTED] to get him to release the drugs, nor did he see any other officer do so. | |
| - It took a long time to get the drugs out of [REDACTED] mouth because he was noncompliant. | |

Summary of digitally recorded interview with Officer Mario Marino #2079:

- He was on duty on 2/29/16, assigned to patrol. He was in uniform.
- He arrested [REDACTED] that day.
- He observed [REDACTED] from a surveillance position, holding crack cocaine.
- He approached [REDACTED], identified himself as a police officer (he was in full uniform), and placed him under arrest.
- The crack cocaine was the probable cause for the arrest.
- Officers did not [REDACTED] on the street.
- After they placed [REDACTED] in cuffs, Ofc Fergus was conducting an arrest search. During the search [REDACTED] tried to escape by violently charging Ofc Marino and knocking him to the ground, injuring him.
- He did not use any holds on [REDACTED], just tried to hold onto him. [REDACTED] did not complain of pain at the scene or say he was hurt. The scene became unsafe and the officers had to leave with [REDACTED] as fast as they could for everyone's safety.
- Ofc Marino reported his use of force at the station.
- He did not punch [REDACTED] in the back of the patrol car.
- The strip search was necessary because drug dealers often conceal drugs in places not easily visible or where they think officers won't look.
- 10 grams of crack cocaine fell to the floor. [REDACTED] went for the drugs and tried to put them in his mouth.
- Officers told [REDACTED] that ingesting a packet of drugs that big would either asphyxiate him or cause an overdose. Ofc Marino maintains that the officers were trying to save [REDACTED] life.
- He did not [REDACTED] to get him to release the drugs, nor did he see any other officer doing so.
- He still has pain from the injury he sustained while arresting [REDACTED].

OFFICE OF CITIZEN COMPLAINTS
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OCC CASE #: 0188-16

NAME: [REDACTED]

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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- | | |
|--|--|
| - The judge in this case held [REDACTED] to answer for multiple additional felonies due to his attempts to escape and to destroy evidence. | |
|--|--|

S. Gray

4/6/17

--Recommendations for Closure:

Allegation 1: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommend: [REDACTED]

Allegation 2: [REDACTED]

[REDACTED]

COMPLAINT WORK SUMMARY

NAME :

INV: S. Gray

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Recommend:

Allegation 3:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16
NAME: [REDACTED]
INV: S. Gray
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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

[REDACTED]

[REDACTED]

[REDACTED]

Recommend: [REDACTED]

Allegation 4: The officers used unnecessary force during the arrest (Officer John Fergus #1943 and Officer Mario Marino #2079).

The complainant stated that when the named officers arrested the detainee and searched inside his waistband, he moved, and the officers thought he was trying to resist. She stated that the named officers slammed the man to the street and punched him. She further stated that officers continued to beat the man after they transported him to the police station.

The detainee stated that after the officers searched him and told him they were taking him to the station, he tried to run from them. He stated that one of the officers jumped on his back, and then jumped in the back seat of the patrol car and began punching him. He also said that once he arrived at Tenderloin Station, the officers took him into a holding cell and strip-searched him, whereupon a packet of crack cocaine rocks fell out of his clothing onto the floor. He stated that he thought the officers were trying to plant drugs on him, so he put them into his mouth

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

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to try and destroy the evidence. He stated that at this point he again attempted to run. He stated that the officers then tackled him and [REDACTED] fracturing his elbow in the process.	

One of the named officers said that when the detainee tried to run after being placed in handcuffs on the street, he violently charged the officer and knocked him down. The officer stated that he managed to hold onto the detainee but severely injured himself in the process. The named officers stated that any force used was limited to what was necessary to apprehend the detainee. Both of the named officers denied getting into the patrol car with the detainee and punching him. The named officers both stated that when they brought the detainee to the holding cell and began strip-searching him, a packet of several crack rocks fell to the ground. They stated that the detainee then grabbed the crack and tried to put it in his mouth. They stated that officers from around the station came and joined them in their efforts to get the crack away from the detainee, which they were eventually able to do. They stated that leaving the drugs in the detainee's mouth could have caused his death, either through asphyxiation or overdose. [REDACTED]

A witness stated that he was handcuffed to a bench in the booking area of Tenderloin Station when he saw the detainee enter the holding cell with the named officers for a search. The witness stated that after the officers thought the detainee had swallowed the crack cocaine, the three of them came out of the holding cell in a "tussle," which soon involved several other officers. The witness stated that he saw [REDACTED] He gave the name of this officer but no one by that name was identified on the Tenderloin roster.

Surveillance video for the holding area in Tenderloin Station shows the detainee being strip-searched. While one of the named officers is shaking out his clothes, a small white packet falls to the floor, which no one appears to notice besides the detainee, who places his right foot over the packet and slides it over to him. He keeps his foot on top of the packet until he is uncuffed to put on his underwear, at which time he lifts his leg and tries to kick the packet under a bench. One of the named officers observes this, and there is a scuffle as the detainee lunges for the packet. The two named officers and the detainee come barreling out of the holding cell and into the booking area. Multiple officers come running in to try and subdue the detainee and get the drugs away from him. Although it is difficult to see

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16
NAME: [REDACTED]
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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
the detainee through the crowd of officers, no choking, kicking, punching, or compliance holds are visible on the video.

There was insufficient evidence to prove or disprove the allegation.

Recommend: NS.

S. Gray

4/12/17

--Drafted CSR. Copy to Shared Drive.

--File to SI Ball for closure.

S. Gray

04/18/17 - reviewed file, including recording of interview of [REDACTED], two videos of cell cameras from TTF.

-- Reviewed IR.

SI Ball

04/19/17 - Discussed case with Inv. Gray re: issue of the [REDACTED] was not raised by the complainant, but was stated clearly by the witness [REDACTED].

[REDACTED] but is not apparent on the video from the cell of the scrum on the floor, after the comp puts the rocks in his mouth. [REDACTED] did see an officer holding something in his hand (like a white sponge) that was consistent with a baggie of rocks.

SI Ball

04/21/17 - Reviewed recommendations for closure. Concur with recommended findings.

-- Revised CSR.

-- To DD Baltazar for closure review.

SI Ball

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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04/21/17: Close as proposed. File to L. Taylor.	
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C. Baltzer

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
~~Thu~~ Wednesday 4/20/16 4:28

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

How Received: Person ☒ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐ Other ☐ : (specify) _____

0188-16

<div><div>2</div></div>	Primary Complainant:	<div></div>	Co-Complainant
<div></div>			
Last Name		First Name	Middle Initial
<div></div>			
HOME ADDRESS:			
Street		Apartment	
<div></div>	<div></div>	<div></div>	
City	State	Zip	
WORK ADDRESS:			
Street		Apartment	
<div></div>	<div></div>	<div></div>	
City	State	Zip	

3 Personal Information

Age: [REDACTED] Date of Birth: [REDACTED]

Sex: F

Ethnicity: Black

Occupation: [REDACTED]

4 Telephone Numbers:

Home: [REDACTED]

Work: ()

5	Location of Occurrence:	6	Type of Place	7	District
	Ellis & Jones (approx)		01		J5

8 Day, Date, & Time Of Occurrence: A.M. / P.M.
(Circle one)
Mon 2/29/16 10:30 pm

10 SECONDARY COMPLAINANT? Yes ☐ No ☒ Witnesses? Yes ☐ No ☒ (If "Yes", attach separate sheet of paper.)
Taped Interview? Yes ☒ No ☐ Criminal Case Pending in Relation to this matter? Yes ☒ No ☐

11 Injuries Claimed? Yes ☒ No ☐ Injuries Visible? Yes ☐ No ☐ Drug/Alcohol Related? Yes ☐ No ☐
 Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C. ☐ Other: _____
 Type of Injury: _____ Medical Release Signed? Yes ☐ No ☐

[illegible]



Police Commission for the City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS



~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officers name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

填寫公民投訴書說明：

請回答第 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 及 22 項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請以正楷填寫清楚。如果您沒有電話號碼，請在第 4 項填上有可聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名，地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身體特徵，以正楷詳盡寫在第 22 項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認為投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。您應根據您所知道及所相信的事實填寫資料，**必須真實及正確**；填妥請在第 22 頁簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 415-241-7711「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話 415-391-5099。

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (22). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos al numero (415) 241-7711, de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN)

Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. **Paki-ilmbag ang lahat na sagot ninyo.** Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilmbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulatan dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 22. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 241-7711. Maaring tawagan din ninyo ang Philipinies American Consul sa telepono (415) 626-0773 sa pagitan ng alas--otso ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas dng alas--singko ng hapon.

0188-16

22

NARRATIVE OF INCIDENT: see attached

Complainant Signature/Date:

Taken By (Name/#/Unit/Date::

Assigned Investigation/Date:

Closure Approval/Date:

S. Gray

4/20/16



4/21/17

0188-16

After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma, doblela sobre las lineas marcadas y depositela en el buzón. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102



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NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
101 South Van Ness Avenue
San Francisco, CA 94103-9868



OCC Case No. 0188-16

NARRATIVE OF INCIDENT

The complainant was walking with a friend when two SFPD officers pulled up and [REDACTED]
[REDACTED] The officers arrested the friend and used unnecessary force when doing so.
After the officers transported the arrestee to the station, they continued beating him. He sustained a broken elbow and other injuries.

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0188-16

COMPLAINANT: [REDACTED]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
01	UF	NS	X	Q2	John Fergus #1943	3J	[REDACTED]	M	1
01	[REDACTED]	[REDACTED]	[REDACTED]				[REDACTED]	M	1
09	[REDACTED]	[REDACTED]					[REDACTED]	M	1
01	[REDACTED]	[REDACTED]					[REDACTED]	M	1

Allegations -- This is a complaint of:

Unnecessary Force: The officer used unnecessary force during the arrest. (John Fergus #1943)

[REDACTED]

[REDACTED]

[REDACTED]

OCC ALLEGATION CONTINUATION FORM

OCC CASE NO. 0188-16

COMPLAINANT: [REDACTED]

(12) Activity	(13) Type	(14) DISP.	(15) Uniform Yes No	(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
01	UF	NS	X	Q2	Mario Marino #2079	3J		M	1
01								M	1
09								M	1
01								M	1

Allegations -- This is a complaint of:

Unnecessary Force: The officer used unnecessary force during the arrest. (Mario Marino #2079)

[REDACTED]

[REDACTED]

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. 0188-16

Civilian ☐ Officer ☐
Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian ☐ Officer ☐
Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian ☐ Officer ☐
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Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian ☐ Officer ☐
Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

CASE MANAGEMENT DOCUMENT

	Priority	Weight	Initials	Date
Investigator	_____	_____	_____	_____
Sr. Investigator	_____	_____	_____	_____
Chief Investigator	_____	_____	_____	_____
Upon Closure	_____	_____	_____	_____
Due Date	_____			

Investigative Plan/Comments/Suggestions/Request for Conference:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

INTAKE CHECKLIST

CASE # 0188-16

COMPLAINANT [REDACTED]

PHASE I (first ten days)

	Done	N/A	Date Ordered and Notes
A. CASE RECEIVED			
1. Log into book/database	✓		
B. LOCATE AND INTERVIEW COMPLAINANT			
1. Obtain specific contact info	✓		
2. Medical release signed			
3. Juvenile Consent form signed		✓	
4. 148.6 signed or taped			
5. Photograph injuries		✓	
6. Photo spread		✓	
7. Complete 293	✓		
C. CASE CHRONOLOGY			
1. Summarize interviews/evidence in CWS	✓		
2. Record investigative steps in CWS	✓		
D. COMPUTER INFORMATION			
1. Run CAD, QCH, QUH,	✓		
2. DMV, QALL, QIR, QPRL, QLAB, QCA			
3. Run PS or Roster			
4. Other _____			
E. ORDER DOCUMENTS			
1. Obtain copy of IR			
2. Obtain communications tape			
3. Citations ordered			
4. Medical records			
5. Arrest card			
6. S/W (affidavit), UOF log, Tow Inventory,			
7. 849(b), Strip Search Auth., Juvenile Log, Arrest			
8. Log, Paramedic Records			
9. Housing card			
10. Other _____			
F. IDENTIFY WITNESSES			
1. Obtain specific contact info			
2. Start witness list			
G. DRAFT ALLEGATIONS			
H. FINALIZE NARRATIVE			
I. START TAPED INTERVIEW LOG			
J. REVIEW GO'S, RULES, HS/WI/PC/DB/MPC/ COPWARE			
K. PREPARE CASE MGMNT. DOC. (See reverse)			

PHASE II

	Done	N/A	Date Done/ Notes
A. SENT IN FOR INTAKE REVIEW			
B. INV PLAN/ALLEGATIONS APPROVED			
C. ASSIGN WEIGHT			
D. COPY 293			
1. Copies sent to Admin			
2. Copies mailed to COMP			

(OVER)

OCC ADDED ALLEGATION FORM

OCC CASE NO. 0188-16 COMPLAINANTS: [REDACTED]

ALLEGATION(S):

[REDACTED]

Activity	Type	DISP.	Uniform		Rank	Member's Name & Star Number	Unit	Svc	Sex	Eth
			Yes	No						
						ID Pending				

 POSTED
11-22-16

OCC ADDED ALLEGATION FORM

OCC CASE NO. 0188-16 COMPLAINANTS: [REDACTED]

ALLEGATION(S):

[REDACTED]

Activity	Type	DISP.	Uniform Yes No		Rank	Member's Name & Star Number	Unit	Svc	Sex	Eth
01	ND				Q2	[REDACTED]		[REDACTED]	M	1

Report Type: Initial

I N C I D E N T	Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number				
	[redacted]	02/29/2016 22:30	02/29/2016 22:43	02/29/2016 22:43	[redacted]				
	Type of Incident COCAINE, BASE/ROCK, POSSESSION FOR SALE 16623 MARIJUANA OFFENSE 16010 PAROLE VIOLATION, ADULT 26150								
	Location of Occurrence: ELLIS ST		At Intersection with/Premise Type LEAVENWORTH ST / SIDEWALK		District TENDERLOIN				
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used)	Reporting Unit 3J13D	
Location Sent / On View: ELLIS ST		At Intersection with LEAVENWORTH ST			Reporting District TENDERLOIN				
How Cleared? 6		Reported to Bureau	Name	Star	Date/ Time	Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>

O F F I C E R A T I O N	I declare under penalty of perjury, this report of <u>6</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 115 CERTIFIED 5 Year/Post								
	Reporting Officer FERGUS, JOHN C		Star 1943	Station Tenderloin Station		Watch 1500-0100		Date 03/01/16 07:00	
	Reviewing Officer MURPHY, RACHEL A		Star 1716	Station Tenderloin Station		Watch 0600-1600		Date 03/01/16 07:03	
	OIC CALTAGIRONE, GAETANO		Star 872	Station Tenderloin Station		Watch 0530-1530		Date 03/01/16 07:05	
	Related Case --		Related Case --		Re-assigned to Copies to 5N200 3*300			Assigned to 5N200 Add'l Copies OR, DA, RMS, NAR, CDC PAROLE	

R / V I C T I M	Code RV 1	Name (Last, First Middle) MARINO #2079, SFPD				Alias				Email				
	Day Phone Type		Home Address				City				State		Zip Code	
	Night Phone Type (415) 345-7300 Work		Work Address 301 EDDY ST				City SAN FRANCISCO				State CA		Zip Code -	
	DOB / Age Unk. <input type="checkbox"/>		or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.	
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>		Star		Follow-up Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject STRANGER/NONE			
	School (if Juvenile)		Injury/Treatment MEDIC 66				Other Information/If Interpreter Needed Specify Language INJURED RIGHT KNEE, RIGHT CALF							

W I T N E S S	Code W 1	Name (Last, First Middle) [redacted]				Alias				Email				
	Day Phone Type		Home Address				City				State		Zip Code	
	Night Phone Type		Work Address				City				State		Zip Code	
	DOB / Age Unk. <input type="checkbox"/>		or age between and		Race B	Sex F	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.	
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>		Star		Follow-up Form YES <input type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>		Relationship to Subject [redacted]			
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language SEATED IN BOOKING AREA							

Report Type: Initial

R E P O R T E E	Code R 1	Name (Last, First Middle) #1943, SFPD				Alias				Email			
	Day Phone		Type	Home Address				City		State		Zip Code	
	Night Phone (415) 345-7300		Type Work	Work Address 301 EDDY ST				City SAN FRANCISCO		State CA		Zip Code 94102-	
	DOB	/ Age	DOB	or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.	
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Star Notification <input type="checkbox"/>		Follow-up Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject		
	School (if Juvenile)				Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

B O O K E D	Code B 1	Name (Last, First Middle)				Alias				Email			
	Day Phone		Type	Home Address				City		State		Zip Code	
				Work Address				City		State		Zip Code	
	DOB Unknown <input type="checkbox"/>		Date of Birth	Age	or age between and		Race B	Sex M	Height	Weight	Hair Color	Eye Color	
	SEN#		ID# (if Juv)		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number		
	Booking Charge(s) N/W 11351.5 HS, N/W 69 PC, 148(a)1 PC, 148(a)1 PC / 11357(b) HS, 135 PC, 3056 PC						Booking Location COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY						
	Warrant #		Court#		Action#		Dept#		Enroute to				
	Warrant Violation(s)								Bail (\$)				
	Citation#		Violation(s)				Appear Date/time		Location of Appearance				
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check VERONICA		Star 299					
Book/Cite Approval SGT.FONG		Star 1088		Mass Arrest Code		M X-Rays <input checked="" type="checkbox"/>		School (if Juvenile)		Statement <input type="checkbox"/>			
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos WEARING: BLACK HAT W/ GRAY BRIM, BLACK HOODED SWEATSHIRT, BLACK SWEAT PANTS, GYM SHOES / ADMONISHED 11532(A)HS / NO ADDRESS LISTED													

P R O P E R T Y	Code/No EVD 1	Item Description SUSPECTED MARIJUANA				Brand		Model	
	Serial No.		Gun Make	Caliber	Color GRN	Narcotics Lab No. 16295591		Quantity 1	Value
	Seized by (Star) 1943		From Where REAR WAISTBAND OF [REDACTED]						
	Additional Description/Identifying Numbers green leafy vegetable matter in plastic bag, suspected marijuana 9.2 grams gross weight								

Report Type: Initial

P R O P E R T Y	E	Code/No EVD 2	Item Description STRIP SEARCH FORM				Brand SFPD	Model	
	2	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1943		From Where TENDERLOIN STATION						
	Additional Description/Identifying Numbers authorized and signed by Sgt. Fong #1088								
P R O P E R T Y	E	Code/No EVD 3	Item Description SUSPECTED CRACK				Brand	Model	
	3	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No. [REDACTED]	Quantity 7	Value	
	Seized by (Star) 1943		From Where (B1) [REDACTED] MOUTH						
	Additional Description/Identifying Numbers 7 baggies, containing off white rocks, suspected crack cocaine all in 1 plastic baggie. 10.9 grams gross wt.								
P R O P E R T Y	E	Code/No EVD 4	Item Description US CURRENCY				Brand US	Model	
	4	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value \$83.00 Total	
	Seized by (Star) 2079		From Where (B1) RIGHT PANTS POCKET						
	Additional Description/Identifying Numbers 2X\$20,1X\$10,2X\$5,23X\$1=\$83.00								
P R O P E R T Y	E	Code/No EVD 5	Item Description CELL PHONE				Brand SAMSUNG	Model	
	5	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 2079		From Where (B1) RIGHT PANTS POCKET						
	Additional Description/Identifying Numbers								
P R O P E R T Y	E	Code/No EVD 6	Item Description PROPERTY RECEIPT				Brand SFPD	Model	
	6	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 2079		From Where TENDERLOIN STATION						
	Additional Description/Identifying Numbers Issued to (B1) [REDACTED]								
P R O P E R T Y	E	Code/No EVD 7	Item Description PHOTO'S				Brand	Model	
	7	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 14	Value	
	Seized by (Star) 2079		From Where TENDERLOIN STATION						
	Additional Description/Identifying Numbers Photos of Injury to Ofc. Marino and (B1) [REDACTED]								

Report Type: Initial

INCIDENT REPORT

PROPERTY 8	Code/No	Item Description				Brand		Model	
	EVD 8	NARC FORMS				SFPD			
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
						3			
	Seized by (Star)		From Where						
	2079		TENDERLOIN STATION						
	Additional Description/Identifying Numbers								
	Procedural check list and field kit test form								

Report Type: Initial

NARRATIVE

On the above date and time, Officer Marino #2079 and I were in police uniform conducting narcotics surveillance for the area of Ellis and Leavenworth Streets. We were operating from an elevated position of concealment and using binoculars 10x50. This location is well known to us as a high narcotics location where narcotics are sold, possessed and consumed openly on a daily basis.

While watching the above location, I observed B1-[REDACTED] remove a clear plastic baggie from his rear waistband area. The above baggie contained numerous off white rocks (suspected crack cocaine). [REDACTED] placed the above plastic baggie of off white rocks into his left front pants pocket. Based on my training and experience, I fully believed that [REDACTED] possessed the above off white rocks for the purpose of sales. Officer Marino and I left our position of concealment and made contact with [REDACTED] near [REDACTED] Ellis Street.

While speaking with [REDACTED] Officer Marino and I smelled a strong pungent odor of marijuana emanating directly from [REDACTED]. [REDACTED] verbally advised us that he was on active CDC parole and was wearing an ankle monitor on his left ankle. I placed [REDACTED] under arrest at which point Officer Marino and I handcuffed [REDACTED] without incident.

I conducted an arrest search on [REDACTED] at which point [REDACTED] attempted to pull away from my grasp and run into the street. Officer Marino and I held onto [REDACTED] as he continued to pull us into the street while attempting to escape. I advised dispatch of the incident. [REDACTED], Officer Marino and I fell into the lane of traffic as we attempted to prevent [REDACTED] escape. Numerous Tenderloin units arrived on scene to assist.

