



San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE



TO: LT. C. FLEWELLEN #1098
OIC/INTERNAL AFFAIRS UN IT

DATE: 2/3/16

FR: UNDERSHERIFF C. KOEHLER #2
ADMINISTRATIVE OPERATIONS

RE: FINDING(S) AND/OR INSTRUCTION REGARDING CASE: **A2015-0064**

PLEASE BE ADVISED THIS CASE HAS BEEN REVIEWED AND THE FOLLOWING FINDING(S) AND/OR INSTRUCTIONS ARE IN EFFECT:

	UNFOUNDED:	EXONERATED:	NOT SUSTAINED:	FORWARDED FOR LEGAL REVIEW:
				
DEP. FRANK LU #2113				
SFSD 03-01.II.A.27.A.B.C. - MISCONDUCT				
SFSD 03-01.II.C.1 - USE OF PHYSICAL FORCE				
SFSD 02-03.II.B - USE OF FORCE				

OTHER ACTION TO BE TAKEN: _____



Undersheriff C. Koehler #2

Type of Complaint or Incident: Use of Force

Complainant (s):

Subject (s):

Dep. Frank Lu #2113

Involved Party (s):

Dep. Aaron McFarland #2117

Date of Incident:

Friday, October 23, 2015

Location:

CJ #1

Date of Report:

Tuesday, January 25, 2016

Investigator:

Sr. Dep. V. Chew #809

INTRODUCTION

On 11/05/2015 the Cover program Intake Coordinator from Swords to Plowshares [REDACTED] [REDACTED] emailed the Sheriff's Dept. regarding a use of force incident that occurred on 10/23/2015 involving [REDACTED] [REDACTED] and sworn staff at CJ #1. I was directed by the Unit Commander Lt. C. Flewellen to investigate the circumstances surrounding the incident.

Administrative case review and approval for closure or forwarding:

This report of 9 pages has been reviewed and approved for:

- A. Forwarding to the Undersheriff for review and/or action as deemed appropriate by the Sheriff's Department Administration or;
- B. Case closed without further administrative review as there is no further basis for administrative investigation or action or;
- C. Case closed as case was opened for documentation only.

OIC/ISU [REDACTED]

Date: 1/26/16

OVERVIEW

On 10/23/2015 Inmate [REDACTED] was arrested by SFPD after threatening two social workers at his SOR (Single Occupancy Residency). He was transported to CJ #1 and booked into SF Sheriff's custody for misdemeanor 422(a) PC (criminal threats). [REDACTED] was not citable based on his criminal charges so he was removed from holding tank #5 by Dep. F. Lu #2113 in order to complete the booking process. During the escort to the dressing stalls [REDACTED] became verbally confrontational with Dep. F. Lu and had to be restrained. He then physically resisted all efforts to escort him to the stalls and refused to walk. [REDACTED] sustained a broken right arm during the struggle with staff and was subsequently transported to the ER at SFGH.

INCIDENT REPORTS

10/23/2015 SFPD Incident Report #150926047 by Officer M. Toomy #1870

Paraphrased: On 10/23/2015 SFPD Officer M. Toomy and FTO Officer McEachern #1341 responded to [REDACTED] on a report of a man, later identified as [REDACTED] of threatening to shoot two case workers [REDACTED] and [REDACTED] on his Facebook account. Officer M. Toomy and FTO Officer McEachern went to [REDACTED] residence and found him hiding inside the apartment after he refused to answer the door. [REDACTED] was subsequently arrested and transported to the SFPD Tenderloin Station after the preliminary investigation. [REDACTED] was later transported to CJ #1 and booked into Sheriff's custody on a misdemeanor criminal threat.

10/23/2015 SFSD Incident Report #15-1-10029 by Dep. F. Lu #2113

Paraphrased: On 10/23/2015 approximately 1605hrs Dep. F. Lu assigned to Move/Search Post at CJ #1 removed Inmate [REDACTED] from Holding Tank #5 in order to exchange his civilian clothes to jail issued attire. While escorting Inmate [REDACTED] towards the dressing stalls, Inmate [REDACTED] gave Dep. F. Lu a hard stare. Dep. F. Lu believed that Inmate [REDACTED] was trying to intimidate him so he ordered Inmate [REDACTED] to turn around and face the wall to be handcuffed. Inmate [REDACTED] obeyed the command and faced the wall, but he suddenly tensed his body and pulled away from Dep. F. Lu as he (Dep. Lu) approached to handcuff him.

