

Kill In

1	Day, Date & Time Complaint Received <u>THURS. 11/24/15 12:00</u>	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; text-align: center;">40</div> <div style="border: 1px solid black; width: 40px; height: 40px; text-align: center;">15</div> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> </div>							
Complaint Against: Personnel <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> How Received: Person <input checked="" type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> SFPD <input checked="" type="checkbox"/> Mail-In <input type="checkbox"/> Other <input type="checkbox"/> (specify) _____									
2	Primary Complainant: <input type="radio"/> Co-Complainant <input type="radio"/>								
<div style="background-color: black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> Last Name First Name Middle Initial </div> <div style="background-color: black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> HOME ADDRESS: Apartment </div> <div style="background-color: black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> City State Zip </div> <div style="background-color: black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> WORK ADDRESS: Apartment </div> <div style="background-color: black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> City State Zip </div>									
3	Personal Information Age: <u>43</u> Date of Birth: [REDACTED] Sex: <u>M</u> Ethnicity: <u>NATIVE / MEX</u> Occupation: <u>DELIVERY DRIVER</u>								
4	Telephone Numbers: Home: [REDACTED] Work: [REDACTED]								
5	Location of Occurrence: <div style="background-color: black; height: 20px; width: 100%;"></div>								
6	Type of Place <u>01</u>	7 District <u>0</u>							
8	Day, Date, & Time Of Occurrence: <u>11-11-14</u> <div style="display: flex; justify-content: flex-end; align-items: center;"> A.M. <input type="radio"/> P.M. <input checked="" type="radio"/> (Circle one) </div>								
9	Incident Report or Citation No <div style="background-color: black; height: 20px; width: 100%;"></div>								
10 SECONDARY COMPLAINANT? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Witnesses? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If "Yes", attach separate sheet of paper.) Taped Interview? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Criminal Case Pending in Relation to this matter? Yes <input type="checkbox"/> No <input type="checkbox"/>									
11 Injuries Claimed? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Injuries Visible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Drug/Alcohol Related? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Photos Taken? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> By: Photo Lab <input type="checkbox"/> O.C.C. <input type="checkbox"/> Other: _____ Type of Injury: _____ Medical Release Signed? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>									
12	13	14	15	16	17	18	19	20	21
Activity	Type	DISP.	Uniform Yes No	Rank	Member's Name & Star Number	Unit	Svc	Sex	Eth
					<u>Badge 529</u> <u>SEE ATTACHED</u>			<u>M</u>	



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 項填上有可能聯絡您的電話號碼，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-ibwanan 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 Philippines 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.

22

NARRATIVE OF INCIDENT:

I [REDACTED] had just returned from dinner with my friend [REDACTED] to her home at [REDACTED] ~~where~~ we were parked and about to go inside the house when a patrol car pulled up and put a spot light on us as we were about to go up the stairs an officer jumped out of the car asking us what we were doing? I said going home, he then asked if we had been out earlier drinking. I said we had a glass of wine with dinner earlier then the officer walked up to the car in the driveway and touched the hood and said the car still felt warm which meant that we were drinking and driving. I then said we are home car is off no one is driving keys are in her/mine pocket so you can't just come up and threaten us with a DUI after were home. He then got mad started charging at me and beating me up in front of the house in the neighbors driveway. I was then arrested sent to jail and missed work the next day. I now owe for bail + medical. Also my wrist is still numb from hand cuff / squeezed hard on my right hand.

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☒ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:

[REDACTED]

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

J. WECHTER, 11/22/15

Assigned Investigator/Date:

Closure Approval/Date:

[Signature] 12/22/15

0040-15

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



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

RECEIVED
AT U.S.C.

2015 JAN 22 AM 11:45

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



COMPLAINANT:

SFDPA - 0040-15 - 000005

Kill In

SFDPA - 0040-15 - 000006

22

NARRATIVE OF INCIDENT:

I [REDACTED] had just returned from dinner with my friend [REDACTED] to her home at [REDACTED] ~~where~~ we were parked and about to go inside the house when a patrol car pulled up and put a spot light on us as we were about to go up the stairs an officer jumped out of the car asking us what we were doing? I said going home. He then asked if we had been out earlier drinking. I said we had a glass of wine with dinner earlier then the officer walked up to the car in the driveway and touched the hood and said the car still felt warm which meant that we were drinking and driving. I then said we are home car is off no one is driving keys are in her/mine pocket so you can't just come up and threaten us with a DUI after were home. He then got mad started charging at me and beating me up in front of the house in the neighbors driveway. I was then arrested sent to jail and missed work the next day. I now owe for Bail + Me also my wrist is still numb from hand cuff / squeezed hard on my right hand

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Complainant Signature/Date:

[REDACTED]

Taken By (Name#/Unit)/Date:

J. WECHTER, 1/22/15

Assigned Investigator/Date:

Closure Approval/Date:

22

NARRATIVE OF INCIDENT: I [REDACTED] had just returned from dinner with my friend [REDACTED] to her home at [REDACTED] ~~where~~ we were parked and about to go inside the house when a patrol car pulled up and put a spot light on us as we were about to go up the stairs an officer jumped out of the car asking us what we were doing? I said going home. He then asked if we had been out earlier drinking. I said we had a glass of wine with dinner earlier then the officer walked up to the car in the driveway and touched the hood and said the car still felt warm which meant that we were drinking and driving. I then said we are home car is off no one is driving keys are in her/mine pocket so you can't just come up and threaten us with a DUI after were home. He then got mad started charging at me and beating me up in front of the house in the neighbors driveway. I was then arrested sent to jail and missed work the next day. I now owe for Bail & Medic. Also my wrist is still numb from handcuff/squeezed hard on my right hand.

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☒ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT. ☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date: [REDACTED]	Taken By (Name/#/Unit)/Date: J. WECHTER, 1/27/15
Assigned Investigator/Date:	Closure Approval/Date: [Signature] 12/22/15

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. 40-15

Civilian ☒ Officer ☐

Name: [REDACTED] E-mail: [REDACTED]
Address: W / [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

Civilian ☒ Officer ☐

Name: [REDACTED] E-mail: [REDACTED]
Address: W [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

Civilian ☐ Officer ☐

Name: [REDACTED] E-mail: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

Civilian ☐ Officer ☐

Name: [REDACTED] E-mail: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

Civilian ☐ Officer ☐

Name: [REDACTED] E-mail: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Address: W / H [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Telephone: [REDACTED]

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. _____

Civilian ☐ Officer ☐

Name: _____ E-mail: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____ E-mail: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____ E-mail: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____ E-mail: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____ E-mail: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Address: W / H _____ City: _____ State: _____ Zip: _____

Telephone: _____

INTAKE CHECKLIST

CASE # 40-15

COMPLAINANT [REDACTED]

PHASE I (first ten days)

	Done	N/A	Date Ordered and Notes
A. CASE RECEIVED			
1. Log into book/database	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. LOCATE AND INTERVIEW COMPLAINANT			
1. Obtain specific contact info	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Medical release signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Juvenile Consent form signed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. 148.6 signed or taped	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Photograph injuries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Photo spread	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Complete 293	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. CASE CHRONOLOGY			
1. Summarize interviews/evidence in CWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Record investigative steps in CWS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. COMPUTER INFORMATION			
1. Run CAD, QCH, QUH,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. DMV, QALL, QIR, QPRL, QLAB, QCA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Run PS or Roster	<input type="checkbox"/>	<input type="checkbox"/>	
4. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	
E. ORDER DOCUMENTS			
1. Obtain copy of IR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Obtain communications tape	<input type="checkbox"/>	<input type="checkbox"/>	Order 1/23
3. Citations ordered	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Medical records	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Order 1/23
5. Arrest card	<input type="checkbox"/>	<input type="checkbox"/>	
6. S/W (affidavit), UOF log, Tow Inventory,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. 849(b), Strip Search Auth., Juvenile Log, Arrest	<input type="checkbox"/>	<input type="checkbox"/>	
8. Log, Paramedic Records	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Housing card	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Other _____	<input type="checkbox"/>	<input type="checkbox"/>	
F. IDENTIFY WITNESSES			
1. Obtain specific contact info	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Start witness list	<input type="checkbox"/>	<input type="checkbox"/>	
G. DRAFT ALLEGATIONS	<input type="checkbox"/>	<input type="checkbox"/>	
H. FINALIZE NARRATIVE	<input type="checkbox"/>	<input type="checkbox"/>	
I. START TAPED INTERVIEW LOG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
J. REVIEW GO'S, RULES, HS/WI/PC/DB/MPC/ COPWARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
K. PREPARE CASE MGMNT. DOC. (See reverse)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

PHASE II

	Done	N/A	Date Done/ Notes
A. SENT IN FOR INTAKE REVIEW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. INV PLAN/ALLEGATIONS APPROVED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. ASSIGN WEIGHT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. COPY 293	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
1. Copies sent to Admin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Copies mailed to COMP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(OVER)

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
		11/11/2014 00:29		11/11/2014 00:29	
	Type of incident RESISTING, DELAYING, OR OBSTRUCTING PEACE OFFICER DUTIES 27170 BATTERY, OF A POLICE OFFICER 04154 ALCOHOL, UNDER INFLUENCE OF IN PUBLIC PLACE 19090				
	Location of Occurrence: - At Intersection with/Premise Type 26TH ST / SIDEWALK District MISSION				
	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"/>
Location Sent / On View: HARRISON ST At Intersection with 26TH ST Reporting District MISSION					Reporting Unit 3D16D
Crime and Clearance Status 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	I declare under penalty of perjury, this report of _5_ 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 Post Training				
	Reporting Officer	Star	Station	Watch	Date
	BUCKLEY, NICHOLAS M	529	Mission Station	1600-0200	11/11/14 05:02
	Reviewing Officer	Star	Station	Watch	Date
	EDWARDS, SCOTT E	541	Mission Station	2100-0700	11/11/14 05:04
OIC	Star	Station	Watch	Date	
MORALES, WILLIAM A	1903	Mission Station	2100-0700	11/11/14 05:05	
Related Case	Related Case	Re-assigned to	Assigned to	Assigned by	
--	--	Copies to 3*300	3*300 Add'l Copies	NB 529	

R / 1 V I C T I M	Code	Name (Last, First Middle)	Alias	Email
	RV 1	BUCKLEY #529, OFFICER		
	Day Phone	Type	Home Address	City
				State
				Zip Code
	Night Phone	Type	Work Address	City
	(415) 559-5400	Work	630 VALENCIA ST	SAN FRANCISCO
DOB	Age	DOB	or age between and	Race
		Unk. <input type="checkbox"/>		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
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language		

R / 2 V I C T I M	Code	Name (Last, First Middle)	Alias	Email
	RV 2	BUSALACCHI #4330, OFFICER		
	Day Phone	Type	Home Address	City
				State
				Zip Code
	Night Phone	Type	Work Address	City
	(415) 559-5400	Work	630 VALENCIA ST	SAN FRANCISCO
DOB	Age	DOB	or age between and	Race
		Unk. <input type="checkbox"/>		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
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language		

Report Type: Initial

WITNESS	Code W 1	Name (Last, First Middle) [REDACTED]				Alias [REDACTED]				Email [REDACTED]				
	Day Phone [REDACTED]		Type Cell	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]		
	Night Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]		
	DOB [REDACTED]	/ Age 50	DOB Unk. <input type="checkbox"/>	or age between and		Race U	Sex F	Height 5'4	Weight 185	Hair Color BLK	Eye Color BRO	ID Type [REDACTED]	Jurisd. [REDACTED]	ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>		Star [REDACTED]		Follow-up Form YES <input type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>		Relationship to Subject WIFE			
	School (if Juvenile) [REDACTED]			Injury/Treatment [REDACTED]				Other Information/If Interpreter Needed Specify Language LSW BLACK SHIRT, BLUE JEAN SHORTS						

BOOKED	Code B 1	Name (Last, First Middle) [REDACTED]				Alias [REDACTED]				Email [REDACTED]				
	Day Phone [REDACTED]		Type Cell	Home Address [REDACTED]				City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]		
	Night Phone [REDACTED]		Type [REDACTED]	Work Address [REDACTED]				City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]		
	DOB Unknown <input type="checkbox"/>	Date of Birth [REDACTED]	Age 43	or age between and		Race H	Sex M	Height 5'9	Weight 200	Hair Color BRO	Eye Color BRO			
	SEND [REDACTED]	ID# (if Juvi) [REDACTED]	ID Type/Jurisdiction/Number [REDACTED]				ID Type/Jurisdiction/Number [REDACTED]				ID Type/Jurisdiction/Number [REDACTED]			
	Booking Charge(s) 243(b) PC / 148(a)(1) PC / 647(f) 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 WILSON		Star 15					
Book/Cite Approval SGT. EDWARDS		Star 541		Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (if Juvenile)		Statement <input type="checkbox"/>				
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos LSW: BLACK GIANTS SHIRT, BLACK PANTS, BLACK/WHITE 'NIKE' SNEAKERS. SHORT CROPPED HAIR, GOAT-T.														

PROPERTY	Code/No EVD 1	Item Description PHOTO CD				Brand				Model			
	Serial No.		Gun Make	Caliber	Color SIL	Narcotics Lab No.		Quantity 1	Value TBD				
	Seized by (Star) 4330		From Where CO. D										
	Additional Description/Identifying Numbers (22) pictures of (B1 [REDACTED] Officer Buckley #529, Officer Busalacchi #4330, injuries, and scene.												

Report Type: Initial

VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R - RECOVERED; S - STOLEN; S/R - STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED					
	Code U 1	Plate No. [REDACTED]	State CA	Reg Yr 2015	Plate Type PC	VIN No. [REDACTED]
	Veh Year 2007	Make Honda	Model CIVIC			
	Style Sedan, 4 Door		Color Brown	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star	
	Hold For		Other Information			
	Registered Owner Business Name/Last Name (R/O) [REDACTED]					Residence Phone [REDACTED]
	Residence Address [REDACTED]		City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Business Phone
	OWNER					

Report Type: Initial

NARRATIVE

On 11/11/2014 at approximately 0029 hrs, I (Officer Buckley #529) was patrolling the Mission district in full police uniform and a marked patrol vehicle with my partner (RV1) Officer Busalacchi #4330. Ofc. Busalacchi was driving and I was sitting in the front passenger seat.

We were heading northbound on Harrison Street, crossing 26th Street, when I heard an unknown male scream, "Fuck!" I immediately looked to my right, towards the area where I heard the scream and observed an unknown Hispanic male, later identified as [REDACTED] with his torso and arms laying on the street and the lower half of his body seated in the driver's seat of a tan (UO1) Honda Civic. The vehicle was parked perpendicular to the east curb line of Harrison Street, half in the street and half on the driveway/sidewalk, directly in front of [REDACTED]. I also observed an unknown female, later identified as [REDACTED] seated upright and facing forward in the vehicle's passenger seat.

Due to the position of the car and the panicked tone of [REDACTED] voice, I exited our patrol vehicle to ascertain whether [REDACTED] and [REDACTED] were having an emergency and/or in need of help. I walked toward [REDACTED] and asked him if he was okay and observed [REDACTED] appeared to be reaching for a set of keys, which were on the street pavement directly in front of his outstretched arms. [REDACTED] looked up at me and I observed his eyes were blood shot and watery. [REDACTED] reached his arms out farther towards the keys and the lower portion of his body fell out of the vehicle. [REDACTED] attempted to brace himself but was unable to, and his entire body crumpled onto the street pavement beside his vehicle.

[REDACTED] retrieved his keys and attempted to stand up, but he lost his balance and remained on the pavement. I approached [REDACTED] to help him up so that he would not fall over again and injure himself, but [REDACTED] waved me away and refused my assistance. [REDACTED] slowly staggered to his feet and I observed he had difficulty maintaining his balance. [REDACTED] looked directly at me, laughed and stated that he was fine. I observed [REDACTED] speech was thick and slurred. Due to my training and experience, I believed [REDACTED] actions were symptomatic of being under the influence of alcohol. Due the fact [REDACTED] was in public, under the influence of alcohol, and unable to care for his own safety, I determined to place [REDACTED] under arrest for 647(f)PC.

I asked [REDACTED] if he had been driving and he laughed and said that he had been driving but the keys weren't in the ignition and I couldn't do anything about it. The tone in [REDACTED] slurred speech was very antagonistic. I told [REDACTED] to step onto the sidewalk and he quickly turned and started walking towards the front steps of [REDACTED]. I believed [REDACTED] was going to walk up the steps so I ordered him to stop, and he threw the keys onto the landing of the front steps of [REDACTED]. [REDACTED] still remained seated in the front passenger seat of the vehicle.

I told [REDACTED] to show me his hands and he became visibly agitated. [REDACTED] raised his voice and yelled at me that I had no right telling him what to do. [REDACTED] speech was still slurred, his gait was uneven, and his upper body was swaying from side to side. I told [REDACTED] to calm down and he began yelling that the police had better things to do than bother him.

I believed [REDACTED] was intoxicated, he refused to follow my simple instructions, and he was becoming visibly agitated. I ordered [REDACTED] to place his hands behind his back and attempted to take him into custody. [REDACTED] did not comply with my order so I grabbed his right wrist and Ofc. Busalacchi grabbed onto his left wrist. I felt [REDACTED] immediately tense the muscles in his right arm and upper body, causing his arms to become rigid at his side. This action prevented Ofc. Busalacchi and I from placing [REDACTED] hands behind his back into handcuffs (148(a)(1)PC). As Ofc. Busalacchi and I struggled to control [REDACTED] and place him into custody, I ordered him several more times to place his hands behind his back. [REDACTED] powerfully thrust his upper body downward, and violently twisted his body from side to side. Ofc. Busalacchi and I wrestled [REDACTED] to the ground and I told him he was under arrest. I continued to order him to stop resisting us and to place his hands behind his back, yet [REDACTED] continued to resist us.

Report Type: Initial

I attempted to grab [REDACTED] right wrist and use a bent wrist control hold to take him into custody, however, [REDACTED] violently fought to pull arms and hands away from me and towards his body. I observed [REDACTED] had exited the vehicle and approached Ofc. Busalacchi and I from behind. I ordered [REDACTED] to get back and she ceased her movement towards us. Up to this point, I had not conducted any type of search on [REDACTED] and became very concerned that [REDACTED] may possess a weapon. Due to [REDACTED] continued resistance, his size (approximately 5'9"/200lbs) and demeanor, and the ineffectiveness of my control holds, I was forced to strike [REDACTED] with my fist several times to his left leg, hip and side in an attempt to take him into custody, yet he continued to resist. I grabbed onto his right hand and bent his fingers back towards the top of his wrist. [REDACTED] yelled in pain, placed his hands behind his back and I finally placed him into custody.

I observed [REDACTED] was bleeding from the nose and mouth area. I summoned an ambulance to our location and Medic 81 responded to assess [REDACTED] injuries.

I also observed Ofc. Busalacchi sustained injuries as a result of [REDACTED] resistance (See Ofc. Busalacchi's statement for further information).

3D102 Sergeant Edwards #541 and 3D112 Sergeant Morales #1903 responded to our location. Sgt. Morales conducted a use of force investigation, and subsequently made an entry into the Use of Force Log at Mission Station.

With the approval of Sgt. Edwards, [REDACTED] was placed under arrest for 647(f)PC, 148(a)(1)PC. Since Ofc. Busalacchi sustained a visible injury as a result of [REDACTED] resistance, he was also arrested for 243(b)PC.

While on scene, Ofc. Busalacchi's injuries were assessed and treated by Medic 81.

While at the scene and in handcuffs, [REDACTED] continued to yell at me and repeatedly challenged me to take the handcuffs off him and fight him. [REDACTED] told me that I should take off my gun and badge and then he would, "Kick my ass." [REDACTED] repeatedly screamed at me that I was a, "Pussy." [REDACTED] attempted to lure me into a fight by insulting me and yelling that I was a "Coward," a, "Midget," and a, "Rookie," who had no business being a police officer. [REDACTED] repeatedly demanded my, "Badge number," and each time I provided it to him. [REDACTED] then repeatedly and incoherently screamed my star number, "529...529..!"

[REDACTED] stated to me that she and [REDACTED] had just returned home from having "a few drinks" on 25th Street at 'La Traviata'. Although [REDACTED] stated she had been consuming alcoholic beverages, she did not meet the criteria for 647(f)PC and was not detained during this incident.

3D15D Officer Burns #4319 took photographs of the scene and of Ofc. Busalacchi's and [REDACTED] injuries. Ofc. Burns later placed the photos on a (E1) compact disc (CD).

After being treated and released on scene by Medic 81, [REDACTED] demanded to be transported to San Francisco General Hospital (SFGH). 3D12E Officer Costa #4312 and Officer Hansen #2095 assumed custody of [REDACTED] while Medic 81 transported him to SFGH. [REDACTED] was treated and released from SFGH and booked into San Francisco County Jail #1 for the above mentioned charges.

Ofc. Burns digitally uploaded the photographs on to this report, and Ofc. Busalacchi booked the (E1) photo cd into evidence at Mission Station.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Busalacchi, Frank E 4330		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/558-5400
Residence		Zip Code	Business Address / City if not San Francisco 630 Valencia Street, SF	Zip Code 94110-1126
Date of Statement 11/11/14	Time Started 01:54	Time Completed 02:55	Location Where Statement Taken At Scene <input type="checkbox"/> Other: MISS	

On Tuesday, 11/11/2014, at approximately 0029 hours, Officer Buckley #529 and I were on patrol in full police uniform and riding in a marked SFPD patrol vehicle. I was the driver of the patrol vehicle and driving northbound on Harrison Street crossing 26th Street. As we passed [REDACTED] I heard someone yell and what sounded like keys falling to the ground.

I backed the patrol vehicle and observed a male adult, later identified as [REDACTED] on the driver side of a (UO) brown Honda Civic which had the driver side door open. Officer Buckley shined the spot light onto the car and I heard [REDACTED] yell something as he got up to his feet and stumbled toward a house located at [REDACTED]. Officer Buckley exited the vehicle and made contact with [REDACTED] near the front of the vehicle.

Officer Buckley asked [REDACTED] if he had been driving the vehicle. [REDACTED] stated, "I had been driving the vehicle but the keys aren't in the ignition and you can't do anything." [REDACTED] then started to walk toward the house again and threw his keys into the stairwell. I went around the passenger side of the vehicle to get [REDACTED] but Officer Buckley had already stopped [REDACTED] near the stairwell of the house.

I noticed a passenger in the Honda Civic, later identified as [REDACTED] and asked her to open the door. I spoke with [REDACTED] and she told me the following:

[REDACTED] said that she and [REDACTED] had been drinking alcoholic beverages at another location and had arrived at [REDACTED] prior to Officer Buckley and I making contact with her. [REDACTED] said she had been talking with [REDACTED] in the car. [REDACTED] said [REDACTED] was upset because he broke his phone earlier.

I heard [REDACTED] start to yell at Officer Buckley and walk away from Officer Buckley toward 26th Street interrupting my interview with [REDACTED]. I ordered [REDACTED] to stop and he argued with me saying, "I didn't do anything. I'm going to my house." I approached [REDACTED] on the sidewalk and told him that he admitted that he was drunk in public earlier and to stay still. [REDACTED] turned around to try and walk to [REDACTED] and I told him to stop.

Officer Buckley grabbed [REDACTED] right arm and told him to put his hands behind his back. I grabbed [REDACTED] left arm and attempted to put it in a rear wrist lock so Officer Buckley and I could put handcuffs on him. [REDACTED] began to straighten his arms and free himself from my control. I ordered [REDACTED] to stop resisting us and that he was under arrest. [REDACTED] screamed, "You can't do anything!" [REDACTED] continued to struggle causing me to lose control of his left hand. [REDACTED] then started moving toward the stairs located at [REDACTED]. I gained back control of [REDACTED] and wrapped my arms around his waist. I tried to take [REDACTED] to the ground but could not while Officer Buckley tried to control him also. Finally, all three of us fell to the ground.

[REDACTED] was on his stomach and I ordered him several times, "Put your hands behind your back! You're under arrest!" [REDACTED] kept trying to put his arms between his body and the sidewalk to prevent Officer Buckley and I from putting him in handcuffs. [REDACTED] then turned to his left side pinning his left arm between the sidewalk and his body. [REDACTED] then rolled onto his back with me on top of him. I pushed [REDACTED] back to his stomach and he posted his arms and got to his knees.

I used a double leg control technique on [REDACTED] and grabbed both of his arms causing him to fall back to his stomach. Officer Buckley and I gained control of [REDACTED] arms and put him in handcuffs.

SFDPA - 0040-15 - 000018

Incident# [REDACTED]

Report Type: Initial . .

Several units arrived on scene. I observed that I had sustained several injuries which were caused by [REDACTED] unlawfully resisting Officer Buckley and I. I observed that I was bleeding from the back of my left hand. I had two scratches on the back of my left hand, one scratch on the back of my right hand, one scratch on my right wrist, and one scratch on my left knee.

I notified Sergeant Edwards #541 that I had sustained injuries during this incident.

Officer Burns #4319 took pictures of my injuries.

M81 arrived on scene and treated me for my injuries.

As Officer Buckley and I left the scene, I felt pain to the back of my left arm and to my left forearm as if a muscle was strained when I grabbed the steering wheel of my patrol vehicle.

I spoke with Wilson #15 at CWB who confirmed [REDACTED] did not have any warrants.

I seized the (E1) photo CD at Mission Station from Officer Burns and booked it into Evidence at Mission Station.

SP143150064 C 916 SUSPICIOUS VEHICLE HARRISON ST/26TH ST, SF
[11/11/2014]
00:29:54 DT14 [REDACTED] CREATE Location:HARRISON ST/26TH ST, SF Type:916 DAREA:3D Area:462
TypeDesc:SUSPICIOUS VEHICLE LocDesc:<3000/ 3100> Priority:C
Response:F:3PAT Agency:SP Sector/Stn:D4 Map:A3 Plate:[REDACTED]
00:29:54 DT14 [REDACTED] ENTRY Map:A3 Plate:[REDACTED] Comment:W/2 SH OWN
00:29:54 DT14 [REDACTED] DISPOS 3D16D Location:HARRISON ST/26TH ST, SF Plate:[REDACTED]
Operator:[REDACTED] OperNames:BUSALACCHI,FRANK (Q2);
BUCKLEY,NICHOLAS (Q2)
00:29:54 DT14 [REDACTED] PRIU 3D16D
00:29:54 CADAPP TIB [REDACTED] PREMIS Comment:PPR, FPR
00:30:55 DT14 [REDACTED] MISCN 3D16D Comment:148
00:31:07 DT10 [REDACTED] MISCN 3D16D Comment:148 HARRISON/26
00:31:11 DT14 [REDACTED] BACKER 3D11D Operator:[REDACTED] OperNames:CROSS,JARRON (Q2);
LEACH,JUSTIN THOMAS (Q2)
00:31:21 DT14 [REDACTED] BACKER 3D12E Operator:[REDACTED] OperNames:COSTA,CHRISTOPHER (Q2);
HANSEN,GARED (Q2)
00:31:32 DT14 [REDACTED] MISCN 3D12E Comment:C3
00:31:37 DT10 [REDACTED] BACKER 3D2D Operator:[REDACTED] OperNames:LIN,ABIGAYLE (Q2)
00:31:47 DT14 [REDACTED] MISCN 3D2D Comment:C3
00:31:53 DT14 [REDACTED] MISCN 3D2D Comment:FROM THE CO
00:31:56 DT10 [REDACTED] MISCN 3D16D Comment:HVE THE UNITS STAY OFF THE AIR TILL WE GET A C/3
00:32:07 DT10 [REDACTED] MISCN 3D16D Comment:CORRECTION C4
00:32:43 DT10 [REDACTED] BACKER 3D102 Operator:[REDACTED] OperNames:EDWARDS,SCOTT (Q50)
00:32:49 DT14 [REDACTED] MISCN 3D16D Comment:3D102 MONITORING
00:33:03 DT14 [REDACTED] MISCN 3D16D Comment:SLOW RESPONSE ONE IN CUFFS
00:33:04 DT10 [REDACTED] OK 3D16D Comment:ONE IN CUFFS//SLOW RESPONSE
00:33:30 DT14 [REDACTED] MISCN 3D16D Comment:408 40 YOM C/B BLEEDING FROM FACE BLEEDING
SEMI CONTROLLED
00:33:33 DT14 [REDACTED] ONSCN 3D102
00:33:36 DT14 [REDACTED] BACKOS 3D112 Operator:[REDACTED] OperNames:MORALES,WILLIAM (Q50)
00:33:36 K041 [REDACTED] ENRTE 3D11D
00:33:37 K041 [REDACTED] ONSCN 3D11D
00:33:48 K169 [REDACTED] BACKER 3D14E Operator:[REDACTED] OperNames:NEWHART,LAUREN E (Q2);
ROMAN,BAYARDO (Q2)
00:33:56 DT14 [REDACTED] ASSOC Service:F Event:#143150072 Type:916->XR Agency:SP->SF
Comment:40 YOM C/B BLEEDING FROM NOSE, BLEEDING SEMI
CONTROLLED
00:34:03 K169 [REDACTED] ONSCN 3D14E
00:34:10 K098 [REDACTED] BACKER 3D15D Type:XR->916 Operator:[REDACTED]
OperNames:BURNS,DANIEL (Q2); RICE,JUSTIN (Q2)
00:34:16 K098 [REDACTED] ONSCN 3D15D
00:34:17 DT10 [REDACTED] PRMPT 3D16D Comment:Preempted and dispatched to call # [REDACTED]
00:34:17 DT10 [REDACTED] PRIU 3D11D
00:34:18 DT14 [REDACTED] ONSCN 3D12E
00:34:28 DT14 [REDACTED] MISCN 3D12E Comment:C2 FOR THE 408 IS FINE
00:35:40 DT10 [REDACTED] BACKOS 3D16D Operator:[REDACTED] OperNames:BUSALACCHI,FRANK (Q2);
BUCKLEY,NICHOLAS (Q2)
00:36:08 DT14 [REDACTED] MISCN 3D102 Comment:20 FOR 408 IS 2989 HARRISON
00:36:14 DT10 [REDACTED] BACKOS 3D13D Operator:[REDACTED] OperNames:NAVA,FRANKEY (Q2);
HOGE,JOHN (Q2)
00:36:22 DT14 A20576 [REDACTED] MISCN 3D102 Comment:CORRECTED 408 CALL .0072
00:37:09 DT14 [REDACTED] BACKOS 3D14D Operator:[REDACTED] OperNames:ELLIS,DOMINIQUE M (Q2);
HAWES,NIKOLAOS (Q2)
00:37:51 DT14 [REDACTED] MISCN 3D11D Comment:[REDACTED]
00:38:11 DT14 [REDACTED] RFT 3D11D Comment:QN
00:38:11 DT14 [REDACTED] RFT 3D11D Comment:INQUIRY [REDACTED]
00:40:51 K292 [REDACTED] CLEAR 3D2D Dispo:ND

00:43:46	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\ [REDACTED] Query 2: *QV/LICPL: [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV 4 [REDACTED]
00:44:51	K061	[REDACTED]	CLEAR	3D14D Dispo:HAN
00:44:57	DT10	[REDACTED]	BACKOS	3D15E Operator: [REDACTED] OperNames:CASTENADA,GUSTAVO (Q2); WILSON,GLEN (Q2)
00:45:43	DT10	[REDACTED]	PRMPT	3D15E Comment:Preempted and dispatched to call #143143719
00:46:36	K041	[REDACTED]	CLEAR	3D11D Dispo:ND
00:48:02	K169	[REDACTED]	CLEAR	3D14E Dispo:ND
00:48:11	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\ [REDACTED] Query 2: *QV/LICPL: [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV 4 [REDACTED]
00:48:33	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\ [REDACTED] Query 2: *QV/LICPL: [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV 4 [REDACTED]
00:48:49	DT10	[REDACTED]	MISCN	3D102 Comment:M81 97
00:58:39	DT10	[REDACTED]	CASE	Case#:PD140954939 3D16D Dispo:ND LocDesc:<3000/ 3100>->at HARRISON ST/26TH ST, SF
01:04:03	DT10	[REDACTED]	CLEAR	3D102
01:04:05	DT10	[REDACTED]	CLEAR	3D112
01:07:11	DT10	[REDACTED]	PRMPT	3D16D Comment:Preempted and dispatched to call #143150136
01:07:39	DT14	[REDACTED]	CHGLOC	3D15D Location:HARRISON ST/26TH ST, SF->MISSION STATION #FU, SF LocDesc:at HARRISON ST/26TH ST, SF->at 630 VALENCIA ST #FU, SF LocCross:btwn CLARION AL and SYCAMORE ST
01:07:56	DT14	[REDACTED]	CLEAR	3D13D Dispo:ND
01:08:21	DT14	[REDACTED]	CHGLOC	3D12E Location:MISSION STATION #FU, SF->SF GENERAL HOSPITAL, SF LocDesc:at 630 VALENCIA ST #FU, SF->at 1001 POTRERO AV, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn 22ND ST and 23RD ST Comment:W/408
01:09:40	DT14	[REDACTED]	MISCN	3D12E Comment:PARTNER RIDING IN 408
01:56:06	DT14	[REDACTED]	ONSCN	3D15D
02:22:40	DT14	[REDACTED]	CLEAR	3D15D Dispo:ND
03:21:07	DT10	[REDACTED]	CHGLOC	3D12E Location:SF GENERAL HOSPITAL, SF->CJ1, SF LocDesc:at 1001 POTRERO AV, SF->at 425 7TH ST, SF LocCross:btwn 22ND ST and 23RD ST->btwn HARRISON ST and BRYANT ST

CERTIFIED COPY
of original master file in the
Office of Custodian of Records
DO NOT DUPLICATE
Dept. of Emergency Management
City & County of San Francisco

03:29:19 K098 [REDACTED] MISCN 3D12E Comment: SFPDMDCCMDLINE mask: Query 1:

Query 3: IM

QM.CA0380100 [REDACTED]

Query 4: IR

QVC.CA0380100 [REDACTED]

Query 5: IN

03:33:07 K098 [REDACTED] MISCN 3D12E Comment: MONSTR mask: Query 1:

Query 3: IR

QVC.CA0380100 [REDACTED]

Query 4: IM

QM.CA0380100 [REDACTED]

Query 5: IN

04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLOSE

3D12E

CALL RECAP:

INITIATE: 00:29:54 11/11/2014
ENTRY: 00:29:54 11/11/2014
DISPATCH: 00:29:54 11/11/2014
ON SCENE: 00:29:54 11/11/2014
CLOSE: 04:46:16 11/11/2014
ADDRESS: HARRISON ST/26TH ST, SF
DAREA: 3D
SECTOR: D4
RA: 462
FIRE:CALL NUMBER: #0064
CURRENT STATUS: CLOSE
PRIMARY UNIT: 3D11D
JURISDICTION: SP
DISPOSITION: NDREPORT NUMBER: [REDACTED]
TYPE: 916 SUSPICIOUS VEHICLE
PRIORITY: C
PRIOR HISTORY: YesCP:
ADDRESS:
PHONE:

CAD TIMESTAMP: CADT 1111140446

OPERATOR ASSIGNMENTS:

AS OF 01:04:03:

DT14 [REDACTED]
CADAPP [REDACTED] TIB
DT10 [REDACTED]
K041 [REDACTED]
K169 [REDACTED]
K098 [REDACTED]
K292 [REDACTED]
K166 [REDACTED]
K061 [REDACTED]
DT10 [REDACTED]
DT14 [REDACTED]
DT10 [REDACTED]
K098 [REDACTED]
DT14 [REDACTED]CERTIFIED COPY
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SP143150064 C 916 SUSPICIOUS VEHICLE HARRISON ST/26TH ST, SF

[11/11/2014]

Time	DT	Code	Action	Details
00:29:54	DT14	[REDACTED]	CREATE	Location:HARRISON ST/26TH ST, SF Type:916 DAREA:3D Area:462 TypeDesc:SUSPICIOUS VEHICLE LocDesc:<3000/ 3100> Priority:C Response:F:3PAT Agency:SP Sector/Stn:D4 Map:A3 Plate:[REDACTED]
00:29:54	DT14	[REDACTED]	ENTRY	Map:A3 Plate:[REDACTED] Comment:W/2 SH OWN
00:29:54	DT14	[REDACTED]	DISPOS	3D16D Location:HARRISON ST/26TH ST, SF Plate:[REDACTED] Operator:[REDACTED] OperNames:BUSALACCHI,FRANK (Q2); BUCKLEY,NICHOLAS (Q2)
00:29:54	DT14	[REDACTED]	PRIU	3D16D
00:29:54	CADAPP TIB	[REDACTED]	PREMIS	Comment:PPR, FPR
00:30:55	DT14	[REDACTED]	MISCN	3D16D Comment:148
00:31:07	DT10	[REDACTED]	MISCN	3D16D Comment:148 HARRISON/26
00:31:11	DT14	[REDACTED]	BACKER	3D11D Operator:[REDACTED] OperNames:CROSS,JARRON (Q2); LEACH,JUSTIN THOMAS (Q2)
00:31:21	DT14	[REDACTED]	BACKER	3D12E Operator:[REDACTED] OperNames:COSTA,CHRISTOPHER (Q2); HANSEN,GARED (Q2)
00:31:32	DT14	[REDACTED]	MISCN	3D12E Comment:C3
00:31:37	DT10	[REDACTED]	BACKER	3D2D Operator:[REDACTED] OperNames:LIN,ABIGAYLE (Q2)
00:31:47	DT14	[REDACTED]	MISCN	3D2D Comment:C3
00:31:53	DT14	[REDACTED]	MISCN	3D2D Comment:FROM THE CO
00:31:56	DT10	[REDACTED]	MISCN	3D16D Comment:HVE THE UNITS STAY OFF THE AIR TILL WE GET A C/3
00:32:07	DT10	[REDACTED]	MISCN	3D16D Comment:CORRECTION C4
00:32:43	DT10	[REDACTED]	BACKER	3D102 Operator:[REDACTED] OperNames:EDWARDS,SCOTT (Q50)
00:32:49	DT14	[REDACTED]	MISCN	3D16D Comment:3D102 MONITORING
00:33:03	DT14	[REDACTED]	MISCN	3D16D Comment:SLOW RESPONSE ONE IN CUFFS
00:33:04	DT10	[REDACTED]	OK	3D16D Comment:ONE IN CUFFS//SLOW RESPONSE
00:33:30	DT14	[REDACTED]	MISCN	3D16D Comment:408 40 YOM C/B BLEEDING FROM FACE BLEEDING SEMI CONTROLLED
00:33:33	DT14	[REDACTED]	ONSCN	3D102
00:33:36	DT14	[REDACTED]	BACKOS	3D112 Operator:[REDACTED] OperNames:MORALES,WILLIAM (Q50)
00:33:36	K041	[REDACTED]	ENRTE	3D11D
00:33:37	K041	[REDACTED]	ONSCN	3D11D
00:33:48	K169	[REDACTED]	BACKER	3D14E Operator:[REDACTED] OperNames:NEWHART,LAUREN E (Q2); ROMAN,BAYARDO (Q2)
00:33:56	DT14	[REDACTED]	ASSOC	Service:F Event:#143150072 Type:916->XR Agency:SP->SF Comment:40 YOM C/B BLEEDING FROM NOSE, BLEEDING SEMI CONTROLLED
00:34:03	K169	[REDACTED]	ONSCN	3D14E
00:34:10	K098	[REDACTED]	BACKER	3D15D Type:XR->916 Operator:[REDACTED] OperNames:BURNS,DANIEL (Q2); RICE,JUSTIN (Q2)
00:34:16	K098	[REDACTED]	ONSCN	3D15D
00:34:17	DT10	[REDACTED]	PRMPT	3D16D Comment:Preempted and dispatched to call #143150068
00:34:17	DT10	[REDACTED]	PRIU	3D11D
00:34:18	DT14	[REDACTED]	ONSCN	3D12E
00:34:28	DT14	[REDACTED]	MISCN	3D12E Comment:C2 FOR THE 408 IS FINE
00:35:40	DT10	[REDACTED]	BACKOS	3D16D Operator:[REDACTED] OperNames:BUSALACCHI,FRANK (Q2); BUCKLEY,NICHOLAS (Q2)
00:36:08	DT14	[REDACTED]	MISCN	3D102 Comment:20 FOR 408 IS 2989 HARRISON
00:36:14	DT10	[REDACTED]	BACKOS	3D13D Operator:[REDACTED] OperNames:NAVA,FRANKEY (Q2); HOGE,JOHN (Q2)
00:36:22	DT14	[REDACTED]	MISCN	3D102 Comment:CORRECTED 408 CALL .0072
00:37:09	DT14	[REDACTED]	BACKOS	3D14D Operator:[REDACTED] OperNames:ELLIS,DOMINIQUE M (Q2); HAWES,NIKOLAOS (Q2)
00:37:51	DT14	[REDACTED]	MISCN	3D11D Comment:[REDACTED] D
00:38:11	DT14	[REDACTED]	RFT	3D11D Comment:QN
00:38:11	DT14	[REDACTED]	RFT	3D11D Comment:INQUIRY [REDACTED]
00:40:51	K292	[REDACTED]	CLEAR	3D2D Dispo:ND

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00:43:46	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV
00:44:51	K061	[REDACTED]	CLEAR	4 5ZKU501
00:44:57	DT10	[REDACTED]	BACKOS	3D14D Dispo:HAN 3D15E Operator: [REDACTED] OperNames:CASTENADA,GUSTAVO (Q2); WILSON,GLEN (Q2)
00:45:43	DT10	[REDACTED]	PRMPT	3D15E Comment:Preempted and dispatched to call # [REDACTED]
00:46:36	K041	[REDACTED]	CLEAR	3D11D Dispo:ND
00:48:02	K169	[REDACTED]	CLEAR	3D14E Dispo:ND
00:48:11	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV
00:48:33	K166	[REDACTED]	MISCN	4 [REDACTED] 3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/ [REDACTED] Query 4: IV
00:48:49	DT10	[REDACTED]	MISCN	4 [REDACTED]
00:58:39	DT10	[REDACTED]	CASE	3D102 Comment:M81 97 Case# [REDACTED] 3D16D Dispo:ND LocDesc:<3000/ 3100>->at HARRISON ST/26TH ST, SF
01:04:03	DT10	[REDACTED]	CLEAR	3D102
01:04:05	DT10	[REDACTED]	CLEAR	3D112
01:07:11	DT10	[REDACTED]	PRMPT	3D16D Comment:Preempted and dispatched to call # [REDACTED]
01:07:39	DT14	[REDACTED]	CHGLOC	3D15D Location:HARRISON ST/26TH ST, SF->MISSION STATION #FU, SF LocDesc:at HARRISON ST/26TH ST, SF->at 630 VALENCIA ST #FU, SF LocCross:btwn CLARION AL and SYCAMORE ST
01:07:56	DT14	[REDACTED]	CLEAR	3D13D Dispo:ND
01:08:21	DT14	[REDACTED]	CHGLOC	3D12E Location:MISSION STATION #FU, SF->SF GENERAL HOSPITAL, SF LocDesc:at 630 VALENCIA ST #FU, SF->at 1001 POTRERO AV, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn 22ND ST and 23RD ST Comment:W/408
01:09:40	DT14	[REDACTED]	MISCN	3D12E Comment:PARTNER RIDING IN 408
01:56:06	DT14	[REDACTED]	ONSCN	3D15D
02:22:40	DT14	[REDACTED]	CLEAR	3D15D Dispo:ND
03:21:07	DT10	[REDACTED]	CHGLOC	3D12E Location:SF GENERAL HOSPITAL, SF->CJ1, SF LocDesc:at 1001 POTRERO AV, SF->at 425 7TH ST, SF LocCross:btwn 22ND ST and 23RD ST->btwn HARRISON ST and BRYANT ST

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03:29:19 K098 [REDACTED] MISCN

3D12E Comment:SEPDMDCCMDLINE mask: Query 1:
LEWI\NAME\A\A [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IM
QM.CA0380100 [REDACTED]
Query 4: IR
QVC.CA0380100 [REDACTED]
Query 5: IN

03:33:07 K098 [REDACTED] MISCN

3D12E Comment:MONSTR mask: Query 1:
LEWI\NAME\A\A [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IR
QVC.CA0380100 [REDACTED]
Query 4: IM
QM.CA0380100 [REDACTED]
Query 5: IN
L1 [REDACTED]
[REDACTED]04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLOSE

3D12E

CALL RECAP:

INITIATE: 00:29:54 11/11/2014
ENTRY: 00:29:54 11/11/2014
DISPATCH: 00:29:54 11/11/2014
ON SCENE: 00:29:54 11/11/2014
CLOSE: 04:46:16 11/11/2014
ADDRESS: HARRISON ST/26TH ST, SF
DAREA: 3D
SECTOR: D4
RA: 462
FIRE:CALL NUMBER: #0064
CURRENT STATUS: CLOSE
PRIMARY UNIT: 3D11D
JURISDICTION: SP
DISPOSITION: NDREPORT NUMBER: [REDACTED]
TYPE: 916 SUSPICIOUS VEHICLE
PRIORITY: C
PRIOR HISTORY: YesCP:
ADDRESS:
PHONE:

CAD TIMESTAMP: CADT 1111140446

OPERATOR ASSIGNMENTS:

DT14 [REDACTED]
CADAPP TIB
DT10 [REDACTED]
K041 [REDACTED]
K169 [REDACTED]
K098 [REDACTED]
K292 [REDACTED]
K166 [REDACTED]
K061 [REDACTED]
AS OF 01:04:03: DT10 [REDACTED]
DT14 [REDACTED]
DT10 [REDACTED]
K098 [REDACTED]
DT14 [REDACTED]CERTIFIED COPY
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City & County of San Francisco



OCC 40-15

SFDPA - 0040-15 - 000026



OCC 40-15

SFDPA - 0040-15 - 000027



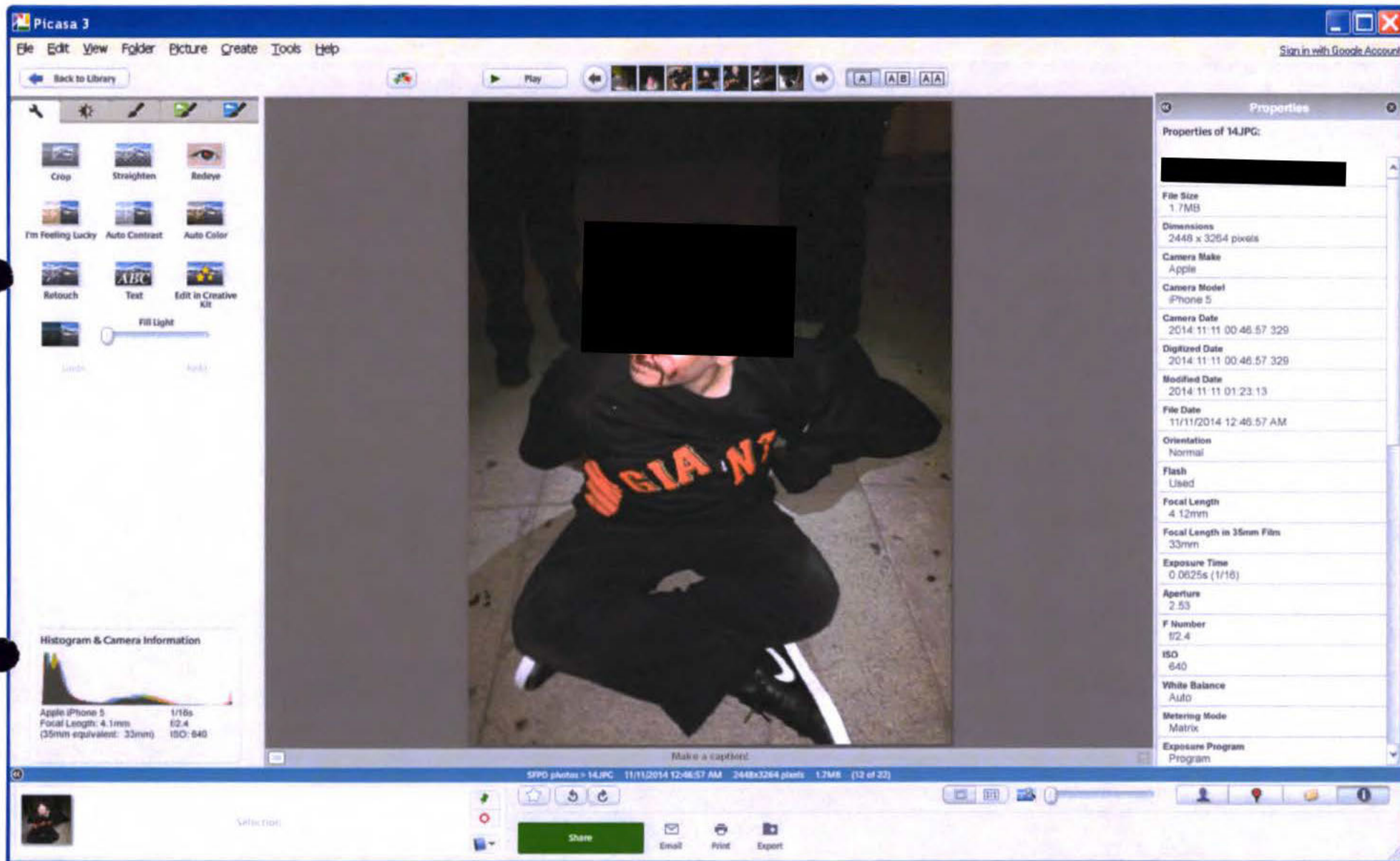
OCC 40-15

SFDPA - 0040-15 - 000028

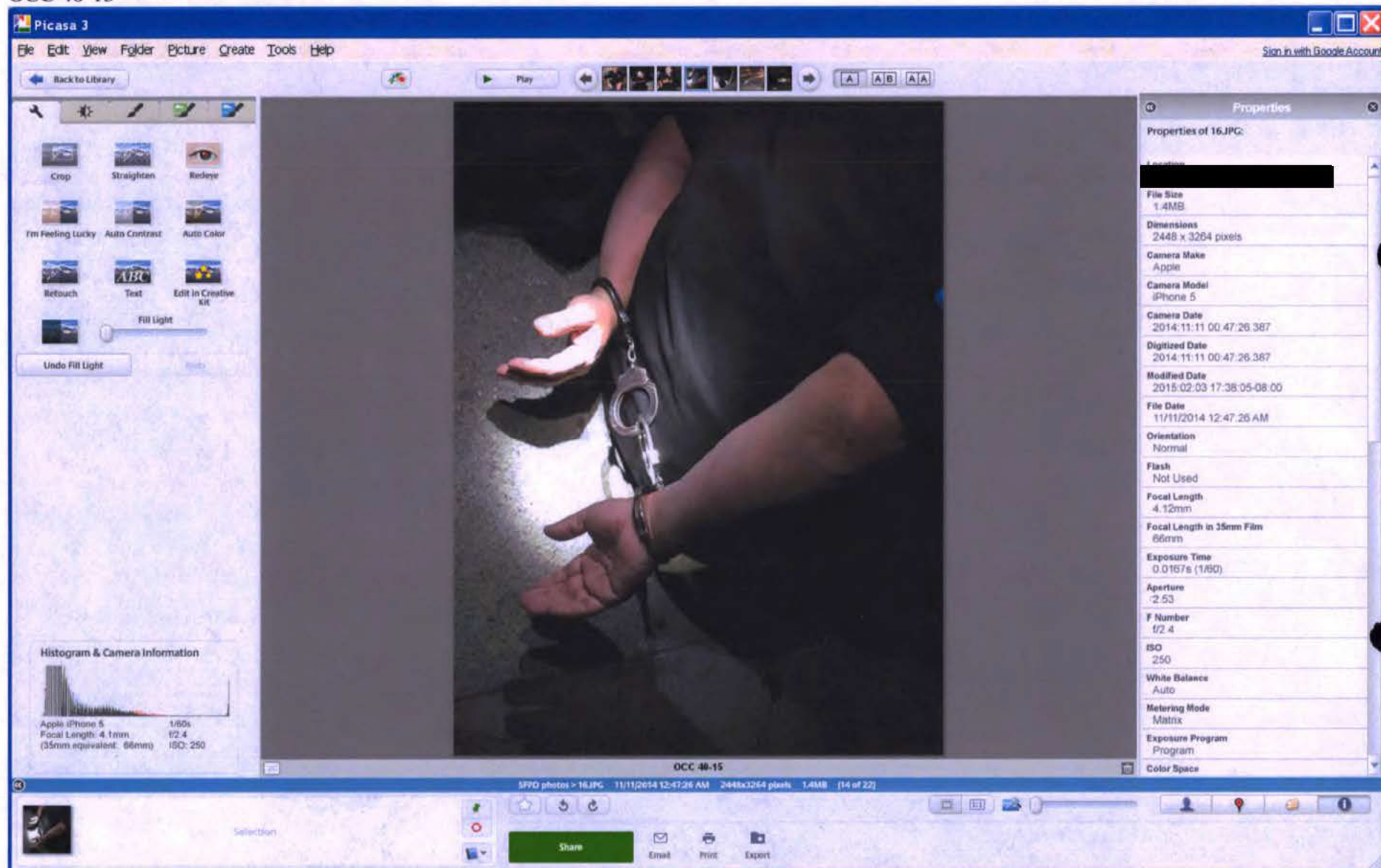


OCC 40-15

SFDPA - 0040-15 - 000029



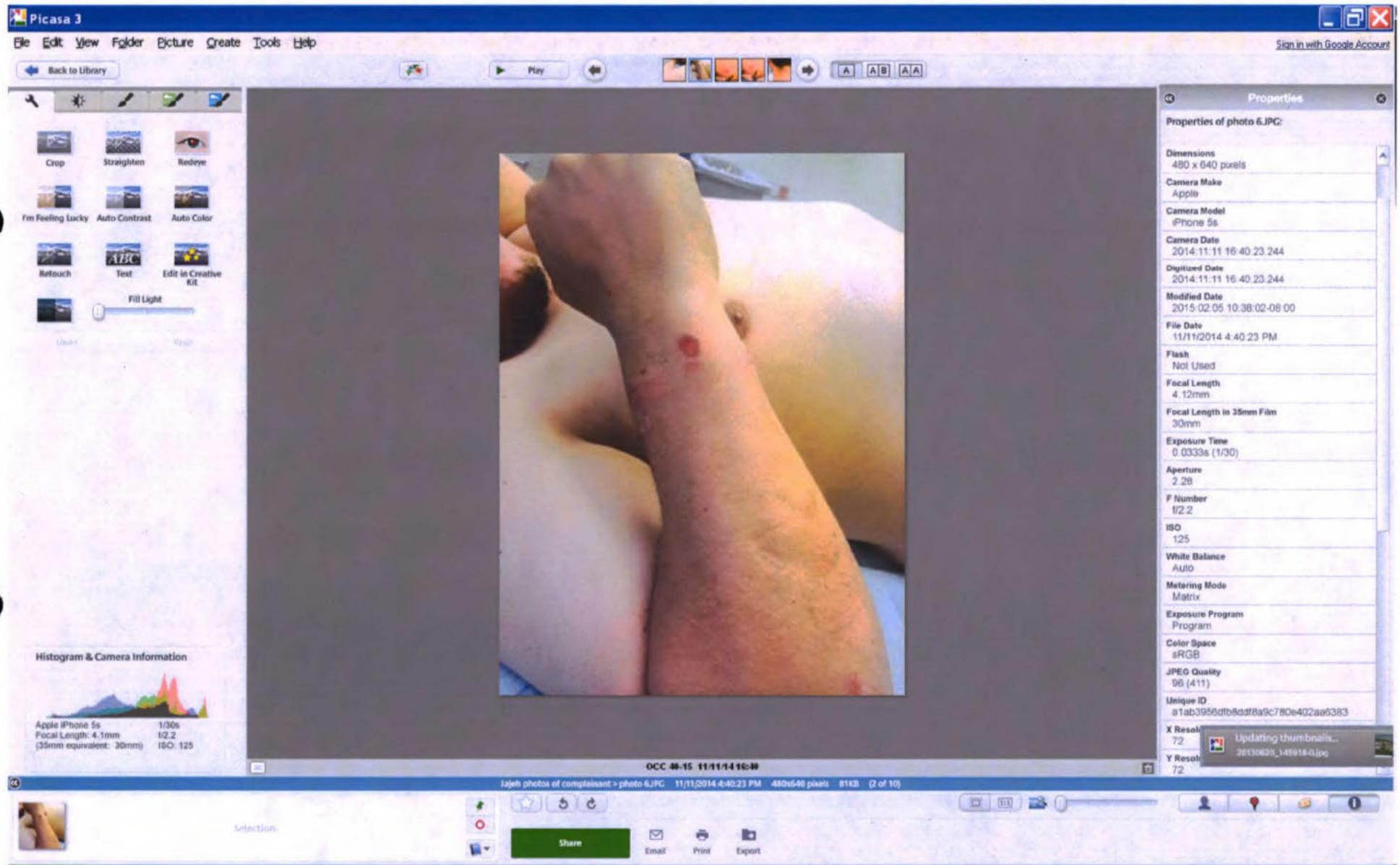






OCC 40-15 11/11/14 16:40

SFDPA - 0040-15 - 000033



THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



**OFFICE OF CITIZEN COMPLAINTS
 MEMBER RESPONSE FORM**

TO: Sgt. Scott Edwards #541

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

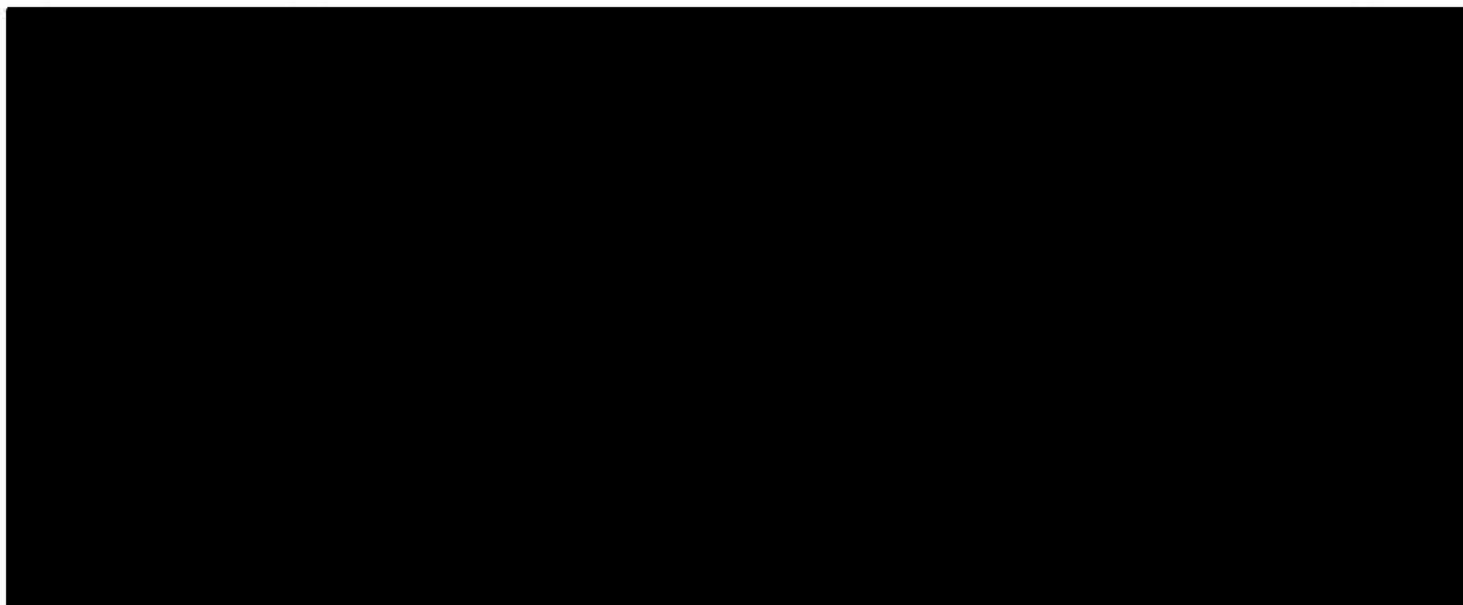
DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Please describe any use of force investigation you conducted.
 - a) What did [REDACTED] tell you?
 - b) What did [REDACTED] tell you?
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: [REDACTED] complaint.
Documents enclosed: [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/12/15

To: Investigator J. Wechter

RE: OCC Case No 40-15

From: Sgt Scott Edwards 541

Complainant: [REDACTED]

Date: April 16, 2015

Date of Occurrence: 11/11/14

Response Due Date: 4/22/15

Report No: [REDACTED]

1. In sum, I responded to [REDACTED] as a backup unit and conducted a use of force investigation on scene.
2. In sum, the situation was marginally under control. [REDACTED] was in custody with minor injuries and Officer Buckley was rendering aid. [REDACTED] was yelling profanity at Officer Buckley, making references to Officer Buckley's stature and repeatedly challenging him to fight. Officer Busalacchi was injured. [REDACTED] was yelling at [REDACTED] telling him to "Shut up" and calling him an "idiot" and other similar words.
 - a. Sergeant Morales and I arrived together, Officers Buckley and Busalacchi were on scene. I do not recall which other officers were present when I arrived on scene.
3. In sum, I saw Officer Buckley maintain a professional demeanor and refuse to rise to [REDACTED] constant attempts to challenge him to fight.
4. In sum, I saw Officer Busalacchi continue to maintain a professional demeanor despite having been assaulted and injured by [REDACTED]
5. In sum, I heard [REDACTED] constantly using derogatory and offensive language to refer to Officer Buckley's height, race, sexual orientation, and experience.
6. No. [REDACTED] said he wanted Officer Buckley to take the handcuffs off him and fight him "like a man" and not to be a "pussy". I told [REDACTED] that the handcuffs would not be coming off at this time.
7. In sum, Officer Busalacchi and Officer Buckley told me that after witnessing objective signs of intoxication in [REDACTED] and believing that he was unable to care for himself, they attempted to arrest him per 647(f) PC, however, [REDACTED] resisted arrest and Officers Busalacchi and Buckley had to use force in order to overcome [REDACTED] unlawful resistance. Officer Busalacchi was injured by [REDACTED] sustained an injury to his nose / mouth during the use of force, and Officer Buckley rendered aid and requested an ambulance.
8. I conducted a use of force investigation pursuant to DGO 5.01 and DB 13-067.
 - a. [REDACTED] was intoxicated and refused to talk to me other than to tell me that Officer Buckley was a "midget" and a "pussy" and that I could "fuck off" or words to that extent. He also asked me to remove his handcuffs so he could fight with Officer Buckley. He made similar statements, none of which were relevant to my use of force investigation.
 - b. [REDACTED] told me that [REDACTED] was "drunk" and being an "idiot" and that the officers threw him [REDACTED] to the ground because he was being an "idiot". She made no other statements that were relevant to my use of force investigation.
9. I do not recall any officers laughing at the scene.
10. Anyone who was in the area was potentially a witness to this incident. I do not have any contact information for possible witnesses.
11. Yes, an oral interview would aid in determining the true facts of this incident.

12. I was not present for the initial contact or use of force; however, I was present for the aftermath of this incident and I witnessed firsthand [REDACTED] lack of remorse for injuring Officer Busalacchi, and his unending badgering of Officer Buckley along with [REDACTED] continual use of offensive terms in a clear effort to provoke the officers at the scene. All of the officers at the scene remained professional throughout the incident.

Please note that California Government Code 3300 et seq and DGO 2.08 require members to answer questions in an administrative investigation, not respond to OCC investigator's directives to provide narrative statements. In the future, please provide specific questions so I may better aid in your investigation.



4/22/15

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Sgt. William Morales #1903

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

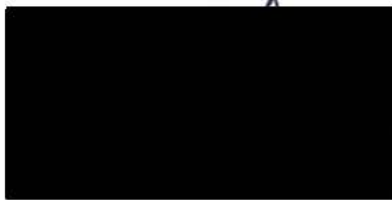
- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Please describe any use of force investigation you conducted.
 - c) What did [REDACTED] tell you?
 - d) What did [REDACTED] tell you?
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.
Documents enclosed:

MEMBER'S SIGNATURE: _____ DATE: _____

OCC case no: 40-15 Sgt William Morales #1903

- 1) I made numerous observations. Officers were present dealing with a subject who resisted arrest. The arrestee was belligerent while using vulgar and derogatory language. The arrestee appeared fixated on Officer Buckley and he yelled profanities and insults at him while challenging Off Buckley to a fight. I later learned that Off Busalacchi sustained an injury during the arrest of this resistive subject.
- 2) A resistive subject was under arrest. The arrestee's female companion kept telling him to be quiet and calm down.
 - a) There were several other officers present at the scene. I believe CAD is reflective of the officers who were at the scene.
- 3) I remember Off Buckley informing Sgt Edwards and me what had transpired prior to our arrival.
- 4) Off Busalacchi, among other things, informed Sgt Edwards and me that he was injured during the arrestee's resistance.
- 5) [REDACTED] was boisterous, loud, and argumentative. He was yelling profanities and insults especially directed at Off Buckley. His female companion kept telling him to calm down and be quiet.
- 6) No. I do not know who [REDACTED] is. [REDACTED] demanded his handcuffs be removed because he wanted to fight Off Buckley.
- 7) Off Buckley and Off Busalacchi provided a summary of what happened at the scene which was documented on SFPD police report number [REDACTED]
- 8) I considered the actions taken by the officers when they encountered the arrestee's resistance. C) [REDACTED] directed profanities toward me when I attempted to speak with him. D) I do not remember if she made a statement to me.
- 9) No.
- 10) [REDACTED] was present at the scene during this incident.
- 11) Perhaps.
- 12) No.