Sgt. Rodatos #4056 also arrived on scene. I advised Sgt. Rodatos of the incident. While on scene I seized E1-suspected marijuana from [REDACTED] rear waist band area. 3J12D Officer Clifford #2338 and Officer Pusung #890 transported [REDACTED] to Tenderloin station due to the hostile crowd that had gathered. Upon our arrival at Tenderloin Station, I positively identified [REDACTED] with a SFPD mug photo. I observed a small abrasion on [REDACTED] left cheek and requested an ambulance to evaluate [REDACTED]. [REDACTED] advised me that he believes the abrasion was caused as he fell to the street. I advised Sgt. Rodatos #4056 of my use of force and [REDACTED] injury (abrasion) at about 22:55 hours. Sgt. Rodatos conducted a use of force investigation. Sgt. Rodatos made an entry into the use of force at Tenderloin Station.

I also advised Sgt. Fong #1088 of the incident. Sgt. Fong authorized and signed E2- strip search form. Officer Marino and I then conducted a strip search on [REDACTED] as he remained handcuffed. W1-[REDACTED] was in the holding cell at Tenderloin Station. Officer Marino, [REDACTED] and I entered holding cell #1 to give [REDACTED] privacy during the strip search. I conducted the strip search by removing [REDACTED] pants and under wear as Officer Marino stood by. I then removed [REDACTED] handcuffs in order for [REDACTED] to put back on his pants and underwear. Upon doing so, E3- suspected crack cocaine fell to the ground at which point [REDACTED] grabbed the clear plastic baggie with numerous off white rocks. [REDACTED] then placed the baggie in his mouth and attempted to destroy and conceal the evidence. Officer Marino and I grabbed a hold of [REDACTED] upper torso and attempted to prevent him from eating and destroying the above plastic baggie of narcotics.

Numerous officers arrived inside the holding cell along with Sgt. Dunne #1775. I advised the officers that [REDACTED] had a baggie of off white rocks in his mouth. The above officers attempted to handcuff [REDACTED] as he violently resisted our attempts to place him in handcuffs. [REDACTED] refused to place his hands behind his back and allow us to handcuff him. During [REDACTED] violent resistance, I subsequently was able to see the baggie of off white rocks in [REDACTED] mouth. I ordered [REDACTED] to spit the baggie out but, he refused to comply. I was initially unable to grab the baggie fearing that [REDACTED] would bite my fingers. The above officers attempted to control [REDACTED] as he laid on the ground. I continually ordered [REDACTED] to spit the baggie out. I subsequently grabbed the baggie from [REDACTED] mouth to prevent him from choking on the plastic baggie of narcotics.

[REDACTED] then complained of pain to his left shoulder area to Officer Marino and I. SFFD medic #61 arrived on scene and transported [REDACTED] to SFGH for further evaluation. 3J15D Officer Barone #1524 and Officer Macchi #1598 also responded to SFGH with [REDACTED].

SFDPA - 0188-16 - 000051

Report Type: Initial [REDACTED]

Officer Marino advised Sgt. Dunne of his use of force. Sgt. Dunne conducted a use of force investigation and made a use of force entry at Tenderloin Station. See Officer Marino's statement for further details. It should be noted that there is video inside the Tenderloin holding cells but, we were unable to retrieve it.

I spoke with W1- [REDACTED] who declined to give a taped statement on his observations of the incident. Officer Marino seized E4- US currency and E5- cell phone from [REDACTED] believing they are part of [REDACTED] illicit narcotics activity. Officer Marino issued [REDACTED] E6- property receipt. Officer Marino also took E7- photo of [REDACTED] abrasion on his face.

Officer Marino tested, weighed, and packaged the above narcotics. Officer Marino completed and scanned E8- narc forms into this report.

It should be noted that [REDACTED] is on active CDC parole for [REDACTED] until [REDACTED]. Officer Marino contacted CDC and spoke with [REDACTED] [REDACTED] did not have a medical marijuana card in his possession.

Sgt. Dunne, Officer Marino and I reviewed the above video (holding cells) at Tenderloin Station. It should be noted we were unable to download the above video.

During the incident Officer Marino injured his right knee and right calf. See Officer Marino's statement.

It should also be noted that there may have been video surveillance near [REDACTED] Street but, we were unable to retrieve it due to the time of night. See Officer Zuckerman's #2068 statement for further details.

Prior to this report being completed, I was advised that B1- [REDACTED] was being treated for a fractured left elbow by [REDACTED] at SFGH emergency. At this time Officer Marino is having difficulty walking and enroute to the hospital to seek further treatment.

B1- [REDACTED] was cleared and later booked at CJ1 with Sgt. Fong's #1088 approval.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

[REDACTED]			
Name (Last,First,Middle) Redmond, Thomas R 1857		DOB/Age	Residence Phone(Day/Night) Business Phone (Day/Night) 415/345-7300
Residence		Zip Code	Business Address / City if not San Francisco 301 Eddy Street, SF Zip Code 94102-2606
Date of Statement 03/01/16	Time Started 00:45	Time Completed 00:45	Location Where Statement Taken At Scene <input type="checkbox"/> Other: TEND

I was inside Tenderloin Station when I heard officers yelling for help inside the Tenderloin Station booking cell. I ran to the booking cell and observed Officer Marino #2079 and Officer Fergus #1943 struggling to place [REDACTED] into handcuffs. [REDACTED] was screaming incoherently and violently resisting. We were able to wrestle [REDACTED] from the booking counter bench and onto the floor. I grabbed onto [REDACTED] right arm and began trying to move it to the small of his back in order to place him into handcuffs. While in doing so, [REDACTED] was actively resisting and forcefully pulling his right arm away from me. With the help of several other officers, we were able to place handcuffs on [REDACTED] right wrist and I let go of [REDACTED] right arm. I notified Sergeant Dunne #1775 of my involvement in the incident at approximately 2300 hours.

Report Type: Initial

Incident Report Statement

INCIDENT NO.
[REDACTED]

Name (Last,First,Middle) Clifford, Andrew P 2388		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) [REDACTED]
Residence		Zip Code	Business Address / City if not San Francisco [REDACTED]	Zip Code [REDACTED]
Date of Statement 03/01/16	Time Started 03:15	Time Completed 03:32	Location Where Statement Taken At Scene <input type="checkbox"/> Other:	

On 02/29/2016 at approximately 2322 hours Officer Pusung #890 and I were in the report writing room when we heard Officer Marino #2079 and Fergus #1940, who were in the Tenderloin Holding Cell, yell that they had a subject, (B1) [REDACTED], who was resisting arrest. Officer Pusung and I, along with additional Tenderloin officers, responded to the Tenderloin Holding Cell to assist Officer Marino and Fergus.

Upon arrival I observed Officer Marino and Fergus, along with several other Tenderloin Officers, struggling to take [REDACTED], who was not in handcuffs, into custody. I advised [REDACTED] several times to stop resisting. [REDACTED] was manipulating his body while on the ground and appeared to be overpowering the officers who were trying to restrain him. [REDACTED] was tensed up while on the ground and refused to comply with my instructions to place his hands behind his back. I attempted several times to take hold of [REDACTED] hands in order to place him in handcuffs. [REDACTED] was tensed up and refused to comply with the instructions to stop resisting. I was eventually successful in handcuffing one of [REDACTED] hands. Another officer on scene finished handcuffing [REDACTED].

[REDACTED] was kicking his legs repeatedly during this incident. I advised Officer Pusung to place [REDACTED] legs in a hobble. Officer Pusung, with assistance from me, placed [REDACTED] legs in a hobble.

During this incident I had no reportable use of force.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Pusung, Mikael J 890		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/345-7300
Residence		Zip Code	Business Address / City if not San Francisco 301 Eddy Street, SF	Zip Code 94102-2606
Date of Statement 03/01/16	Time Started 03:20	Time Completed 03:31	Location Where Statement Taken At Scene <input type="checkbox"/> Other: TEND	

On 02/29/2016 at approximately 2322 hours, I was in the Tenderloin Station report writing room when I heard a scuffle in the holding cell. I heard officers yell from inside the holding cell that they had a subject, (B1) [REDACTED], who was resisting arrest. FTO Clifford #2388 and I, along with other Tenderloin officers, responded to assist Officers Marino #2079 and Fergus #1940. I walked into the holding cell where I saw multiple officers attempting to maintain control of [REDACTED]. [REDACTED] was kicking his feet and manipulating his body in order to overpower other officers. I then grabbed [REDACTED] right and left leg. [REDACTED] was constantly moving his legs. I then took out my department issued hobble and placed it on [REDACTED] legs. I was able to successfully apply the hobble onto [REDACTED] legs.

During this incident I did not have any reportable use of force.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

[REDACTED]			
Name (Last,First,Middle) Marino, Mario A 2079	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/345-7300
Residence	Zip Code	Business Address / City if not San Francisco 301 Eddy Street, SF	Zip Code 94102-2606
Date of Statement 03/01/16	Time Started 05:10	Time Completed 05:10	Location Where Statement Taken At Scene <input type="checkbox"/> Other: TEND

On the above date and time, I assisted Ofc. Fergus in the arrest of (B1) [REDACTED].

Near [REDACTED] St I assisted Ofc. Fergus in placing [REDACTED] under arrest and handcuffing him.

While speaking with [REDACTED], I could smell a strong odor of marijuana emanating from his person. While Ofc. Fergus was conducting an arrest search of [REDACTED], [REDACTED] quickly spun his body around and pulled away from Ofc. Fergus and ran in my direction. [REDACTED] had his head down and in a charging position, moving directly towards me in an attempt to escape. I took hold of [REDACTED] by grabbing his upper body in order to stop his escape. Ofc. Fergus was still holding on to [REDACTED] as [REDACTED] was still attempting to pull away from myself and Ofc. Fergus. We all fell in to the street, in a lane of traffic where Ofc. advised dispatch that we had a resistor. While on the ground [REDACTED] continued to resist our attempts to control him which forced us to end up in the lane of traffic. We were able to keep control of [REDACTED] until additional units arrived on scene.

At this point I felt a sharp pain to my right knee and right calf as I had landed with that part of my leg on the curb and the rest of my body on the street.

Ofc. Clifford transported [REDACTED] back to Tenderloin Station.

At Tenderloin Station Ofc. Fergus and I conducted a strip search of [REDACTED], authorized by Sgt. Fong #1088. While conducting the strip search I watched as (E3) suspected crack cocaine fell from [REDACTED] upper torso area, which had not yet been searched. [REDACTED] then stepped on the suspected crack cocaine with his right foot in an attempt to conceal it from our view. I reached to grab the suspected crack cocaine from [REDACTED]. As I reached, [REDACTED] quickly grabbed the suspected crack cocaine with his right hand and attempted to run out of the cell. I grabbed [REDACTED] in a bear hug in order to stop him from destroying evidence. [REDACTED] pulled away from Ofc. Fergus and I and entered the main booking area, which had (W1) [REDACTED] sitting inside it. [REDACTED] violently pulled away so hard that we landed against the wall on the other side of the booking area, directly on top of [REDACTED].

At this point [REDACTED] still had control of the suspected crack cocaine. [REDACTED] then placed the suspected crack cocaine in his mouth in an attempt to destroy the evidence. We then ended up on the ground in an attempt to control [REDACTED] and retrieve the suspected crack cocaine from him. We ordered [REDACTED] to spit out the baggie of suspected crack cocaine because it would likely choke and kill him if he ingested it. By this time numerous other officers enter the booking area to assist. Ofc. Fergus was ultimately able to retrieve the suspected crack cocaine from [REDACTED] mouth.

While speaking with [REDACTED], he told me he had pain to left shoulder area. I advised Sgt. Dunn #1775 of the use of force. I reviewed the video surveillance at Tenderloin Station. [REDACTED] was not injured as a result of this event.

At Tenderloin Station Ofc. Fergus handed me (E1) suspected marijuana and (E3) suspected crack cocaine.

I have been a Police Officer for approximately 15 years. I have made hundreds of narcotics related arrests. I have felt, touched, and smelled marijuana hundreds of times. I have spoken to hundreds of marijuana users and dealers. I have worked with more experienced officers with regards to the arrest and or detention of users and dealers of marijuana.

SFDPA - 0188-16 - 000056

Report Type: Initial

Through my training and experience I recognize (E1) as suspected marijuana. I weighed the (E1) suspected marijuana and found it to weigh approximately 9.2 grams gross weight. A usable amount.

I weighed the (E3) suspected crack cocaine and found it to weigh approximately 10.9 grams gross weight. A usable amount. I then conducted a presumptive test of (E3) suspected crack cocaine using cocaine reagent 904b. The (E3) suspected crack cocaine tested presumptive positive for the presence of cocaine.

Based on the amount, packaging, lack of smoking paraphernalia, location of seizure and US Currency seized on [REDACTED] I firmly believe that [REDACTED] possessed the (E3) suspected crack cocaine for the purpose of sales.

I packaged all seized narcotics in a narcotics evidence envelope and hand carried it to the narcotics drop box at 850 Bryant St.

I booked all non narcotics evidence at Tenderloin Station.

By this time my right knee and calf was severely bruised and swollen. SFFD Medic #61 responded to Tenderloin Station to assess my injuries. They advised me that I should get medical Xrays as the bruising was severe.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Buckley, Nicholas M 528		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/345-7300
Residence		Zip Code	Business Address / City if not San Francisco 301 Eddy Street, SF	Zip Code 94102-2606
Date of Statement 03/01/16	Time Started 23:50	Time Completed 23:59	Location Where Statement Taken At Scene <input type="checkbox"/> Other: TEND	

On the above date and time, I was standing at the front desk at Tenderloin Station when I heard officers yelling for help in the Tenderloin booking cell. I ran to the booking cell and observed several officers struggling to place (B1) [REDACTED] into handcuffs on the booking cell floor. [REDACTED] was screaming incoherently and violently flailing on the floor. I grabbed onto [REDACTED] right forearm and held it by his right side. I could feel [REDACTED] was very strong and he was actively and forcefully pulling his right arm away from me and towards his body. Another officer placed a handcuff on [REDACTED] right wrist and I let go of [REDACTED] right arm. I notified Sgt. Dunne #1775 of my involvement in the incident at approximately 2300 hrs.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Zuckerman, Ari G 2068		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/345-7300
Residence		Zip Code	Business Address / City if not San Francisco 301 Eddy Street, SF	Zip Code 94102-2606
Date of Statement 03/01/16	Time Started 00:48	Time Completed 00:48	Location Where Statement Taken At Scene <input type="checkbox"/> Other: TEND	

On 02/29/2016, at approximately 2326 hours I was inside Tenderloin Station when I heard [REDACTED] shout that a fight between officers and a prisoner was occurring in the holding cell.

I ran into the holding cell and observed multiple officers actively fighting to control (B1) [REDACTED]. I took [REDACTED] left arm, placing it in a rear wrist lock until other officers were able to place [REDACTED] in handcuffs.

Once in handcuffs [REDACTED] continued to struggle to pull away from officers, I observed [REDACTED] chewing and attempting to swallow a large plastic bag filled with a white substance.

Officers were shouting for [REDACTED] to spit the bag out. I observed the size of the bag and believed that if [REDACTED] successfully swallowed the bag there was a significant risk he would have caused himself to asphyxiate. Additionally, I believed the white substance in the bag was most likely narcotics, and that the quantity could cause [REDACTED] to overdose if he successfully swallowed the bag.

In an attempt to prevent any of the aforementioned scenarios, I placed my right hand on [REDACTED] upper chest and used my left hand to push his head forward until his chin was touching his chest. From my training and experience, this technique prevents an individual from swallowing without obstructing their breathing. The technique was successful, and after a few moments [REDACTED] spit out the plastic bag.

Immediately following the incident [REDACTED] complained of pain to his left shoulder. I informed Sergeant Dunne #1775 that I had used physical control on that arm but was unsure if I had caused the injury due to the number of officers involved in the incident.

Subsequently I went to [REDACTED] Ellis Street to canvas the area for security cameras. I located (3) cameras which may provide material footage:

- (1) Camera at [REDACTED] Ellis Street facing Westbound
- (1) Camera at [REDACTED] Ellis Street facing Eastbound
- (1) Camera at [REDACTED] Ellis Street facing Southbound

I was unable to retrieve video outside of normal operating business hours.

Retrieved by [REDACTED] on 4/21/16 at 3:45:18 PM
SFPD Records (415) 575-7232
SAN FRANCISCO POLICE DEPARTMENT
STRIP SEARCH AND/OR BODY CAVITY SEARCH
AUTHORIZATION FORM

☒ STRIP SEARCH

☐ BODY CAVITY SEARCH (Requires a search warrant and is done by qualified medical personnel)

SFPD Case # [REDACTED] Charges 11351.5 HS, 11357 HS, 148 a1Pc

Date 2-29-16

Subject(s) to be searched [REDACTED]

Reasons for search I observed [REDACTED] holding a baggie of
suspected crack cocaine in which he removed from his
rear waist band area. I also seized a baggie of
suspected marijuana from [REDACTED] rear waist band area.

[Signature] 1943

T. FONG 1088

Requesting Officer(s)

Approving Supervisor

SFPD 305(rev.10/02)

PROPERTY RECEIPT FORM
San Francisco Police Department

RECEIVED	[redacted]	DATE	3/1/16	CASE NUMBER	[redacted]
ITEM(S)					
1.					
2.					
3. U.S. CURRENCY					
4. 2x\$20 ⁰⁰ , 1x\$10 ⁰⁰ , 2x\$5 ⁰⁰ , 2x\$1 ⁰⁰ = \$83 ⁰⁰					
5.					
6. 1 BLK SAMSUNG CELL PHONE					
7.					
8.					
9.					
10.					
11.					
OFFICER ACCEPTING PROPERTY (SIGNATURE)		WITNESS (SIGNATURE)		RECEIVED FROM (SIGNATURE)	
[Signature] #2057		[Signature]		REFUSED	

SFPD-315 (REV.06/99)

ALAMEDA COUNTY SHERIFF'S OFFICE
CRIME LABORATORY EXAMINATION REPORT

2901 Peralta Oaks Court, 3rd Floor, Oakland, CA 94605

Phone (510) 382-3300, FAX (510) 382-3344

SUBMITTING AGENCY San Francisco Police Department		LABORATORY NUMBER [REDACTED]
EXAMINATION REQUESTED BY Officer Smith	VICTIM OR SUSPECT (S): [REDACTED]	CASE NUMBER [REDACTED]
LABORATORY CLASSIFICATION Controlled Substances	DATE OF REPORT March 14, 2016	OFFENSE 11351.5 H&S

Chain of Custody

One sealed evidence envelope (Item 1), identified by the above case information, was received into the Laboratory on March 9, 2016 from Officer Smith by Sheriff's Technician [REDACTED]

Evidence Description

1	- One press-lock plastic bag holding one knotted blood-soaked plastic bag holding several apparently torn knotted pieces of plastic containing off white chunky material, one examined (1A). - One press-lock plastic bag holding one knotted plastic bag containing plant material, examined (1B).
---	--

Examination Results and Conclusions

1A	Examined utilizing chemical tests and Fourier Transform Infrared Spectroscopy (FTIR) and was determined to contain Cocaine Base. Net Weight = 0.91 gram(s).
1B	The sample was microscopically examined and chemically tested and was determined to be Marijuana. Net Weight = 7.86 gram(s).

Evidence Disposition

Upon completion of the examinations, the evidence was resealed into the original evidence containers and was prepared for release to the submitting agency.

Report Type: Supplemental

INCIDENT REPORT

I N C I D E N T	Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number				
		02/29/2016 22:30	02/29/2016 22:43	04/18/2016 12:55					
	Type of Incident COCAINE, BASE/ROCK, POSSESSION FOR SALE 16623 MARIJUANA OFFENSE 16010 PAROLE VIOLATION, ADULT 26150								
	Location of Occurrence: ELLIS ST		At Intersection with/Premise Type LEAVENWORTH ST / SIDEWALK		District TENDERLOIN				
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used)	Reporting Unit 3J41C	
Location Sent / On View: ELLIS ST		At Intersection with LEAVENWORTH ST			Reporting District TENDERLOIN				
Crime and Clearance Status 0		Reported to Bureau Name		Star	Date/ Time	Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04?									

O F F I C E R A T I O N	I declare under penalty of perjury, this report of <u>3</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.									
	PROP 115 CERTIFIED 5 Year/Post									
	Reporting Officer RUETTI, PAUL L		Star 521		Station Tenderloin Station		Watch 1100-2100		Date 04/18/16 13:49	
	Reviewing Officer MURPHY, RACHEL A		Star 1716		Station Tenderloin Station		Watch 0600-1600		Date 04/18/16 14:12	
	OIC MCCORMICK, PATRICK M		Star 4167		Station Tenderloin Station		Watch 1500-0100		Date 04/18/16 17:56	
Related Case -		Related Case -		Re-assigned to Copies to 5N200 3*300		Assigned to 5N200 Add'l Copies		Assigned by PR 521		

R E P O R T E E	Code R 1	Name (Last, First Middle) #521, SFPD				Alias				Email				
	Day Phone Type		Home Address				City		State		Zip Code			
	Night Phone (415) 345-7300 Type Work		Work Address 301 EDDY ST				City SAN FRANCISCO		State CA		Zip Code 94102-			
	DOB / Age Unk. <input type="checkbox"/>		or age between and		Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.	
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star		Follow-up Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject STRANGER/NONE	
	School (if Juvenile)		Injury/Treatment NONE				Other Information/If Interpreter Needed Specify Language							
	Interpreter Needed <input type="checkbox"/>		Language		Language Description(if Other)		Language Line Service/Interpreter ID#		Bilingual Ofc Star#					

P R O P E R T Y	Code/No EVD 1	Item Description DISC				Brand				Model				
	Serial No.		Gun Make		Caliber		Color		Narcotics Lab No.		Quantity 1		Value	
	Seized by (Star) 521				From Where PHOTO LAB AT 850 BRYANT ST									
	Additional Description/Identifying Numbers													

Report Type: Supplemental

San Francisco Police Department
Retrieval Incident Report
SFPD Records (415) 575-7232
4:45:20 PM

PROPERTY 2	Code/No	Item Description				Brand		Model	
	EVD 2	EVIDENCE INVENTORY							
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
						1			
	Seized by (Star)		From Where						
	521		PHOTO LAB AT 850 BRYANT ST						
	Additional Description/Identifying Numbers								

NARRATIVE

On 4/18/2016 at approximately 1255 hours I responded to the photo lab room 850 Bryant St.