Dep. F. Lu grabbed Inmate [REDACTED] and performed a rear wrist lock and was able to handcuff him with the assistance of Dep. A. McFarland #2117, who responded to the disturbance. Dep. A. McFarland then assisted Dep. F. Lu in escorting Inmate [REDACTED] to the dressing stalls. Inmate [REDACTED] started mumbling incoherently and continued to pull away during the escort. At one point Inmate [REDACTED] refused to walk and unexpectedly dropped to the ground. Dep. F. Lu felt Inmate [REDACTED] right arm go limp when he attempted to lift him up. With the assistance of Dep. A. McFarland, they lifted [REDACTED] to his feet and continued towards the stalls. However, Inmate [REDACTED] again dropped his weight and fell to the ground. Dep. F. Lu and Dep. A. McFarland again assisted [REDACTED] to his feet and ultimately reached the dressing booths.

Inmate [REDACTED] started crying and screaming about his right arm when he entered stall #3. Dep. F. Lu went to the medical office in the facility and requested that JMS (Jail Medical Services) examine Inmate [REDACTED]. JMS [REDACTED] responded to Stall #3 and examined Inmate [REDACTED]. He recommended that Inmate [REDACTED] be transported to the ER at SFGH for further evaluation. Dep. V. Oca #2088 later assisted in completing the strip search and clothing exchange of Inmate [REDACTED]. Dep. Conway #2179 transported Inmate [REDACTED] to the ER at SFGH.

INTERVIEWS

11/09/2015 audio recorded interview of Inmate [REDACTED]

Paraphrased: Inmate [REDACTED] recalled that he was experiencing a paranoid schizophrenic episode after being arrested by SFPD. He was talking to himself uncontrollably in the holding tank when an unknown Asian deputy with tattoos on his arms, later identified as Dep. F. Lu opened the door and ordered him to step out into the hallway. Inmate [REDACTED] said he had a prejudice against Japanese and Korean descendants because his parents condemned his sexual lifestyle as a homosexual. Out of fear he asked Dep. F. Lu if he was Japanese or Korean. Inmate [REDACTED] said Dep. F. Lu might have felt uneasy about the question, because Dep. F. Lu ordered him to turn around and face the wall to handcuff him.

Inmate [REDACTED] said Dep. F. Lu ordered him to walk down the hallway after handcuffing him. He first said he did not resist, but later changed his story and said he could not walk so Dep. F. Lu started dragging him. Inmate [REDACTED] said Dep. F. Lu unexpectedly punched his right arm causing his bone to break in three different places.

Inmate [REDACTED] said Dep. F. Lu did not use any derogatory language during the incident. He was taken to a dressing booth where he complained that his right arm was in great pain. Inmate [REDACTED] said a nurse appeared and examined his arm. He said the nurse left shortly afterwards and he followed the directions of another unidentified male deputy that appeared in the stall. Inmate [REDACTED] said he slowly took his clothes off and put on the jail issued clothing. He was then taken to another holding tank and later transported to the ER at SFGH. Inmate [REDACTED] said he had no further contact with Dep. F. Lu after he entered the dressing booth.

11/16/2015 audio recorded telephone interview of Mr. [REDACTED]

Paraphrased: Mr. [REDACTED] said he is the cover case manager for Swords to Plowshares working with the SF Sheriff's Dept. in assisting veterans in custody. He spoke to Inmate [REDACTED] a week before November 4, 2015 about programs available to veterans and noticed that his right arm was in a cast. Mr. [REDACTED] said [REDACTED] alleged that he was injured by Sheriff's staff. Mr. [REDACTED] said he was unprepared to get further details about the injury and promised to return next week. He returned on Wednesday, November 4, 2015 and interviewed Inmate [REDACTED] about the injury to his right arm.

Mr. [REDACTED] said Inmate [REDACTED] stated that on 10/23/2015 an Asian male deputy with tattoos on his arms unexpectedly grabbed his right arm and pulled him out of line while escorting him. He was slammed against the wall breaking the bones in his right arm. He was then dragged down the hallway and taken to a stall. Mr. [REDACTED] said Inmate [REDACTED] never mentioned that the Asian male deputy punched him in the right arm. He further confirmed that his 11/05/2015 email to the Director of Swords to Plowshares was an accurate account of what Inmate [REDACTED] had related to him, which is not consistent with Inmate [REDACTED] 11/09/2015 IAU interview.

12/16/2015 audio recorded interview of Dep. A. McFarland #2117

Dep. A. McFarland's account of the 10/23/2015 incident involving Inmate [REDACTED] is consistent with the surveillance video and SFSD Incident Report #15-1-10029. He provided further details to help clarify the incident.