1903

4-16-15

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Sgt. William Morales #1903

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO. [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Off. Roman Bayardo #2373

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/18/15

OFFICE OF CITIZEN COMPLAINTS

MEMBER RESPONSE FORM

TO: Officer Roman Bayardo #2373

RE: OCC CASE No: 40-15

FROM: Investigator J. Wechter

COMPLAINT: [REDACTED]

DATE: April 1st, 2015

DATE OF OCCURANCE: November 11th, 2014

RESPONDSE DUE DATE: April 22nd, 2015

REPORT NO: [REDACTED]

1. Ofc Newhart and I responded to [REDACTED] We observed a male handcuffed and a female standing in front of [REDACTED] Ofc Newhart requested an ID card from the female. The female provided the ID card to Ofc Newhart and Ofc Newhart provided the ID card to a swing watch officer. We stood by with the female while on scene. Ofc Newhart asked the female where they were earlier. The female stated that they had dinner and a few drinks at a local restaurant.

2. I observed officers on scene, a male handcuffed and a female standing in front of [REDACTED]

2(a). The following officers were on scene: Officers Newhart, Busalacchi, Buckley, Cross, Leach, Costa, Hansen, Lin, Burns, Rice, Nava, Hoge, Hawes, Ellis, Sgt. Morales and Sgt. Edwards.

3. I did not observe Ofc Buckley say or do anything at the scene.
4. I did not observe Ofc Busalacchi say or do anything at the scene.
5. I did not observe [REDACTED] say or do anything at the scene.
6. I did not hear [REDACTED] make statements regarding tight handcuffs.
7. I did not speak with Officers Busalacchi and Buckley.
8. Ofc Newhart made contact with the female companion. Ofc Newhart requested the female's ID card and asked her where they were coming from. The female stated that they were at a restaurant for dinner and had a few drinks.
9. I did not observe Officers laughing at the scene.
10. I did not observe witnesses at this incident.
11. No.
12. No statement.

Reason for this request: Investigation of citizen complaint

Documents enclosed: response statement

MEMBER'S SIGNATURE

[REDACTED]

2373

DATE:

4/14/15

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
OFFICER HANSEN AND I ACCOMPANIED [REDACTED] TO SFGH, PER CAD
- 2) Please describe the situation and what you observed when you arrived on scene. *BUT DON'T RECALL.*
 - a) Which other officers were present when you arrived? *PER CAD SEVERAL OFFICERS WERE ON SCENE, I DON'T RECALL WHICH ONES.*
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I DON'T RECALL, IF HE DID, THEN THEY WOULD HAVE BEE DOUBLE CHECKED
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I DON'T RECALL ANYTHING THEY SAID
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this. *I DON'T RECALL ANYTHING REGARDING A FEMALE ON SCENE.*
- 9) Were any officers at the scene laughing? If so, please describe this. *I DID NOT HEAR ANYONE LAUGHING.*
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
NOT TO MY KNOWLEDGE.
- 11) Would an oral interview aid this investigation? If yes, please explain:
NO,
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

#4312

DATE: *4/11/15*

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2015 APR 13 P 2:38



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Christopher Costa #4312

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
WHEN I ARRIVED ON SCENE IT WAS ALREADY "WIDE 4" I OBSERVED A MALE ON THE GROUND IN HANDCUFFS AND OFF. BUCKLEY TALKING TO SGT. EDWARDS.
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived? *I RECALL OFF. BUCKLEY, OFF. BUSALACCHI AND SGT. EDWARDS AT THE SCENE. THERE WERE NUMEROUS UNITS THAT RESPONDED.*
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *WHEN I ARRIVED ON SCENE OFF. BUCKLEY WAS BREATHING HEAVILY AND WAS CONVERSING WITH SGT. EDWARDS.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I CONTACTED BUSALACCHI AND ASKED IF HE HAD A. BUSALACCHI TOLD ME HE HAD A. AND THE SUSPECT WAS AT "14B".*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene. *[REDACTED] WAS ON THE GROUND IN HANDCUFFS AWAITING MEDICAL AID.*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I AM NOT AWARE OF SUCH COMPLAINT.
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
OFF. BUSALACCHI BRIEFLY TOLD ME AT THE SCENE THAT [REDACTED] RESISTED ARREST.
- 8) Please describe the contact you or your partner had with [REDACTED] female companion, [REDACTED]
 - a) What did [REDACTED] say to you or your partner? *I DO NOT RECALL ANY CONTACT WITH [REDACTED]*
- 9) Did you or your partner run a wants and wants or criminal history check on [REDACTED] If so: NO.
 - a) Why did you run this search?
 - b) Who asked you to run the search?
- 10) Were any officers at the scene laughing? If so, please describe this.
I DO NOT RECALL OR OBSERVE THIS.
- 11) Are there any witnesses to this incident? If so identify and provide contact information.
NO WITNESSES BESIDES OFF. BUCKLEY AND OFF. BUSALACCHI THAT I AM AWARE OF.
- 12) Would an oral interview aid this investigation? If yes, please explain:
NO, AS MY INVOLVEMENT IN THIS EVENT WAS VERY MINIMAL.
- 13) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 05/06/14

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Jarron Cross #4324

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

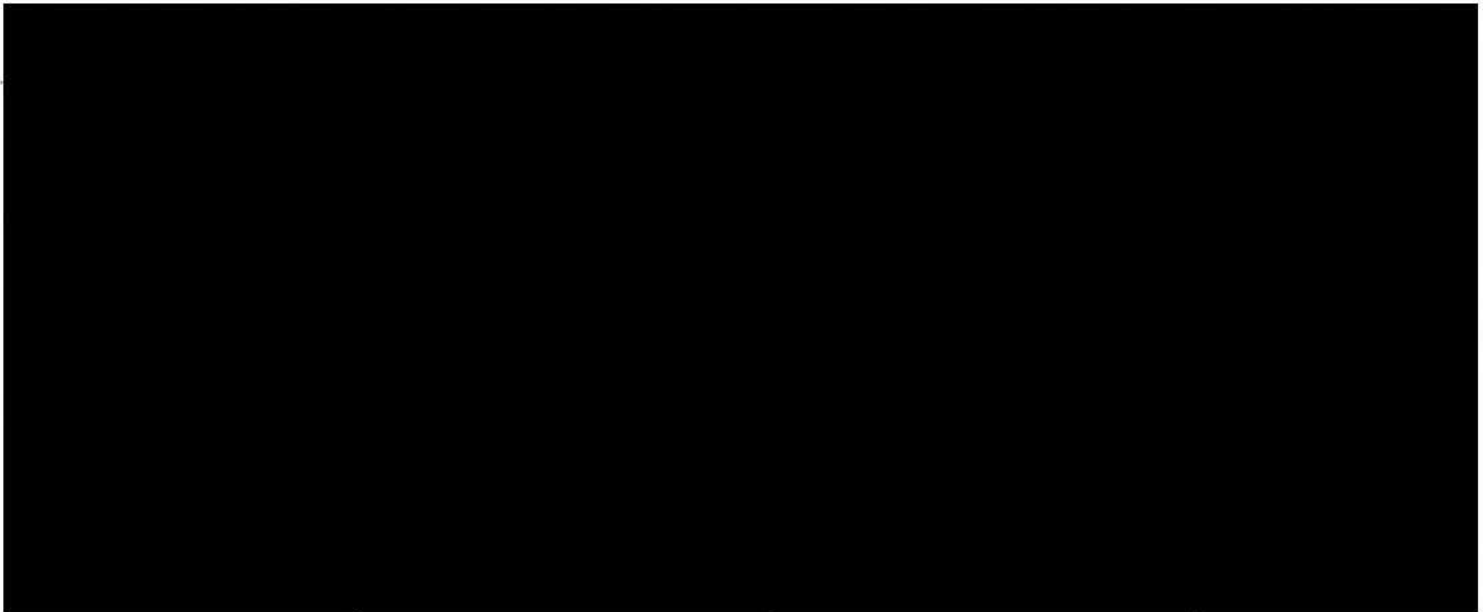
DATE: April 27, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: May 18, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

Page 2 OCC Case No. 40-15 Off. Dominique Ellis #1614

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
I RESPONDED AS BACK UP but BROKE FROM THE RUN BEFORE ACTUALLY COMING ON SCENE.
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
I WAS NEVER ON SCENE.
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I WAS NEVER ON SCENE.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I WAS NEVER ON SCENE.*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
I WAS NEVER ON SCENE.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I WAS NEVER ON SCENE.
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I NEVER SPOKE WITH OFF. BUCKLEY OR OFF. BUSALACCHI ABOUT THE INCIDENT.
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this. *I WAS NEVER ON SCENE.*
- 9) Were any officers at the scene laughing? If so, please describe this.
I WAS NEVER ON SCENE.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
I DO NOT KNOW BECAUSE I WAS NOT ON SCENE.
- 11) Would an oral interview aid this investigation? If yes, please explain:
NO
- 12) Add any statement you feel is necessary for us to consider in this investigation.
NONE

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE [REDACTED]

1614 DATE: 04/21/15

OCC Response Case No. 40-15
Ofc. Hansen #2095

1 - I have very little memory of this incident. My involvement was very small. I responded to the scene and had custody of the suspect while he was transported to SFGH in the ambulance and at the hospital. I do not remember if it was I who eventually booked the suspect at county jail. I do not remember if I personally rode in the ambulance. I do

4 - I do not have any specific recollection of any of Ofc. Busalacchi's actions.

5 - I do not recall what the suspect said or did.

6 - While I do not specifically recall the suspect making this complaint, it is very common. The handcuffs are made of steel and are uncomfortable. Many people believe that they are too tight, when in fact they have been applied properly, simply because they are uncomfortable. When a person in my custody makes this complaint, it is my policy to check the cuffs for the proper degree of tightness and adjust them if necessary.

7 - I don't believe that I was told anything other than that the suspect was to be treated at SFGH and then booked and that he had been resistive. I have little memory of the specifics.

8 - I do not recall having any contact with the female witness, and I believe that I had no interaction with her. Nor do I recall seeing any other officer doing so.

9 - I do not recall observing this.

10 - None that I know of.

11 - No.

12 - None.



#2095



THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Off. Nikolaos Hawes #4335

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

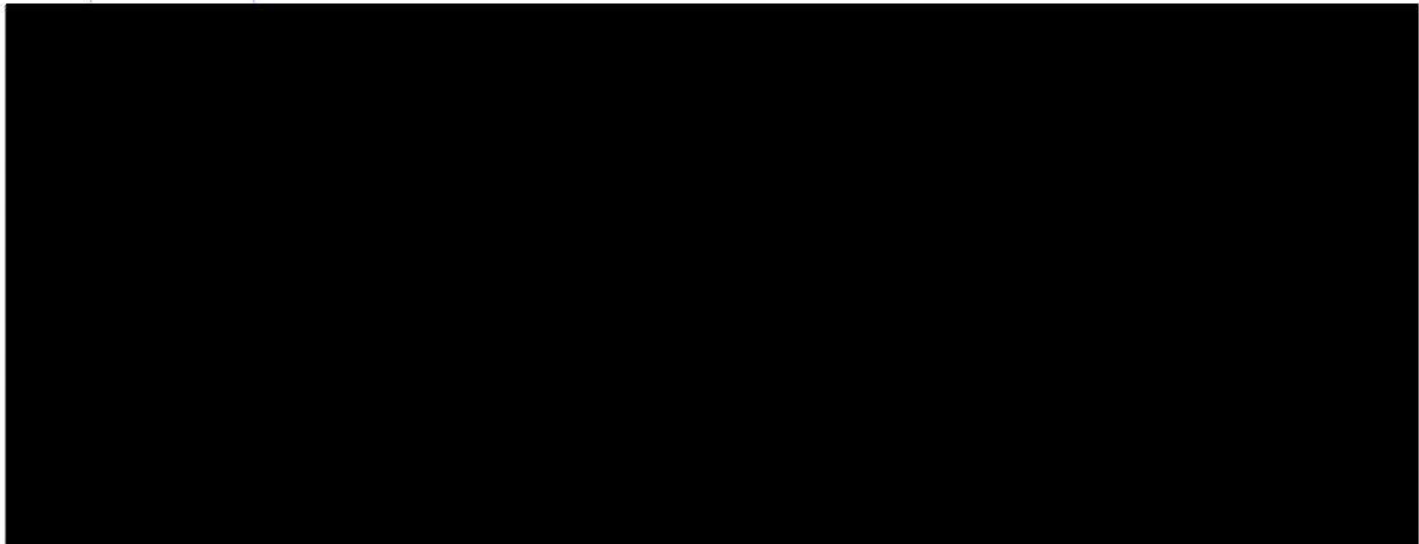
DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed: [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/13/15

- 1) I responded to 26th and Harrison because of a "148" or resister. I arrived on scene and observed one male in handcuffs with Ofc. Busalacchi and Ofc. Buckley. I stayed for a few minutes and then I left.
- 2) When I arrived on scene I noticed one male in handcuffs on the sidewalk and Ofc. Busalacchi had an injury to his arm. The male in handcuffs also had minor injuries. The officers I remember being on scene were Ofc. Busalacchi, Ofc. Buckley and Sgt. Edwards. I don't remember if any other officers were there.
- 3) I don't remember what Ofc Buckley said or did at the scene.
- 4) I don't remember what Ofc Buckley said or did at the scene.
- 5) I do not know who [REDACTED] is. If [REDACTED] was the male who was detained at the scene, I do not remember anything he said or did.
- 6) I don't recall.
- 7) I don't remember Ofc Buckley or Busalacchi telling me what happened.
- 8) I don't remember.
- 9) I don't remember.
- 10) No other officers than those who I have listed above.
- 11) I don't remember anything about the incident other than what I have already written in this statement so I do not believe an oral interview would aid the investigation. However, I would be happy to come in if requested.
- 12) I have no other recollection of this incident besides what I have already written in this statement.

Page 2 OCC Case No. 40-15 Off. Justin Thomas Leach #1740

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
OFFS. BUSALACCHI AND OFF. BUCKLEY WERE ON SCENE.
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 5) Please describe, in as much specific detail as possible everything you observed complainant [REDACTED] do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I DO NOT RECALL
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I DO NOT RECALL HAVING ANY CONVERSATIONS WITH THEM.
- 8) Please describe the contact you or your partner had with [REDACTED] female companion, [REDACTED]
 - a) What did [REDACTED] say to you or your partner?
I DO NOT RECALL ANY INTERACTION WITH WITH HER.
- 9) Were any officers at the scene laughing? If so, please describe this.
I DO NOT RECALL
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
I DO NOT KNOW OF ANY WITNESSES.
- 11) Would an oral interview aid this investigation? If yes, please explain:
I DO NOT BELIEVE IT WOULD HELP, HOWEVER I WOULD GLADLY SPEAK TO ANYONE REGARDING.
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

1740

DATE: 4-12-15

OCC

MEMBER RESPONSE FOR CASE NO. 40-15

OFC. ABIGAYLE LIN #4345

TO: J. WECHTER, OCC INVESTIGATOR

DATE: 04/17/2015

1. Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]

In sum, I responded to a call of a person resisting arrest at [REDACTED]

2. Please describe the situation and what you observed when you arrived on scene.

I recall several other units had already arrived on scene. I recall aiding in securing police vehicles which were already on scene.

- a) Which other officers were present when you arrived?

I do not independently recall which other officers were present when I arrived.

3. Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.

I do not independently recall anything Ofc. Buckley did or said in particular at the scene.

4. Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.

I do not independently recall anything Ofc. Busalacchi did or said in particular at the scene.

5. Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.

I do not independently recall anything [REDACTED] did or said in particular at the scene.

6. Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?

I do not independently recall anything [REDACTED] did or said in particular at the scene nor do I recall anything said in particular about handcuffs by any officer.

Signed: [REDACTED]

Date: 4/17/15

Page ½

7. *What did Off. Buckley and Off. Busalacchi tell you about what occurred?*

The only information I had about the incident was what was broadcasted by dispatch. I only recall that the call was of a person resisting arrest.

8. *Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.*

I do not independently recall any female companion at the scene.

9. *Were any officers at the scene laughing? If so, please describe this.*

I do not independently recall any officers laughing at the scene.

10. *Are there any witnesses to this incident? If so identify and provide contact information.*

I did not investigate this incident and do not independently know of any witnesses to this incident.

11. *Would an oral interview aid this investigation? If yes, please explain:*

An oral interview would not aid in this investigation because I do not independently recall any specific details regarding the above listed questions. I only recall that I responded to a call of a person resisting arrest.

12. *Add any statement you feel is necessary for us to consider in this investigation.*

I have no further statement.

Signed: [REDACTED]

Date:

4/17/15

Page 2/2

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2015 APR -8 P 2:48



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Lauren Newhart #615

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

DATE: 04/07/2015

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

DATE: 01/07/2015

OCC Case No. 40-15 Off. Lauren Newhart #615

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]

I was on patrol in full police uniform with my partner, Officer Roman #2373, when we heard Officer Buckley and Officer Busalacchi call for additional units to aid them with a subject resisting arrest at [REDACTED]. We arrived at the scene arriving approximately one minute after the subject was taken into custody. Several other Mission units were also on scene. I do not recall which units were on scene when we arrived.

Upon my arrival, I saw Officer Busalacchi was bleeding from scratches on the backs of his hands. I gave him an antiseptic wipe for the blood.

There was a red sedan parked half way in the street and half way across the sidewalk in front of [REDACTED]. There was no one inside when I arrived.

I do not recall if [REDACTED] was already in a police car upon my arrival. I do recall that his female companion was standing against a building on the sidewalk near the red sedan. She was not in restraints. At the request of Sergeant Edwards, I went to stand with her while the primary officers conducted their investigation. I chatted with the woman, who told me that she and [REDACTED] had been drinking at La Traviata earlier that evening. Once their investigation was done, my partner and I went back on patrol.

- 2) Please describe the situation and what you observed when you arrived on scene.

- a. Which other officers were present when you arrived?

Upon my arrival, I saw the scene as described above. I do not recall all the officers at the scene. I recall speaking with Sergeant Edwards and Officer Busalacchi, but do not remember to whom else I might have spoken.

- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.

I do not recall speaking to Officer Buckley at the scene. I do not recall what else he did on scene.

- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.

I recall Officer Busalacchi being injured when I arrived at the scene. I do not recall seeing him interact with either [REDACTED] or his companion. I do not recall what else he did on scene.

- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.

I do not recall interacting with or observing [REDACTED] at the scene.

- 6) Did [REDACTED] ever complain about tight handcuffs? IF so, what was said and done in response?

I do not recall hearing [REDACTED] complain of tight handcuffs.

- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?

Officer Busalacchi told me that they were attempting to take [REDACTED] into custody for 647(f) PC when [REDACTED] refused to obey their lawful commands and became physically violent, resulting in the injury of Officer Busalacchi.

- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.

I waited with [REDACTED] companion while the primary officers conducted their investigation. We chatted about banal topics, like wine and restaurants, while we waited. She mentioned to me that she and [REDACTED] had been drinking at La Traviata on 25th Street earlier that evening.

- 9) Were any officers at the scene laughing? If so, please describe this.

I do not recall seeing any officers laughing at the scene.

- 10) Are there any witnesses to this incident? If so, identify and provide contact information.

I am unaware of any other witnesses to this incident.

- 11) Would an oral interview aid this investigation? If yes, please explain:

I do not think an oral interview would aid this investigation.

- 12) Add any statement you feel is necessary for us to consider in this investigation.

I have no additional statements.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2015 APR -8 P 2:47

Joyce M. Hicks
Executive Director**PROOF OF SERVICE**

TO: Commanding Officer / Officer in Command, Taraval Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Lauren Newhart # 615 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:Date received: 4/4/15

Reason for failure to serve:

Date and Time served: 4/6/15Date returned to OCC: FAKED @ 21074/10/15Lt. Aherne #1095

Signature: [REDACTED] Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

☐ Complaint Form☒ None[REDACTED]
Member's Signature615
Star No.04/06/2015 2102 HRS
Date and Time Notified

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request:
Documents enclosed:

Investigation of citizen complaint

MEMBER'S SIGNATURE: [REDACTED]

4353

DATE:

4-17-15

Page 3 OCC Case No. 40-15 Ofc. Justin Rice #4353

- 1- On 11/11/14 I responded as backup to a 148 call at Harrison and 26th Street. Upon arrival, I saw Officer Buckley and Officer Busalacchi standing over a handcuffed subject [REDACTED] was lying on his side and yelling at Officer Buckley and Officer Busalacchi. [REDACTED] was then sat up right where he sat until medics arrived on scene to assess Officer Buckley and Officer Busalacchi as well as [REDACTED] continued to yell verbal insults to officers and sergeants on scene as he was detained.
- 2- On 11/11/14 I responded as backup to a 148 call at Harrison and 26th Street. Upon arrival, I saw Officer Buckley and Officer Busalacchi standing over a handcuffed subject [REDACTED] was lying on his side and yelling at Officer Buckley and Officer Busalacchi. [REDACTED] was then sat up right where he sat until medics arrived on scene to assess Officer Buckley and Officer Busalacchi as well as [REDACTED] continued to yell verbal insults to officers and sergeants on scene as he was detained.
 - a) I recall Sgt Edwards #541 and Sgt Morales #1903 as being on scene as well as Officer Costa #4312. There were other officers on scene but I do not personally recall everyone who was present.
- 3- I saw Officer Buckley standing over [REDACTED] when I arrived on scene. I asked Officer Buckley if he was okay and he stated that he was alright.
- 4- I saw Officer Busalacchi standing over [REDACTED] when I arrived on scene. I asked Officer Busalacchi if he was okay and he stated that he was a little scraped up but okay.
- 5- I saw [REDACTED] in handcuffs when I arrived on scene. [REDACTED] was on his side but was later sat upright. I recall [REDACTED] cursing at officers on scene and specifically telling Sgt. Edwards that he would "beat his ass" if he weren't in handcuffs.
- 6- I did not ever hear [REDACTED] complain about his handcuffs.
- 7- I did not ask Officer Buckley or Officer Busalacchi about the incidents leading up to their encounter with [REDACTED] I only asked Officer Buckley and Busalacchi if they were okay.
- 8- I recall asking [REDACTED] female companion to keep her voice down due to the fact that she was yelling, "Shut the fuck up!" to [REDACTED] as he was cursing at officers on scene. I asked [REDACTED] female companion to keep her voice down because it was past midnight and her neighbors were most likely sleeping.
- 9- I do not recall if any officers on scene were laughing.
- 10- I did not contact any other witnesses on scene and do not recall if there were any bystanders who witnessed the incident.
- 11- An oral interview would not aid this investigation.
- 12- I have no further statements regarding this incident.

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Daniel Burns #4319

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

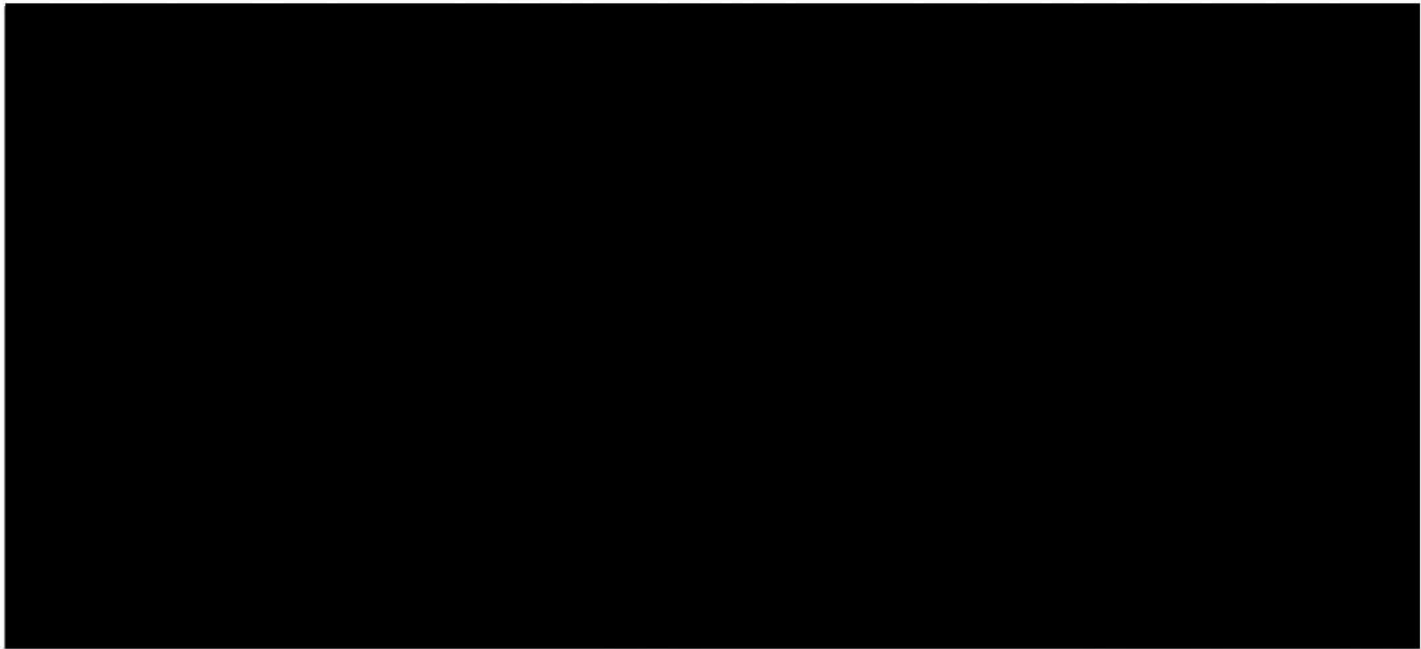
DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

[REDACTED]

4319

DATE: 4/17/15

Page 2

OCC Case No. 40-15

Officer Daniel Burns #4319

1. On 11/11/2014 I responded to assist Officers' Buckley #529 and Busalacchi #4330 who had broadcast a "148" at Harrison Street and 26th Street. Upon arrival I saw the complainant laying on the ground handcuffed. The complainant was screaming at Officers' Buckley and Busalacchi. The complainant was sat upright on the ground and he continually yelled at Officers' Buckley, Busalacchi as well as Sgt. Morales #1903 and Sgt. Edwards #541. I recall the complaint telling Officer Buckley to take off his star so he could fight Officer Buckley and stated that he would beat him up. The complainant also said this to Sgt. Edwards. An ambulance arrived on scene and assessed Officers' Buckley and Busalacchi as well as the complainant.

2. I did not know the situation prior to the radio broadcast of "148." See response to question #1 for my observations.

a.) The Officers that I recall being at the scene were Officers' Buckley, Busalacchi and Officer Costa #4312 as well as Sgt. 's Morales and Edwards.

3. I saw Officers' Buckley and Busalacchi sit the complainant in the upright position and saw Officers' Buckley and Busalacchi speaking with Sgt. Edwards and Morales. I did not hear their conversation as I saw this from afar.

4. I saw Officers' Buckley and Busalacchi sit the complainant in the upright position and saw Officers' Buckley and Busalacchi speaking with Sgt. Edwards and Morales. I did not hear their conversation as I saw this from afar.

5. I recall the complaint telling Officer Buckley to take off his star so he could fight Officer Buckley and stated that he would beat him up. The complainant also said this to Sgt. Edwards.

6. I did not hear the complainant complain about handcuff tightness.

7. Officers Buckley and Busalacchi did not tell me what had happened prior to my arrival on scene. I was instructed by Sgt. Edwards to take photographs of the injuries sustained by both Officers, and I only asked them if they were ok.

8. I saw the complainant's female companion but I did not come in contact with her. I did not see any other Officers speaking with her.

9. I do not recall any Officers at the scene laughing.

10. I do not know if there are any witnesses to this incident.

11. No.

12. I do not wish to add anything further.

Member's Signature

4319

Date:

4/17/15



OCC 40-15

MUS AC400H

SFDPA - 0040-15 - 000069



OCC 40-15

SFDPA - 0040-15 - 000070



OCC 40-15

SFDPA - 0040-15 - 000071



OCC 40-15

SFDPA - 0040-15 - 000072



OCC 40-15

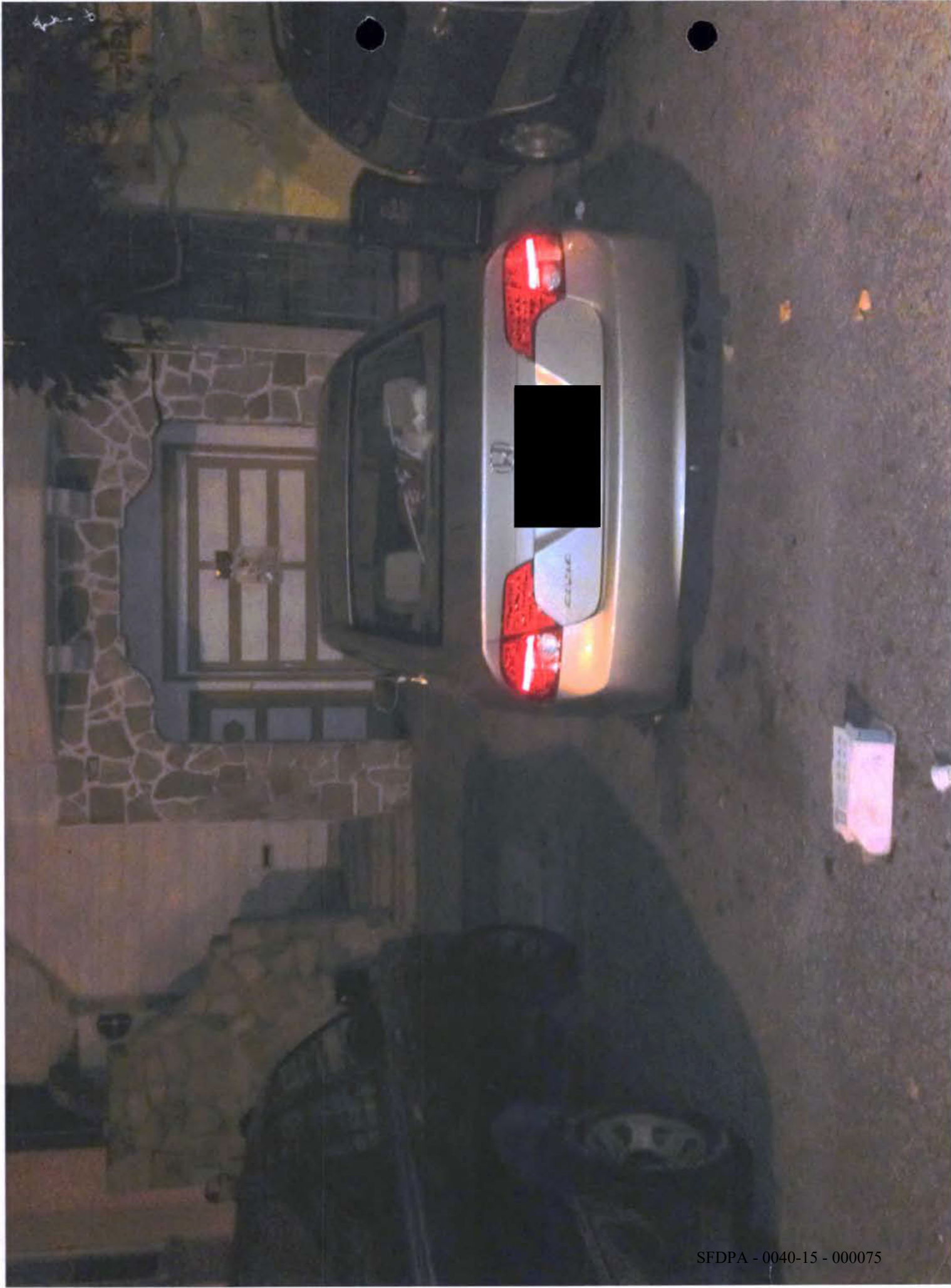
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Buckley

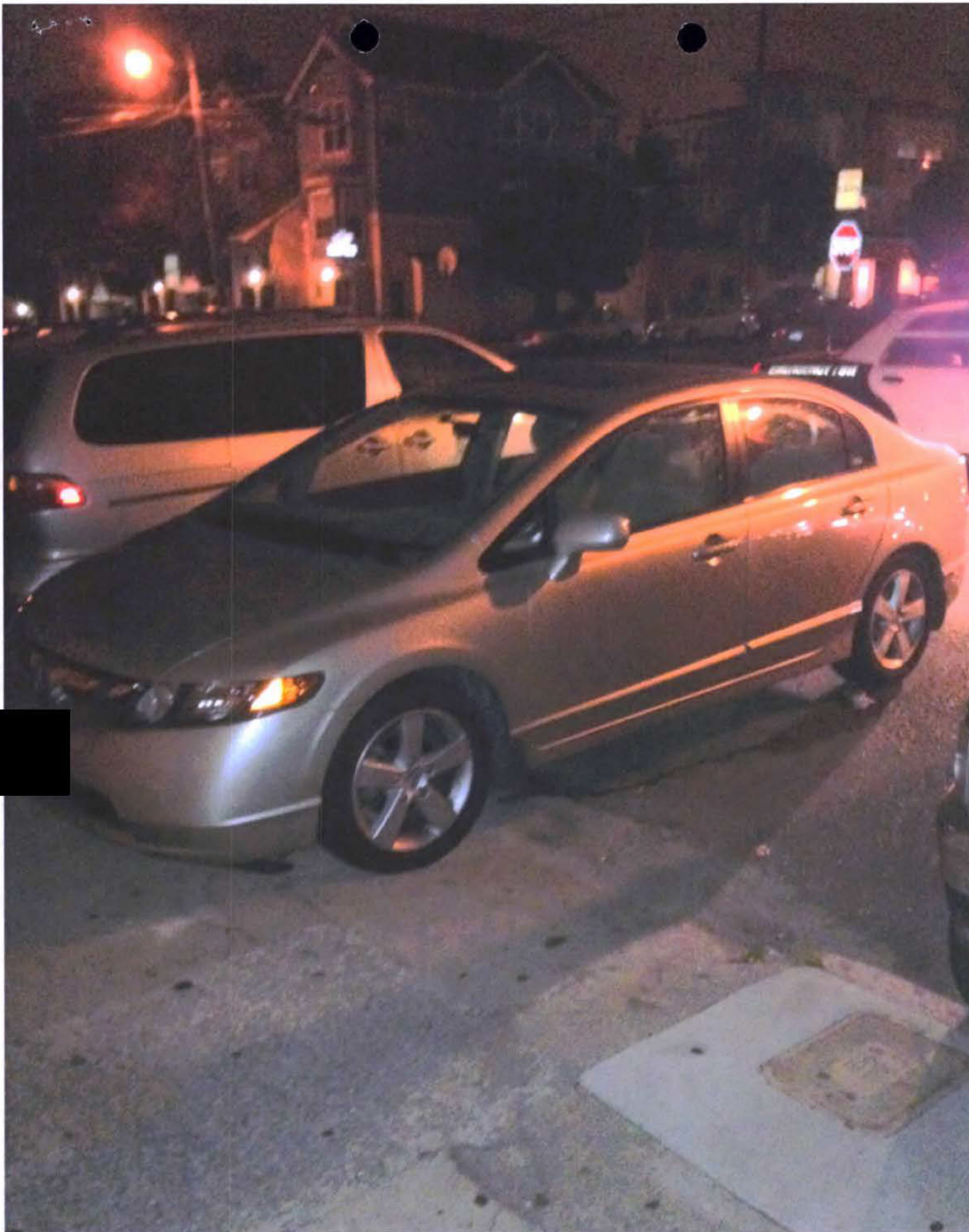


OCC 40-15

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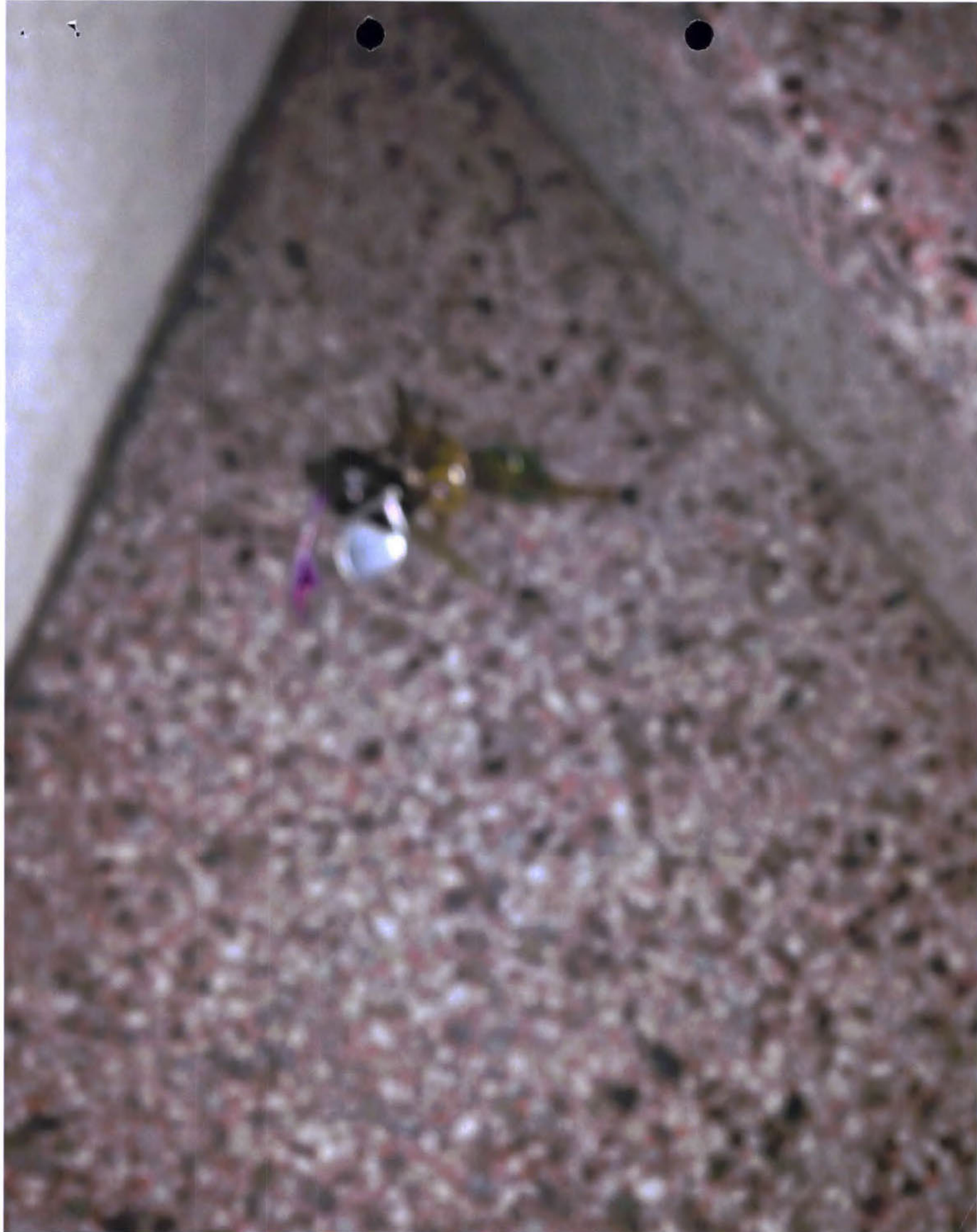
OCC 40-15



OCC 40-15

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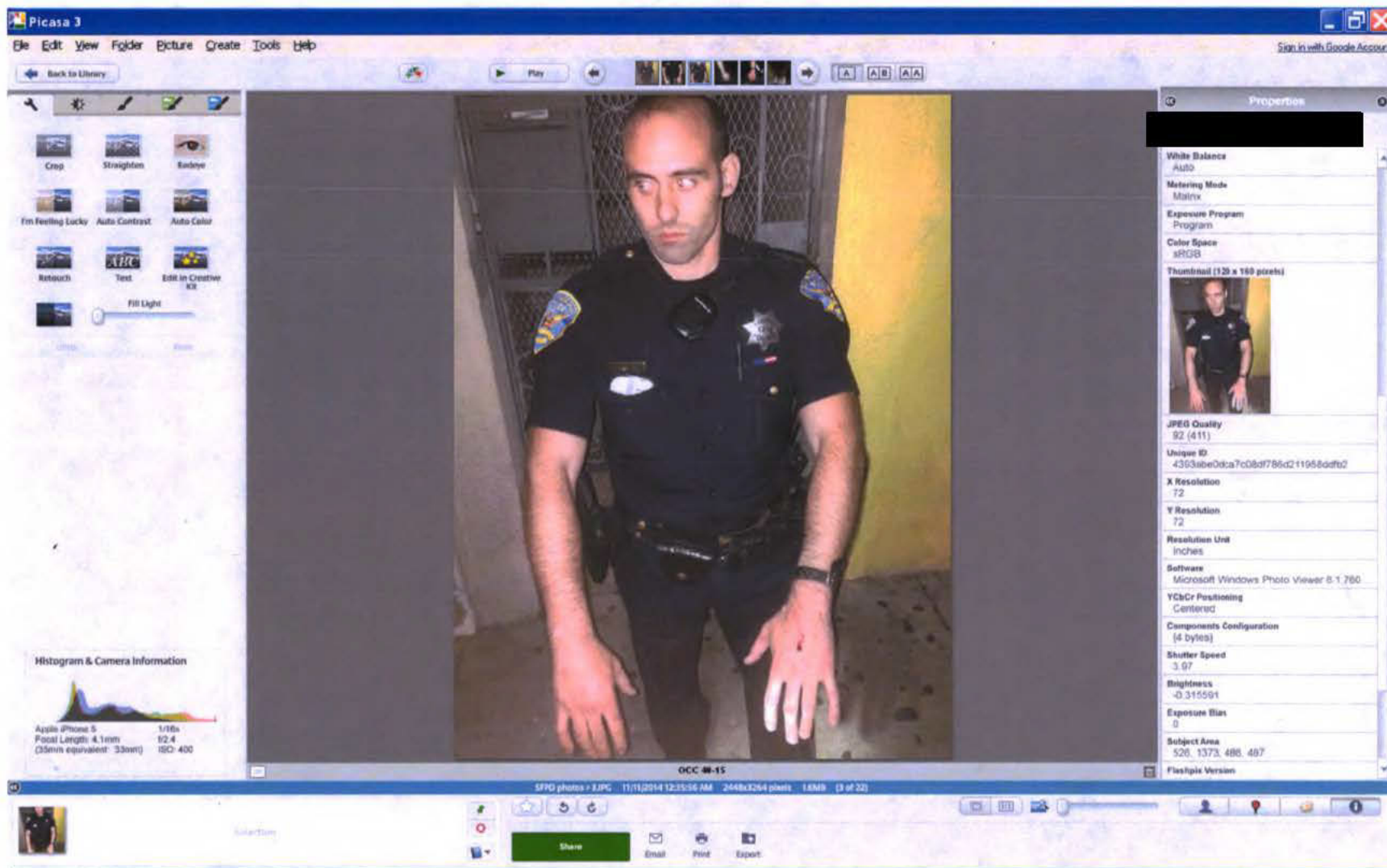


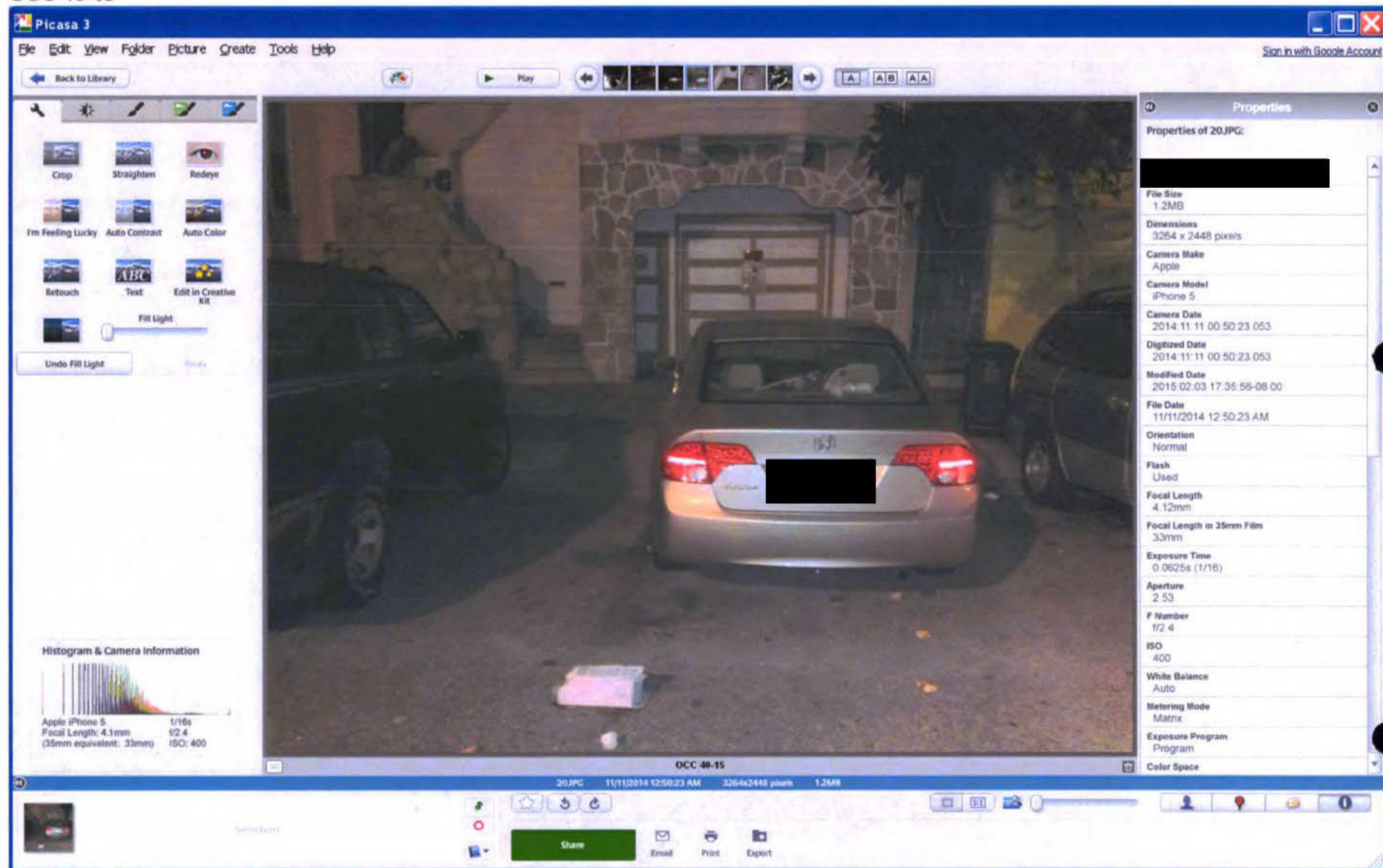
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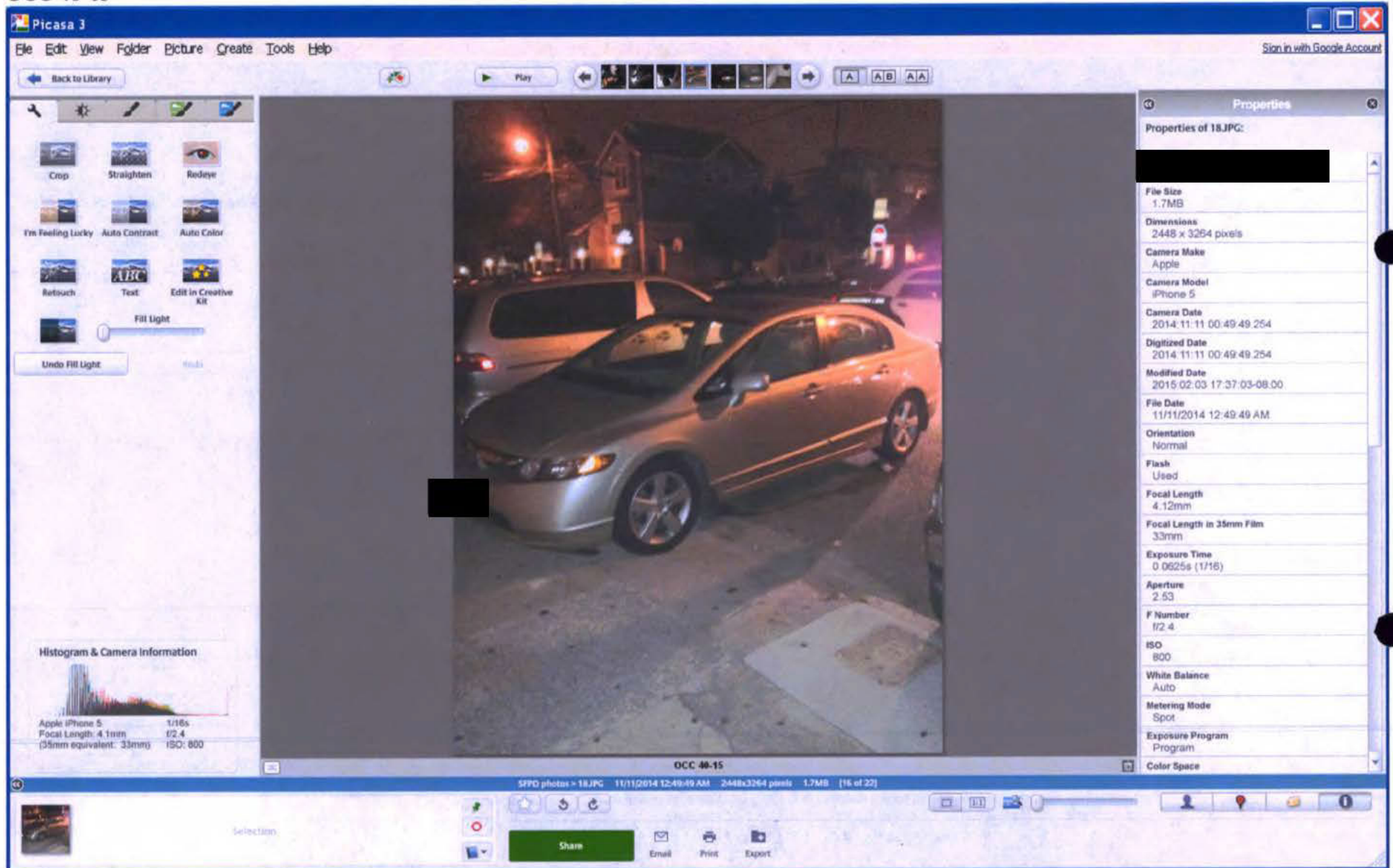
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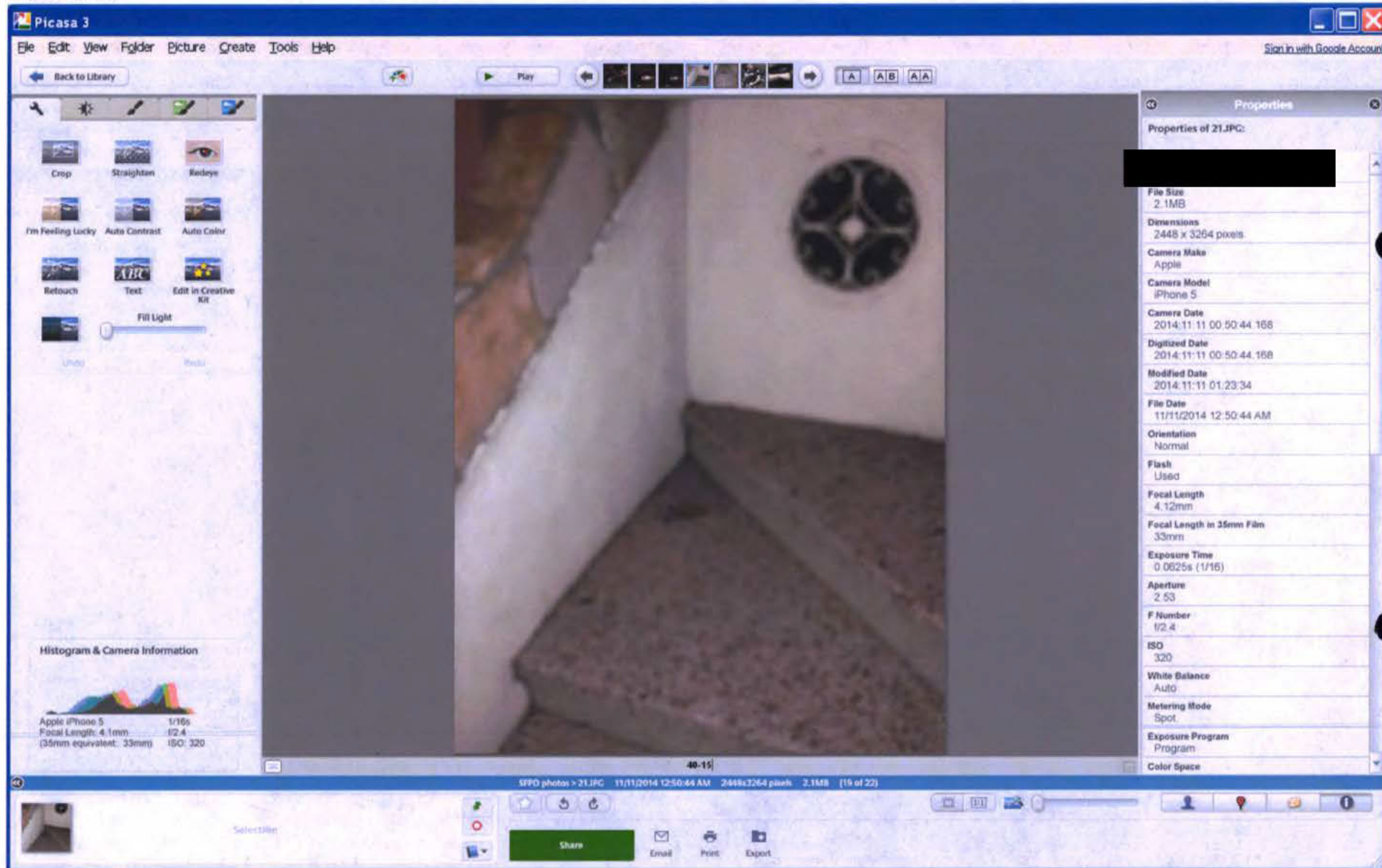
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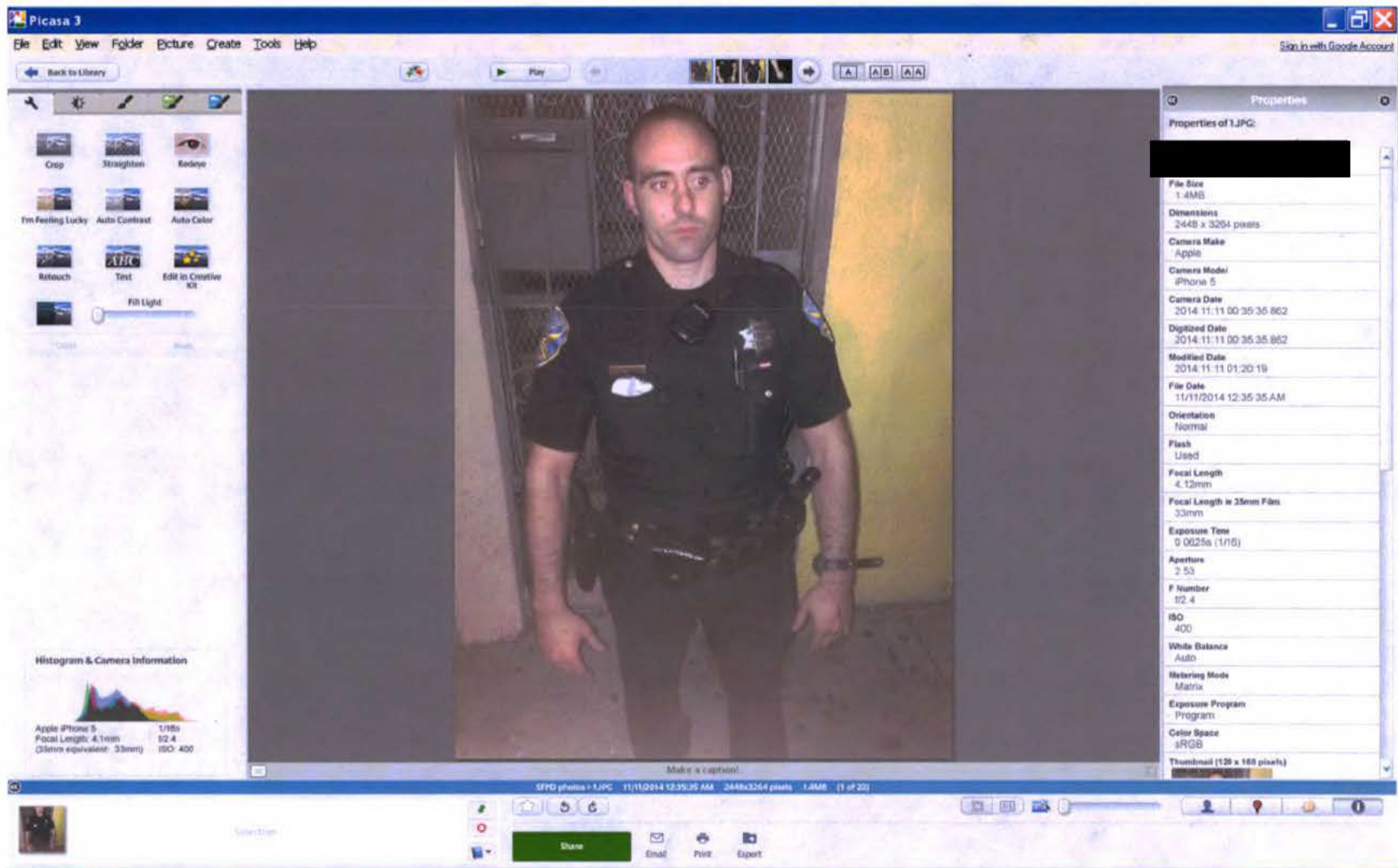