I obtained a (E1) disc and (E2) evidence inventory sheet from [REDACTED] (Civilian), regarding this incident.

At Tenderloin station I booked the listed evidence accordingly.

Detailed History for Police Event [REDACTED] As of 5/03/2016 13:44:44

Output for: [REDACTED]

Priority:A Type:148 - RESISTING ARREST
Location:400 BLK ELLIS ST, SF btwn JONES ST and LEAVENWORTH ST
Map:A1

Created:	02/29/2016 22:43:50	DT12	[REDACTED]
Entered:	02/29/2016 22:43:50	DT12	[REDACTED]
Dispatch:	02/29/2016 22:43:50	DT12	[REDACTED]
Enroute:	02/29/2016 22:43:50	DT12	[REDACTED]
Onscene:	02/29/2016 22:43:50	DT12	[REDACTED]
Control:	02/29/2016 22:44:30	DT12	[REDACTED]
Transprt:	02/29/2016 22:46:25	DT16	[REDACTED]
Closed:	03/01/2016 03:14:22	DT16	[REDACTED]

ICUnit: PrimeUnit:3J13D Dispo:HAN Type:148 - RESISTING ARREST

Agency:SP DAREA:3J Sector:J5 RA:172

Case #:[REDACTED]

XREF::Fire Event:#[REDACTED] Type:XR

Agency:SF ☒ Detail

22:43:50pst	CREATE	[REDACTED]/DT12	Location:[REDACTED] Type:148 DAREA:3J RA/BOX:172 TypeDesc:RESISTING ARREST LocDesc:btwn JONES ST and LEAVENWORTH ST Priority:A Response:F:3PAT Agency:SP Sector/Stn:J5 Map:A1 LocType:S
22:43:50	ENTRY		
22:43:50	DISPOS		3J14D Location:[REDACTED] Operator:[REDACTED] OperNames:SARCOS,SONYA #2377; TOOMEY,JOSEPH #786
22:43:50	-PRIU		3J14D
22:43:50	-PREMIS		Comment:PPR, FPR
22:43:52	BACKER		3J13D UnitID:3J14D Location:[REDACTED] Operator:[REDACTED] OperNames:MARINO,MARIO #2079; FERGUS,JOHN #1943
22:43:59	COMBIN		Service:P Event:#[REDACTED] Type:917 Agency:SP
22:44:00	MISCN	[REDACTED]/DT16	3J13D Comment:148
22:44:17	CHANGE	[REDACTED]/DT12	3J14D Location:[REDACTED] -> [REDACTED]
22:44:17	-PREMIS		Comment:PPR

22:44:23	BACKOS		3J102 UnitID:3J14D Location: [REDACTED] Operator: [REDACTED] OperNames:RODATOS,ALEX #4056
22:44:30	OK		3J102 Comment:SH, 1 IN CUFFS
22:44:31	MISCN	[REDACTED]/DT16	3J13D Comment:SIC
22:46:18	BACKOS		3J12D UnitID:3J13D Location: [REDACTED] Operator: [REDACTED] [REDACTED] OperNames:CLIFFORD,ANDREW #2388; PUSUNG,MIKAEL J. #890; VICERAL,JENNIFER #2244
22:46:20	*PRIOR	[REDACTED]/K113	3J12D Location: [REDACTED] PremType:PPR
22:46:25	TRANSP	[REDACTED]/DT16	3J12D Location:TENDERLOIN STATION #W1, SF
22:46:50	*RI	[REDACTED]/K113	3J12D
22:48:06	CASE	[REDACTED]/DT16	3J13D Case#: [REDACTED]
22:48:17	CLOS		3J13D Location:TENDERLOIN STATION, SF Comment:FU
22:50:04	CLEAR		3J102 Dispo:ND
22:59:42	PRMPT	[REDACTED]/DT16	3J12D Comment:Preempted and dispatched to call # [REDACTED]
23:03:30	CLEAR		3J14D Dispo:ND
23:04:00	-ASSOC		Service:F Event: [REDACTED] Type:XR Agency:SF Comment: [REDACTED] CONSC/BREATHING CUT TO FACE
23:51:12	BACKER	[REDACTED]/DT12	3J15D UnitID:3J13D Location:TENDERLOIN STATION, SF Operator: [REDACTED] OperNames:MACCHI,PATRICK DENNIS; BARONE,CORY #1524
23:51:17	CHGLOC		3J15D Location:SF GENERAL HOSPITAL, SF
23:51:24	MISCN		3J15D Comment:W/ CUSTODY
[03/01/2016]			
00:08:21	ONSCN	[REDACTED]/DT16	3J15D
02:55:03	CLEAR	[REDACTED]/SP01	3J13D
03:14:22	CLEAR	[REDACTED]/DT16	3J15D
03:14:22	-CLEAR		
03:14:22	CLOSE		
03:21:33	RO	[REDACTED]/DT12	
03:21:33	-SELECT		
03:21:41	DISPOS		3J13D
03:21:41	-PRIU		3J13D
03:21:52	CLOS		3J13D Location:CO J F/U Comment:WE'RE STILL HERE DOING F/U
11:00:11	CLEAR	[REDACTED]/DT17	3J13D Dispo:HAN
11:00:11	-CLEAR		
11:00:11	CLOSE		

Detailed History for Police Event [REDACTED] As of 5/03/2016 13:46:41

Output for: [REDACTED]

Priority:C Type:917 - SUSPICIOUS PERSON
Location:400 BLK ELLIS ST, SF btwn JONES ST
and LEAVENWORTH ST
Map:A1

Created:	02/29/2016 22:39:06	DT16
Entered:	02/29/2016 22:39:06	DT16
Dispatch:	02/29/2016 22:39:06	DT16
Enroute:	02/29/2016 22:39:06	DT16
Onscene:	02/29/2016 22:39:06	DT16
Closed:	02/29/2016 22:43:59	DT12

ICUnit: PrimeUnit:3J13D Dispo: Type:917 -
SUSPICIOUS PERSON
Agency:SP DAREA:3J Sector:J5 RA:172 ☒ **Detail**

22:39:06pst	CREATE	[REDACTED]/DT16	Location:[REDACTED] Type:917 DAREA:3J RA/BOX:172 TypeDesc:SUSPICIOUS PERSON LocDesc:btwn JONES ST and LEAVENWORTH ST Priority:C Response:F:3PAT Agency:SP Sector/Stn:J5 Map:A1 LocType:B
22:39:06	ENTRY		Comment:SD
22:39:06	DISPOS		3J13D Location:[REDACTED] Operator [REDACTED] OperNames:MARINO,MARIO #2079; FERGUS,JOHN #1943
22:39:06	-PRIU		3J13D
22:39:06	-PREMIS		Comment:PPR
22:43:52	PRMPT	[REDACTED]/DT12	3J13D Comment:Preempted and dispatched to call [REDACTED]
22:43:52	-HOLD		3J13D
22:43:57	SELECT		
22:43:59	COMBIN		Service:P Event:[REDACTED] Type:148 Agency:SP
22:43:59	-CLOSE		



SFDPA - 0188-16 - 000069





SFDPA - 0188-16 - 000071



SFDPA - 0188-16 - 000072





SFDPA - 0188-16 - 000074



SFDPA - 0188-16 - 000075

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 0188-16

NAME: [REDACTED]

INV: S. Gray

PAGE: 10 of 10

=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
2/22/17	

--Received roster for Watch 2 and Watch 3 for TTF on 2/29/16.
Station Keeper for Watch 3 was [REDACTED]

--There is no Officer [REDACTED] listed in the roster for either
Watch 2 or Watch 3.

--Per the SFPD Roster, the following officers have names similar
to [REDACTED]

[REDACTED]

--No matches for an officer with this name stationed out of TTF.

--Conferred with SI Ball re next steps.

- E-mailed [REDACTED] for roster of Patrol Bureau Task Force
for 2/29/16;

S. Gray



USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 2/16/16
MM/DD/YYYY

Ending: 2/29/16
MM/DD/YYYY

DATE: [REDACTED]

CASE NUMBER: [REDACTED]

REVIEWING SUPERVISOR: [REDACTED]

DATE: 2/29/16

CASE NUMBER: [REDACTED]

REVIEWING SUPERVISOR: Sgt. Alex Rodatos #4056

Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Carotid <input type="checkbox"/> ERIW <input type="checkbox"/> Firearm <input type="checkbox"/> Impact Weapon <input type="checkbox"/> K-9 <input type="checkbox"/> OC <input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Strike by Object/Fist <input type="checkbox"/> Vehicle Deflection <input type="checkbox"/> Other
Officer/ Star #	Fergus, John #1943			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Comments:

* I - American Indian, A - Asian or Pacific Islander, B - Black, H - Hispanic, U - Unknown, W - White

Commanding
Officer's Signature:

Captain Teresa Ewins #733

Unit: C6J

FORWARD ONE COPY TO BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, I.A.D. AND TRAINING DIVISION.
1ST AND 15TH OF EACH MONTH

SFPD 128 (Rev. 12/15)

SFDPA - 0188-16 - 000077



USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 2/16/16 Ending: 2/27/16
MM/DD/YYYY MM/DD/YYYY

DATE: 2/29/16

CASE NUMBER: [REDACTED]

REVIEWING SUPERVISOR: Sgt. Duane #1775

Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Carotid <input type="checkbox"/> ERIW <input type="checkbox"/> Firearm <input type="checkbox"/> Impact Weapon <input type="checkbox"/> K-9 <input type="checkbox"/> OC <input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Strike by Object/Fist <input type="checkbox"/> Vehicle Deflection <input type="checkbox"/> Other
Officer/ Star #	MARINO, MARIO #2079				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Comments: (L) arm pain to [REDACTED] Fracture/Dislocation Physical control caused Injuries (L) Arm/Fw

* I - American Indian, A - Asian or Pacific Islander, B - Black, H - Hispanic, U - Unknown, W - White

DATE: _____ CASE NUMBER: _____ REVIEWING SUPERVISOR: _____

Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Carotid <input type="checkbox"/> ERIW <input type="checkbox"/> Firearm <input type="checkbox"/> Impact Weapon <input type="checkbox"/> K-9 <input type="checkbox"/> OC <input type="checkbox"/> Physical Control <input type="checkbox"/> Strike by Object/Fist <input type="checkbox"/> Vehicle Deflection <input type="checkbox"/> Other
Officer/ Star #					<input type="checkbox"/> YES <input type="checkbox"/> NO	Comments:

* I - American Indian, A - Asian or Pacific Islander, B - Black, H - Hispanic, U - Unknown, W - White

DATE: _____ CASE NUMBER: _____ REVIEWING SUPERVISOR: _____

Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Carotid <input type="checkbox"/> ERIW <input type="checkbox"/> Firearm <input type="checkbox"/> Impact Weapon <input type="checkbox"/> K-9 <input type="checkbox"/> OC <input type="checkbox"/> Physical Control <input type="checkbox"/> Strike by Object/Fist <input type="checkbox"/> Vehicle Deflection <input type="checkbox"/> Other
Officer/ Star #					<input type="checkbox"/> YES <input type="checkbox"/> NO	Comments:

* I - American Indian, A - Asian or Pacific Islander, B - Black, H - Hispanic, U - Unknown, W - White

Commanding
Officer's Signature:

Captain Teresa Ewins #733

Unit: 65

FORWARD ONE COPY TO BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, I.A.D. AND TRAINING DIVISION.
1ST AND 15TH OF EACH MONTH

SFPD 128 (Rev. 12/15)

SFDPA - 0188-16 - 000078

Google Maps

Ellis St



Image capture: Nov 2015 © 2016 Google

San Francisco, California

Street View - Nov 2015

Google Maps

DUTIES OF STATION PERSONNEL

This order outlines the duties and responsibilities of the district captain, the captain's clerk, the watch lieutenant, the station keeper, the station duty officer, and the officer assigned to the patrol wagon.

I. POLICY

A. DUTIES OF THE DISTRICT CAPTAIN

1. OPERATIONS AND INSPECTIONS

- a. Be responsible for the efficient operation of the station and the performance and discipline of its members.
- b. Remain within the district during the tour of duty as necessary.
- c. Frequently inspect the district at various times to keep informed of conditions and to determine if members are efficiently performing their duties.

2. CONFERENCES AND COMMUNITY MEETINGS

- a. After assuming command, meet with lieutenants and sergeants to discuss district problems.
- b. Attend community meetings as required, or send a representative.
- c. Attend conferences as required.

3. PERMITS AND LICENSES

- a. Investigate permit and license applications. Ensure that establishments operating under permits or licenses are supervised regularly and that current records are maintained.
- b. Identify and investigate district establishments suspected of being in violation of the law and report the results in writing.

DGO 1.05

07/20/94

- c. Keep a record of halls and similar places. When an event is to be held, ascertain the type of event and, if staffing allows, ensure that officers visit the premises during the event.
4. SCHEDULING. Schedule personnel to provide for optimum handling of police business in the district.
5. SPECIALIZED ASSISTANCE. Request specialized assistance through the Division Commander when necessary to deal with vice conditions or other conditions requiring specialized assistance.
6. FILES AND RECORDS
 - a. Assign a clerk to maintain records and to perform other duties as needed.
 - b. Maintain a current file of establishments in the district, containing the address, telephone number, type of business, hours, owner, and address and telephone number of the person to be notified in an emergency.
 - c. Ensure that a current record is maintained of assigned members' residence addresses and phone numbers. When a member is transferred, ensure that the record is forwarded.
7. DETAILS. When a detail is made to another district, have the names and star numbers of the members detailed transmitted to that district as soon as possible.
8. EQUIPMENT. See DGO 10.05, Weapons and Protective Equipment Inspection.
9. BUILDING AND FACILITIES. See DGO 3.03, Facilities Management.

B. DUTIES OF THE CAPTAIN'S CLERK

1. Maintain files, records and reports as required.
2. Perform duties as assigned by the district captain.

C. DUTIES OF THE LIEUTENANT

1. UNIFORM ATTIRE. Be in uniform while on duty.


2. OPERATIONS

- a. During the absence of the District Captain, be responsible for the efficient operation of the station and the performance and discipline of its members.
- b. Inspect the district at varying hours, keep the station advised as to your whereabouts, and stay in radio contact.

3. FILES AND RECORDS

- a. Ensure records are kept and maintained in the business office.
- h. Examine records, correct discrepancies, and certify completeness by signing them.

4. SICK AND DISABILITY CERTIFICATES. Receive sick and disability certificates. Time stamp the certificate or enter the time and date of receipt. Sign and enter your title on the certificate and forward it to the Personnel Division with the next transfer of orders. In the event the certificate is issued for a member of another command, time stamp it or enter the date and time of receipt, notify the member's unit if it is open, and forward the certificate to the member's unit with the next transfer of orders.

 CRITICAL INCIDENTS. See DGO 8.01, Critical Incident Notification

6. SCHEDULING. Provide for adequate staffing commensurate with the demands for police service.

7. ROLL CALL

- a. Conduct roll calls and ensure officers are properly uniformed and equipped. Before sending them on patrol, give them their assignments and read any directives, bulletins, teletypes, or other pertinent information. .

DGO 1.05
07/20/94

- h Report members of the previous watch off duty. If any irregularities are noted, take proper action
 - c When a member fails to report on or off duty without valid reason, immediately investigate the situation. Submit a written report to the District Captain showing the findings and actions taken.
 - d Notify the Field Operations Bureau or the Operations Center during non-business hours when a member cannot be located within one hour.
- 8. CRIMINAL CHARGES. Ensure that criminal charges are appropriately placed on prisoners and that reports are properly prepared.
- 9. DEPARTMENT PROPERTY. When Department property is damaged or lost, ensure that an investigation is made and a written report is submitted to the District Captain.
- 10. REPORTS. Review, approve and initial all reports.
- 11. WARRANTS AND SUBPOENAS. When an arrest warrant, subpoena or citation is delivered, ensure that it is served promptly and is properly returned. If unable to serve, inform the oncoming Lieutenant.

D. DUTIES OF THE STATION KEEPER

- 1. BUSINESS OFFICE
 - a Subject to the direction of the lieutenant, supervise the station business office and the member assigned to station duty.
 - h Not permit anyone to enter the office of a superior officer or any business office in the station except on police business or on orders of supervisors.
- 2. RECORDS, BULLETINS, TELETYPES
 - a Keep the station records in a neat, clean and business-like manner and not allow them to be inspected by unauthorized persons.

- h. Receive orders, bulletins and teletype messages, and immediately bring them to the attention of the lieutenant.
- c. Carefully examine bulletins and other communications listing missing persons or wanted subjects and check them against the names and descriptions of prisoners held at the station.
- 3. CRITICAL INCIDENTS AND NOTIFICATIONS. See DGO 8.01, Critical Incident Notification.
- 4. SICK CERTIFICATES. If a sick certificate of a member is brought to the station when the lieutenant is away, receive it as prescribed for the lieutenant.
- 5. BOOKINGS AND PRISONERS. See DGO 4.01, Booking of Prisoners.
- 6. COUNTER REPORTS. When a person appears at the station to report a police matter, ensure that a proper-report is made.
- 7. STATION BAIL. See DGO 4.02, Accepting Bail.
- 8. PROPERTY FOR IDENTIFICATION. See DGO 6.15, Property Processing.
- 9. EQUIPMENT. Account for all PIC radios, vehicles and other issued equipment (see DGO 10.04, PIC Radios & DGO 10.02, Equipment).
- 10. DETAILS/ASSIGNMENTS. Immediately notify Communications Division when officers are assigned duties other than by the Communications Division.

E. STATION DUTY. A member assigned to station duty shall:

- 1. Answer the telephone promptly and courteously.
- 2. Prepare reports and provide information to the public.
- 3. Perform other duties as directed by a superior.
- 4. Monitor the police radio and provide requested information and support to field units.

DGO 1.05
07/20/94

F. PATROL WAGON DUTY An officer assigned to the Patrol Wagon shall:

1. Make transfers to the County jail as assigned by the Station Keeper.
2. Respond to requests for a wagon.
3. Perform routine patrol when not transporting prisoners.
4. Perform other duties as directed by superiors.

SECTION 4

TRANSPORTATION AND SEARCHES OF PRISONERS AND FACILITIES

Field Arrest Searches

DUTIES OF THE ARRESTING OFFICER. At the time of arrest, the arresting officer shall conduct a field arrest search of the arrestee. The search shall at least include a thorough pat down to make sure that the arrestee does not have any weapon that could harm him/her or others.

TRANSFERRING CUSTODY. Officers shall personally conduct a thorough pat-down search before assuming custody of a prisoner, e.g., transporting to the district station, booking, transferring to the County Jail, processing, or transporting to a medical facility.

Transporting Prisoners (Also see DGO 1.03, Duties of Patrol Officers)

Officers are responsible for the safe transportation of prisoners. Absent exigent circumstances, officers shall comply with the following policies:

Females shall not be transported in the same compartment of a police vehicle with male prisoners.

Officers shall not place any prisoner into a compartment of a vehicle containing property and/or equipment, or place property and/or equipment into an area of a vehicle occupied by prisoners.

JUVENILE PRISONERS. See DGO 7.01, Juvenile Policies and Procedures

Custodial Searches

Custodial searches are designed to ensure that arrestees do not bring weapons or contraband into a detention facility (see Penal Code Section 4030). The policies regarding these types of searches do not apply to the myriad of other searches performed by officers outside of a detention facility.

DUTIES OF THE STATION KEEPER. The Station Keeper shall ensure that prisoners are appropriately searched before they are placed into holding cells.

TYPES OF CUSTODIAL SEARCHES

Booking Search:	Pat-downs, metal detector scans and thorough clothing searches.
-----------------	---

Strip Search: Removal of clothing for a visual inspection of underclothing, breasts, buttocks or genitalia.

Body Cavity Search: Physical intrusion and inspection of the stomach, rectum or vagina.

BOOKING SEARCHES. Most bookings at a district station require only a booking search, which includes a pat down and a thorough search of the prisoner's clothing. The arrestee's pockets are emptied and items are placed on the booking counter; containers are inspected. The purpose of a booking search is to inventory an arrestee's property and ensure that no dangerous objects or contraband are allowed into the holding facility.

STRIP SEARCHES. If an officer has a reasonable suspicion based on specific and articulable facts that an arrestee is concealing a weapon or contraband, he/she may conduct a strip search with the approval of a supervisor. Strip searches must be conducted by an officer(s) of the same sex as the arrestee, and "... in an area of privacy so that the search cannot be observed by persons not participating in the search." Before conducting a strip search, a supervisory officer must complete *Strip Search and Visual Body Cavity Search Authorization* (SFPD 305). The form must be attached to the incident report.

If during the course of the strip search, an officer(s) develops probable cause to believe that the evidence or contraband they are trying to seize is within the arrestee's body cavity and they are unable to seize the evidence or contraband because it is within the arrestee's body cavity, the strip search procedure shall be terminated and the body cavity search protocol shall be initiated.

Persons with Prosthetic Devices. Unless there are exigent circumstances requiring an immediate search for safety, prosthetic devices (artificial limbs) shall not be removed as part of a booking search. Prosthetic devices may be removed only when a strip search is warranted.