Paraphrased: Dep. A. McFarland said he was standing near the property room when he heard a commotion on the other side of the facility. He responded with other deputies and observed Dep. F. Lu controlling Inmate [REDACTED] by pinning him against the wall utilizing a bent wrist control hold. Dep. A. McFarland said [REDACTED] was yelling incoherently about being falsely arrested and he should not be in jail. He took hold of [REDACTED] free hand and assisted in handcuffing him.

Dep. A. McFarland said he heard Dep. F. Lu giving direction to [REDACTED] to walk towards the dressing stalls. He assisted in escorting Inmate [REDACTED] and recalled that [REDACTED] purposely dropped his weight near the ID Processing station. Dep. A. McFarland said [REDACTED] fell to the ground and he had to lift [REDACTED] up by the arms. He said [REDACTED] fell again, but they were able to hold [REDACTED] up and continue walking towards the dressing stalls.

Dep. A. McFarland recalled that Inmate [REDACTED] was not cooperative when they entered the third dressing booth. He said [REDACTED] continued to yell incoherently and refused to sit on the stool so they could remove the handcuffs. Dep. A. McFarland said he had to physically push [REDACTED] down by the shoulders to get him to sit down. He said [REDACTED] continued to complain loudly, and at one point said his arm was broken. Dep. A. McFarland said someone alerted JMS and [REDACTED] responded to their location. He observed a bulge near Inmate [REDACTED] elbow when [REDACTED] examined him. Dep. A. McFarland said he was able to dress Inmate [REDACTED] into jail issued clothing, but he was not able to do a complete search, because of the injury.

Dep. A. McFarland concluded the interview by stating that he had a clear view of Dep. F. Lu and Inmate [REDACTED] from where he was positioned. He adamantly refuted [REDACTED] account that Dep. F. Lu punched Inmate [REDACTED] in the right arm causing the bone to break during the escort.

12/17/2015 audio recorded interview of Dep. F. Lu #2113

Dep. F. Lu's account of the incident was consistent with his SFSD Incident Report #15-1-10029 and the 10/23/2015 surveillance video at CJ #1. He provided further information to help clarify the incident involving Inmate [REDACTED]

Dep. F. Lu said for the last seven years he was assigned to CJ #1 on the swing watch. On 10/23/2015 he was assigned to Move/Search Post, which processes the inmates after booking. He recalled going to Holding Tank #5 to escort Inmate [REDACTED] and another inmate to the dressing booths to process them. Dep. F. Lu said Inmate [REDACTED] stepped out of the cell and spontaneously said, "I'm not afraid of you" while glaring at him. He described the glare as abnormal and felt uneasy about it. Dep. F. Lu explained that based on his past experience inmates acting in such a manner are more likely to become violent.

Dep. F. Lu said he ordered both inmates to walk down the corridor towards the dressing stalls. He heard Inmate [REDACTED] mumbling something as they walked. Dep. F. Lu said [REDACTED] turned his head several times to stare at him making him more nervous, so he decided to handcuff him. He ordered both inmates to stop. Dep. F. Lu told [REDACTED] that he was going to handcuff him as he approached him from behind. He placed his hands on Inmate [REDACTED] to direct him towards the wall when [REDACTED] suddenly tensed his arm and turned towards him. Dep. F. Lu said he instinctively pushed [REDACTED] against the wall for his safety.

Dep. F. Lu said Dep. A. McFarland and several others deputies responded to assist him. He was able to handcuff Inmate [REDACTED] with the help of Dep. A. McFarland. Dep. F. Lu then ordered Inmate [REDACTED] to walk towards the dressing stalls while controlling his right arm. He said Inmate [REDACTED] continued to resist by squirming around and trying to grab his hands during the escort. Dep. F. Lu said Inmate [REDACTED] suddenly dropped his weight and fell to the ground. He then felt Inmate [REDACTED] right arm go limp, and said he was no longer trying to grab his hands.

Dep. F. Lu said he was able to lift Inmate [REDACTED] to his feet with the assistance of Dep. A. McFarland. They continued escorting Inmate [REDACTED], but he fell again. They again lifted [REDACTED] to his feet and continued to the dressing stalls. Dep. F. Lu recalled that [REDACTED] was not cooperative and continued to cry loudly. He said Inmate [REDACTED] refused to sit on the stool when they entered the stall, but eventually sat down. Dep. F. Lu said Inmate [REDACTED] stated that his arm was broken, so he left the booth to alert JMS.