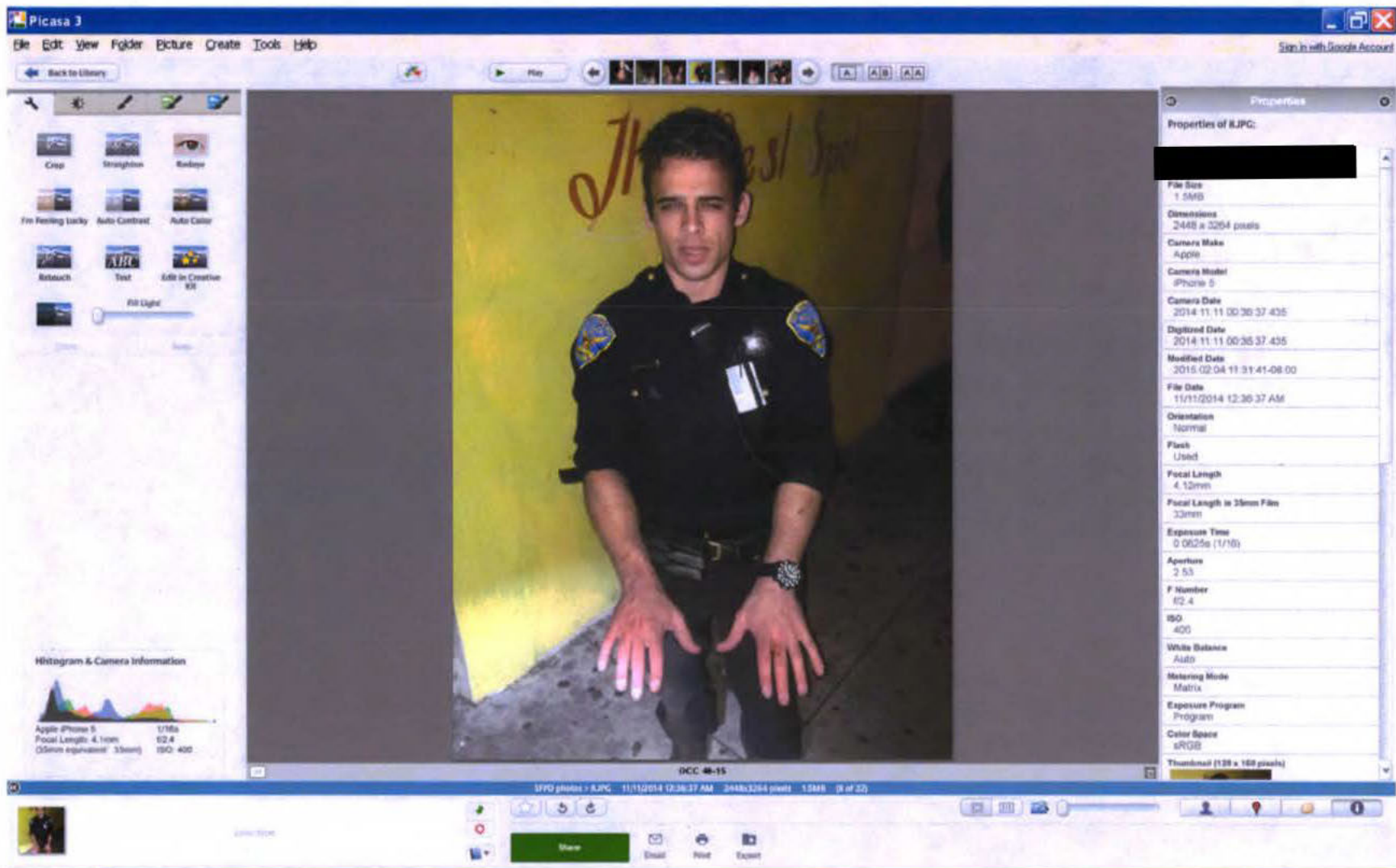


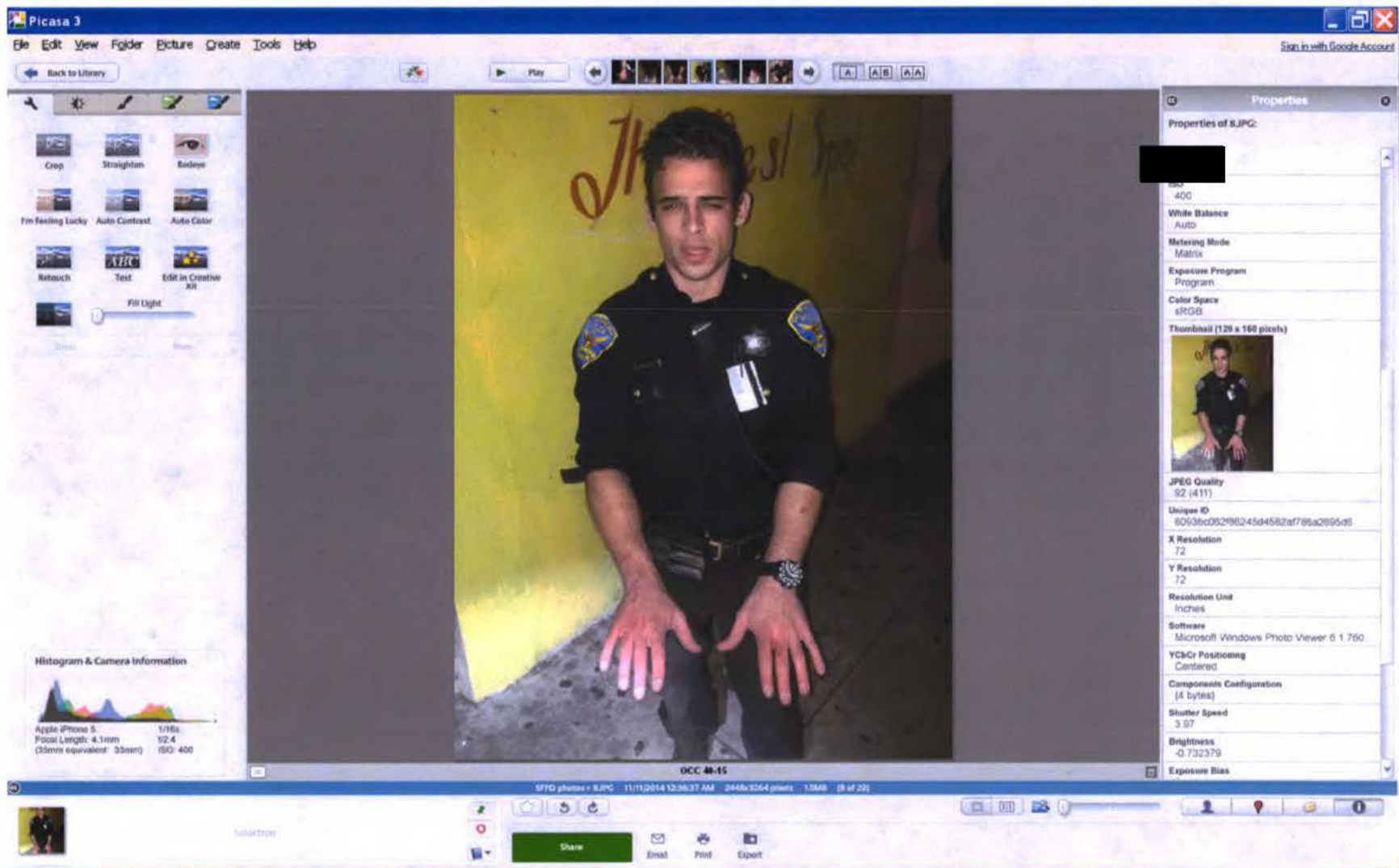


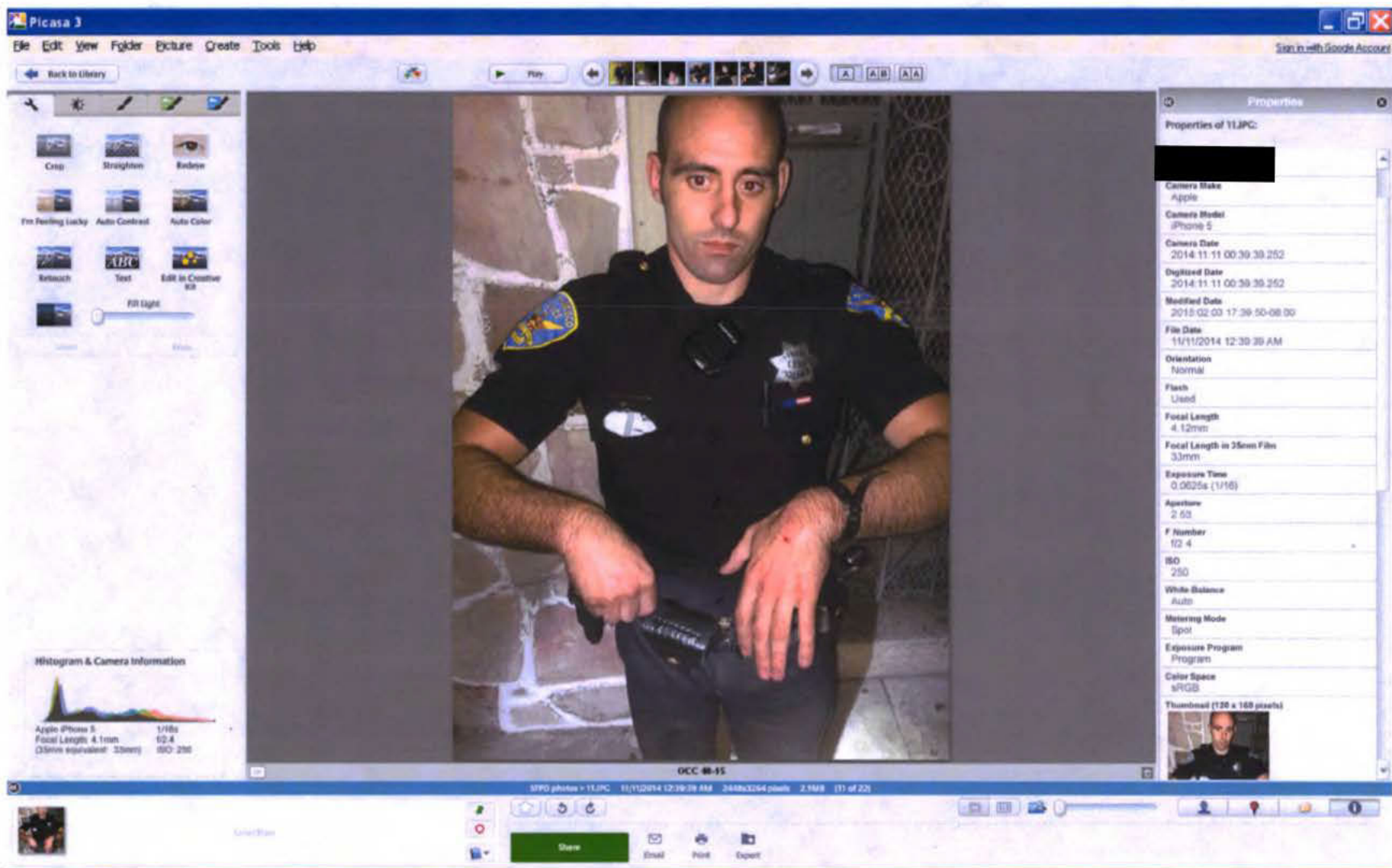


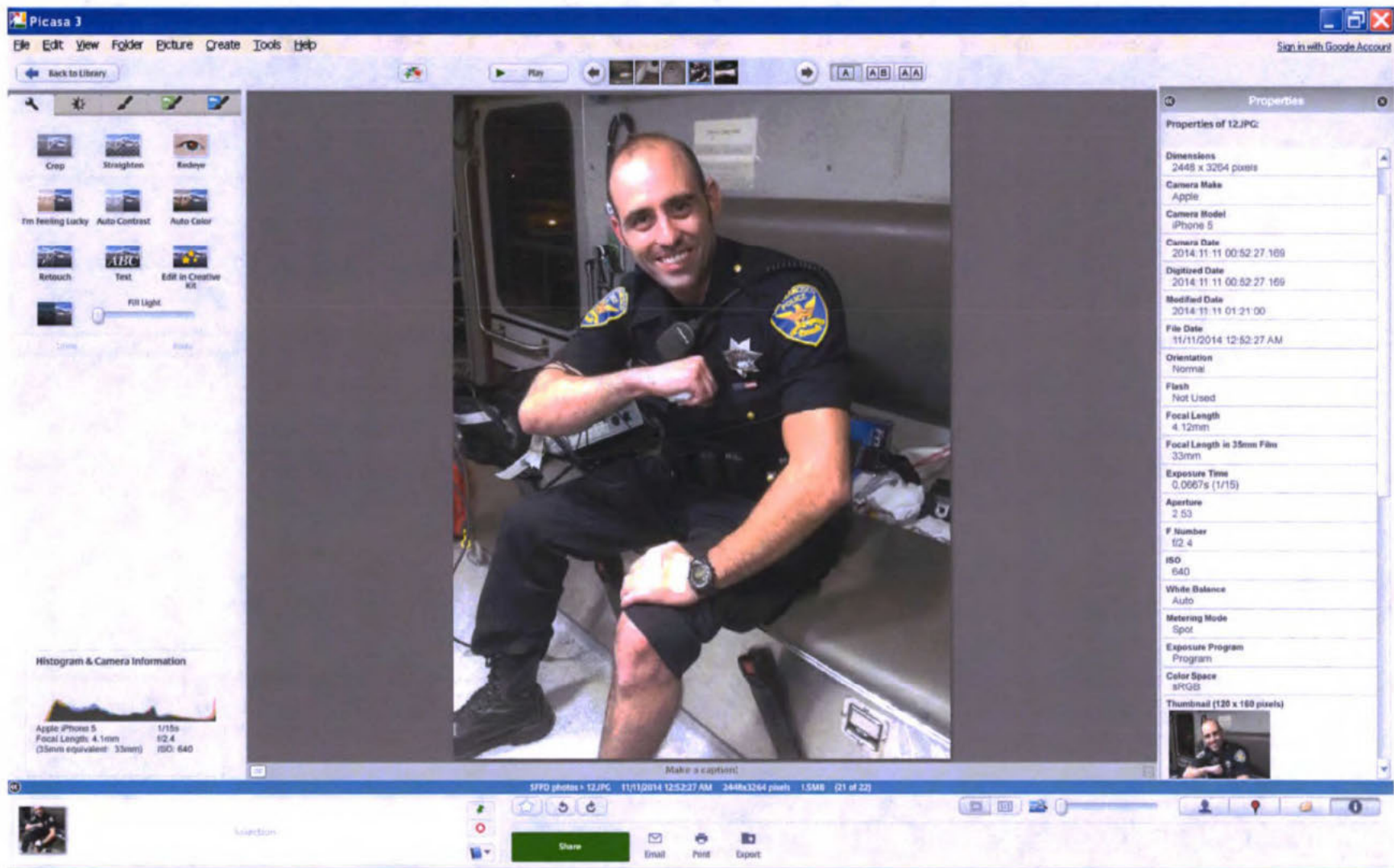


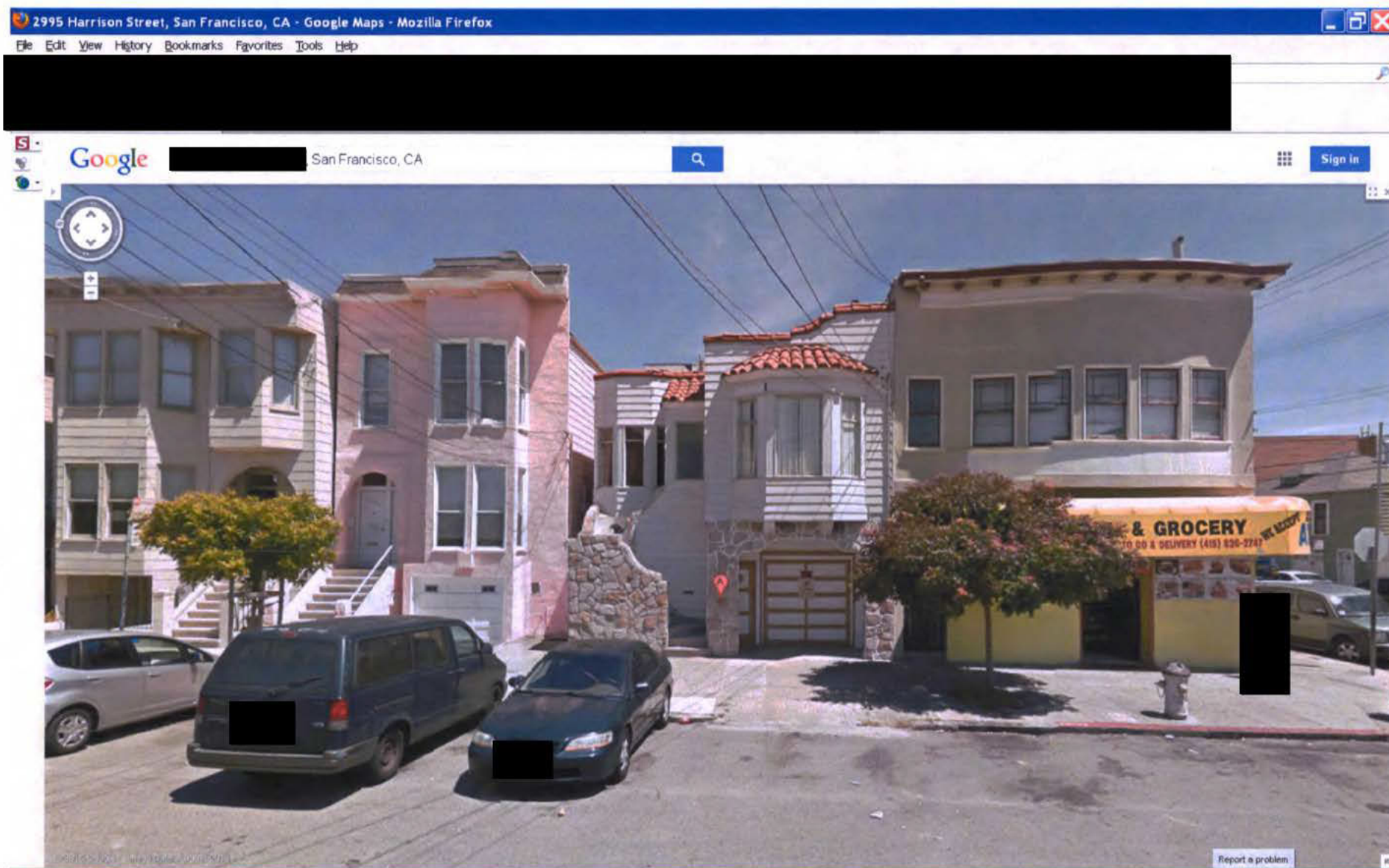


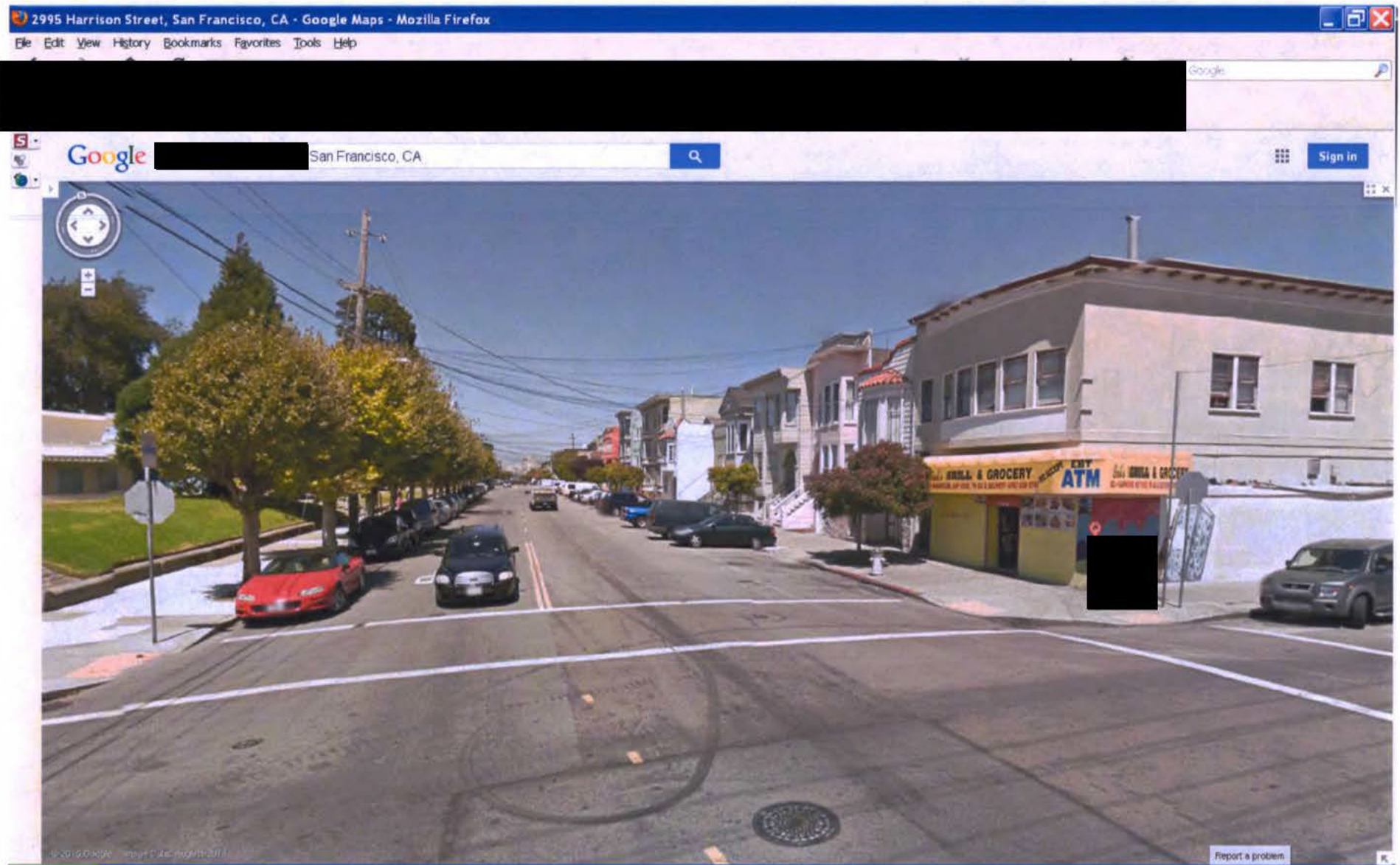


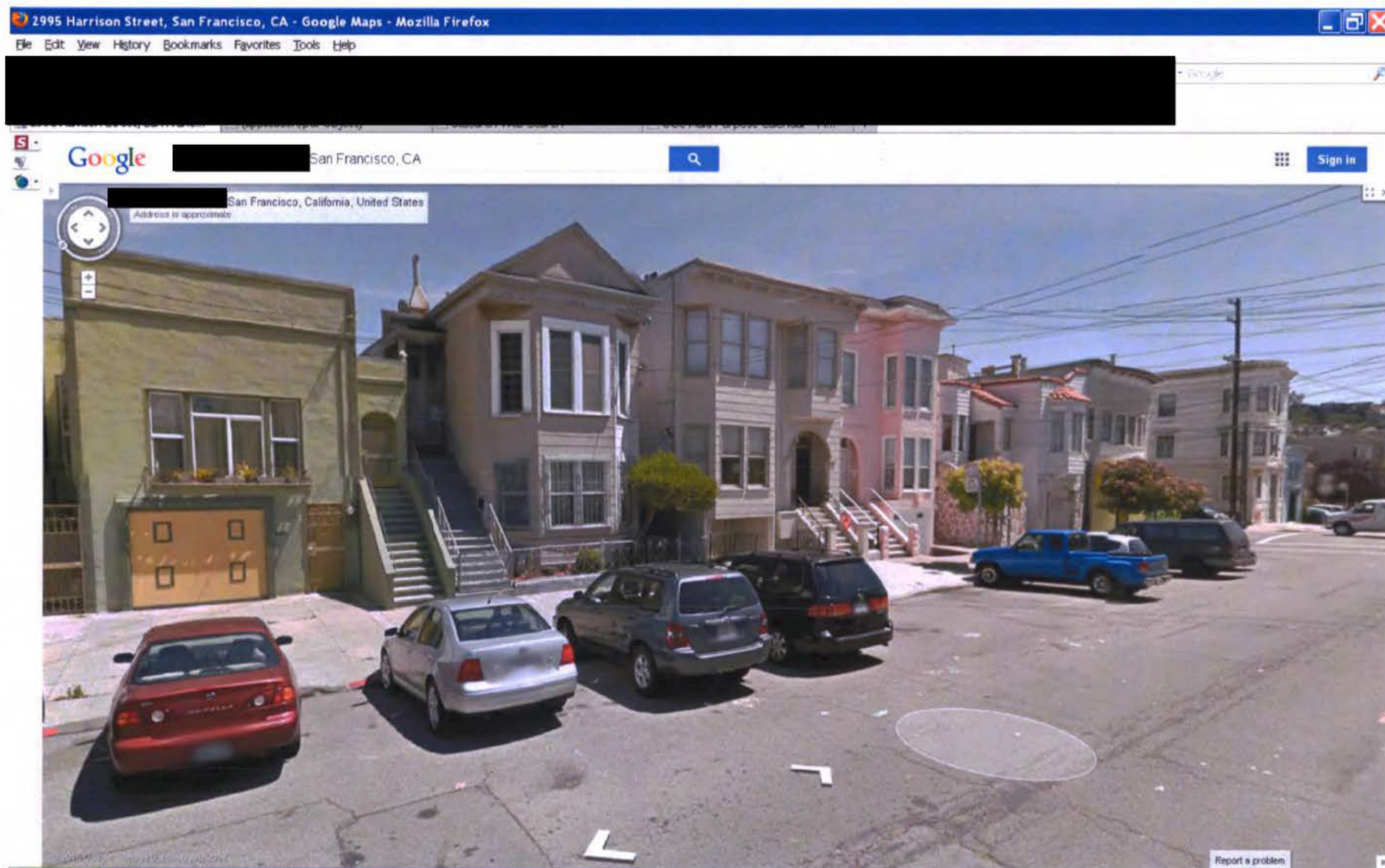












**San Francisco
Law Enforcement
Regional Training Center**



**Basic Course
Arrest & Control
Manual**

Published By

San Francisco Law Enforcement Regional Training Center
Arrest & Control Office
350 Amber Drive
San Francisco, CA 94131

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Third Edition 2005

Printed in the United States of America
by the City and County of San Francisco's Reproduction and Mail Services

Photography & Graphics by Officer Frank McKee

S.F.P.D. HANDCUFFING GUIDELINES

The following information is based upon prior policies and Training Bulletins of the San Francisco Police Department. This information is intended to provide a guideline for Basic Course students. Non-SFPD students should obtain and refer to their specific agency policy for handcuffing.

Who should be handcuffed:

- When the subject is being arrested for a felony offense
- When the subject is a violent misdemeanor or a misdemeanor who exhibits a tendency to escape
- Nothing in the above shall preclude the use of handcuffs on any prisoner when their use is deemed necessary by the arresting officer

Other than those situations where department policy dictates that a subject shall be handcuffed, the arresting officer should consider the following points when deciding to handcuff a misdemeanor or not:

- Reason for arrest and/or transportation
- Subject's demeanor, both verbal and physical
- Whether the unit has two officers or one officer
- The sex of the subject with relation to the sex of the officers in regards to the availability of an officer of the same sex to conduct a more thorough arrest/transport search prior to transport.
- The possibility that handcuffing could incite the subject or bystanders
- Prior contacts with the subject
- Medical considerations

After examining all the factors, the arresting officer may then make a decision as to whether or not the handcuffs should be applied. If the officer decides not to handcuff, this should not deter the officer from his/her responsibility to make a systematic, thorough and purposeful search.

All handcuffing should be accomplished so that the subject's hands are to the rear of the body. If medical or other causes prevent handcuffing a subject to the rear the officer must be exceptionally alert for assault or escape attempts by the subject.

Officers should engage the second or double lock in all instances where an individual is handcuffed.

Double locking limits the possibility that the handcuffs may be accidentally tightened by the subject sitting or leaning back on them during transportation. Double locking also reduces the likelihood of the subject being able to shim or loosen the handcuffs.

HANDCUFF TIGHTNESS

The handcuffs should be applied between the ulnar bone and the base of the wrist. If the subject's actions prevent correct application, the handcuffs should be rechecked as practical for excessive

Restraint Devices

tightness or looseness.

The handcuffs should be tight enough that they do not easily slide around the wrist. The handcuffs should not be so tight that they cut off circulation.

One method of assessing how tight the handcuffs are is to place your index finger tip between the inside neck of the cuff and the subject's wrist. If your finger tip just barely fits, the handcuffs are sufficiently tight.

OFFICER SAFETY TACTICS DURING HANDCUFFING

The principles of Contact and Cover should apply when handcuffing a subject.

- Contact officer handcuffs the subject
- Cover officer provides assistance only when requested or when it becomes obvious that assistance is required

The Three Phases of Restraint should be used when a subject is to be handcuffed.

- Position
Verbally directing the subject to turn around or officer moves to a position of advantage to the rear of the subject
- Control
Obtain a physical control on the subject that limits escape or assault
- Handcuff
Apply the Handcuffs in a tactically sound manner

If the subject prevents any one of the Three Phases of Restraint you are dealing with resistance. Respond with an appropriate degree of force. **Do not remove your handcuffs from the case until you have completed the first two phases of restraint.**

GENERAL ORDERRev. 10/04/95

USE OF FORCE

The purpose of this order is to set forth the circumstances under which officers may resort to the use of force. The order also outlines procedures for reporting and evaluating incidents involving the use of force.

I. POLICY

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
 - a. Verbal Persuasion
 - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
 - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
 - d. Carotid Restraint
 - e. Department-issued Baton
 - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

2. Penal Code Section 835 a provides that, *"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."*

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

G. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY

1. The practice of courtesy in all public contact encourages understanding and cooperation; lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you merely accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.

2. The above should not be construed to suggest that you should ever relax and lose control of a situation, thus endangering your personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.

H. USE OF PHYSICAL CONTROL TO ACCOMPLISH CUSTODY

1. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome the resistance is physical strength and skill in defensive tactics, e.g., passive resister, bent wrist control.
- Z Defensive tactics are techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. You must, however, ensure that you are capable of utilizing physical skills to subdue a -person. Good judgement is extremely important in deciding which tactics to use and how much force to apply. The force used must be necessary.
3. When confronted with a situation that may necessitate the use of physical control, consideration should be given to calling for additional cover officers prior to the contact.
4. In encountering physical resistance and/or assault, an officer's primary goal is to control the situation. The level of force encountered determines what form of defense should be exercised. When conditions permit, the best means of controlling a subject is by the imposition of manual restraint according to methods taught in Department training courses.
 - a. Choking by means of pressure on the subject's trachea is a prohibited practice.
 - b. Rendering a subject unconscious by applying pressure to the carotid artery is permissible only when lesser types of restraint would be ineffective (see Section L, J.).

L. USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY

1. Liquid chemical agent is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is not designed to replace the police revolver or baton. Liquid chemical agent is a defensive weapon intended for use when attempting to subdue an unarmed attacker or to overcome resistance likely to result in injury to either the suspect or the officer.
- 2 In most instances, liquid chemical agent will reduce or eliminate the necessity for greater physical force to effect the arrest. Every officer should be equipped with liquid chemical agent and, when practical to do so, should use it rather than the baton or carotid restraint.
3. MEDICAL TREATMENT. Persons who have had Mace or O.C. sprayed on their faces shall have their faces washed and their eyes flushed with clean water at the scene or as soon as possible. Medical evaluation shall occur.
 - a. Prior to booking and as soon as practicable. .
 - b. If the person is recovering normally, request an ambulance (Code 2) to the scene or arrange to have paramedics meet you at another location to medically assess the individual.
 - c. If the ambulance is unavailable or the delay will be excessive, transport the exposed subject to SFGH for medical evaluation.
 - d. If the sprayed suspect loses consciousness or has difficulty breathing, summon an ambulance Code 3.
4. TRANSPORTATION. Persons who have been sprayed with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress which would require medical evaluation and/or treatment. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" position.

5. MONITORING SUBJECTS. Supervisors shall ensure that any person who has been sprayed with Mace or O.C. is kept under direct visual observation until he/she has been medically evaluated. If the person appears to be having difficulty breathing, an ambulance shall be summoned immediately.
6. BOOKING FORM. Persons who have been sprayed with liquid chemical agent shall have that noted on the booking form.

J. USE OF CAROTID RESTRAINT TO ACCOMPLISH CUSTODY

- L The carotid restraint, when properly applied, is a very effective means of subduing a violent subject; however, caution must be used in its application. The officer applying the hold must attempt to ensure the hold does not slip into a bar arm trachea choke.
2. The carotid restraint is an acceptable use of force in the following situations:
 - a. The officer is physically attacked.
 - h To stop a physical attack on another person.
 - c. The officer has attempted a lesser level of force and found it to be inadequate.
 - d. In the officer's best judgement, having evaluated the particular circumstances, a lesser level of force would be inadequate.
3. MEDICAL TREATMENT. Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, the arresting officer shall immediately call paramedics to the scene. In all cases where the carotid restraint is used, the subject shall be medically evaluated.
4. BOOKING FORM. Persons who have been the subject of a carotid restraint shall have that noted on the booking form.

K. USE OF BATON TO ACCOMPLISH CUSTODY. The baton in the hands of an officer trained in its use is a very formidable weapon. If we are to obtain effective results, avoid unnecessary injury to suspects, and minimize criticism of the Department, the baton must be used properly and judiciously.

1. The baton must be carried properly in the officer's baton ring. A baton left in the car is of no use to an officer in a confrontation.
2. Officers are not to slap the palm of their hand with the baton or poke the baton at people as an intimidation technique.
3. The baton, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, or armpit must be avoided whenever possible.
4. To properly control and therefore maximize its effectiveness, the baton should normally never be raised above the head to strike a blow. The use of the baton as a club is generally prohibited.
5. Striking a handcuffed prisoner with a baton is expressly prohibited (except as allowed for in Section L, C., of this order).
6. Officers will carry only batons issued by the Department

L. USE OF FIREARM TO ACCOMPLISH CUSTODY. See DGO 5.02, Use of Firearms.

M. UNNECESSARY FORCE
(DEFINED)

1. Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.
2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code Section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.

3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.
4. justification for the use of force is limited to what is reasonably known or perceived by you at the time. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified.

N. REPORTING AND INVESTIGATING THE USE OF FORCE

1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:
 - a Physical control, when the person is injured or claims to be injured.
 - h Liquid chemical agent, when sprayed on or at the person.
 - c Department-issued baton, when the person is struck or jabbed.
 - d When the officer finds it necessary to strike a suspect with his/her fist, a flashlight, or any other object.
 - e. Carotid restraint.
 - f Firearm (also see DGO 5.02, Use of Firearms).
2. NOTIFICATION INCIDENT REPORT. In all cases in which an officer is required to report the use of force, the officer using the force shall immediately notify his/her supervisor, and:
 - a. When the officer using force is also the reporting officer, prepare an incident report containing the following information:
 - (1) The type of force used (e.g., carotid restraint, struck with fist).
 - (2) Reason for the use of force (e.g., subject resisted arrest).
 - (3) The supervisor's name, rank star number and time notified. If applicable, the supervisor's reason for not responding to the scene shall also be included.

- b. In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:
 - (1) Ensure that he/she is clearly identified in the incident report.
 - (2) Ensure that the incident report includes:
 - The type of force used (eg., carotid restraint, struck with fist).
 - Reason for the use of force (e.g., subject resisted arrest).
 - The supervisor's name, rank, star number and time notified.
 - (3) Or prepare a supplemental report or a statement form with the above information
3. SUPERVISORY OFFICERS RESPONSIBILITIES. When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the scene of the incident unless a response is impracticable, poses a danger, or where officers' continued presence creates a risk. Response is optional in other reportable use of force incidents. Upon arrival, the supervisor shall do the following (when more than one supervisor responds, the responsibility shall fall on the senior supervisor):
 - a. Ensure that witnesses (including officers) to the criminal incident and also the reportable use of force incident are identified, interviewed, and that this information is included in the incident report. Hostile situations or number of witnesses may preclude identification and interview of all witnesses.
 - b. Conduct observations of the scene and injured subjects or officers.
 - c. Conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order.
 - d. When appropriate, cause photographs of injuries or other evidence connected to the case to be taken and booked as evidence.

- e. Review the officer's incident report.
 - f. Record the incident in the Use of Force Log (see below). The supervisor who is notified of the reportable use of force is responsible for recording the incident in the Use of Force Log.
4. UNNECESSARY OR EXCESSIVE FORCE/REPORTING AND INVESTIGATIVE RESPONSIBILITIES. Should the supervisory evaluation conclude possible misconduct involved in the use of force, the supervisor shall:
- a. Immediately notify his/her superior.
 - h Make arrangements for any interviews that may have to be conducted.
 - c. Prepare a memorandum of observations, evaluation and actions taken.
5. SUPERIOR OFFICER RESPONSIBILITIES: After being notified of possible misconduct involved in the use of force, the superior officer shall: a.
- Conduct an investigation.
- b. Officers suspected of misconduct shall be advised of rights described in DGO 2.08, Peace Officers' Rights, and be given the opportunity to have a representative present before any administrative interviews.
 - c. If a criminal investigator is assigned the case, the superior officer should confer with the investigator to coordinate the criminal and administrative interviews and Miranda warning.
 - d. Make the required notifications to O.C.C. if a citizen complaint is made (see DGO 2.04, Citizen Complaints Against Officers). Notify the officer's commanding officer when required (see DGO 106, Duties of Superior Officers).
 - e. Prepare a report containing results of investigation, preliminary findings, conclusions and recommendations if appropriate.

6. RECORDING PROCEDURES/USE OF FORCE LOG/TRAINING DIVISION USE OF FORCE REPORT. Every unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). Other units (e.g., administrative, investigative, etc.) need not maintain a Use of Force Log; however, commanding officers of these units are responsible to ensure compliance with all other provisions of this order along with the following recording procedures:
 - a: On each occasion that an officer reports the use of force in an incident report, he/she shall verbally notify the supervisor reviewing the report if different than the supervisor notified that the report contains reportable use of force. The supervisor reviewing this report shall ensure the necessary information is placed in the Use of Force Log.
Two copies of the incident report shall be attached to the log.
 - h On the 1st and 15th of each month, commanding officers shall sign the log and send it, along with one copy of each of the incident reports, to their respective deputy chief. The deputy chief will review the log and route it to the Management Control Division. Commanding officers shall forward a copy of the log and one copy of each incident report to the Commanding Officer of the Training Division.
 - c. The Commanding Officer of the Management Control Division will maintain controls that assure all unit logs are received and shall review completed forms to ascertain if any officer appears to be having problems with the use of force. If so, he/she shall notify the appropriate command personnel (also see DGO 3.18, Performance Improvement Program and *Performance Improvement Program, A. Supervisor's Guide, DM-06*).
 - d. The Commanding Officer of the Training Division will maintain controls that assure all unit logs and reports are received, and shall perform a non-punitive review of completed logs and incident reports to ascertain the number, types, proper application and effectiveness of uses of force reported by members of this Department. The information developed shall be used to identify training needs. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.

Kill To

SFDPA - 0040-15 - 000108

22

NARRATIVE OF INCIDENT: I [REDACTED] had just returned

from dinner with my friend [REDACTED] to her home at [REDACTED] ~~where~~ we were parked and about to go inside the house when a patrol car pulled up and put a spot light on us as we were about to go up the stairs an officer jumped out of the car asking us what we were doing? I said going home. He then asked if we had been out earlier drinking. I said we had a glass of wine with dinner earlier then the officer walked up to the car in the driveway and touched the hood and said the car still felt warm which meant that we were drinking and driving. I then said we are home car is off no one is driving keys are in her/mine pocket so you can't just come up and threaten us with a DUI after were home. He then got mad started charging at me and beating me up in front of the house in the neighbors driveway. I was then arrested sent to jail and missed work the next day. I now live far from Melic. Also my wrist is still numb from handcuff squeezed hard in my right hand.

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☒ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:

[REDACTED]

Taken By (Name/Unit)/Date:

J. WECHTER, 1/27/12

Assigned Investigator/Date:

Closure Approval/Date:

• • • • •

COMPLAINANT: [REDACTED]

[illegible]

The complainant stated that Off. Buckley [REDACTED] engaged in inappropriate behavior.

ALLEGATIONS: This is a complaint of:

Unnecessary Force: The officer used unnecessary force on the complainant: Off. Nicholas Buckley # 529

OFFICER	POS	response ?	ON SCENE?	C complain of cuffs?	Other
Jarron Cross, 3D11D	N				
Justin Leach, 3D11D	Y	Y	Y	D/N recall	D/N recall anything other than Buckley & Busalacchi on scene
Christopher Costa, 3D12E	Y	Y	Y	D/N recall if he did; would have been double-checked if had	Accompanied C to SFGH
Edward Hansen, 3D12E	Y	Y	Y	D/N recall this	Accompanied C to SFGH
Abigayle Lin, 3D2D		Y	Y	D/N recall	No independent recollection
Sgt. Scott Edwards, 3D102	Y	Y	Y	No	C yelling profanities at & challenging to fight NB. C asked for cuffs to be removed so he could fight NB. █████ told him C was drunk & POs threw him to ground b/c he was being an "idiot."
Sgt. William Morales, 3D112	Y	Y		N	C yelled profanities at NB and challenged to fight; XJ repeatedly told C to be quiet.
Lauren Newhart, 3D14E	Y	Y	1 min after C taken into custody	N	Waited w/ █████
Bayardo Roman, 3D14E	Y	Y	Y		Newhart read ID from █████, gave to swing watch PO; he & Newhart stood by w/ █████
Daniel Burns, 3D15D	Y	Y	Y -	No	Saw C on ground handcuffed when arrived, saw Buckley & Busalacchi sit C in upright position; C challenged Buckley to fight
Justin Rice, 3D15D	Y	Y	Y		C lying on side yelling at NB & FB, then sat upright. C said he'd beat Sgt. Edwards ass if not cuffed; he told █████ who was yelling "shut the fuck up" at C to lower voice. C yelled profanities when he tried to talk to him, re: UOF inv
Dominique Ellis, 3D14D	Y	Y	No		
Nikolaos Hawes, 3D14D	Y	Y	Y –in custody when arrived	Don't recall	

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 San Francisco Police Department
 INCIDENT REPORT

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				
		11/11/2014 00:29		11/11/2014 00:29					
	Type of Incident RESISTING, DELAYING, OR OBSTRUCTING PEACE OFFICER DUTIES 27170 BATTERY, OF A POLICE OFFICER 04154 ALCOHOL, UNDER INFLUENCE OF IN PUBLIC PLACE 19090								
	Location of Occurrence: - At Intersection with/Premise Type 28TH ST / SIDEWALK District MISSION								
	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 3D16D			
Location Sent / On View: HARRISON ST At Intersection with 26TH ST Reporting District MISSION									
Crime and Clearance Status 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 5 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 Post Training									
	Reporting Officer -		Star	Station		Watch		Date		
	BUCKLEY, NICHOLAS M		529	Mission Station		1600-0200		11/11/14 05:02		
	Reviewing Officer		Star	Station		Watch		Date		
	EDWARDS, SCOTT E		541	Mission Station		2100-0700		11/11/14 05:04		
OIC		Star	Station		Watch		Date			
MORALES, WILLIAM A		1903	Mission Station		2100-0700		11/11/14 05:05			
Related Case		Related Case	Re-assigned to		Assigned to 3*300		Assigned by			
			Copies to 3*300		Add'l Copies		NB 529			

R / V I C T I M	Code	Name (Last, First Middle)		Alias		Email				
	RV 1	BUCKLEY #529, OFFICER								
	Day Phone	Type	Home Address			City		State	Zip Code	
	Night Phone	Type	Work Address			City		State	Zip Code	
	(415) 559-5400	Work	630 VALENCIA ST			SAN FRANCISCO		CA	94110-	
	DOB / Age	DOB	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
	Unk. <input type="checkbox"/>									
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		
School (if Juvenile)		Injury/Treatment			Other Information/If Interpreter Needed Specify Language					

R / V I C T I M	Code	Name (Last, First Middle)		Alias		Email				
	RV 2	BUSALACCHI #4330, OFFICER								
	Day Phone	Type	Home Address			City		State	Zip Code	
	Night Phone	Type	Work Address			City		State	Zip Code	
	(415) 558-5400	Work	630 VALENCIA ST			SAN FRANCISCO		CA	94110-	
	DOB / Age	DOB	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
	Unk. <input type="checkbox"/>									
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		
School (if Juvenile)		Injury/Treatment			Other Information/If Interpreter Needed Specify Language					

Report Type: Initial

INCIDENT REPORT

WITNESSES	Code	Name (Last, First Middle)		Alias		Email						
	W1											
	Day Phone	Type	Home Address		City	State	Zip Code					
		Cell										
	Night Phone	Type	Work Address		City	State	Zip Code					
DOB	/ Age	DOB	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
	50	Unk.		U	F	5'4	185	BLK	BRO			
Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		YES <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	WIFE						
School (if Juvenile)	Injury/Treatment		Other Information/If Interpreter Needed Specify Language									
LSW BLACK SHIRT, BLUE JEAN SHORTS												

BOOKED	Code	Name (Last, First Middle)		Alias		Email				
	B1									
	Day Phone	Type	Home Address		City	State	Zip Code			
		Cell								
	Night Phone	Type	Work Address		City	State	Zip Code			
DOB	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	
Unknown <input type="checkbox"/>		43		H	M	5'9	200	BRO	BRO	
SEND	ID# of Jur.	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number					
Booking Charge(s)										Booking Location
243(b) PC / 148(a)(1) PC / 647(f) PC										COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY
Warrant #	Court#	Action#	Dept#	Enroute to						
Warrant Violation(s)									Ball (\$)	
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	Star					
				WILSON	15					
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)	Statement					
SGT. EDWARDS	541		<input type="checkbox"/>		<input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos										
LSW: BLACK GIANTS SHIRT, BLACK PANTS, BLACK/WHITE 'NIKE' SNEAKERS. SHORT CROPPED HAIR, GOAT-T.										

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 1	PHOTO CD						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1	TBD	
Seized by (Star)		From Where						
4330		CO. D						
Additional Description/Identifying Numbers								
(22) pictures of [REDACTED], Officer Buckley #528, Officer Busalacchi #4330, injuries, and scene.								

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 San Francisco Police Department
 SFPD REPORTS 12131153-1266
INCIDENT REPORT

Report Type: Initial

VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R - RECOVERED; S - STOLEN; SR - STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED					
	Code U 1	Plate No. [REDACTED]	State CA	Reg Yr 2015	Plate Type PC	VIN No. [REDACTED]
	Veh Year 2007	Make Honda	Model CIVIC			
	Style Sedan, 4 Door		Color Brown	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star	
	Hold For		Other Information			
	Registered Owner Business Name/Last Name (R/O) First Name [REDACTED]					Residence Phone [REDACTED]
OWNER	Residence Address [REDACTED]		City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Business Phone

Report Type: Initial

NARRATIVE

On 11/11/2014 at approximately 0029 hrs, I (Officer Buckley #529) was patrolling the Mission district in full police uniform and a marked patrol vehicle with my partner (RV1) Officer Busalacchi #4330. Ofc. Busalacchi was driving and I was sitting in the front passenger seat.

We were heading northbound on Harrison Street, crossing 26th Street, when I heard an unknown male scream, "Fuck!" I immediately looked to my right, towards the area where I heard the scream and observed an unknown Hispanic male, later identified as [REDACTED] with his torso and arms laying on the street and the lower half of his body seated in the driver's seat of a tan (UO1) Honda Civic. The vehicle was parked perpendicular to the east curb line of Harrison Street, half in the street and half on the driveway/sidewalk, directly in front of [REDACTED]. I also observed an unknown female, later identified as [REDACTED] seated upright and facing forward in the vehicle's passenger seat.

Due to the position of the car and the panicked tone of [REDACTED] voice, I exited our patrol vehicle to ascertain whether [REDACTED] and [REDACTED] were having an emergency and/or in need of help. I walked toward [REDACTED] and asked him if he was okay and observed [REDACTED] appeared to be reaching for a set of keys, which were on the street pavement directly in front of his outstretched arms. [REDACTED] looked up at me and I observed his eyes were blood shot and watery. [REDACTED] reached his arms out farther towards the keys and the lower portion of his body fell out of the vehicle. [REDACTED] attempted to brace himself but was unable to, and his entire body crumpled onto the street pavement beside his vehicle.

[REDACTED] retrieved his keys and attempted to stand up, but he lost his balance and remained on the pavement. I approached [REDACTED] to help him up so that he would not fall over again and injure himself, but [REDACTED] waved me away and refused my assistance. [REDACTED] slowly staggered to his feet and I observed he had difficulty maintaining his balance. [REDACTED] looked directly at me, laughed and stated that he was fine. I observed [REDACTED] speech was thick and slurred. Due to my training and experience, I believed [REDACTED] actions were symptomatic of being under the influence of alcohol. Due the fact [REDACTED] was in public, under the influence of alcohol, and unable to care for his own safety, I determined to place [REDACTED] under arrest for 647(f)PC.

I asked [REDACTED] if he had been driving and he laughed and said that he had been driving but the keys weren't in the ignition and I couldn't do anything about it. The tone in [REDACTED] slurred speech was very antagonistic. I told [REDACTED] to step onto the sidewalk and he quickly turned and started walking towards the front steps of [REDACTED]. I believed [REDACTED] was going to walk up the steps so I ordered him to stop, and he threw the keys onto the landing of the front steps. [REDACTED] still remained seated in the front passenger seat of the vehicle.

I told [REDACTED] to show me his hands and he became visibly agitated. [REDACTED] raised his voice and yelled at me that I had no right telling him what to do. [REDACTED] speech was still slurred, his gait was uneven, and his upper body was swaying from side to side. I told [REDACTED] to calm down and he began yelling that the police had better things to do than bother him.

I believed [REDACTED] was intoxicated, he refused to follow my simple instructions, and he was becoming visibly agitated. I ordered [REDACTED] to place his hands behind his back and attempted to take him into custody. [REDACTED] did not comply with my order so I grabbed his right wrist and Ofc. Busalacchi grabbed onto his left wrist. I felt [REDACTED] immediately tense the muscles in his right arm and upper body, causing his arms to become rigid at his side. This action prevented Ofc. Busalacchi and I from placing [REDACTED] hands behind his back into handcuffs (148(a)(1)PC). As Ofc. Busalacchi and I struggled to control [REDACTED] and place him into custody, I ordered him several more times to place his hands behind his back. [REDACTED] powerfully thrust his upper body downward, and violently twisted his body from side to side. Ofc. Busalacchi and I wrestled [REDACTED] to the ground and I told him he was under arrest. I continued to order him to stop resisting us and to place his hands behind his back, yet [REDACTED] continued to resist us.

Report Type: Initial

I attempted to grab [REDACTED] right wrist and use a bent wrist control hold to take him into custody, however, [REDACTED] violently fought to pull arms and hands away from me and towards his body. I observed [REDACTED] had exited the vehicle and approached Ofc. Busalacchi and I from behind. I ordered [REDACTED] to get back and she ceased her movement towards us. Up to this point, I had not conducted any type of search on [REDACTED] and became very concerned that [REDACTED] may possess a weapon. Due to [REDACTED] continued resistance, his size (approximately 5'9"/200lbs) and demeanor, and the ineffectiveness of my control holds, I was forced to strike [REDACTED] with my fist several times to his left leg, hip and side in an attempt to take him into custody, yet he continued to resist. I grabbed onto his right hand and bent his fingers back towards the top of his wrist. [REDACTED] yelled in pain, placed his hands behind his back and I finally placed him into custody.

I observed [REDACTED] was bleeding from the nose and mouth area. I summoned an ambulance to our location and Medic 81 responded to assess [REDACTED] injuries.

I also observed Ofc. Busalacchi sustained injuries as a result of [REDACTED] resistance (See Ofc. Busalacchi's statement for further information).

3D102 Sergeant Edwards #541 and 3D112 Sergeant Morales #1903 responded to our location. Sgt. Morales conducted a use of force investigation, and subsequently made an entry into the Use of Force Log at Mission Station.

With the approval of Sgt. Edwards, [REDACTED] was placed under arrest for 647(f)PC, 148(a)(1)PC. Since Ofc. Busalacchi sustained a visible injury as a result of [REDACTED] resistance, he was also arrested for 243(b)PC.

While on scene, Ofc. Busalacchi's injuries were assessed and treated by Medic 81.

While at the scene and in handcuffs, [REDACTED] continued to yell at me and repeatedly challenged me to take the handcuffs off him and fight him. [REDACTED] told me that I should take off my gun and badge and then he would, "Kick my ass." [REDACTED] repeatedly screamed at me that I was a, "Pussy." [REDACTED] attempted to lure me into a fight by insulting me and yelling that I was a "Coward," a, "Midget," and a, "Rookie," who had no business being a police officer. [REDACTED] repeatedly demanded my, "Badge number," and each time I provided it to him. [REDACTED] then repeatedly and incoherently screamed my star number, "529...529..!"

[REDACTED] stated to me that she and [REDACTED] had just returned home from having "a few drinks" on 25th Street at 'La Traviata'. Although [REDACTED] stated she had been consuming alcoholic beverages, she did not meet the criteria for 647(f)PC and was not detained during this incident.

3D15D Officer Burns #4319 took photographs of the scene and of Ofc. Busalacchi's and [REDACTED] injuries. Ofc. Burns later placed the photos on a (E1) compact disc (CD).

After being treated and released on scene by Medic 81, [REDACTED] demanded to be transported to San Francisco General Hospital (SFGH). 3D12E Officer Costa #4312 and Officer Hansen #2095 assumed custody of [REDACTED] while Medic 81 transported him to SFGH. [REDACTED] was treated and released from SFGH and booked into San Francisco County Jail #1 for the above mentioned charges.

Ofc. Burns digitally uploaded the photographs on to this report, and Ofc. Busalacchi booked the (E1) photo cd into evidence at Mission Station.

Report Type: Initial

INCIDENT REPORT

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Busalacchi, Frank E 4330		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/558-5400
Residence	Zip Code	Business Address / City if not San Francisco 630 Valencia Street, SF		Zip Code 94110-1126
Date of Statement 11/11/14	Time Started 01:54	Time Completed 02:55	Location Where Statement Taken At Scene <input type="checkbox"/> Other: MISS	

On Tuesday, 11/11/2014, at approximately 0029 hours, Officer Buckley #529 and I were on patrol in full police uniform and riding in a marked SFPD patrol vehicle. I was the driver of the patrol vehicle and driving northbound on Harrison Street crossing 26th Street. As we passed [REDACTED] I heard someone yell and what sounded like keys falling to the ground.

I backed the patrol vehicle and observed a male adult, later identified as [REDACTED] on the driver side of a (UO) brown Honda Civic which had the driver side door open. Officer Buckley shined the spot light onto the car and I heard [REDACTED] yell something as he got up to his feet and stumbled toward a house located at [REDACTED] Officer Buckley exited the vehicle and made contact with [REDACTED] near the front of the vehicle.

Officer Buckley asked [REDACTED] if he had been driving the vehicle. [REDACTED] stated, "I had been driving the vehicle but the keys aren't in the ignition and you can't do anything." [REDACTED] then started to walk toward the house again and threw his keys into the stairwell. I went around the passenger side of the vehicle to get [REDACTED] but Officer Buckley had already stopped [REDACTED] near the stairwell of the house.

I noticed a passenger in the Honda Civic, later identified as [REDACTED] and asked her to open the door. I spoke with [REDACTED] and she told me the following:
[REDACTED] said that she and [REDACTED] had been drinking alcoholic beverages at another location and had arrived at [REDACTED] prior to Officer Buckley and I making contact with her. [REDACTED] said she had been talking with [REDACTED] in the car. [REDACTED] said [REDACTED] was upset because he broke his phone earlier.

I heard [REDACTED] start to yell at Officer Buckley and walk away from Officer Buckley toward 26th Street interrupting my interview with [REDACTED]. I ordered [REDACTED] to stop and he argued with me saying, "I didn't do anything. I'm going to my house." I approached [REDACTED] on the sidewalk and told him that he admitted that he was drunk in public earlier and to stay still. [REDACTED] turned around to try and walk to [REDACTED] and I told him to stop.

Officer Buckley grabbed [REDACTED] right arm and told him to put his hands behind his back. I grabbed [REDACTED] left arm and attempted to put it in a rear wrist lock so Officer Buckley and I could put handcuffs on him. [REDACTED] began to straighten his arms and free himself from my control. I ordered [REDACTED] to stop resisting us and that he was under arrest. [REDACTED] screamed, "You can't do anything!" [REDACTED] continued to struggle causing me to lose control of his left hand. [REDACTED] then started moving toward the stairs located at [REDACTED] I gained back control of [REDACTED] and wrapped my arms around his waist. I tried to take [REDACTED] to the ground but could not while Officer Buckley tried to control him also. Finally, all three of us fell to the ground.

[REDACTED] was on his stomach and I ordered him several times, "Put your hands behind your back! You're under arrest!" [REDACTED] kept trying to put his arms between his body and the sidewalk to prevent Officer Buckley and I from putting him in handcuffs. [REDACTED] then turned to his left side pinning his left arm between the sidewalk and his body. [REDACTED] then rolled onto his back with me on top of him. I pushed [REDACTED] back to his stomach and he posted his arms and got to his knees.

I used a double leg control technique on [REDACTED] and grabbed both of his arms causing him to fall back to his stomach. Officer Buckley and I gained control of [REDACTED] arms and put him in handcuffs.

San Francisco Police Department
SFPD Records Unit 3-1286
INCIDENT REPORT

Report Type: Initial

Several units arrived on scene. I observed that I had sustained several injuries which were caused by [REDACTED] unlawfully resisting Officer Buckley and I. I observed that I was bleeding from the back of my left hand. I had two scratches on the back of my left hand, one scratch on the back of my right hand, one scratch on my right wrist, and one scratch on my left knee.

I notified Sergeant Edwards #541 that I had sustained injuries during this incident.

Officer Burns #4319 took pictures of my injuries.

M81 arrived on scene and treated me for my injuries.

As Officer Buckley and I left the scene, I felt pain to the back of my left arm and to my left forearm as if a muscle was strained when I grabbed the steering wheel of my patrol vehicle.

I spoke with Wilson #15 at CWB who confirmed [REDACTED] did not have any warrants.

I seized the (E1) photo CD at Mission Station from Officer Burns and booked it into Evidence at Mission Station.



OCC 40-15 11/11/14 16:42 SFDPA - 0040-15 - 000119

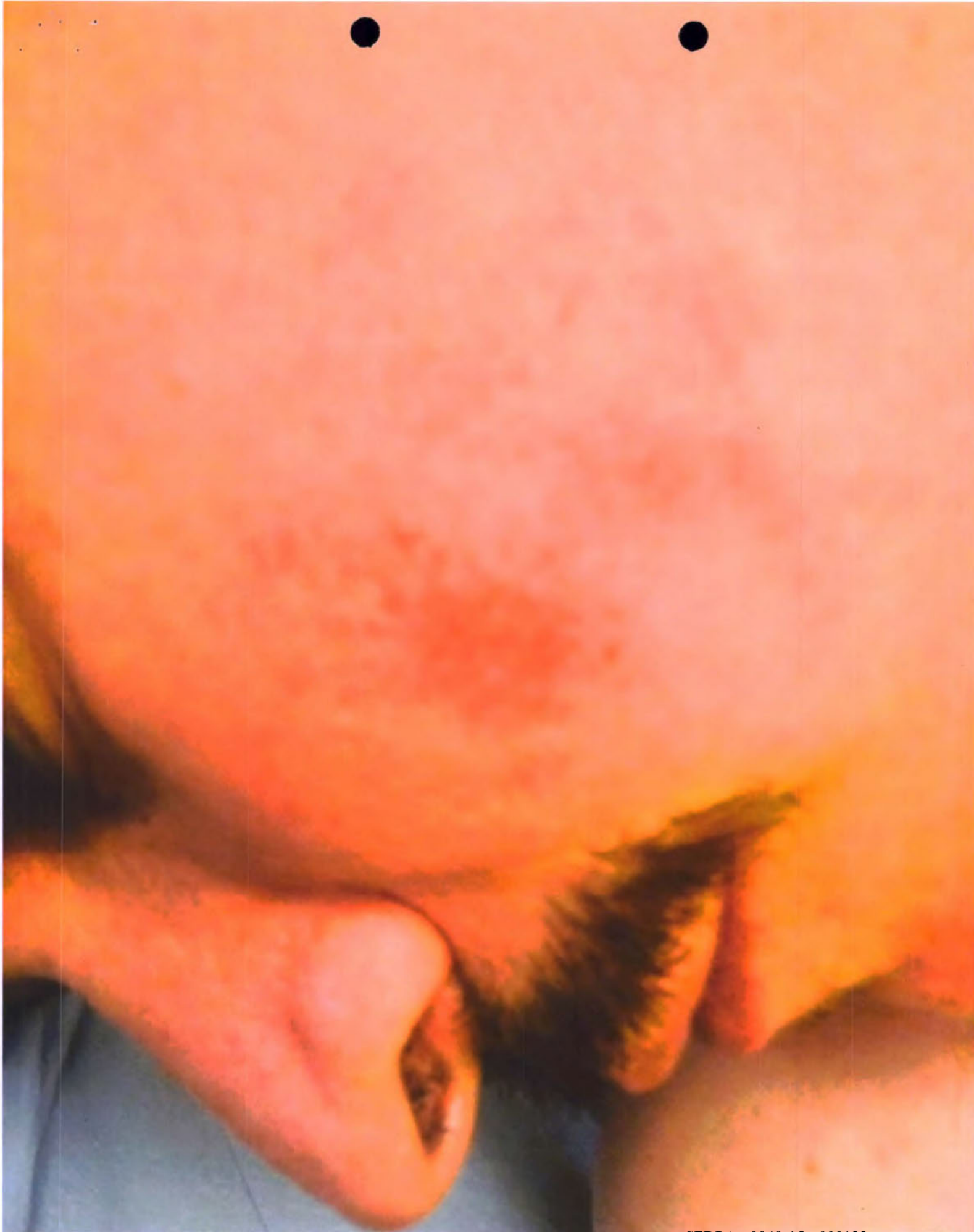


OCC 40-14 11/11/14 16:40 SFDPA - 0040-15 - 000120



OCC 40-15 11/17/14 12:29

SFDPA - 0040-15 - 000121

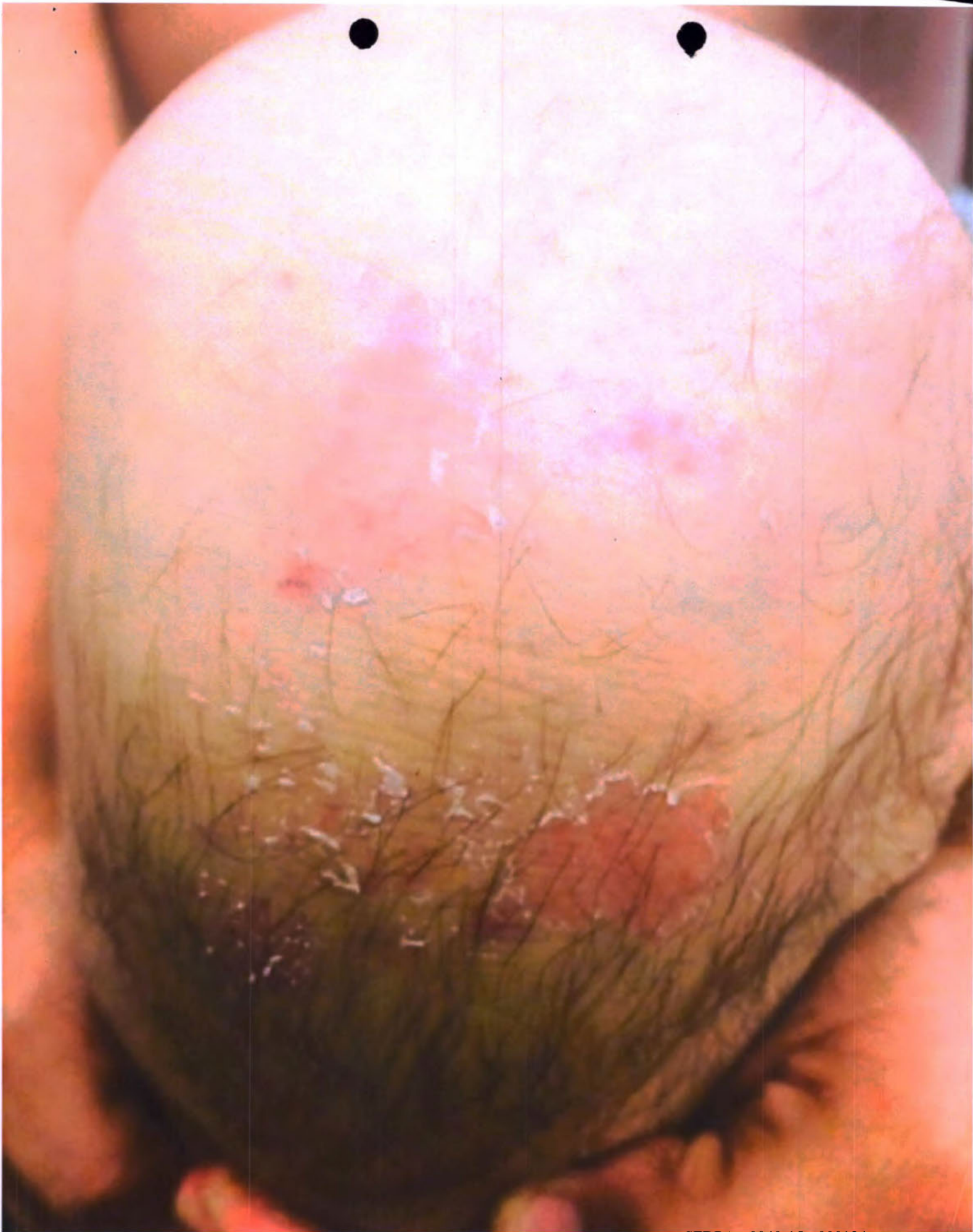


OCC 40-15 11/11/14 16:40

SFDPA - 0040-15 - 000122

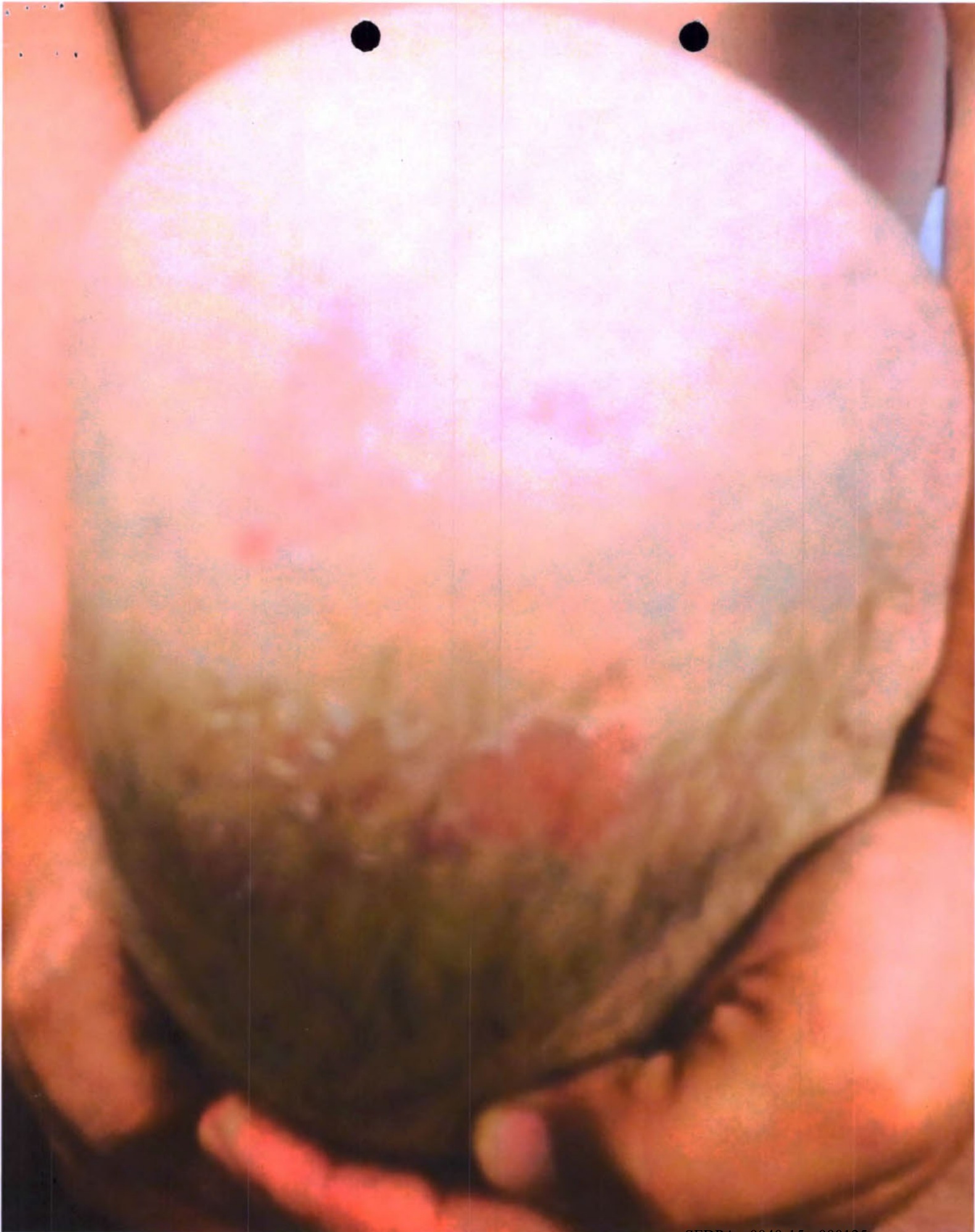


OCC 40-15 11/11/14 16:41 SFDPA - 0040-15 - 000123



OCC 40-15 11/11/14 16:41

SFDPA - 0040-15 - 000124



OCC 40-15 11/11/14 16:41

SFDPA - 0040-15 - 000125

SAN FRANCISCO POLICE DEPARTMENT

USE OF FORCE LOG

Reporting Period: Beginning 11-01-14 Ending 11-15/14
Mo. Day Yr. Mo. Day Yr.

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	✓ PHYSICAL CONTROL	✓ STRIKE BY FIST OR OBJECT	✓ CHEMICAL AGENT/MACE/O.C.	✓ BATON/STRIKE OR JAB	✓ CAROTID RESTRAINT	✓ FIREARM	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
11/11/2014		OFF BOCKLEY # 529	Sgt EDWARDS 591 Sgt MORALES 908	X	X					Yes No Unk	Yes No	Yes No	
11/11/2014		OFF BOSALACCHI # 4330	Sgt EDWARDS 591 Sgt MORALES 908	Y						Yes No Unk	Yes No	Yes No	

Capt. Daniel A. Perea #474

COMMANDING OFFICER (SIGNATURE)

Co. D
UNITFORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND
INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION.

1ST AND 15TH OF EACH MONTH

SFPD 128 (Rev. 3/05)

SFDPA - 0040-15 - 000126



SAN FRANCISCO POLICE DEPARTMENT



PHOTO ID

NAME:

[REDACTED]

L

AKA:

[REDACTED]

AKA:

,

MONIKER:

SF#:

[REDACTED]

JAIL #:

[REDACTED]

BOOKING DATE:

Nov 11 2014 12:00AM

DATE OF BIRTH:

[REDACTED]

PLACE OF BIRTH:

[REDACTED]

SOCIAL SECURITY #:

CII#:

CA DRIVERS LIC #:

[REDACTED]

PHYSICAL DESCRIPTION

SEX:

MALE

RACE:

HISPANIC

HEIGHT:

5'09"

WEIGHT:

178

EYE COLOR:

BROWN

HAIR COLOR:

BLACK

GLASSES:

No

BUILD:

MEDIUM

COMPLEXION:

ACNE HEAVY

EYE CHARACTERISTICS:

FACIAL HAIR:

GOATEE & MUSTACHE

HAIR LENGTH:

ABOVE EARS

SCARS/MARKS/TATTOOS

#1.:

#2.:

#3.:

**SAN FRANCISCO POLICE DEPARTMENT
CONTROLLED DOCUMENT**

**DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

Released to: J. Wechter, OCC
By: LS Date: 1-25-15



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

January 28, 2015

Investigator J. Wechter
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0040-15

Dear Investigator Wechter:

On 1/23/15 we received your Non-Routine Document Request regarding the above referenced case requesting **record of all E585 Traffic Stop Data Collection entries made from 11/10/14 through 11/12/14 by Officer Nicholas Buckley #529 and Officer Frank Busalacchi #4330**. Enclosed are the documents responsive to your request.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

E585 TRAFFIC STOP REPORT

TRAFFIC STOP ID	DATE/TIME OF STOP	RACE	SEX	AGE	REAASON	SEARCHED	RESULT	LOCATION OF STOP	DISTRICT	STAR #	OPERATOR ID	TERMINAL	TRANSACTION DATE/TIME
340916	2014-11-10 2:50	A	F	38	2	1	2	15TH ST/BRYANT ST	D	529		K349	2014-11-10 23:00
340939	2014-11-10 3:55	H	F	23	2	1	3	22/MISSION	D	529		K349	2014-11-11 00:00

2 entries

10-Nov-14	2250 A	F	38	2	1	2 15TH ST/BRYANT ST D	529		10-Nov-14
10-Nov-14	2355 H	F	23	2	1	3 22/MISSION D	529		11-Nov-14
12-Nov-14	1800 B	M	31	4	2	3 CAPP/16TH D	529		12-Nov-14

11-Nov-14	2340 H	M	33	1	1	2 2518 MISSION	D	4330		11-Nov-14
12-Nov-14	2330 W	F	34	2	1	3 JUNIPERO SERRA & 19TH	I	4330		13-Nov-14

	Named and Witness	View Officer
--	--------------------------	---------------------

Officer Database ID <input type="text" value="34371"/>	
Last Name <input type="text" value="BUCKLEY"/>	First Name <input type="text" value="NICHOLAS"/> MI <input type="text" value="M"/>
Badge No. <input type="text" value="529"/> <input type="text" value="0529"/>	<input type="text" value=""/>
Rank <input type="text" value="Q2"/>	Assignment <input type="text" value=""/>
Hire Date <input type="text" value="05/28/2013"/>	Retire Date <input type="text" value=""/>
Yrs of Service <input type="text" value=""/>	Retire <input type="text" value=""/> SSN <input type="text" value=""/>
Gender <input type="text" value="MALE"/>	Skin Tone <input type="text" value="LIGHT"/>
Eth <input type="text" value="WHITE"/>	Eye Color <input type="text" value="Hazel"/>
Lang <input type="text" value="ENGLISH"/>	Hair Color <input type="text" value="BROWN"/>
Height <input type="text" value="5'10"/>	Build <input type="text" value="THIN"/>
Weight <input type="text" value="170"/>	Age Grp <input type="text" value="20-30"/>
Glasses <input type="checkbox"/>	Facial Hair <input type="checkbox"/>
Hair Type <input type="text" value="STRAIGHT"/>	
Memo <input type="text" value=""/>	
Photo Path <input type="text" value=""/>	
Updates Last Updated By/Date <input type="text" value="glancast"/> <input type="text" value="01/10/2014"/> ***Changes made on 01/09/2014 11:26:39 AM by glancast; New Record ***Changes made on 01/09/2014 11:28:06 AM by glancast; OfficerSSN - previous value was blank OfficerYrsService - previous value was blank OfficerRetireDate - previous value was blank OfficerHeight - previous value was blank	Photo Date <input type="text" value=""/> Refresh Photo

	Named and Witness	View Officer
--	--------------------------	---------------------

Officer Database ID 34299	
Last Name BUSALACCHI	First Name FRANK MI
Badge No. 4330 4330	
Rank Q2	Assignment
Hire Date 01/01/2012	Retire Date
Yrs of Service	Retire SSN
Gender MALE	Skin Tone LIGHT
Eth WHITE	Eye Color Brown
Lang ENGLISH	Hair Color BROWN
Height 5'07"	Build THIN
Weight 162	Age Grp 30-40
Glasses <input type="checkbox"/>	Facial Hair <input type="checkbox"/>
Hair Type BALDING TOP	
Memo	
Photo Path	
Updates Last Updated By/Date glancast 09/26/2013 ***Changes made on 04/26/2013 11:56:46 AM by glancast; New Record ***Changes made on 09/26/2013 3:01:53 PM by glancast; OfficerNameMI - previous value was blank OfficerSSN - previous value was blank OfficerHireDate - previous value was blank OfficerRetireDate - previous value was blank	Photo Date Refresh Photo 

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Sgt. Scott Edwards #541

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

Page 2 OCC Case No. 40-15 Sgt. Scott Edwards #541

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Please describe any use of force investigation you conducted.
 - a) What did [REDACTED] tell you?
 - b) What did [REDACTED] tell you?
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request:

Documents enclosed:

[REDACTED] complaint.