Prosthetic devices are attached in a variety of ways and should only be removed under the direction of a person familiar with the device. To avoid complications, prisoners wearing prosthetic devices should be transported directly to the County Jail. The suspect should be handcuffed as a safety precaution. If a strip search is warranted, it can be conducted at the County Jail under medical supervision.

BODY CAVITY SEARCHES. Body cavity searches require a magistrate's search warrant and shall be done only by medical personnel.

⁹ Penal Code Section 4030

**OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM**

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding DPA case number 0188-16 and is taking place on March 28, 2017, at DPA offices at 25 Van Ness.

2. Conducting the interview is Investigator Susan Gray

4. The member being interviewed is Officer Mario Marino #2079

5. His representative is Louis Wong 1572

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. Officer Marino, have you read the statement of

Daevonna Survine, concerning an incident at

Ellis & Jones on 2/29/16?

☒ Yes [] No

A. Have you read the DPA Added Allegation in this case?

☒ Yes [] No

2. Have you read General Order 2.08?

☒ Yes [] No

3. Have you read Rule 21 of General Order 2.01?

☒ Yes [] No

4. Have you read Section I.A. of General Order 2.04?

☒ Yes [] No

5. Do you understand these orders?

☒ Yes [] No

Officer Marino you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I., A, to cooperate with this DPA investigation, provide your full assistance, and answer all questions truthfully and without evasion. Additionally, pursuant to DGO 2.08 I. A. 4., you must answer all questions posed to you during this administrative investigation.

You are obligated to answer my questions.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate with this investigation. Failure to cooperate with the investigation may subject you to discipline. If your representative disrupts this interview, I will stop the interview and prepare a Blue Folder which states that you are in violation of DGO 2.01 and DGO 2.04.

6. Are you prepared to be interviewed at this time?

☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?

☐ Yes ☐ No

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. The interview is concluded at (Time)

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revised 11/24/10

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

DPA Case #0188-16

Member Interview Questions

Officer John Fergus #1943 and Officer Mario Merino #2079



Joyce M. Hicks
Executive Director

1. Were you on duty on 2/29/16?
2. What were your assigned duties that day?
3. Were you in uniform?
4. On that day did you detain [REDACTED]?
 - a. What was the reasonable suspicion behind your detention of him?
 - b. What was your location when you first saw Mr. [REDACTED]?
 - c. What did you observe?
 - d. What was your conversation with Mr. [REDACTED] after you approached him?
 - i. Did Mr. [REDACTED] say anything about his parole status? What did he say?
5. Did you then arrest Mr. [REDACTED]?
 - a. What probable cause did you have for his arrest?
6. Mr. [REDACTED] says that officers strip-searched him on the street. What is your response to that?
7. What happened after you placed Mr. [REDACTED] in handcuffs?
 - a. Search in rear of [REDACTED] pants
 - i. Bladed hand technique?
 - ii. Did you find anything?
 - b. Did Mr. [REDACTED] then try to run?
8. What force or restraints were used in taking Mr. [REDACTED] into custody?
 - a. Why were these holds necessary?
9. Did you have any reportable use of force during this incident?
10. How many officers participated in taking Mr. [REDACTED] into custody?
11. Mr. [REDACTED] states that you jumped into the back seat of the patrol car with him and punched him. What is your response to that?
12. Why was a strip search of Mr. [REDACTED] deemed necessary at Tenderloin Station?
13. What happened after Mr. [REDACTED] was strip searched?
14. What force or restraints were used in subduing Mr. [REDACTED] after the strip search?
15. Why were these restraints or holds necessary?
16. Did you have any reportable use of force during this incident?
17. Did you choke Mr. [REDACTED] to get him to release the drugs in his mouth?
18. Did you observe any other officer doing so?

**OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM**

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding DPA case number 0188-16 and is taking place on March 28, 2017, at DPA offices at 25 Van Ness.

2. Conducting the interview is Investigator Susan Gray

4. The member being interviewed is Officer John Fergus #1943

5. His representative is Lewis Wong 1572

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. Officer Fergus, have you read the statement of

Daevonna Survine, concerning an incident at

Ellis & Jones on 2/29/16?

☒ Yes [] No

A. Have you read the DPA Added Allegation in this case?

☒ Yes [] No

2. Have you read General Order 2.08?

☒ Yes [] No

3. Have you read Rule 21 of General Order 2.01?

☒ Yes [] No

4. Have you read Section I.A. of General Order 2.04?

☒ Yes [] No

5. Do you understand these orders?

☒ Yes [] No

Officer Fergus you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I., A, to cooperate with this DPA investigation, provide your full assistance, and answer all questions truthfully and without evasion. Additionally, pursuant to DGO 2.08 I. A. 4., you must answer all questions posed to you during this administrative investigation.

You are obligated to answer my questions.

If your representative interferes with or obstructs this investigation, you will be deemed to have failed to cooperate with this investigation. Failure to cooperate with the investigation may subject you to discipline. If your representative disrupts this interview, I will stop the interview and prepare a Blue Folder which states that you are in violation of DGO 2.01 and DGO 2.04.

6. Are you prepared to be interviewed at this time?

☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?

☐ Yes ☒ No

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. The interview is concluded at (Time)

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revised 11/24/10

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

DPA Case #0188-16

Member Interview Questions

Officer [REDACTED]



Joyce M. Hicks
Executive Director

1. Were you on duty on 2/29/16?
2. What were your assigned duties that day?
3. Were you the Station Keeper on duty when [REDACTED] was brought into Tenderloin station?
4. Did you provide Mr. [REDACTED] with medical screening when he was brought in?
5. Why was a strip search of Mr. [REDACTED] deemed necessary at Tenderloin Station?
6. What happened after Mr. [REDACTED] was strip searched?
7. Did you participate in subduing Mr. [REDACTED]? *yes*
8. Did you have any reportable use of force during this incident?
9. What force or restraints were used in subduing Mr. [REDACTED] after the strip search?
10. Why were these restraints or holds necessary?
11. Did you [REDACTED] to get him to release the drugs in his mouth/ did you observe any other officer doing so?

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

4 INTERVIEW OF: OFFICER JOHN FERGUS

5 DATE OF INTERVIEW: 03/28/2017

8 INV. SUSAN GRAY: Okay. This interview is regarding DPA
9 case number 0188-16. And it's taking place on March 28th, 2017
10 at DPA Offices at 25 Van Ness. Conducting the interview is
11 Investigator Susan Gray. The member being interviewed is Officer
12 John Fergus, star number 1943. His representative is Louis Wong,
13 star number 1522--72, pardon me.

14 REP. OFFICER LOUIS WONG: Go ahead.

15 INV. GRAY: And Officer Fergus, have you read the
16 statement of [REDACTED] concerning an incident at Ellis and
17 Jones Tenderloin Station on 2/29/16?

18 OFFICER JOHN FERGUS: Yes.

19 INV. GRAY: Have you read DPA added allegation in this
20 case?

21 OFFICER FERGUS: Yes.

22 INV. GRAY: Have you read General Order 2.08?

23 OFFICER FERGUS: Yes.

24 INV. GRAY: Have you read Rule 21 of General Order 2.01?

25 OFFICER FERGUS: Yes.

26 INV. GRAY: Have you read Section 1A of General Order
27 2.04?

28 OFFICER FERGUS: I have.

1 INV. GRAY: Do you understand these orders?
2 OFFICER FERGUS: Yes.
3 INV. GRAY: Officer Fergus, you are obligated pursuant to
4 DGO 2.01, Rule 21, and DGO 2.04, 1A, to cooperate with this DPA
5 investigation, provide your full assistance, and answer all
6 questions truthfully and without evasion. Additionally, pursuant
7 to DGO 2.08 1A4, you must answer all questions posed to you
8 during this administrative investigation. You are obligated to
9 answer my questions. If your representative interferes with or
10 obstructs this investigation, you will be deemed to have failed
11 to cooperate with the investigation. Failure to cooperate with
12 the investigation may subject you to discipline. If your
13 representative disrupts this interview, I will stop the interview
14 and prepare a blue folder which states that you are in violation
15 of DGO 2.01 and DGO 2.04. Are you prepared to be interviewed at
16 this time?
17 OFFICER FERGUS: Yes.
18 INV. GRAY: Okay. Do you want to--
19 REP. OFFICER WONG: Yeah.
20 INV. GRAY: [UNINTELLIGIBLE] Okay.
21 REP. OFFICER WONG: Because this is an involuntary statement
22 on Officer Fergus' part, in so far as he is being compelled to
23 answer your questions or face discipline, the statement he is
24 about to give cannot be used against him in any subsequent
25 criminal proceedings per the California Supreme Court's
26 instruction in its Lybarger decision. It cannot be used against
27 him in any subsequent civil proceedings per Government Code
28 Section 3303.

1 INV. GRAY: Okay. Officer Fergus, were you on duty on
2 February 29th, 2016?
3 OFFICER FERGUS: Yes.
4 INV. GRAY: What were your assigned duties that day?
5 OFFICER FERGUS: Patrol.
6 INV. GRAY: Were you in uniform?
7 OFFICER FERGUS: Yes.
8 INV. GRAY: And on that day did you detain [REDACTED]?
9 OFFICER FERGUS: Yes.
10 INV. GRAY: And what was the reasonable suspicion behind
11 your detaining [REDACTED]?
12 OFFICER FERGUS: He was in possession of crack cocaine.
13 INV. GRAY: How did you determine that?
14 OFFICER FERGUS: I was watching him.
15 INV. GRAY: Where were you watching him from?
16 OFFICER FERGUS: Nearby.
17 INV. GRAY: And what did you see?
18 OFFICER FERGUS: I saw him holding a plastic bag with
19 crack cocaine.
20 INV. GRAY: And what happened then?
21 OFFICER FERGUS: We approached him and placed him under
22 arrest.
23 INV. GRAY: What was your conversation with Mr. [REDACTED] when
24 you approached him? Was there one?
25 OFFICER FERGUS: "San Francisco Police, you're under
26 arrest."
27 INV. GRAY: Did Mr. [REDACTED] say anything about this parole
28 status?

1 OFFICER FERGUS: Not at that point.
2 INV. GRAY: At what point did he say anything?
3 OFFICER FERGUS: During the handcuffing process.
4 INV. GRAY: And what did he say?
5 OFFICER FERGUS: That he's on parole.
6 INV. GRAY: And you then--did you then arrest Mr. [REDACTED],
7 obviously? And the probable cause you had for his arrest?
8 OFFICER FERGUS: Possession of crack cocaine.
9 INV. GRAY: And Mr. [REDACTED] says that officers strip
10 searched him on the street. What's your response to that?
11 OFFICER FERGUS: He's lying.
12 INV. GRAY: And what happened after you placed Mr. [REDACTED]
13 in handcuffs?
14 OFFICER FERGUS: I began to search him. And then he
15 tried to escape.
16 INV. GRAY: Where'd you search him?
17 OFFICER FERGUS: On the street.
18 INV. GRAY: I mean, where on his body? Where on his
19 person?
20 OFFICER FERGUS: His pockets.
21 INV. GRAY: Did you find anything on him?
22 OFFICER FERGUS: I did.
23 INV. GRAY: What did you find?
24 OFFICER FERGUS: I found some marijuana that was on his
25 person, on his waist band area.
26 INV. GRAY: And where was the crack cocaine that you had
27 seen?
28 OFFICER FERGUS: It was still hidden on his person.

1 INV. GRAY: Where was it hidden?
2 OFFICER FERGUS: Up around his sweatshirt.
3 INV. GRAY: And what happened then?
4 OFFICER FERGUS: He tried to escape. He knocked my
5 partner in his chest with his head. And he pulled us into the
6 street.
7 INV. GRAY: Were any force or restraints used in taking
8 him into custody?
9 OFFICER FERGUS: Restraints? What do you mean?
10 INV. GRAY: I mean, like pain control maneuvers or any
11 holds?
12 OFFICER FERGUS: Not by me.
13 INV. GRAY: Not by you?
14 OFFICER FERGUS: Right.
15 INV. GRAY: So was any force used?
16 OFFICER FERGUS: What do you mean by force?
17 INV. GRAY: I mean, was he hit? Was he struck? Was he--
18 OFFICER FERGUS: No. He--we were knocked to the ground.
19 So if that's force. No--no strikes, if that's what you mean.
20 INV. GRAY: So how did you get him under control?
21 OFFICER FERGUS: A number of police officers showed up
22 and physically restrained him.
23 INV. GRAY: So did you personally have any reportable use
24 of force during this incident?
25 OFFICER FERGUS: I did.
26 INV. GRAY: What?
27 OFFICER FERGUS: He--he sustained a--an abrasion to his
28 forehead and I took a use of force for that. That happened, I

1 | guess, during--while we were on the ground.

2 | INV. GRAY: How many officers would you say participated
3 | in taking Mr. [REDACTED] into custody?

4 | OFFICER FERGUS: At which point?

5 | INV. GRAY: At--you said a number of units showed up
6 | after he pulled you into the street.

7 | OFFICER FERGUS: Yeah. More than two or three officers.
8 | I don't recall. I know a number came. I don't remember how
9 | many actually physically helped. There was a hostile crowd so
10 | some--some were doing crowd control.

11 | INV. GRAY: And Mr. [REDACTED] states that you jumped into the
12 | back seat of the patrol car with him and punched him. What's
13 | your response to that?

14 | OFFICER FERGUS: He's lying. And there was a sergeant on
15 | the scene.

16 | INV. GRAY: Who was that sergeant?

17 | OFFICER FERGUS: [Ridaldos].

18 | INV. GRAY: Why was a strip search of Mr. [REDACTED] deemed
19 | necessary at Tenderloin Station?

20 | OFFICER FERGUS: Because that's where he had the drugs.
21 | And we want to get them all off them on scene.

22 | INV. GRAY: How did you know that?

23 | OFFICER FERGUS: Because I'm the one that searched him.
24 | And I didn't get them all off him.

25 | INV. GRAY: So I'm just trying to understand. So you
26 | searched him on the street.

27 | OFFICER FERGUS: Right.

28 | INV. GRAY: And you found the marijuana.

1 OFFICER FERGUS: Right.
2 INV. GRAY: And it was the crack that you had seen him
3 with.
4 OFFICER FERGUS: Right.
5 INV. GRAY: You said it was in his sweatshirt.
6 OFFICER FERGUS: Right.
7 INV. GRAY: And you believed that there were additional
8 drugs on his person?
9 OFFICER FERGUS: I knew there was.
10 INV. GRAY: How'd you know?
11 OFFICER FERGUS: Because I seen 'em. Moments earlier.
12 INV. GRAY: The cocaine--the crack.
13 OFFICER FERGUS: Right.
14 INV. GRAY: So even though you had seen the crack, you
15 found crack in his sweatshirt, you believed that there was more?
16 I'm a little confused.
17 OFFICER FERGUS: No. I seized the marijuana on scene.
18 And then we brought him back to Tenderloin Station. And then we
19 conducted a strip search. Well, we didn't bring him back.
20 Someone else transported him back.
21 INV. GRAY: So you had seen--you knew that he had crack
22 on him somewhere because you had seen it. But you only recovered
23 the marijuana on the street.
24 OFFICER FERGUS: Correct.
25 INV. GRAY: And what happened after Mr. [REDACTED] was strip
26 searched?
27 OFFICER FERGUS: After he was strip searched?
28 INV. GRAY: Or during his strip search.

1 OFFICER FERGUS: During the strip search, he--at which
2 point? Let me just back up.

3 INV. GRAY: Well, maybe it's a good time to watch the
4 video.

5 REP. OFFICER WONG: Yeah.

6 INV. GRAY: Starting with--at 11:20 and 40 seconds. Who
7 is that standing off?

8 OFFICER FERGUS: That's Officer Marino.

9 INV. GRAY: And is that--that's you coming in?

10 OFFICER FERGUS: Yes. That's right.

11 INV. GRAY: Okay. And he's wearing--an electronic
12 anklet, right?

13 OFFICER FERGUS: Yeah. Ankle bracelet. Yeah, when
14 you're on parole, they monitor you with that. [High] control.

15 INV. GRAY: I see you're shaking out his clothes here.

16 OFFICER FERGUS: Well, I'm--I'm searching him.

17 INV. GRAY: So you can sort of see that something's
18 fallen out. Do you remember that at the time?

19 OFFICER FERGUS: Yeah. Nothing had fallen out at that
20 point.

21 INV. GRAY: But if you--okay.

22 OFFICER FERGUS: Nothing--nothing's fallen out.

23 INV. GRAY: It looks to me like what happens is--
24 something falls out and he covers it with his right foot. Let me
25 back it up a little bit. Watch right around here. See it? He
26 sees it. He puts his foot over it. No?

27 OFFICER FERGUS: You're saying his right foot?

28 INV. GRAY: Hm-hmm.

1 OFFICER FERGUS: Oh, he took--
2 INV. GRAY: There he goes.
3 OFFICER FERGUS: Oh. Now I see him moving his foot.
4 INV. GRAY: I mean, you were there--
5 OFFICER FERGUS: It--it was something white?
6 INV. GRAY: Hm-hmm.
7 OFFICER FERGUS: Like crack.
8 INV. GRAY: I--I mean, I don't know. I wasn't there and-
9 -
10 OFFICER FERGUS: Oh, yeah. I don't know. Maybe it's
11 crack. I don't know.
12 INV. GRAY: And then--so he's--all right, so--so you tell
13 me at what point you see any contraband. If you don't think
14 that's it. Just curious. And that's the sweatshirt that you
15 thought the rocks were in, right?
16 OFFICER FERGUS: Right.
17 INV. GRAY: And he hasn't moved that right foot. You
18 notice.
19 OFFICER FERGUS: No.
20 INV. GRAY: Okay, he kicks it over.
21 OFFICER FERGUS: Oh. Did I--
22 INV. GRAY: All right. So tell me what's happening here.
23 OFFICER FERGUS: He's possessing the bag of crack cocaine
24 and we're trying to seize it.
25 INV. GRAY: Did he--did he put it--
26 OFFICER FERGUS: He ended up shoving it in his mouth.
27 INV. GRAY: He did. Okay. And I got to queue the video.
28 I'm sorry. [UNINTELLIGIBLE]

1 OFFICER FERGUS: So it's already in his mouth at that
2 point.

3 INV. GRAY: Okay. Well, do you recall what techniques
4 were used to get him to produce those drugs from this mouth?

5 OFFICER FERGUS: Well, he released them himself.

6 INV. GRAY: He did?

7 OFFICER FERGUS: Yeah.

8 INV. GRAY: He just spat them out?

9 OFFICER FERGUS: No. He opened his mouth and a portion
10 of the bag was able to come out.

11 INV. GRAY: So someone grabbed the point of the bag and
12 pulled it?

13 OFFICER FERGUS: I did.

14 INV. GRAY: Okay.

15 OFFICER FERGUS: Otherwise he was gonna suffocate.

16 INV. GRAY: Yeah. Okay. Did you choke Mr. [REDACTED] to
17 release the drugs in his mouth?

18 OFFICER FERGUS: No.

19 INV. GRAY: Did you witness any other officer doing that?

20 OFFICER FERGUS: No.

21 INV. GRAY: Okay. And this is at this point--

22 OFFICER FERGUS: They're still--I believe they're still
23 in his mouth.

24 INV. GRAY: Okay. Just let me know at what point it
25 appears that the drugs are removed.

26 OFFICER FERGUS: They're still in his mouth because I
27 remember having to reach down and get 'em.

28 INV. GRAY: Oh. All right, that.

1 OFFICER FERGUS: [You look at that.]
2 INV. GRAY: Okay. I hadn't realized that it took this
3 long to get those out.
4 OFFICER FERGUS: Yeah. He was non-compliant.
5 INV. GRAY: Okay. Okay. I think we're gonna have
6 [UNINTELLIGIBLE].
7 OFFICER FERGUS: Yeah. We were able to get them after he
8 got tired of holding onto them.
9 INV. GRAY: Yeah. Okay. Those are all the questions I
10 have for you. Is there any other statement relevant to this
11 incident you wish to make at this time?
12 OFFICER FERGUS: No.
13 INV. GRAY: Are there any witnesses or other evidence
14 relevant to this case that you intend to submit on your behalf?
15 OFFICER FERGUS: No.
16 INV. GRAY: Officer Wong?
17 REP. OFFICER WONG: Just that the person making the
18 complaint is not Mr. [REDACTED]. I guess it's a friend. So she wasn't
19 present at the holding cell or any of this to make these
20 allegations against any of these officers.
21 INV. GRAY: She's making them on his behalf.
22 REP. OFFICER WONG: On--oh, on his behalf. Okay. So--
23 hearsay.
24 OFFICER FERGUS: Actually, you know what? I would just
25 like to--
26 REP. OFFICER WONG: Yeah, go ahead.
27 OFFICER FERGUS: Put it on the record some of the
28 injuries that my partner sustained as a result of what happened

1 on scene and during the incident at Tenderloin Station. There's
2 a number of photos. He sustained a bruised right leg. Goes all
3 the way from his groin all the way down the top of his foot.
4 This was as a result of that night. This is another angle of the
5 bruise that goes all the way down the right side of his leg.

6 INV. GRAY: And this is as a result of the struggle that
7 happened on the street or in the station?

8 OFFICER FERGUS: At--on scene.

9 INV. GRAY: Okay.

10 OFFICER FERGUS: And he was out for several months as a
11 result of Mr.--defendant's actions.

12 INV. GRAY: Okay. Thank you.

13 OFFICER FERGUS: This is another different angle, same
14 injury. He was off-duty for several months. And I'd just like
15 to put it on the record that this incident is over a year old and
16 that Mr. [REDACTED] is actually still in custody awaiting jury trial.