Dep. F. Lu said he did not return to the booth after alerting the nurse and was unaware of the outcome. He later learned that Inmate [REDACTED] was being transported to the ER for a possible injury to his arm. Dep. F. Lu said he had no further contact with Inmate [REDACTED] after he was taken to SFGH.

MEDICAL





10/23/2015 CJ #1 VIDEO SURVILLANCE

Camera - safety cell corridor

- 16:04:36:015hrs - Dep. F. Lu unlocks Holding Tank #5 and opens the door.
- 16:04:59:948hrs - Inmate [REDACTED] steps out of Holding Tank #5 and appears to be talking to Dep. F. Lu.
- 16:05:10:731hrs - Second male inmate steps out of Holding Tank #5. Dep. F. Lu closes the door.
- 16:05:23:443hrs - Dep. F. Lu points toward the booking area and escorts inmates toward the booking desk.
- 16:05:33:604hrs - Inmate [REDACTED] is turning his head toward Dep. F. Lu.

- 16:05:35:212hrs - Dep. F. Lu turns toward Inmate [REDACTED] and places his hands on [REDACTED] left shoulder and pushes [REDACTED] towards the wall, face forward. Inmate [REDACTED] is seen extending his arm towards the wall and push off. He turns his body into Dep. F. Lu.
- 16:05:40:946hrs - Dep. F. Lu pins Inmate [REDACTED] against the wall.
- 16:05:51:688hrs - Additional staff respond to assist Dep. F. Lu control Inmate [REDACTED]
- 16:06:04:643hrs - Inmate [REDACTED] is escorted towards the dressing booths.
- 16:06:12:033hrs - Inmate [REDACTED] appears to fall during the escort to the dressing booths.
- 16:16:05:156hrs - JMS respond to the dressing stalls.
- 16:27:44:844hrs - Inmate [REDACTED] is escorted to temporary holding tank near the the release desk, clutching his arm.

SUMMARY

On 10/23/2015 Inmate David [REDACTED] was arrested by SFPD after posting threatening comments on his Facebook account to kill two employees at the Larkin Street Youth Services at [REDACTED] [REDACTED]. The Larkin Street Youth Services provides assisted care living for troubled youths. The case manager at the SOR said [REDACTED] was having difficulty adjusting to his residency and acting erratically. Inmate [REDACTED] was scheduled to be evicted after violating the rules at the SOR. Inmate [REDACTED] was later transported to CJ #1 and booked into custody on two misdemeanor criminal threats (422 PC). Inmate [REDACTED] was not citable or eligible for release per OR guidelines because of his criminal charges. He was temporarily placed in Holding Tank #5 to complete the booking process.

Approximately 1605hrs Dep. F. Lu assigned to Move/Search Post at CJ #1 removed Inmate [REDACTED] and Inmate [REDACTED] - [REDACTED] from Holding Tank #5 to be searched and dressed into jail issued clothing. Inmate [REDACTED] having a predisposed dislike for Asians, made a challenging comment (*"I'm not afraid of you"*) to Dep. F. Lu as soon as he was removed from Holding Tank #5. Inmate [REDACTED] said he was mentally unstable at the time and acknowledged that he may have said something threatening to Dep. F. Lu as he was being escorted to the dressing booths.

Dep. F. Lu felt threatened and ordered Inmate [REDACTED] and Inmate [REDACTED] to stop walking near safety cell #1. He ordered Inmate [REDACTED] to face the wall to be handcuffed as he simultaneously grasped Inmate [REDACTED] left shoulder and arm. Inmate [REDACTED] suddenly turned his body to face Dep. F. Lu. Dep. F. Lu quickly responded to the sudden move by pushing Inmate [REDACTED] into the wall and pinning him while applying a rear wrist lock.

Several deputies heard the commotion and responded to the corridor near Safety Cell #1 to assist Dep. F. Lu. Inmate [REDACTED] standing nearby, was escorted away by an unknown deputy. Dep. A. McFarland assisted by taking control of Inmate [REDACTED] free hand to handcuff him. Dep. F. Lu ordered Inmate [REDACTED] to walk towards the dressing stalls on the opposite side of the facility. Inmate [REDACTED] was not cooperative. (He can be seen resisting in the surveillance video as he plants both of his feet down and refuses to walk as he rounds the corner near the ID Processing Station).

Dep. F. Lu controlled Inmate [REDACTED] right arm and applied pressure to gain compliance and continue to escort Inmate [REDACTED] toward the stalls. Inmate [REDACTED] falls to the ground, possibly injuring his right arm based on the statements by Dep. F. Lu that he felt Inmate [REDACTED] right arm go limp. Dep. F. Lu and Dep. A. McFarland lift him to his feet and continue escorting him towards the dressing booths. Inmate [REDACTED] fell again, and lifted back to his feet and eventually escorted to the third dressing stall.