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/22/15

To: Investigator J. Wechter

RE: OCC Case No 40-15

From: Sgt Scott Edwards 541

Complainant: [REDACTED]

Date: April 16, 2015

Date of Occurrence: 11/11/14

Response Due Date: 4/22/15

Report No: [REDACTED]

1. In sum, I responded to [REDACTED] as a backup unit and conducted a use of force investigation on scene.
2. In sum, the situation was marginally under control. [REDACTED] was in custody with minor injuries and Officer Buckley was rendering aid. [REDACTED] was yelling profanity at Officer Buckley, making references to Officer Buckley's stature and repeatedly challenging him to fight. Officer Busalacchi was injured. [REDACTED] was yelling at [REDACTED] telling him to "Shut up" and calling him an "idiot" and other similar words.
 - a. Sergeant Morales and I arrived together, Officers Buckley and Busalacchi were on scene. I do not recall which other officers were present when I arrived on scene.
3. In sum, I saw Officer Buckley maintain a professional demeanor and refuse to rise to [REDACTED] constant attempts to challenge him to fight.
4. In sum, I saw Officer Busalacchi continue to maintain a professional demeanor despite having been assaulted and injured by [REDACTED]
5. In sum, I heard [REDACTED] constantly using derogatory and offensive language to refer to Officer Buckley's height, race, sexual orientation, and experience.
6. No. [REDACTED] said he wanted Officer Buckley to take the handcuffs off him and fight him "like a man" and not to be a "pussy". I told [REDACTED] that the handcuffs would not be coming off at this time.
7. In sum, Officer Busalacchi and Officer Buckley told me that after witnessing objective signs of intoxication in [REDACTED] and believing that he was unable to care for himself, they attempted to arrest him per 647(f) PC, however, [REDACTED] resisted arrest and Officers Busalacchi and Buckley had to use force in order to overcome [REDACTED] unlawful resistance. Officer Busalacchi was injured by [REDACTED] sustained an injury to his nose / mouth during the use of force, and Officer Buckley rendered aid and requested an ambulance.
8. I conducted a use of force investigation pursuant to DGO 5.01 and DB 13-067.
 - a. [REDACTED] was intoxicated and refused to talk to me other than to tell me that Officer Buckley was a "midget" and a "pussy" and that I could "fuck off" or words to that extent. He also asked me to remove his handcuffs so he could fight with Officer Buckley. He made similar statements, none of which were relevant to my use of force investigation.
 - b. [REDACTED] told me that [REDACTED] was "drunk" and being an "idiot" and that the officers threw him [REDACTED] to the ground because he was being an "idiot". She made no other statements that were relevant to my use of force investigation.
9. I do not recall any officers laughing at the scene.
10. Anyone who was in the area was potentially a witness to this incident. I do not have any contact information for possible witnesses.
11. Yes, an oral interview would aid in determining the true facts of this incident.

12. I was not present for the initial contact or use of force; however, I was present for the aftermath of this incident and I witnessed firsthand [REDACTED] lack of remorse for injuring Officer Busalacchi, and his unending badgering of Officer Buckley along with [REDACTED] continual use of offensive terms in a clear effort to provoke the officers at the scene. All of the officers at the scene remained professional throughout the incident.

Please note that California Government Code 3300 et seq and DGO 2.08 require members to answer questions in an administrative investigation, not respond to OCC investigator's directives to provide narrative statements. In the future, please provide specific questions so I may better aid in your investigation.



4/22/15

La Traviata Restaurant

2854 MISSION ST, SAN FRANCISCO, CA 94110. (415) 282-0500

[Home](#) [Menu](#) [Private Events](#) [Gallery](#) [Contact Us](#)

La Traviata Restaurant

Phone: (415) 282-0500, Email:
latraviatasf@gmail.com Address: 2854
Mission St, San Francisco, CA 94110 Hours:
Open Everyday 4:30 – 10:30 pm

[Directions to La Traviata](#)



[Home](#) [Menu](#) [Private Events](#) [Gallery](#) [Contact Us](#)

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

October 21, 2015



RE: 271-day Status Notice - OCC Complaint No: 0040-15

Dear [REDACTED]

This is to advise you that the investigation into the complaint you filed with the OCC on January 22, 2015, 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,

Jake Wechter
Investigator

COPY

cc: case file

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

October 16, 2015

Chief Gregory P. Suhr
San Francisco Police Department
Thomas J. Cahill Hall of Justice
1245 Third Street, 6 East
San Francisco, CA 94158

**RE: OCC Case No. 0040-15 – Notice of Potential Sustained Allegation
3304 Date – January 21, 2016**

Dear Chief Suhr:

This letter serves to inform you that while the investigation is being completed in OCC Case No. 0040-15, the potential exists that the following allegations may be sustained against Officer Nicholas Buckley #529:
Unnecessary Force for applying handcuffs too tightly on the complainant and
[REDACTED]

The incident that gave rise to the complaint is summarized as follows.

On November 11, 2014 at 00:29 hours, Officer Buckley contacted complainant [REDACTED] in the driveway in front of the complainant's girlfriend's house. Officer Buckley determined that the complainant was intoxicated and intended to place him under arrest for 647(f) PC. When Officer Buckley attempted to handcuff the complainant, the complainant refused to comply and physically resisted. Officers Buckley and his partner, Officer Frank Busalacchi #4330, wrestled the complainant to the ground. After a struggle, Officer Buckley handcuffed the complainant.

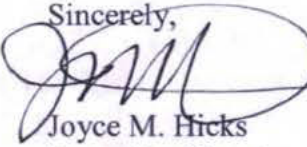
The complainant stated that Officer Buckley handcuffed his right wrist very tightly, causing extreme pain and causing the complainant to temporarily lose sensation in his right hand. The complainant stated that he yelled that the handcuff was too tight and asked Officer Buckley to adjust it, but Officer Buckley failed to do so.

The OCC was unable to complete its sustained report within nine months of the receipt of the complaint. We recognize that when this occurs, the OCC should provide you with this notice at least 90 days prior to the one-year statute of limitations date. We anticipate that the sustained report will be forwarded to you by **November 15, 2015**.

The following materials are enclosed to facilitate your review of this matter:

1. Complaint filed by Complainant [REDACTED] on January 22, 2015
2. Incident Report No. [REDACTED] dated November 11, 2014
3. Four color photographs of the complainant taken at the scene of his arrest, dated November 11, 2014
4. One color photograph of the complainant's wrist, dated November 11, 2014
5. San Francisco Fire Department Patient Care Report, dated November 11, 2014
6. San Francisco General Hospital Emergency Department Summary, dated November 11, 2014
7. San Francisco County Jail medical records, dated November 11, 2014
8. OCC digitally recorded interviews:
 - a) Complainant [REDACTED] January 22, 2015; February 3, 2015
 - b) Witness [REDACTED] February 2, 2015
 - c) Witness [REDACTED] February 2, 2015
 - d) Officer Nicholas Buckley #529, April 17, 2015
 - e) Officer Frank Busalacchi #4330, April 30, 2015
 - f) Officer Daniel Burns #4319, May 8, 2015

Please let me know if we can assist in expediting your review of this matter. J. Wechter is the assigned Investigator. He can be reached at (415) 241-7767. His supervisor, Acting Senior Investigator Sherry Fletcher, can be reached at (415) 241-7737.

Sincerely,

Joyce M. Hicks
Executive Director

Enclosures

cc: Captain Chris Pedrini, Risk Management Office



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

8000 8/25/15
August 21, 2015

Investigator J. Wechter
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #0040-15

Dear Investigator Wechter:

On 8/14/15 we received your Non-Routine Document Request regarding the above referenced case requesting **all regulations, procedures, training materials and other documentation concerning the operation and use of cellular phones issued to SFPD patrol officers.** Enclosed are the documents responsive to your request.

Sincerely,

LT. CHRIS WOON
Commanding Officer
Legal Division

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Director

Date: 08/14/2015 10:39

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: OCC Case No.: 40-15
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

All regulations, procedures, training materials and other documentation concerning the operation and use of cellular phones issued to SFPD patrol officers.

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 "J. Wechter".

J. Wechter
OCC Investigator

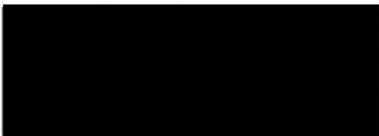
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

February 11, 2015



RE: OCC Complaint No. 40-15

Dear 

A copy of your complaint form is enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Wechter".

J. Wechter
Investigator



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

February 3, 2015

Investigator J. Wechter
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #40-15

Dear Investigator Wechter:

On January 23rd 2015, I received your non-routine request for memos or other documents generated as part of a use of force investigation in SFPD Incident Report No. [REDACTED]. There are no memos generated from this use of force investigation. Enclosed is the use of force log you requested.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	✓ PHYSICAL CONTROL	✓ STRIKE BY FIST OR OBJECT	✓ CHEMICAL AGENT/MACE/O.C.	✓ BATON/STRIKE OR JAB	✓ CAROTID RESTRAINT	✓ FIREARM	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
11/11/2014		OFF. BOCKLEY # 529	Sgt EDWARDS 541 Sgt MORRIS 1903	X	X					Yes No Unk	Yes No	Yes No	
11/11/2014		OFF. BOSALACCHI # 4330	Sgt EDWARDS 541 Sgt MORRIS 1903	X						Yes No Unk	Yes No	Yes No	
Capt. Daniel A. Perea #474 COMMANDING OFFICER (SIGNATURE)				Co. D UNIT		FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION. 1ST AND 15TH OF EACH MONTH							

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

February 3, 2015



RE: **OCC Complaint No. 40-15**

Dear [REDACTED]

A "Claim Against the City and County of San Francisco" form from the San Francisco Controller's Office is enclosed.

A copy of your complaint form and a brochure describing the Office of Citizen Complaints are also enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Wechter".

J. Wechter
Investigator



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

1/30/15



GREGORY P. SUHR
CHIEF OF POLICE

January 28, 2015

Investigator J. Wechter
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: OCC #40-15

Dear Investigator Wechter:

On January 23rd 2015, I received your non-routine request for a photo CD booked into evidence in SFPD Incident Report No. [REDACTED] Enclosed is the photo CD you requested.

Sincerely,

LT. Chris Woon
Commanding Officer
Legal Division

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

TO: San Francisco Sheriff's Office
Investigative Services Unit
Attn: Officer in Charge
25 Van Ness Ave., Room 350
San Francisco, CA 94102

Fax Number: 554-2392

FROM: J. Wechter, OCC Investigator

DATE: January 23, 2015

SUBJECT: Request for Prisoner Records

OCC Case No. 40-15

The OCC is currently investigating a complaint against several San Francisco Police officers. In order to proceed with this investigation, the information or documents described are needed by the assigned investigator. Please provide the information as soon as possible:

Name of Prisoner: [REDACTED]

DOB: [REDACTED]

SF No.: [REDACTED]

Court No.: [REDACTED]

Jail No. [REDACTED]

Date of Arrest: 11/11/14

Documents Requested: **Please provide a copy of the prisoner's Booking card, Housing Card, photograph and property record.**

Investigator: J. WECHTER

Telephone 241-7711

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

DATE: January 23, 2015

TO: Custodian of Records, Department of Emergency Services
1011 Turk Street, San Francisco, CA 94102

FROM: J. Wechter, Investigator, OCC

SUBJECT: Request for Communications Data

OCC CASE #: 40-15

Via Fax: 415-558-3869

I am currently investigating an O.C.C. complaint. I would like to review the data described as follows:

DATE: 11/11/14

TIME: 00:28 – 00:58

NAME (IF AVAILABLE):

TELEPHONE:

MATERIAL REQUESTED: Communications audio for CAD # [REDACTED]

DESCRIPTION OF THE INCIDENT 916 at Harrison & 26th St. by 3D16D

I would appreciate receipt of the above data as soon as possible. Thank you for your cooperation. Please call me if you have any questions. I can be reached at (415) 241-7711.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Director

Date: 01/23/2015 15:30

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 40-15
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

Photo CD booked into evidence in SFPD [REDACTED]

Memos or other documents generated as part of a use of force investigation in SFPD [REDACTED]

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 "J. Wechter".

J. Wechter
OCC Investigator

OCC Routine Document Request

To: Identification Section

Date/Time: 01/23/2015 15:16 OCC Investigator: J. Wechter

Phone #: 241-7711

SFPD Incident #:

OCC Case #: 40-15

Comments: For [REDACTED] for his arrest on 11/11/14.

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 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 checked="" 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) |
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| <input type="checkbox"/> Demonstration Memorandum (SFPD Form 77) | <input type="checkbox"/> Property Receipt Form (SFPD Form 315) |
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| <input type="checkbox"/> DMV Officer's Statement | <input type="checkbox"/> Public Intoxication Report (SFPD Form 69) |
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| <input type="checkbox"/> DMV Supplemental to Officer's Statement (Blood/Urine Test Results) | <input type="checkbox"/> Roll call training logs |
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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"/> 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) | |

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

January 23, 2015

S.F. County Jail Medical Records
Attn: Marilou Dudley.

Fax #: 415-553-9813

4 PAGES

**RE: REQUEST FOR PRISONER MEDICAL RECORDS
OCC Case No. 40-15**

Dear Ms. Dudley:

Per the attached Consent to Release Medical Records, please send a copy of the medical and psychiatric records, **including the nurse's triage medical screening form**, for:

[REDACTED]
[REDACTED]
[REDACTED]

for the period of 11/11/14

Thank you very much.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Wechter".

J. Wechter
Investigator

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

Date: January 23, 2015

SAN FRANCISCO FIRE DEPARTMENT/EMS
1415 Evans Ave.
P.O. Box 29176
San Francisco, Ca 94124
Att: Joe Mareschi, Director of Medical Records

VIA FAX (415)-920-2963

RE: OCC Case Number: 40-15

Dear Mr. Mareschi:

Per the attached Consent to Release Medical Records, please send a copy of the Patient Care Report, the Transfer of Care log and the Fire Dept. CAD for the ambulance transportation or medical treatment of [REDACTED] [REDACTED] received at [REDACTED] on 11/11/14, at approximately 00:30 hours BY **Medic 81.**

Please send this information at your earliest convenience to my attention at the Office of Citizen Complaints address (listed at the bottom of this page) or via Fax at (415) 241-7733. If you have any questions, please do not hesitate to contact me at (415) 241-7711.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Wechter".

J. Wechter
Investigator

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

January 23, 2015

San Francisco General Hospital
Attention: Medical Records Manager,
1001 Potrero Ave.
San Francisco, CA 94110

AUTHORIZATION FOR RELEASE OF INFORMATION

Re: OCC File No: 40-15

Patient: [REDACTED]
Social Security #: [REDACTED]
Date of Birth: [REDACTED]
Date of Admission: 11/11/14

Dear Medical Records Department Manager:

Please find enclosed a copy of the signed medical authorization form for [REDACTED]. Please send a copy of his medical records to:

Office of Citizen Complaints
25 Van Ness Ave., Suite 700
San Francisco, CA 94102
Attention: J. Wechter, Investigator

Your assistance is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Wechter".

J. Wechter
Investigator

enclosure: Signed Medical Authorization
cc: file

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Director

Date: 01/23/2015 14:22

Officer In Charge, Legal Division
Hall of Justice
850 Bryant Street, Room 575
San Francisco, CA 94103

VIA FACSIMILE: 553-7307

Re: OCC Case No.: 40-15
Non-Routine Request

The Office of Citizen Complaints is conducting an investigation of the above-referenced case. Please provide by fax (241-7733) the following documents:

Record of all E585 Traffic Stop Data Collection entries made from 11/10/14 through 11/12/14 by: Off. Nicholas Buckley # 529 and Off. Frank Busalacchi # 4330.

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 "J. Wechter".

J. Wechter
OCC Investigator

OCC Routine Document Request

To: Records

Date/Time: 01/22/2015 12:49 OCC Investigator: J. Wechter

Phone #: 241-7711

SFPD Incident #: [REDACTED]

OCC Case #: 40-15

Comments:

Deliver Documents:

☒ Fax OCC: 241-7733

☐ 25 Van Ness #700, 94102

2015 JAN 23 P 2:35

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.

- | | |
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| <input type="checkbox"/> Fleet management records | |
| <input type="checkbox"/> Hit and Run Record (SFPD Form 133) | |

OCC Routine Document Request

To: Records

Date/Time: 01/22/2015 12:49 OCC Investigator: J. Wechter

SFPD Incident #: [REDACTED]

Comments:

Phone #: 241-7711

OCC Case #: 40-15

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.

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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

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Justin Rice # 4353 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date and Time served: 4/8/15 1600
Date returned to OCC: _____

Reason for failure to serve: _____

Signature: [REDACTED] Star No. _____
Lt. Mark Im #2090

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

____ Complaint Form ☒ None

4353
Star No.

4-8-15 1610
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO


Joyce M. Hicks
 Executive Director
PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Daniel Burns # 4319 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Reason for failure to serve: _____

Date and Time served: 4/8/15 1600

Date returned to OCC: _____

Lt. Mark [REDACTED]

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form

___X___ None

[REDACTED]
Member's Signature4319
Star No.4/8/15 1600 HRS
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Roman Bayardo # 2373 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Reason for failure to serve: _____

Date and Time served: 4-8-15 2100

Date returned to OCC: _____

Lt. Mark Im #2096 [REDACTED]
Signature _____ Star No. _____

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

_____ Complaint Form X None

[REDACTED] 2373 4/8/15 2100
Member's Signature Star No. Date and Time Notified

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Gared Hansen # 2095 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date and Time served: 4-8-15 2100
Date returned to OCC: _____

Reason for failure to serve:

Lt. Mark Im #2096

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

___ Complaint Form X None

[Signature]
Member's Signature

2095
Star No.

4/8/15 2100
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Abigayle Lin # 4345 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 4/8/15

Date and Time served: 1600 (4/8/15)

Date returned to OCC: _____

Reason for failure to serve: _____

[REDACTED]

Signature
Lt. Mark Lin #2096

Star No. 4345

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

Complaint Form

X None

[REDACTED]

4345

Member's Signature

Star No.

Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Sgt. William Morales # 1903 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____
Date and Time served: 4-8-15 2:00
Date returned to OCC: _____

Reason for failure to serve: _____

Lt. Mark [REDACTED]
Signature _____ Star No. _____

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

Complaint Form ☒ None

[REDACTED] 4-8-15 2:00
Member's Signature _____ Star No. _____ Date and Time Notified _____

COMMISSION
OFFICE OF CITIZEN COMPLAINTS

COUNTY OF SAN FRANCISCO



**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**

TO: O.I.C./Commanding Officer, Mission Station.

FOR: Off. Nicholas M. Buckley #529 AS: [REDACTED]

FROM: Investigator J. Wechter DATE: April 1, 2015 OCC Case No.: 40-15

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 25 Van Ness Avenue, Suite 700, San Francisco, CA 94102 on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday, April 14, 2015, 4:15 p.m.

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than 48 hours before the appearance date.**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: A-6-15
Date/Time served: 1600 hrs
Date received by OCC: _____
Sgt. [REDACTED] #1825
Signature _____ Star No. _____

Reason for failure to serve or other comments:

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: ☒ Complaint Form ☒ Added Allegation Form

529
Star No.

1600 hrs 4/6/15
Date and Time Notified

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

PROOF OF SERVICE

TO: Commanding Officer / Officer in Command, Mission Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Dominique Ellis # 1614 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Reason for failure to serve: _____

Date and Time served: 4-10-15 1600Date returned to OCC: 4-10-15Lt. Mark Im #20 [REDACTED]

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

____ Complaint Form

X None[REDACTED]
Member's Signature1614
Star No.04/11/15 1600
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE

TO: O.I.C./Commanding Officer, Mission Station.

FOR: Off. Frank Busalacchi #4330 AS: [REDACTED]

FROM: Investigator J. Wechter DATE: April 1, 2015 OCC Case No.: 40-15

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 25 Van Ness Avenue, Suite 700, San Francisco, CA 94102 on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Thursday, April 30, 2015, 4:15 p.m.

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than 48 hours before the appearance date.**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 04/21/15

Date/Time served: 4-21-15 1600 HRS

Date returned to OCC:

Reason for failure to serve or other comments:

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: ☒ Complaint Form ☒ Added Allegation Form

Member's Signature

Star No.

Date and Time Notified

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**

TO: O.I.C./Commanding Officer, Mission Station.

FOR: Sgt. Scott Edwards #541 AS: [REDACTED]

FROM: Investigator J. Wechter DATE: May 11, 2015 OCC Case No.: 40-15

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 25 Van Ness Avenue, Suite 700, San Francisco, CA 94102 on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Tuesday, May 26, 2015, 9:15 p.m.

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone, no later than 48 hours before the appearance date.**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 5-15-15
 Date/Time served: 5-16-15 2300
 Date returned to OCC: _____
Sgt. Serujo #1825
 Signature _____ Star No. _____

Reason for failure to serve or other comments:

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following: _____ Complaint Form _____ Added Allegation Form

 Member's Signature Star No. 541 Date and Time Notified 5/16/15 2100

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 40-15 and is taking place on
(Date & Time) 4/30 4:28, at (Location) OCC
2. Conducting the interview is J. Wechter
3. Also present is _____
4. The member being interviewed is (Name & Star No.) Off. Frank Busalacchi # 4330
5. His/Her representative (or Attorney) is Off. Joseph C/na 4261

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Off. Busalacchi, have you read the statement of
(Complainant) [REDACTED], concerning an incident at
(Location) [REDACTED] on (Date & Time) 11/11/14, 12:29 a.m. ? ☒ Yes [] No
A. (If Applicable) Have you read the OCC 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

Officer (name) you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I., A, to cooperate with this OCC 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 without interruption by your representative.

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.

5. Do you understand these orders?

☒ Yes ☐ No

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?

no

3. The interview is concluded at (Time)

4:25 PM

BUSALACCHI

What docs review in prep?

Talk w/ Buckley?

Receive info about case?

About Buckley's int?

Patrol car windows up?

Radio on?

Hear anything?

What Buckley say?

See 2 people?

Report to dispatch?

When?

PIC or LOW band?

00:29:35

3D16D: D16D, 916.

Dispatch: D16D, go.

3D16D: Harrison and 26th, plate is [REDACTED] We're talking to two, we're sufficient.

Dispatch: Harrison and 26th, 10-4.

Where was [REDACTED]?

Partially on ground?

Buckley ask C if just driving?

"Is this your car?"

Buckley feel hood of car as approached?

Ask if had been driving?

Say still warm, C had been drinking & driving?

C say car was off, c/n cite for DUI?

Where speak w/ [REDACTED]?

What said?

What Buckley doing then?

When join Buckley?

Buckley order C to place hands behind back?

When grab C?

When was C not free to leave?

How fall to ground?

How did C land on ground?

Face/head?

C's face contact w/ concrete?

C's position?

Buckley's strikes to C's L leg, hip & side?

Did you strike C?

Buckley twist C's pinky finger?

Who handcuffed C?

1 or 2 pair (2 pair in photo)

Whose handcuffs? (black cuffs?)

How tightly?

Checked for tightness?

Double-locked?

When C raised to sitting?

C complain of tightness?

“I c/n feel my hand, it’s numb”?

Ask to loosen?

Response?

Other PO loosen cuffs?

How C become double-cuffed?

When 1st BU officers arrive?

Buckley jumping around?

Laughing?

C say Buckley “You shouldn’t be a PO”?

C ask for star #?

1/1

Response?

Busalacchi walk away?

■ questioned?

Where?

On steps?

What asked?

Keys on steps?

What was UOF investigation?

Injuries?

Return to Co D w/ Buckley?

E585 entries that shift?

(2 entries: 11/10, 22:50 & 23:55)

Understanding of DB 13-091?

E585 entry made for this incident?

Why not?

Buckley draw baton?

Push C w/ baton?

Strike C w/ baton?

**OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM**

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 40-15 and is taking place on

(Date & Time) 4/16/15 5:04, at (Location) OCC

2. Conducting the interview is J. Wechter

3. Also present is _____

4. The member being interviewed is (Name & Star No.) Off. Nicholas Buckley # 529

5. His/Her representative (or Attorney) is Mr. S. C. S. S. S. S.

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Off. Buckley, have you read the statement of

(Complainant) [REDACTED], concerning an incident at

(Location) [REDACTED] on (Date & Time) 11/11/14, 12:29 a.m. ? ☒ Yes ☐ No

A. (If Applicable) Have you read the OCC 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

Officer (name) you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I., A, to cooperate with this OCC 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 without interruption by your representative.

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.

5. Do you understand these orders?

☒ Yes ☐ No

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) 6:14 PM

BUCKLEY

Who was gonna?

Patrol car windows up?

Radio on?

Hear keys?

Report to 911?

Where was

Buckley feel hood of car as approached?

- 9/6

Ask if had been driving?

→ Air noise

Say still warm, C had been drinking & driving?

5/11

C say car was off, c/n cite for DUI?

Buckley draw baton?

Push C w/ baton?

Strike C w/ baton?

Buckley charge C?

Buckley strike C in L ribs?

How did C land on ground?

Face/head?

C's face pushed into concrete?

Buckley's strikes to C's L leg, hip & side?

Buckley twist C's pinky finger?

Who handcuffed C?

1 or 2 pair (2 pair in photo)

How tightly?

Squeeze R wrist?

Check for tightness?

Double-lock?

C complain of tightness? — NO2 was I Her —

"I c/n feel my hand, it's numb"?

Ask to loosen?

Response?

When 15205741?
Other PO loosen cuffs?

When call 148 on radio?

When 1st BU officers arrive? — NO

Buckley jumping around? — NO

Laughing? — NO

C say "You shouldn't be a PO"?

C ask for Busalacchi's star #? — 9/11

Response?

Busalacchi walk away?

questioned?

— 0 11/10 22:50 23:55
1/11 re call - 11/10

Where?

On steps?

What asked?

Keys on steps?

What was UOF investigation? — 7/10/11 23:55 23:55

Buckley make E585 entries that shift?

(2 entries: 11/10, 22:50 & 23:55)

— 10/11

Make E585 entry for this incident?

Why not?

1/11 was 11/10 23:55?

5/8/15
off Daniel Rogers # 4319 20-15

return of 20 - 148

calls on Rogers - Tel Aviv
N/3

1/ partner

for Rogers - 20 5:45 PM -

Spoke of for Rogers -
used 11:40 call phone -
S. Anderson -

not photos of computer -
phone call - 11:40
6:00 to 11:30 in pos

1/4 are lost to scene - not
found -

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 40-1- and is taking place on
(Date & Time) 10/2/11 4:18, at (Location) OCC
2. Conducting the interview is J. Wechter
3. Also present is _____
4. The member being interviewed is (Name & Star No.) Orville Brown 4314
5. His/Her representative (or Attorney) is _____

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) _____, have you read the statement of
(Complainant) _____, concerning an incident at
(Location) _____ on (Date & Time) _____? ☐ Yes ☐ No
A. (If Applicable) Have you read the OCC 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

Officer (name) you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I, A, to cooperate with this OCC 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 without interruption by your representative.

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.

5. Do you understand these orders?

☐ Yes ☐ No

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) _____

5/3/12

I interviewed **OFF. DANIEL BURNS #4319** as a witness in person at OCC (recorded):

Off. Burns stated that he was at Mission Station when he heard a broadcast of a 148 (resister) at 26th and Harrison. When Off. Burns and his partner (whose identity he didn't recall) arrived at 26th and Harrison, he saw a man (complainant [REDACTED]) sitting handcuffed on the sidewalk. [REDACTED] was yelling at Off. Buckley, challenging him to take off his star so he could beat him up.

Sgt. Edwards told Off. Burns to photograph the injuries that Offs. Buckley and Busalacchi sustained. Off. Burns took these photos using his SFPD-issued cell phone, which he thinks is a Samsung (Off. Burns did not have this phone with him at the time of the interview; he left it in his car). Off. Burns wasn't told to take photographs of anything else and stated that he did not take photographs of anything other than Off. Buckley's and Off. Busalacchi's injuries.

I showed Off. Burns four photographs of Off. Busalacchi taken at the scene, and he confirmed that he took these photographs. Off. Burns stated that he did not take the photographs of a car parked across the sidewalk, and didn't recall whether he photographed keys on the steps. Off. Burns did not remember taking photographs of [REDACTED]. When shown a photograph of [REDACTED] taken at the scene, Off. Burns stated that he did not recall taking this photo. Off. Burns did not know whether anyone else at the scene took photographs.

Off. Burns denied taking any photographs with an iPhone.

Off. Burns didn't recall anyone saying anything about [REDACTED] having injuries.

Off. Burns's only conversation with Officers Buckley and Busalacchi was to ask them if they were okay. Neither officer said anything to Off. Burns about what happened.

Off. Burns downloaded the photographs he took to a computer at Mission Station using a cord, but didn't know how the photographs were saved.

I pointed out to Off. Burns that in his Member Response Form, he wrote that when he arrived, he "saw the complainant laying on the ground handcuffed," that the complainant was "sat upright on the ground" and that he "saw Officers Buckley and Busalacchi sit the complainant in the upright position." Off. Burns stated that when he arrived, he saw [REDACTED] "laying in a seated position on the ground." Off. Burns also stated that [REDACTED] "was not lying on the ground but he was kind of slumped and they pushed him upright. So semi-seated to seated would have been a better way to phrase it."

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 40-15 and is taking place on
(Date & Time) 6/21/15 9:30 AM, at (Location) 15/20/15
2. Conducting the interview is Inv. Wechter
3. Also present is
4. The member being interviewed is (Name & Star No.) Sgt Scott Edwards
5. His/Her representative (or Attorney) is 541

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) _____, have you read the statement of
(Complainant) _____, concerning an incident at
(Location) _____ on (Date & Time) _____? ☐ Yes ☐ No
A. (If Applicable) Have you read the OCC 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 (name) you are obligated pursuant to DGO 2.01, Rule 21, and DGO 2.04, I, A, to cooperate with this OCC 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.

9:41 p.

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)

s:\invforms\memintv.doc

revised 11/24/10

~~2/30/15~~

40-5

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EO VARS #541

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Prüfung

Take any notes at scene?

When arrived?

Who else on scene?

What see when arrived?

██████ – seated or laying on ground?

Handcuffed?

How was Buckley rendering aid?

What told by Buckley & Busalacchi?

C have injury?

What told about injury?

What do at scene?

Tell Off. Burns to take photos?

Of what?

Car?

Keys?

C?

Why photos of C's hand cuffed behind back?

How did Burns take photos?

Anyone else take photos?

See photos?

Anything said about handcuffs?

C complain of handcuffs?

What done?

Loosened?

2 sets of cuffs?

Reviewed
OSTE
4/13/16 Z7

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

SFPD
RMS UNIT

2015 DEC 23 P 2:11



TO: GREGORY P. SUHR, CHIEF OF POLICE
FROM: JOYCE M. HICKS, EXECUTIVE DIRECTOR
DATE: December 22, 2015
SUBJECT: FINDINGS OF INVESTIGATION OF ALLEGED MISCONDUCT
CASE NUMBER: 0040-15
COMPLAINANT: [REDACTED]
NAMED OFFICER(S): Officer Nicholas Buckley #528

Joyce M. Hicks
Executive Director

ALLEGATIONSDISPOSITIONI CONCURI DO NOT
CONCUR

UNNECESSARY FORCE

#528

SUSTAINED

RECOMMENDATION

☐ I recommend that this complaint be submitted to the Police Commission.

☒ I do not recommend that this complaint be submitted to the Police Commission.

☐ I request a meeting with the Officer-In-Charge of the Internal Affairs Division to discuss this case before a final recommendation is provided to the Chief of Police.

☐ I request a meeting with the Chief of Police to discuss this case before the Chief of Police makes a final decision concerning discipline.

In any case where the Officer-In-Charge of the Internal Affairs Division, the Officer-in-Charge of the Risk Management Office or the Chief of Police determines that a complaint is not sustained, I request a meeting before notice to the officer is provided.

JOYCE M. HICKS, EXECUTIVE DIRECTOR

RECEIVED BY: [REDACTED]

12/23/15 IAD
Date Dept.

JMH: gl

GREGORY P. SUHR, CHIEF OF POLICE

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 1 of 7

SUMMARY OF ALLEGATION #1:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 2 of 7

SUMMARY OF ALLEGATION #1 continued:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 3 of 7

SUMMARY OF ALLEGATION #2: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that after he told the named officer that he could not be cited because the car was parked and the engine was off, the named officer charged at him with his baton drawn, tackled him and struck him with his baton. After the complainant fell to the ground, the named officer pushed the complainant's face into the concrete, causing injuries to the complainant's face. When the named officer handcuffed the complainant, the named officer clamped the handcuff on the complainant's right wrist very hard, causing the complainant to experience significant pain and numbness in his right wrist and hand. The complainant stated he yelled that his hand was numb because one cuff was too tight and asked the named officer to loosen that handcuff, but the named officer ignored him. Fifteen to twenty minutes later, an unidentified officer loosened and adjusted the handcuffs.

The complainant's friend stated that after the named officer touched the hood of the car and asked whether they had been driving, the named officer drew his baton and used it to push the complainant in the chest. The named officer then grabbed the complainant by the arms, while the named officer's partner assisted him. The complainant's friend stated the complainant went to the ground, but she did not know how he ended up on the ground. She denied the complainant fought with the officers. She stated she then saw the complainant sitting cross-legged on the sidewalk with his hands cuffed behind his back and heard him say that his wrist hurt.

The complainant's friend's [REDACTED] neighbor stated that she awoke and heard someone yelling for help. She went to her front window and saw two officers who were on top of the complainant, who was facedown on the sidewalk with his arms behind his back. The officers appeared to be handcuffing the complainant. The officers lifted the complainant up and she saw that the complainant had blood on his face. She heard the complainant say that his arm hurt and "you put it on too tight," and heard him ask the officers to loosen the handcuff. Several minutes later, the same officer who handcuffed the complainant and lifted him up from the ground shone a flashlight on the complainant's arm. She stated she saw that the fat of the complainant's hands were being squished because the handcuffs were too tight. The officer told the complainant not to move because he was going to loosen the handcuffs, which he did.

The San Francisco Fire Department Patient Care Report prepared by paramedics who transported the complainant from the scene of his arrest to the hospital showed that the complainant complained of pain to his right hand, left elbow, right shoulder and right knee. The report also indicated that the complainant had dried blood in both nostrils of his nose.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 4 of 7

SUMMARY OF ALLEGATION #2 continued: The complainant's medical records from the hospital where he was taken immediately after his arrest showed that he reported pain and numbness to his right wrist as a result of tight handcuffs and that he had an abrasion to his face. The records described numbness in the complainant's radial and median nerve distribution, and diagnosed his problem as "likely neuropraxia from handcuffs." It also described "External injuries with L (left) nares bleeding" which had ceased. The written instructions given to the complainant by the hospital stated that they thought he had temporary damage to a nerve in his right wrist caused by handcuffs and that it should gradually improve over the next several weeks.

The complainant's county jail medical records showed that during his physical exam at the jail several hours after his arrest, he was diagnosed with neuropraxia of the right wrist. They noted abrasions to the complainant's left cheek, right wrist, left knee and on both sides of his chest, and dried blood in his right nostril.

A photograph of the complainant's right wrist taken approximately sixteen hours after his arrest shows red marks and an abrasion on the outside of his right wrist.

One of the officers who responded as back-up for the named officer took four photographs of the complainant seated on the sidewalk. Two of these photographs were taken from behind the complainant and show him with two pairs of handcuffs that are linked together on his wrists. Two were taken from in front and show the complainant with blood on his face that appears to be dripping from his nose.

The named officer acknowledged placing a set of black handcuffs that he had personally purchased on the complainant's wrists. The named officer stated he checked the handcuffs for the proper degree of tightness by fitting the tip of his index finger between the handcuff and the complainant's ulna bone and then double-locked the handcuffs. The named officer stated that he never heard the complainant complain that the handcuffs were too tight and did not recall whether the handcuffs were ever adjusted. He did not see any officer adjust the complainant's handcuffs. The named officer stated that he did not recall two pairs of handcuffs being used to handcuff the complainant.

The named officer denied drawing his baton or striking the complainant with a baton, denied striking the complainant with anything but his fist and denied that he or any other officer pushed the complainant's face into the ground. He stated he did not see the complainant's face strike the ground but assumed the complainant sustained the injuries to his face when he fell.

The named officer's partner confirmed the named officer's account regarding how contact was made with the complainant, the attempts to handcuff the complainant and the complainant's physical resistance. He stated he did not strike the complainant, did not see the named officer strike the complainant, and denied that the named officer drew his baton.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 6 of 7

SUMMARY OF ALLEGATION #2 continued: The next-door neighbor's statement that the complainant complained about his handcuff being too tight provides credible, independent corroboration that the complainant told officers his handcuff was too tight. Her statement that she saw the tight handcuff squeezing the complainant's skin just before an officer adjusted his handcuffs provides additional corroboration.

The named officer and his partner denied adjusting the complainant's handcuffs or placing a second set of handcuffs on his wrists, and none of the other officers who were present recalled doing this. The next-door neighbor identified the officer who initially handcuffed the complainant and brought him to his feet as the officer who later adjusted the complainant's handcuffs.

A preponderance of the evidence established that the complainant complained of pain to his wrist and that his complaint justified adjusting his handcuffs. The complainant's injury to his right wrist is consistent with the handcuff compressing his wrist, and indicates that the handcuff was placed on his wrist too tightly. A preponderance of the evidence established that the named officer used unnecessary force by handcuffing the complainant's right wrist too tightly, causing injury to the complainant's wrist.

A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #3: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED] **FINDING:** [REDACTED] **DEPT. ACTION:**

FINDINGS OF FACT: [REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 5 of 7

SUMMARY OF ALLEGATION #2 continued:



**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 7 of 7

SUMMARY OF ALLEGATION #4: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT: [REDACTED]

SUMMARY OF ALLEGATION #5: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]

FINDING: [REDACTED]

DEPT. ACTION:

FINDINGS OF FACT: [REDACTED]

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

December 22, 2015



Joyce M. Hicks
Executive Director

COPY

RE: OCC Case No. 0040-15

Dear [REDACTED]

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** findings as to each allegation:

The allegation of **Unnecessary Force** against a police officer for using unnecessary force on you is **Sustained**.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

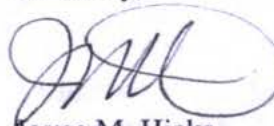
Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Jake Wechter** at **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:

Office of Citizen Complaints
ATTN: Investigative Hearing Coordinator
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

[REDACTED]
OCC Case No. 0040-15

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC'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,

A handwritten signature in blue ink, appearing to be "JMH", enclosed within a blue oval.

Joyce M. Hicks
Executive Director

JMH:gl
Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

December 22, 2015

Officer Nicholas M. Buckley #528
Tenderloin Station

COPY



Joyce M. Hicks
Executive Director

RE: OCC Case No. 0040-15

Dear Officer Buckley:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** findings as to each allegation:

The allegation of **Unnecessary Force** for using unnecessary force on the complainant is **Sustained**.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 OCC 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, **Jake Wechter** at **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:

Office of Citizen Complaints
ATTN: Investigative Hearing Coordinator
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Officer Nicholas Buckley
OCC Case No. 0040-15

Page 2

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC'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,

A handwritten signature in blue ink, appearing to be "JM", enclosed within a blue oval.

Joyce M. Hicks
Executive Director

JMH:gl
Attachment Enclosed
cc: Commanding Officer

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



December 31, 2015

COPY

Joyce M. Hicks
Executive Director

[REDACTED]
Mission Station

Re: OCC Case #0040-15

Dear [REDACTED]

Your name has been removed from the above-mentioned complaint. All our records will be changed to reflect the correction.

If you have any questions regarding this matter, please call **Jake Wechter** at 241-7711.

Sincerely,

A handwritten signature in black ink, appearing to read "JMH", enclosed within a large, loopy oval.

Joyce M. Hicks
Executive Director

JMH:gl

cc: Commanding Officer

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

December 31, 2015

COPY

[REDACTED]
Mission Station

Re: OCC Case #0040-15

Dear [REDACTED]

Your name has been removed from the above-mentioned complaint. All our records will be changed to reflect the correction.

If you have any questions regarding this matter, please call **Jake Wechter** at 241-7711.

Sincerely,

A handwritten signature in black ink, appearing to be "JMH", enclosed within a large, loopy oval shape.

Joyce M. Hicks
Executive Director

JMH:gl

cc: Commanding Officer

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/22/2015

DATE OF COMPLETION:

PAGE# 1 of 7

SUMMARY OF ALLEGATION #1:

CATEGORY OF CONDUCT:

UA

FINDING:

NS

DEPT. ACTION:

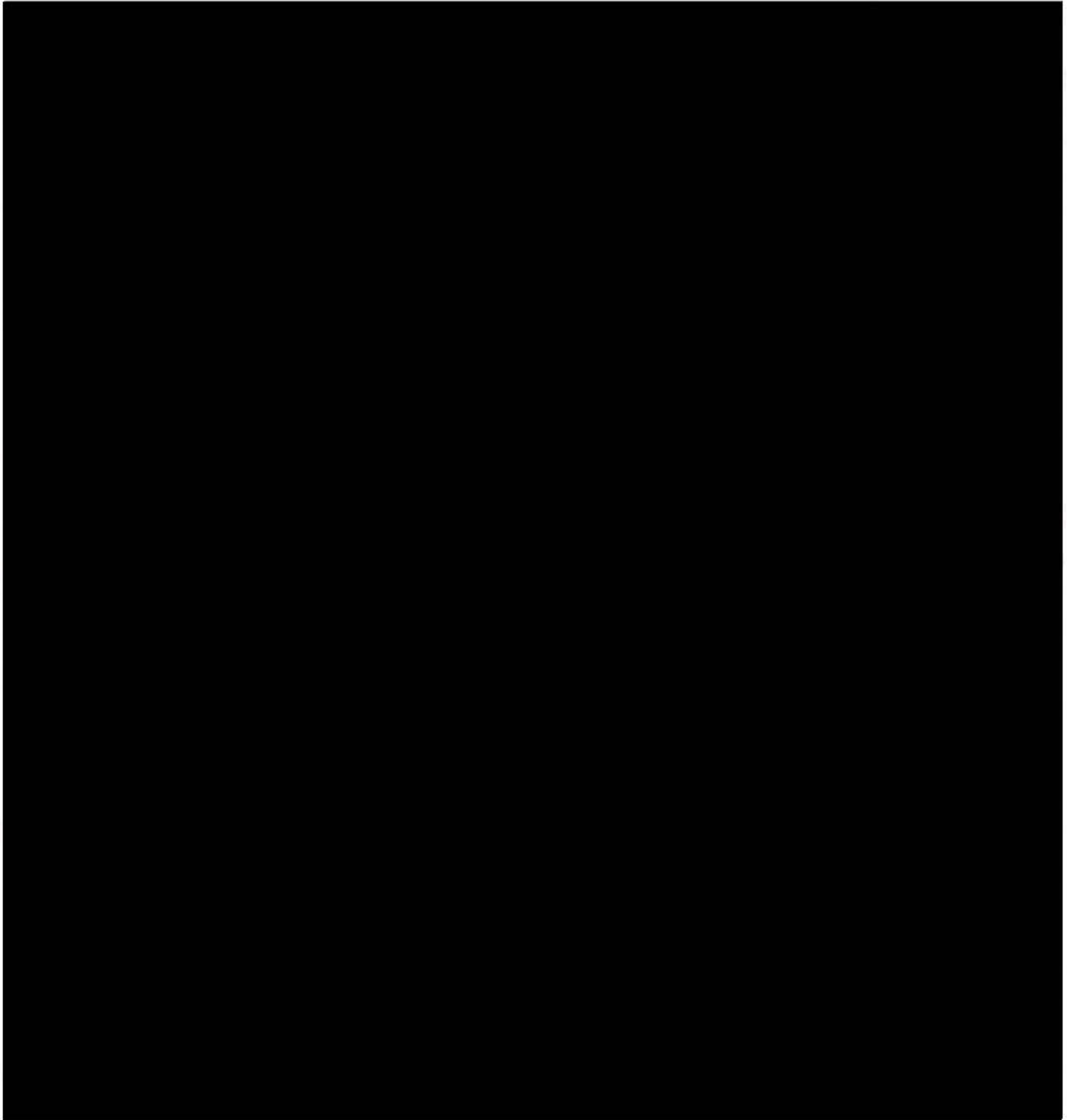
FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/22/2015

DATE OF COMPLETION:

PAGE# 2 of 7



**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT****DATE OF COMPLAINT: 1/22/2015****DATE OF COMPLETION:****PAGE# 3 of 7****Officer Nicholas Buckley #528****SUMMARY OF ALLEGATION #2:** The officer used unnecessary force on the complainant.**CATEGORY OF CONDUCT: UF FINDING: S DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that after he told the named officer that he could not be cited because the car was parked and the engine was off, the named officer charged at him with his baton drawn, tackled him and struck him with his baton. After the complainant fell to the ground, the named officer pushed the complainant's face into the concrete, causing injuries to the complainant's face. When the named officer handcuffed the complainant, the named officer clamped the handcuff on the complainant's right wrist very hard, causing the complainant to experience significant pain and numbness in his right wrist and hand. The complainant stated he yelled that his hand was numb because one cuff was too tight and asked the named officer to loosen that handcuff, but the named officer ignored him. Fifteen to twenty minutes later, an unidentified officer loosened and adjusted the handcuffs.

The complainant's friend stated that after the named officer touched the hood of the car and asked whether they had been driving, the named officer drew his baton and used it to push the complainant in the chest. The named officer then grabbed the complainant by the arms, while the named officer's partner assisted him. The complainant's friend stated the complainant went to the ground, but she did not know how he ended up on the ground. She denied the complainant fought with the officers. She stated she then saw the complainant sitting cross-legged on the sidewalk with his hands cuffed behind his back and heard him say that his wrist hurt.

The complainant's friend's [REDACTED] neighbor stated that she awoke and heard someone yelling for help. She went to her front window and saw two officers who were on top of the complainant, who was facedown on the sidewalk with his arms behind his back. The officers appeared to be handcuffing the complainant. The officers lifted the complainant up and she saw that the complainant had blood on his face. She heard the complainant say that his arm hurt and "you put it on too tight," and heard him ask the officers to loosen the handcuff. Several minutes later, the same officer who handcuffed the complainant and lifted him up from the ground shone a flashlight on the complainant's arm. She stated she saw that the fat of the complainant's hands were being squished because the handcuffs were too tight. The officer told the complainant not to move because he was going to loosen the handcuffs, which he did.

The San Francisco Fire Department Patient Care Report prepared by paramedics who transported the complainant from the scene of his arrest to the hospital showed that the complainant complained of pain to his right hand, left elbow, right shoulder and right knee. The report also indicated that the complainant had dried blood in both nostrils of his nose.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT****DATE OF COMPLAINT: 1/22/2015****DATE OF COMPLETION:****PAGE# 4 of 7**

The complainant's medical records from the hospital where he was taken immediately after his arrest showed that he reported pain and numbness to his right wrist as a result of tight handcuffs and that he had an abrasion to his face. The records described numbness in the complainant's radial and median nerve distribution, and diagnosed his problem as "likely neuropraxia from handcuffs." It also described "External injuries with L (left) nares bleeding" which had ceased. The written instructions given to the complainant by the hospital stated that they thought he had temporary damage to a nerve in his right wrist caused by handcuffs and that it should gradually improve over the next several weeks.

The complainant's county jail medical records showed that during his physical exam at the jail several hours after his arrest, he was diagnosed with neuropraxia of the right wrist. They noted abrasions to the complainant's left cheek, right wrist, left knee and on both sides of his chest, and dried blood in his right nostril.

A photograph of the complainant's right wrist taken approximately sixteen hours after his arrest shows red marks and an abrasion on the outside of his right wrist.

One of the officers who responded as backup for the named officer took four photographs of the complainant seated on the sidewalk. Two of these photographs were taken from behind the complainant and show him with two pairs of handcuffs that are linked together on his wrists. Two were taken from in front and show the complainant with blood on his face that appears to be dripping from his nose.

The named officer acknowledged placing a set of black handcuffs that he had personally purchased on the complainant's wrists. The named officer stated he checked the handcuffs for the proper degree of tightness by fitting the tip of his index finger between the handcuff and the complainant's ulna bone and then double-locked the handcuffs. The named officer stated that he never heard the complainant complain that the handcuffs were too tight and did not recall whether the handcuffs were ever adjusted. He did not see any officer adjust the complainant's handcuffs. The named officer stated that he did not recall two pairs of handcuffs being used to handcuff the complainant.

The named officer denied drawing his baton or striking the complainant with a baton, denied striking the complainant with anything but his fist and denied that he or any other officer pushed the complainant's face into the ground. He stated he did not see the complainant's face strike the ground but assumed the complainant sustained the injuries to his face when he fell.

The named officer's partner confirmed the named officer's account regarding how contact was made with the complainant, the attempts to handcuff the complainant and the complainant's physical resistance. He stated he did not strike the complainant, did not see the named officer strike the complainant, and denied that the named officer drew his baton.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/22/2015

DATE OF COMPLETION:

PAGE# 5 of 7

The named officer's partner stated that he and the named officer handcuffed the complainant using a single pair of handcuffs, but he did not recall who placed the handcuffs on the complainant's wrists. He did not recall the complainant complaining of tight handcuffs, did not recall doing anything to adjust the handcuffs and did not recall any other officer adjusting the handcuffs. He stated that he did not recall anyone placing a second set of handcuffs on the complainant's wrists. He stated that when a second set of handcuffs is placed on a subject after they have already been handcuffed, it is for the subject's comfort, and that placing a second set of handcuffs on a subject creates an officer safety issue.

Records from the Department of Emergency Management showed that the named officer and his partner reported contacting a suspicious vehicle at the location of the complainant's arrest and that sixty seconds later, they reported that they had a resisting subject.

Witness officers who responded as backup for the named officer and his partner stated that the complainant did not complain about tight handcuffs in their presence or that they did not recall the complainant complaining tight handcuffs.

A sergeant who responded to the scene and conducted a use of force investigation stated in his written response to a Member Response Form that the complainant refused to talk to him and that the complainant's companion told him the complainant was intoxicated and that the named officer and his partner threw the complainant to the ground because the complainant was being an "idiot." He stated in his written response that the complainant asked the named officer to remove his handcuffs and fight him, but that the complainant did not complain about tight handcuffs. The sergeant stated during an OCC interview that he had no independent recollection of this incident and had no recollection about a second set of handcuffs being placed on the complainant. He stated the only possible reason for adding a second set of handcuffs would be if the subject was experiencing discomfort, and that this would only be done if the subject was not combative and if there were sufficient officers on the scene to control the subject.

There was insufficient evidence to either prove or disprove the complainant's claim that the named officer struck him with a baton, tackled him without provocation or pushed his face into the ground. Although the complainant's friend corroborated his claim about the named officer using his baton, her credibility and the credibility of the complainant are diminished because other evidence contradicted several elements of their account.

The complainant's medical records and the photograph of his wrist established that he sustained an injury consistent with a handcuff being applied too tightly on his right wrist. The photographs of the complainant at the arrest scene established that at some point after he was initially handcuffed, a second pair of handcuffs was placed on his wrists. The complainant's friend stated that immediately after the complainant was handcuffed, he complained about pain to his wrist.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT****DATE OF COMPLAINT: 1/22/2015****DATE OF COMPLETION:****PAGE# 6 of 7**

The [REDACTED] statement that the complainant complained about his handcuff being too tight provides credible, independent corroboration that the complainant told officers his handcuff was too tight. Her statement that she saw the tight handcuff squeezing the complainant's skin just before an officer adjusted his handcuffs provides additional corroboration.

The named officer and his partner denied adjusting the complainant's handcuffs or placing a second set of handcuffs on his wrists, and none of the other officers who were present recalled doing this. The next-door neighbor identified the officer who initially handcuffed the complainant and brought him to his feet as the officer who later adjusted the complainant's handcuffs.

A preponderance of the evidence established that the complainant complained of pain to his wrist and that his complaint justified adjusting his handcuffs. The complainant's injury to his right wrist is consistent with the handcuff compressing his wrist, and indicates that the handcuff was placed on his wrist too tightly. A preponderance of the evidence established that the named officer used unnecessary force by handcuffing the complainant's right wrist too tightly, causing injury to the complainant's wrist.

A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

[REDACTED]
SUMMARY OF ALLEGATION #3: [REDACTED]

CATEGORY OF CONDUCT: [REDACTED]**FINDING:** [REDACTED]**DEPT. ACTION:****FINDINGS OF FACT:** [REDACTED]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 1/22/2015

DATE OF COMPLETION:

PAGE# 7 of 7

[REDACTED]
SUMMARY OF ALLEGATION #4:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

[REDACTED]
SUMMARY OF ALLEGATION #5:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 1 of 4

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

1/22/15

JW

Prior to starting the interview with comp [REDACTED] I ran his QALL and located this incident (IR # [REDACTED]) an arrest on 11/11/14, 00:29 hours at [REDACTED] for resisting arrest, battery of an officer and being under the influence of alcohol in a public place. V/R was Off. Nicholas M. Buckley # 529, who also wrote the IR, who was working as 3D16D with Off. Busalacchi # 4330.

I ran the CAD (CAD # [REDACTED]) a 916 (suspicious vehicle) reported by 3D16D (Buckley & Busalacchi) at 00:29:54 at Harrison & 26th with an LP # [REDACTED] At 00:30 3D16D reported a 148 and multiple units responded. 3D16D reported a Code 4 at 00:32:07 and at 00:33:03 reported "slow response one in cuffs." At 00:33:30 they requested a 408 for a 40 YOM C/B bleeding from face bleeding semi controlled."

I interviewed complainant [REDACTED] in person at OCC (recorded):

NOTE: [REDACTED] had to end the interview after 30 minutes so I was unable to ask all the follow-up questions I wanted to. I told [REDACTED] I would complete the interview by telephone.

BRIEF SUMMARY:

[REDACTED] and his friend [REDACTED] ate dinner at La Traviata (Mission between 24th & 25th). [REDACTED] had one glass of wine with dinner; thinks they left there between 9:00 and 10:00 p.m. They drove to [REDACTED] home at [REDACTED] [REDACTED] was driving. He d/n notice police car as driving.

Pulled into driveway, parked car there, exited car. [REDACTED] on passenger side of car, possibly getting something out of car. Marked police car pulled up directly behind their car, shone spotlight on [REDACTED] who was at bottom of stairs leading up to residence¹. 2 officers in car: # 529 (H/M, late 20s – early 30s, 5'5" – 5'6", 180 – 190 lbs., with medium-length curly hair). [REDACTED] couldn't clearly see the second officer because the spotlight was in his eyes.

Off. Buckley asked [REDACTED] "What are you doing?" [REDACTED] replied, "Going home." Off. Buckley asked [REDACTED] if he had been drinking and driving. [REDACTED] replied that they were coming from dinner where he had one glass of wine. Off. Buckley felt the hood of [REDACTED] car, said it was still warm and told [REDACTED] he had been drinking and driving. [REDACTED] told Off. Buckley that he was going inside the house, that the car was off and that he couldn't cite him for that.

¹ Per Google Street View photo, a one-story house with a garage at street level; stairs appear to be L-shaped from sidewalk to front door.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 2 of 4

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

Off. Buckley "charged" at [REDACTED] who was standing with his back to the house. Off. Buckley moved towards him at a "slow run" with his baton in his left hand and his right hand pushing outward, palm-out, from his chest. Off. Buckley said something like "Put your hands up" or "Move back." [REDACTED] hands were at his side.

[REDACTED] asked Off. Buckley, "What are you doing?"

Off. Buckley "tackled" [REDACTED] pushing [REDACTED] with his right hand and striking [REDACTED] with his baton in the area of his left ribs (where [REDACTED] continued to feel pain for several weeks afterwards.) [REDACTED] fell to the ground face down.

Off. Buckley was on top of [REDACTED] Off. Buckley placed his hand on the back of [REDACTED] head and pushed [REDACTED] face into the concrete more than once, causing [REDACTED] to bleed from his face. [REDACTED] yelled, "Stop." Off. Buckley twisted [REDACTED] pinky finger causing pain and told [REDACTED] he was under arrest. [REDACTED] told Off. Buckley, "I'm not doing anything. Why are you doing this?"

Off. Buckley told [REDACTED] "Give me your hand." Off. Buckley cuffed [REDACTED] left wrist normally, but when he placed the cuff on [REDACTED] right wrist he clamped it down very hard, causing extreme pain and causing [REDACTED] to lose feeling in his right hand. [REDACTED] screamed about the tight handcuff, yelling, "I cannot feel my hand, it's numb," and asked Off. Buckley to loosen it. Off. Buckley did not loosen the handcuffs. [REDACTED] complained, "My hand really hurts. He squeezed it too hard. One cuff is too tight. I cannot feel my hand." After 15 to 20 minutes, the handcuffs were loosened and adjusted by an unidentified W/M officer with short hair.

Off. Buckley got up and left [REDACTED] lying on the ground. Other officers arrived. [REDACTED] observed Off. Buckley "jumping around smiling" and throwing shadow punches like a boxer in a boxing ring. Off. Buckley appeared to be "very happy." [REDACTED] told Off. Buckley that he "shouldn't be a police officer. You're not the right person for this job." Off. Buckley and the other officers present "were making jokes at one another" and laughing, but [REDACTED] c/n recall what they said. Some officers seemed to be trying to calm Off. Buckley down, telling him something like "settle down."

Off. Buckley didn't say anything to [REDACTED] after he was handcuffed.

[REDACTED] didn't recall how he was taken to his feet. He was placed in the back of a patrol car and was transported to SFGH. After he was treated he was taken to jail. He was released the next day. [REDACTED] went to court the following Monday where all of the charges were dismissed.

[REDACTED] took 400 mg of Ibuprofen at 3:00 or 4:00 p.m. but did not take any other medications that day.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 3 of 20

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

[REDACTED] can be contacted at [REDACTED]

[REDACTED] signed a medical release. [REDACTED] stated that he hopes to obtain money from the city to cover the cost of his medical expenses. I explained that filing an OCC complaint was unconnected with seeking to recover damages.

1/22/15

JW

I attached the following allegations to the 293 form, copied to Admin Team:

[REDACTED]

Unnecessary Force: The officer used unnecessary force on the complainant: Off. Nicholas Buckley # 529

[REDACTED]

[REDACTED]

[REDACTED]

1/22/15

JW

I ordered IR # [REDACTED]

I ran the Unit History for 3D16D for 11/10/14 – 11/11/14: No activity between 00:02, when they cleared a 916 (CAD # [REDACTED]) at 22nd and Mission.

1/23/15

JW

I sent a Non-Routine Request to SFPD Legal for: Record of all E585 Traffic Stop Data Collection entries made from 11/10/14 through 11/12/14 by: Off. Nicholas Buckley # 529 and Off. Frank Busalacchi # 4330.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 4 of 20

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

1/23/15

JW

I mailed or faxed requests for the following:

- [REDACTED] medical records from SFFD-EMS, SFGH and Jail medical Services;
- [REDACTED] mug shot for 11/11/14;
- [REDACTED] jail records for 11/11/14;
- Non-Routine Request to SFPD Legal for: A photo CD booked into evidence in SFPD [REDACTED] Memos or other documents generated as part of a use of force investigation in SFPD [REDACTED]
- Communications audio for CAD # [REDACTED]

1/23/15

JW

I printed out photographs descriptions for:

- Off. Nicholas Buckley # 529: W/M, 20-30, 5'10", 170 lbs., brown hair
- Off. Frank Busalacchi # 4330: W/M, 30-40, 5'7", 162 lbs., brown hair/balding

2/2/15

JW

I received IR # [REDACTED] written by Off. Nicholas Buckley # 529 documenting the arrest of the comp on 11/11/14, 00:29 at [REDACTED] for resisting arrest, battery of an officer and being under the influence of alcohol in a public place. It lists [REDACTED], who is listed as [REDACTED] as a witness and lists a CD with 22 photos of [REDACTED] Off. Buckley and Busalacchi's injuries and the scene booked into evidence. It includes a 2-page statement written by his partner, Off. Frank Busalacchi. Narrative and written statement by Off. Busalacchi follow:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 5 of 20

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

Jan. 22, 2015 3:18PM

No. 0049 P. 6/9

Report Type: Initial

Retrieved by a00961 on 1/22/2015 at 2:47:30 PM
San Francisco Police Department
INCIDENT REPORT

NARRATIVE

On 11/11/2014 at approximately 0029 hrs, I (Officer Buckley #529) was patrolling the Mission district in full police uniform and a marked patrol vehicle with my partner (RV1) Officer Busalacchi #4330. Ofc. Busalacchi was driving and I was sitting in the front passenger seat.

We were heading northbound on Harrison Street, crossing 26th Street, when I heard an unknown male scream, "Fuck!" I immediately looked to my right, towards the area where I heard the scream and observed an unknown Hispanic male, later identified as [REDACTED] with his torso and arms laying on the street and the lower half of his body seated in the driver's seat of a tan (UO1) Honda Civic. The vehicle was parked perpendicular to the east curb line of Harrison Street, half in the street and half on the driveway/sidewalk, directly in front of [REDACTED]. I also observed an unknown female, later identified as [REDACTED] seated upright and facing forward in the vehicle's passenger seat.

Due to the position of the car and the panicked tone of [REDACTED] voice, I exited our patrol vehicle to ascertain whether [REDACTED] and [REDACTED] were having an emergency and/or in need of help. I walked toward [REDACTED] and asked him if he was okay and observed [REDACTED] appeared to be reaching for a set of keys, which were on the street pavement directly in front of his outstretched arms. [REDACTED] looked up at me and I observed his eyes were blood shot and watery. [REDACTED] reached his arms out farther towards the keys and the lower portion of his body fell out of the vehicle. [REDACTED] attempted to brace himself but was unable to, and his entire body crumpled onto the street pavement beside his vehicle.

[REDACTED] retrieved his keys and attempted to stand up, but he lost his balance and remained on the pavement. I approached [REDACTED] to help him up so that he would not fall over again and injure himself, but [REDACTED] waved me away and refused my assistance. [REDACTED] slowly staggered to his feet and I observed he had difficulty maintaining his balance. [REDACTED] looked directly at me, laughed and stated that he was fine. I observed [REDACTED] speech was thick and slurred. Due to my training and experience, I believed [REDACTED] actions were symptomatic of being under the influence of alcohol. Due the fact [REDACTED] was in public, under the influence of alcohol, and unable to care for his own safety, I determined to place [REDACTED] under arrest for 647(f)PC.

I asked [REDACTED] if he had been driving and he laughed and said that he had been driving but the keys weren't in the ignition and I couldn't do anything about it. The tone in [REDACTED] slurred speech was very antagonistic. I told [REDACTED] to step onto the sidewalk and he quickly turned and started walking towards the front steps of [REDACTED]. I believed [REDACTED] was going to walk up the steps so I ordered him to stop, and he threw the keys onto the landing of the front steps of [REDACTED] still remained seated in the front passenger seat of the vehicle.