17 INV. GRAY: Okay. That it?

18 REP. OFFICER WONG: That's about it, yeah.

19 INV. GRAY: Okay.

20 REP. OFFICER WONG: Going on what I was going to ask. Good.
21 Okay.

22 INV. GRAY: All right. That concludes this interview.
23 The time now is 2:31.

24 END OF DOCUMENT
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1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

3

4 INTERVIEW OF: OFFICER MARIO MARINO

5 DATE OF INTERVIEW: 03/28/2017

6

7

8 INV. SUSAN GRAY: This interview is regarding DPA case
9 number 0188-16. And it's taking place on March 28th, 2017 at DPA
10 Offices at 25 Van Ness. Conducting the interview is Investigator
11 Susan Gray. The member being interviewed is Officer Mario
12 Marino, star number 2079. His representative is Officer Louis
13 Wong, star number 1572. Officer Marino, have you read the
14 statement of [REDACTED] concerning an incident at Ellis and
15 Jones and in the Tenderloin Station on 2/29/16?

16 OFFICER MARIO MARINO: Yeah.

17 INV. GRAY: Have you read the DPA added allegation of
18 this case?

19 OFFICER MARINO: The DPA added allegation? No, I don't
20 think so.

21 INV. GRAY: It is--it was included in what I sent.

22 [UNINTELLIGIBLE]

23 OFFICER MARINO: Okay.

24 INV. GRAY: Have you read General Order 2.08?

25 OFFICER MARINO: Yes.

26 INV. GRAY: Have you read Rule 21 of General Order 2.01?

27 OFFICER MARINO: Yes.

28 INV. GRAY: Have you read Section 1A of General Order

1 2.04?

2 OFFICER MARINO: Yes.

3 INV. GRAY: Do you understand these orders?

4 OFFICER MARINO: Yes.

5 INV. GRAY: Officer Marino, you are obligated pursuant to
6 DGO 2.01, Rule 21, and DGO 2104 1A, to cooperate with this DPA
7 investigaiotn, provide your full assistance, and answer all
8 questions truthfully and without evasion. Additionally, pursuant
9 to DGO 2.08 1A4, you must answer all questions posed to you
10 during this administrative investigation. You are obligated to
11 answer my questions. If your representative interferes with or
12 obstructs this investigation, you will be deemed to have failed
13 to cooperate with this investigation. Failure to cooperate with
14 the investigation may subject you to discipline. If your
15 representative disrupts this interview, I will stop the interview
16 and prepare a blue folder which states that you are in violation
17 of DGO 2.01 and DGO 2.04. Are you prepared to be interviewed at
18 this time?

19 OFFICER MARINO: I am.

20 INV. GRAY: Okay. Officer Wong?

21 OFFICER LOUIS WONG: Yes. Because this is an involuntary
22 statement on Officer Marino's part, in so far as he is being
23 compelled to answer your questions or face discipline, the
24 statement he is about to give cannot be used against him in any
25 subsequent criminal proceedings per the California Supreme
26 Court's instruction as to Lybarger decision. And cannot be used
27 against him in any subsequent civil proceedings per Government
28 Code Section 3303.

1 INV. GRAY: Okay. Officer Marino, were you on duty on
2 February 29th, 2016?
3 OFFICER MARINO: Yes.
4 INV. GRAY: And what were your assigned duties that day?
5 OFFICER MARINO: Police work in the Tenderloin.
6 INV. GRAY: Patrol?
7 OFFICER MARINO: Yeah. Patrol.
8 INV. GRAY: Were you in uniform?
9 OFFICER MARINO: Yes.
10 INV. GRAY: On that day, did you detain [REDACTED]?
11 OFFICER MARINO: No, I arrested him.
12 INV. GRAY: Okay.
13 OFFICER MARINO: I'm sorry. Is there something funny
14 about it?
15 INV. GRAY: No, no.
16 OFFICER MARINO: Oh, okay, all right.
17 INV. GRAY: I'm just smiling because you jumped ahead of
18 my--
19 OFFICER MARINO: Oh, I--
20 INV. GRAY: That's fine.
21 OFFICER MARINO: I didn't. I never detained him. I
22 arrested him.
23 INV. GRAY: That's fine. What was your location when you
24 first saw him?
25 OFFICER MARINO: I'd like to give you that information
26 but I can't disclose that information so I'm going to cite the
27 10-40, the evidence code. That location--I'm sorry. I can't
28 tell you where that is.

1 INV. GRAY: Okay. So that's a surveillance location?
2 OFFICER MARINO: Yeah, it's just around [UNINTELLIGIBLE] -
3 -
4 INV. GRAY: Okay.
5 OFFICER MARINO: Are you familiar with 1040 evidence
6 code?
7 INV. GRAY: Not off the top of my head.
8 OFFICER MARINO: All right. So if the location is gonna
9 endanger other operations or somebody's well-being or a business
10 owner's well-being or that location could present the danger to
11 other officers, I can claim that part of the evidence code.
12 INV. GRAY: That's fine.
13 OFFICER MARINO: Okay.
14 INV. GRAY: What did you observe when you first saw Mr.
15 [REDACTED]?
16 OFFICER MARINO: He was holding drugs.
17 INV. GRAY: Was he--can you elaborate? What was he
18 holding?
19 OFFICER MARINO: Crack cocaine.
20 INV. GRAY: And what was your--what did you say to Mr.
21 [REDACTED] when you approached him?
22 OFFICER MARINO: Not sure. You--you're going from what I
23 saw to--can you tell me at what point and where--
24 INV. GRAY: All right, so, all right, let's back up.
25 OFFICER MARINO: Because I mean we had a long interaction
26 so--
27 INV. GRAY: Sure.
28 OFFICER MARINO: Sure.

1 INV. GRAY: Okay. So you observed Mr. [REDACTED] with crack
2 cocaine. What happened then?

3 OFFICER MARINO: Then we responded down to where he was.
4 And placed him under arrest. Told him, "You're under arrest."

5 INV. GRAY: Did you identify yourself as a police
6 officer?

7 OFFICER MARINO: I did. And I think the fact that I was
8 in a full San Francisco Police uniform probably was pretty
9 obvious.

10 INV. GRAY: That is the reason why I asked because that
11 is something that the initial Complainant--that's the added
12 allegation.

13 OFFICER MARINO: Well, we were in uniform so--

14 INV. GRAY: That's why I had to--

15 OFFICER MARINO: I understand.

16 INV. GRAY: And what was the probable cause for your
17 arrest with Mr. [REDACTED]?

18 OFFICER MARINO: Having crack cocaine.

19 INV. GRAY: And Mr. [REDACTED] has said officers strip-searched
20 him on the street. What's your response to that?

21 OFFICER MARINO: That didn't happen. We did not strip-
22 search him on the street. That is. No. That didn't happen.

23 INV. GRAY: What happened after you placed Mr. [REDACTED] in
24 handcuffs?

25 OFFICER MARINO: After we placed him in handcuffs,
26 Officer Fergus was conducting an arrest search. And during the
27 arrest search he tried to escape by violently charging me and
28 knocking me down. Only for the grace of God I was able to hold

1 onto him. And injured myself terribly and I'd like to show you
2 these pictures. This is my leg. And me. Like a couple days
3 after the injury. Injuries I sustained. And I'll show them to
4 you so you can see them as well.

5 OFFICER WONG: I think this is the same pictures that
6 Officer Fergus into his interview.

7 OFFICER MARINO: Yeah. And I feel pain from that.

8 INV. GRAY: Still.

9 OFFICER MARINO: Every day.

10 INV. GRAY: Wow. Did you break a bone?

11 OFFICER MARINO: No. It's a hematoma that was the size
12 of a dollar bill. That was intramuscular inside my body. And
13 I'm not sure if you're familiar with it. I ended up very
14 familiar with it but I'm not a doctor. But my doctor told me
15 that these things can take years because the blood has to be
16 seeped out or I have to have surgery. Split my muscle open and
17 remove the dead blood.

18 INV. GRAY: Okay. I'm sorry that happened to you.

19 OFFICER MARINO: Me too.

20 INV. GRAY: Did you use any force or restraints in taking
21 Mr. [REDACTED] into custody? Any holds?

22 OFFICER MARINO: No, I just held onto him as he charged
23 me. And knocked me down. That was it. He didn't make any
24 complaints of pain at the scene. He didn't act like he was hurt.
25 You know. And besides that, that scene was crazy volatile with-
26 -anyway, I'm sorry. Go ahead.

27 INV. GRAY: How was the scene crazy or volatile?

28 OFFICER MARINO: There was a lot of people--it became

1 | like a dangerous scenario. How do I say this? Like a--it was
2 | like an unsafe scene to be at after the arrest. After he
3 | violently tried to escape, that we had to leave as fast as we
4 | could just for our safety and his safety.

5 | INV. GRAY: Did you have any reportable use of force
6 | during his arrest?

7 | OFFICER MARINO: At what point?

8 | INV. GRAY: Before you got him into--before you got to
9 | Tenderloin Station?

10 | OFFICER MARINO: I reported my use of force to Sergeant
11 | Dunn at the Station.

12 | INV. GRAY: Well, do you remember what force that was?

13 | OFFICER MARINO: I was part of like eight other officers
14 | trying to stop him from killing himself. So, you know, I just--
15 | I--I'd rather be on the safe side and I'm not sure because like,
16 | hey, I obviously used force. I don't know. So that's what
17 | happened.

18 | INV. GRAY: That's fine.

19 | OFFICER MARINO: You know. But it's my job to tell the
20 | sergeant so I did.

21 | INV. GRAY: Okay. How many officers would you say
22 | participated in taking Mr. [REDACTED] into custody?

23 | OFFICER MARINO: I don't know exactly how many. I mean,
24 | we all wrote statements so I don't know. I'm sure you're going
25 | to interview all of them so--

26 | INV. GRAY: Okay. Mr. [REDACTED] states that you jumped into
27 | the back seat of the patrol car with him and punched him. What's
28 | your response to that?

1 OFFICER MARINO: I didn't do that. Absolutely not.

2 INV. GRAY: And why was the strip search of Mr. [REDACTED]

3 deemed necessary at Tenderloin Station?

4 OFFICER MARINO: Because I know through my training and

5 experience drug dealers often conceal their drugs in areas that

6 are not readily available or they think police officers won't go

7 to find it. And so based on the fact that we couldn't do a

8 thorough arrest search at the scene, we were confronted with the

9 issue to go down to Tenderloin Station. At that point, based on

10 his violent behavior, we had to remove his clothes to seize the

11 evidence. And we needed to strip search to do that. And the

12 sergeant authorized it. And Sergeant Fong, I believe, authorized

13 it and signed it and then we did it.

14 INV. GRAY: Okay. And so we've got a video of that

15 search.

16 OFFICER MARINO: Sure.

17 INV. GRAY: Would be you, correct?

18 OFFICER MARINO: Yeah.

19 INV. GRAY: Okay. So if you wouldn't mind, you know,

20 just talk me through this a little bit. This is the first time

21 I've seen it--

22 OFFICER MARINO: You know, he's naked from the waist

23 down.

24 INV. GRAY: He is. Yes.

25 OFFICER MARINO: You know that.

26 INV. GRAY: I do know that.

27 OFFICER MARINO: Okay. Just want you to be aware of

28 that.

1 INV. GRAY: Okay.

2 OFFICER MARINO: That's all. Okay. So we're doing a

3 strip search here. And he's obviously handcuffed because he was

4 violent on the scene. And we've brought him inside the cell to

5 give him some decency so that's some privacy. You know? So that

6 way he, you know, some privacy.

7 INV. GRAY: Hm-hmm.

8 OFFICER MARINO: Right now Officer Fergus is search his

9 clothing.

10 INV. GRAY: Now I want to pause it.

11 OFFICER MARINO: Sure.

12 INV. GRAY: You know, 'cause I think that I saw something

13 on this video--

14 OFFICER MARINO: Sure.

15 INV. GRAY: That--it's after he sits down and I guess his

16 pants are being shaken out.

17 OFFICER MARINO: Hm-hmm.

18 INV. GRAY: I thought I saw a--something white fall out

19 of his pants?

20 OFFICER MARINO: Okay. But I mean I'm not--I don't have

21 your eyes but--

22 INV. GRAY: Okay. I'll point it out to you--

23 OFFICER MARINO: If you say you saw it--

24 INV. GRAY: 'Cause it's interesting.

25 OFFICER MARINO: Okay.

26 INV. GRAY: So--watch this area right here. Officer

27 Fergus is shaking out his clothes and searching them. And--see

28 that?

1 OFFICER MARINO: Hm-hmm. I see it. Now are you
2 conceding that that's crack cocaine? Is that what you're saying?
3 INV. GRAY: I don't know what it is. But I--
4 OFFICER MARINO: So let me--I'm going to tell you a
5 little bit about it.
6 INV. GRAY: Okay.
7 OFFICER MARINO: Ten ounces of crack cocaine--or excuse
8 me, ten grams of crack cocaine, half an ounce of crack cocaine is
9 a lot bigger than that.
10 INV. GRAY: Okay.
11 OFFICER MARINO: As you'll see by the end of the video.
12 INV. GRAY: Okay. The only reason I thought that was
13 interesting is because it seems like he then reaches out with his
14 right foot and covers it and slides it towards him.
15 OFFICER MARINO: Okay. Okay.
16 INV. GRAY: That's all. Just thought it was interesting.
17 OFFICER MARINO: Oh. Sure.
18 INV. GRAY: So because you don't think that what I
19 thought I saw, you don't think that that's strictly drugs. As of
20 this point you don't think anything's been found on him?
21 OFFICER MARINO: No, not yet.
22 INV. GRAY: Oh, okay.
23 OFFICER MARINO: I don't think so.
24 INV. GRAY: Okay. What do you see there, that--
25 OFFICER MARINO: I see him reaching for the drugs. He's
26 trying to destroy them.
27 INV. GRAY: Where'd they come from?
28 OFFICER MARINO: From the area of the body that we hadn't

1 completely searched yet. He was handcuffed.

2 INV. GRAY: Right.

3 OFFICER MARINO: So--when we took the handcuffs off, we

4 had to sit down to try and take his--because you don't want him

5 standing. It's an officer safety issue.

6 INV. GRAY: Hm-hmm.

7 OFFICER MARINO: So we had him sit down.

8 INV. GRAY: Okay.

9 OFFICER MARINO: And take his sweatshirt off. At that

10 point from an area we hadn't searched yet, the drugs came from

11 there.

12 INV. GRAY: Okay. Well, see if he kept his sweatshirt on

13 the whole time.

14 OFFICER MARINO: Oh.

15 INV. GRAY: All right.

16 OFFICER MARINO: Okay. It--we ended up fighting it so

17 obviously--

18 INV. GRAY: [UNINTELLIGIBLE]

19 OFFICER MARINO: We couldn't be like hold on--let's--

20 finish the search, then we'll fight later.

21 INV. GRAY: Right.

22 OFFICER MARINO: I don't think that's [UNINTELLIGIBLE].

23 INV. GRAY: I get it.

24 OFFICER MARINO: Unfortunate--are you gonna continue with

25 the--

26 INV. GRAY: Oh, just--part where--

27 OFFICER MARINO: There you go.

28 INV. GRAY: Yeah. [UNINTELLIGIBLE] up here. Before.

1 | Okay, so what's happened at this point?

2 | OFFICER MARINO: At this point he's got his drugs in his
3 | hands. And he's putting them in his mouth.

4 | INV. GRAY: Okay.

5 | OFFICER MARINO: Trying to destroy them.

6 | INV. GRAY: Okay.

7 | OFFICER MARINO: And we're telling him that it's too big
8 | of a bag and it's gonna kill him.

9 | INV. GRAY: Hm-hmm.

10 | OFFICER MARINO: He's gonna choke on it. I've been in
11 | the Tenderloin fifteen years and I've seen this happen. And I
12 | didn't want him to--that to happen to him.

13 | INV. GRAY: Okay.

14 | OFFICER MARINO: And it took, as you can see, a lot of
15 | work from a lot of officers to try and save his life. This--
16 | those drugs would have killed him.

17 | INV. GRAY: Had he ingested them or had--

18 | OFFICER MARINO: Yeah. It's not a matter of ingesting.
19 | It's a matter whether or not it gets stuck in his throat.

20 | INV. GRAY: I see.

21 | OFFICER MARINO: And then he can't breathe and then the
22 | drugs break. Now he can't breathe and he's got crack cocaine
23 | going into his body. So it's a whole cascade of effects.

24 | INV. GRAY: Okay. So in this effort to get the drugs
25 | away from him--

26 | OFFICER MARINO: The effort is--it's really important
27 | that the bulk of the effort here was to save his life.

28 | INV. GRAY: I understand.

1 OFFICER MARINO: That's really important. I mean, I
2 guess I could just be like, let me leave him alone so he can
3 shoot his drugs and maybe try to swallow a bag this big--it just--
4 -I can't do that. It's not my job. I have a duty to save his
5 life. You know, that's part of it. So just so that we're aware,
6 you understand where this is coming from.

7 INV. GRAY: Certainly.

8 OFFICER MARINO: Okay.

9 INV. GRAY: So in the effort to save his life--

10 OFFICER MARINO: Yeah.

11 INV. GRAY: Do--and I have to ask this, [REDACTED]
12 [REDACTED] to get him to release the drugs?

13 OFFICER MARINO: No. Absolutely not. You can see it.
14 It's clear in the video.

15 INV. GRAY: Did you witness any other officer do that?

16 OFFICER MARINO: I did not.

17 INV. GRAY: Okay.

18 OFFICER MARINO: I mean, the video speaks for itself.
19 For sure.

20 INV. GRAY: A witness has said something about that so I
21 have to ask about it.

22 OFFICER MARINO: Was the witness in there? Okay.

23 INV. GRAY: Okay. So those are actually all the
24 questions I have for you.

25 OFFICER MARINO: Sure.

26 INV. GRAY: Is there any other statement relevant to this
27 incident you wish to make at this time?

28 OFFICER MARINO: I would like to say that to this day I

1 | feel pain in my leg. I wake up every morning and sometimes I
2 | have to ice my legs because the circulation is not the same in my
3 | leg, meaning I have lost tactile sensation in my leg, like--it's
4 | a numbing feeling on the right side of my leg as opposed to my--
5 | other--my left leg. And for months I couldn't walk. As you
6 | could see, the bruise was from the top of my hip to the bottom of
7 | my foot. I have a three-year-old daughter and at this time she
8 | was probably two. I couldn't be a father. I couldn't assist my
9 | wife. And I couldn't do any of that. And I needed to be waited
10 | on hand and foot because I couldn't walk. So just want you to
11 | know that there was a--this that happened. Okay. All right.

12 | INV. GRAY: Are there any witnesses or other evidence
13 | relevant to this case that you intend to submit on your behalf?

14 | OFFICER MARINO: No.

15 | INV. GRAY: Officer [UNINTELLIGIBLE]--

16 | OFFICER MARINO: Except for this.

17 | INV. GRAY: Except for this. For the rest I can keep
18 | these?

19 | OFFICER MARINO: Yeah, please.

20 | OFFICER WONG: How long were you out for? How many months?

21 | OFFICER MARINO: Probably--well, it was several months.
22 | I don't have an exact number but it was several months.

23 | OFFICER WONG: Okay.

24 | OFFICER MARINO: But as you can see by the extent of the
25 | injury that takes a lot of times.

26 | INV. GRAY: Yeah. That makes sense for sure.

27 | OFFICER WONG: And I'm sorry just for the record, the judge
28 | found additional--found there enough to be enough probable cause

1 to hold him to answer for four additional felonies in the
2 Preliminary Hearing.

3 INV. GRAY: Related to--

4 OFFICER MARINO: To my injuries.

5 INV. GRAY: To your injuries? Oh, okay. Okay.

6 OFFICER WONG: This is--last outcome of this case. It's
7 still going on.

8 OFFICER MARINO: There's a trial set for three months
9 from now.

10 OFFICER WONG: Is there anything you would have done
11 differently in this situation?

12 OFFICER MARINO: No.

13 OFFICER WONG: Okay. Very good. Also I just want to put on
14 record that Mr. [REDACTED] is on active parole so really his search
15 condition, you know, not need to see him--to--if he had crack
16 cocaine and search him but these officers did. Also there's a
17 discrepancy that--'cause he said that both officers punched him.
18 Officer--he said that Officer Fergus punched him and he said
19 Officer Marino punched him. So clearly I think he might be
20 making that up. And also that the Complainant and all this
21 allegations is coming through him through his friend. Not from
22 him. I think that's it. That's all I have.

23 INV. GRAY: Okay.

24 OFFICER WONG: Thank you.

25 INV. GRAY: Great. Thank you.

26 OFFICER WONG: All right.

27 INV. GRAY: This concludes this interview. The time now
28 is 2:53.

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1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

3

4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 04/20/2016

6

7

8 INV. SUSAN GRAY: This is OCC Investigator Susan Gray
9 speaking with [REDACTED] regarding OCC Case Number 0188-16.
10 Today's date is Wednesday, April 20th, 2016. The time is 4:28
11 p.m. And Miss [REDACTED], you're aware I'm recording this
12 conversation?

13 [REDACTED]: Yes.

14 INV. GRAY: And I have your permission to do so?

15 [REDACTED]: Yes.

16 INV. GRAY: Okay. So go ahead and tell me the reason for
17 your call.

18 [REDACTED]: I'm calling today because I wanted to make a
19 Complaint for [REDACTED].

20 INV. GRAY: Okay.

21 [REDACTED]: On February 29th, 2016 [REDACTED] was--reported
22 that he was on--what is it? Ellis and I forgot the other street.
23 But on that day, on that street, police officers--Officer Fergus
24 and--

25 INV. GRAY: What's the name? Fergus?

26 [REDACTED]: Yes.

27 INV. GRAY: F-E-R-G-U-S?

28 [REDACTED]: Yes.