During his IAU interview, Dep. F. Lu emphatically denied punching Inmate [REDACTED] in the right arm. The surveillance video and statements of Dep. A. McFarland conflicts with Inmate [REDACTED] allegation that he was punched in the arm. Mr. [REDACTED] from Swords to Plowshares said Inmate [REDACTED] told him that his arm was broken when Dep. F. Lu slammed him against the wall, which is not consistent with Inmate [REDACTED] 11/09/2015 IAU statement that Dep. F. Lu punched him in the arm during the escort, causing the broken arm.

I submit this case for review.

[REDACTED]
Senior Deputy V. Chew #809
Investigator
Internal Affairs Unit

**SAN FRANCISCO SHERIFF'S DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**

TYPE OF CASE: Use of Force	CASE NO: A2015-0064	SUBJECT: Dep. Frank Lu #2113
DATE OF INCIDENT: 10/23/2015	UNIT: Custody CJ #1 - Swing Shift	INVESTIGATOR ASSIGNED: Sr. Deputy V. Chew #809

DATE:	TIME:	ACTIVITY:
Friday 11/06/2015	1400	IAU Unit Commander Lt. Flewellen request that I assist Sgt. A. Ung in retrieving surveillance video involving inmate [REDACTED] [REDACTED]
	1430	Sgt. Ung and I discovered surveillance video of [REDACTED] booking and movement to temporary holding tank. Dep. Lu later removes Inmate [REDACTED] from the tank and is seen escorting him toward the booking area. Inmate [REDACTED] and Dep. Lu exchange some words and Dep. Lu pins [REDACTED] against the wall near the safety cells. Inmate [REDACTED] is escorted toward the sobering cells and falls down. He is lifted to his feet and dragged to the dress in booths. After several minutes a JMS RN is summoned to the dress in booth. Inmate [REDACTED] is later seen being transported to SFGH.
Monday 11/09/2015	0900	<p>I was directed by the Unit Commander to interview Inmate [REDACTED] at CJ #2. [REDACTED] is currently housed in C Pod. Received SFSD Incident Report by Dep. Lu.</p> <p>SFSD Incident Report # 15-1-10029.</p> <p>Paraphrased: On Friday, 10/23/2015 approximately 1610hrs Dep. F. Lu #2113 at CJ #1 opened Holding Tank #5 and ordered Inmate [REDACTED] - [REDACTED] to step out of the holding tank to be searched and dressed into Jail issued clothing. Dep. F. Lu ordered Inmate [REDACTED] to take down his hoodie from his head before stepping out to the corridor. Dep. F. Lu said Inmate [REDACTED] stared at him defiantly. He ordered Inmate [REDACTED] to turn around to be handcuffed because of his erratic behavior.</p> <p>Dep. F. Lu said Inmate [REDACTED] tensed his body and attempted to pull away when he tried to handcuff him. He performed a rear wrist control hold and handcuffed Inmate [REDACTED]. Dep. McFarland #2117 responded and assisted him in escorting Inmate [REDACTED] to the dressing booths. Dep. F. Lu said [REDACTED] started to resist and refused to walk. He said [REDACTED] was mumbling incoherently and pulled away from his grip. Dep. F. Lu maintained his control hold on [REDACTED] right wrist and elbow. He said [REDACTED] suddenly dropped his entire body to the ground. Dep. F. Lu attempted to stand Inmate [REDACTED] to his feet when he felt that [REDACTED] right arm went limp.</p>

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Inmate [REDACTED] was eventually assisted to his feet with the assistance of Dep. McFarland. Inmate [REDACTED] continued to resist and fell down a second time before reaching the stalls.

Inmate [REDACTED] started to complain about his right arm when he entered stall #3. JMS [REDACTED] responded to stall #3 and examined Inmate [REDACTED]. JMS [REDACTED] recommended that [REDACTED] be transported to the ER at SFGH on a possible fracture to the right arm.

Dep. Oca #2088 assisted by completing the strip search and clothing exchange to jail issued attire. Dep. Conway #2179 transported Inmate [REDACTED] to SFGH.