I told [REDACTED] to show me his hands and he became visibly agitated. [REDACTED] raised his voice and yelled at me that I had no right telling him what to do. [REDACTED] speech was still slurred, his gait was uneven, and his upper body was swaying from side to side. I told [REDACTED] to calm down and he began yelling that the police had better things to do than bother him.

I believed [REDACTED] was intoxicated, he refused to follow my simple instructions, and he was becoming visibly agitated. I ordered [REDACTED] to place his hands behind his back and attempted to take him into custody. [REDACTED] did not comply with my order so I grabbed his right wrist and Ofc. Busalacchi grabbed onto his left wrist. I felt [REDACTED] immediately tense the muscles in his right arm and upper body, causing his arms to become rigid at his side. This action prevented Ofc. Busalacchi and I from placing [REDACTED] hands behind his back into handcuffs (148(a)(1)PC). As Ofc. Busalacchi and I struggled to control [REDACTED] and place him into custody, I ordered him several more times to place his hands behind his back. [REDACTED] powerfully thrust his upper body downward, and violently twisted his body from side to side. Ofc. Busalacchi and I wrestled [REDACTED] to the ground and I told him he was under arrest. I continued to order him to stop resisting us and to place his hands behind his back, yet [REDACTED] continued to resist us.

Incident# [REDACTED]

Page 4 of 5

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 6 of 20

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

Jan. 22, 2015 3:18PM

Retrieved by p00961 on 1/22/2015 at 2:47:30 PM
San Francisco Police Department
SFPD Records 146-1286

No. 0049 P. 7/9

Report Type: Initial

I attempted to grab [REDACTED] right wrist and use a bent wrist control hold to take him into custody, however, [REDACTED] violently fought to pull arms and hands away from me and towards his body. I observed [REDACTED] had exited the vehicle and approached Ofc. Busalacchi and I from behind. I ordered [REDACTED] to get back and she ceased her movement towards us. Up to this point, I had not conducted any type of search on [REDACTED] and became very concerned that [REDACTED] may possess a weapon. Due to [REDACTED] continued resistance, his size (approximately 5'9"/200lbs) and demeanor, and the ineffectiveness of my control holds, I was forced to strike [REDACTED] with my fist several times to his left leg, hip and side in an attempt to take him into custody, yet he continued to resist. I grabbed onto his right hand and bent his fingers back towards the top of his wrist. [REDACTED] yelled in pain, placed his hands behind his back and I finally placed him into custody.

I observed [REDACTED] was bleeding from the nose and mouth area. I summoned an ambulance to our location and Medic 81 responded to assess [REDACTED] injuries.

I also observed Ofc. Busalacchi sustained injuries as a result of [REDACTED] resistance (See Ofc. Busalacchi's statement for further information).

3D102 Sergeant Edwards #541 and 3D112 Sergeant Morales #1903 responded to our location. Sgt. Morales conducted a use of force investigation, and subsequently made an entry into the Use of Force Log at Mission Station.

With the approval of Sgt. Edwards, [REDACTED] was placed under arrest for 647(f)PC, 148(a)(1)PC. Since Ofc. Busalacchi sustained a visible injury as a result of [REDACTED] resistance, he was also arrested for 243(b)PC.

While on scene, Ofc. Busalacchi's injuries were assessed and treated by Medic 81.

While at the scene and in handcuffs, [REDACTED] continued to yell at me and repeatedly challenged me to take the handcuffs off him and fight him. [REDACTED] told me that I should take off my gun and badge and then he would, "Kick my ass." [REDACTED] repeatedly screamed at me that I was a, "Pussy." [REDACTED] attempted to lure me into a fight by insulting me and yelling that I was a "Coward," a, "Midget," and a, "Rookie," who had no business being a police officer. [REDACTED] repeatedly demanded my, "Badge number," and each time I provided it to him. [REDACTED] then repeatedly and incoherently screamed my star number, "529...529..!"

[REDACTED] stated to me that she and [REDACTED] had just returned home from having "a few drinks" on 25th Street at 'La Traviata'. Although [REDACTED] stated she had been consuming alcoholic beverages, she did not meet the criteria for 647(f)PC and was not detained during this incident.

3D15D Officer Burns #4319 took photographs of the scene and of Ofc. Busalacchi's and [REDACTED] injuries. Ofc. Burns later placed the photos on a (E1) compact disc (CD).

After being treated and released on scene by Medic 81, [REDACTED] demanded to be transported to San Francisco General Hospital (SFGH). 3D12E Officer Costa #4312 and Officer Hansen #2095 assumed custody of [REDACTED] while Medic 81 transported him to SFGH. [REDACTED] was treated and released from SFGH and booked into San Francisco County Jail #1 for the above mentioned charges.

Ofc. Burns digitally uploaded the photographs on to this report, and Ofc. Busalacchi booked the (E1) photo cd into evidence at Mission Station.

OCC CASE #: 40-15

NAME: _____

INV: Wechter

PAGE: Page 7 of 20

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

Jan. 22. 2015 3:19PM

San Francisco Police Department
SFPD INCIDENT REPORT

No. 0049 P. 8/9

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle)		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
				415/558-5400
Residence		Zip Code	Business Address / City if not San Francisco	
			630 Valencia Street, SF	
			Zip Code	
			94110-1126	
Date of Statement	Time Started	Time Completed	Location Where Statement Taken	
11/11/14	01:54	02:55	At Scene <input type="checkbox"/> Other: MISS	

On Tuesday, 11/11/2014, at approximately 0029 hours, Officer Buckley #529 and I were on patrol in full police uniform and riding in a marked SFPD patrol vehicle. I was the driver of the patrol vehicle and driving northbound on Harrison Street crossing 26th Street. As we passed [REDACTED] I heard someone yell and what sounded like keys falling to the ground.

I backed the patrol vehicle and observed a male adult, later identified as [REDACTED] on the driver side of a (UO) brown Honda Civic which had the driver side door open. Officer Buckley shined the spot light onto the car and I heard [REDACTED] yell something as he got up to his feet and stumbled toward a house located at [REDACTED] Officer Buckley exited the vehicle and made contact with [REDACTED] near the front of the vehicle.

Officer Buckley asked [REDACTED] if he had been driving the vehicle. [REDACTED] stated, "I had been driving the vehicle but the keys aren't in the ignition and you can't do anything." [REDACTED] then started to walk toward the house again and threw his keys into the stairwell. I went around the passenger side of the vehicle to get [REDACTED] but Officer Buckley had already stopped [REDACTED] near the stairwell of the house.

I noticed a passenger in the Honda Civic, later identified as [REDACTED] and asked her to open the door. I spoke with [REDACTED] and she told me the following:

██████████ said that she and ██████████ had been drinking alcoholic beverages at another location and had arrived at ██████████ Street prior to Officer Buckley and I making contact with her. ██████████ said she had been talking with ██████████ in the car. ██████████ said ██████████ was upset because he broke his phone earlier.

I heard [REDACTED] start to yell at Officer Buckley and walk away from Officer Buckley toward 26th Street interrupting my interview with [REDACTED]. I ordered [REDACTED] to stop and he argued with me saying, "I didn't do anything. I'm going to my house." I approached [REDACTED] on the sidewalk and told him that he admitted that he was drunk in public earlier and to stay still. [REDACTED] turned around to try and walk to [REDACTED] and I told him to stop.

Officer Buckley grabbed [REDACTED] right arm and told him to put his hands behind his back. I grabbed [REDACTED] left arm and attempted to put it in a rear wrist lock so Officer Buckley and I could put handcuffs on him. [REDACTED] began to straighten his arms and free himself from my control. I ordered [REDACTED] to stop resisting us and that he was under arrest. [REDACTED] screamed, "You can't do anything!" [REDACTED] continued to struggle causing me to lose control of his left hand. [REDACTED] then started moving toward the stairs located at [REDACTED] I gained back control of [REDACTED] and wrapped my arms around his waist. I tried to take [REDACTED] to the ground but could not while Officer Buckley tried to control him also. Finally, all three of us fell to the ground.

§ 87(2)(b) was on his stomach and I ordered him several times, "Put your hands behind your back! You're under arrest!" § 87(2)(b) kept trying to put his arms between his body and the sidewalk to prevent Officer Buckley and I from putting him in handcuffs. § 87(2)(b) then turned to his left side pinning his left arm between the sidewalk and his body. § 87(2)(b) then rolled onto his back with me on top of him. I pushed § 87(2)(b) back to his stomach and he posted his arms and got to his knees.

I used a double leg control technique on [REDACTED] and grabbed both of his arms causing him to fall back to his stomach. Officer Buckley and I gained control of [REDACTED] arms and put him in handcuffs.

Incident#

Page 1 of 2

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 8 of 20

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

Jan. 22. 2015 3:19PM

Retrieved by 300961 on 1/22/2015 at 2:47:31 PM
San Francisco Police Department
SFPD 4426045 44-15063-1286

No. 0049 P. 9/9

Report Type: Initial

Several units arrived on scene. I observed that I had sustained several injuries which were caused by unlawfully resisting Officer Buckley and I. I observed that I was bleeding from the back of my left hand. I had two scratches on the back of my left hand, one scratch on the back of my right hand, one scratch on my right wrist, and one scratch on my left knee.

I notified Sergeant Edwards #541 that I had sustained injuries during this incident.

Officer Burns #4319 took pictures of my injuries.

M81 arrived on scene and treated me for my injuries.

As Officer Buckley and I left the scene, I felt pain to the back of my left arm and to my left forearm as if a muscle was strained when I grabbed the steering wheel of my patrol vehicle.

I spoke with Wilson #15 at CWB who confirmed [REDACTED] did not have any warrants.

I seized the (E1) photo CD at Mission Station from Officer Burns and booked it into Evidence at Mission Station.

Incident# [REDACTED]

Page 3 of 3

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 9 of 20

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

1/23/15

JW

I printed out the Use of Force Log for Co D, which contains 2 entries for this incident, one listing Off. Buckley as using physical control and strike w/ fist or object, one listing Off. Busalacchi using physical control and sustaining an injury.

1/29/15

JW

I received a response from SFPD Legal for "Record of all E585 Traffic Stop Data Collection entries made from 11/10/14 through 11/12/14 by: Off. Nicholas Buckley # 529 and Off. Frank Busalacchi # 4330." I received three documents on 3 pages:

One, headed "E585 TRAFFIC STOP REPORT," lists two entries by # 529 (Off. Buckley) for stops on 11/10/14.

The second, with no heading (printed in landscape mode) lists entries made by # 529 for two stops on 11/10/14 and one on 11/12/14.

The third, also in landscape mode, lists entries by # 4330 (Off. Busalacchi) for one stop on 11/11/14 and one on 11/12/14. None of the entries list the time and location of the 916 (suspicious vehicle) stop involving the complainant.

1/30/15

JW

I received a copy of the photo CD booked into evidence. It contains: photographs of [REDACTED] car parked in her driveway; injuries sustained by Officers Buckley and Busalacchi; [REDACTED] seated handcuffed on the sidewalk with blood on his face that appears to be coming from his nose; [REDACTED] hands handcuffed behind his back by two sets of handcuffs linked together; two photographs (somewhat blurry) of a set of keys on a step. I printed out these photos, along with screenshots of 2 photos with the metadata indicating the time they were taken (00:50 on 11/11/14).

Sgt. McCarthy at SFPD Legal called to tell me that any documents related to a UOF investigation will be forthcoming.

2/2/15

JW

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 10 of 20

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

2/2/15

JW

I interviewed [REDACTED] by telephone at [REDACTED] (recorded):

NOTES/SUMMARY:

[REDACTED] and [REDACTED] were watching TV at [REDACTED] house. At around 8:00 to 9:00 p.m., they drove to dinner at Traviata on Mission near 25th. [REDACTED] had linguini and salad [REDACTED] had stuffed chicken w/ prosciutto, There for 2 hours. [REDACTED] had 1 – 2 glass of Merlot; [REDACTED] had 1 – 2 glasses of wine. Left possibly around 11:00 p.m. – we were one of the last customers out. Paid w/ credit card, possibly w/ [REDACTED] card.

[REDACTED] drove her car back to her house. They were sitting in her parked car talking for 3 to 5 minutes. [REDACTED] had the car keys in her hand, “as far as I can remember. I usually put them in my purse; I believe I did that.”

They exited the car and [REDACTED] locked the car (which she has to do with her keys in her hand). They walked towards the steps leading up to [REDACTED] house. When they reached the bottom of the steps she saw a bright light coming from the street.

[REDACTED] turned around first, then [REDACTED] Officer exited a police car and approached us: all [REDACTED] remembers about this officer or his partner were that they were tall W/Ms [REDACTED] is 5’4”). Officer told them to stop.

Officer approached, talked to [REDACTED] and asked questions like, “What’s going on? What are you doing? Where are you coming from?” The officer put his hand on the car and asked, “Have you guys been driving?” The told the officer they came from La Traviata.

[REDACTED] repeatedly asked the officer in a calm voice, “What’s going on? Why are you stopping us?” [REDACTED] stated, “I just remember hearing [REDACTED] talking.” [REDACTED] was.

The officer was standing close to us. The officer took his baton out and pushed [REDACTED] in the chest with the baton. [REDACTED] said, “Hey, what’s going on?” and “You can’t do that.”

The officer told [REDACTED] something like, “You need to cooperate.”

[REDACTED] was just standing there.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 11 of 20

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

Officer grabbed [REDACTED] by the arms and swung him around. There was a struggle². [REDACTED] was saying, "What's up? What's going on?" [REDACTED] was not raising his hands, was "like a rag doll." [REDACTED] told [REDACTED] "Don't say anything." The officer repeatedly told [REDACTED] "You need to cooperate."

[REDACTED] ended up on the ground but [REDACTED] didn't see how went to the ground. At first, [REDACTED] was face down on the ground. [REDACTED] thinks someone grabbed his arm: "I looked again and he was sitting cross-legged with his hands cuffed behind his back."

[REDACTED] noted that [REDACTED] "is a strong person" but she d/n see him fight with the officer.

Regarding the efforts to handcuff [REDACTED] after he was on the ground, [REDACTED] stated that one officer told [REDACTED] "Yeah, you better listen to your girlfriend dude."

[REDACTED] kept saying, "What's going on? You're hurting my hands, you're hurting my hand."

[REDACTED] didn't recall seeing a second officer at the scene until there were possibly 20 officers present but cautioned that she isn't certain about this: "there might have been somebody in the (patrol) car." At another point during the interview, she stated that after the first officer grabbed [REDACTED] the second officer came and helped him and that they put [REDACTED] on the floor and handcuffed him.

After [REDACTED] was handcuffed, he said, "You're hurting my wrist, my arms hurt." One officer said they were going to call an ambulance. There was blood on the floor [REDACTED] took photos). [REDACTED] was bleeding, possibly from his nose.

After all the police cars arrived and they were focusing on [REDACTED] walked partway up the stairs (possibly 5 steps) and stood there. 5 - 6 officers came up the stairs and stood in front of [REDACTED]. An officer asked [REDACTED] for her ID, asked if she had been arguing w/ [REDACTED] and "What were you guys doing in the car?" [REDACTED] told them "We were talking. We just came from dinner." [REDACTED] gave the officer her driver's license. [REDACTED] recalls feeling afraid because she thought the officers were just waiting for her to do something negative so they could arrest her. [REDACTED] asked the officers, "What's up? What's going on?" but no one responded.

[REDACTED] was sitting on sidewalk handcuffed. [REDACTED] looked over and saw one officer (who arrived later, after the first officers) who "was bouncing around, like dancing back and forth, like a

² When [REDACTED] first provided a narrative description of the incident, she skipped over any description of the physical interaction between [REDACTED] and this officer and stated that the next thing she saw was 20 officers at the scene: "I looked up and all these police cars were in front of my house." She said the officer was struggling with [REDACTED], "and the next thing you know he had the handcuffs on."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 12 of 20

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

boxer," with "his fists going back and forth a little bit." [REDACTED] cannot describe this officer, noting, "they all looked the same." Another officer said something to this officer like "Calm down, relax."

[REDACTED] who [REDACTED] told her the next day that she "saw those officers roughing up [REDACTED]" [REDACTED] phone # is [REDACTED]; she [REDACTED] with and her [REDACTED]

I asked [REDACTED] the following questions concerning statements made in the IR narrative:

Did [REDACTED] scream "Fuck"? A: She d/n think so.

[REDACTED] stated that she thought she was driving, then said she didn't think so and "I don't remember."

Was [REDACTED] ever half out of the car? A: No.

Were the keys ever on the sidewalk? A: Don't think so. I had the keys.

Did [REDACTED] throw keys onto the stairs? A: [REDACTED] had the keys, they were put away. Keys were never on the stairs, were not tossed onto the stairs.

Did an officer tell [REDACTED] to show his hands? A: No.

Did [REDACTED] yell that police had better things to do than bother him? A: [REDACTED] may have said something like "Don't you have other things to do?" [REDACTED] may also have said something like that.

Was [REDACTED] ever ordered to place his hands behind his back? A: No.

Did [REDACTED] twist from side to side after the officer grabbed his arms? A: No.

Was [REDACTED] told to stop resisting after he was on the ground? A: No.

Did [REDACTED] exit the car and approach the officers from behind? A: Both [REDACTED] and [REDACTED] were completely out of the car when the officers arrived.

Did an officer ever tell [REDACTED] to get back? No.

Did an officer punch [REDACTED] in the leg, hip & side? A: [REDACTED] saw a knee to the shoulder but d/n see a punch.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 13 of 20

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

Did [REDACTED] challenge officer to remove the handcuffs & fight him? A: No.

Did [REDACTED] use the phrase, "Kick your ass"? A: No.

Did [REDACTED] call officer "coward," "midget," "rookie"? A: No. Not that I heard.

Did [REDACTED] say officer had no business being a police officer? A: No. [REDACTED] asked "Why are you doing this? You can't do this."

Did [REDACTED] ask for a badge #? A: He might have.

Did [REDACTED] scream "529"? A: I remember hearing [REDACTED] saying "529" maybe twice. [REDACTED] was talking in a loud voice at the time.

Did [REDACTED] tell officers that she and [REDACTED] had a few drinks at La Traviata on 25th & Mission?
A: [REDACTED] told them maybe 10 times we had dinner at La Traviata.

Did you speak to 2nd officer (Busalacchi) at passenger side of car? No.

Did you tell an officer that [REDACTED] was upset b/c he broke his phone earlier? A: No, [REDACTED] hadn't broken his phone. She didn't think [REDACTED] had any problem with his phone.

Were officers injured? A: No.

Were Sgts. at scene? A: Not that I know of. No officer questioned [REDACTED] Officers all started taking off one car at a time after the ambulance took [REDACTED] to SFGH.

Was [REDACTED] intoxicated. A: No. I know when [REDACTED] is intoxicated and he wasn't intoxicated.

[REDACTED] did not understand why officers told us to stop.

[REDACTED] email: [REDACTED] [REDACTED] will email me the photos she took of [REDACTED] injuries and will check her credit card statement to determine whether she paid for the meal at La Traviata with a credit card.

[REDACTED] stated that [REDACTED] has filed this complaint because he hopes to recover money to cover his medical expenses. I explained the role and function of the OCC versus the role of the Controller's officer in handling claims for monetary damages.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 14 of 20

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

2/2/15

JW

I interviewed [REDACTED] who lives at [REDACTED] by telephone (recorded):

NOTES/SUMMARY:

Lepe's house is to the left of [REDACTED] house. [REDACTED] bedroom is in the front of the house directly above the garage

[REDACTED] noted that this incident was "a long time ago so I don't remember everything."

[REDACTED] awoke when she heard screaming, heard someone yelling, "Oww! You're hurting me! Neighbors, help."

[REDACTED] went to the window and opened the curtain: she saw 2 officers on top of [REDACTED] grabbing him and holding him down. [REDACTED] was yelling, "My arm."

[REDACTED] saw 8 - 9 police cars parked in the street.

Saw [REDACTED] talking to officers: One officer was talking to [REDACTED] another officer was standing by.

[REDACTED] face was on the ground so it was hard to tell it was him. [REDACTED] was yelling.

Officers told [REDACTED] "Stop yelling"

[REDACTED] yelled, "Get off me, I can't breathe."

Two officers were on [REDACTED] w/ their knees on his back, "like handcuffing him." Officers were telling [REDACTED] to be quiet. [REDACTED] was face down. Officers were "like on his back, near his buttocks" grabbing his arms to handcuff him. [REDACTED] hands were behind his back and the officers were trying to get the handcuffs on him. I think officers were saying, "Stop yelling, calm down." [REDACTED] voice was overpowering what the officers were saying. Heard officers tell [REDACTED] "stop moving."

[REDACTED] never saw an officer punch/strike [REDACTED] She did not see an officer push [REDACTED] face into the ground.

Officers handcuffed [REDACTED] Once they finished they picked him up.

Saw officers stood [REDACTED] up and saw he was all bloody in the face. [REDACTED] quieted down. [REDACTED] said "My arm hurts, you put it on too tight." He wanted them to loosen the handcuff. } cuffs

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 15 of 20

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

HOW DID HE SOUND? [REDACTED] sounded desperate rather than angry, like he wanted someone to come and help him.

At a certain point (rough estimate: 7 minutes after he was handcuffed) the same officer who handcuffed & lifted [REDACTED] to his feet ([REDACTED] couldn't describe him) loosened the handcuffs: he shone a light on [REDACTED] arm and saw that the cuffs were too tight: "You could see the fat of his hands being squished." This officer told [REDACTED] "I'm going to loosen them up, don't move." After the cuffs were loosened, [REDACTED] stopped yelling..

[REDACTED] didn't see [REDACTED] sitting on sidewalk.

After [REDACTED] was brought to his feet and the handcuffs were loosened, [REDACTED] asked, "Am I going to be arrested?" An officer told him was and asked if he wanted to be examined by medical personnel for his face, which was bloody.

[REDACTED] did not see an officer dancing/jumping around (as described by [REDACTED] and [REDACTED]).

When [REDACTED] first saw [REDACTED] was on the sidewalk in front of [REDACTED] at the bottom of the stairs telling [REDACTED] "shut up." [REDACTED] was talking to an officer but [REDACTED] couldn't hear what was being said. At one point, she heard [REDACTED] ask what [REDACTED] was being arrested for.

[REDACTED] left the front window after officers loosened [REDACTED] cuffs and went back to sleep.
[REDACTED] d/n see an ambulance arrive.

[REDACTED] did not hear [REDACTED] challenge an officer to fight (as described in the IR) or request an officer's star number.

[REDACTED] d/n think that [REDACTED] was intoxicated.

[REDACTED] d/n think anyone else in her house saw or heard anything. [REDACTED] lives upstairs but [REDACTED] d/n have a phone # for her. She will obtain a phone number for [REDACTED] from her cousin tonight.

[REDACTED] hasn't spoken to [REDACTED] about this incident.

The following morning [REDACTED] saw a lot of blood in front of her garage and asked [REDACTED] what happened. [REDACTED] told [REDACTED] that she and [REDACTED] were coming home from dinner and "all of a sudden this cop comes and knocks on our window and drags [REDACTED] out of the car." [REDACTED] said "we're just sitting in the car, coming home from dinner." [REDACTED] said officers hurt [REDACTED] arm and arrested him. [REDACTED] didn't indicate what officers said or did and d/n mention an officer hitting or striking [REDACTED]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 16 of 20

=====

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

2/2/15

JW

I received the comp's mug shot photograph.

I received the comp's **SFFD-EMS Patient Care Report**. Comp complained of pain to right hand, left elbow, right shoulder and right knee. Comp had dried blood in both nares of nose. Ambulance was at scene at 00:45, transported at 1:08 and arrived at SFGH at 1:12.

2/2/15

JW

I called comp [REDACTED] to conduct a follow-up interview, l.m. on v.m.

2/3/15

JW

I did a follow-up interview with **complainant** [REDACTED] by telephone (recorded):

[REDACTED] stated that ^{flc} [REDACTED] (whose first name is pronounced [REDACTED]) were at her house. They left there, possibly around 7:00 p.m., to eat dinner at La Traviata restaurant. [REDACTED] drove. They did not have a reservation but were seated because someone didn't show up for their reservation. [REDACTED] estimated that they were at the restaurant for 1 hour. [REDACTED] had mixed seafood pasta and 2 glasses of wine. [REDACTED] had chicken with pasta and 2 glasses of house red wine. When they left the restaurant at 9:00 or 10:00 p.m. it was still full.

[REDACTED] drove back to [REDACTED] house. He exited the car and put the car keys in his pocket. [REDACTED] is certain that the keys were never on the sidewalk or on the steps leading up to the house. After [REDACTED] was arrested and handcuffed, [REDACTED] had to ask the officers to retrieve her keys from inside [REDACTED] pocket. An officer removed the keys from [REDACTED] pocket and handed keys to [REDACTED]. Over 10 officers were at the scene at the time.

[REDACTED] was leaning against the wall in the driveway with 6 – 7 officers around her.

RE: DESCRIPTIONS OF [REDACTED] ACTIONS IN IR NARRATIVE:

[REDACTED] did not yell "fuck" and was not partway out of the car. [REDACTED] was standing ^{is} at the bottom of the stairs when the officer contacted him.

[REDACTED] may have told the officer that he should have better things to do.

[REDACTED] was not told to put his hands behind his back.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15 _____
NAME: _____
INV: Wechter _____
PAGE: Page 17 of 20

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

The officer tackled _____ and grabbed his hands. _____ "just remembers being stunned, surprised at him coming at me and tackling me."

_____ was not told to stop resisting.

_____ can't recall an officer punching him. "All I know is they tackled me and twisted my fingers."

_____ denied challenging an officer to fight or referring to him as a coward, midget or rookie. _____ told ~~the~~ Off. Buckley, "You shouldn't be an officer, the way you behave. You're not cut out for this kind of work," and he got pissed off about that.

_____ did not ask # 529 for his badge #, since he could see the number. _____ asked # 529's partner for his badge number "and he walked away." Regarding whether he ever shouted out the number "529," _____ stated that he said, "Hey, 529, you're in the wrong business, you're not cut out to be an officer."

_____ was taken to SFGH in a patrol car or an ambulance. "It's all kind of a blur to me after getting beat up."

INJURIES:

Face: Both sides of face; nose bloody. All bruised up.

Both pinky fingers were sore from being twisted.

Right wrist still has a mark on it from the handcuff being too tight.

Knees were banged up and swollen; were painful for a long time. Left knee was scraped and swollen.

Large, deep dark bruise on left calf.

I read most of the incident report narrative to _____ who stated that it is inaccurate, except for the description of Off. Buckley bending back his fingers and the description of the injury to _____ face.

_____ stated that he is complaining about:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 18 of 20

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

- Both officers, but mainly # 529 because "529 escalated it. He instigated the whole thing. He charged towards me while I was on the sidewalk." Off. Buckley's partner (Off. Busalacchi) "went along with it; participated in an unlawful harassment without probable cause."
- Force used by # 529, who assaulted [REDACTED] and placed the handcuff on one wrist too tightly.
- The detention: "What was the reason for him to shine the spotlight and come up to us? There was nothing going on. Had no probable cause to approach. It was uncalled for."
- The arrest.
- Failure to loosen handcuffs.

[REDACTED] emphasized that he was filing his complaint because he hopes to obtain money from the city to cover the cost of his medical expenses. I explained that filing an OCC complaint was unconnected with attempting to recover damages and that claims for damages had to be filed with the Controller's Office. I told [REDACTED] I would mail him a claim form. At one point during the interview, I asked [REDACTED] to send me any photographs he has of his injuries. [REDACTED] expressed skepticism that OCC would conduct an unbiased investigation, stating that he thinks we are on the side of the officers. I explained the status and operations of the OCC and emphasized that I wanted to do as thorough and fair an investigation as possible, which is why I wanted to obtain any documentation of the injuries he sustained, including any available photographs.

2/3/15 JW

I mailed [REDACTED] a Claim Form and a copy of his 293 form (without the allegations).

2/3/15 JW

I checked online: La Traviata restaurant at 2854 Mission St. (between 24th and 25th) is listed as being open until 10:30 p.m. on weeknights, including Monday.

2/4/15 JW

I called and spoke to [REDACTED] to follow-up about the photos and the possible payment of the restaurant bill by credit card. She said she will work on emailing me the photos tomorrow. She has not yet checked her credit card record.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 19 of 21

=====

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

2/4/15

JW

PROPOSED ALLEGATIONS:

[REDACTED]

Unnecessary Force: The officer used unnecessary force on the complainant: Off. Nicholas Buckley # 529

[REDACTED]

[REDACTED]

[REDACTED]

OCC ADDED ALLEGATION:

RULES:

DGO 5.01; DGO 5.03; DGO 2.01; DB 14-059; 647f PC; 148 PC

DISCUSSION:

RE: Detention, Arrest, Force

The description of this incident provided by the comp and [REDACTED] differs dramatically from the written statements of Officers Buckley and Basalacchi [REDACTED] and [REDACTED] accounts are also contradicted by several pieces of evidence:

The SFPD photos show a set of keys on what appears to be one of the upper steps leading from the sidewalk to the front door of [REDACTED]. This is consistent with Off. Buckley's description of [REDACTED] throwing the keys onto the stairs. It contradicts [REDACTED] statement that the keys remained in his pocket until after he was in custody, when, at [REDACTED] request, an officer removed them from his pocket and handed them to her.

³ Failed to loosen tight handcuffs.

⁴ "Jumping around smiling" and throwing shadow punches like a boxer in a boxing ring.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 20 of 21

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

The timetable of events provided by [REDACTED] and [REDACTED] is inconsistent with the time of this incident. [REDACTED] and [REDACTED] both stated that they drove directly home from La Traviata restaurant and sat in the parked car for no more than a few minutes. [REDACTED] stated that they left the restaurant at approximately 11:00 p.m. and were among the last customers there. The restaurant apparently closes at 10:30 p.m., so it is unlikely that [REDACTED] and [REDACTED] would still have been dining at midnight. If [REDACTED] determines that she paid for the bill with her credit card, I can ask her to sign a release for us to obtain the bill at the restaurant (we could also subpoena it). This will establish the time they paid their bill and may confirm or contradict their timetable of events. [REDACTED] maintains that he was not intoxicated, whereas Off. Buckley describes him as exhibiting clear signs of intoxication. Establishing that [REDACTED] and [REDACTED] left the restaurant well before 12:30 a.m. raises questions about whether they then went somewhere else and consumed alcohol.

[REDACTED] and [REDACTED] state that [REDACTED] was attacked by Off. Buckley and did not resist, yet the CAD indicates that either Off. Buckley or Off. Busalacchi reported a 148 (resisting subject) at 03:55 (one minute after reporting the 916). The photographs taken by SFPD document visible injuries to both officers. This evidence contradicts [REDACTED] and [REDACTED] claim that [REDACTED] did not resist.

Possibly of lesser significance (due to the 2 and ½ months that have elapsed since this incident) is [REDACTED] statement that the following morning, [REDACTED] told her that she and [REDACTED] were in her car after returning from dinner when "all of a sudden this cop comes and knocks on our window and drags [REDACTED] out of the car." That description is consistent with Off. Buckley's description of contacting [REDACTED] while he was still partially seated inside the car.

[REDACTED] delay in filing a complaint and his and [REDACTED] statements that he filed an OCC complaint in hope of recovering the cost of his medical damages is also a factor that should be considered in evaluating his and [REDACTED] credibility.

Re: Tight handcuffing and failure to loosen handcuffs

The photographs taken by [REDACTED] and the SFGH and Jail medical records may document an injury to [REDACTED] right wrist caused by tight handcuffs. [REDACTED] confirmed that [REDACTED] complained of the handcuffs being too tight and asked that they be loosened, and said she saw the same officer who handcuffed [REDACTED] (presumably off. Buckley) loosen the handcuffs. The IR does not describe the handcuffs being adjusted and makes no reference to the use of the double set of handcuffs seen securing [REDACTED] wrists in the two SFPD photographs⁵.

Re: Failure to make an E585 entry

Based on the documents received from SFPD Legal, it appears that neither Off. Buckley nor Off. Busalacchi made an E585 entry for this incident, a 916 suspicious person in a vehicle, as required by DB 14-059. The OCC added allegation for ND will likely be sustainable.

⁵ The metadata indicates these photos were taken at 00:47

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 21 of 21

=====

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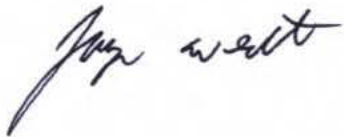
PLAN:

Review any Use of Force investigation conducted by Sgt. Edmond or Sgt. Morales. MRF Sgt. Edmond and Sgt. Morales, Offs. Costa and Hansen (who assumed custody of [REDACTED] while Medic 81 transported him to SFGH and then to transported him to CJ1). MRF other officers ID'd in CAD as responding as backup. Review the Communications audio. Review the comp's SFGH and Jail medical records concerning his injuries and any observations about evidence of intoxication. Review his jail records regarding evidence of intoxication. Attempt to obtain the bill at La Traviata for their dinner and drinks. Interview Offs. Buckley & Busalacchi.

2/4/15

JW

To S. Fletcher.



**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 22 of 23

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

02/09/15 Intake Review

The investigative plan and allegations are appropriate.

[REDACTED] There are many inconsistencies between the statements of the complainant, [REDACTED] and the witness. The PCR has no mention of alcohol level or descriptors of alcoholic symptoms, so the jail's medical records will be an important element.

File to Erick for force review.

Sherry Fletcher

02/11/15: Allegations and plan are appropriate. File returned to Inv. Wechter.

C. Baltzer

2/11/15 JW

File returned to me. Updated Allegation Continuation Form, Added Allegation Form, copied to Admin Team. Mailed copy of 293 and ACF to comp.

3/10/15 JW

I received the Communications audio from DEM.

3/30/15 JW

I listened to the Communications audio.

I called and spoke to [REDACTED] She forgot to check her credit card statement to determine whether she paid for the dinner that night with a credit card. She will check her bank statement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 23 of 23

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

3/31/15

JW

I received the comp's **medical records from SFGH**:

Triage at 01:17 notes: Patient reporting right wrist pain after patient was placed under arrest. Abrasions noted to face." The comp's "chief complaint" was numbness to the right wrist as a result of tight handcuffs following a takedown by police. Comp described "initial pain now numbness to R hand. Also diffuse abrasions elsewhere not particularly painful."

"Assessment and Plan" notes "external injuries with left nares bleeding (hemostatic), bilateral chest abrasions and mild TTP, right hand numbness with HX (history) severe pain and overly tight handcuff, numbness in radial and median nerve distribution. Also left knee abrasion with stable joint. Loose handcuffs on right wrist currently, obs for improvement now with improved circulation, no bony TTP, doubt fracture, good distal perfusion so no imaging at this time."

Reevaluation done at 03:02 notes "patient's condition has improved, right hand with improvement in sensation, still some diminished sensation. Likely neuropraxia from handcuffs, improving with time. Kaiser pt will need to follow as outpt with PMD."

In the Instruction section of the medical record it states: "we think you have a temporary damage to a nerve in your right wrist caused by handcuffs that should gradually improve over the next several weeks, in almost all cases by 8 weeks. Follow up with your primary doctor at Kaiser."

4/1/15

JW

I noticed Off. Buckley and Off. Busalacchi for interviews at OCC on 4/14/15, 4:15 and 4:45 p.m.

I sent MRFs to the 13 officers (including Sgts. Edwards and Morales) listed in CAD as responding as backup, due 4/22/15.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 24 of 32

=====

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

4/13/15

JW



4/14/15

JW

Off. Buckley called: his representative has been held over to deal with a moving protest and will not be available this afternoon. We rescheduled his interview for 4/16/15 at 4:30 p.m.

Off. Busalacchi called: he will not be arriving in SF until after 6:00 p.m. Due to conflicts with his wife's medical appointments he isn't available until next week. We rescheduled his interview for 4/22/15 at 4:30 p.m.

4/17/15

JW

I interviewed **OFF. NICHOLAS BUCKLEY #529** in person at OCC (recorded):

Off. Buckley was represented by Off. Stechschulte.

NOTE: Off. Buckley consulted his incident report narrative multiple times during the interview.

Off. Buckley stated that he entered the SFPD Academy in May 2013, graduated in December 2013 and completed Field Training in April 2014. He is currently a probationary officer.

Off. Buckley stated that on the shift that started on 11/10/14 and ended on 11/11/14, he was working as a uniformed patrol officer with Off. Busalacchi (who is senior to Off. Buckley), who was driving the marked patrol car. Off. Buckley was in the passenger seat and the passenger side window was completely lowered. They were traveling northbound on Harrison St. Off. Buckley was familiar with this area and knew there had been robberies, assaults and homicides in the area.

As they crossed 26th St. on Harrison St., Off. Buckley heard a "kind of a commotion" and someone "kind of scream out, 'Fuck.'" Off. Buckley stated that he heard "a noise that I can't recall followed immediately by a 'fuck.'"

Off. Buckley looked to his right and saw a man (subsequently identified as complainant [REDACTED]), "sort of falling out of a car and reaching for something on the ground and looking very disoriented." Off. Buckley saw another person in the car and became concerned about whether [REDACTED] needed help or medical attention or whether there had been a fight. Off. Buckley told

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 25 of 32

=====

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

Off. Busalacchi to stop the car, exited the car and approached [REDACTED] Off. Buckley didn't recall reporting their location to Dispatch before he contacted [REDACTED]

[REDACTED] was partially out of the car and struggled to get to his feet. He had keys in his hand. He looked up at Off. Buckley. [REDACTED] was "struggling to stand up and maintain balance." Off. Buckley asked [REDACTED] something to the effect of "You okay? What's going on?" [REDACTED] "immediately became contentious." Off. Buckley saw a woman (subsequently identified as [REDACTED]) inside the car.

[REDACTED] began yelling at Off. Buckley, "telling me I had better things to do, fuck off." [REDACTED] was "turning from side to side." Off. Buckley could smell alcohol coming from [REDACTED] breath and his eyes were bloodshot, causing Off. Buckley to believe he was under the influence of alcohol.

Off. Buckley asked [REDACTED] "Were you just driving? Is this your car?" I don't know if he's in a stolen car. I have no idea what's going on." [REDACTED] yelled at Off. Buckley "that it didn't matter, that I couldn't prove that he was driving, that the keys weren't in the ignition." [REDACTED] seemed to "be concerned whether or not I believed he was driving."

[REDACTED] walked away from Off. Buckley and threw a set of keys he had in his hand onto the front steps [Off. Buckley later had someone take a photograph of where they landed].

Off. Buckley didn't recall whether he touched the hood of the car. "I remember hearing a crackling." Off. Buckley didn't recall whether he said anything about the engine being warm or about [REDACTED] drinking and driving.

Off. Buckley ordered [REDACTED] who was moving away from him, to stop and to show his hands "because he was turning and acting fidgety." [REDACTED] continued to yell. **Off. Buckley ordered [REDACTED] to put his hands behind his back. When [REDACTED] failed to comply, Off. Buckley and Off. Busalacchi (who was standing to Off. Buckley's side) grabbed [REDACTED] arms and pulled his hands behind his back.** Off. Buckley grabbed [REDACTED] right arm and Off. Busalacchi grasped his left arm.

[REDACTED] pulled his arms away from them and shook back and forth. [REDACTED] tensed and flexed his arms, bringing them forward at chest height, and lunged forward. [REDACTED] Off. Buckley and Off. Busalacchi then fell to the ground, "as a result of momentum in its totality." They fell "with his [REDACTED] stomach going to the ground first." Off. Buckley couldn't see whether [REDACTED] face made contact with the ground.

When they fell to the ground, Off. Buckley lost his grasp on [REDACTED] arm. [REDACTED] had trucked his arms in underneath him "and was fighting to keep them underneath his body and we couldn't pull them out." As they struggled with [REDACTED] rolled onto his back and was facing

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME:
INV: Wechter
PAGE: Page 26 of 32

=====

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

Off. Buckley and Off. Busalacchi. During the struggle, Off. Buckley thinks the microphone button on his PIC radio was keyed and Dispatch asked if they had an emergency. Off. Buckley broadcast a 148 (resist subject) over his PIC radio.

Off. Buckley and Off. Busalacchi struggled for approximately one minute to place hands behind his back to handcuff him. Off. Buckley noted, "I hadn't conducted a pat-search on him, I didn't know if he had weapons. I had no idea who I was dealing with. All I had was someone who appeared drunk and was yelling at me, had thrown keys and was refusing to obey my commands."

Regarding the strikes he delivered to ⁷ Off. Buckley stated that Off. Busalacchi was covering "a lot of his mid-section and back, and Off. Buckley was "unable to get a hold of his hands at that point." "turtled himself" and Off. Buckley "was trying to control legs at this point," believing if he could control his legs he could "prevent him from rolling onto his back and keep him on his stomach. Legs were flailing, bodies are going and so I hit him 2 to 3 times I think it was on his left thigh area and hip thigh area." Off. Buckley explained that he punched or used a hammer-strike on in this area did not respond to the strikes to his leg. "He made no change of behavior from those strikes that was inconsistent with him already screaming, yelling and being belligerent."

Off. Buckley stated that he struck with his fist because the other compliance techniques he'd used -- physical control -- had been unsuccessful. Off. Buckley had been unable to utilize pain compliance techniques.

After punching in the leg, Off. Buckley "repositioned myself and found an opening and got a hold of one of his hands, his right hand, I grabbed his fingers and I bent them back towards the top of his hand and it had an effect." "lessened his resistance to the point of, he rolled onto his stomach." Off. Busalacchi grabbed other hand "while I had his control hold, and while he was still resisting we forced him into handcuffs." Regarding who placed the handcuffs on Off. Buckley stated that he placed a single set of handcuffs on Off. Buckley stated, "I placed him in handcuffs and I checked the proper degree of tightness and I double-locked the handcuffs."

After handcuffing Off. Buckley raised him to a sitting position "almost immediately." Off. Buckley noticed that was bleeding from his nose and was running down his face. Regarding the possible cause of this injury, Off. Buckley stated, "At some point during the tussle his nose came in contact with the concrete. I believe it happened when we all fell to the ground together, when Off. Busalacchi and I were trying to put his arms behind his back we had control of his arms, so when we fell forward, didn't have the ability to brace himself before he

⁷ Described in the IR as, "I was forced to strike with my fist several times to his left leg, hip and side in an attempt to take him into custody, yet he continued to resist."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 27 of 32

=====

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

hit the ground. And at some point I think the momentum of his face and all of our bodies made his nose contact the concrete. That was my deduction of the situation. I didn't hear it or see it."

Off. Buckley may have requested an ambulance or someone else had may requested one.

Multiple units responded Code 3 as backup. Off. Buckley didn't recall which officers arrived first. [REDACTED] was in handcuffs before any other officers arrived. Off. Buckley isn't certain whether [REDACTED] was placed in a sitting position before or after the first backup officers arrived.

A Sgt. (Off. Buckley thinks it was Sgt. Edwards) took Off. Buckley aside to make sure he wasn't hurt and asked Off. Buckley what happened. Off. Buckley thinks he provided the same information to Sgt. Morales, who (per the IR) conducted the Use of Force investigation.

As they were waiting for an ambulance [REDACTED] "went from a 9 to a 10. He became irate" and "the symptoms of him being under the influence of alcohol became more apparent." [REDACTED] slurred his speech, mumbled and berated and insulted Off. Buckley, calling him a "rookie" and a "midget," and asking that the handcuffs be removed so he could fight Off. Buckley.

[REDACTED] had exited the car and "was pleading for [REDACTED] to shut up, stop it, shut up, you're being an idiot."

Off. Buckley thinks [REDACTED] was still seated on the sidewalk when he left the scene (at Sgt. Edwards' instruction) and returned to Mission Station to write his report.

RE: TIGHT HANDCUFFS

Off. Buckley stated that he didn't recall whether he checked for tightness and double-locked the handcuffs while [REDACTED] was lying on the ground or after he raised him to a sitting position. Off. Buckley stated, "I just know that every time I put someone in handcuffs, I check for tightness and I double-locked them." When asked whether he had a specific recollection of doing that in this case, Off. Buckley said he did. When Off. Buckley checked the handcuffs for tightness, he was able to fit "a bit of my pointer (index) finger in between his ulna bone, exactly how we were taught in the Academy."

Off. Buckley never heard [REDACTED] complain that the handcuffs were too tight and didn't recall whether [REDACTED] handcuffs were ever adjusted. Regarding whether he ever heard [REDACTED] ask any other officer to loosen the handcuffs, Off. Buckley stated, "All I ever heard him doing was telling me to go fuck myself and that I was a midget and I was a pussy and I was a bitch, and to take my star off and fight me. Outside of that I didn't hear him asking if we could do anything to help him." Off. Buckley did not see any officer adjust or do anything else to the handcuffs.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 28 of 32

=====

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

Off. Buckley did not recall two pairs of handcuffs being used to handcuff [REDACTED]. I showed Off. Buckley two photographs taken at the scene (per the IR) by Off. Burns, showing [REDACTED] sitting on the sidewalk with his wrists secured by two sets of handcuffs. There is a black set of handcuffs securing his left wrist and a silver set of handcuffs securing his right wrist. Off. Buckley stated that he thinks the handcuffs he used were black. Off. Buckley did not have those handcuffs, which he purchased himself, with him at the time of the OCC interview. Off. Buckley stated his handcuffs are the pair securing [REDACTED] left wrist, but that he secured both of [REDACTED] wrists with these handcuffs when he handcuffed him. Off. Buckley does not recall a second pair of handcuffs being placed on [REDACTED] wrists.

RE: FORCE USED

Off. Buckley denied drawing his baton or striking [REDACTED] with anything other than his fist. He denied striking [REDACTED] anywhere other than the areas listed in his incident report narrative.

Regarding whether [REDACTED] face ever made contact with the ground during the struggle, Off. Buckley stated, "I can recall his cheek being on the ground, probably next to mine with my face being on the ground and Off. Busalacchi's face being on the ground." Off. Buckley denied that he pushed [REDACTED] head or face towards the ground. He never saw Off. Busalacchi push [REDACTED] head or face towards the ground.

[REDACTED]

RE: REQUEST FOR STAR NUMBER

[REDACTED] requested Off. Buckley's star number several times and Off. Buckley provided it. [REDACTED] "chanted" Off. Buckley's star number as he challenged him to fight. Off. Buckley didn't recall [REDACTED] asking for any other officer's star number.

RE: CONTACT WITH [REDACTED]

Off. Buckley remembered seeing [REDACTED] at the scene and hearing her speak. He thinks he "said a few words to her, kind of asking her where she lived. There was another officer (Off. Buckley didn't recall which one) who was obtaining her information."

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME:
INV: Wechter
PAGE: Page 29 of 32

=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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4/17/15

JW

During his OCC interview, Off. Buckley stated that he handcuffed [REDACTED] with a single set of handcuffs, a set of personally-owned black handcuffs, and that he checked for proper tightness and double-locked the handcuffs. Off. Buckley was unaware of a second set of handcuffs being placed on [REDACTED]

Two of the photos taken by at the scene by SFPD personnel show [REDACTED] sitting on the sidewalk with his wrists secured by two sets of handcuffs. There is a black set of handcuffs securing his left wrist and a silver set of handcuffs securing his right wrist). This raises the possibility that another officer placed the second set of handcuffs on [REDACTED] Because it's possible that Off. Busalacchi placed the second set of handcuffs on [REDACTED] right wrist and cuffed the right wrist too tightly, I decided to cancel his 4/22/15 interview and to re-notice him with UF and ND (for failure to take required action) allegations against ID pending. If Off. Busalacchi states that he placed the handcuffs on [REDACTED] right wrist he will have been properly noticed on the relevant allegations.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 30 of 32

=====

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

I called Off. Busalacchi [REDACTED] (the phone # he left when he called to reschedule his interview) and l.m. on v.m. stating that I was canceling his 4/22/15 interview and would send him a new interview notice.

04/20/15

Sherry Fletcher

4/27/15

JW

I reviewed the Communications audio for CAD # [REDACTED] to determine whether the officers reported this as a 916 (Off. Buckley claimed in his OCC interview that it was a well-being check rather than a 916 [REDACTED]). The following exchanges are heard on the Communications audio:

00:29:35

3D16D: D16D, 916.

Dispatch: D16D, go.

3D16D: Harrison and 26th, plate is [REDACTED] We're talking to two, we're sufficient.

Dispatch: Harrison and 26th, 10-4.

00:30:30

(sound of mic being keyed)

00:30:45

Dispatch: Is there a unit with an emergency?

D16D: D16D, we're having a 148 right now (sound of someone yelling in background)

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 31 of 39

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

Dispatch: 16D, 148, Harrison & 27th. Is there a unit that can back? D11D and 12E responding. Harrison & 26th.

00:32:40

Unk: Code 4, slow your response (sound of someone yelling in background).

4/27/15

JW

I reviewed the MRF responses: all have been received except for Off. Jarron Cross who is assigned to Medical Liaison, for whom I received no Proof of Service. I called Medical Liaison, spoke to Sgt. Scott Kiesel, who said the document may be in a box (his office moved to the new police HQ building two weeks ago). At his request, I emailed him the MRF. He said he'd call Off. Cross about it today.

I created a spreadsheet listing the MRF responses. None of the officers recalled [REDACTED] complaining of tight handcuffs. Several stated that [REDACTED] used profanity and asked that the handcuffs be removed so he could fight Off. Buckley.

4/30/15

JW

I interviewed **OFF. FRANK BUSALACCHI #4330** in person at OCC (recorded):

[REDACTED]

Off. Busalacchi stated that he joined the SFPD in October 2012 and completed his Field Training on 8/20/13

In preparation for the OCC interview, on 4/29/15 Off. Busalacchi reviewed the statement he wrote that was attached to the Incident Report.

Off. Busalacchi stated that on November 11, 2014, he was working uniformed patrol with Off. Buckley, who was not his regular partner. Off. Busalacchi estimated that he and Off. Buckley worked together five times prior to 11/11/14. Off. Busalacchi didn't recall their unit identifier. Off. Busalacchi was driving. Off. Busalacchi didn't recall whether the car window were up or down.

As they drove past [REDACTED], Off. Busalacchi heard keys fall to the ground and someone yelling, but couldn't discern what was yelled. Off. Busalacchi stopped the car and backed up "to check and see if someone was in distress or not." They stopped, Off. Busalacchi backed up and Off. Buckley exited the car. Off. Busalacchi followed him five or ten seconds later. Off.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 32 of 39

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

Busalacchi assumed they reported their location to Dispatch but didn't know what Dispatch was told.

There was a car parked in the driveway of [REDACTED] Off. Busalacchi walked around the front of the patrol car and saw a man subsequently identified as complainant [REDACTED] near the driver's side of this car. [REDACTED] appeared to be "bent over." [REDACTED] was walking towards the house. Off. Busalacchi couldn't see whether [REDACTED] had anything in his hand. Off. Buckley went to detain [REDACTED]

Off. Busalacchi didn't recall what Off. Buckley said to [REDACTED] but thinks he "asked him if he was okay." Off. Busalacchi didn't recall whether Off. Buckley asked [REDACTED] whether he'd been drinking and didn't recall whether Off. Buckley said anything about [REDACTED] driving. Off. Busalacchi didn't recall whether [REDACTED] said anything about whether he'd been driving until he refreshed his recollection by checking his incident report statement. After reviewing his statement, Off. Busalacchi quoted from his written statement, where he wrote that [REDACTED] said, "I had been driving the vehicle but the keys aren't in the ignition and you can't do anything." Off. Busalacchi interpreted this as meaning that the officers could not arrest him for DUI.

Off. Busalacchi thinks Off. Buckley placed his hand on the hood of the parked car as he walked past it.

Off. Busalacchi didn't recall seeing any keys at the scene and did not recall [REDACTED] throwing keys onto the steps. After reviewing his IR statement, Off. Busalacchi stated that he wrote in his report that [REDACTED] threw his keys into the stairwell.

Off. Busalacchi saw a woman seated in the passenger seat of the car [REDACTED] and went to interview her. Off. Busalacchi went to the passenger side door and knocked on the window. Off. Busalacchi asked [REDACTED] "if everything's was okay" and "What was wrong with [REDACTED]" [REDACTED] told Off. Busalacchi that she and [REDACTED] had been drinking earlier, and that he was upset because his phone broke. Off. Busalacchi didn't recall what else [REDACTED] said about this, or whether she said where they'd been drinking or how much they had to drink. Off. Busalacchi didn't recall whether he asked [REDACTED] any specific questions.

[REDACTED] was yelling at Off. Buckley but Off. Busalacchi didn't recall what he said. [REDACTED] started walking towards 26th St. and the passenger side of the car. Off. Buckley told [REDACTED] to stop but he failed to comply. Off. Busalacchi halted his interview with [REDACTED] and went to talk to [REDACTED] Off. Busalacchi asked [REDACTED] "what was wrong with him." Off. Busalacchi didn't recall what [REDACTED] said in response, but thinks he may have said, 'I didn't do anything.' [REDACTED] was stumbling around, was yelling and wouldn't follow simple instructions. Off. Busalacchi concluded that [REDACTED] was intoxicated. Off. Buckley wanted to handcuff [REDACTED] "because he's not listening to our orders."

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 33 of 39

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

In Off. Busalacchi's Incident Report statement, he wrote that when he approached [REDACTED] on the sidewalk, he "told him that he admitted that he was drunk in public earlier." Off. Busalacchi was asked when and how [REDACTED] admitted he was drunk in public, and responded, "I don't remember. I can't find it in here (in his written statement)"

Off. Busalacchi and Off. Buckley grabbed [REDACTED] arms to handcuff him. [REDACTED] was then closer to the passenger side of the parked car. [REDACTED] started tightening his arms, broke free of Off. Busalacchi's grasp and started walking in the direction of 26th St. Off. Busalacchi tried to place [REDACTED] in a bear hug from behind. [REDACTED] kept trying to walk away.

Off. Busalacchi, Off. Buckley and [REDACTED] all fell to the ground. Off. Busalacchi didn't know what caused them to fall. Off. Busalacchi didn't recall how [REDACTED] landed on the ground, but thinks it was on his side or his stomach.

After [REDACTED] was face-down on the ground, he pinned his arms under his body. Off. Busalacchi tried to grab [REDACTED] arms to pull them out. Off. Busalacchi told [REDACTED] "stop. You're under arrest." Off. Busalacchi thinks [REDACTED] said "I didn't do anything." [REDACTED] "was yelling the whole time."

As [REDACTED] was face down on the ground with his arms under his body, his forehead was on the ground.

[REDACTED] eventually "posted up. He set up a base on his knees and his hands." Off. Busalacchi grabbed both of [REDACTED] arms and [REDACTED] fell back onto his stomach. Off. Buckley got control of one of [REDACTED] arms, and they finally gained control of both arms and **handcuffed him with a single pair of handcuffs.** Off. Busalacchi didn't recall who placed handcuffs on Off. [REDACTED] or whose handcuffs were used.

After they handcuffed [REDACTED] Off. Busalacchi and Off. Buckley placed him in a sitting position on the sidewalk.

Re: Force

Off. Busalacchi did not strike [REDACTED] or use any pain compliance holds on him. Off. Busalacchi did not see Off. Buckley strike [REDACTED] Off. Busalacchi denied that he or Off. Buckley drew their batons or that [REDACTED] was struck with a baton.

Backup units arrived, including Sgt. Edwards. Off. Busalacchi and Off. Buckley spoke to Sgt. Edwards. Sgt. Edwards had something photograph his injuries and paramedics treated his injuries. Off. Busalacchi had scratches on the back of his hand and felt pain in his lower back and forearm. Off. Busalacchi and Off. Buckley then returned to Mission Station to write the report.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 34 of 39

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

Re: Handcuffs

Off. Busalacchi did not recall anything that [REDACTED] said after he was handcuffed and did not recall [REDACTED] complaining of tight handcuffs. Off. Busalacchi didn't recall ever doing anything to adjust [REDACTED] handcuffs and didn't recall any other officer doing this.

Off. Busalacchi did not recall anyone placing a second set of handcuffs on [REDACTED] wrists. Off. Busalacchi was shown the photograph of [REDACTED] with his hands handcuffed behind his back and stated that he did not recognize either pair of handcuffs and did not know how the second pair of handcuffs were placed there. Off. Busalacchi thinks he probably would remember it if he had placed the second set of handcuffs on [REDACTED]

Off. Busalacchi stated that if a subject that he or his partner have handcuffed complains about tight handcuffs, responsibility for adjusting the handcuffs falls on "whoever is able to do it." Regarding whether the officer who handcuffed the subject would be responsible for making the adjustment, Off. Busalacchi stated, "it could be whoever he told."

Regarding Academy training on use of a second set of handcuffs, Off. Busalacchi stated they would be used if someone "was complaining of pain or they were really large and you can't fit one because it's putting too much tension on their shoulders." When placing the second set of handcuffs on someone who was complaining of pain, the officer would need to control their arms while releasing the handcuffs and putting the second pair on.

Off. Busalacchi stated that when a second set of handcuffs is placed on a subject after they have already been handcuffed, it is for the subject's comfort, and placing a second set of handcuffs on a subject creates an officer safety issue. Officers are not required to use a second set of handcuffs. Off. Busalacchi stated that arrestees frequently complain about their handcuffs and more than half of those are complaints about tight handcuffs.

[REDACTED] continued to yell at Off. Buckley after he was handcuffed but Off. Busalacchi didn't recall what he said. Off. Busalacchi thinks [REDACTED] challenged Off. Buckley to fight, but recalled nothing else about this.

[REDACTED]

Off. Busalacchi thinks Off. Burns took photographs at the scene of Off. Busalacchi and his injuries.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 35 of 39

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

Re: Justification for contacting [REDACTED]

Regarding the reason for initially contacting [REDACTED] Off. Busalacchi stated, "To see if everyone was okay." [REDACTED] was no longer free to leave "when he stopped complying with Off. Buckley's orders."

5/1/15

JW

I noticed Off. Daniel Burns #4319, who, per the IR narrative, took the photographs at the scene, for an interview at OCC as a witness on 5/8/15, 4:15 p.m. I faxed the NTA to Mission Station and confirmed its receipt and mailed the original. I want to question Off. Burns about why he took two photographs of the comp's handcuffed wrists.

5/8/15

JW

I interviewed **OFF. DANIEL BURNS #4319** as a witness in person at OCC (recorded):

Off. Burns stated that he was at Mission Station when he heard a broadcast of a 148 (resister) at 26th and Harrison. When Off. Burns and his partner (whose identity he didn't recall) arrived at 26th and Harrison, he saw a man (complainant [REDACTED]) sitting handcuffed on the sidewalk. [REDACTED] was yelling at Off. Buckley, challenging him to take off his star so he could beat him up.

Sgt. Edwards told Off. Burns to photograph the injuries that Offs. Buckley and Busalacchi sustained. Off. Burns took these photos using his SFPD-issued cell phone, which he thinks is a

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 36 of 39

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

Samsung (Off. Burns did not have this phone with him at the time of the interview; he left it in his car). Off. Burns wasn't told to take photographs of anything else and stated that he did not take photographs of anything other than Off. Buckley's and Off. Busalacchi's injuries.

I showed Off. Burns four photographs of Off. Busalacchi taken at the scene, and he confirmed that he took these photographs. Off. Burns stated that he did not take the photographs of a car parked across the sidewalk, and didn't recall whether he photographed keys on the steps. Off. Burns did not remember taking photographs of [REDACTED]. When shown a photograph of [REDACTED] taken at the scene, Off. Burns stated that he did not recall taking this photo. Off. Burns did not know whether anyone else at the scene took photographs.

Off. Burns denied taking any photographs with an iPhone.

Off. Burns didn't recall anyone saying anything about [REDACTED] having injuries.

Off. Burns's only conversation with Officers Buckley and Busalacchi was to ask them if they were okay. Neither officer said anything to Off. Burns about what happened.

Off. Burns downloaded the photographs he took to a computer at Mission Station using a cord, but didn't know how the photographs were saved.

I pointed out to Off. Burns that in his Member Response Form, he wrote that when he arrived, he "saw the complainant laying on the ground handcuffed," that the complainant was "sat upright on the ground" and that he "saw Officers Buckley and Busalacchi sit the complainant in the upright position." Off. Burns stated that when he arrived, he saw [REDACTED] "laying in a seated position on the ground." Off. Burns also stated that [REDACTED] "was not lying on the ground but he was kind of slumped and they pushed him upright. So semi-seated to seated would have been a better way to phrase it."

5/11/15

JW

I noticed Sgt. Scott Edwards for an interview at OCC as a witness on 5/26/15, 9:15 p.m.

5/19/15

JW

I received an email from Sgt. Edwards stating that he is not available on 5/26/15. I checked his Employee Scheduling: he is on V on 5/26/15 and on H 5/27/15 – 5/30/15. I sent him an email rescheduling his interview to 6/2/15, 9:15 p.m.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

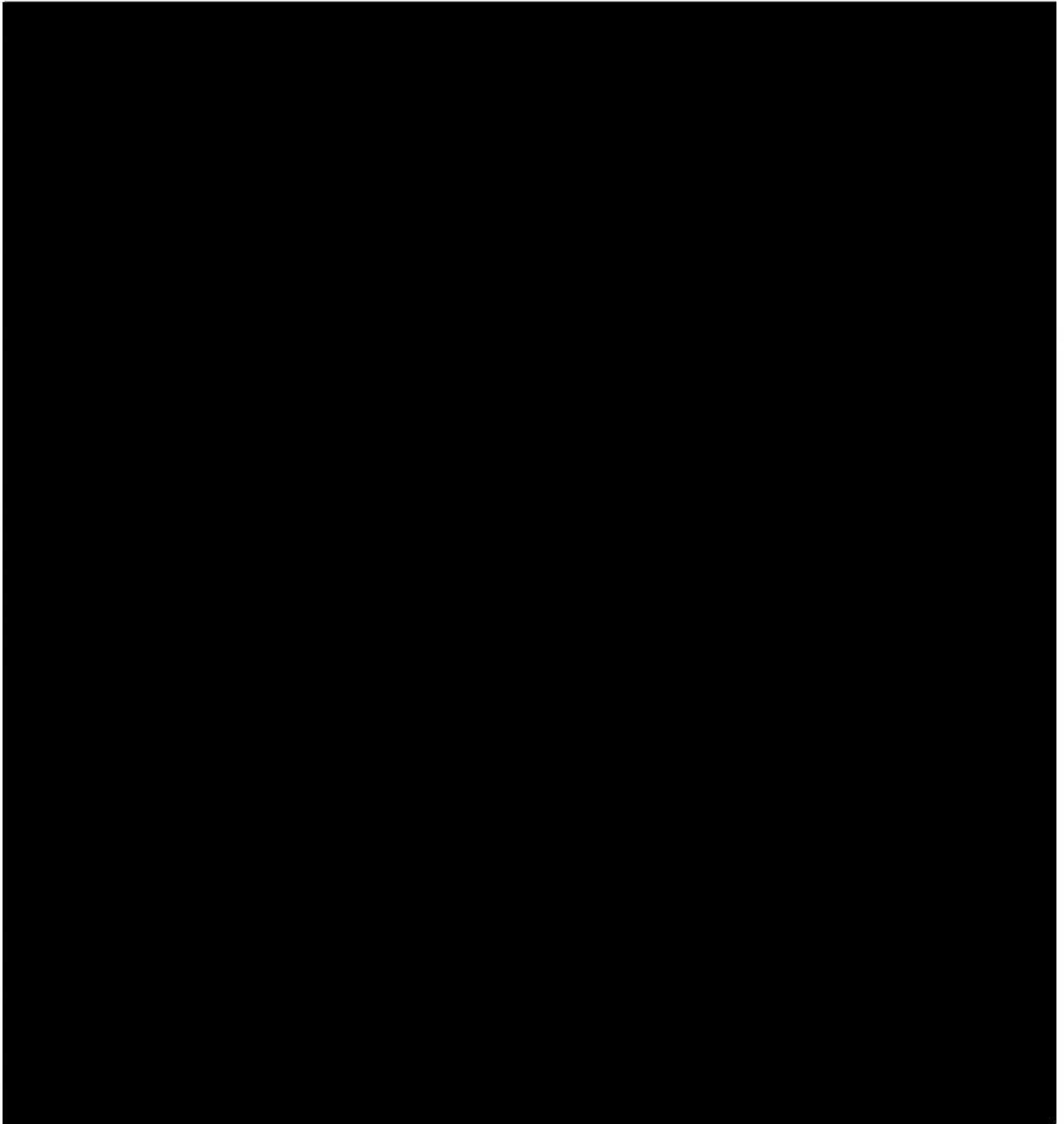
INV: Wechter

PAGE: Page 37 of 39

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

6/2/15

JW



OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 38 of 39

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

06/10/15



8/14/15

JW

I sent a Non-Routine request to SFPD Legal for: All regulations, procedures, training materials and other documentation concerning the operation and use of cellular phones issued to SFPD patrol officers.

9/22/15

JW

I noticed Sgt. Edwards for an interview as a witness on 9/30/15, 9:15 p.m. and Off. Daniel Burns for an interview as a witness on 9/30/15, 4:15 p.m., faxed NTAs to Mission Station, spoke with Myrna and confirmed their receipt.

9/28/15

JW

I received an email from Off. Burns stating that he is not working on 9/30/15. I sent an email in response asking him to come to OCC on 10/1/15 at 4:15 (when he is working).

9/30/15

JW



**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 39 of 42

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

10/2/15 JW

I drafted the 270-day letter (270-day date is 10/8/15) and copied and assembled the exhibits.

10/2/15 JW

I finished listening to and summarizing the interview with Off. Busalacchi.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 40 of 42

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

10/2/15

JW

I conducted a second in-person interview with **OFF. DANIEL BURNS # 4319** as a witness (recorded):

Off. Burns stated that he took the photograph of Off. Busalacchi inside an ambulance. Off. Burns did not recall taking any photographs of the complainant.

Regarding whether he took the photographs at the scene with his SFPD-issued cell phone, Off. Burns stated that on further reflection, he is uncertain which phone he used to take the photographs.

Off. Burns was informed that the metadata for his photos indicate that they were taken on an iPhone, that the photos of Off. Busalacchi were taken at 11:35, the photos of Off. Burns standing holding his arms out were taken at 11:36, the photos of the comp seated on the ground were taken at 11:46, and the photo of Off. Busalacchi inside the ambulance were taken at 11:52. Off. Burns stated it is possible that he took the photos of the comp seated on the sidewalk.