1 INV. GRAY: Okay. And actually I don't remember the
2 other officer's names. But those two officers, they had detained
3 [REDACTED] on that street. They said that they had stopped him
4 because he was in a--I guess it was a drug-infested area. And he
5 looked suspicious. So they proceeded to search him on that day.
6 But they did it illegally. They did to read their rights to
7 him. They did not tell him that he was--that they were San
8 Francisco Police. And they also--when they did the search,
9 whatever, they went inside his pants which they were not supposed
10 to do.

11 INV. GRAY: When you say "Went inside his pants," you
12 mean, in the rear?

13 [REDACTED]: Yes. They went inside his pants. Officer Fergus
14 put his hand inside of [REDACTED] pants to conduct a search.

15 INV. GRAY: Okay.

16 [REDACTED]: And once Officer Fergus went into [REDACTED] pants
17 to conduct a search, [REDACTED] like kind of sort of like distraught
18 like moved a little bit so just because he moved it they felt
19 like he was trying to run or resist. So they slammed him to the
20 ground. They dragged him from one side of the street. From the
21 street they were standing on into the middle of the street and
22 continued, they started beating him. They was punching him and
23 kicking him. So when they slammed him on the ground, they had hi
24 s face like on the concrete and their knees on his face. As they
25 had his knee on his face, they was punching him and some other
26 officer--some other officers was hitting him and punching him.
27 By then I really could not identify those officers because by
28 then like 15, 20 came. And then they also put him in the car

1 with the same two officers that just assaulted him.

2 INV. GRAY: You mean who searched him?

3 [REDACTED]: Huh?

4 INV. GRAY: The same officers who conducted the search

5 or--

6 [REDACTED]: Yes.

7 INV. GRAY: Okay.

8 [REDACTED]: The same two officers that put him inside the

9 vehicle and I was told that, like, you just had I guess like an

10 encounter with the officer that was like somewhat of an assault.

11 They're not supposed to put the--put the--I guess the inmate in

12 the same--they're not supposed to be in the same car as them,

13 whatever. So I feel like they broke the law for that. And he

14 told me they took him back to the police station and they

15 continued to beat him some more. And he has like severe scars

16 and bruises all over his arm, his wrist from the handcuffs being

17 too tight. They broke his elbow. I believe they broke his elbow

18 on the street from when they slammed him on the ground. And he

19 had his handcuffs behind his back so--you know, when they slam

20 you, I guess, like you--I don't know, the way they slammed him,

21 it didn't seem--they slammed him on his side so his arm was like--

22 -you know how you got your arm up to talk on the phone? And they

23 had his hand--well, his hands were tied. Behind his back. It

24 was like in a chicken wing. And they had his like hands pushed

25 up and they slammed him so I guess that's how his arm--his elbow

26 got broke.

27 INV. GRAY: Okay.

28 [REDACTED]: And that's when he said they took him back to the

1 station, whatever, and they beat him some more. And I feel like
2 that is really very--when I went to go visit him, he had really
3 bad scars on him.

4 INV. GRAY: Okay. What's [REDACTED] date of birth? Do you
5 know?

6 [REDACTED]: It's [REDACTED].

7 INV. GRAY: Do you know if he was on probation?

8 [REDACTED]: Yes, he was. He was on actual parole, I'm sorry.

9 INV. GRAY: On parole. Okay.

10 [REDACTED]: Yes.

11 INV. GRAY: Okay. Did the officers find anything when
12 they searched him?

13 [REDACTED]: Yes, they did.

14 INV. GRAY: They found contraband drugs with--

15 [REDACTED]: Hm?

16 INV. GRAY: Did they find contraband? Like drugs?

17 [REDACTED]: Yes.

18 INV. GRAY: Okay. Okay, and so this was--what time was
19 this on February 29th?

20 [REDACTED]: It was around like 10:30 at night.

21 INV. GRAY: Okay.

22 [REDACTED]: Hm-hmm.

23 INV. GRAY: Okay, and the only officer you can identify
24 is Officer Fergus?

25 [REDACTED]: Yes. I forgot the other officer's name. But I
26 could identify him by face.

27 INV. GRAY: Okay. All right. So he was arrested on that
28 day and he is now in San Francisco County Jail?

1 [REDACTED]: Yes.

2 INV. GRAY: Okay. Trying to think if there's anything
3 else. Were there any other witnesses?

4 [REDACTED]: There was a lot of witnesses outside. There had
5 to be a thousand. That street is really busy.

6 INV. GRAY: Very busy.

7 [REDACTED]: And they had cameras out there, too, that record.
8 So I think some of that action was recorded on camera and when I
9 went to court for them, they replaced it, the video. But there
10 was no video to be found, I guess.

11 INV. GRAY: Okay. Well, you know, sometimes even though
12 the cameras are out there, maybe they don't work or maybe the
13 footage gets requested too late. That happens sometimes. Then
14 it gets recorded over. I mean, I don't know what--

15 [REDACTED]: Yes.

16 INV. GRAY: Happened in court that day.

17 [REDACTED]: Hm-hmm. But I seen the whole thing. I was
18 watching the whole thing.

19 INV. GRAY: You saw the whole thing?

20 [REDACTED]: I was there and distraught. Yes.

21 INV. GRAY: Where were you? Were you stopping?

22 [REDACTED]: I was--standing on the opposite side of the
23 street.

24 INV. GRAY: And you don't remember what the cross street
25 was? Ellis and--

26 [REDACTED]: I think Ellis and Jones.

27 INV. GRAY: Okay. It's just like if you could give me an
28 idea, ballpark, that's good. Okay. Is there anything else that

1 | you feel I should know about this incident?

2 | [REDACTED]: Yes. They were--he said that when they were
3 | inside the police station, that--I guess when--I guess like more
4 | than one officer--the same two officers that did the beating
5 | outside, they had, I guess, three more officers joined the
6 | beating inside of the jail.

7 | INV. GRAY: Okay.

8 | [REDACTED]: So basically he just--he got assaulted and they're
9 | trying to make it seem like he hurt one of the officers. He--the
10 | officer--I feel like the officer got hurt from trying to beat him
11 | up. They're trying to make it seem like [REDACTED] hurt him and he--
12 | he's being held against that, too.

13 | INV. GRAY: Okay. How did this whole thing start? Was
14 | he walking on the street? Was he talking to you? Was he
15 | standing?

16 | [REDACTED]: Yes. Me and him was walking and talking and we
17 | seen police come down the street. And you know--

18 | INV. GRAY: In a marked police car?

19 | [REDACTED]: Yes.

20 | INV. GRAY: Okay.

21 | [REDACTED]: You know, we didn't think nothing of it. I'm just
22 | like, you know, whatever. Police so--we continued to walk. Next
23 | thing I know they jumped out the car and they slammed him up
24 | against the wall. And me, I'm like, well, you know, what's going
25 | on? Like what did we do? We didn't do anything. You know. And
26 | it just continued from there.

27 | INV. GRAY: Okay. And you said you couldn't remember the
28 | name of h the other officer but can you describe the other

1 officer who was no Fergus?

2 [REDACTED]: Yes.

3 INV. GRAY: What'd he look like?

4 [REDACTED]: He's Caucasian.

5 INV. GRAY: Hm-hmm.

6 [REDACTED]: I believe. He has a bald head. He's kind of
7 heavysset. He's about 6'2".

8 INV. GRAY: Okay.

9 [REDACTED]: So he may weigh like between 220, 230 pounds.

10 INV. GRAY: Okay. Do you remember like--eye color,
11 anything like that? Did he have any facial hair?

12 [REDACTED]: No.

13 INV. GRAY: Okay.

14 [REDACTED]: His eye color is probably brown.

15 INV. GRAY: Okay. All right. So I don't know if you've
16 ever filed a Complaint with the OCC before? But what happens now
17 is, you know, we gather evidence. We're gonna look into the
18 police databases that we have access to, try to piece together
19 what happened here. And interview the officers and, you know, is
20 he being held in County Jail in San Francisco or is he in San
21 Francisco County Jail in San Bruno? Do you know?

22 [REDACTED]: He's in San Bruno.

23 INV. GRAY: San Bruno. Okay. Yeah, so I'll probably
24 take a ride down there and talk to him too. Okay. And then do
25 you know, after we evaluate all of that after all of this we'll
26 render a finding and you'll receive a letter--

27 [REDACTED]: Okay.

28 INV. GRAY: [UNINTELLIGIBLE] what that is. Okay?

1 [REDACTED]: Okay.

2 INV. GRAY: All right. I'm going to take us off the
3 record. The time now is 4:41.

4 END OF DOCUMENT

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1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

3
4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 12/05/2016

6
7
8 [TRANSCRIBER'S NOTE: DIFFICULT TO UNDERSTAND INTERVIEWEE AT
9 TIMES, SLURRED SPEECH.]

10 --

11 INV. GRAY: Okay. This is OCC Investigator Susan Gray
12 speaking with witness [REDACTED] regarding OCC Case Number
13 0188-16. Today's date is Monday, December 5th and the time is
14 1:22 p.m. And Mr. [REDACTED], are you aware that I'm recording this
15 conversation?

16 [REDACTED]: Yes, I am.

17 INV. GRAY: And I have your permission to do that?

18 [REDACTED]: Yes, you do.

19 INV. GRAY: Okay. Go ahead and tell me what you observed
20 when you were in the holding cell.

21 [REDACTED]: Right.

22 INV. GRAY: At Tenderloin Station on--

23 [REDACTED]: February 26th?

24 INV. GRAY: February 29th. Yeah.

25 [REDACTED]: 29th. Okay, yeah. Monday [UNINTELLIGIBLE] and on
26 February 29th of 2016 I've forgotten what the approximate time
27 was but myself and another inmate was in the Tenderloin Station
28 being detained in two separate cases. And upon that some

1 officers came in and they had him under investigation for dealing
2 drugs or something at that time and they went to search him in my
3 presence. And upon searching him, he started trying to not allow
4 them to search him. And they proceeded to [UNINTELLIGIBLE]. And
5 other officers came in. The officer that arrested me, his name
6 was [REDACTED]

7 INV. GRAY: [REDACTED]

8 [REDACTED]: [REDACTED]

9 INV. GRAY: Okay.

10 [REDACTED]: I'm not sure. But him and about five other
11 officers came in and helped to assist him, trying to get the dope
12 that they thought he had swallowed out of him. And the tussle
13 continued. They came out the back--out the bathroom into the
14 front where I was sitting and they all were on top of him. And
15 [REDACTED] And I witnessed this with my
16 own two eyes. [REDACTED] there was also a
17 sergeant there. I couldn't see his name. But he was off to the
18 side. But I could see his stripes, the round ones. And before
19 they hit the ground, they all got on top of him.

20 INV. GRAY: Hm. Okay.

21 [REDACTED]: All fell on top of him. One of them like, I guess
22 he thought that the guy was trying to get the dope to me. Or
23 pass it to me. And--which none dope was found. I didn't see any
24 found on me but they said they came up with something. You know
25 what I'm sayin' and, you know, that's what I witnessed. I just--
26 I witnessed [REDACTED]

27 INV. GRAY: Okay.

28 [REDACTED]: Know what I'm saying? And to that I think that

1 | would be wrong. You know? Just because--even if prisoner had a
2 | swallowed something, [REDACTED] --to die if he
3 | had--and had swallowed something 'cause it block up his windpipe
4 | and-- [REDACTED] And bringing this stuff
5 | back. You know? And I don't think--I think that would cause him
6 | to die [UNINTELLIGIBLE] dope more. You know? So.

7 | INV. GRAY: Did you see [REDACTED]
8 | hands or with his arms?

9 | [REDACTED]: [REDACTED]

10 | INV. GRAY: [REDACTED]

11 | [REDACTED]: Yes.

12 | INV. GRAY: And so you were sitting--I'm going to draw a
13 | little diagram here.

14 | [REDACTED]: Hm-hmm.

15 | INV. GRAY: So let's say this is the holding cell and
16 | there's benches on either side. Or a bench on this side and
17 | there's a bench on this side. And maybe [UNINTELLIGIBLE] so that
18 | you're sitting kind of right here.

19 | [REDACTED]: Yes, ma'am.

20 | INV. GRAY: And here's the cell, right?

21 | [REDACTED]: Right.

22 | INV. GRAY: So on the side, I guess you'd be over to the
23 | right of where--

24 | [REDACTED]: Yeah, going through the door to this cell.

25 | INV. GRAY: Right. Through a door here, right? So--but
26 | I thought--so--but I thought--

27 | [REDACTED]: That's where the [baton] and everything is
28 | located.

1 INV. GRAY: Okay. And what I saw on the video there is
2 that the officers look like they brought him in there to strip
3 search him.

4 [REDACTED]: Right. That's what they did.

5 INV. GRAY: Okay. Did you see the officers--did you hear
6 them say anything to him before they went in? Or while they were
7 in there?

8 [REDACTED]: I wasn't paying too much attention to what was
9 being said because I couldn't hear because the door was closed.

10 INV. GRAY: Okay.

11 [REDACTED]: What they was talking about. But I know about--I
12 want to say about a minute or two after being in there, a
13 [UNINTELLIGIBLE] proceeding. You know what I'm saying? They
14 were goin' a [UNINTELLIGIBLE] proceeding. And when they bring
15 him back in yet [UNINTELLIGIBLE] the officers were coming to all
16 [UNINTELLIGIBLE] to the bench to where I was.

17 INV. GRAY: Hm-hmm.

18 [REDACTED]: You know. And they all fell on top of me.
19 Officers and then, uh--you know what I'm saying? And then from
20 there they took him to the floor. You know what I'm saying? And
21 I'm handcuffed to the bench at the time.

22 INV. GRAY: Right.

23 [REDACTED]: And I wait to see what's happening right in front
24 of me.

25 INV. GRAY: About how far away from you would you say
26 that the tussle happened?

27 [REDACTED]: Where--at the beginning start or the time when he
28 hit the floor?

1 INV. GRAY: When he hit the floor.
2 [REDACTED]: When he hit the floor I would say I was about
3 maybe a foot away. A foot to two feet away.
4 INV. GRAY: Okay. Did you see them retrieve any drugs?
5 [REDACTED]: I didn't see anything retrieved. Now there may
6 have been. I can't say I did miss seeing anything but I--there
7 may have been. I don't know. And I seen the officer holding
8 something up, a white thing in his hand.
9 INV. GRAY: Hm-hmm.
10 [REDACTED]: I'm saying [UNINTELLIGIBLE].
11 INV. GRAY: Okay.
12 [REDACTED]: You know, [UNINTELLIGIBLE]. I don't know what it
13 was and I can't say if it was dope or what. I don't know. Also
14 I just seen--looked like white sponge in his hand to me. I don't
15 know.
16 INV. GRAY: What in his hand?
17 [REDACTED]: White sponge.
18 INV. GRAY: A white sponge.
19 [REDACTED]: Yeah.
20 INV. GRAY: Okay. Did you--were there any other officers
21 that you recognized who you saw--
22 [REDACTED]: When I could see there was another--only one
23 Black--no, or out of all the officers, only one of them was Black
24 and he was holding the man's legs.
25 INV. GRAY: Okay.
26 [REDACTED]: He was holding the guy's leg. The rest was White
27 and a Asian guy.
28 INV. GRAY: Okay.

1 [REDACTED]: And that was--
2 INV. GRAY: Second one.
3 [REDACTED]: Yeah, and one Black.
4 INV. GRAY: Okay. And the only officer that you
5 recognized, [REDACTED] That's the only
6 guy that you--
7 [REDACTED]: Well, no officer. [REDACTED]
8 He arrested me. He arrested me but I guess when the tussle
9 started, he came to assist in the tussle. [REDACTED] was a plainclothes
10 officer.
11 INV. GRAY: Okay. Okay.
12 [REDACTED]: He's a--one of them arrives in the gray car. You
13 know.
14 INV. GRAY: Okay.
15 [REDACTED]: Yeah. I don't know what you call that--drug
16 officer. You know?
17 INV. GRAY: Narcotics.
18 [REDACTED]: Yeah.
19 INV. GRAY: Okay. All right. And he's Asian?
20 [REDACTED]: Yes.
21 INV. GRAY: Okay. Okay. Anything else that you remember
22 from that, that you witnessed or that you heard?
23 [REDACTED]: No. No, ma'am. Not really. To the best of my
24 knowledge. And--I've given everything I actually heard.
25 INV. GRAY: Okay, that's great.
26 [REDACTED]: No. Like I said, make sure I couldn't see his
27 head. I couldn't tell you what [UNINTELLIGIBLE] but I could see
28 his stripes.

1 INV. GRAY: Sergeant.
2 [REDACTED]: He was present.
3 INV. GRAY: Okay. And when was he--they're not supposed
4 [REDACTED]
5 [REDACTED]: Huh?
6 INV. GRAY: [REDACTED]
7 [REDACTED]: Right.
8 INV. GRAY: So did you see--
9 [REDACTED]: Yeah, he seen that. He seen that.
10 INV. GRAY: He saw that and you [UNINTELLIGIBLE]--
11 [REDACTED]: Yeah, and he done nothing about it.
12 INV. GRAY: Okay. Okay. All right.
13 [REDACTED]: And I even tried to get attention show that he's
14 choking him, he's choking him. And he just stayed where he was.
15 INV. GRAY: Okay. Can you--do you remember what that
16 sergeant looked like?
17 [REDACTED]: I know he was--no, I'm bad at--
18 INV. GRAY: Like, was he White, was he Black?
19 [REDACTED]: I mean he was White in color.
20 INV. GRAY: Okay.
21 [REDACTED]: But you can find that out at the time and who's on
22 there that particular morning.
23 INV. GRAY: It just looks like--on the video--
24 [UNINTELLIGIBLE] we can't look at right now, there's just so many
25 officers there--
26 [REDACTED]: Right.
27 INV. GRAY: You know. In case there's more than one
28 sergeant there. It's there--

1 [REDACTED]: But I mean I seen one.
2 INV. GRAY: Okay. Standing off to the side?
3 [REDACTED]: He was standing off to the side. And I could tell
4 he was a sergeant by his stripes.
5 INV. GRAY: Okay.
6 [REDACTED]: You know what I'm saying? He had three stripes.
7 INV. GRAY: Okay.
8 [REDACTED]: You know.
9 INV. GRAY: All right. And that's--okay, is there
10 anything else you want to tell me?
11 [REDACTED]: No, [UNINTELLIGIBLE].
12 INV. GRAY: That's fine. You've been very helpful.
13 Thank you so much. I want to conclude this interview. The time
14 now is 1:0 p.m.
15 **END OF DOCUMENT**

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

3

4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 05/02/2016

6

7

8 INV. SUSAN GRAY: This is OCC Investigator Susan Gray
9 speaking with [REDACTED] regarding OCC Case Number 0188-16.
10 Today's date is May 2nd, 2016. And Mr. [REDACTED], you're aware I'm
11 recording this conversation?

12 [REDACTED]: Hm-hmm.

13 INV. GRAY: And I have your permission to do that?

14 [REDACTED]: Yeah.

15 INV. GRAY: Okay. So we got a telephone call from
16 [REDACTED] regarding the incident of--let me see the date.

17 Hang on.

18 [REDACTED]: March 1st.

19 INV. GRAY: Yeah. March 1st, 2016. Why don't you tell
20 what happened that day?

21 [REDACTED]: Okay. Officer came up to me. Talking about he
22 seen me doin' somethin' that I wasn't doin'.

23 INV. GRAY: What'd he say you were doing?

24 [REDACTED]: That I had dope on me.

25 INV. GRAY: Okay.

26 [REDACTED]: And I didn't have no dope on me. He didn't find
27 no dope on me.

28 INV. GRAY: Okay.

1 [REDACTED]: And he searched me. Strip-searched me on the
2 street. And then he put me in handcuffs. Didn't even ask me my
3 name or nothin'. Put me in handcuffs. Went in my, uh, pants
4 and--touched my butt with his hands. And he found some weed.
5 And then he took me to the station. He lie and said I tried to
6 tackle him or somethin'. He went and he jumped on my back. I
7 tried to run. He said I tried to tackle him.

8 INV. GRAY: You tried to run?

9 [REDACTED]: Yeah.

10 INV. GRAY: At what point did you--

11 [REDACTED]: I was in handcuffs already. And he said he was
12 taking me to the station so then I tried to run. I tried to get
13 away from him. And he say--that's when he say I tried to tackle
14 him, which was a lie. And he say--he jumped on my back and he
15 hurt his foot. His femur or something. Whatever his foot is.
16 Injury he 'posed to have. And he jumped in the back seat of the
17 car with me. And was punching me. When we was in the back seat
18 together. Then when we got down to the station, that's when he
19 say that--and that's when they broke my arm. They jumped on me.
20 I tried to run again. And they jumped on me. And one of them
21 [REDACTED] One of them was--whole time, they're trying to
22 whole time and so he had my feet in the air while one of them
23 tackled me, [REDACTED] And then he gets the handcuffs on. When
24 he puts the handcuffs on me, he ran and grabbed my elbow from
25 this side and then I'm on the ground and he did it all the way to
26 that side. Bam. And broke. I heard it break all the way right
27 here. Then.

28 INV. GRAY: So he tried to take your left arm and bring

1 | it all the way behind your back to your right leg?

2 | [REDACTED]: Yeah.

3 | INV. GRAY: Okay.

4 | [REDACTED]: And he took it from one side--he had it on this

5 | side. Then he did it real hard to the other side. Crack. And

6 | broke it.

7 | INV. GRAY: Okay.

8 | [REDACTED]: Then I started--I'm like, "You all tryin' to kill

9 | me." That's why I just kept saying, "I got a witness to this

10 | incident."

11 | INV. GRAY: Who's the witness?

12 | [REDACTED]: [REDACTED].