On 11/05/2015 [REDACTED] interviewed Inmate [REDACTED] for the Cover Case Program which assists veterans. [REDACTED] learned that Inmate [REDACTED] sustained a right broken arm from the 10/23/2015 incident with Dep. F. Lu. Inmate [REDACTED] alleged that an Asian Deputy with tattoos grabbed him off the line and pulled his arm. He said the Dep. threw him against the wall and dragged him by the right arm, breaking the arm in 3 different places. He forwarded the information to the Intake Coordinator Cover Program [REDACTED]. The memo was eventually forwarded to the SFSD Administration and Programs Division Chief Deputy Gorwood #1319. She notified Sheriff's IAU by email with a request to open an investigation into the use of force and subsequent injury to an inmate.

0945

Interview Inmate [REDACTED] at CJ #2, C Pod.

Paraphrase: Inmate [REDACTED]'s account of the incident is somewhat consistent with the surveillance video and Dep. F. Lu's written SFSD report. He provided further detail to help clarify the incident.

Inmate [REDACTED] said he recalled being ordered out of the holding tank by an unknown Asian Deputy with tattoos on the arm. (Dep. F. Lu). He was upset about his arrest and said he was experiencing a paranoid, schizophrenic episode and uncontrollably talking to himself. He said the Dep. might have felt uneasy towards him because he was ordered to face the wall to be handcuffed. Inmate [REDACTED] said he complied and did not resist. However, the Dep. man handled him when he was handcuffed and started to drag him down the corridor.

Inmate [REDACTED] said he could not walk and fell twice. He said the Asian Deputy unexpectedly punched his right arm and broke the bones in three places. Inmate [REDACTED] said the Dep. never used any derogatory language during the encounter and he was eventually escorted to the

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CHRONOLOGICAL REPORT OF INVESTIGATION**

Tuesday
11/10/2015

dress in stall. Inmate [REDACTED] said his right arm was in great pain and he complained to the staff. He said a JMS nurse went to the stall and examined him. Inmate [REDACTED] said he slowly exchanged his clothes for the jail issued clothing. He was taken to another holding tank and transported to the ER at SFGH. Inmate [REDACTED] said he had no further contact with the Asian deputy that broke his arm.

Inmate [REDACTED] released his medical records. I took several photographs of his injury.

1130 Sgt. Ung gave me a DVD disc of the 10/23/2015 surveillance video of the incident at CJ #1.

1630 Fax medical release to JMS records.

0900 I left VM with Mr. [REDACTED] with a request for a call back to talk about his memo. I discovered that the account of the incident in the memo is not consistent with Inmate [REDACTED] account during his IAU interview. [REDACTED] wrote that [REDACTED] right arm was broken when he was dragged. Inmate [REDACTED] stated that his right arm was broken when Dep. Lu punched him.

1000 I discovered that the video surveillance from CJ #1 on 10/23/2015 is unreadable from DVD disc. There is no picture and the screen is blacked out.

Prepare Notice of Investigation.

I called CJ #1 and spoke to Administrative Supervisor to verify RDO for Dep. Lu and McFarland. Dep. Lu's RDO is M/T and Dep. McFarland's RDO is S/M

1100 Review GTL audio recorded inmate telephone calls.

1500 I reviewed all the telephone calls from Inmate [REDACTED] and there is no discussion about the 10/23/2015 incident where is right arm was broken.

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CHRONOLOGICAL REPORT OF INVESTIGATION**

Friday
11/13/2015

1200 [REDACTED] returned my telephone call and we scheduled to conduct a telephone interview on Monday, November 16, 2015 approximately 0830hrs.

1500 I travelled to CJ #1 and after discovering that Dep. McFarland and Dep. Lu were not at the facility I gave Capt. Pecot the Notices of Investigation with a request to deliver it when they return to duty.

1520 I collected the Daily Report, Payroll, and the CJ #1 (10/23/2015 muster book) Red Book

Monday
11/16/2015

0906 Audio recorded telephone interview of Mr. [REDACTED] [REDACTED] is an employee with Swords to Ploy Sheds and is a programs coordinator working at the Sheriff's Dept. to assists veterans in custody. His primary office is at CJ #5, but he does travel to the other facilities. Mr. [REDACTED] account of the incident is consistent with his 11/05/2015 email to his supervisor Mr. [REDACTED] after interview Inmate [REDACTED] He gave the following information about his 11/4/2015 conversation with Inmate [REDACTED] to provide further insight into the 10/23/2015 incident between Dep. Lu and Inmate [REDACTED]

Paraphrased: Mr. [REDACTED] said he spoke to Inmate [REDACTED] a week earlier before 11/04/2015. He noticed that Inmate [REDACTED] was in a cast and said [REDACTED] responded that he was assaulted while in Sheriff's custody. Mr. [REDACTED] concluded the interview but promised to return later to interview about the injury to his arm.