Regarding whether he took photos of specific people or things because he was instructed to, Off. Burns stated that he did not recall. Off. Burns stated that Sgt. Edwards instructed him to document the injuries sustained by the officers, but he did not recall anything else he was instructed to photograph. Off. Burns did not recall taking any photos on his own initiative. Regarding photographs were taken of people or things because they were significant, Off. Burns stated that he did not want to "speculate about what the photo might or might not have meant."

Off. Burns did not recall anyone saying anything about any evidence at the scene that they wanted documented with photographs, and not recall any officer mentioning keys on the steps. Off. Burns did not recall taking the photos of a car parked in the driveway.

Off. Burns stated that he did not recall whether anyone else at the scene was taking photographs.

Off. Burns did not recall having any conversation at the scene with Sgt. Reynolds.

10/05/15

10/8/15

270 Day Letter and exhibits to Erick for review.

Sherry Fletcher

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 41 of 55

=====

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

10/15/15: Reviewed and approved 270-day letter. Letter to Director Hicks for review/approval.

E. Baltzer

10/19/15

JW

I received a copy of the 270-day letter dated 10/16/15.

10/20/15

JW

I interviewed **SGT. SCOTT WILLIAMS #541** in person at OCC as a witness (recorded):

Sgt. Edwards stated that he joined the SFPD in October 1998 and had no previous law enforcement experience. He has promoted to sergeant in July 2010.

Sgt. Edwards stated that he had no independent recollection of this incident, other than what he wrote in his Member Response Form dated April 22, 2015, due to the time that has passed since the incident. Sgt. Edwards stated that he did not recall what he did at the scene concerning a use of force investigation. Sgt. Edwards did not recall anything that the complainant said or did, other than what he wrote in his Member Response Form response.

Sgt. Edwards did not recall instructing an officer to take photographs at the scene, but stated this is an order he would typically give when an officer or a suspect has been injured. Sgt. Edwards stated he typically instructs officers to photograph obvious injuries and evidence at the scene, and that he directs officers to "take photographs for a specific reason. I wouldn't just give a blanket, 'Just take photographs' order...If I gave an order, it would have a purpose to it."

Sgt. Edwards stated that the only potential reason he could think of for ordering photographs taken of a suspect's hands handcuffed behind their back would be "if their hands showed injuries."

Sgt. Edwards was shown two photographs of the complainant seated on the sidewalk and two photographs taken from behind the complainant, showing his hands handcuffed behind his back with two sets of handcuffs. Sgt. Edwards stated that he had no independent recollection concerning these photographs or why they were taken, and viewing them did not refresh his recollection. He stated that, in general, he would order an officer to take photographs of a suspect with their hands handcuffed behind their back to document injuries (or a lack of injuries) to their hands, to, for instance, "show any indications of fighting, whether they show no indications of fighting. Both exculpatory and mitigating circumstances. To collect evidence."

Regarding circumstances when a suspect would be handcuffed with two sets of handcuffs, Sgt. Edwards stated that he did this for someone who had large biceps whose wrists could not have

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 42 of 55

=====

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

been brought close enough together to secure with one set of handcuffs. Regarding circumstances where a suspect was handcuffed with a single set of handcuffs and then a second set was added, Sgt. Edwards stated that the only reason he could think of for doing this would be "to make it more comfortable for someone who was experiencing discomfort." Sgt. Edwards stated that if he would only do this with enough officers on the scene to control the subject. Sgt. Edwards also stated, "You can't take care of someone's comfort if they're combative."

In Sgt. Edwards's Member Response Form, question No. 6 asked, "Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?" Sgt. Edwards wrote in response,

No. [REDACTED] said he wanted Officer Buckley to take the handcuffs off him and fight him "like a man" and not to be a "pussy." I told [REDACTED] that the handcuffs would not be coming off at this time.

Regarding the Use of Force investigation he conducted at the scene, Sgt. Edwards wrote in his Member Response Form

I conducted a use of force investigation pursuant to DGO 5.01 and DB 13-067. [REDACTED] was intoxicated and refused to talk to me other than to tell me that officer Buckley was a "midget" and a "pussy" and that I could "fuck off" or words to that extent. He also asked me to remove his handcuffs so he could fight with Officer Buckley. He made similar statements, none of which were relevant to my investigation. [REDACTED] told me that [REDACTED] was "drunk" and being an "idiot" and that the officers threw him [REDACTED] to the ground because he was being an "idiot." She made no other statements that were relevant to my use of force investigation.

Sgt. Edwards stated that he did not recall anything concerning these issues other than what he wrote in his Member Response Form.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 43 of 55

=====

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

10/20/15 – 10/23/15

JW

Drafted findings.

PROPOSED FINDINGS:

ANALYSIS:

I. Evidence relevant to evaluating the credibility of the complainant, [REDACTED] and his girlfriend, [REDACTED]

1. Inconsistency with other evidence

A. Keys to [REDACTED] car

Off. Buckley stated that when he first arrived, [REDACTED] was positioned with his torso and arms on the pavement and his legs inside the car, and appeared to be reaching for a set of keys on the street near his outstretched arm. He stated that [REDACTED] later threw these keys onto the front steps of [REDACTED] house. Photographs taken at the scene by Off. Burns show a set of keys on the front steps.

[REDACTED] stated that he drove [REDACTED] car from the restaurant to her home, and put the car keys in his pocket when they arrived. He denied throwing the keys onto the front steps and stated that [REDACTED] had an officer retrieve the keys from [REDACTED] pocket after he was handcuffed.

[REDACTED] stated that she and [REDACTED] had exited her car by the time the officers arrived, that she locked the car doors with her keys and that the keys never left her possession after that. She denied that the keys were ever on her front steps.

B. Time of departure from restaurant and time of arrival at [REDACTED] home

[REDACTED] and [REDACTED] both stated that they drove from her home to eat dinner at La Traviata restaurant, located on Mission St. between 24th and 25th St. (3 blocks away).

During his first OCC interview, on January 22, 2015 (10 weeks after the incident), [REDACTED] stated that he thinks he and [REDACTED] left La Traviata restaurant between 9:00 and 10:00 p.m. and drove directly to [REDACTED] home at [REDACTED] at 25th St..

During his second OCC interview, on February 3, 2015, [REDACTED] stated that they left [REDACTED] home possibly around 7:00 p.m., that they were at La Traviata for approximately one hour and left the restaurant at 9:00 p.m. or 10:00 p.m. and that it will full of diners when they left.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 44 of 55

=====

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

[REDACTED] stated that they left her home some time around 8:00 or 9:00 p.m. and were at the restaurant for approximately two hours, leaving some time around 11:00 p.m. She said they were among the last customers to leave (according to its website, La Traviata is open until 10:30 p.m.)

CAD # [REDACTED] and the communications audio established that Off. Buckley and Off. Busalacchi reported their contact with [REDACTED] at 00:29:54.

The discrepancy between the time that [REDACTED] and [REDACTED] say they left the restaurant and the time police contacted them has not been explained. This is relevant to evaluating how much alcohol [REDACTED] consumed. He and [REDACTED] stated that he drank no more than two glasses of wine at La Traviata. However, the time frame seems to indicate that he and [REDACTED] did something after between the time they left the restaurant and when they were contacted by the officers at 00:29. [REDACTED] told me she paid for the restaurant bill at La Traviata with a credit card and I asked her to look up the transaction on her credit card record so I could seek a copy of their bill from the restaurant. This would have indicated the time they left the restaurant and would likely show how much alcohol they ordered. [REDACTED] never provided me with her credit card information.

2. Ability to perceive the event

If [REDACTED] and [REDACTED] went somewhere after leaving La Traviata and consumed more alcohol, then [REDACTED] may have been intoxicated, which could affect his ability to accurately perceive and recall the incident.

II. Evidence relevant to evaluating the credibility of Off. Buckley and Off. Busalacchi.

[REDACTED] medical records and the photograph of his wrist taken the following day indicate that he sustained an injury to his right wrist that appears to be consistent with his handcuff being too tight⁸. As stated above, there are concerns about the credibility of [REDACTED] and [REDACTED] that would extend to their statements about [REDACTED] complaint of tight handcuffs. However, the statement of [REDACTED] neighbor, confirms that [REDACTED] complained about tight handcuffs and that in response, his handcuffs were adjusted. This is also confirmed by the two photographs taken by Off. Burns showing [REDACTED] hands cuffed behind his back with two sets of handcuffs linked together. Off. Buckley claimed that he placed a single set of handcuffs on [REDACTED] wrists and did not later adjust them or place a second set of handcuffs on them. None of the officers who were present have taken responsibility for applying the second set of handcuffs.

According to Off. Busalacchi and Sgt. Edwards, placing a second set of handcuffs on a subject who has already been handcuffed creates an officer safety issue. According to Offs. Buckley and Busalacchi (and many of the backup officers), [REDACTED] repeatedly asked Off. Buckley to remove

⁸ If it were possible, I would like to confirm this by having an independent medical professional evaluate the medical records and photographs.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 45 of 56

=====

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

the handcuffs and fight him. If [REDACTED] exhibited this aggressive behavior while handcuffed, officers would not momentarily uncuff him in order to apply a second set of handcuffs without a compelling reason. Sgt. Edwards stated that the only reason he could image for applying a second set of handcuffs would be if the subject was experiencing discomfort.

Off. Burns stated that he photographed what he was directed to by a sergeant. Sgt. Edwards stated that although he has no independent recollection of this incident, he would have told an officer to photograph things and people that were relevant as evidence. The fact that two photographs were taken of [REDACTED] hands cuffed behind his back indicates that someone – possibly Sgt. Edwards — thought it was important to document this. This would be consistent with officers realizing that one or more of the handcuffs were too tight and remedying this by applying a second set of handcuffs.

The fact that a second set of handcuffs was placed on [REDACTED] buttresses his claim that 1) he complained about a tight handcuff and 2) that the handcuff was too tight (one of the officers stated that subjects frequently complain about tight handcuffs which are not too tight). Therefore, the medical records, photograph of [REDACTED] injured wrist and photographs at the scene establish that [REDACTED] complained about tight handcuffs and that the handcuffs were in fact too tight. This contradicts Off. Buckley's claim that he checked the handcuffs for a proper degree of tightness and double-locked them.

[REDACTED] statement confirms [REDACTED] claim that he complained about tight handcuffs and that his tight handcuffs were not adjusted in a timely manner. Off. Buckley denied adjusting [REDACTED] handcuffs or placing the second set of handcuffs on his wrists. This establishes that Off. Buckley failed to take required action by adjusting the handcuffs. Someone clearly did adjust them, but we cannot establish who that was

I therefore think we have sufficient evidence to sustain Off. Buckley for UF for applying the handcuffs too tightly [REDACTED]
[REDACTED]

There are significant inconsistencies between Off. Buckley's statements about the handcuffs and whether [REDACTED] complained about them and other, reliable evidence: [REDACTED] statement; the photographs of [REDACTED] handcuffed at the scene; [REDACTED] medical records. These inconsistencies raise questions about Off. Buckley's credibility.

Regarding the detention, it appears, from Off. Buckley's and Off. Busalacchi's statements, that [REDACTED] attitude played a role in Off. Buckley's decision to detain/arrest him for 647(f). When Off. Buckley asked [REDACTED] about whether he had been driving while intoxicated, [REDACTED] laughed and essentially boasted that Off. Buckley could do nothing about it because the keys were not in the ignition. According to Off. Buckley, [REDACTED] speech was "antagonistic." [REDACTED] may have been intoxicated, but he was about to enter his [REDACTED] home, and I suspect

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 46 of 56

=====

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

that, but for his attitude, he would have been allowed to do so without police action. The questions about Off. Buckley's credibility are relevant to evaluating his statements concerning the justification for the detention. However, because of [REDACTED] and [REDACTED] credibility issues and the lack of objective evidence about how much alcohol [REDACTED] consumed and how intoxicated he was, I do not think we can sustain the UA allegation for detaining [REDACTED]

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 47 of 56

=====

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 48 of 56

=====

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

Unnecessary Force: The officer used unnecessary force on the complainant: Off. Nicholas Buckley # 529

S

The complainant stated that he and his companion had just parked in his companion's driveway and were about to enter her home when the named officer (Off. Buckley) and his partner (Off. Busalacchi) stopped their patrol car and the named officer contacted him. The named officer accused the complainant of driving while intoxicated. The complainant told the named officer that he could not be cited because the car was parked and the engine was off. The named officer charged at the complainant with his baton drawn, tackled the complainant and struck him with his baton. After the complainant fell to the ground, the named officer pushed the complainant's face into the concrete, causing injuries to the complainant's face. The named officer twisted the complainant's finger. When the named officer handcuffed the complainant, he clamped the handcuff on the complainant's right wrist very hard, causing the complainant to experience significant pain and numbness in his right wrist and hand. The complainant yelled that his hand was numb because one cuff was too tight, and asked the named officer to loosen that handcuff, but the named officer ignored him. Fifteen to twenty minutes later, an unidentified officer loosened and adjusted the complainant's handcuffs

The complainant's companion [REDACTED] stated that after she and the complainant exited her car and were approaching her house, the named officer approached the complainant and asked him questions about what he was doing and where he was coming from. The officer touched the hood of the car and asked whether they had been driving. The officer drew his baton and used it to push the complainant in the chest. The named officer then grabbed the complainant by the arms. The named officer's partner assisted him. The complainant went to the ground but the complainant's companion did not see how this happened. She denied that the complainant fought with the officers. The complainant's companion then saw the complainant sitting cross-legged on the sidewalk with his hands cuffed behind his back and heard him say that his wrist hurt.

The next-door neighbor of the complainant's companion [REDACTED] stated that she awoke and heard someone yelling for help, saying they were being hurt. She went to her front window and saw two officers who were on top of the complainant, whose arms were behind his back. The officers appeared to be handcuffing him. The officers lifted the complainant up and the witness

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 49 of 56

=====

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

saw that the complainant had blood on his face. She heard the complainant say that his arm hurt and "you put it on too tight," and heard him ask the officers to loosen the handcuff. Several minutes later, the same officer who handcuffed the complainant and lifted him up from the ground shone a flashlight on the complainant's arm. This witness saw that the fat of the complainant's hands were being squished because the handcuffs were too tight. The officer told the complainant not to move because he was going to loosen the handcuffs, and he then loosened the handcuffs.

The San Francisco Fire Department Patient Care Report prepared by paramedics who transported the complainant from the scene of his arrest to the hospital stated that the complainant complained of pain to his right hand, left elbow, right shoulder and right knee. It stated that the complainant had dried blood in both nostrils of his nose.

The complainant's medical records from the hospital where he was taken immediately after his arrest stated that he reported pain and numbness to his right wrist as a result of tight handcuffs and that he had an abrasion to his face. The records describe numbness in the complainant's radial and median nerve distribution, and diagnosed his problem as "likely neuropraxia from handcuffs." It also describes "External injuries with L (left) nares bleeding" which had ceased. The written instructions given to the complainant by the hospital stated that they thought he had temporary damage to a nerve in his right wrist caused by handcuffs and that it should gradually improve over the next several weeks.

The complainant's county jail medical records stated that during his physical exam at the jail several hours after his arrest, he was diagnosed with neuropraxia of the right wrist. They noted abrasions to the complainant's left cheek, right wrist, left knee and on both sides of his chest, and dried blood in his right nostril.

A photograph of the complainant's right wrist taken approximately sixteen hours after his arrest shows red marks and an abrasion on the outside of his right wrist.

One of the officers who responded as backup for the named officer took four photographs of the complainant seated on the sidewalk. Two of these photographs were taken from behind the complainant and show him with two pairs of handcuffs that are linked together on his wrists. Two were taken from in front and show the complainant with blood on his face that appears to be dripping from his nose.

The named officer stated that as he and his partner were driving by, he heard a commotion and heard someone scream, and saw the complainant partially falling out of a car parked in the driveway. He contacted the complainant to determine whether he needed help or medical attention, or whether there had been a fight. The complainant had difficulty standing and appeared to be under the influence of alcohol. The named officer asked the complainant whether he had been driving and the complainant replied that the named officer could not prove he was

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 50 of 56

=====

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

driving because the keys weren't in the ignition. The named officer ordered the complainant to stop and place his hands behind his back. When the complainant did not comply, the named officer and his partner grabbed the complainant and pulled his arms behind his back. The complainant resisted by pulling his arms away and fell to the ground face-down, along with the named officer and his partner. The complainant tucked his arms under his torso and resisted the officers' attempts to pull them out. During the extended struggle, the named officer struck the complainant's left thigh and hip area with his fist two to three times, but the complainant did not respond. The named officer then shifted his position and bent the complainant's fingers back. The named officer then placed a set of black handcuffs that he had personally purchased on the complainant's wrists. The named officer and his partner quickly raised the complainant to a sitting position. The named officer stated that he checked the handcuffs for the proper degree of tightness by fitting the tip of his index finger between the handcuff and the complainant's ulna bone and then double-locked the handcuffs.

The named officer stated that he never heard the complainant complain that the handcuffs were too tight and did not recall whether the handcuffs were ever adjusted. He did not see any officer adjust the complainant's handcuffs. The named officer stated that he did not recall two pairs of handcuffs being used to handcuff the complainant.

The named officer denied drawing his baton or striking the complainant with a baton, denied striking the complainant with anything but his fist and denied that he or any other officer pushed the complainant's face into the ground. He stated that he did not see the complainant's face strike the ground but assumed the complainant sustained the injuries to his face when he fell.

The named officer's partner confirmed the named officer's account regarding how contact was made with the complainant, the attempts to handcuff the complainant and the complainant's physical resistance. He stated that he did not strike the complainant and did not see the named officer strike the complainant, and denied that the named officer drew his baton.

The named officer's partner stated that he and the named officer handcuffed the complainant using a single pair of handcuffs, but he did not recall who placed the handcuffs on the complainant's wrists. He did not recall the complainant complaining of tight handcuffs, did not recall doing anything to adjust the complainant's handcuffs and did not recall any other officer doing this. He stated that he did not recall anyone placing a second set of handcuffs on the complainant's wrists. He stated that when a second set of handcuffs is placed on a subject after they have already been handcuffed, it is for the subject's comfort, and that placing a second set of handcuffs on a subject creates an officer safety issue. The named officer stated that he sustained two scratches on the back of his left hand that caused bleeding, one scratch on the back of his right hand, one scratch on his right wrist and one scratch on his left knee as a result of the struggle with the complainant. Photographs taken at the scene documented the bleeding scratch on the back of his right hand and an abrasion on his right wrist.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15

NAME: [REDACTED]

INV: Wechter

PAGE: Page 51 of 56

=====

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

Communications records established that the named officer and his partner reported contacting a suspicious vehicle at the location of the complainant's arrest and that sixty seconds later, they reported that they had a resisting subject.

Witness officers who responded as backup for the named officer and his partner stated that the complainant did not complain about tight handcuffs in their presence or that they did not recall the complainant complaining about this.

A sergeant who responded to the scene and conducted a use of force investigation stated in his written response to a Member Response Form that the complainant refused to talk to him and that the complainant's companion told him the complainant was intoxicated and that the named officer and his partner threw the complainant to the ground because the complainant was being an "idiot." He stated in his written response that the complainant asked the named officer to remove his handcuffs and fight him but did not complain about tight handcuffs. The sergeant stated during an OCC interview that he had no independent recollection of this incident and had no recollection about a second set of handcuffs being placed on the complainant. He stated that the only possible reason for adding a second set of handcuffs would be if the subject was experiencing discomfort, and that this would only be done if the subject was not combative and if there were sufficient officers on the scene to control the subject.

There is insufficient evidence to prove or disprove the complainant's claim that the named officer struck him with a baton, tackled him without provocation or pushed his face into the ground. Although the complainant's companion corroborated his claim about the named officer using his baton, her credibility and the credibility of the complainant are diminished because other evidence contradicted several elements of their account.

The complainant's medical records and the photograph of his wrist established that he sustained an injury consistent with a handcuff being applied too tightly on his right wrist. The photographs of the complainant at the arrest scene established that at some point after he was initially handcuffed, a second pair of handcuffs was placed on his wrists. The complainant's companion stated that immediately after he was handcuffed, the complainant complained about pain to his wrist. The next-door neighbor's statement that the complainant complained about his handcuff being too tight provides credible, independent corroboration that the complainant told officers his handcuff was too tight. Her statement that she saw the tight handcuff squeezing his skin just before an officer adjusted his handcuffs provides additional corroboration concerning this.

The named officer and his partner denied adjusting the complainant's handcuffs or placing a second set of handcuffs on his wrists, and none of the other officers who were present recalled doing this. The [REDACTED] identified the officer who initially handcuffed the complainant and brought him to his feet as the officer who later adjusted the complainant's handcuffs.

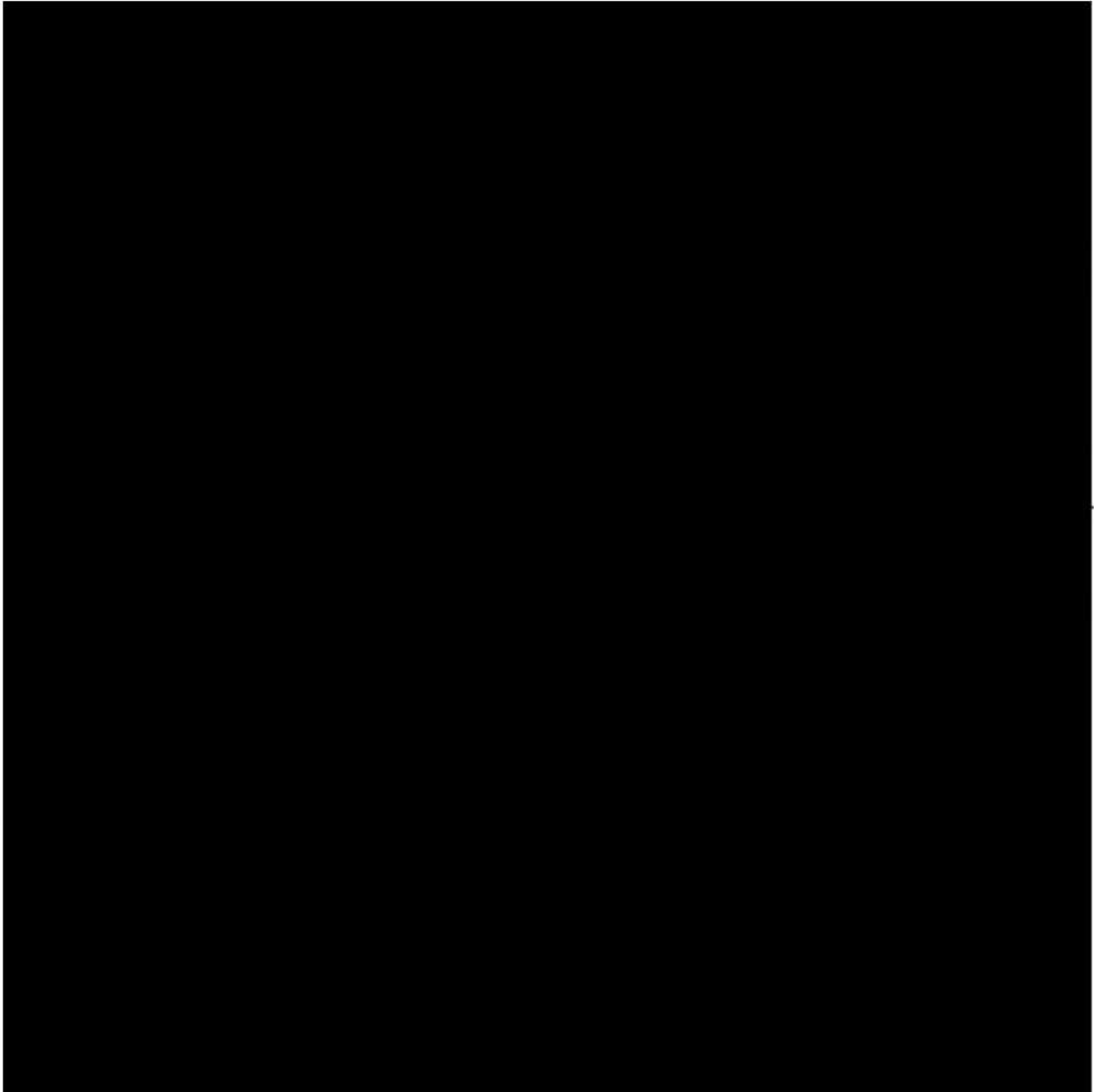
**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: **Page 52 of 56**

=====

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

A preponderance of the evidence established that the complainant complained of pain to his wrist and that his complaint justified adjusting his handcuffs. The complainant's injury to his right wrist is consistent with the handcuff compressing his wrist, and indicates that the handcuff was placed on his wrist too tightly. A preponderance of the evidence established that the named officer used unnecessary force by handcuffing the complainant's right wrist too tightly, causing injury to the complainant's wrist. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.



**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 53 of 56

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

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 54 of 56

[illegible]

1. *Journal of the American Medical Association*, 2000; 283: 2689-2693.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME:
INV: Wechter
PAGE: Page 55 of 56

=====

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

OCC ADDED ALLEGATION:



10/23/15

JW

Organized and numbered attachments for sustained report.

To S. Fletcher for legal review prior to preparation of sustained report (1-year date is January 21, 2016).

10/26/15-10/27/15 Review of Sustainability

I agree with the findings, specifically to **Sustain** Officer Nicholas Buckley #529 for UF-Tight handcuffs and

There is a preponderance of evidence that Officer Buckley handcuffed the complainant and then failed to loosen the handcuffs when the complainant complained of tight handcuffs. Witness corroborated she heard the comp stated the handcuffs were too tight. Medical reports established that the complainant sustained injuries from the tight handcuffs. SFPD photos shows evidence that unknown officer loosened the handcuffs (with two handcuffs applied), most likely due to extreme discomfort.

File to Erick for approval. Erick can determine if the against Officer should remain as Unfounded or to drop this allegation, as well.

10/27/15-Discussed the case with Erick. Erick is in agreement to write the sustained report as recommended and to drop the

10/27/15

JW

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY**

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 56 of 56

=====

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

File returned to me.

11/12/15 – 11/19/15 JW

Drafted Sustained report.

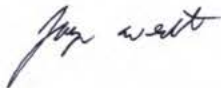
11/19/15 JW

I completed the sustained report draft. I organized and numbered the attachments for the sustained report. I prepared the table of contents for the sustained report.

I prepared the CSR.

I emailed the sustained report and table of contents to S. Fletcher.

File to S. Fletcher.



OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 40-15
NAME: [REDACTED]
INV: Wechter
PAGE: Page 57 of 57

=====

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

12/02/15 I received the file and sustained report. I began review of the case. I informed DD Baltazar by email that I will be out of town from Monday, 12/7/15 through Thursday, 12/10/15, and I set the target date of Friday, 12/18 for completion of the sustained report.

Manny Fortes

12/06/15: Revised the CSR.

C. Baltazar

12/21/15

SR received from Manny for review. Discussed the CSR with Erick. Erick amended the SR to remove Allegation No. 6. against [REDACTED]. Amended ACFs to file.

Sherry Fletcher

3304 DATE: 01/21/2016

SUSTAINED CASE REPORT

OCC CASE NO. 0040-15

COMPLAINANT:



TABLE OF CONTENTS

	PAGE
Summary of Complaint	1
Allegations	2
Evidence	3
Report of Sustained Allegations	4
I. Summary of Findings	4
II. Summary of Evidence	5
III. Applicable Rules	11
IV. Analysis	12
V. Conclusion	13

ATTACHMENTS

	TAB
OCC Complaint filed by [REDACTED]	1
SFPD Incident Report No. [REDACTED]	2
SFPD Event History Detail No. [REDACTED]	3
Four color photographs of the complainant	4
One color photograph of the complainant's wrist	5
San Francisco Fire Department Patient Care Report	6
San Francisco General Hospital Emergency Department Summary	7
San Francisco County Jail medical records	8
SFPD Member Response Form from Sergeant Scott Edwards	9
SFPD Member Response Forms from twelve backup officers	10
Disk containing twenty-two photographs	11
SFPD Photographs taken at incident scene	12
Google Street View photos of [REDACTED]	13
SFPD Basic Course Arrest and Control Manual	14
SFPD Department General Order 5.01	15
OCC recorded interviews:	16
a) [REDACTED] January 22, 2015; February 3, 2015	
b) [REDACTED] February 2, 2015	
c) [REDACTED] February 2, 2015	
d) Officer Nicholas Buckley #528, April 17, 2015	
e) Officer Frank Busalacchi #1430, April 30, 2015	
f) Officer Daniel Burns #4319, May 8, 2015; October 2, 2015	
g) Sergeant Scott Edwards #541, October 20, 2015	

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

TO: Gregory P. Suhr, Chief Of Police

FROM: Joyce M. Hicks, Executive Director

DATE: December 22, 2015

SUBJECT: Report of O.C.C. Investigation
Case No. 0040-15

COMPLAINANT: [REDACTED]

NAMED MEMBERS: Officer Nicholas M. Buckley #528
[REDACTED]

DATE / TIME OF INCIDENT: November 11, 2014, 12:30 a.m.

LOCATION OF INCIDENT: [REDACTED]

SUMMARY OF COMPLAINT: Complainant [REDACTED] filed a complaint with the OCC on January 22, 2015, regarding an incident that occurred on November 11, 2014, on the sidewalk in front of [REDACTED]. The complainant stated that he and a friend returned to her home at [REDACTED] after having dinner. They were parked in her driveway and about to go into the house when a patrol car arrived and "put a spot light" on them as they were about to go up the stairs. He stated in the complaint, "An officer jumped out of the (patrol) car" and asked them what they were doing. The complainant replied that they were going home. The officer asked if they had been out earlier drinking, and the complainant replied that they had a glass of wine with dinner. He stated that the officer "touched the hood (of their car) and said the car still felt warm which meant that (they) were drinking and driving." The complainant stated that he told the officer that the engine was off and the keys were in his friend's pocket, and that the officer could not threaten them with a DUI after they were home. He stated that the officer then got mad and "started charging at (the complainant) and beating (him) up in front of the house." The officer arrested the complainant and took him to jail. The complainant's wrist was numb from the handcuff, which he stated was, "squeezed hard on (his) right hand."

This complaint presented allegations that have resulted in findings other than “Sustained,” as follows:

[REDACTED]

[REDACTED]

[REDACTED]

SUSTAINED ALLEGATIONS:

Allegation No. 2:	Officer Nicholas M. Buckley #528 used unnecessary force on the complainant.
Category of Conduct:	Unnecessary Force
Finding:	Sustained

[REDACTED]

EVIDENCE

1. OCC Complaint filed by complainant [REDACTED] dated January 22, 2015
2. SFPD Incident Report No. [REDACTED] dated November 11, 2014
3. SFPD Event History Detail No. [REDACTED] dated November 11, 2014
4. SFPD Unit History for 3D16D, dated November 10-11, 2014
5. SFPD Unit History for 3D102, dated November 11, 2014
6. Four color photographs of the complainant taken at the scene of his arrest, dated November 11, 2014
7. One color photograph of the complainant's wrist, dated November 11, 2014
8. San Francisco Fire Department Patient Care Report, dated November 11, 2014
9. San Francisco General Hospital Emergency Dept. Summary, dated November 11, 2014
10. San Francisco County Jail medical records, dated November 11, 2014
11. Member Response Form from Sergeant Scott Edwards, dated April 22, 2015
12. Member Response Forms from Officer Jarron Cross, Officer Justin Leach, Officer Christopher Costa, Officer Gared Hansen, Officer Abigayle Lin, Sergeant William Morales, Officer Lauren Newhart, Officer Bayardo Roman, Officer Daniel Burns, Officer Justin Rice, Officer Dominique Ellis and Officer Nikolas Hawes.
13. SFPD Use of Force Log, dated November 1, 2014 – November 15, 2014
14. Disk with twenty-two digital photographs, dated November 11, 2014
15. Department of Emergency Management Communications audio recording for SFPD Event History Detail No. [REDACTED] dated November 11, 2014
16. San Francisco Law Enforcement Regional Training Center Basic Course Arrest and Control Manual, Third Edition 2005
17. SFPD Department General Order 5.01, dated October 4, 1995
18. OCC recorded interviews:
 - a) [REDACTED] January 22, 2015, February 3, 2015
 - b) [REDACTED] February 2, 2015
 - c) [REDACTED] February 2, 2015
 - d) Officer Nicholas M. Buckley #528, April 17, 2015
 - e) Officer Frank Busalacchi #1430, April 30, 2015
 - f) Officer Daniel Burns #4319, May 8, 2015; October 2, 2015
 - g) Sergeant Scott Edwards #541, October 20, 2015

REPORT OF SUSTAINED ALLEGATIONS

Allegation No. 2: **Officer Nicholas M. Buckley #528 used unnecessary force on the complainant.**

[REDACTED]

I. SUMMARY OF FINDINGS

On November 11, 2014, complainant [REDACTED] had dinner at a local restaurant with his friend, [REDACTED] and then drove her car to her residence and parked in the driveway at [REDACTED] arriving at approximately 12:30 a.m. SFPD Officers Nicholas M. Buckley #528 and Frank Busalacchi #1430 were driving past the complainant in a marked patrol car. They stopped and contacted the complainant and [REDACTED] as they were getting out of her car. Officer Buckley stated that he stopped because he heard someone yell and wanted to determine whether anyone was in distress.

Officer Buckley and Officer Busalacchi determined that the complainant was intoxicated in public and attempted to place him under arrest for 647(f). The officers stated that the complainant resisted, fell to the ground and was handcuffed after a struggle. Officer Buckley broadcast to SFPD Dispatch that he had a "148" (Penal Code Section 148, Resisting, delaying or obstructing an officer). Officer Buckley handcuffed the complainant with a single set of handcuffs.

The complainant stated that he repeatedly told the officers that the handcuff on his right wrist was too tight, but that the officers did not adjust it for fifteen to twenty minutes. The handcuffs were then loosened and adjusted. The complainant's medical records and a photograph of his right wrist, taken sixteen hours after his arrest, document an injury to his wrist consistent with a handcuff being applied too tightly. [REDACTED] and her [REDACTED] neighbor, [REDACTED] stated that the complainant complained about a tight handcuff. Photographs of the complainant taken at the scene by one of the backup officers established that some time after the complainant was initially handcuffed, a second set of handcuffs was linked to the first pair securing his wrists. Officers Buckley and Busalacchi denied adjusting the complainant's handcuffs or placing a second set of handcuffs on his wrists, and none of the other officers at the scene admitted to placing the second set of handcuffs on the complainant.

The evidence established that Officer Buckley used unnecessary force when he applied the handcuffs to the complainant's wrist too tightly, in violation of the San Francisco Law Enforcement Regional Training Center Basic Course Arrest and Control Manual and Department General Order 5.01. [REDACTED]

[REDACTED]

II. SUMMARY OF EVIDENCE

A. Summary of interview of complainant [REDACTED]

The OCC interviewed complainant [REDACTED] on January 22, 2015, and February 3, 2015. The complainant stated in the recorded interviews that on November 11, 2014, he and his friend, [REDACTED], returned to her home at [REDACTED] after having dinner at a restaurant on Mission Street. They were about to enter her home when Officers Nicholas M. Buckley #528 and Frank Busalacchi #1430 stopped their patrol car and Officer Buckley contacted the complainant.

The complainant stated that Officer Buckley accused him of driving while intoxicated. The complainant stated that he told Officer Buckley that the officer could not cite him because the car was parked and the engine was off. He stated that Officer Buckley "charged" him with his baton in hand, tackled the complainant and struck him with the baton. The complainant stated that after the complainant fell to the ground, Officer Buckley pushed the complainant's face into the concrete, causing injuries to his face. The complainant stated that Officer Buckley handcuffed him and clamped the handcuff on his right wrist very hard, causing him to experience significant pain and numbness in his right wrist and hand. The complainant stated that he yelled that his hand was numb because one cuff was too tight, and asked Officer Buckley to loosen that handcuff, but Officer Buckley ignored him. Fifteen to twenty minutes later, an unidentified officer loosened and adjusted the complainant's handcuffs.

B. Summary of San Francisco Fire Department Patient Care Report

The OCC obtained San Francisco Fire Department records regarding the complainant from November 11, 2014. The records show that medical personnel [REDACTED] responded to the incident involving the complainant at [REDACTED] Harrison Street to provide medical assistance to the complainant. They also transported the complainant to San Francisco General Hospital. [REDACTED] prepared an SFFD Patient Care Report regarding the incident. [REDACTED] stated in the report that the complainant complained of pain to his right hand, left elbow, right shoulder and right knee.

C. Summary of San Francisco General Hospital Medical Records

The OCC obtained the complainant's medical records from San Francisco General Hospital and Trauma Center regarding treatment that the complainant received on November 11, 2014, arising out of the incident involving Officers Buckley and Busalacchi. The records show that the complainant received triage care at 1:17 a.m. (approximately 47 minutes after his arrest) and also show that the complainant was "reporting right wrist pain after pt (patient) was placed under arrest." The records state in part, "Patient presents for evaluation of numbness to the right wrist...s/p (status post) police takedown, tight handcuff on R wrist with initial pain now numbness to R. hand."

The "Assessment and Plan," documented at 1:33 a.m., states, "R hand numbness with hx (history) severe pain and overly tight handcuff, numbness in radial and median nerve distribution...Loose handcuff on R wrist currently, obs (observe) for improvement now with improved circulation, no bony TTP (Tender to Palpation) doubt fracture, good distal perfusion so no imaging at this time." A "Re-Evaluation," documented at 3:02 a.m., states, "The patient's condition has improved. R hand with improvement in sensation, still some diminished sensation. Likely neuropraxia (Injury to a nerve resulting in paralysis without degeneration and followed by rapid and complete recovery of function) from handcuffs, improving with time. Kaiser pt (patient) will need to f/u (follow-up) as outpt (outpatient) with PMD (Primary Medical Doctor)."

The Emergency Record states, under "Extremities: subjective numbness over dorsum right hand, no gross deformities, 2+ radial pulse." The written instructions for the complainant state "We think you have a temporary damage to a nerve in your right wrist caused by handcuffs that should gradually improve over the next several weeks, in almost all cases by 8 weeks. Follow up with your primary doctor at Kaiser."

D. Summary of San Francisco County Jail Medical Records

The OCC obtained the complainant's medical records from the San Francisco County Jail regarding his intake into the Jail. The records show that the complainant was seen for intake screening on November 11, 2014, at 3:47 a.m. The entry under "Physical Exam" states, "Seen and cleared at SFGH for med clearance S/P taken down during arrest and numbness of Rt wrist from handcuffs. DX (diagnosis): neuropraxia of RT wrist. Abrasions to LT cheek, RT wrist and bil (bilateral) chest, LT knee. Dried blood noted to RT nares." At his Intake Screening on 6:51 a.m. on November 11, the complainant received 600 mg Ibuprofen, starting on 11/11/14 and ending on 11/15/14.

E. Photograph of complainant's wrist

The complainant's friend, [REDACTED] provided the OCC with a photograph she took of the complainant's right wrist on November 11, 2014, at 4:40 p.m. (approximately sixteen hours after his arrest). It shows abrasions and marks consistent with a handcuff around the complainant's right wrist

F. Summary of interview of [REDACTED]

The OCC interviewed [REDACTED] on February 22, 2015. [REDACTED] stated in the recorded interview that she and the complainant had just returned to her home located at [REDACTED] after having dinner at a restaurant on Mission Street. She stated that the complainant parked in the driveway of [REDACTED] house, and he and [REDACTED] got out of her car and walked towards the steps to her front door. She stated that an officer (subsequently identified as Officer Nicholas M. Buckley #528) approached the complainant and asked him questions about what he was doing and where he was coming from. Officer Buckley touched the hood of [REDACTED] car and asked whether they had

been driving. Officer Buckley drew his baton and used it to push the complainant in the chest, and then grabbed the complainant by his arms. A second officer (subsequently identified as Officer Frank Busalacchi #1430) assisted Officer Buckley. The complainant went to the ground, but [REDACTED] did not see how. [REDACTED] then saw the complainant sitting cross-legged on the sidewalk with his hands cuffed behind his back and heard him say that his wrist hurt.

G. Summary of interview of [REDACTED]

The OCC interviewed [REDACTED] on February 2, 2015. [REDACTED] stated in the recorded interview that she lives at [REDACTED] to [REDACTED]. [REDACTED] stated that on November 11, 2015, she was asleep in her bedroom, located at the front of the house, above the garage, when she was awoken by someone screaming, "Oww! You're hurting me! Neighbors, help."

[REDACTED] stated that she went to the window, opened the curtain and saw two officers on top of complainant [REDACTED] who was face down on the sidewalk. The officers were "grabbing and holding" the complainant, and appeared to be attempting to handcuff his hands, which were behind his back. She heard the complainant yelling, "My arm!" [REDACTED] stated that the officers handcuffed the complainant and picked him up. She then she saw blood on the complainant's face. She stated that the complainant, who had "quieted down," said, "My arm hurts, you put it on too tight." She stated that the complainant asked the officers to loosen the handcuff.

[REDACTED] estimated that approximately seven minutes later, one of the officers who had handcuffed the complainant shone a flashlight on the complainant's arm and saw that the handcuffs were too tight. [REDACTED] stated, "You could see the fat of his hands being squished." She stated that she heard the same officer tell the complainant, "I'm going to loosen them up, don't move." She saw the officer loosened the handcuffs, and the complainant stopped yelling. [REDACTED] stated that she then went back to sleep.

H. Photographs of complainant at incident scene

Officer Daniel Burns #4319 took twenty-two photographs at [REDACTED] on November 11, 2014, between 12:35 a.m. and 12:52 a.m. They include: photographs of Officer Buckley and Officer Busalacchi standing on the sidewalk displaying their injuries, taken between 12:35 and 12:39 a.m.; four photographs of the complainant seated on the sidewalk, taken at 12:47 a.m.; photographs of [REDACTED] car and her front steps, taken at 12:49 a.m. and 12:50 a.m.; photographs of Officer Busalacchi inside an ambulance, taken at 12:52 a.m. Two of the photographs show the back of the complainant and show his wrists secured by two sets of handcuffs linked together. In both photographs, a flashlight beam is being shone on the complainant's wrists.

I. Summary of interview of Officer Daniel Burns #4319

The OCC interviewed Officer Daniel Burns #4319 on May 8, 2015, and October 2, 2015. Officer Burns stated in the recorded interviews that he responded to [REDACTED] on November 11, 2014 as a backup officer. Officer Burns stated that Sergeant Scott Edwards instructed him to photograph the injuries sustained by Officers Buckley and Busalacchi. He stated that he did not recall anything else that he was instructed to photograph and did not recall taking any photographs on his own initiative.

J. Summary of Interview of Sergeant Scott Edwards #541

The OCC interviewed Sergeant Edwards on October 20, 2015. Sergeant Edwards stated in the recorded interview that due to the time that had passed between the date of incident involving the complainant, January 22, 2014, and the date of the interview, he had no independent recollection of the incident other than what he stated in the Member Response Form (MRF) that he completed on April 22, 2015. Sergeant Edwards stated in the MRF that he responded to [REDACTED] on November 11, 2014, as a backup unit for Officers Buckley and Busalacchi and conducted a use of force investigation at the scene. Sergeant Edwards also stated in the MRF that the complainant did not complain about tight handcuffs but requested that Officer Buckley remove his handcuffs and fight him "like a man." Sergeant Edwards stated in the MRF that he told the complainant that the handcuffs "would not be coming off at this time."

Sergeant Edwards stated in the interview that he did not recall what he did at the scene concerning a use of force investigation. Sergeant Edwards did not recall instructing an officer to take photographs at the scene. Sergeant Edwards stated he typically instructs officers to photograph obvious injuries and evidence at the scene. He stated that he directs officers to "take photographs for a specific reason." He stated, "I wouldn't just give a blanket, 'Just take photographs' order...If I gave an order, it would have a purpose to it."

Sergeant Edwards stated that the only potential reason for photographing a suspect's handcuffed hands would be "if their hands showed injuries." Sergeant Edwards reviewed several photographs during the OCC interview, one of the complainant seated on the sidewalk and two showing the rear of the complainant with his hands handcuffed behind his back with two sets of handcuffs. Sergeant Edwards stated that he had no independent recollection concerning those photographs or why they were taken, and viewing them did not refresh his recollection. He stated that, in general, he would order photographs taken of a suspect's handcuffed hands to document injuries (or a lack of injuries) to their hands, for example, to "show any indications of fighting...both exculpatory and mitigating circumstances. To collect evidence."

K. Summary of interview of Officer Nicholas M. Buckley #528

The OCC interviewed Officer Nicholas M. Buckley #528 on April 17, 2015. Officer Buckley stated in the recorded interview that he and Officer Busalacchi were working patrol on November 11, 2014. He stated that as they were driving northbound on Harrison Street in their patrol car, he heard "a commotion." He stated that he heard someone scream and then saw the complainant partially falling out of a car parked in the driveway of [REDACTED]. Officer Buckley stated that he contacted the complainant to determine whether he needed help or medical attention or whether there had been a fight. He stated that the complainant had difficulty standing and appeared to be under the influence of alcohol. Officer Buckley stated that he asked the complainant whether he had been driving and stated that the complainant replied that Officer Buckley could not prove he was driving because the keys were not in the ignition. Officer Buckley then ordered the complainant to stop and place his hands behind his back. He stated that the complainant did not comply. He stated that he and Officer Busalacchi grabbed the complainant and pulled his arms behind his back. The complainant resisted by pulling his arms away and fell to the ground facedown along with Officer Buckley and Officer Busalacchi. Officer Buckley stated that the complainant tucked his arms under his torso and resisted the officers' attempts to pull them out. Officer Buckley stated that he broadcasted a "148" (resisting, delaying and obstructing an officer) over his PIC radio.

Officer Buckley stated that he struck the complainant with his fist two to three times in the left thigh and hip area but the complainant did not respond. Officer Buckley stated that he bent the complainant's fingers back and placed a set of handcuffs on the complainant's wrists. He stated that he and Officer Busalacchi quickly raised the complainant to a sitting position. Officer Buckley stated that he checked the handcuffs for the proper degree of tightness by fitting the tip of his index finger between the handcuff and the complainant's ulna bone and then double-locked the handcuffs, but he did not recall, in the OCC interview, whether he did that while the complainant was lying on the ground or after he was raised to a sitting position.

Multiple officers arrived as backup. The complainant was in handcuffs before any backup officers arrived, but Officer Buckley was not certain whether the complainant was placed in a sitting position before or after the first backup officers arrived. Officer Buckley stated that while waiting for an ambulance to arrive to evaluate the injuries of Officer Buckley and Officer Busalacchi's injuries, the complainant "became irate" and "the symptoms of him being under the influence of alcohol became more apparent." He stated that the complainant slurred his speech, mumbled and berated and insulted Officer Buckley, calling him a "rookie" and a "midget," and asked that the handcuffs be removed so he could fight Officer Buckley.

Officer Buckley stated that he never heard the complainant complain that the handcuffs were too tight and did not recall whether the handcuffs were ever adjusted. He did not see any officer adjust the complainant's handcuffs. Officer Buckley stated that he did not recall two pairs of handcuffs being used to handcuff the complainant. Officer

Buckley reviewed two photographs of the complainant during the OCC interview showing the complainant sitting on the sidewalk with his wrists secured by two sets of handcuffs. Officer Buckley stated his handcuffs were the black pair attached to the complainant's left wrist, and that he secured both of the complainant's wrists with the black handcuffs when he handcuffed him.

L. Summary of interview of Officer Frank Busalacchi #1430

The OCC interviewed Officer Frank Busalacchi #1430 on April 30, 2015. Officer Busalacchi stated in the recorded interview that he and Officer Nicholas Buckley were in full uniform and on patrol in a patrol car on November 11, 2014. He and Officer Buckley stopped in front of [REDACTED] to determine whether anyone was in distress after they heard someone yell. He stated that Officer Buckley exited their patrol car and approached the complainant. Officer Busalacchi stated that he went to the passenger side of the car parked in the driveway and contacted [REDACTED] who was seated in the front passenger seat. The complainant began walking toward 26th Street when Officer Buckley ordered him to stop. The complainant did not comply. Officer Busalacchi stated that the complainant appeared to be intoxicated. He stated that he approached the complainant, and he and Officer Buckley grabbed the complainant's arms to handcuff him. He stated that the complainant resisted.

Officer Busalacchi stated that he and Officer Buckley fell to the ground. The complainant's arms were under his torso and he resisted being handcuffed. Officer Buckley stated that he and Officer Busalacchi eventually gained control of both of the complainant's arms and handcuffed him with a single pair of handcuffs. Officer Busalacchi did not recall who placed handcuffs on the complainant or whose handcuffs were used. Officer Busalacchi stated that after they handcuffed the complainant, he and Officer Buckley placed him in a sitting position on the sidewalk.

Officer Busalacchi did not recall anything the complainant said after he was handcuffed and did not recall him complaining about tight handcuffs. Officer Busalacchi did not recall adjusting the complainant's handcuffs and did not recall any other officer adjusting the handcuffs. Officer Busalacchi did not recall anyone placing a second set of handcuffs on the complainant's wrists. Officer Busalacchi then reviewed two photographs during the OCC interview, showing the complainant with his hands handcuffed behind his back with two sets of handcuffs. He stated that he did not recognize either pair of handcuffs in the photographs and did not know how the second pair of handcuffs were placed on the complainant. Officer Busalacchi stated that when a second set of handcuffs is placed on a subject after they have already been handcuffed, it is for the subject's comfort, and that placing a second set of handcuffs on a subject creates an officer safety issue.

M. Summary of Member Response Form statements from backup officers

Multiple SFPD police officers responded to the November 11, 2014, incident involving the complainant. The OCC served Member Response Forms on several of them. The officers who submitted responses stated either that the complainant did not complain about tight handcuffs in their presence or they did not recall the complainant complaining about tight handcuffs.

III. APPLICABLE RULES

A. The San Francisco Law Enforcement Regional Training Center Basic Course Arrest and Control Manual (Third edition, 2005), states, in Chapter Four, *Restraint Devices*, in the section entitled *Handcuff Tightness*:

The handcuffs should be applied between the ulnar bone and the base of the wrist. If the subject's actions prevent correct application, the handcuffs should be rechecked as practical for excessive tightness or looseness. The handcuffs should be tight enough that they do not easily slide around the wrist. The handcuffs should not be so tight that they cut off circulation. One method of assessing how tight the handcuffs are, is to place your index finger tip between the inside neck of the cuff and the subject's wrist. If your fingertip just barely fits, the handcuffs are sufficiently tight.

B. Department General Order 5.01, Use of Force (issued 10/4/95) states, in section I. A.:

The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

It states, in Section I., C.:

Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more.

It states, in Section I., M.:

UNNECESSARY FORCE (DEFINED)

1 Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.

C. Department General Order 3.01, Written Communication System (dated 7/14/10) states, in Section X., Department Manuals:

A. APPROVAL AND INDEXING.

4. Members shall comply with the provisions of Department Manuals.

IV. ANALYSIS

Pursuant to The San Francisco Law Enforcement Regional Training Center Basic Course Arrest and Control Manual Officer (Arrest and Control Manual), Officer Nicholas M. Buckley #528 had an obligation to use the correct tightness when he placed handcuffs on the complainant. He had an obligation pursuant to the Arrest and Control Manual to not cut-off circulation or cause injury to the complainant's wrist. Officer Buckley was in violation of the Arrest and Control Manual when he applied the handcuff to the complainant's right wrist so tightly that he caused an injury. Pursuant to Department General Order 5.01, Use of Force, Officer Buckley had an obligation to use reasonable force on the complainant. Officer Buckley was in violation of DGO 5.01 by using unreasonable force on the complainant when he applied the handcuff too tightly.

Officer Buckley stated that he and Officer Busalacchi finished handcuffing the complainant before backup officers arrived, and that he and Officer Busalacchi lifted the complainant from the ground and to a sitting position on the sidewalk. Immediately after Officer Buckley placed the handcuffs on the complainant, the complainant complained of pain in his right wrist in the presence of Officer Buckley. However, Officer Buckley failed to adjust the handcuff to loosen it, causing physical injury and numbness to the complainant's wrist.

Two witnesses at the scene of the arrest of the complainant corroborated that the complainant complained that the handcuff was too tight and that he complained of pain in his wrist from the handcuff. [REDACTED] stated the complainant complained of pain to his wrist immediately after he was handcuffed. [REDACTED] also stated that the complainant complained about the handcuff being too tight immediately after he was handcuffed. San Francisco Fire Department medical records, San Francisco Jail medical records and the complainant's medical records from San Francisco General Hospital all

show that the complainant complained of pain and numbness in his right wrist from the handcuff, and note the resulting injury to the complainant's wrist from the handcuff.

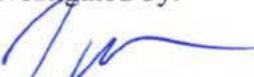
The photograph of the complainant's wrist, taken on November 11, 2014, at 4:40 p.m. (approximately sixteen hours after his arrest), shows physical marks on his wrist consistent with a handcuff being applied too tightly.

The overwhelming and uncontroverted evidence, including witness statements, medical evidence and photographs, established that the handcuff placed on the complainant's right wrist by Officer Buckley was not applied in conformance with the Arrest and Control Manual, and was so tight that it caused an injury to the complainant's wrist. By applying the handcuff so tightly, Officer Buckley used unnecessary force on the complainant. The evidence also established that Officer Buckley failed to properly adjust the handcuff in a timely manner after being informed that the handcuffs were too tight.

V. CONCLUSION

A preponderance of the evidence established that Officer Buckley used unnecessary force in violation of Department General Order 5.01 when he handcuffed the complainant too tightly, causing injury to the complainant's wrist. Therefore, the allegation of Unnecessary Force against Officer Nicholas M. Buckley #528 for applying handcuffs too tightly is **Sustained**.

Investigated by:


J. WECHTER
Investigator

Reviewed by:


ERICK BALTAZAR
Deputy Director

Reviewed by:


SHERRY FLETCHER
Acting Senior Investigator

Approved by:


JOYCE M. HICKS
Executive Director

Assigned Attorney: R. Manuel Fortes

Kill In

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Last Name First Name Middle Initial

HOME ADDRESS: [REDACTED]
[REDACTED] Street Apartment
[REDACTED]
City State Zip

WORK ADDRESS:

	Street	Apartment
City	State	Zip

Age: 43 Date of Birth:

Sex: M

Ethnicity: NATIVE / MEX

Occupation: DELIVERY DRIVER

4 Telephone Numbers:

Home: [REDACTED]

Work: ()

5 Location of Occurrence:

9

6 Type of Place

01District0

8 Day, Date, & Time Of Occurrence:

11-11-14

A.M. / P.M.
(Circle one)

9 Incident Report or Citation No

①

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 項填上有可能聯絡您的電話號碼，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 bloke 2, 3, 4, 5, 8, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang bloke 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 pagsusulat 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 bloke 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 Philippines 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.

22

NARRATIVE OF INCIDENT:

I [REDACTED] had just returned from dinner with my friend [REDACTED] to her home at [REDACTED] ~~where~~ we were parked and about to go inside the house when a patrol car pulled up and put a spot light on us as we were about to go up the stairs an officer jumped out of the car asking us what we were doing? I said going home. He then asked if we had been out earlier drinking. I said we had a glass of wine with dinner earlier then the officer walked up to the car in the driveway and touched the hood and said the car still felt warm which meant that we were drinking and driving. I then said we are home car is off no one is driving keys are in her/mine pocket so you can't just come up and threaten us with a DUI after were home. He then got mad started charging at me and beating me up in front of the house in the neighbors driveway. I was then arrested sent to jail and missed work the next day. I now owe for Bail & Meli. Also my wrist is still numb from hand cuff/squeezed hard on my right hand.

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OGC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☒ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:

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

J. WECHTER, 1/22/15

As

Closure Approval/Date:

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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UNITED STATES

RECEIVED
AUG 11 2015

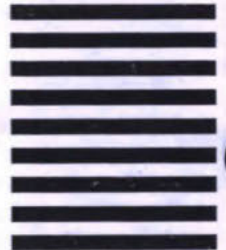
2015 JAN 22 AM 11:45

BUSINESS REPLY MAIL

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



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
		11/11/2014 00:29		11/11/2014 00:29	
	Type of incident				
	RESISTING, DELAYING, OR OBSTRUCTING PEACE OFFICER DUTIES 27170 BATTERY, OF A POLICE OFFICER 04154 ALCOHOL, UNDER INFLUENCE OF IN PUBLIC PLACE 19090				
	Location of Occurrence: - At Intersection with/Premise Type				
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	
Location Sent / On View:		At Intersection with		Reporting District	
HARRISON ST		26TH ST		MISSION	
Crime and Clearance Status		Reported to Bureau	Name	Star	Date/ Time
6					
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	I declare under penalty of perjury, this report of _5_ 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 Post Training				
	Reporting Officer	Star	Station	Watch	Date
	BUCKLEY, NICHOLAS M	529	Mission Station	1600-0200	11/11/14 05:02
	Reviewing Officer	Star	Station	Watch	Date
	EDWARDS, SCOTT E	541	Mission Station	2100-0700	11/11/14 05:04
OIC	Star	Station	Watch	Date	
MORALES, WILLIAM A	1903	Mission Station	2100-0700	11/11/14 05:05	
Related Case	Related Case	Re-assigned to	Assigned to	Assigned by	
--	--	Copies to 3*300	3*300	NB 529	

R / 1 V I C T I M	Code	Name (Last, First Middle)	Alias	Email	
	RV 1	BUCKLEY #529, OFFICER			
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	(415) 559-5400	Work	630 VALENCIA ST	SAN FRANCISCO	CA
DOB	Age	DOB	or age between and	Race	Sex
		Unk. <input type="checkbox"/>			
Confidential	Violent Crime	293 PC	Star	Follow-up Form	Statement
Person <input type="checkbox"/>	Notification <input type="checkbox"/>	Notification <input type="checkbox"/>		YES <input type="checkbox"/>	YES <input type="checkbox"/>
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language			

R / 2 V I C T I M	Code	Name (Last, First Middle)	Alias	Email	
	RV 2	BUSALACCHI #4330, OFFICER			
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	(415) 558-5400	Work	630 VALENCIA ST	SAN FRANCISCO	CA
DOB	Age	DOB	or age between and	Race	Sex
		Unk. <input type="checkbox"/>			
Confidential	Violent Crime	293 PC	Star	Follow-up Form	Statement
Person <input type="checkbox"/>	Notification <input type="checkbox"/>	Notification <input type="checkbox"/>		YES <input type="checkbox"/>	YES <input type="checkbox"/>
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language			

Report Type: Initial

WITNESS	Code	Name (Last, First Middle)		Alias		Email						
	W 1											
	Day Phone	Type	Home Address		City	State	Zip Code					
		Cell										
	Night Phone	Type	Work Address		City	State	Zip Code					
DOB	/ Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd	ID No.
	50	Unk. <input type="checkbox"/>	and	U	F	5'4	185	BLK	BRO			
Confidential	Violent Crime	293 PC		Star		Follow-up Form		Statement		Relationship to Subject		
Person <input type="checkbox"/>	Notification <input type="checkbox"/>	Notification <input type="checkbox"/>				YES <input type="checkbox"/>		YES <input checked="" type="checkbox"/>		WIFE		
School (if Juvenile)		Injury/Treatment		Other Information/If Interpreter Needed Specify Language								
				LSW BLACK SHIRT, BLUE JEAN SHORTS								

BOOKED	Code	Name (Last, First Middle)		Alias		Email				
	B 1									
	Day Phone	Type	Home Address		City	State	Zip Code			
		Cell								
	Night Phone	Type	Work Address		City	State	Zip Code			
	DOB	Date of Birth	Age	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color
	Unknown <input type="checkbox"/>		43	and	H	M	5'9	200	BRO	BRO
	SEN#	ID# (if Juv)	ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number			
Booking Charge(s)				Booking Location						
243(b) PC / 148(a)(1) PC / 647(f) PC				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	Star					
				WILSON	15					
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)	Statement					
SGT. EDWARDS	541		<input type="checkbox"/>		<input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos										
LSW: BLACK GIANTS SHIRT, BLACK PANTS, BLACK/WHITE 'NIKE' SNEAKERS. SHORT CROPPED HAIR, GOAT-T.										

PROPERTY	Code/No	Item Description		Brand		Model	
	EVD 1	PHOTO CD					
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
				SIL		1	TBD
Seized by (Star)		From Where					
4330		CO. D					
Additional Description/Identifying Numbers							
(22) pictures of [REDACTED] Officer Buckley #529, Officer Busalacchi #4330, injuries, and scene.							

Report Type: Initial

VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R - RECOVERED; S - STOLEN; S/R - STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED					
	Code U 1	Plate No. [REDACTED]	State CA	Reg Yr 2015	Plate Type PC	VIN No. [REDACTED]
	Veh Year 2007	Make Honda	Model CIVIC			
	Style Sedan, 4 Door		Color Brown	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star	
	Hold For		Other Information			
	Registered Owner Business Name/Last Name (R/O) [REDACTED]					Residence Phone [REDACTED]
Residence Address [REDACTED]			City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Business Phone

Report Type: Initial

NARRATIVE

On 11/11/2014 at approximately 0029 hrs, I (Officer Buckley #529) was patrolling the Mission district in full police uniform and a marked patrol vehicle with my partner (RV1) Officer Busalacchi #4330. Ofc. Busalacchi was driving and I was sitting in the front passenger seat.

We were heading northbound on Harrison Street, crossing 26th Street, when I heard an unknown male scream, "Fuck!" I immediately looked to my right, towards the area where I heard the scream and observed an unknown Hispanic male, later identified as [REDACTED] with his torso and arms laying on the street and the lower half of his body seated in the driver's seat of a tan (UO1) Honda Civic. The vehicle was parked perpendicular to the east curb line of Harrison Street, half in the street and half on the driveway/sidewalk, directly in front of [REDACTED]. I also observed an unknown female, later identified as [REDACTED], seated upright and facing forward in the vehicle's passenger seat.

Due to the position of the car and the panicked tone of [REDACTED] voice, I exited our patrol vehicle to ascertain whether [REDACTED] and [REDACTED] were having an emergency and/or in need of help. I walked toward [REDACTED] and asked him if he was okay and observed [REDACTED] appeared to be reaching for a set of keys, which were on the street pavement directly in front of his outstretched arms. [REDACTED] looked up at me and I observed his eyes were blood shot and watery. [REDACTED] reached his arms out farther towards the keys and the lower portion of his body fell out of the vehicle. [REDACTED] attempted to brace himself but was unable to, and his entire body crumpled onto the street pavement beside his vehicle.

[REDACTED] retrieved his keys and attempted to stand up, but he lost his balance and remained on the pavement. I approached [REDACTED] to help him up so that he would not fall over again and injure himself, but [REDACTED] waved me away and refused my assistance. [REDACTED] slowly staggered to his feet and I observed he had difficulty maintaining his balance. [REDACTED] looked directly at me, laughed and stated that he was fine. I observed [REDACTED] speech was thick and slurred. Due to my training and experience, I believed [REDACTED] actions were symptomatic of being under the influence of alcohol. Due the fact [REDACTED] was in public, under the influence of alcohol, and unable to care for his own safety, I determined to place [REDACTED] under arrest for 647(f)PC.

I asked [REDACTED] if he had been driving and he laughed and said that he had been driving but the keys weren't in the ignition and I couldn't do anything about it. The tone in [REDACTED] slurred speech was very antagonistic. I told [REDACTED] to step onto the sidewalk and he quickly turned and started walking towards the front steps of [REDACTED]. I believed [REDACTED] was going to walk up the steps so I ordered him to stop, and he threw the keys onto the landing of the front steps of [REDACTED]. [REDACTED] still remained seated in the front passenger seat of the vehicle.

I told [REDACTED] to show me his hands and he became visibly agitated. [REDACTED] raised his voice and yelled at me that I had no right telling him what to do. [REDACTED] speech was still slurred, his gait was uneven, and his upper body was swaying from side to side. I told [REDACTED] to calm down and he began yelling that the police had better things to do than bother him.

I believed [REDACTED] was intoxicated, he refused to follow my simple instructions, and he was becoming visibly agitated. I ordered [REDACTED] to place his hands behind his back and attempted to take him into custody. [REDACTED] did not comply with my order so I grabbed his right wrist and Ofc. Busalacchi grabbed onto his left wrist. I felt [REDACTED] immediately tense the muscles in his right arm and upper body, causing his arms to become rigid at his side. This action prevented Ofc. Busalacchi and I from placing [REDACTED] hands behind his back into handcuffs (148(a)(1)PC). As Ofc. Busalacchi and I struggled to control [REDACTED] and place him into custody, I ordered him several more times to place his hands behind his back. [REDACTED] powerfully thrust his upper body downward, and violently twisted his body from side to side. Ofc. Busalacchi and I wrestled [REDACTED] to the ground and I told him he was under arrest. I continued to order him to stop resisting us and to place his hands behind his back, yet [REDACTED] continued to resist us.

Report Type: Initial

INCIDENT REPORT

I attempted to grab [REDACTED] right wrist and use a bent wrist control hold to take him into custody, however, [REDACTED] violently fought to pull arms and hands away from me and towards his body. I observed [REDACTED] had exited the vehicle and approached Ofc. Busalacchi and I from behind. I ordered [REDACTED] to get back and she ceased her movement towards us. Up to this point, I had not conducted any type of search on [REDACTED] and became very concerned that [REDACTED] may possess a weapon. Due to [REDACTED] continued resistance, his size (approximately 5'9"/200lbs) and demeanor, and the ineffectiveness of my control holds, I was forced to strike [REDACTED] with my fist several times to his left leg, hip and side in an attempt to take him into custody, yet he continued to resist. I grabbed onto his right hand and bent his fingers back towards the top of his wrist. [REDACTED] yelled in pain, placed his hands behind his back and I finally placed him into custody.

I observed [REDACTED] was bleeding from the nose and mouth area. I summoned an ambulance to our location and Medic 81 responded to assess [REDACTED] injuries.