13 | INV. GRAY: And that is--

14 | [REDACTED]: He was just in the thing. He was just in the

15 | police station getting booked. I don't know him. I never seen

16 | him before in my life.

17 | INV. GRAY: You just have a name?

18 | [REDACTED]: Yeah, and he said that they could did me wrong and

19 | he gave me his name. That's how I got his name.

20 | INV. GRAY: Okay.

21 | [REDACTED]: He said, "The police did you wrong, youngster. My

22 | name is [REDACTED]."

23 | INV. GRAY: Okay. How old is [REDACTED], would you

24 | say?

25 | [REDACTED]: [REDACTED].

26 | INV. GRAY: [REDACTED]? And just so I can try to find him in the

27 | records, is he--

28 | [REDACTED]: He should be here.

1 INV. GRAY: Okay. Cool.

2 [REDACTED]: That's--

3 INV. GRAY: You seen him here?

4 [REDACTED]: Yeah.

5 INV. GRAY: Okay. So just so I'm clear. You're walking

6 down the street and this was Officer Fergus?

7 [REDACTED]: Hm-hmm. And Marino.

8 INV. GRAY: And Marino.

9 [REDACTED]: Then when we went to court, he was laughing at me,

10 pointing at me. Calling me out my name. He really crooked, man,

11 he shouldn't be a officer, tell you the truth.

12 INV. GRAY: Who you talking about? Fergus?

13 [REDACTED]: Yeah. He shouldn't be a officer.

14 INV. GRAY: Okay.

15 [REDACTED]: And then the other one came in. Marino, like he

16 real hurt and my lawyer said a femur injury is nothing but a

17 bruise to your--you know what I'm saying? To your leg.

18 INV. GRAY: Hm-hmm.

19 [REDACTED]: So he put it on like he walking--like

20 [UNINTELLIGIBLE] acting like he just all tore up. And they

21 really--my elbow is not strained. It's broke. Fractured.

22 INV. GRAY: [UNINTELLIGIBLE]?

23 [REDACTED]: Yeah. I had a cast on and they took the cast--they

24 just now took the cast off and I can't even make--you know what

25 I'm saying? I can't even [UNINTELLIGIBLE] so skinny. Messed me

26 up. And I got physical therapy. I go every Monday. And I got

27 all my records and--in San Francisco General, that they broke my

28 elbow.

1 INV. GRAY: Okay. Should have brought a--a medical
2 release but we can [UNINTELLIGIBLE]. Were you on probation when
3 Officer Fergus come up to you?
4 [REDACTED]: Huh-uh.
5 INV. GRAY: No? Parole? Any kind of search condition?
6 Parole, okay. And you had a search condition with that?
7 [REDACTED]: Hm-hmm. But he didn't know it. He never seen me
8 a day in his life.
9 INV. GRAY: Yeah?
10 [REDACTED]: He just came up to me and put cuffs on me. They
11 not supposed to do that. They're supposed to ask you your name
12 first. You know, go through the procedures. He acted like I had
13 already committed a crime. I didn't get no kind of--he never
14 read me my rights or nothing. Next thing I know I'm in the
15 station. He never--like he took me, like he kidnapped me.
16 Basically. 'Cause, you know, they supposed to ask you. I've
17 been arrested lot of times, look in my record. And they 'posed
18 to ask you what's your name, you know what I'm saying? All that
19 stuff. And then, you know, find something and then take you to
20 the station. He went all in my pants and everything, strip-
21 searched me. Put his bare hand--and he said, this is pretty near
22 [UNINTELLIGIBLE] put his bare hand down my butt and searched
23 something, something. And then that's when--but he had already,
24 you know, he had suspicions of me doing something from me being
25 out there four minutes, five minutes, he say he only--what, he
26 say he was in a undisclosed location and watching me. But he
27 never seen me selling nothing. So why is he bothering me? If
28 he's never seen me selling nothing, what's the probable cause of

1 | you messing with me? You know what I'm saying? And he said he
2 | never seen me selling nothing.

3 | INV. GRAY: That's what he said in the Prelim?

4 | [REDACTED]: In the Prelim. You can get the transcripts. He
5 | said all that.

6 | INV. GRAY: Okay.

7 | [REDACTED]: And you're not supposed to strip-search nobody on
8 | the street.

9 | INV. GRAY: Right. So they actually conducted a strip-
10 | search on the street?

11 | [REDACTED]: On the street. Right in front of--it's a camera
12 | there, too. It's a--in front of the--a motel on Ellis--between
13 | Ellis and Leavenworth. But it's a store that it's right there.
14 | He was right there. And it's a store that's by the motel or
15 | something. A hotel. Something. But it's on the left-hand side.
16 | Across the street from the pizza place. Yeah. That's how it
17 | happened.

18 | INV. GRAY: Okay. So you tried to run in the street when
19 | that happened?

20 | [REDACTED]: Yeah. I think he fell on the curb coming down off
21 | the curb. That's how he messed his leg up or whatever. But he
22 | never said none of this stuff until Prelim Hearing. I didn't
23 | even know I had all the charges I have now until Preliminary
24 | Hearing. You know what I'm saying? He never said none of that
25 | stuff. It wasn't in the report. I have the police report. None
26 | of that--assault on that--assault on an officer and all this
27 | other stuff. I'm thinking because of how they treated me, he
28 | trying to act like I beefed him up or whatever. But he never

1 stopped [UNINTELLIGIBLE] at h him. I'm in the handcuffs this
2 whole time. So if I'm in handcuffs, how can I do all this to you
3 if I'm in handcuffs? You know what I'm saying? The whole time
4 I'm in handcuffs. So why would I try to--you know what I'm
5 saying? Fighting, all that stuff. While I'm in handcuffs. I
6 can't do too much if I'm in handcuffs to no police officers. You
7 know what I'm saying? So they's real crooked. I mean, they
8 don't need to be on the force. That's all I'm saying. They--and
9 Fergus got plenty of history of doing crooked stuff and they
10 still allow him to do what he do. They was conducting a
11 surveillance without no supervision or permission or nothing.
12 Just they own surveillance with binoculars. Acting like they a
13 task force.

14 INV. GRAY: Plainclothes, were they?

15 [REDACTED]: Nah. They had their uniforms on. But they was
16 conducting a task force surveillance on top of a roof somewhere.
17 You know what I'm saying? Without even the sergeant knowing
18 what they doing.

19 INV. GRAY: Did he identify himself as a police officer?

20 [REDACTED]: No. They just came right behind me. And just put
21 me--jostled me up.

22 INV. GRAY: Okay.

23 [REDACTED]: They didn't say, "I'm a police, SF," none of that.
24 Know what I'm saying? Nothing. But you could tell they was
25 police but I'm walking away from 'em. You know, I'm not walking
26 toward them. I'm walking away from 'em. I didn't do nothin'
27 wrong. Walkin' up the street. And he just came from behind me,
28 just put me in handcuff.

1 INV. GRAY: Okay.

2 [REDACTED]: Didn't say nothing to me. Just put me in

3 handcuff.

4 INV. GRAY: Hm.

5 [REDACTED]: Know what I'm saying?

6 INV. GRAY: Okay. And when you got back to the station--

7 [REDACTED]: I mean, that the police report?

8 INV. GRAY: Yeah.

9 [REDACTED]: Well, you look on there. All that stuff that I'm

10 charged with, it wasn't--he didn't say nothin' about him being

11 hurt or nothin'. Record it or nothing. And he had something

12 wrong, broken with his leg, why would you come and strip search

13 me and all that and you 'posed to be--you know what I'm saying?

14 Getting medical attention. The second incident, when he 'posed

15 to have--Marino when he 'posed to be here for the second incident

16 'cause he 'posed to be looking out from the first incident, he

17 say he got hurt. He never mentioned being hurt or none of this.

18 Never do none of this until the Preliminary Hearing when he said

19 he come in here with my cast on and seen that I was hurt and now

20 he all of a sudden, he hurt. And that ain't even in the report,

21 of him being hurt or none of that. You know what I'm saying?

22 You gone--but if you gonna have a report, you gonna tell what

23 happened, and you being hurt, you ain't goin'--you know what I'm

24 saying? You ain't gonna wait a few days and then say, now, I'm

25 hurt. You know what I'm saying? You gonna say, "I was hurt at

26 the scene." He didn't say none of that in the report. I read

27 it--20 times. He didn't say nothing about him being hurt. It

28 doesn't say nothin' about him tackling me or me trying to tackle

1 him or none of that. He didn't say none of that stuff until
2 Preliminary Hearing.

3 INV. GRAY: Okay. What about what he said about what
4 happened in the holding cell with--I guess there were crack rocks
5 falling out?

6 [REDACTED]: Yeah. He say that stuff came out of my leg. I
7 don't know what he talking about. He said it came out of the
8 pants that I had on. But he had already strip-searched me on the
9 street. So wherever them rocks came from, they wasn't comin'
10 from me. That's what I tryin' to say. They--they trying to put
11 the dope on me to make a case because they had already did what
12 they 'sposed to--you know what I'm saying? Already did the
13 wrong, whatever they was supposed to be doing.

14 INV. GRAY: Okay.

15 [REDACTED]: And the dope--so I looked at the dope but I'm
16 still, like, [UNINTELLIGIBLE] don't know where it come from.
17 Right? And I'm [UNINTELLIGIBLE] because I know that's what they
18 was doing 'cause this ain't the first time they done did that.
19 Well, not them. But Oakland police did the same thing to me
20 awhile back. So I looked at that shit and I say, "Oh, here's a
21 narc." And I don't know where it came from, 'cause it didn't
22 come from me. I was strip-searched butt-naked inside the thing.

23 All the stuff that I was telling you when they did all that,
24 the--I didn't even have no drawers on. I didn't have no drawers.
25 No nuttin' on. I was butt-naked. You know what I'm saying? So
26 I say, come on, man, I'm butt-naked. You all supposed to--you
27 all the [UNINTELLIGIBLE] you all took the clothes off me, you all
28 supposed to find it.

1 INV. GRAY: Right.

2 [REDACTED]: You know what I'm saying?

3 INV. GRAY: Right.

4 [REDACTED]: Now all of a sudden it's some dope. And then the
5 weed came up short. There was a ounce of weed--

6 INV. GRAY: Yeah.

7 [REDACTED]: But now it's only 6, 7 grams. Where the other 14
8 grams go?

9 INV. GRAY: Right. Okay.

10 [REDACTED]: That's why I need them to be drug-tested, too. I
11 know they on drugs.

12 INV. GRAY: Let's see if there's anything else. Do you--
13 do you know we've got [REDACTED] as the main Complainant on
14 this case.

15 [REDACTED]: Hm-hmm. She's the one that--she probably going--I
16 don't know what her authority is but I know she was there and she
17 seen a lot. And she has a real good memory. You know, she young
18 and she's smart. She real, real smart. So she probably seen a
19 lot more than what, you know, I could because it was dark, and
20 you know outside looking in, you probably could see more. That's
21 why I said this, you know, whatever you seen, tell your people.

22 INV. GRAY: Okay. Do you want to be a co-Complainant
23 along with her? Which means that everything that you told me can
24 be--

25 [REDACTED]: I don't think I have my lawyer, I don't know about
26 that.

27 INV. GRAY: Okay.

28 [REDACTED]: You gotta ask people.

1 INV. GRAY: Okay.

2 [REDACTED]: Because I don't know--you know what I'm saying?

3 INV. GRAY: Yeah, I get it.

4 [REDACTED]: I don't know. So if he give the A-Okay for me to

5 even--

6 INV. GRAY: I understand.

7 [REDACTED]: 'Cause he told me not to say nothin' to you all.

8 INV. GRAY: Okay.

9 [REDACTED]: Police is lying, man, and that's wrong, man. If

10 you all will do your job, don't be putting cases on people, or at

11 least tell what happened how it happened from the get.

12 INV. GRAY: Hm-hmm.

13 [REDACTED]: Don't go back and, you know, conspire and do all

14 that and then come up with some other stuff. You feel me? To

15 make it seem [worsen] than what it really happened. You know

16 what I'm saying? What really happened? 'Cause that's wrong and

17 you all lying and you all playing with people life. I got two

18 strike. I'm not fitting to run toward no police. And I'm smart

19 enough--I'm 34. I'm not--this is a dope case. I go with half-

20 time, go to the pen for about two years, what have. Do a year

21 and get out. I'm not gonna turn no dope case into no assault on

22 police. I'm a assault the police? I'm not assault them. I'm

23 not gonna--feel me? I'm not gonna be playing with some officer

24 have some bruises just like I had. You feel me? I'm not gonna--

25 you know what I'm saying? If I'm really going to go all out, I'm

26 going to go all out because I got two strikes. So I'm trying to

27 avoid all that, the whole time.

28 INV. GRAY: Right.

1 [REDACTED]: So I was trying to run, to tell you the truth.
2 I'm trying to run away from the police.
3 INV. GRAY: Okay.
4 [REDACTED]: You know what I'm saying? I'm not trying to run--
5 INV. GRAY: They don't like that either.
6 [REDACTED]: Yeah. And they got mad and they did all that
7 stuff and now they trying to say something--you know what I'm
8 saying?
9 INV. GRAY: Yeah.
10 [REDACTED]: That's why I wish we had the camera 'cause I know
11 that man didn't hurt his self on that scene like he's saying he
12 hurt his self. I know he didn't.
13 INV. GRAY: You ever try to get that video?
14 [REDACTED]: He got the video of the--incident when they beat
15 me up inside the station.
16 INV. GRAY: He did? Oh, okay.
17 [REDACTED]: He got that video. First thing, they had to get
18 [UNINTELLIGIBLE]--
19 INV. GRAY: Right. Yeah.
20 [REDACTED]: Know what I'm saying?
21 INV. GRAY: They couldn't download it.
22 [REDACTED]: Yeah. You know what I'm saying? So I want it to
23 be the whole video, no edited and all that stuff. You know what
24 I'm saying? Because they done hand it to them, they lost it for
25 a long time. And that just now coming back up with it. You know
26 what I'm saying? So--
27 INV. GRAY: Okay. Do you know when he got it?
28 [REDACTED]: He got it last time I went to court on--May--I

1 think it was the first. No, no. It wasn't the first. I'm
2 tripping. May 1st. The 25th of April.

3 INV. GRAY: Okay. Great.

4 [REDACTED]: Monday.

5 INV. GRAY: Okay. Let's see. All right. Is there
6 anything else that you think I should know about any of this?

7 [REDACTED]: [REDACTED]

8 And, shit, I--and I got to tell you, if I was, you know, trying
9 to fight them and all that, I would have--would just went on and
10 fought them. I wouldn't have did all that trying to get away
11 from them. Because if you trying to get away, you trying to get
12 away. I'm not going to run toward you, you try to get away from
13 me.

14 INV. GRAY: Right.

15 [REDACTED]: Know what I'm saying? It wouldn't make no--I'm
16 not going to get away, I'm running towards you.

17 INV. GRAY: I understand.

18 [REDACTED]: So he just--know what I'm saying? That's why I
19 kind of went--I want to take it, the trouble. I got two strikes
20 already. I ain't trying to be like it's a three strikes case.
21 Well, come on, man. Know what I'm saying? To him? They ain't
22 offering me no deals. Know what I'm saying? It's a whole lot
23 of--it's like it's crazy, man. It don't make no sense. If I'm
24 trying to get away, I'm not gonna run towards you.

25 INV. GRAY: Right.

26 [REDACTED]: I'll go run away from you. I'm not stupid. And
27 then I only got a dope case. I'm not going to turn it into a
28 three strike, like it is now, for some dope. I can't get striked

1 out for no dope.

2 INV. GRAY: Right.

3 [REDACTED]: Know what I'm saying? So I'm not fitting to do--

4 man, I'm not dumb, man. I wasn't high, none of that. All I do

5 is do [UNINTELLIGIBLE] and shit.

6 INV. GRAY: Okay, weed but no rocks?

7 [REDACTED]: I smoke weed. I [UNINTELLIGIBLE].

8 INV. GRAY: Hm-hmm. Did you have it on you that day?

9 [REDACTED]: Yeah. He found it on me. No, I had my cannabis

10 card in the car.

11 INV. GRAY: Oh. Okay.

12 [REDACTED]: But she brung it to Preliminary Hearing and they

13 'posed to have dropped their charge. They didn't drop that

14 charge. Now they charging me with sales of weed. And I got a

15 cannabis card.

16 INV. GRAY: Right.

17 [REDACTED]: Know what I'm saying? [REDACTED] I

18 don't know what they got goin' on. He say they trump up a lot of

19 charges in this county.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]: Yeah, so he--but he had been a lawyer though so--

23 INV. GRAY: He is very smart guy.

24 [REDACTED]: Yeah. So gone--he gonna figure it--he gonna--you

25 know what I'm saying? He gonna try to figure it out. He's

26 actually gonna [UNINTELLIGIBLE] gonna try to if I go to trial and

27 I lose.

28 INV. GRAY: Yeah.

1 [REDACTED] I ain't giving it up.

2 INV. GRAY: All right. Well, I'm going to take us off
3 the record.

4 END OF DOCUMENT

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1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0188-16

3

4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 03/13/2017

6

7

8 INV. SUSAN GRAY: Here we go. This interview is regarding
9 DPA case number 0188-16. And it's taking place on March 13th,
10 2017 at DPA Offices at 25 Van Ness. Conducting the interview is
11 Investigator Susan Gray. The member being interviewed is Officer

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] Officer

16 [REDACTED] have you read the statement of [REDACTED]

17 concerning an incident at Tenderloin Station on February 29th,
18 2016?

19

OFFICER [REDACTED] Yes, I have.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

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OFFICER [REDACTED] You and I.

INV. GRAY: Are you prepared to be interviewed at this time?

OFFICER [REDACTED] Yes, I am.

INV. GRAY: Okay. Were you on duty on February 29th, 2016?

OFFICER [REDACTED] What day of the week was it?

INV. GRAY: It was a Monday, I believe. I'm sorry. It was a Wednesday. No, it was a Monday. I apologize. I received the Complaint on a Wednesday. It was a Monday. This is last year. 2016.

OFFICER [REDACTED] No, it was Saturday. [UNINTELLIGIBLE] believe that happened [UNINTELLIGIBLE] right there [UNINTELLIGIBLE] he said it was February of 2016.

INV. GRAY: Hm-hmm.

OFFICER [REDACTED] I will say yes. Let's go with yes for

1 now.

2 INV. GRAY: Okay. All right. I can show you records
3 that indicate--

4 OFFICER [REDACTED] You can confirm it, yeah, just--if you
5 know for sure I was there.

6 INV. GRAY: Let's take a look.

7 OFFICER [REDACTED] I have short-term memory sometimes.

8 INV. GRAY: That's all right.

9 OFFICER [REDACTED] My work is Monday through Friday.

10 INV. GRAY: Okay. So here is the roster. You're
11 scheduled 2/29/16.

12 OFFICER [REDACTED] Okay. Yep. No, yeah. So I was there.
13 Yep. So, yes, I was on duty.

14 INV. GRAY: Okay, okay. And do you recall what your
15 assigned duties were that day?

16 OFFICER [REDACTED] I was the Station Keeper. Tenderloin
17 Station.

18 INV. GRAY: And do you recall [REDACTED] coming in?

19 OFFICER [REDACTED] [UNINTELLIGIBLE]

20 INV. GRAY: All right. I'm going to show you a video.

21 OFFICER [REDACTED] Sure.

22 INV. GRAY: Let's start out with the video. There's two,
23 actually. This part--so there's--and it starts in--I'll show you
24 the whole damn thing, okay?

25 OFFICER [REDACTED] Okay.

26 INV. GRAY: In the cell. And come on, computer.
27 [UNINTELLIGIBLE] All right. Let's give that a minute.
28 [UNINTELLIGIBLE] All right.

1 OFFICER [REDACTED] Trying to escape maybe.
2 INV. GRAY: I just have to give it a minute to sort
3 itself out. Well, let me describe what the video is.
4 OFFICER [REDACTED] Okay.
5 INV. GRAY: Okay. So there's this gentleman, [REDACTED]
6 [REDACTED], who was arrested on--it would be for--officers suspected
7 him of selling drugs. And they brought him to the holding cell
8 to do a strip search.
9 OFFICER [REDACTED] Okay.
10 INV. GRAY: And if this video were working, what it would
11 show is as he was strip searched and he's putting his clothes
12 back on. Maybe the officers are stripping off his clothes and
13 now he's putting his clothes back on. Something falls out of his
14 clothes.
15 OFFICER [REDACTED] Okay.
16 INV. GRAY: And he sort of covers it with his foot and
17 drags it towards him. One of the officers sees him do that and
18 there a scuffle. He's wanted for these alleged drugs and
19 officers--and according to the incident report, he tries to put
20 it in his mouth.
21 OFFICER [REDACTED] Okay.
22 INV. GRAY: And. Okay. The fight goes on. I would like
23 to see this.
24 OFFICER [REDACTED] I would like to see it, too.
25 INV. GRAY: Hang on. You know what?
26 OFFICER [REDACTED]: No worries.
27 INV. GRAY: I'll just go back and [UNINTELLIGIBLE] but I
28 actually will just restart this. Our equipment here is so bad.

1 Here we go. Try it again.

2 OFFICER [REDACTED] Do you think you [UNINTELLIGIBLE] those
3 windows open?

4 INV. GRAY: [UNINTELLIGIBLE] suspect that's true. This
5 is working now. And there we go. All right. Okay. So let's
6 start with the cell.

7 OFFICER [REDACTED] Okay.

8 INV. GRAY: I think I probably shouldn't have fast-
9 forwarded it so quickly. I think I confused it. Okay. Think
10 that's about 11:20. [ALARM] Okay. [UNINTELLIGIBLE] You can see
11 what's going on here. Okay. Just out of curiosity, when you're
12 in the Station Keeper's booth, are you able to see in the holding
13 cells?