Mr. [REDACTED] said he returned on Wednesday, 11/04/2015 and spoke to Inmate [REDACTED] at C Pod. His account of the conversation is consistent with his 11/05/2015 email. Mr. [REDACTED] said Inmate [REDACTED] told him that during the booking process he was pulled out of line an Asian male deputy with tattoos because he was talking too much. He said the Asian Deputy pulled his right arm and slammed him against the wall breaking his arm.

Mr. [REDACTED] said Inmate [REDACTED] face was reddish (unknown cheek area), but there was no visible swelling. Mr. [REDACTED] said he asked [REDACTED] if he knew the name of the deputy. Inmate [REDACTED] replied "no". [REDACTED] had no further information and the interview was concluded.

0945 It should be noted that the story about the broken arm by Inmate [REDACTED] is not consistent between his conversation with [REDACTED] or his 11/10/2015 IAU interview. Inmate [REDACTED] stated to [REDACTED] that the Dep. Lu threw him against the wall causing the broken arm. However, Inmate

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Tuesday
11/17/2015

█ stated during his IAU interview that the Asian Deputy broke his right arm when he punched it.

1000

Received JMS medical report for Inmate █

1015

Received telephone call from Larissa from Rains, Lucia, Stern requesting to reschedule 11/18/2015 interview with Dep. F. Lu. I left a VM for call back. New scheduled interview set for Wednesday, 12/02/2015 @ 15:00hrs.

1030

Review JMS medical report.



**SAN FRANCISCO SHERIFF'S DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**



Tuesday
11/24/2015

1242

Email confirming witness interview with Dep. McFarland on Wednesday,
December 9, 2015.

**SAN FRANCISCO SHERIFF'S DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**

Wednesday 12/16/2015	1200	Reviewed video surveillance and identified second inmate being escorted by Dep. Lu, Inmate [REDACTED] Inmate [REDACTED] was released from Sheriff's custody on 10/28/2015 and no longer available to be interviewed.
	1308	<p>Interviewed Dep. A. McFarland.</p> <p>Dep. A. McFarland reviewed the Incident Report 15-10029 by Dep. F. Lu prior to the interview. He said the report was consistent to what he recalled. Dep. McFarland said he was near the property room preparing to inventory and store the property for Inmate [REDACTED] when he heard a commotion on the other side. He responded and saw Dep. Lu ordering Inmate [REDACTED] to stop resisting and to cooperate. Dep. McFarland said [REDACTED] was pinned against the wall with his back to Dep. Lu.</p> <p>Dep. Lu was controlling Inmate [REDACTED] arm in a bent wrist lock. He assisted in controlling the other arm and assisted in handcuffing him. Dep. McFarland ordered [REDACTED] to walk towards the dressing stalls. Dep. McFarland said [REDACTED] did not cooperate and refused to walk on his own. He said [REDACTED] attempted to pull away and dropped his wait.</p> <p>Dep. McFarland said [REDACTED] dropped to the floor and he assisted Dep. Lu by lifting [REDACTED] up by the arms. He said [REDACTED] again dropped his wait, but they were able to hold [REDACTED] up and finished escorting him into the dressing stalls.</p> <p>Dep. McFarland said [REDACTED] was yelling incoherently and refused to follow his directions by sitting down on the stool. He had to physically push [REDACTED] down by the shoulders to make him sit down. McFarland said a JMS nurse was called when [REDACTED] complained that his arm was broken.</p> <p>Dep. McFarland said it appeared that [REDACTED] arm was broken when his sleeve was pulled up and he observed an unusual bulge, which he concluded appeared broken. Dep. McFarland concluded the interview and repeated that he did not see Dep. Lu punch inmate [REDACTED] on the arm.</p>
Thursday 12/17/2015	1521	Audio recorded interview of Dep. Lu.
Friday 12/18/2015	0800	Prepare summary report.

***SAN FRANCISCO SHERIFF'S DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION***

Monday
01/25/2016

1100

Complete summary report and prepare for submission.

RE: (PRINCIPLE PERSON INVOLVED)

NATURE OF INCIDENT

Use of Force

LOCATION

County Jail #1, 425 7th Street

DAY, DATE, & TIME

Friday, 10/23/2015 at 1610hrs

VERBAL REPORT TO

Sr. Deputy Alba #1323

DATE & TIME

10/23/2015 at 1615hrs

① NARRATIVE ② PERSONS INVOLVED (Subject, Suspect, Victim, Reportee, Inmate) ③ PROPERTY/EVIDENCE INVOLVED

- 1.) On Friday 10/23/2015 at approximately 1605 hrs, I was in uniform assigned to the Movement Search Post at County Jail #1. At 1610 hrs., I opened Holding Cell #5 and verbally called inmate [REDACTED] to be searched and dressed in orange.