I also observed Ofc. Busalacchi sustained injuries as a result of [REDACTED] resistance (See Ofc. Busalacchi's statement for further information).

3D102 Sergeant Edwards #541 and 3D112 Sergeant Morales #1903 responded to our location. Sgt. Morales conducted a use of force investigation, and subsequently made an entry into the Use of Force Log at Mission Station.

With the approval of Sgt. Edwards, [REDACTED] was placed under arrest for 647(f)PC, 148(a)(1)PC. Since Ofc. Busalacchi sustained a visible injury as a result of [REDACTED] resistance, he was also arrested for 243(b)PC.

While on scene, Ofc. Busalacchi's injuries were assessed and treated by Medic 81.

While at the scene and in handcuffs, [REDACTED] continued to yell at me and repeatedly challenged me to take the handcuffs off him and fight him. [REDACTED] told me that I should take off my gun and badge and then he would, "Kick my ass." [REDACTED] repeatedly screamed at me that I was a, "Pussy." [REDACTED] attempted to lure me into a fight by insulting me and yelling that I was a "Coward," a, "Midget," and a, "Rookie," who had no business being a police officer. [REDACTED] repeatedly demanded my, "Badge number," and each time I provided it to him. [REDACTED] then repeatedly and incoherently screamed my star number, "529...529..!"

[REDACTED] stated to me that she and [REDACTED] had just returned home from having "a few drinks" on 25th Street at 'La Traviata'. Although [REDACTED] stated she had been consuming alcoholic beverages, she did not meet the criteria for 647(f)PC and was not detained during this incident.

3D15D Officer Burns #4319 took photographs of the scene and of Ofc. Busalacchi's and [REDACTED] injuries. Ofc. Burns later placed the photos on a (E1) compact disc (CD).

After being treated and released on scene by Medic 81, [REDACTED] demanded to be transported to San Francisco General Hospital (SFGH). 3D12E Officer Costa #4312 and Officer Hansen #2095 assumed custody of [REDACTED] while Medic 81 transported him to SFGH. [REDACTED] was treated and released from SFGH and booked into San Francisco County Jail #1 for the above mentioned charges.

Ofc. Burns digitally uploaded the photographs on to this report, and Ofc. Busalacchi booked the (E1) photo cd into evidence at Mission Station.

Report Type: Initial

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Busalacchi, Frank E 4330		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/558-5400
Residence		Zip Code	Business Address / City if not San Francisco 630 Valencia Street, SF	Zip Code 94110-1126
Date of Statement 11/11/14	Time Started 01:54	Time Completed 02:55	Location Where Statement Taken At Scene <input type="checkbox"/> Other: MISS	

On Tuesday, 11/11/2014, at approximately 0029 hours, Officer Buckley #529 and I were on patrol in full police uniform and riding in a marked SFPD patrol vehicle. I was the driver of the patrol vehicle and driving northbound on Harrison Street crossing 26th Street. As we passed [REDACTED] I heard someone yell and what sounded like keys falling to the ground.

I backed the patrol vehicle and observed a male adult, later identified as [REDACTED] on the driver side of a (UO) brown Honda Civic which had the driver side door open. Officer Buckley shined the spot light onto the car and I heard [REDACTED] yell something as he got up to his feet and stumbled toward a house located at [REDACTED]. Officer Buckley exited the vehicle and made contact with [REDACTED] near the front of the vehicle.

Officer Buckley asked [REDACTED] if he had been driving the vehicle. [REDACTED] stated, "I had been driving the vehicle but the keys aren't in the ignition and you can't do anything." [REDACTED] then started to walk toward the house again and threw his keys into the stairwell. I went around the passenger side of the vehicle to get [REDACTED] but Officer Buckley had already stopped [REDACTED] near the stairwell of the house.

I noticed a passenger in the Honda Civic, later identified as [REDACTED] and asked her to open the door. I spoke with [REDACTED] and she told me the following:
[REDACTED] said that she and [REDACTED] had been drinking alcoholic beverages at another location and had arrived at [REDACTED] prior to Officer Buckley and I making contact with her. [REDACTED] said she had been talking with [REDACTED] in the car. [REDACTED] said [REDACTED] was upset because he broke his phone earlier.

I heard [REDACTED] start to yell at Officer Buckley and walk away from Officer Buckley toward 26th Street interrupting my interview with [REDACTED]. I ordered [REDACTED] to stop and he argued with me saying, "I didn't do anything. I'm going to my house." I approached [REDACTED] on the sidewalk and told him that he admitted that he was drunk in public earlier and to stay still. [REDACTED] turned around to try and walk to [REDACTED] and I told him to stop.

Officer Buckley grabbed [REDACTED] right arm and told him to put his hands behind his back. I grabbed [REDACTED] left arm and attempted to put it in a rear wrist lock so Officer Buckley and I could put handcuffs on him. [REDACTED] began to straighten his arms and free himself from my control. I ordered [REDACTED] to stop resisting us and that he was under arrest. [REDACTED] screamed, "You can't do anything!" [REDACTED] continued to struggle causing me to lose control of his left hand. [REDACTED] then started moving toward the stairs located at [REDACTED]. I gained back control of [REDACTED] and wrapped my arms around his waist. I tried to take [REDACTED] to the ground but could not while Officer Buckley tried to control him also. Finally, all three of us fell to the ground.

[REDACTED] was on his stomach and I ordered him several times, "Put your hands behind your back! You're under arrest!" [REDACTED] kept trying to put his arms between his body and the sidewalk to prevent Officer Buckley and I from putting him in handcuffs. [REDACTED] then turned to his left side pinning his left arm between the sidewalk and his body. [REDACTED] then rolled onto his back with me on top of him. I pushed [REDACTED] back to his stomach and he posted his arms and got to his knees.

I used a double leg control technique on [REDACTED] and grabbed both of his arms causing him to fall back to his stomach. Officer Buckley and I gained control of [REDACTED] arms and put him in handcuffs.

Incident# [REDACTED]

SFDPA - 0040-15 - 000290

Report Type: Initial

Several units arrived on scene. I observed that I had sustained several injuries which were caused by [REDACTED] unlawfully resisting Officer Buckley and I. I observed that I was bleeding from the back of my left hand. I had two scratches on the back of my left hand, one scratch on the back of my right hand, one scratch on my right wrist, and one scratch on my left knee.

I notified Sergeant Edwards #541 that I had sustained injuries during this incident.

Officer Burns #4319 took pictures of my injuries.

M81 arrived on scene and treated me for my injuries.

As Officer Buckley and I left the scene, I felt pain to the back of my left arm and to my left forearm as if a muscle was strained when I grabbed the steering wheel of my patrol vehicle.

I spoke with Wilson #15 at CWB who confirmed [REDACTED] did not have any warrants.

I seized the (E1) photo CD at Mission Station from Officer Burns and booked it into Evidence at Mission Station.

143150064 C 916 SUSPICIOUS VEHICLE HARRISON ST/26TH ST, SF

[11/11/2014]

00:29:54	DT14		CREATE	Location:HARRISON ST/26TH ST, SF Type:916 DAREA:3D Area:462 TypeDesc:SUSPICIOUS VEHICLE LocDesc:<3000/ 3100> Priority:C Response:F:3PAT Agency:SP Sector/Stn:D4 Map:A3 Plate:
00:29:54	DT14		ENTRY	Map:A3 Plate: Comment:W/2 SH OWN
00:29:54	DT14		DISPOS	3D16D Location:HARRISON ST/26TH ST, SF Plate: Operator: OperNames:BUSALACCHI,FRANK (Q2); BUCKLEY,NICHOLAS (Q2)
00:29:54	DT14		PRIU	3D16D
00:29:54	CADAPP TIB		PREMIS	Comment:PPR, FPR
00:30:55	DT14		MISCN	3D16D Comment:148
00:31:07	DT10		MISCN	3D16D Comment:148 HARRISON/26
00:31:11	DT14		BACKER	3D11D Operator: OperNames:CROSS,JARRON (Q2); LEACH,JUSTIN THOMAS (Q2)
00:31:21	DT14		BACKER	3D12E Operator: OperNames:COSTA,CHRISTOPHER (Q2); HANSEN,GARED (Q2)
00:31:32	DT14		MISCN	3D12E Comment:C3
00:31:37	DT10		BACKER	3D2D Operator: OperNames:LIN,ABIGAYLE (Q2)
00:31:47	DT14		MISCN	3D2D Comment:C3
00:31:53	DT14		MISCN	3D2D Comment:FROM THE CO
00:31:56	DT10		MISCN	3D16D Comment:HVE THE UNITS STAY OFF THE AIR TILL WE GET A C/3
00:32:07	DT10		MISCN	3D16D Comment:CORRECTION C4
00:32:43	DT10		BACKER	3D102 Operator: OperNames:EDWARDS,SCOTT (Q50)
00:32:49	DT14		MISCN	3D16D Comment:3D102 MONITORING
00:33:03	DT14		MISCN	3D16D Comment:SLOW RESPONSE ONE IN CUFFS
00:33:04	DT10		OK	3D16D Comment:ONE IN CUFFS//SLOW RESPONSE
00:33:30	DT14		MISCN	3D16D Comment:408 40 YOM C/B BLEEDING FROM FACE BLEEDING SEMI CONTROLLED
00:33:33	DT14		ONSCN	3D102
00:33:36	DT14		BACKOS	3D112 Operator: OperNames:MORALES,WILLIAM (Q50)
00:33:36	K041		ENRTE	3D11D
00:33:37	K041		ONSCN	3D11D
00:33:48	K169		BACKER	3D14E Operator: OperNames:NEWHART,LAUREN E (Q2); ROMAN,BAYARDO (Q2)
00:33:56	DT14		ASSOC	Service:F Event:#143150072 Type:916->XR Agency:SP->SF Comment:40 YOM C/B BLEEDING FROM NOSE, BLEEDING SEMI CONTROLLED
00:34:03	K169		ONSCN	3D14E
00:34:10	K098		BACKER	3D15D Type:XR->916 Operator: OperNames:BURNS,DANIEL (Q2); RICE,JUSTIN (Q2)
00:34:16	K098		ONSCN	3D15D
00:34:17	DT10		PRMPT	3D16D Comment:Preempted and dispatched to call #143150068
00:34:17	DT10		PRIU	3D11D
00:34:18	DT14		ONSCN	3D12E
00:34:28	DT14		MISCN	3D12E Comment:C2 FOR THE 408 IS FINE
00:35:40	DT10		BACKOS	3D16D Operator: OperNames:BUSALACCHI,FRANK (Q2); BUCKLEY,NICHOLAS (Q2)
00:36:08	DT14		MISCN	3D102 Comment:20 FOR 408 IS 2989 HARRISON
00:36:14	DT10		BACKOS	3D13D Operator: OperNames:NAVA,FRANKEY (Q2); HOGE,JOHN (Q2)
00:36:22	DT14		MISCN	3D102 Comment:CORRECTED 408 CALL .0072
00:37:09	DT14		BACKOS	3D14D Operator: OperNames:ELLIS,DOMINIQUE M (Q2); HAWES,NIKOLAOS (Q2)
00:37:51	DT14		MISCN	3D11D Comment:
00:38:11	DT14		RFT	3D11D Comment:QN
00:38:11	DT14		RFT	3D11D Comment:INQUIRY QN
00:40:51	K292		CLEAR	3D2D Dispo:ND

00:43:46	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNIAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC [REDACTED] Query 4: IV
00:44:51	K061	[REDACTED]	CLEAR	4 [REDACTED]
00:44:57	DT10	[REDACTED]	BACKOS	3D14D Dispo:HAN 3D15E Operator: [REDACTED] OperNames:CASTENADA, GUSTAVO (Q2); WILSON, GLEN (Q2)
00:45:43	DT10	[REDACTED]	PRMPT	3D15E Comment:Preempted and dispatched to call #143143719
00:46:36	K041	[REDACTED]	CLEAR	3D11D Dispo:ND
00:48:02	K169	[REDACTED]	CLEAR	3D14E Dispo:ND
00:48:11	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNIAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC [REDACTED] Query 4: IV
00:48:33	K166	[REDACTED]	MISCN	4 [REDACTED] 3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVIIVLNIAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC [REDACTED] Query 4: IV
00:48:49	DT10	[REDACTED]	MISCN	4 [REDACTED]
00:58:39	DT10	[REDACTED]	CASE	3D102 Comment:M81 97 Case#:PD140954939 3D16D Dispo:ND LocDesc:<3000/ 3100>->at HARRISON ST/26TH ST, SF
01:04:03	DT10	[REDACTED]	CLEAR	3D102
01:04:05	DT10	[REDACTED]	CLEAR	3D112
01:07:11	DT10	[REDACTED]	PRMPT	3D16D Comment:Preempted and dispatched to call #143150136
01:07:39	DT14	[REDACTED]	CHGLOC	3D15D Location:HARRISON ST/26TH ST, SF->MISSION STATION #FU, SF LocDesc:at HARRISON ST/26TH ST, SF->at 630 VALENCIA ST #FU, SF LocCross:btwn CLARION AL and SYCAMORE ST
01:07:56	DT14	[REDACTED]	CLEAR	3D13D Dispo:ND
01:08:21	DT14	[REDACTED]	CHGLOC	3D12E Location:MISSION STATION #FU, SF->SF GENERAL HOSPITAL, SF LocDesc:at 630 VALENCIA ST #FU, SF->at 1001 POTRERO AV, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn 22ND ST and 23RD ST Comment:W/408
01:09:40	DT14	A11549	MISCN	3D12E Comment:PARTNER RIDING IN 408
01:56:06	DT14	A11549	ONSCN	3D15D
02:22:40	DT14	A11549	CLEAR	3D15D Dispo:ND
03:21:07	DT10	A04303	CHGLOC	3D12E Location:SF GENERAL HOSPITAL, SF->CJ1, SF LocDesc:at 1001 POTRERO AV, SF->at 425 7TH ST, SF LocCross:btwn 22ND ST and 23RD ST->btwn HARRISON ST and BRYANT ST

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03:29:19 K098 [REDACTED] MISCN

3D12E Comment: SFPDMDCCMDLINE mask: Query 1:
LEW\NAME\VA\ [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IM
QM.CA0380100 [REDACTED]
Query 4: IR
QVC.CA0380100.NAM [REDACTED] APP/Y
Query 5: IN

L1 [REDACTED]

03:33:07 K098 [REDACTED] MISCN

3D12E Comment: MONSTR mask: Query 1:
LEW\NAME\VA\ [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IR
QVC.CA0380100.NAM [REDACTED] APP/Y
Query 4: IM
QM.CA0380100 [REDACTED]
Query 5: IN

L1 [REDACTED]

04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLOSE

3D12E

CALL RECAP:

INITIATE: 00:29:54 11/11/2014
ENTRY: 00:29:54 11/11/2014
SPATCH: 00:29:54 11/11/2014
ON SCENE: 00:29:54 11/11/2014
CLOSE: 04:46:16 11/11/2014
ADDRESS: HARRISON ST/26TH ST, SF
DAREA: 3D
SECTOR: D4
RA: 462
FIRE:CALL NUMBER: #0064
CURRENT STATUS: CLOSE
PRIMARY UNIT: 3D11D
JURISDICTION: SP
DISPOSITION: NDREPORT NUMBER: PD140954939
TYPE: 916 SUSPICIOUS VEHICLE
PRIORITY: C
PRIOR HISTORY: YesCP:
ADDRESS:
PHONE:

CAD TIMESTAMP: CADT 1111140446

OPERATOR ASSIGNMENTS:

DT14 [REDACTED]
CADAPP [REDACTED] TIB
DT10 [REDACTED]
K041 [REDACTED]
K169 [REDACTED]
K098 [REDACTED]
K292 [REDACTED]
K166 [REDACTED]
K061 [REDACTED]
DT10 [REDACTED]
DT14 [REDACTED]
DT10 [REDACTED]
K098 [REDACTED]
DT14 [REDACTED]

AS OF 01:04:03:

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P143150064 C 916 SUSPICIOUS VEHICLE HARRISON ST/26TH ST, SF
[11/11/2014]
00:29:54 DT14 [REDACTED] CREATE Location:HARRISON ST/26TH ST, SF Type:916 DAREA:3D Area:462
TypeDesc:SUSPICIOUS VEHICLE LocDesc:<3000/ 3100> Priority:C
Response:F:3PAT Agency:SP Sector/Stn:D4 Map:A3 Plate [REDACTED]
00:29:54 DT14 [REDACTED] ENTRY Map:A3 Plate [REDACTED] Comment:W/2 SH OWN
00:29:54 DT14 [REDACTED] DISPOS 3D16D Location:HARRISON ST/26TH ST, SF Plate [REDACTED]
Operator: [REDACTED] OperNames:BUSALACCHI,FRANK (Q2);
BUCKLEY,NICHOLAS (Q2)
00:29:54 DT14 [REDACTED] PRIU 3D16D
00:29:54 CADAPP TIB [REDACTED] PREMIS Comment:PPR, FPR
00:30:55 DT14 [REDACTED] MISCN 3D16D Comment:148
00:31:07 DT10 [REDACTED] MISCN 3D16D Comment:148 HARRISON/26
00:31:11 DT14 [REDACTED] BACKER 3D11D Operator: [REDACTED] OperNames:CROSS,JARRON (Q2);
LEACH,JUSTIN THOMAS (Q2)
00:31:21 DT14 [REDACTED] BACKER 3D12E Operator: [REDACTED] OperNames:COSTA,CHRISTOPHER (Q2);
HANSEN,GARED (Q2)
00:31:32 DT14 [REDACTED] MISCN 3D12E Comment:C3
00:31:37 DT10 [REDACTED] BACKER 3D2D Operator: [REDACTED] OperNames:LIN,ABIGAYLE (Q2)
00:31:47 DT14 [REDACTED] MISCN 3D2D Comment:C3
00:31:53 DT14 [REDACTED] MISCN 3D2D Comment:FROM THE CO
00:31:56 DT10 [REDACTED] MISCN 3D16D Comment:HVE THE UNITS STAY OFF THE AIR TILL WE GET A C/3
00:32:07 DT10 [REDACTED] MISCN 3D16D Comment:CORRECTION C4
00:32:43 DT10 [REDACTED] BACKER 3D102 Operator: [REDACTED] OperNames:EDWARDS,SCOTT (Q50)
00:32:49 DT14 [REDACTED] MISCN 3D16D Comment:3D102 MONITORING
00:33:03 DT14 [REDACTED] MISCN 3D16D Comment:SLOW RESPONSE ONE IN CUFFS
00:33:04 DT10 [REDACTED] OK 3D16D Comment:ONE IN CUFFS//SLOW RESPONSE
00:33:30 DT14 [REDACTED] MISCN 3D16D Comment:408 40 YOM C/B BLEEDING FROM FACE BLEEDING
SEMI CONTROLLED
00:33:33 DT14 [REDACTED] ONSCN 3D102
00:33:36 DT14 [REDACTED] BACKOS 3D112 Operator: [REDACTED] OperNames:MORALES,WILLIAM (Q50)
00:33:36 K041 [REDACTED] ENRTE 3D11D
00:33:37 K041 [REDACTED] ONSCN 3D11D
00:33:48 K169 [REDACTED] BACKER 3D14E Operator: [REDACTED] OperNames:NEWHART,LAUREN E (Q2);
ROMAN,BAYARDO (Q2)
00:33:56 DT14 [REDACTED] ASSOC Service:F Event:#143150072 Type:916->XR Agency:SP->SF
Comment:40 YOM C/B BLEEDING FROM NOSE, BLEEDING SEMI
CONTROLLED
00:34:03 K169 [REDACTED] ONSCN 3D14E
00:34:10 K098 [REDACTED] BACKER 3D15D Type:XR->916 Operator [REDACTED]
OperNames:BURNS,DANIEL (Q2); RICE,JUSTIN (Q2)
00:34:16 K098 [REDACTED] ONSCN 3D15D
00:34:17 DT10 [REDACTED] PRMPT 3D16D Comment:Preempted and dispatched to call #143150068
00:34:17 DT10 [REDACTED] PRIU 3D11D
00:34:18 DT14 [REDACTED] ONSCN 3D12E
00:34:28 DT14 [REDACTED] MISCN 3D12E Comment:C2 FOR THE 408 IS FINE
00:35:40 DT10 [REDACTED] BACKOS 3D16D Operator: [REDACTED] OperNames:BUSALACCHI,FRANK (Q2);
BUCKLEY,NICHOLAS (Q2)
00:36:08 DT14 [REDACTED] MISCN 3D102 Comment:20 FOR 408 IS [REDACTED]
00:36:14 DT10 [REDACTED] BACKOS 3D13D Operator: [REDACTED] OperNames:NAVA,FRANKEY (Q2);
HOGE,JOHN (Q2)
00:36:22 DT14 [REDACTED] MISCN 3D102 Comment:CORRECTED 408 CALL .0072
00:37:09 DT14 [REDACTED] BACKOS 3D14D Operator: [REDACTED] OperNames:ELLIS,DOMINIQUE M (Q2);
HAWES,NIKOLAOS (Q2)
00:37:51 DT14 [REDACTED] MISCN 3D11D Comment: [REDACTED] D
00:38:11 DT14 [REDACTED] RFT 3D11D Comment:QN
00:38:11 DT14 [REDACTED] RFT 3D11D Comment:INQUIRY QN, [REDACTED]
00:40:51 K292 [REDACTED] CLEAR 3D2D Dispo:ND

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SFDPA 0040-15 000295

00:43:46	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI/VLNAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/[REDACTED] Query 4: IV
00:44:51	K061	[REDACTED]	CLEAR	4 [REDACTED]
00:44:57	DT10	[REDACTED]	BACKOS	3D14D Dispo:HAN 3D15E Operator:[REDACTED] OperNames:CASTENADA,GUSTAVO (Q2); WILSON,GLEN (Q2)
00:45:43	DT10	[REDACTED]	PRMPT	3D15E Comment:Preempted and dispatched to call #143143719
00:46:36	K041	[REDACTED]	CLEAR	3D11D Dispo:ND
00:48:02	K169	[REDACTED]	CLEAR	3D14E Dispo:ND
00:48:11	K166	[REDACTED]	MISCN	3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI/VLNAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/[REDACTED] Query 4: IV
00:48:33	K166	[REDACTED]	MISCN	4 [REDACTED] 3D13D Comment:SFPDMDCCMDLINE mask: Query 1: LEVI/VLNAVA [REDACTED] Query 2: *QV/LICPL [REDACTED] Query 3: IA QV.CA0380100.LIC/[REDACTED] Query 4: IV
00:48:49	DT10	[REDACTED]	MISCN	4 [REDACTED]
00:58:39	DT10	[REDACTED]	CASE	3D102 Comment:M81 97 Case#:PD140954939 3D16D Dispo:ND LocDesc:<3000/ 3100>->at HARRISON ST/26TH ST, SF
01:04:03	DT10	[REDACTED]	CLEAR	3D102
01:04:05	DT10	[REDACTED]	CLEAR	3D112
01:07:11	DT10	[REDACTED]	PRMPT	3D16D Comment:Preempted and dispatched to call #143150136
01:07:39	DT14	[REDACTED]	CHGLOC	3D15D Location:HARRISON ST/26TH ST, SF->MISSION STATION #FU, SF LocDesc:at HARRISON ST/26TH ST, SF->at 630 VALENCIA ST #FU, SF LocCross:btwn CLARION AL and SYCAMORE ST
01:07:56	DT14	[REDACTED]	CLEAR	3D13D Dispo:ND
01:08:21	DT14	[REDACTED]	CHGLOC	3D12E Location:MISSION STATION #FU, SF->SF GENERAL HOSPITAL, SF LocDesc:at 630 VALENCIA ST #FU, SF->at 1001 POTRERO AV, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn 22ND ST and 23RD ST Comment:W/408
01:09:40	DT14	[REDACTED]	MISCN	3D12E Comment:PARTNER RIDING IN 408
01:56:06	DT14	[REDACTED]	ONSCN	3D15D
02:22:40	DT14	[REDACTED]	CLEAR	3D15D Dispo:ND
03:21:07	DT10	[REDACTED]	CHGLOC	3D12E Location:SF GENERAL HOSPITAL, SF->CJ1, SF LocDesc:at 1001 POTRERO AV, SF->at 425 7TH ST, SF LocCross:btwn 22ND ST and 23RD ST->btwn HARRISON ST and BRYANT ST

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03:29:19 K098 [REDACTED] MISCN 3D12E Comment: SFPDMDCCMDLINE mask: Query 1:
LEW\NAME\A\ [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IM [REDACTED]
QM.CA0380100. [REDACTED]
Query 4: IR [REDACTED]
QVC.CA0380100.NAM [REDACTED] APP/Y
Query 5: IN [REDACTED]

03:33:07 K098 [REDACTED] MISCN 3D12E Comment: MONSTR mask: Query 1:
LEW\NAME\A\ [REDACTED]
Query 2: *QN/NAME [REDACTED]
Query 3: IR [REDACTED]
QVC.CA0380100.NAM [REDACTED] APP/Y
Query 4: IM [REDACTED]
QM.CA0380100. [REDACTED]
Query 5: IN [REDACTED]
L1 [REDACTED]

04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLEAR
04:46:16 DT14 [REDACTED] CLOSE

CALL RECAP:

INITIATE: 00:29:54 11/11/2014
ENTRY: 00:29:54 11/11/2014
DISPATCH: 00:29:54 11/11/2014
ON SCENE: 00:29:54 11/11/2014
CLOSE: 04:46:16 11/11/2014
ADDRESS: HARRISON ST/26TH ST, SF
DAREA: 3D
SECTOR: D4
RA: 462
FIRE:

CALL NUMBER: #0064
CURRENT STATUS: CLOSE
PRIMARY UNIT: 3D11D
JURISDICTION: SP
DISPOSITION: ND

REPORT NUMBER: PD140954939
TYPE: 916 SUSPICIOUS VEHICLE
PRIORITY: C
PRIOR HISTORY: Yes

CP:
ADDRESS:
PHONE:

CAD TIMESTAMP: CADT 1111140446

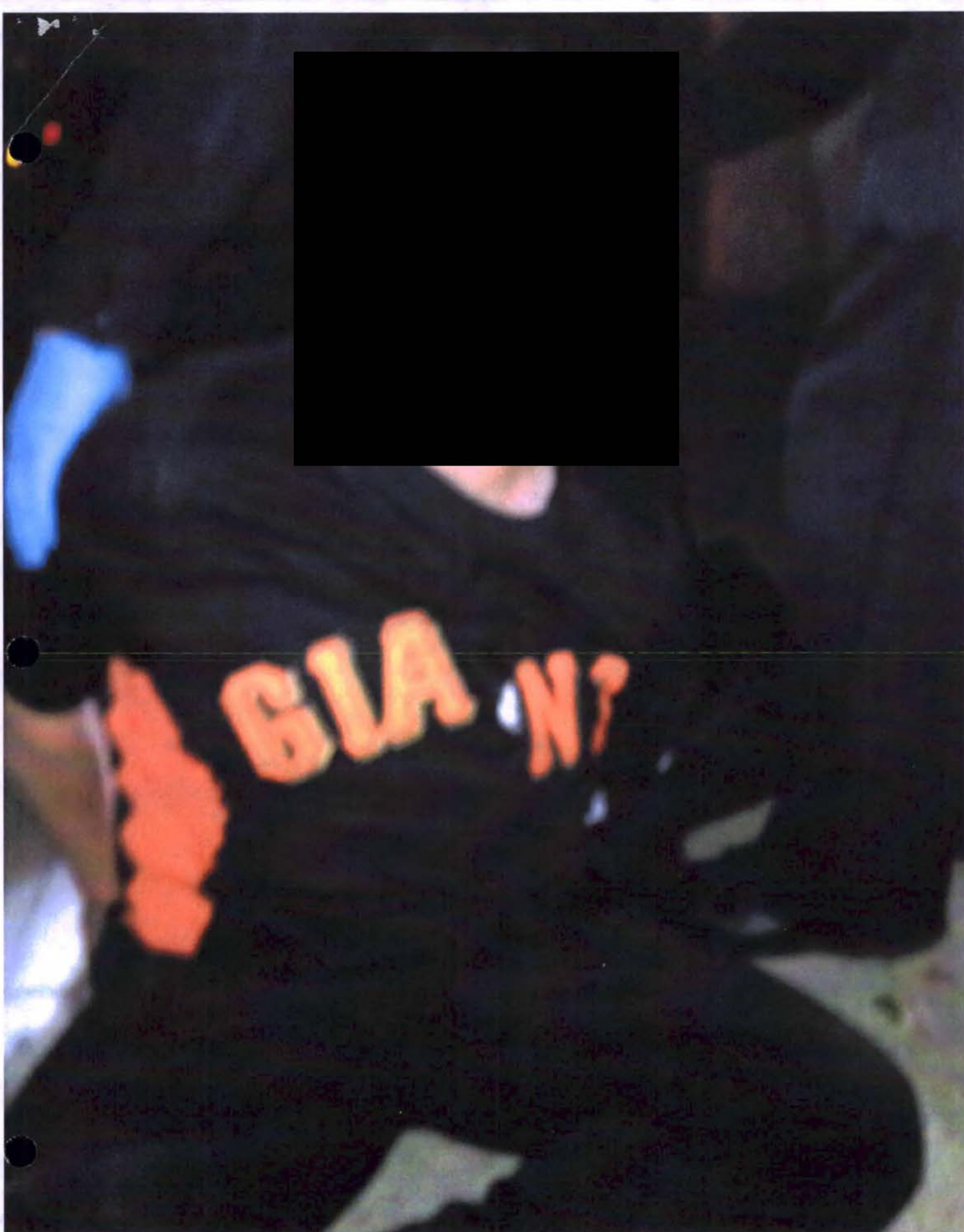
OPERATOR ASSIGNMENTS:

DT14
CADAPP
DT10
K041
K169
K098
K292
K166
K061
DT10
DT14
DT10
K098
DT14

TIB

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OCC 40-15

SFDPA - 0040-15 - 000298



OCC 40-15

SFDPA - 0040-15 - 000299

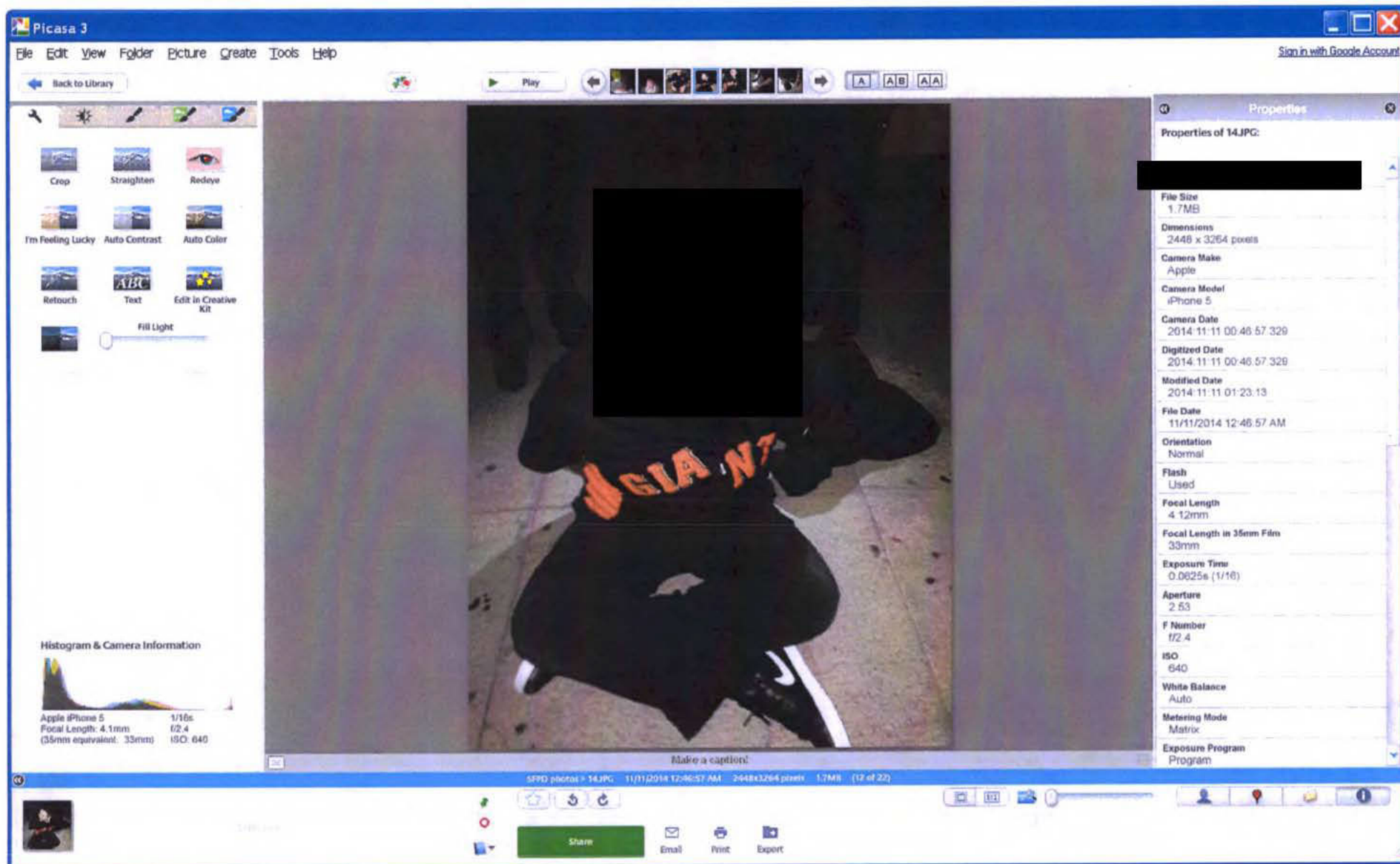
OCC 40-15

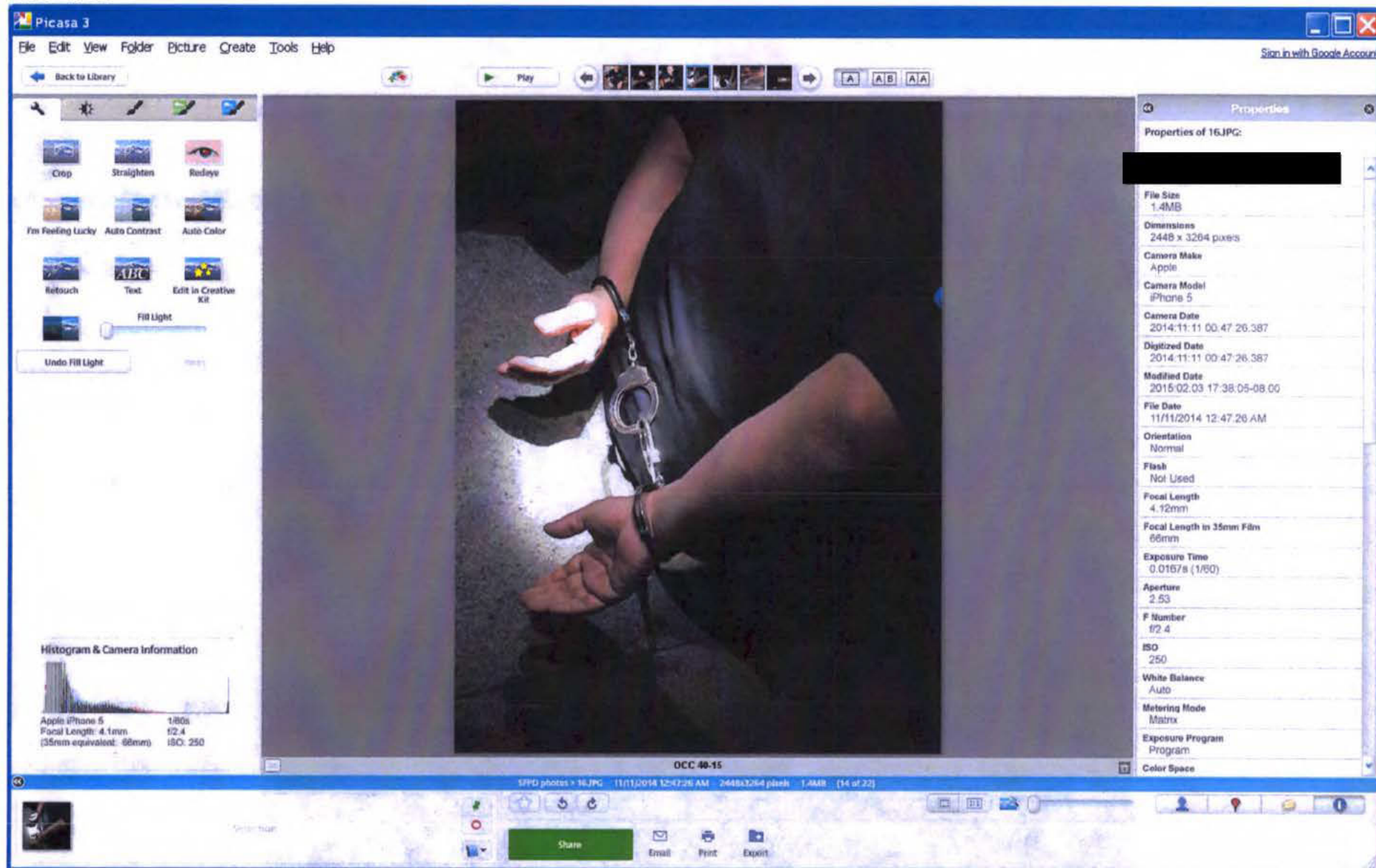
SFDPA - 0040-15 - 000000



OCC 40-15

SFDPA - 0040-15 - 000001









OCC 40-15 11/11/14 16:40 SFDPA - 0040-15 - 000305



27611-1
REC'D JAN 26 2015

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks
Executive Director

January 23, 2015

S.F. County Jail Medical Records
Attn: Marilou Dudley.

Fax #: 415-553-9813

4 PAGES

RE: **REQUEST FOR PRISONER MEDICAL RECORDS**
OCC Case No. 40-15

Dear Ms. Dudley:

Per the attached Consent to Release Medical Records, please send a copy of the medical and psychiatric records, including the nurse's triage medical screening form, for:

[REDACTED]
[REDACTED]
[REDACTED]

for the period of 11/11/14

Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Wechter".

J. Wechter
Investigator

SFDPA - 0040-15 - 000307

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Sgt. Scott Edwards #541

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Please describe any use of force investigation you conducted.
 - a) What did [REDACTED] tell you?
 - b) What did [REDACTED] tell you?
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel [REDACTED] consider in this investigation.

Reason for this request: [REDACTED] complaint.

Documents enclosed: [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/22/15

To: Investigator J. Wechter

RE: OCC Case No 40-15

From: Sgt Scott Edwards 541

Complainant: [REDACTED]

Date: April 16, 2015

Date of Occurrence: 11/11/14

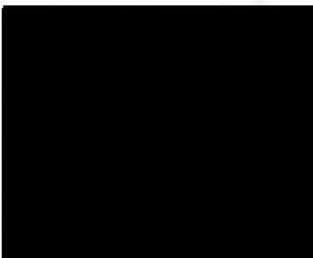
Response Due Date: 4/22/15

Report No: [REDACTED]

1. In sum, I responded to [REDACTED] as a backup unit and conducted a use of force investigation on scene.
2. In sum, the situation was marginally under control. [REDACTED] was in custody with minor injuries and Officer Buckley was rendering aid. [REDACTED] was yelling profanity at Officer Buckley, making references to Officer Buckley's stature and repeatedly challenging him to fight. Officer Busalacchi was injured. [REDACTED] was yelling at [REDACTED] telling him to "Shut up" and calling him an "idiot" and other similar words.
 - a. Sergeant Morales and I arrived together, Officers Buckley and Busalacchi were on scene. I do not recall which other officers were present when I arrived on scene.
3. In sum, I saw Officer Buckley maintain a professional demeanor and refuse to rise to [REDACTED] constant attempts to challenge him to fight.
4. In sum, I saw Officer Busalacchi continue to maintain a professional demeanor despite having been assaulted and injured by [REDACTED]
5. In sum, I heard [REDACTED] constantly using derogatory and offensive language to refer to Officer Buckley's height, race, sexual orientation, and experience.
6. No. [REDACTED] said he wanted Officer Buckley to take the handcuffs off him and fight him "like a man" and not to be a "pussy". I told [REDACTED] that the handcuffs would not be coming off at this time.
7. In sum, Officer Busalacchi and Officer Buckley told me that after witnessing objective signs of intoxication in [REDACTED] and believing that he was unable to care for himself, they attempted to arrest him per 647(f) PC, however, [REDACTED] resisted arrest and Officers Busalacchi and Buckley had to use force in order to overcome [REDACTED] unlawful resistance. Officer Busalacchi was injured by [REDACTED] sustained an injury to his nose / mouth during the use of force, and Officer Buckley rendered aid and requested an ambulance.
8. I conducted a use of force investigation pursuant to DGO 5.01 and DB 13-067.
 - a. [REDACTED] was intoxicated and refused to talk to me other than to tell me that Officer Buckley was a "midget" and a "pussy" and that I could "fuck off" or words to that extent. He also asked me to remove his handcuffs so he could fight with Officer Buckley. He made similar statements, none of which were relevant to my use of force investigation.
 - b. [REDACTED] told me that [REDACTED] was "drunk" and being an "idiot" and that the officers threw him [REDACTED] to the ground because he was being an "idiot". She made no other statements that were relevant to my use of force investigation.
9. I do not recall any officers laughing at the scene.
10. Anyone who was in the area was potentially a witness to this incident. I do not have any contact information for possible witnesses.
11. Yes, an oral interview would aid in determining the true facts of this incident.

12. I was not present for the initial contact or use of force; however, I was present for the aftermath of this incident and I witnessed firsthand [REDACTED] lack of remorse for injuring Officer Busalacchi, and his unending badgering of Officer Buckley along with [REDACTED] continual use of offensive terms in a clear effort to provoke the officers at the scene. All of the officers at the scene remained professional throughout the incident.

Please note that California Government Code 3300 et seq and DGO 2.08 require members to answer questions in an administrative investigation, not respond to OCC investigator's directives to provide narrative statements. In the future, please provide specific questions so I may better aid in your investigation.



4/22/15

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Sgt. William Morales #1903

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

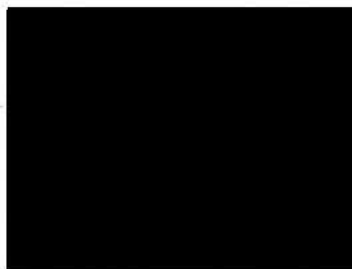
- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Please describe any use of force investigation you conducted.
 - c) What did [REDACTED] tell you?
 - d) What did [REDACTED] tell you?
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.
Documents enclosed:

MEMBER'S SIGNATURE: _____ DATE: _____

OCC case no: 40-15 Sgt William Morales #1903

- 1) I made numerous observations. Officers were present dealing with a subject who resisted arrest. The arrestee was belligerent while using vulgar and derogatory language. The arrestee appeared fixated on Officer Buckley and he yelled profanities and insults at him while challenging Off Buckley to a fight. I later learned that Off Busalacchi sustained an injury during the arrest of this resistive subject.
- 2) A resistive subject was under arrest. The arrestee's female companion kept telling him to be quiet and calm down.
 - a) There were several other officers present at the scene. I believe CAD is reflective of the officers who were at the scene.
- 3) I remember Off Buckley informing Sgt Edwards and me what had transpired prior to our arrival.
- 4) Off Busalacchi, among other things, informed Sgt Edwards and me that he was injured during the arrestee's resistance.
- 5) [REDACTED] was boisterous, loud, and argumentative. He was yelling profanities and insults especially directed at Off Buckley. His female companion kept telling him to calm down and be quiet.
- 6) No. I do not know who [REDACTED] is, [REDACTED] demanded his handcuffs be removed because he wanted to fight Off Buckley.
- 7) Off Buckley and Off Busalacchi provided a summary of what happened at the scene which was documented on SFPD police report number [REDACTED]
- 8) I considered the actions taken by the officers when they encountered the arrestee's resistance. C) [REDACTED] directed profanities toward me when I attempted to speak with him. D) I do not remember if she made a statement to me.
- 9) No.
- 10) [REDACTED] was present at the scene during this incident.
- 11) Perhaps.
- 12) No.



1903

4-16-15

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Sgt. William Morales #1903

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014.

RESPONSE DUE DATE: April 22, 2015

REPORT NO. [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Off. Roman Bayardo #2373

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

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(OVER)

Page 2 OCC Case No. 40-15 Off. Roman Bayardo #2373

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed: [REDACTED]

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/18/15

OFFICE OF CITIZEN COMPLAINTS

MEMBER RESPONSE FORM

TO: Officer Roman Bayardo #2373

RE: OCC CASE No: 40-15

FROM: Investigator J. Wechter

COMPLAINT: [REDACTED]

DATE: April 1st, 2015

DATE OF OCCURANCE: November 11th, 2014

RESPONDSE DUE DATE: April 22nd, 2015

REPORT NO: [REDACTED]

1. Ofc Newhart and I responded to [REDACTED] We observed a male handcuffed and a female standing in front of [REDACTED] Ofc Newhart requested an ID card from the female. The female provided the ID card to Ofc Newhart and Ofc Newhart provided the ID card to a swing watch officer. We stood by with the female while on scene. Ofc Newhart asked the female where they were earlier. The female stated that they had dinner and a few drinks at a local restaurant.
2. I observed officers on scene, a male handcuffed and a female standing in front of 2995 Harrison Street.
- 2(a). The following officers were on scene: Officers Newhart, Busalacchi, Buckley, Cross, Leach, Costa, Hansen, Lin, Burns, Rice, Nava, Hoge, Hawes, Ellis, Sgt. Morales and Sgt. Edwards.
3. I did not observe Ofc Buckley say or do anything at the scene.
4. I did not observe Ofc Busalacchi say or do anything at the scene.
5. I did not observe [REDACTED] say or do anything at the scene.
6. I did not hear [REDACTED] make statements regarding tight handcuffs.
7. I did not speak with Officers Busalacchi and Buckley.
8. Ofc Newhart made contact with the female companion. Ofc Newhart requested the female's ID card and asked her where they were coming from. The female stated that they were at a restaurant for dinner and had a few drinks.
9. I did not observe Officers laughing at the scene.
10. I did not observe witnesses at this incident.
11. No.
12. No statement.

Reason for this request: Investigation of citizen complaint

Documents enclosed: response statement

MEMBER'S SIGNATURE

[REDACTED]

2373

DATE:

4/14/15

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
OFFICER HANSEN AND I ACCOMPANIED [REDACTED] TO SFGH, PER CA
- 2) Please describe the situation and what you observed when you arrived on scene. *BUT DON'T RECALL.*
 - a) Which other officers were present when you arrived? *PER CAD SEVERAL OFFICERS WERE ON SCENE, I DON'T RECALL WHICH ONES*
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I DON'T RECALL, IF HE DID, THEN THEY WOULD HAVE BEE DOUBLE CHE
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I DON'T RECALL ANYTHING THEY SAID
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this. *I DON'T RECALL ANYTHING REGARDING A FEMALE ON SCENE.*
- 9) Were any officers at the scene laughing? If so, please describe this. *I DID NOT HEAR ANYONE LAUGHING.*
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
NOT TO MY KNOWLEDGE.
- 11) Would an oral interview aid this investigation? If yes, please explain:
NO.
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

#4312

DATE: 4/11/15

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2015 APR 13 P 2:38



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Christopher Costa #4312

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

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3. You have the right to keep a copy of this form.

(OVER)

SFDPA - 0040-15 - 000320

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
WHEN I ARRIVED ON SCENE IT WAS ALREADY "LIVE 411" I OBSERVED A MALE ON THE GROUND IN HANDCUFFS AND OFF. BUCKLEY TALKING TO SGT. EDWARDS
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived? *I RECALL OFF. BUCKLEY, OFF. BUSALACCHI AND SGT. EDWARDS AT THE SCENE. THERE WERE NUMEROUS UNITS THAT RESPONDED.*
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *WHEN I ARRIVED ON SCENE OFF. BUCKLEY WAS BREATHING HEAVILY AND WAS SPEAKING WITH SGT. EDWARDS*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I CONTACTED BUSALACCHI AND TALKED TO HIM FOR A MINUTE. BUSALACCHI TOLD ME HE WAS ON AND THE SUSPECT WAS AT "148"*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene. *[REDACTED] WAS ON THE GROUND IN HANDCUFFS AWAITING MEDICAL AID.*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I AM NOT AWARE OF SUCH COMPLAINT.
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
OFF. BUSALACCHI BRIEFLY TOLD ME AT THE SCENE THAT [REDACTED] RESISTED ARREST
- 8) Please describe the contact you or your partner had with [REDACTED] female companion, [REDACTED]
 - a) What did [REDACTED] say to you or your partner? *I DO NOT RECALL ANY CONTACT WITH [REDACTED]*
- 9) Did you or your partner run a wants and warrants or criminal history check on [REDACTED] If so: NO.
 - a) Why did you run this search?
 - b) Who asked you to run the search?
- 10) Were any officers at the scene laughing? If so, please describe this.
I DO NOT RECALL OR OBSERVE THIS
- 11) Are there any witnesses to this incident? If so identify and provide contact information.
NO WITNESSES BESIDES OFF. BUCKLEY AND OFF. BUSALACCHI THAT I AM AWARE OF.
- 12) Would an oral interview aid this investigation? If yes, please explain:
NO, AS MY INVOLVEMENT IN THIS EVENT WAS VERY MINIMAL.
- 13) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 05/06/14

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Jarron Cross #4324

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 27, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: May 18, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

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(OVER)

Page 2 OCC Case No. 40-15 Off. Dominique Ellis #1614

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
I RESPONDED AS BACK UP BUT BROKE FROM THE RUN BEFORE ACTUALLY COMING ON SCENE.
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
I WAS NEVER ON SCENE.
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I WAS NEVER ON SCENE.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I WAS NEVER ON SCENE.*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
I WAS NEVER ON SCENE.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I WAS NEVER ON SCENE.
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I NEVER SPOKE WITH OFF. BUCKLEY OR OFF. BUSALACCHI ABOUT THE INCIDENT.
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this. *I WAS NEVER ON SCENE.*
- 9) Were any officers at the scene laughing? If so, please describe this.
I WAS NEVER ON SCENE.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
I DO NOT KNOW BECAUSE I WAS NOT ON SCENE.
- 11) Would an oral interview aid this investigation? If yes, please explain:
NO
- 12) Add any statement you feel is necessary for us to consider in this investigation.
NONE

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

1614 DATE: 04/21/15

OCC Response Case No. 40-15
Ofc. Hansen #2095

1 - I have very little memory of this incident. My involvement was very small. I responded to the scene and had custody of the suspect while he was transported to SFGH in the ambulance and at the hospital. I do not remember if it was I who eventually booked the suspect at county jail. I do not remember if I personally rode in the ambulance. I do

4 - I do not have any specific recollection of any of Ofc. Busalacchi's actions.

5 - I do not recall what the suspect said or did.

6 - While I do not specifically recall the suspect making this complaint, it is very common. The handcuffs are made of steel and are uncomfortable. Many people believe that they are too tight, when in fact they have been applied properly, simply because they are uncomfortable. When a person in my custody makes this complaint, it is my policy to check the cuffs for the proper degree of tightness and adjust them if necessary.

7 - I don't believe that I was told anything other than that the suspect was to be treated at SFGH and then booked and that he had been resistive. I have little memory of the specifics.

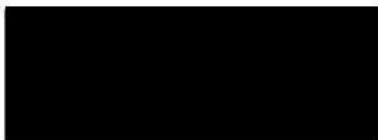
8 - I do not recall having any contact with the female witness, and I believe that I had no interaction with her. Nor do I recall seeing any other officer doing so.

9 - I do not recall observing this.

10 - None that I know of.

11 - No.

12 - None.



#2095



THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Off. Nikolaos Hawes #4335

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

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(OVER)

Page 2 · OCC Case No. 40-15 Off. Nikolaos Hawes #4335

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4/13/15

- 1) I responded to 26th and Harrison because of a "148" or resister. I arrived on scene and observed one male in handcuffs with Ofc. Busalacchi and Ofc. Buckley. I stayed for a few minutes and then I left.
- 2) When I arrived on scene I noticed one male in handcuffs on the sidewalk and Ofc. Busalacchi had an injury to his arm. The male in handcuffs also had minor injuries. The officers I remember being on scene were Ofc. Busalacchi, Ofc. Buckley and Sgt. Edwards. I don't remember if any other officers were there.
- 3) I don't remember what Ofc Buckley said or did at the scene.
- 4) I don't remember what Ofc Buckley said or did at the scene.
- 5) I do not know who [REDACTED] is. If [REDACTED] was the male who was detained at the scene, I do not remember anything he said or did.
- 6) I don't recall.
- 7) I don't remember Ofc Buckley or Busalacchi telling me what happened.
- 8) I don't remember.
- 9) I don't remember.
- 10) No other officers than those who I have listed above.
- 11) I don't remember anything about the incident other than what I have already written in this statement so I do not believe an oral interview would aid the investigation. However, I would be happy to come in if requested.
- 12) I have no other recollection of this incident besides what I have already written in this statement.

Page 2 OCC Case No. 40-15 Off. Justin Thomas Leach #1740

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
OFFS. BUSALACCHI AND OFF. BUCKLEY WERE ON SCENE.
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene. *I DON'T RECALL ANYTHING HE SAID OR DID.*
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
I DO NOT RECALL
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
I DO NOT RECALL HAVING ANY CONVERSATIONS WITH THEM.
- 8) Please describe the contact you or your partner had with [REDACTED] female companion, [REDACTED]
 - a) What did [REDACTED] say to you or your partner?
I DO NOT RECALL ANY INTERACTION WITH WITH HER.
- 9) Were any officers at the scene laughing? If so, please describe this.
I DO NOT RECALL
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
I DO NOT KNOW OF ANY WITNESSES.
- 11) Would an oral interview aid this investigation? If yes, please explain:
I DO NOT BELIEVE IT WOULD HELP, HOWEVER I WOULD GLADLY SPEAK TO ANYONE REGARDING.
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE: [REDACTED]

DATE: 4-12-15

OCC

MEMBER RESPONSE FOR CASE NO. 40-15

OFC. ABIGAYLE LIN #4345

TO: J. WECHTER, OCC INVESTIGATION

DATE: 04/17/2015

1. *Please describe, in as much specific detail as possible, everything you observed and did at* [REDACTED]

In sum, I responded to a call of a person resisting arrest at [REDACTED]

2. *Please describe the situation and what you observed when you arrived on scene.*

I recall several other units had already arrived on scene. I recall aiding in securing police vehicles which were already on scene.

- a) *Which other officers were present when you arrived?*

I do not independently recall which other officers were present when I arrived.

3. *Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.*

I do not independently recall anything Ofc. Buckley did or said in particular at the scene.

4. *Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.*

I do not independently recall anything Ofc. Busalacchi did or said in particular at the scene.

5. *Please describe, in as much specific detail as possible, everything you observed complainant* [REDACTED] *do and say at the scene.*

I do not independently recall anything [REDACTED] did or said in particular at the scene.

6. *Did* [REDACTED] *ever complain about tight handcuffs? If so, what was said and done in response?*

I do not independently recall anything [REDACTED] did or said in particular at the scene nor do I recall anything said in particular about handcuffs by any officer.

Signed: [REDACTED]

Date: 4/17/15

Page ½

7. *What did Off. Buckley and Off. Busalacchi tell you about what occurred?*

The only information I had about the incident was what was broadcasted by dispatch. I only recall that the call was of a person resisting arrest.

8. *Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.*

I do not independently recall any female companion at the scene.

9. *Were any officers at the scene laughing? If so, please describe this.*

I do not independently recall any officers laughing at the scene.

10. *Are there any witnesses to this incident? If so identify and provide contact information.*

I did not investigate this incident and do not independently know of any witnesses to this incident.

11. *Would an oral interview aid this investigation? If yes, please explain:*

An oral interview would not aid in this investigation because I do not independently recall any specific details regarding the above listed questions. I only recall that I responded to a call of a person resisting arrest.

12. *Add any statement you feel is necessary for us to consider in this investigation.*

I have no further statement.

Signed: [REDACTED]

Date: 4/17/15

Page 2/2

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
APR 8 2015

2015 APR -8 P 2:48



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Off. Lauren Newhart #615

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

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(OVER)

SFDPA - 0040-15 - 000331

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

DATE: 04/07/2015

INFORMATION REQUESTED: (*Please provide a separate response to each question.*)

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.
Documents enclosed:

MEMBER'S SIGNATURE

DATE: 04/07/2015

OCC Case No. 40-15 Off. Lauren Newhart #615

- 1) Please describe, in as much specific detail as possible, everything you observed and did at**

██████████

I was on patrol in full police uniform with my partner, Officer Roman #2373, when we heard Officer Buckley and Officer Busalacchi call for additional units to aid them with a subject resisting arrest at ██████████. We arrived at the scene arriving approximately one minute after the subject was taken into custody. Several other Mission units were also on scene. I do not recall which units were on scene when we arrived.

Upon my arrival, I saw Officer Busalacchi was bleeding from scratches on the backs of his hands. I gave him an antiseptic wipe for the blood.

There was a red sedan parked half way in the street and half way across the sidewalk in front of ██████████. There was no one inside when I arrived.

I do not recall if ██████████ was already in a police car upon my arrival. I do recall that his female companion was standing against a building on the sidewalk near the red sedan. She was not in restraints. At the request of Sergeant Edwards, I went to stand with her while the primary officers conducted their investigation. I chatted with the woman, who told me that she and ██████████ had been drinking at La Traviata earlier that evening. Once their investigation was done, my partner and I went back on patrol.

- 2) Please describe the situation and what you observed when you arrived on scene.**

- a. Which other officers were present when you arrived?**

Upon my arrival, I saw the scene as described above. I do not recall all the officers at the scene. I recall speaking with Sergeant Edwards and Officer Busalacchi, but do not remember to whom else I might have spoken.

- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.**

I do not recall speaking to Officer Buckley at the scene. I do not recall what else he did on scene.

- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.**

I recall Officer Busalacchi being injured when I arrived at the scene. I do not recall seeing him interact with either ██████████ or his companion. I do not recall what else he did on scene.

- 5) Please describe, in as much specific detail as possible, everything you observed complainant**
██████████ **do and say at the scene.**

I do not recall interacting with or observing [REDACTED] at the scene.

- 6) Did [REDACTED] ever complain about tight handcuffs? IF so, what was said and done in response?

I do not recall hearing [REDACTED] complain of tight handcuffs.

- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?

Officer Busalacchi told me that they were attempting to take [REDACTED] into custody for 647(f) PC when [REDACTED] refused to obey their lawful commands and became physically violent, resulting in the injury of Officer Busalacchi.

- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.

I waited with [REDACTED] companion while the primary officers conducted their investigation. We chatted about banal topics, like wine and restaurants, while we waited. She mentioned to me that she and [REDACTED] had been drinking at La Traviata on 25th Street earlier that evening.

- 9) Were any officers at the scene laughing? If so, please describe this.

I do not recall seeing any officers laughing at the scene.

- 10) Are there any witnesses to this incident? If so, identify and provide contact information.

I am unaware of any other witnesses to this incident.

- 11) Would an oral interview aid this investigation? If yes, please explain:

I do not think an oral interview would aid this investigation.

- 12) Add any statement you feel is necessary for us to consider in this investigation.

I have no additional statements.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2015 APR -8 P 2:47

Joyce M. Hicks
Executive Director**PROOF OF SERVICE**

TO: Commanding Officer / Officer in Command, Taraval Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 40-15

FROM: J. Wechter, Investigator

DATE: April 1, 2015

MEMBER TO BE NOTIFIED: Off. Lauren Newhart # 615 [REDACTED]

COMMANDING OFFICER: Sign this Proof of Service and serve the attached Member Response Form and any attachments to the named member when the member next reports to duty. If the member is designated as named, give the member a copy of the attached complaint. Witness members do not get a copy of the complaint, and none may be attached in that event. If the member is on D.P. or extended sick leave, but is medically able to complete the form, forward the Member Response Form to the member at his/her residence. The member must complete and return the Member Response Form to OCC no later than **April 22, 2015**. Once the member has been served return the original of the Proof of Service to OCC and retain the File Copy for your file. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (4/11/15).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 4/4/15
 Date and Time served: 4/6/15
 Date returned to OCC: FAKED 2/07
4/6/15

Reason for failure to serve:

Lt. Aherne #1095
 Signature Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

 Complaint Form X None

[REDACTED]
Member's Signature615
Star No.04/06/2015 2102 HRS
Date and Time Notified

Page 2 OCC Case No. 40-15 Off. Justin Rice #4353

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request:

Documents enclosed:

MEMBER'S SIGNATURE

353

DATE:

4-17-15

Page 3 OCC Case No. 40-15 Ofc. Justin Rice #4353

- 1- On 11/11/14 I responded as backup to a 148 call at Harrison and 26th Street. Upon arrival, I saw Officer Buckley and Officer Busalacchi standing over a handcuffed subject [REDACTED] was lying on his side and yelling at Officer Buckley and Officer Busalacchi. [REDACTED] was then sat up right where he sat until medics arrived on scene to assess Officer Buckley and Officer Busalacchi as well as [REDACTED] continued to yell verbal insults to officers and sergeants on scene as he was detained.
- 2- On 11/11/14 I responded as backup to a 148 call at Harrison and 26th Street. Upon arrival, I saw Officer Buckley and Officer Busalacchi standing over a handcuffed subject [REDACTED] [REDACTED] was lying on his side and yelling at Officer Buckley and Officer Busalacchi. [REDACTED] was then sat up right where he sat until medics arrived on scene to assess Officer Buckley and Officer Busalacchi as well as [REDACTED] continued to yell verbal insults to officers and sergeants on scene as he was detained.
 - a) I recall Sgt Edwards #541 and Sgt Morales #1903 as being on scene as well as Officer Costa #4312. There were other officers on scene but I do not personally recall everyone who was present.
- 3- I saw Officer Buckley standing over [REDACTED] when I arrived on scene. I asked Officer Buckley if he was okay and he stated that he was alright.
- 4- I saw Officer Busalacchi standing over [REDACTED] when I arrived on scene. I asked Officer Busalacchi if he was okay and he stated that he was a little scraped up but okay.
- 5- I saw [REDACTED] in handcuffs when I arrived on scene. [REDACTED] was on his side but was later sat upright I recall [REDACTED] cursing at officers on scene and specifically telling Sgt. Edwards that he would "beat his ass" if he weren't in handcuffs.
- 6- I did not ever hear [REDACTED] complain about his handcuffs.
- 7- I did not ask Officer Buckley or Officer Busalacchi about the incidents leading up to their encounter with [REDACTED] I only asked Officer Buckley and Busalacchi if they were okay.
- 8- I recall asking [REDACTED] female companion to keep her voice down due to the fact that she was yelling, "Shut the fuck up!" to [REDACTED] as he was cursing at officers on scene. I asked [REDACTED]s female companion to keep her voice down because it was past midnight and her neighbors were most likely sleeping.
- 9- I do not recall if any officers on scene were laughing.
- 10- I did not contact any other witnesses on scene and do not recall if there were any bystanders who witnessed the incident.
- 11- An oral interview would not aid this investigation.
- 12- I have no further statements regarding this incident.

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Off. Daniel Burns #4319

RE: OCC CASE No. 40-15

FROM: Investigator J. Wechter

COMPLAINANT: [REDACTED]

DATE: April 1, 2015

DATE OF OCCURRENCE: November 11, 2014

RESPONSE DUE DATE: April 22, 2015

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

You are to answer truthfully, candidly and to the best of your ability. **Failure to answer all questions even under advice of counsel or representative may be a violation of Department General Orders 2.01, 2.04, and 2.08, all of which require cooperation in an OCC investigation.** Administratively compelled statements shall not be used against you in a criminal investigation or proceeding. Your statements shall only be used for administrative proceedings.

Because this investigation could result in punitive action, all of the rights enacted in the Public Safety Officers' Procedural Bill of Rights apply. Specifically:

1. You may seek assistance from the representative of your choice in completing this form.
2. You are specifically authorized to complete answers to these questions while on duty.
3. You have the right to keep a copy of this form.

(OVER)

Page 2 OCC Case No. 40-15 Off. Daniel Burns #4319

INFORMATION REQUESTED: *(Please provide a separate response to each question.)*

Per CAD # [REDACTED] on 11/11/14 at 00:30, you reported to dispatch that you were responding as backup for 3D16D (Offs. Busalacchi & Buckley) at Harrison and 26th St.

- 1) Please describe, in as much specific detail as possible, everything you observed and did at [REDACTED]
- 2) Please describe the situation and what you observed when you arrived on scene.
 - a) Which other officers were present when you arrived?
- 3) Please describe, in as much specific detail as possible, everything you observed Off. Buckley do and say at the scene.
- 4) Please describe, in as much specific detail as possible, everything you observed Off. Busalacchi do and say at the scene.
- 5) Please describe, in as much specific detail as possible, everything you observed complainant [REDACTED] do and say at the scene.
- 6) Did [REDACTED] ever complain about tight handcuffs? If so, what was said and done in response?
- 7) What did Off. Buckley and Off. Busalacchi tell you about what occurred?
- 8) Did you or any other officer have any contact with [REDACTED] female companion at the scene? If so, please describe this.
- 9) Were any officers at the scene laughing? If so, please describe this.
- 10) Are there any witnesses to this incident? If so identify and provide contact information.
- 11) Would an oral interview aid this investigation? If yes, please explain:
- 12) Add any statement you feel is necessary for us to consider in this investigation.

Reason for this request: Investigation of citizen complaint.