14 OFFICER [REDACTED] Hm-hmm. My best fixed perspective is
15 the two cells.

16 INV. GRAY: Okay. So maybe when the video shifted to the
17 holding area, we'll be able to see your window?

18 OFFICER [REDACTED] Well, the camera is in the corner so I'm
19 here, perspective-wise, and the camera's here. I'm here. I'm
20 the other side of the glass and the cells are here.

21 INV. GRAY: Okay.

22 OFFICER [REDACTED] So it doesn't rotate. Just has a view.

23 INV. GRAY: Okay.

24 OFFICER [REDACTED] Here.

25 INV. GRAY: Okay. And he's shaking out his pants here.
26 And you see something fell out and he sort of brings it over with
27 his foot. It's under his right foot. [ALARM] Do you recognize
28 either of those officers?

1 OFFICER [REDACTED] Hm-hmm. Yeah. For sure.
2 INV. GRAY: Who's talking to him now?
3 OFFICER [REDACTED] That would be John Fergus.
4 INV. GRAY: Okay. Is that Officer Marino?
5 OFFICER [REDACTED] Marino, yes. In the corner.
6 INV. GRAY: Okay.
7 OFFICER [REDACTED] [UNINTELLIGIBLE]
8 INV. GRAY: Okay, now.
9 OFFICER [REDACTED] Okay.
10 INV. GRAY: Stuff what happens. Let me pause this.
11 OFFICER [REDACTED] Okay.
12 INV. GRAY: And then--so is that your window there?
13 OFFICER [REDACTED] My window there.
14 INV. GRAY: Okay. [BEEP] He about to be taken in. All
15 right. So they're searching him now. [UNINTELLIGIBLE] Okay.
16 Here they come. This look familiar? You remember this
17 happening?
18 OFFICER [REDACTED] I'm trying to remember it. I mean I
19 want to see what I can remember. [BEEP]
20 INV. GRAY: You see in the course of retrieving that
21 substance from him, he alleges--Mr. [REDACTED] alleges that his elbow
22 was broken.
23 OFFICER [REDACTED] Hm-hmm.
24 INV. GRAY: This kind of thing happen a lot?
25 OFFICER [REDACTED] Not frequently. But it does happen.
26 INV. GRAY: Do you--because you were right there and you
27 presumably saw that.
28 OFFICER [REDACTED] [UNINTELLIGIBLE] [MUSIC]

1 INV. GRAY: I'll pause it.

2 OFFICER [REDACTED] Oh, no, go right here. It's not
3 important.

4 INV. GRAY: Okay. So since your window's right there,
5 and you saw this happen, this the kind of thing that since
6 officers came from all over the station, would you have come
7 around?

8 OFFICER [REDACTED] Oh, yeah.

9 INV. GRAY: Yeah.

10 OFFICER [REDACTED] Seemed like I came from my position on
11 the other side of the thing so I'm probably called out. Okay,
12 see where that person just came out.

13 INV. GRAY: Yeah.

14 OFFICER [REDACTED] So most likely I probably saw the fight
15 and was speculating and probably called out and then someone out
16 there came into the holding area. Everybody came so--

17 INV. GRAY: You see--saw yourself come in?

18 OFFICER [REDACTED] That's me standing there to
19 [UNINTELLIGIBLE] my back is to your--to your right standing.

20 INV. GRAY: Okay.

21 OFFICER [REDACTED] See me?

22 INV. GRAY: Okay.

23 OFFICER [REDACTED]: I was that guy.

24 INV. GRAY: Okay.

25 OFFICER [REDACTED] That's it.

26 INV. GRAY: All right so this is in the incident.

27 OFFICER [REDACTED] Okay.

28 INV. GRAY: Do you recall any of the details about this

1 | from what I told you?

2 | OFFICER [REDACTED]: Actually I do not.

3 | INV. GRAY: okay.

4 | OFFICER [REDACTED]: Sorry.

5 | INV. GRAY: That's all right.

6 | OFFICER [REDACTED]: Can't give you what I don't have.

7 | INV. GRAY: I understand.

8 | OFFICER [REDACTED]: I looked over the report, right? I

9 | didn't see my name in the report but one time, that I was the

10 | Station Keeper.

11 | INV. GRAY: Right. Well, the reason we knew that you

12 | would probably have a view which is why I asked could you--

13 | OFFICER [REDACTED]: Okay. No worries.

14 | INV. GRAY: You recognize--I know it's--the angle is

15 | tough. But do you recognize any of the force or holds or

16 | restraints used on him?

17 | OFFICER [REDACTED]: I didn't see a hobble. So I say what I

18 | do see. I didn't see any distinctive moves or holds or anything,

19 | no. Didn't see anything. And I can't see him at all. So I

20 | can't see his arms. So. I don't want to make up nothing. I'm

21 | sorry.

22 | INV. GRAY: No, that's okay. I don't want you to make up

23 | anything either.

24 | OFFICER [REDACTED]: Don't make it up.

25 | INV. GRAY: Do you recall [REDACTED] to get him to

26 | release the drugs in his mouth or observing any other officer

27 | doing so?

28 | OFFICER [REDACTED]: Absolutely not. No.

1 INV. GRAY: Do you recall if you had any report of use of
2 force during this incident?
3 OFFICER [REDACTED] No.
4 INV. GRAY: Do you recall if Mr. [REDACTED] was provided with a
5 medical screening when he was brought in?
6 OFFICER [REDACTED] We could discuss. I deal with
7 [UNINTELLIGIBLE] --
8 INV. GRAY: Oh, great.
9 OFFICER [REDACTED] [UNINTELLIGIBLE]
10 INV. GRAY: Okay, great.
11 OFFICER [REDACTED] Let me just get back to you. This is
12 his medical screening card here.
13 INV. GRAY: Okay.
14 OFFICER [REDACTED] And for some reason someone else signed
15 it so we don't--that's one of the reason I don't have any recall
16 of it. I did not screen him. So if you would like to review
17 that, I'll give that to you.
18 INV. GRAY: I appreciate it.
19 OFFICER [REDACTED] My name is not on it.
20 INV. GRAY: But someone did. Someone--took care of that--
21 -
22 OFFICER [REDACTED]
23 INV. GRAY: [UNINTELLIGIBLE] that day.
24 OFFICER [REDACTED]: I think [UNINTELLIGIBLE].
25 INV. GRAY: I appreciate that. I appreciate you bringing
26 it.
27 OFFICER [REDACTED] Sure.
28 INV. GRAY: And whoever's star number 2287 is. The

1 person who signed that? Okay.

2 OFFICER [REDACTED] So I don't remember this incident. And
3 I didn't see anybody doing anything that was over the top but
4 that's my opinion but--

5 INV. GRAY: Okay.

6 OFFICER [REDACTED] Okay?

7 INV. GRAY: All right. Those are the questions I had for
8 you. Was hoping you might have some detail for me. Is there any
9 other statement relevant to this incident that you wish to make
10 at this time?

11 OFFICER [REDACTED] No, ma'am.

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15 END OF DOCUMENT

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OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Date: 05/02/2016 15:59

Re: OCC Case No.: 0188-16
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by mail (OCC address) the following documents:

Any and all video from the holding cells at Tenderloin Station on 2/29/16 from 22:30 hours to 23:45 hours.

This request is made in compliance with SFPD-OCC Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Juan Garcia".

OCC Investigator

OCC Routine Document Request

To: RMS/Records

Date/Time: 04/21/2016 11:07 OCC Investigator: S. Gray

SFPD Incident #: [REDACTED]

Comments: Thank you.

Phone #: (415) 241-7711

OCC Case #: 0188-16

Deliver Documents:

☒ Fax OCC: 241-7733

☐ 25 Van Ness #700, 94102

Please forward the following documents to the OCC. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

- | | |
|---|--|
| <input type="checkbox"/> 12500 CVC Report (SFPD Form 164(a)) | <input checked="" type="checkbox"/> Incident Reports (including all supplemental reports) |
| <input type="checkbox"/> 14601 CVC Report (SFPD Form 164) | <input type="checkbox"/> Intoxilizer Model 5000 Checklist (or other models)(SFPD Form 15) |
| <input type="checkbox"/> Academy training records | <input type="checkbox"/> Line-up Record (SFPD Form 56) |
| <input type="checkbox"/> Affidavit of Termination of Investigation (SFPD Form 470) | <input type="checkbox"/> Media footage |
| <input type="checkbox"/> Airport activity logs | <input type="checkbox"/> Medical Screening Form (SFPD Form 54) |
| <input type="checkbox"/> Anticipated Watch Report (SFPD Form 22) | <input type="checkbox"/> Mug Shots (criminal history information tracking number to be redacted) |
| <input type="checkbox"/> Arrest Record/Booking Slip (Form 3800-09) | <input type="checkbox"/> Notice of Motor Vehicle Accident (SFPD Form 325) |
| <input type="checkbox"/> Candlestick Park activity logs | <input type="checkbox"/> Officer notes (Photocopies only) |
| <input type="checkbox"/> Cell Check Log (SFPD Form 51) | <input type="checkbox"/> Officer's Daily Report (Traffic Division)(SFPD Form 106) |
| <input type="checkbox"/> Certificate of Release (SFPD Form 184) | <input type="checkbox"/> Overtime and Holiday Watch Report (SFPD Form 238) |
| <input type="checkbox"/> Citation log book records | <input type="checkbox"/> AT&T Park activity logs |
| <input type="checkbox"/> Citizen Arrest Form (SFPD Form 80) | <input type="checkbox"/> Payroll records |
| <input type="checkbox"/> Citizen Complaint Investigation Memorandum | <input type="checkbox"/> Permission to Search Form (SFPD Form 468) |
| <input type="checkbox"/> Cold Show Admonishment (SFPD Form 466) | <input type="checkbox"/> Photographic Line-up Instructions (SFPD Form 467) |
| <input type="checkbox"/> Corrected Watch Report (SFPD Form 117) | <input type="checkbox"/> PLES (10-B assignment) rosters |
| <input type="checkbox"/> Court Protective Orders or Emergency Protective Orders | <input type="checkbox"/> POST training materials |
| <input type="checkbox"/> DABOR reports (post-hearing) | <input type="checkbox"/> Prisoner Transfer Record (SFPD Form 78) |
| <input type="checkbox"/> Daily Arrest logs (SFPD Form 307) | <input type="checkbox"/> Property logs (from both stations and property control) (SFPD Form 230) |
| <input type="checkbox"/> Demonstration Memorandum (SFPD Form 77) | <input type="checkbox"/> Property Receipt Form (SFPD Form 315) |
| <input type="checkbox"/> Demonstration squad charts | <input type="checkbox"/> Property Release Form (SFPD Form 158) |
| <input type="checkbox"/> DMV Officer's Statement | <input type="checkbox"/> Public Intoxication Report (SFPD Form 69) |
| <input type="checkbox"/> DMV Order of Suspension (Form 360 & 360(A)) | <input type="checkbox"/> Ride-along Request and Review (SFPD Form 84) |
| <input type="checkbox"/> DMV Supplemental to Officer's Statement (Blood/Urine Test Results) | <input type="checkbox"/> Roll call training logs |
| <input type="checkbox"/> DMV Traffic Accident Report Form | <input type="checkbox"/> Secondary Employment Application (SFPD Form 156) |
| <input type="checkbox"/> DMV Verbal Notice by Police Officer | <input type="checkbox"/> SFPD Dismissal Request (SFPD Form 256) |
| <input type="checkbox"/> Domestic Violence Response Unit Tapes | <input type="checkbox"/> SFPD officer photographs |
| <input type="checkbox"/> Domestic Violence Supplemental Report forms (SFPD 480a & 480b) | <input type="checkbox"/> SFPD officer weight and height descriptions |
| <input type="checkbox"/> Driving Under the Influence Card (SFPD Form 462) | <input type="checkbox"/> Station Arrest Logs |
| <input type="checkbox"/> Driving Under the Influence Report (SFPD Form 284A-D) | <input type="checkbox"/> Strip search authorization form (SFPD Form 305) |
| <input type="checkbox"/> Drug Influence Evaluation Report (SFPD Form 26) | <input type="checkbox"/> Traffic Collision Reports (CHP555, 555-03 & 556) |
| <input type="checkbox"/> Drug Influence Evaluation Report (SFPD Form 26A & B) | <input type="checkbox"/> Traffic Court Report (SFPD Form 295) |
| <input type="checkbox"/> Event operation orders | <input type="checkbox"/> Unit Orders |
| <input type="checkbox"/> Field Arrest Card | <input type="checkbox"/> Use of force logs (SFPD Form 128) |
| <input type="checkbox"/> Field Interview Card (SFPD Form 114) | <input type="checkbox"/> Verification of latent fingerprint request (SFPD Form 235)(not including results) |
| <input type="checkbox"/> Firearms Training Roster (SFPD Form 53) | <input type="checkbox"/> Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474) |
| <input type="checkbox"/> Fleet management records | |
| <input type="checkbox"/> Hit and Run Record (SFPD Form 133) | |



SAN FRANCISCO POLICE
DEPARTMENT
HEADQUARTERS
CRIME INFORMATION SERVICES UNIT
1245 3RD STREET
SAN FRANCISCO, CA. 94158
OFFICE #: (415) 575-7232
FAX # (415) 575-6088



Fax Transmittal Sheet

DATE: 4/21/2016

AGENCY: OCC (0188-16)

FAX NUMBER: 241-7733

ATTENTION: INV-GRAY

SENT BY: LIVINGSTON - #1080

PHONE #:

COMMENTS: [REDACTED]

Number of pages, Including Cover Sheet: 21

OCC Routine Document Request

To: RMS/Records

Date/Time: 04/21/2016 11:07 OCC Investigator: S. Gray

Phone #: (415) 241-7711

SFPD Incident #: [REDACTED]

OCC Case #: 0188-16

Comments: Thank you.

Deliver Documents:

☒ Fax OCC: 241-7733

☐ 25 Van Ness #700, 94102

Please forward the following documents to the OCC. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

<input type="checkbox"/>	12500 CVC Report (SFPD Form 164(a))	<input checked="" type="checkbox"/>	Incident Reports (including all supplemental reports)
<input type="checkbox"/>	14601 CVC Report (SFPD Form 164)	<input type="checkbox"/>	Intoxilizer Model 5000 Checklist (or other models)(SFPD Form 15)
<input type="checkbox"/>	Academy training records	<input type="checkbox"/>	Line-up Record (SFPD Form 56)
<input type="checkbox"/>	Affidavit of Termination of Investigation (SFPD Form 470)	<input type="checkbox"/>	Media footage
<input type="checkbox"/>	Airport activity logs	<input type="checkbox"/>	Medical Screening Form (SFPD Form 54)
<input type="checkbox"/>	Anticipated Watch Report (SFPD Form 22)	<input type="checkbox"/>	Mug Shots (criminal history information tracking number to be redacted)
<input type="checkbox"/>	Arrest Record/Booking Slip (Form 3500-08)	<input type="checkbox"/>	Notice of Motor Vehicle Accident (SFPD Form 325)
<input type="checkbox"/>	Candlestick Park activity logs	<input type="checkbox"/>	Officer notes (Photocopies only)
<input type="checkbox"/>	Cell Check Log (SFPD Form 51)	<input type="checkbox"/>	Officer's Daily Report (Traffic Division)(SFPD Form 106)
<input type="checkbox"/>	Certificate of Release (SFPD Form 184)	<input type="checkbox"/>	Overtime and Holiday Watch Report (SFPD Form 238)
<input type="checkbox"/>	Citation log book records	<input type="checkbox"/>	AT&T Park activity logs
<input type="checkbox"/>	Citizen Arrest Form (SFPD Form 80)	<input type="checkbox"/>	Payroll records
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<input type="checkbox"/>	Corrected Watch Report (SFPD Form 117)	<input type="checkbox"/>	PLES (10-B assignment) rosters
<input type="checkbox"/>	Court Protective Orders or Emergency Protective Orders	<input type="checkbox"/>	POST training materials
<input type="checkbox"/>	DABOR reports (post-hearing)	<input type="checkbox"/>	Prisoner Transfer Record (SFPD Form 78)
<input type="checkbox"/>	Daily Arrest logs (SFPD Form 307)	<input type="checkbox"/>	Property logs (from both stations and property control) (SFPD Form 230)
<input type="checkbox"/>	Demonstration Memorandum (SFPD Form 77)	<input type="checkbox"/>	Property Receipt Form (SFPD Form 315)
<input type="checkbox"/>	Demonstration squad charts	<input type="checkbox"/>	Property Release Form (SFPD Form 158)
<input type="checkbox"/>	DMV Officer's Statement	<input type="checkbox"/>	Public Intoxication Report (SFPD Form 69)
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<input type="checkbox"/>	DMV Verbal Notice by Police Officer	<input type="checkbox"/>	SFPD Dismissal Request (SFPD Form 256)
<input type="checkbox"/>	Domestic Violence Response Unit Tapes	<input type="checkbox"/>	SFPD officer photographs
<input type="checkbox"/>	Domestic Violence Supplemental Report forms (SFPD 480a & 480b)	<input type="checkbox"/>	SFPD officer weight and height descriptions
<input type="checkbox"/>	Driving Under the Influence Card (SFPD Form 462)	<input type="checkbox"/>	Station Arrest Logs
<input type="checkbox"/>	Driving Under the Influence Report (SFPD Form 284A-D)	<input type="checkbox"/>	Strip search authorization form (SFPD Form 305)
<input type="checkbox"/>	Drug Influence Evaluation Report (SFPD Form 26)	<input type="checkbox"/>	Traffic Collision Reports (CHP555, 555-03 & 556)
<input type="checkbox"/>	Drug Influence Evaluation Report (SFPD Form 26A & B)	<input type="checkbox"/>	Traffic Court Report (SFPD Form 295)
<input type="checkbox"/>	Event operation orders	<input type="checkbox"/>	Unit Orders
<input type="checkbox"/>	Field Arrest Card	<input type="checkbox"/>	Use of force logs (SFPD Form 128)
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<input type="checkbox"/>	Fleet management records		
<input type="checkbox"/>	Hit and Run Record (SFPD Form 133)		

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

August 25, 2016



RE: 127-day Status Notice - OCC Complaint No: 0188-16

Dear [REDACTED]:

This is to advise you that the investigation into the complaint you filed with the OCC on April 20, 2016, is in progress. If at any time you have additional information regarding your complaint, your contact information changes, or you have questions about the process, please contact me at 415-241-7711.

Once we conclude our investigation, you will be notified by mail of the preliminary findings.

Sincerely,

Susan Gray
Investigator

cc: case file

SFDPA - 0188-16 - 000167

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 • TELEPHONE (415) 241-7711 • FAX (415) 241-7733 • TTY (415) 241-7770

WEBSITE: <http://www.sfgov.org/occ>

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

June 23, 2016



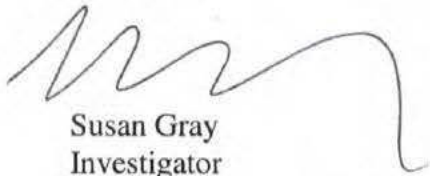
RE: 64-day Status Notice - OCC Complaint No: 0188-16

Dear [REDACTED]:

This is to advise you that the investigation into the complaint you filed with the OCC on April 20, 2016, is in progress. If at any time you have additional information regarding your complaint, your contact information changes, or you have questions about the process, please contact me at 415-241-7711.

Once we conclude our investigation, you will be notified by mail of the preliminary findings.

Sincerely,



Susan Gray
Investigator

cc: case file

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

September 16, 2016



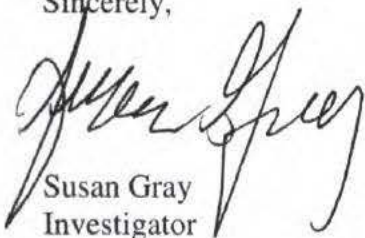
Dear [REDACTED]:

The Office of Citizen Complaints is a City and County of San Francisco agency, staffed by civilian investigators, and responsible for investigating members of the San Francisco Police Department. We received a complaint regarding an incident that you may have witnessed. I would like to speak with you about what happened and would appreciate it if you would call me at your earliest convenience.

You can call me directly at 241-7711. If I am not in the office when you call, please leave me a message with some good times to call you back and a contact phone number.

Thank you for your attention in this important matter.

Sincerely,


Susan Gray
Investigator



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

HEADQUARTERS
1245 THIRD STREET
SAN FRANCISCO, CALIFORNIA 94158



GREGORY P. SUHR
CHIEF OF POLICE

May 10, 2016

Investigator Susan Gray
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0188-16

Dear Investigator Gray:

The Legal Division received your Non-Routine request dated 5/2/16 for **any and all video from the holding cells at Tenderloin Station on 2/29/16 from 22:30 hours to 23:45 hours**. There is no media responsive to request.

Sincerely,

Lt. Kathryn Waaland
Officer in Charge
Risk Management - Legal

pos MI

last stay west



re

discuss slash

→ San Bruno

was on Parole

2/29/16 -
10:30 PM

Ellis & ? Jones ??

→ found drugs on him

off Fergus & other off? → Caucasian, bald heavy set 6'2
detained [redacted] b/c drug area
searched him

didn't say they were cops

→ went inside [redacted] pants

→ moved then

they slammed him down

dragged into middle of street

Beat him

knee on face

15-20 officers

Put him in car w/ some 2 ofcs

who did search / assault

took back to police station - beat more

scars / bruise

broke his elbow

3 more officers beat inside jail

interview
0188-16
12/5/16

planaltores narcotics
Asian

sgt - didn't do anything.
white

5/2/16

brother

Uniforms

Sfcb rudy

Fogus & Moreno

Pante

Sfcb came up to him saying he had dipe on him

never saw him selling

Stop search on street

No name

put in handcuff

took

pushed in back seat of car
tried to run back at station

did not open mouth to delivery
evidence

San Bruno