Documents enclosed:

MEMBER'S SIGNATURE

[REDACTED]

4319

DATE: 4/17/15

Page 2

OCC Case No. 40-15

Officer Daniel Burns #4319

1. On 11/11/2014 I responded to assist Officers' Buckley #529 and Busalacchi #4330 who had broadcast a "148" at Harrison Street and 26th Street. Upon arrival I saw the complainant laying on the ground handcuffed. The complainant was screaming at Officers' Buckley and Busalacchi. The complainant was sat upright on the ground and he continually yelled at Officers' Buckley, Busalacchi as well as Sgt. Morales #1903 and Sgt. Edwards #541. I recall the complaint telling Officer Buckley to take off his star so he could fight Officer Buckley and stated that he would beat him up. The complainant also said this to Sgt. Edwards. An ambulance arrived on scene and assessed Officers' Buckley and Busalacchi as well as the complainant.

2. I did not know the situation prior to the radio broadcast of "148." See response to question #1 for my observations.

a.) The Officers that I recall being at the scene were Officers' Buckley, Busalacchi and Officer Costa #4312 as well as Sgt.'s Morales and Edwards.

3. I saw Officers' Buckley and Busalacchi sit the complainant in the upright position and saw Officers' Buckley and Busalacchi speaking with Sgt. Edwards and Morales. I did not hear their conversation as I saw this from afar.

4. I saw Officers' Buckley and Busalacchi sit the complainant in the upright position and saw Officers' Buckley and Busalacchi speaking with Sgt. Edwards and Morales. I did not hear their conversation as I saw this from afar.

5. I recall the complaint telling Officer Buckley to take off his star so he could fight Officer Buckley and stated that he would beat him up. The complainant also said this to Sgt. Edwards.

6. I did not hear the complainant complain about handcuff tightness.

7. Officers Buckley and Busalacchi did not tell me what had happened prior to my arrival on scene. I was instructed by Sgt. Edwards to take photographs of the injuries sustained by both Officers, and I only asked them if they were ok.

8. I saw the complainant's female companion but I did not come in contact with her. I did not see any other Officers speaking with her.

9. I do not recall any Officers at the scene laughing.

10. I do not know if there are any witnesses to this incident.

11. No.

12. I do not wish to add anything further.

Member's Signature

#319

Date:

4/17/15



SFDPA - 0040-15 - 000342

OCC 40-15

Mark A. ...



SFDPA - 0040-15 - 000343

OCC 40-15



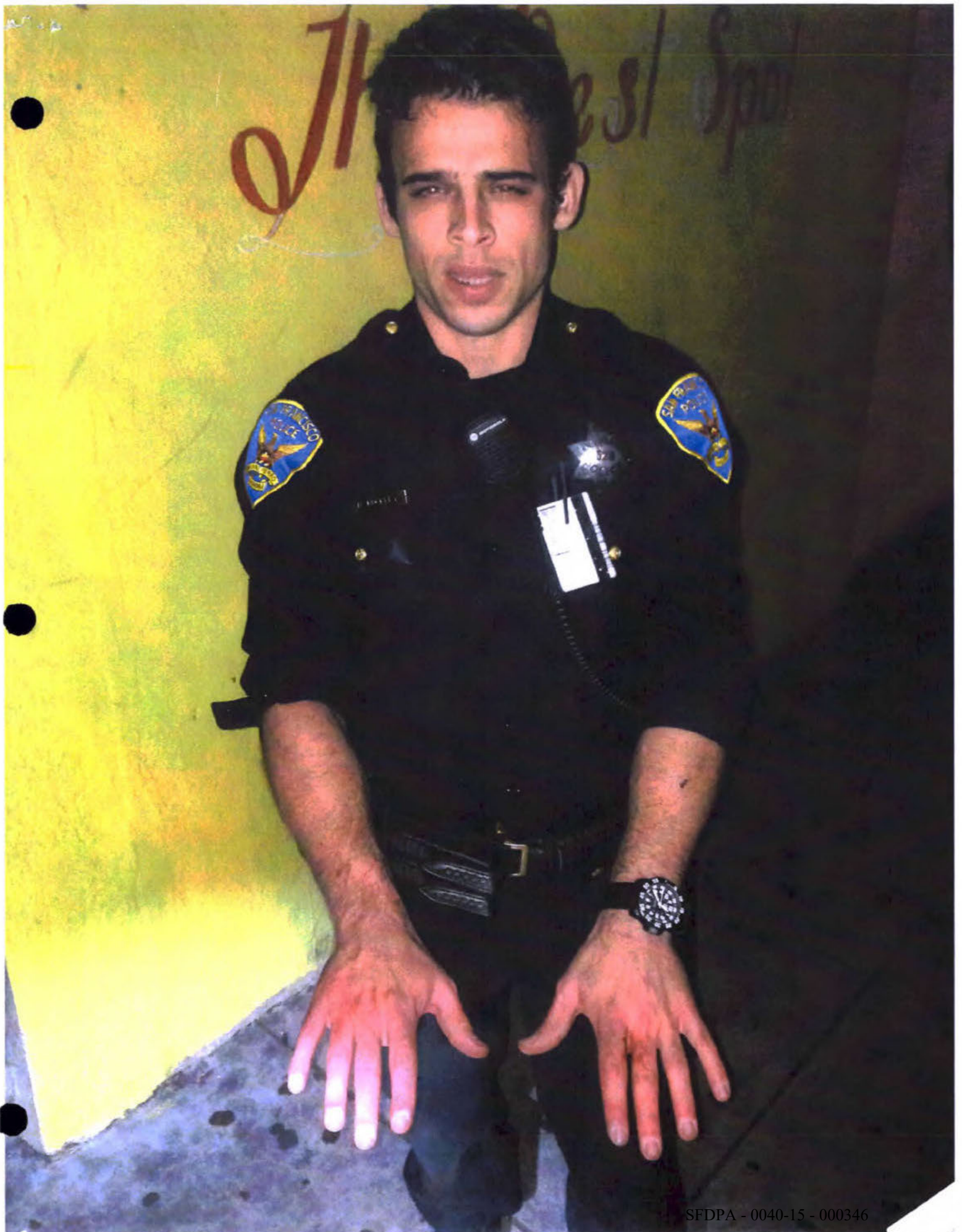
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OCC 40-15



SFDPA - 0040-15 - 000345

OCC 40-15



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OCC 40-15

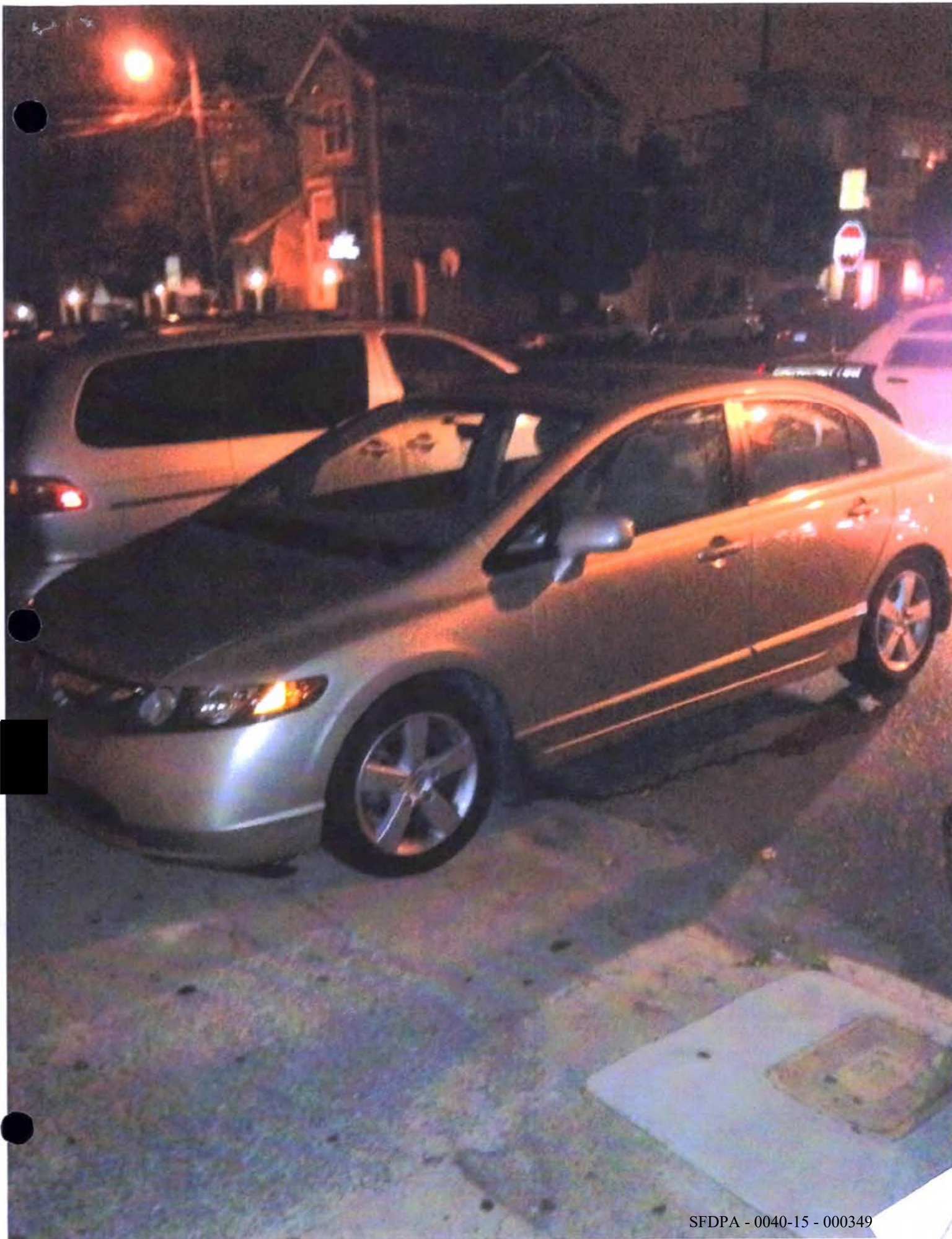
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OCC 40-15



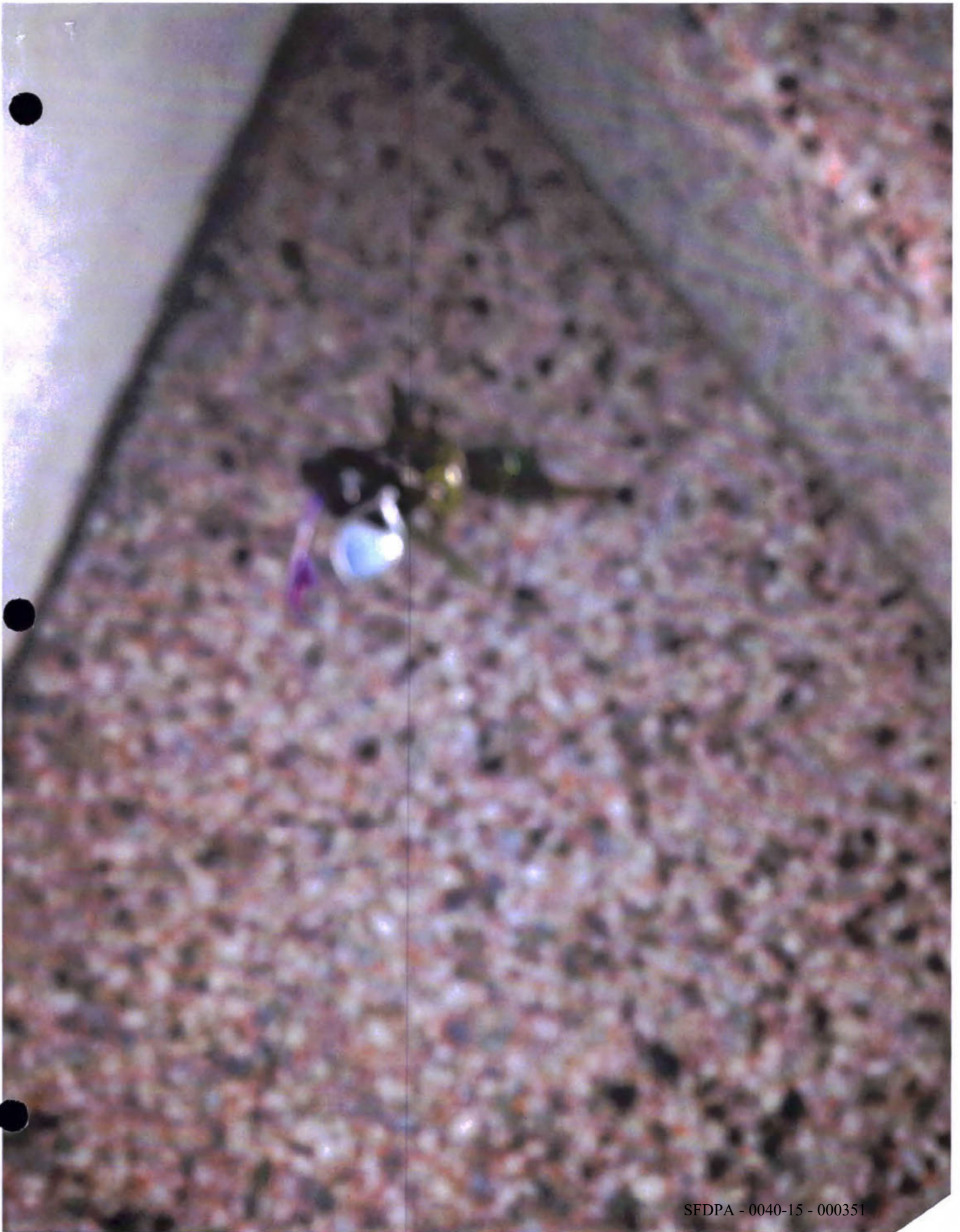


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OCC 40-15



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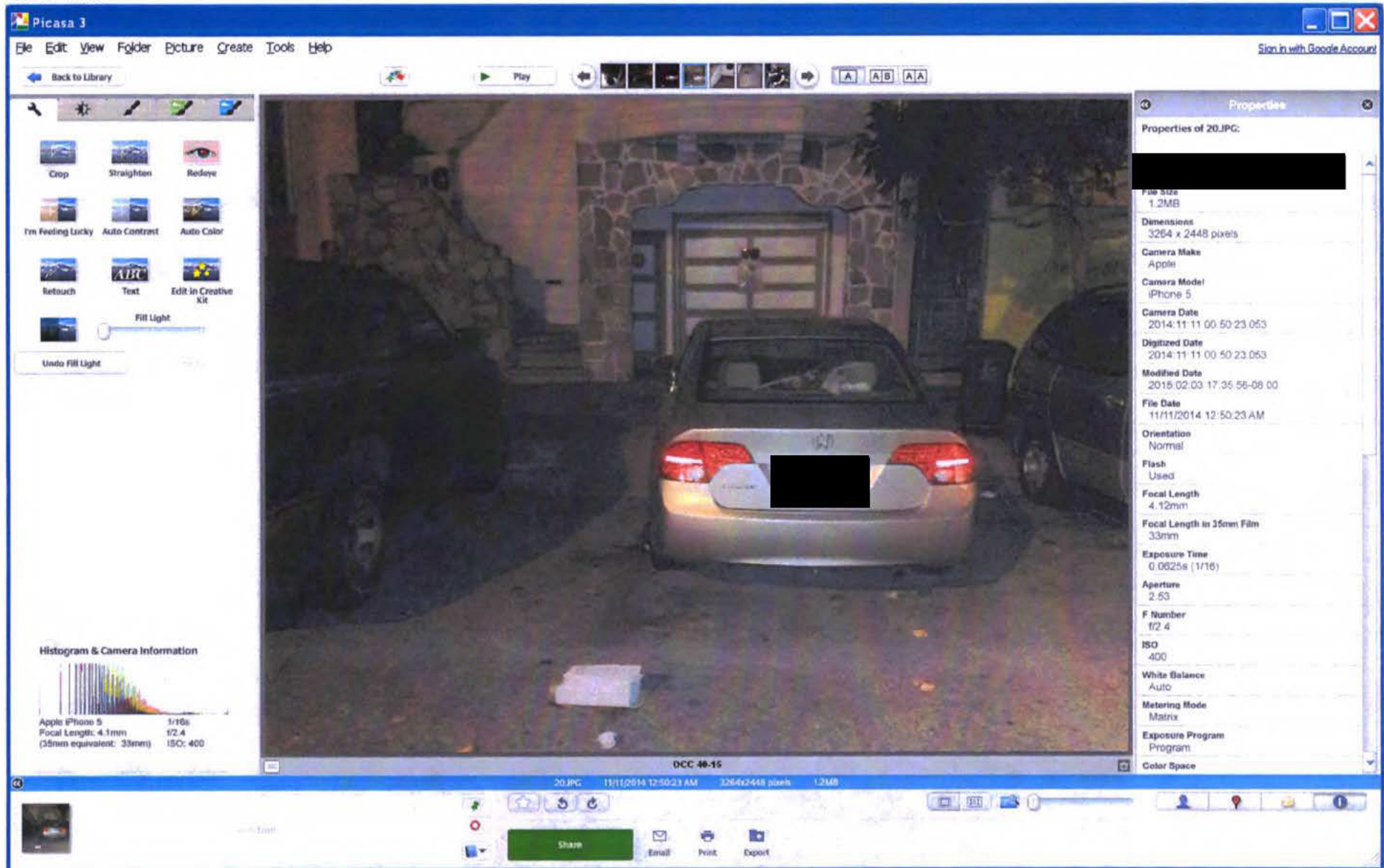
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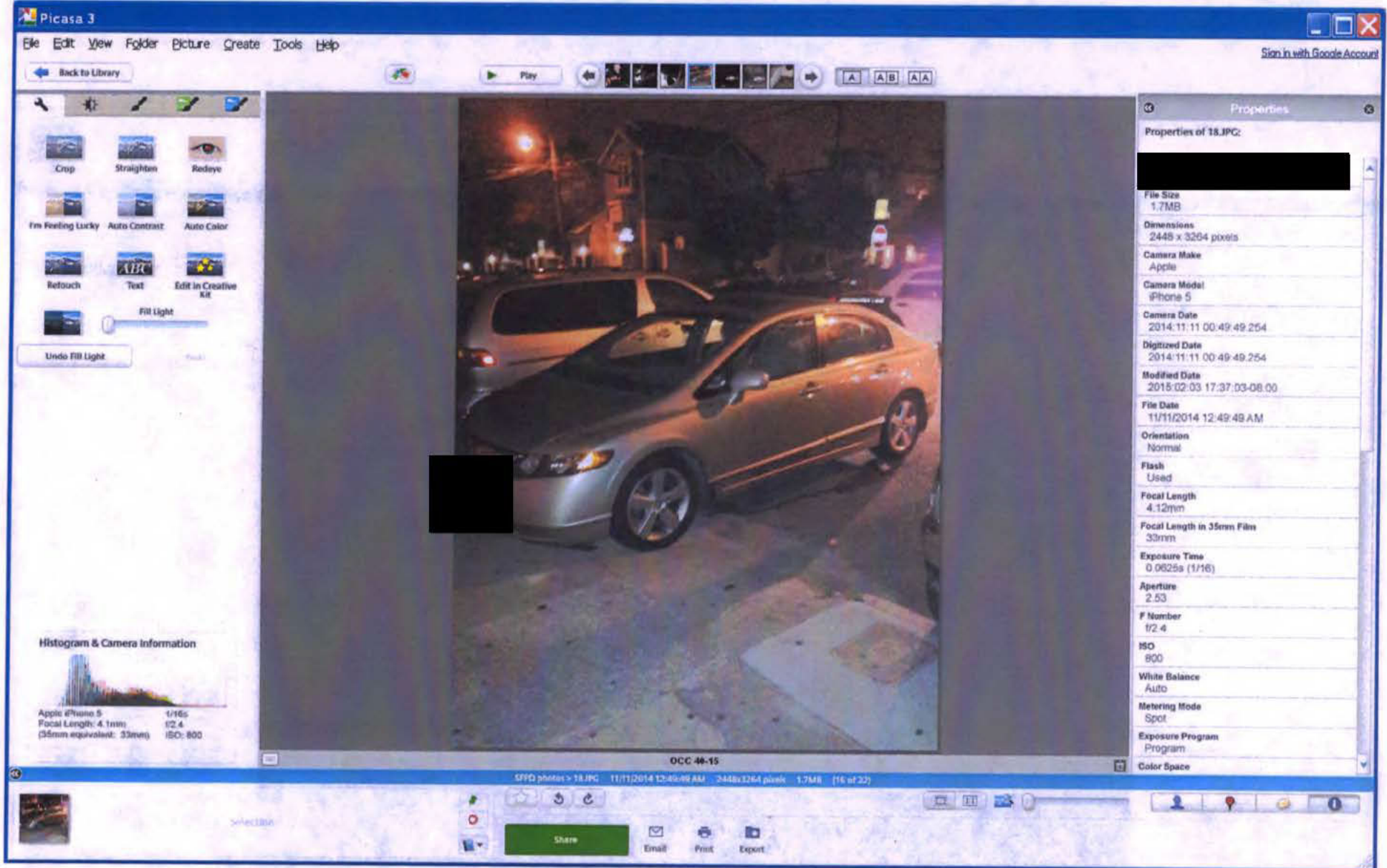
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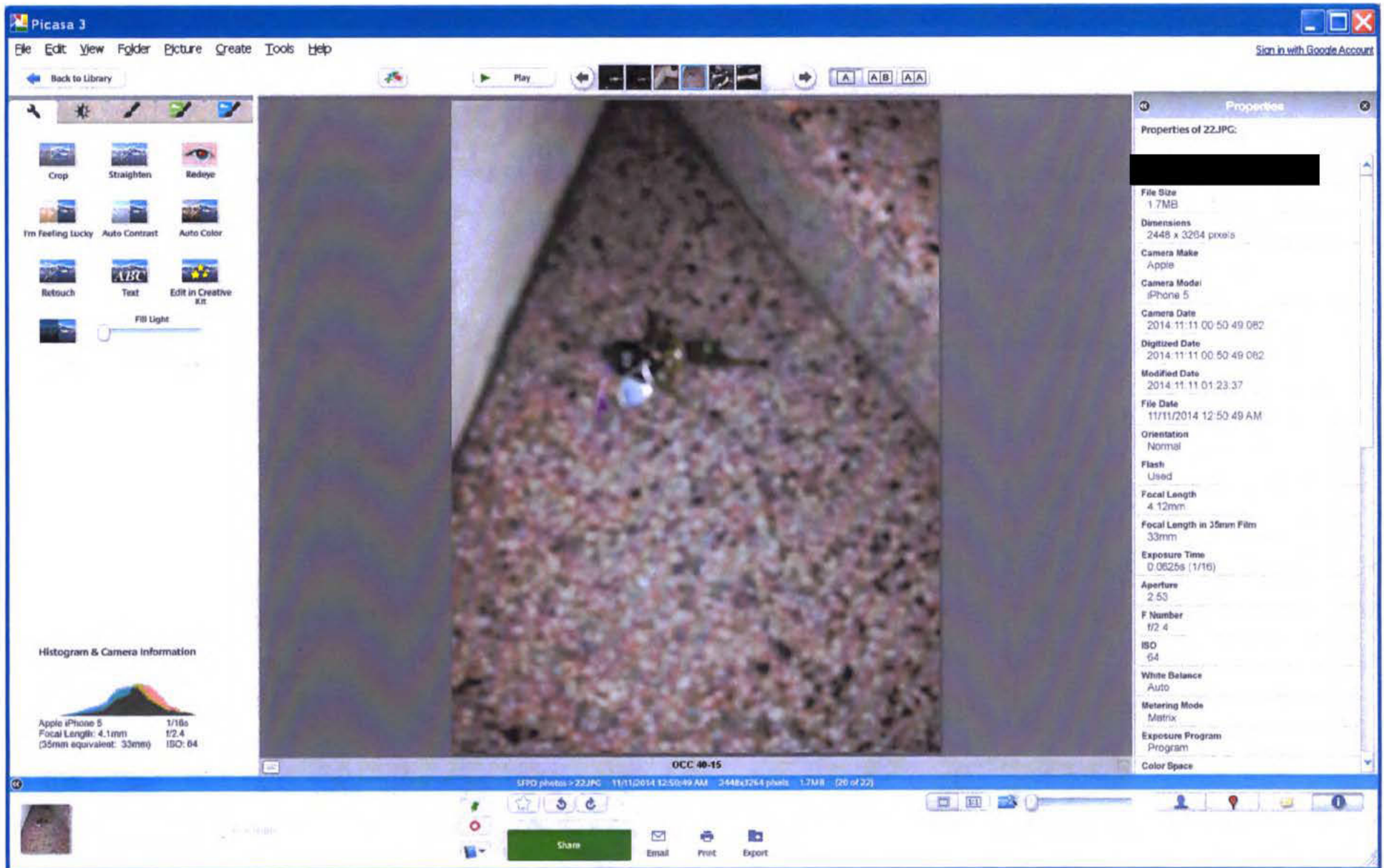


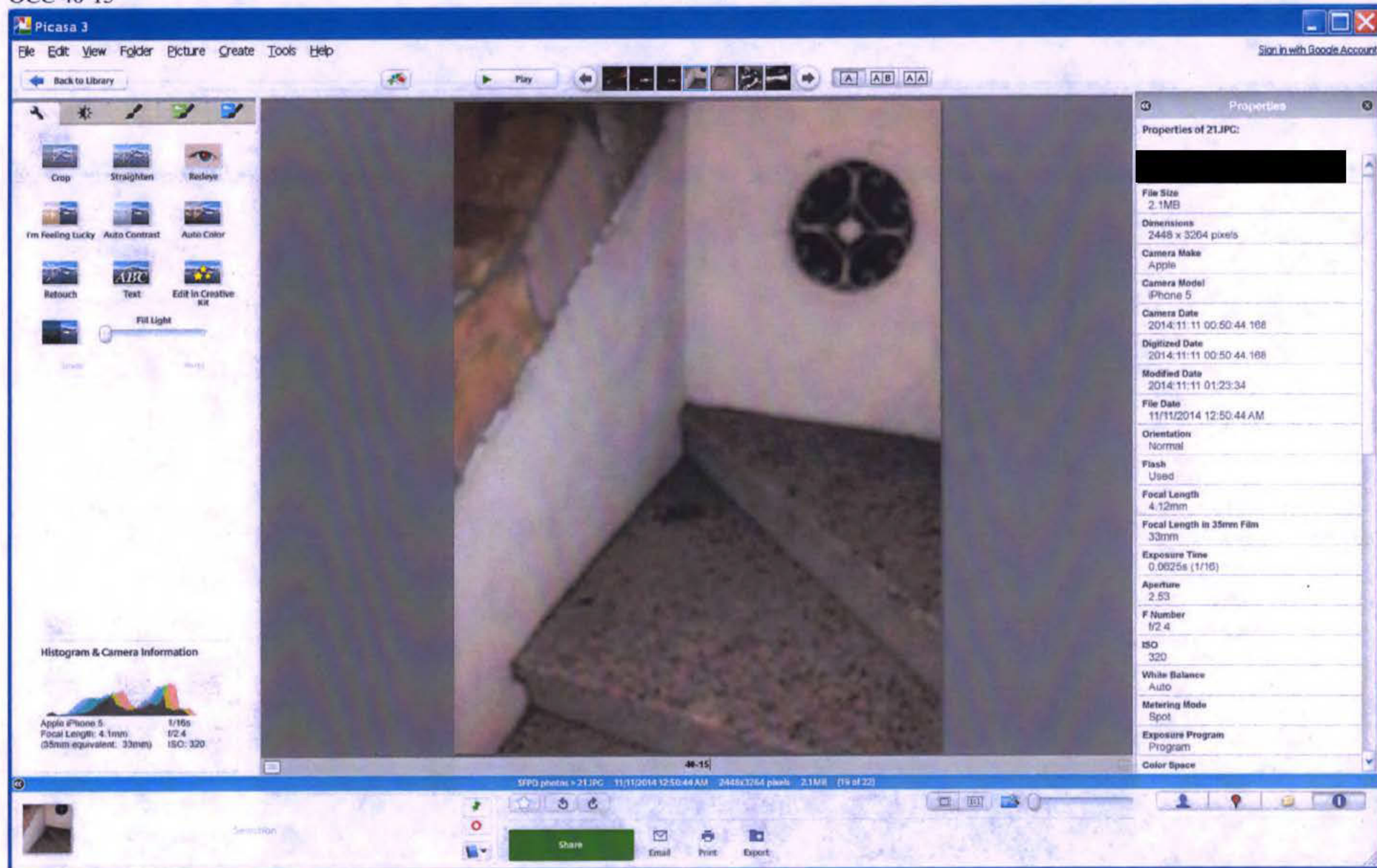
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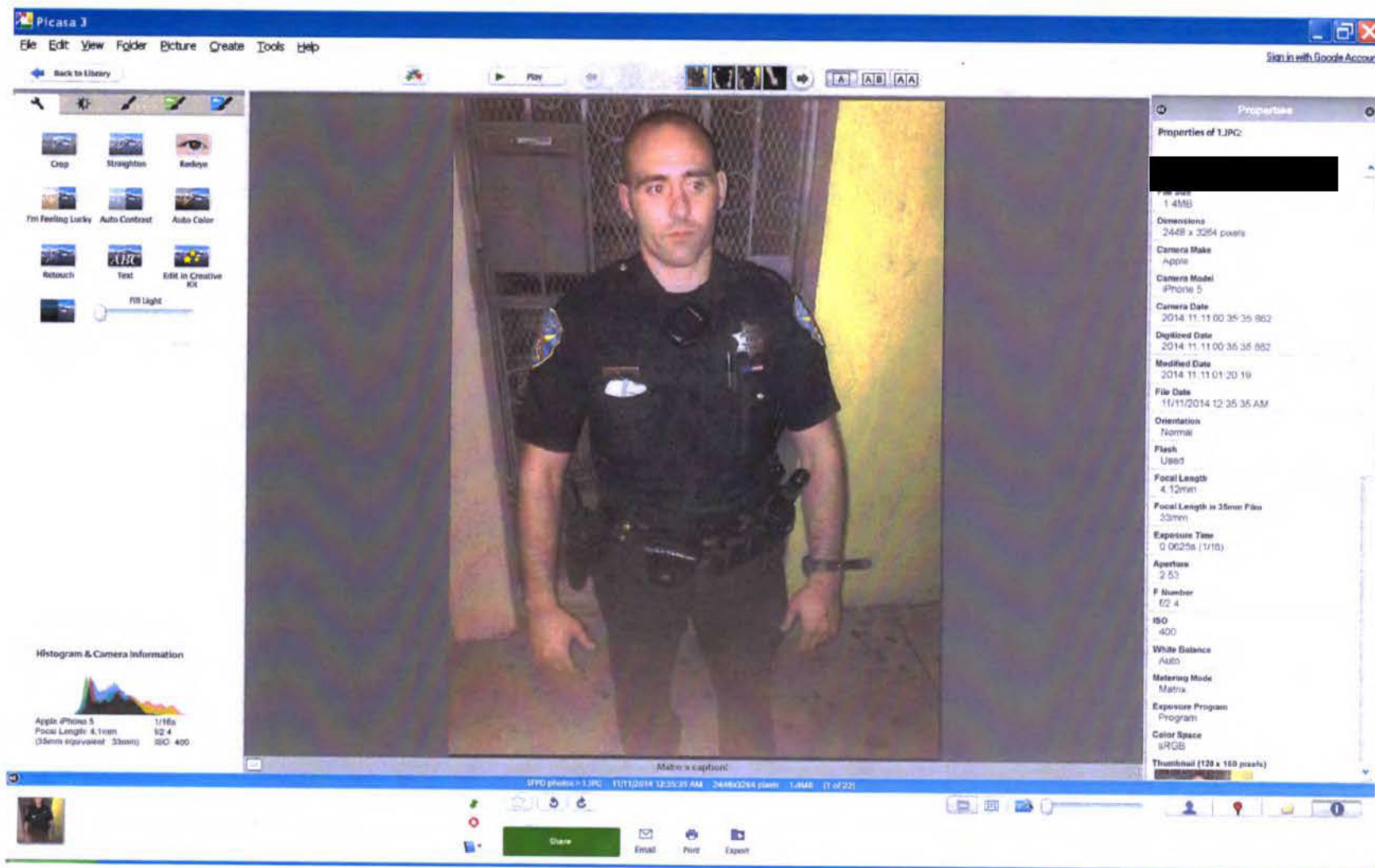


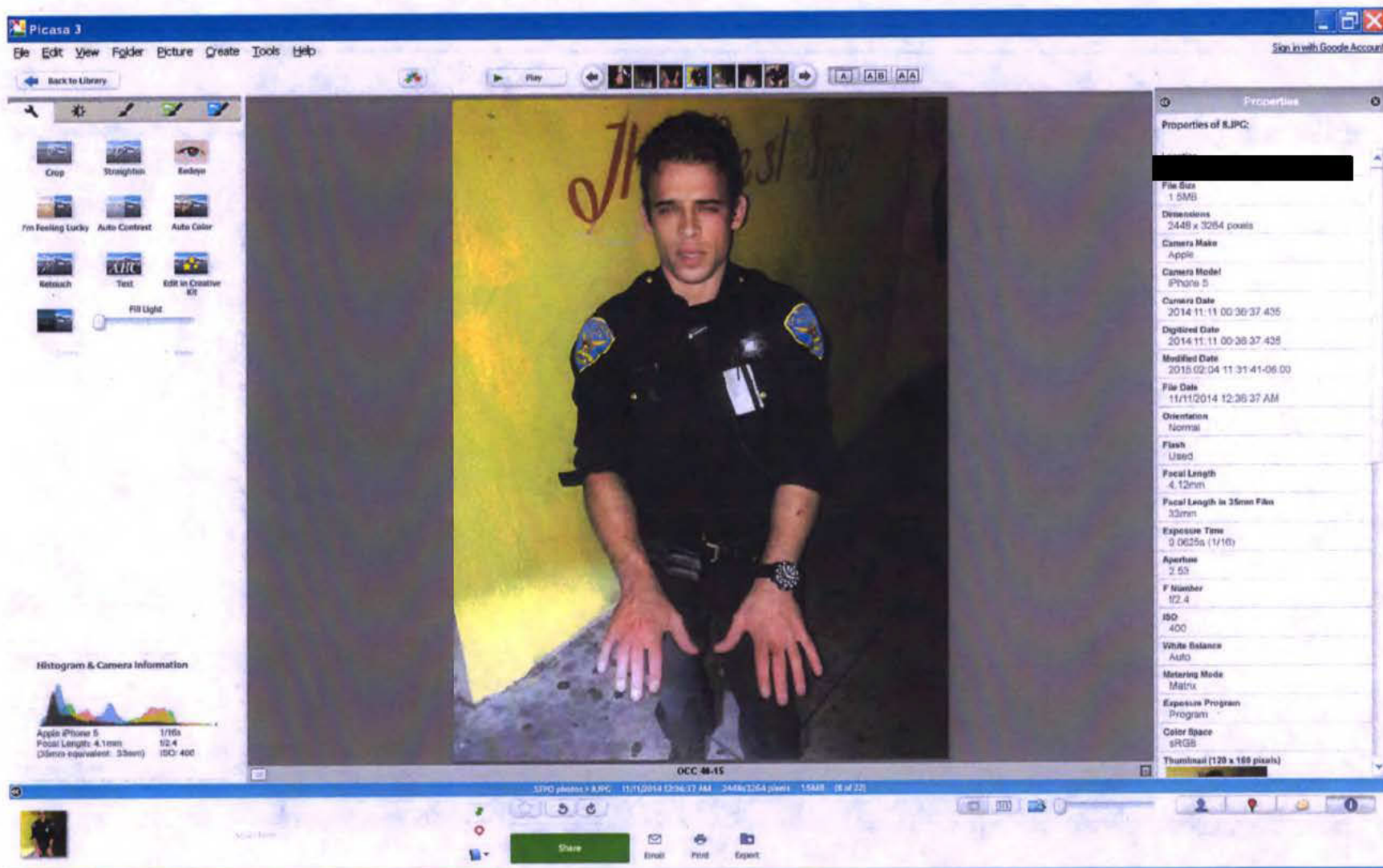


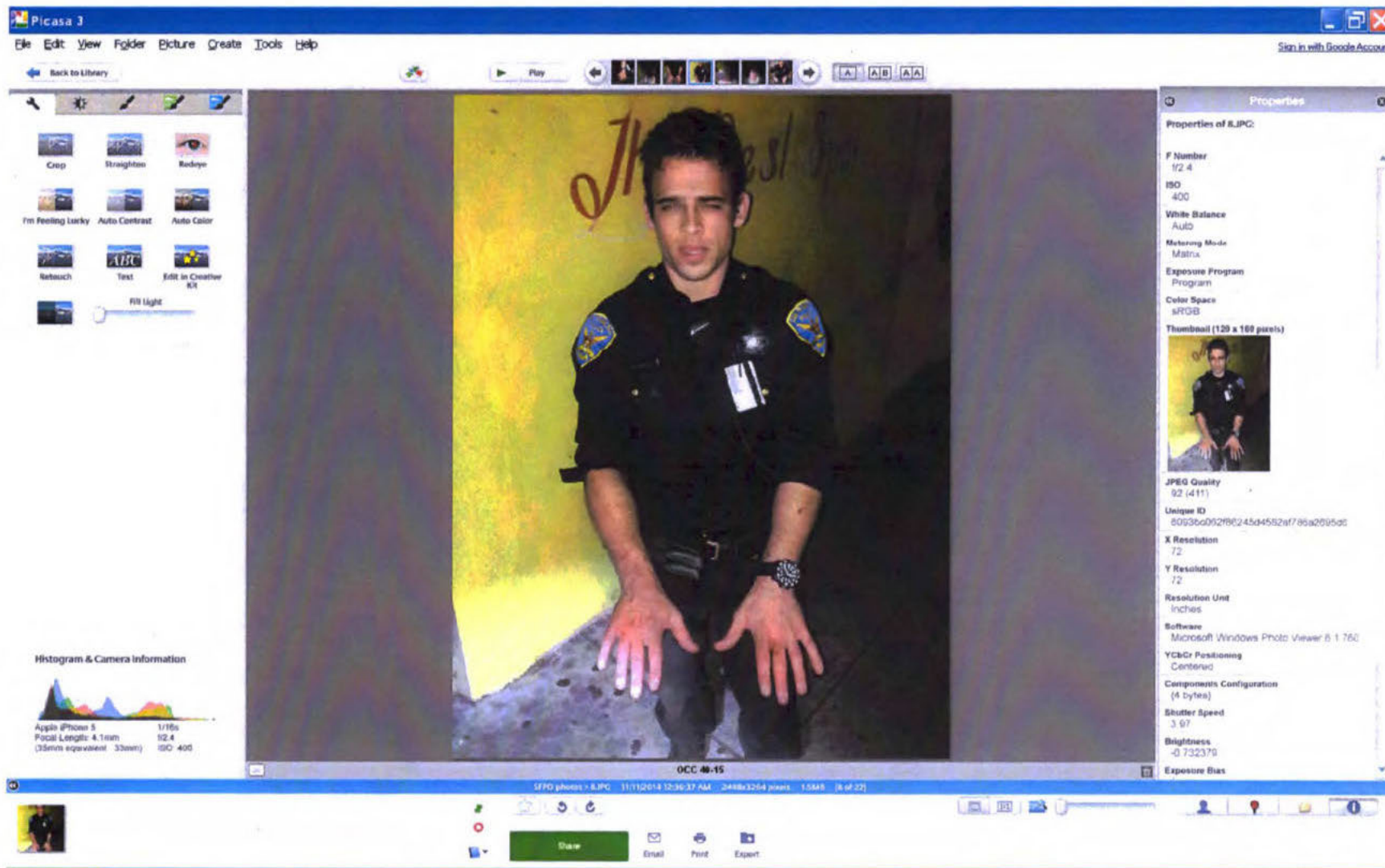


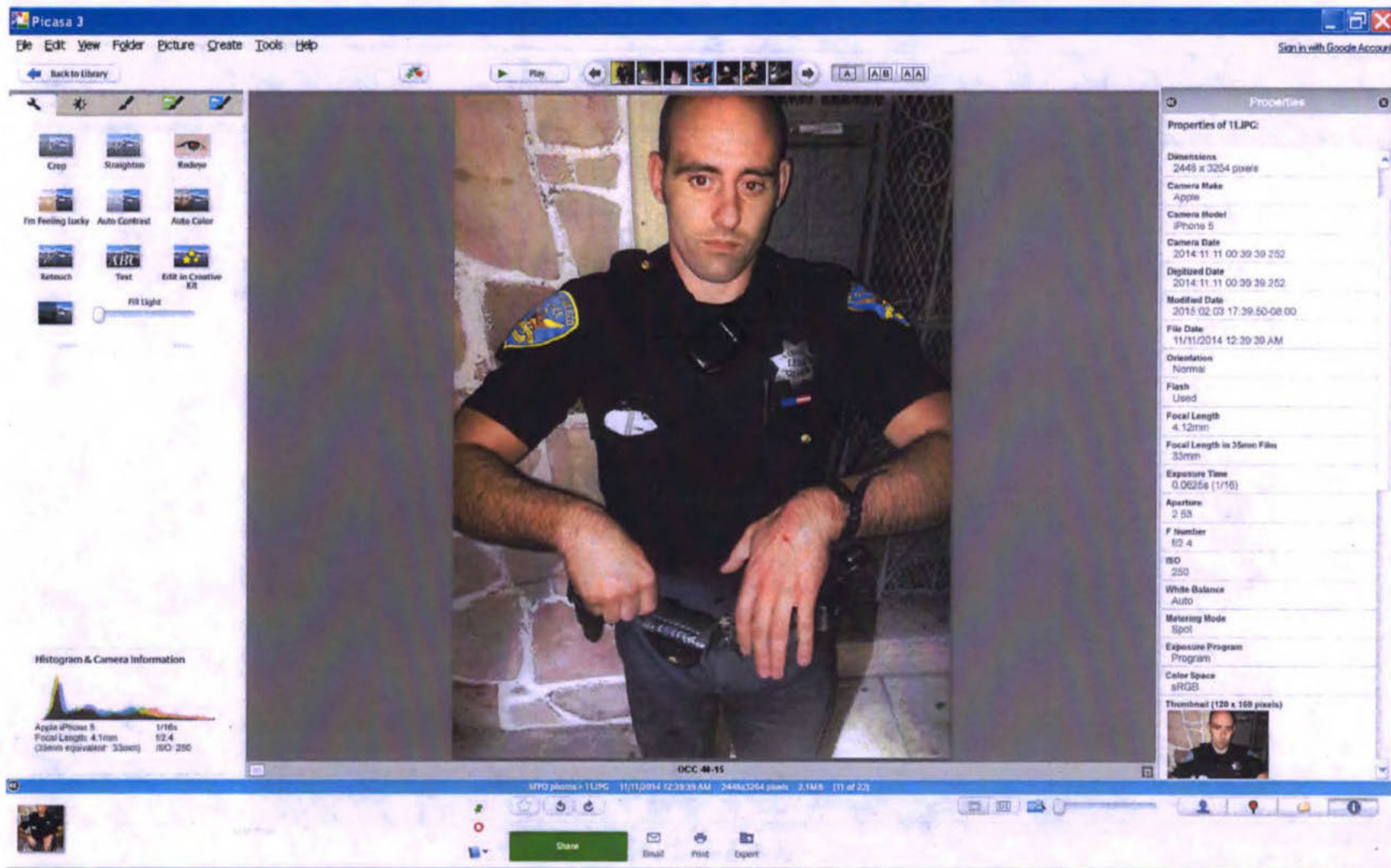


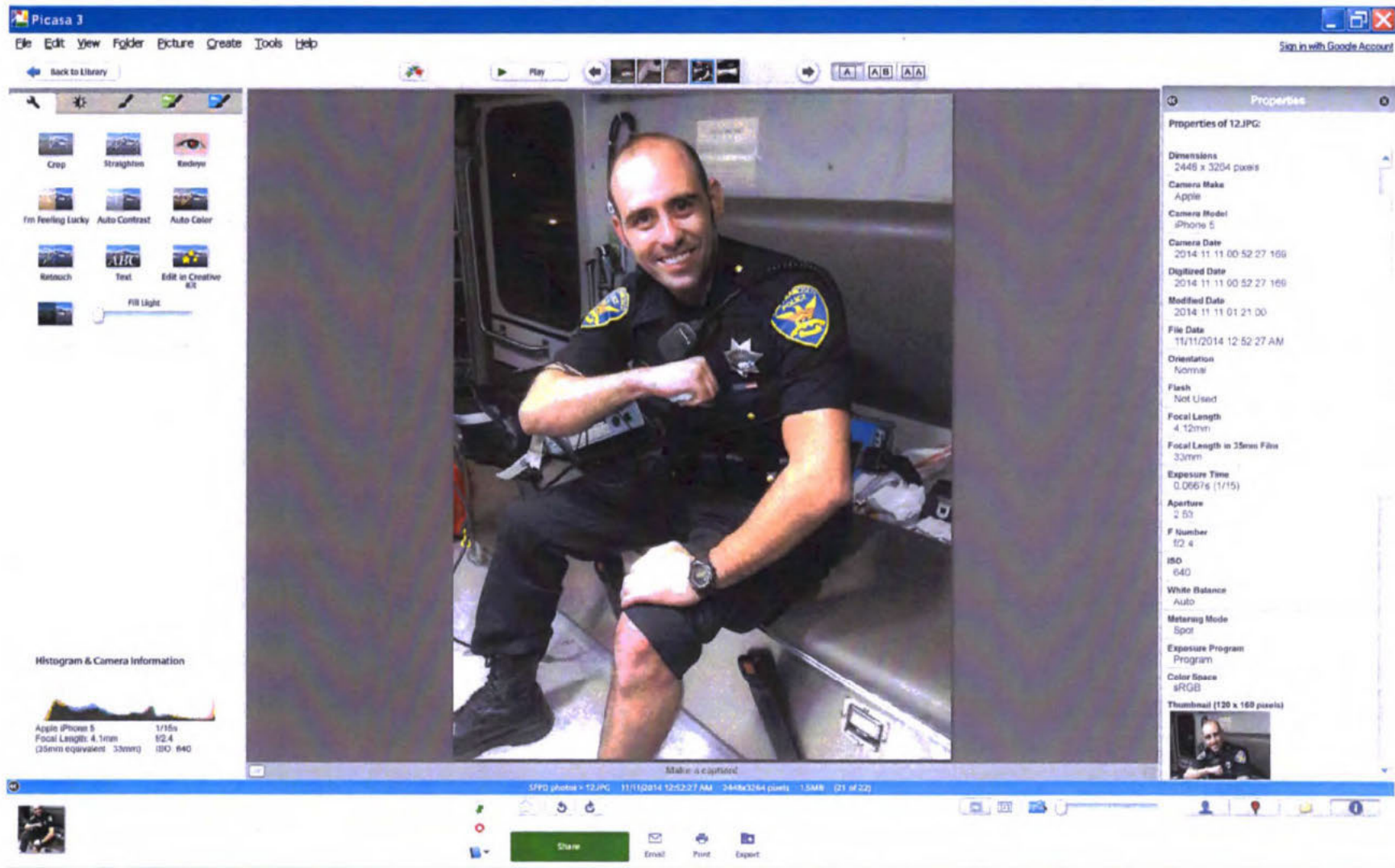


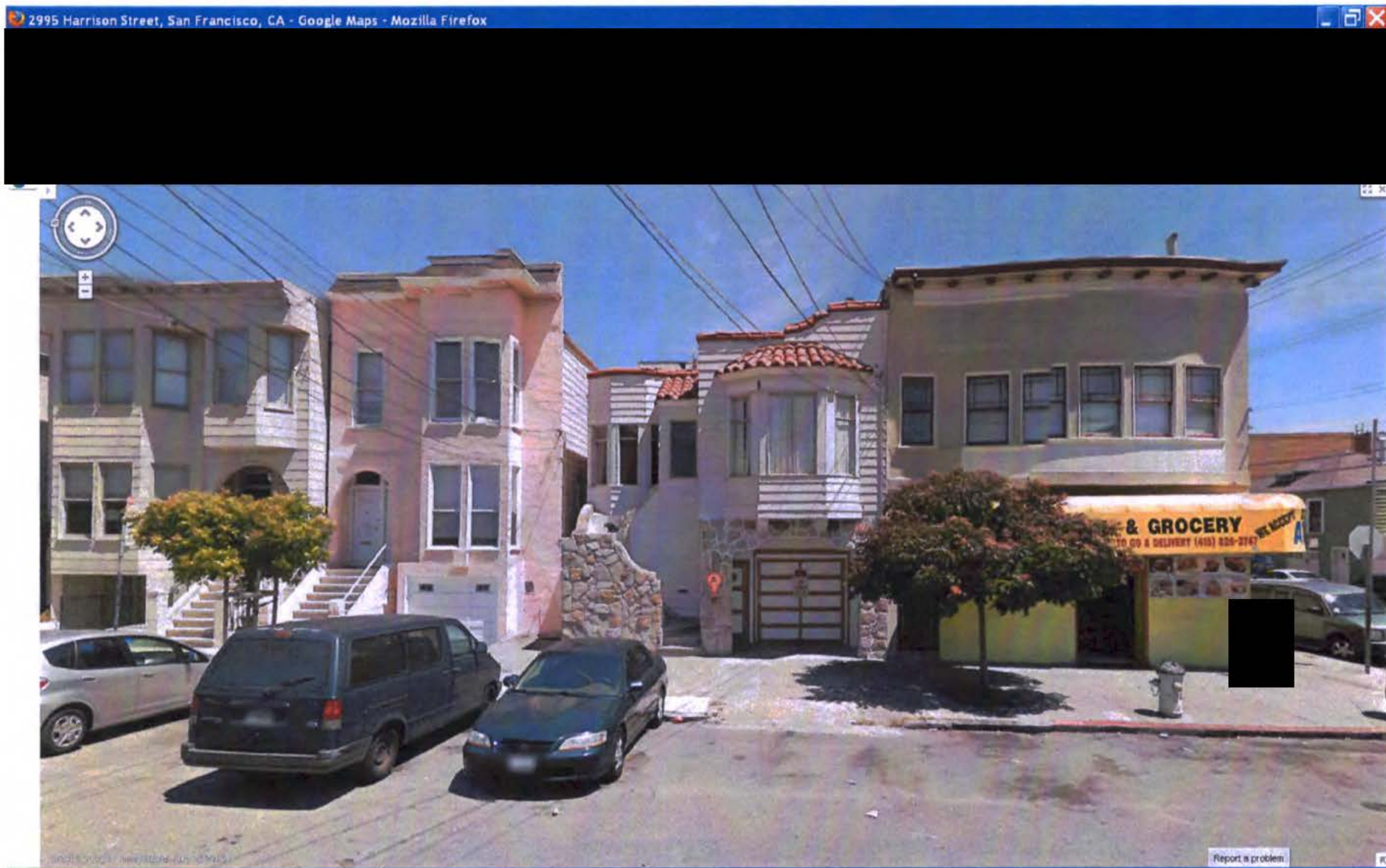




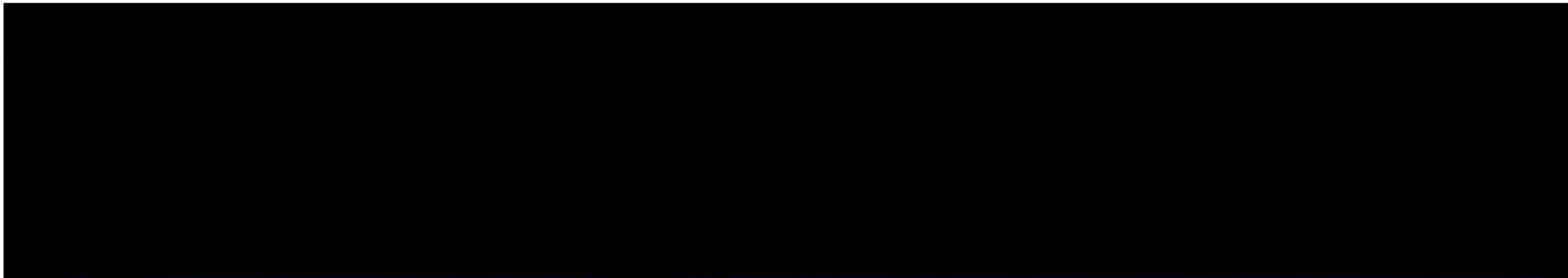












**San Francisco
Law Enforcement
Regional Training Center**



**Basic Course
Arrest & Control
Manual**

Published By

San Francisco Law Enforcement Regional Training Center
Arrest & Control Office
350 Amber Drive
San Francisco, CA 94131

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Third Edition 2005

Printed in the United States of America
by the City and County of San Francisco's Reproduction and Mail Services

Photography & Graphics by Officer Frank McKee

S.F.P.D. HANDCUFFING GUIDELINES

The following information is based upon prior policies and Training Bulletins of the San Francisco Police Department. This information is intended to provide a guideline for Basic Course students. Non-SFPD students should obtain and refer to their specific agency policy for handcuffing.

Who should be handcuffed:

- When the subject is being arrested for a felony offense
- When the subject is a violent misdemeanor or a misdemeanor who exhibits a tendency to escape
- Nothing in the above shall preclude the use of handcuffs on any prisoner when their use is deemed necessary by the arresting officer

Other than those situations where department policy dictates that a subject shall be handcuffed, the arresting officer should consider the following points when deciding to handcuff a misdemeanor or not:

- Reason for arrest and/or transportation
- Subject's demeanor, both verbal and physical
- Whether the unit has two officers or one officer
- The sex of the subject with relation to the sex of the officers in regards to the availability of an officer of the same sex to conduct a more thorough arrest/transport search prior to transport.
- The possibility that handcuffing could incite the subject or bystanders
- Prior contacts with the subject
- Medical considerations

After examining all the factors, the arresting officer may then make a decision as to whether or not the handcuffs should be applied. If the officer decides not to handcuff, this should not deter the officer from his/her responsibility to make a systematic, thorough and purposeful search.

All handcuffing should be accomplished so that the subject's hands are to the rear of the body. If medical or other causes prevent handcuffing a subject to the rear the officer must be exceptionally alert for assault or escape attempts by the subject.

Officers should engage the second or double lock in all instances where an individual is handcuffed.

Double locking limits the possibility that the handcuffs may be accidentally tightened by the subject sitting or leaning back on them during transportation. Double locking also reduces the likelihood of the subject being able to shim or loosen the handcuffs.

HANDCUFF TIGHTNESS

The handcuffs should be applied between the ulnar bone and the base of the wrist. If the subject's actions prevent correct application, the handcuffs should be rechecked as practical for excessive

Restraint Devices

tightness or looseness.

The handcuffs should be tight enough that they do not easily slide around the wrist. The handcuffs should not be so tight that they cut off circulation.

One method of assessing how tight the handcuffs are is to place your index finger tip between the inside neck of the cuff and the subject's wrist. If your finger tip just barely fits, the handcuffs are sufficiently tight.

OFFICER SAFETY TACTICS DURING HANDCUFFING

The principles of Contact and Cover should apply when handcuffing a subject.

- Contact officer handcuffs the subject
- Cover officer provides assistance only when requested or when it becomes obvious that assistance is required

The Three Phases of Restraint should be used when a subject is to be handcuffed.

- Position
Verbally directing the subject to turn around or officer moves to a position of advantage to the rear of the subject
- Control
Obtain a physical control on the subject that limits escape or assault
- Handcuff
Apply the Handcuffs in a tactically sound manner

If the subject prevents any one of the Three Phases of Restraint you are dealing with resistance. Respond with an appropriate degree of force. **Do not remove your handcuffs from the case until you have completed the first two phases of restraint.**

GENERAL ORDERRev. 10/04/95

USE OF FORCE

The purpose of this order is to set forth the circumstances under which officers may resort to the use of force. The order also outlines procedures for reporting and evaluating incidents involving the use of force.

I. POLICY

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
 - a. Verbal Persuasion
 - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
 - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
 - d. Carotid Restraint
 - e. Department-issued Baton
 - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

2. Penal Code Section 835 a provides that, *"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance."*

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

G. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY

1. The practice of courtesy in all public contact encourages understanding and cooperation; lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you merely accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings before resorting to actual physical force.

2. The above should not be construed to suggest that you should ever relax and lose control of a situation, thus endangering your personal safety or the safety of others. Officers are permitted to use that force which is reasonable and necessary to protect themselves from bodily harm.

H. USE OF PHYSICAL CONTROL TO ACCOMPLISH CUSTODY

1. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome the resistance is physical strength and skill in defensive tactics, e.g., passive resister, bent wrist control.
- Z Defensive tactics are techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances. You must, however, ensure that you are capable of utilizing physical skills to subdue a -person. Good judgement is extremely important in deciding which tactics to use and how much force to apply. The force used must be necessary.
3. When confronted with a situation that may necessitate the use of physical control, consideration should be given to calling for additional cover officers prior to the contact.
4. In encountering physical resistance and/or assault, an officer's primary goal is to control the situation. The level of force encountered determines what form of defense should be exercised. When conditions permit, the best means of controlling a subject is by the imposition of manual restraint according to methods taught in Department training courses.
 - a. Choking by means of pressure on the subject's trachea is a prohibited practice.
 - b. Rendering a subject unconscious by applying pressure to the carotid artery is permissible only when lesser types of restraint would be ineffective (see Section L, J.).

L. USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY

1. Liquid chemical agent is a non-lethal device designed to subdue a person by projecting a specially formulated liquid onto the face. It is not designed to replace the police revolver or baton. Liquid chemical agent is a defensive weapon intended for use when attempting to subdue an unarmed attacker or to overcome resistance likely to result in injury to either the suspect or the officer.
2. In most instances, liquid chemical agent will reduce or eliminate the necessity for greater physical force to effect the arrest. Every officer should be equipped with liquid chemical agent and, when practical to do so, should use it rather than the baton or carotid restraint.
3. MEDICAL TREATMENT. Persons who have had Mace or O.C. sprayed on their faces shall have their faces washed and their eyes flushed with clean water at the scene or as soon as possible. Medical evaluation shall occur.
 - a. Prior to booking and as soon as practicable. .
 - b. If the person is recovering normally, request an ambulance (Code 2) to the scene or arrange to have paramedics meet you at another location to medically assess the individual.
 - c. If the ambulance is unavailable or the delay will be excessive, transport the exposed subject to SFGH for medical evaluation.
 - d. If the sprayed suspect loses consciousness or has difficulty breathing, summon an ambulance Code 3.
4. TRANSPORTATION. Persons who have been sprayed with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress which would require medical evaluation and/or treatment. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" position.

5. MONITORING SUBJECTS. Supervisors shall ensure that any person who has been sprayed with Mace or O.C. is kept under direct visual observation until he/she has been medically evaluated. If the person appears to be having difficulty breathing, an ambulance shall be summoned immediately.
6. BOOKING FORM. Persons who have been sprayed with liquid chemical agent shall have that noted on the booking form.

J. USE OF CAROTID RESTRAINT TO ACCOMPLISH CUSTODY

- L The carotid restraint, when properly applied, is a very effective means of subduing a violent subject; however, caution must be used in its application. The officer applying the hold must attempt to ensure the hold does not slip into a bar arm trachea choke.
2. The carotid restraint is an acceptable use of force in the following situations:
 - a. The officer is physically attacked.
 - h To stop a physical attack on another person.
 - c. The officer has attempted a lesser level of force and found it to be inadequate.
 - d. In the officer's best judgement, having evaluated the particular circumstances, a lesser level of force would be inadequate.
3. MEDICAL TREATMENT. Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, the arresting officer shall immediately call paramedics to the scene. In all cases where the carotid restraint is used, the subject shall be medically evaluated.
4. BOOKING FORM. Persons who have been the subject of a carotid restraint shall have that noted on the booking form.

K. USE OF BATON TO ACCOMPLISH CUSTODY. The baton in the hands of an officer trained in its use is a very formidable weapon. If we are to obtain effective results, avoid unnecessary injury to suspects, and minimize criticism of the Department, the baton must be used properly and judiciously.

1. The baton must be carried properly in the officer's baton ring. A baton left in the car is of no use to an officer in a confrontation.
2. Officers are not to slap the palm of their hand with the baton or poke the baton at people as an intimidation technique.
3. The baton, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck, or armpit must be avoided whenever possible.
4. To properly control and therefore maximize its effectiveness, the baton should normally never be raised above the head to strike a blow. The use of the baton as a club is generally prohibited.
5. Striking a handcuffed prisoner with a baton is expressly prohibited (except as allowed for in Section L, C., of this order).
6. Officers will carry only batons issued by the Department

L. USE OF FIREARM TO ACCOMPLISH CUSTODY. See DGO 5.02, Use of Firearms.

M. UNNECESSARY FORCE
(DEFINED)

- 1 Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.
2. Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct. Penal Code Section 149 provides criminal penalties for every public officer who under the color of authority, without lawful necessity, assaults or beats any person.

3. When the use of force is applied indiscriminately, the officer will face civil and criminal liability and Department disciplinary action.
4. justification for the use of force is limited to what is reasonably known or perceived by you at the time. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified.

N. REPORTING AND INVESTIGATING THE USE OF FORCE

1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:
 - a Physical control, when the person is injured or claims to be injured.
 - h Liquid chemical agent, when sprayed on or at the person.
 - c Department-issued baton, when the person is struck or jabbed.
 - d When the officer finds it necessary to strike a suspect with his/her fist, a flashlight, or any other object.
 - e. Carotid restraint.
 - £ Firearm (also see DGO 5.02, Use of Firearms).
2. NOTIFICATION INCIDENT REPORT. In all cases in which an officer is required to report the use of force, the officer using the force shall immediately notify his/her supervisor, and:
 - a. When the officer using force is also the reporting officer, prepare an incident report containing the following information:
 - (1) The type of force used (e.g., carotid restraint, struck with fist).
 - (2) Reason for the use of force (e.g., subject resisted arrest).
 - (3) The supervisor's name, rank star number and time notified. If applicable, the supervisor's reason for not responding to the scene shall also be included.

- b. In the event that the officer using force is not the officer preparing the -incident report, the officer using the force shall:
 - (1) Ensure that he/she is clearly identified in the incident report.
 - (2) Ensure that the incident report includes:
 - The type of force used (eg., carotid restraint, struck with fist).
 - Reason for the use of force (e.g., subject resisted arrest).
 - The supervisor's name, rank, star number and time notified.
 - (3) Or prepare a supplemental report or a statement form with the above information
3. SUPERVISORY OFFICERS RESPONSIBILITIES. When notified of the use of force, supervisors shall determine whether anyone (including the officer) has sustained an injury and its severity. If an injury has been sustained which is serious enough to require immediate medical treatment, the supervisor shall immediately respond to the scene of the incident unless a response is impracticable, poses a danger, or where officers' continued presence creates a risk. Response is optional in other reportable use of force incidents. Upon arrival, the supervisor shall do the following (when more than one supervisor responds, the responsibility shall fall on the senior supervisor):
 - a. Ensure that witnesses (including officers) to the criminal incident and also the reportable use of force incident are identified, interviewed, and that this information is included in the incident report. Hostile situations or number of witnesses may preclude identification and interview of all witnesses.
 - b~ Conduct observations of the scene and injured subjects or officers.
 - c. Conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order.
 - d. When appropriate, cause photographs of injuries or other evidence connected to the case to be taken and booked as evidence.

- e. Review the officer's incident report.
 - f. Record the incident in the Use of Force Log (see below). The supervisor who is notified of the reportable use of force is responsible for recording the incident in the Use of Force Log.
4. UNNECESSARY OR EXCESSIVE FORCE/REPORTING AND INVESTIGATIVE RESPONSIBILITIES. Should the supervisory evaluation conclude possible misconduct involved in the use of force, the supervisor shall:
- a. Immediately notify his/her superior.
 - h Make arrangements for any interviews that may have to be conducted.
 - c. Prepare a memorandum of observations, evaluation and actions taken.
5. SUPERIOR OFFICER RESPONSIBILITIES: After being notified of possible misconduct involved in the use of force, the superior officer shall:
- a. Conduct an investigation.
 - b. Officers suspected of misconduct shall be advised of rights described in DGO 2.08, Peace Officers' Rights, and be given the opportunity to have a representative present before any administrative interviews.
 - c. If a criminal investigator is assigned the case, the superior officer should confer with the investigator to coordinate the criminal and administrative interviews and Miranda warning.
 - d. Make the required notifications to O.C.C. if a citizen complaint is made (see DGO 2.04, Citizen Complaints Against Officers). Notify the officer's commanding officer when required (see DGO 106, Duties of Superior Officers).
 - e. Prepare a report containing results of investigation, preliminary findings, conclusions and recommendations if appropriate.

6. RECORDING PROCEDURES/USE OF FORCE LOG/TRAINING DIVISION USE OF FORCE REPORT. Every unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). Other units (e.g., administrative, investigative, etc.) need not maintain a Use of Force Log; however, commanding officers of these units are responsible to ensure compliance with all other provisions of this order along with the following recording procedures:
 - a: On each occasion that an officer reports the use of force in an incident report, he/she shall verbally notify the supervisor reviewing the report if different than the supervisor notified that the report contains reportable use of force. The supervisor reviewing this report shall ensure the necessary information is placed in the Use of Force Log.
Two copies of the incident report shall be attached to the log.
 - h On the 1st and 15th of each month, commanding officers shall sign the log and send it, along with one copy of each of the incident reports, to their respective deputy chief. The deputy chief will review the log and route it to the Management Control Division. Commanding officers shall forward a copy of the log and one copy of each incident report to the Commanding Officer of the Training Division.
 - c. The Commanding Officer of the Management Control Division will maintain controls that assure all unit logs are received and shall review completed forms to ascertain if any officer appears to be having problems with the use of force. If so, he/she shall notify the appropriate command personnel (also see DGO 3.18, Performance Improvement Program and *Performance Improvement Program, A. Supervisor's Guide, DM-06*).
 - d. The Commanding Officer of the Training Division will maintain controls that assure all unit logs and reports are received, and shall perform a non-punitive review of completed logs and incident reports to ascertain the number, types, proper application and effectiveness of uses of force reported by members of this Department. The information developed shall be used to identify training needs. The Commanding Officer of the Training Division shall report to the Chief of Police quarterly on the use of force by members of the Department.