I told inmate [REDACTED] to take down his hoodie from his head before coming outside the holding cell. Inmate [REDACTED] complied and stated, "you don't scare me." While escorting [REDACTED] down the hallway, I noticed [REDACTED] gave me a hard stare in what I felt was an attempt to intimidate me. Due to his unpredictable demeanor I told him to turn around and cuff up. Inmate [REDACTED] tensed up his body and attempted to pull away from me. I performed a rear wrist control hold and placed handcuffs on him. Deputy McFarland #2117 and I started to escorted [REDACTED] to the dress in stall area. Inmate [REDACTED] continued to be resistive, refused to walk forward and holding his ground. Inmate [REDACTED] was mumbling incoherently and attempted to pull away from my hold. I maintained a rear wrist lock control hold of [REDACTED] right wrist and elbow while he struggle. Inmate [REDACTED] then suddenly dropped his entire body on the floor. As I tried to get [REDACTED] to stand up again, I felt [REDACTED] right arm seem limp. I ordered [REDACTED] to stand up and he would not comply. Deputy McFarland and I helped [REDACTED] up and proceeded to the dress in area. Inmate [REDACTED] again dropped his entire body on the floor and refusing to walk. Deputy McFarland and I again helped [REDACTED] up and walked him to the dress in area.

Once inside the dress in stall #3, [REDACTED] then complained about pain in his right arm. I walked over to the office of JMS [REDACTED] and requested him to evaluate [REDACTED] complaint. From the office we can hear inmate [REDACTED] crying and screaming. I brought [REDACTED] over to the dress in stall to medically evaluated [REDACTED] complaint. [REDACTED] medically evaluated [REDACTED] and stated he may have a fracture to his right arm. [REDACTED] suggest [REDACTED] be transported to San Francisco General Hospital (SFGH) for further evaluation.

Deputy Oca #2088 conducted the strip search and instructed inmate [REDACTED] to get dressed in jail issue clothing. Deputy Conway #2179 transported [REDACTED] to SFGH for further evaluation.

DAY, DATE & TIME OF THIS REPORT

Friday, 10/23/2015 at 1800 hrs

☒ INITIAL
☐ SUPPLEMENTARY
COPIES
REPORTACTION ☐ DA ☐FURTHER ACTION REQUIRED ☐ YES ☐ NO

STAR

DETAIL

RANK

STAR

2113

CJ1

Alba

Sr. Dep 1323

INCIDENT REPORT

SAN FRANCISCO SHERIFF'S DEPARTMENT

2.) Deputy Lu #2113

Deputy McFarland #2117

Deputy Oca #2088

Deputy Conway #2179

Sr. Deputy Alba #1323

[REDACTED]

[REDACTED]

3.) Copy of [REDACTED] Field Arrest Card

REPORTING OFFICER	RANK	STAR	DETAIL	APPROVED BY	RANK	STAR
Lu	Dep	2113	CJ1	Alba	Sr. Dep	1323

INCIDENT REPORT

SAN FRANCISCO SHERIFF'S DEPARTMENT

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

150926047

I N C I D E N T	Incident Number 150-926-047	Occurrence From Date / Time 10/23/2015 07:55	Occurrence To Date / Time	Reported Date / Time 10/23/2015 09:18	CAD Number 152961010	
	Type of incident TERRORIST THREATS 19057					
	Location of Occurrence: [REDACTED]		At Intersection with/Premise Type APARTMENT		District TENDERLOIN	
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic (Type of Weapon Used) Violence? <input type="checkbox"/>
	Location Sent / On View: [REDACTED]		At Intersection with		Reporting District TENDERLOIN	
How Cleared? 6	Reported to Bureau COJSIT	Name Fitzpatrick, Rodney E	Star 114	Date/ Time 10/23/2015 11:20	Elder Victim <input type="checkbox"/>	
				Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	
					Prejudice Based? <input type="checkbox"/>	

150926047

O F F I C I A L R A T I O N	I declare under penalty of perjury, this report of <u>3</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.					
	PROP 115 CERTIFIED Post Training					
	Reporting Officer TOOMEY, MICHAEL P	Star 1870	Station Tenderloin Station	Watch 0600-1600	Date 10/23/15 15:22	
	Reviewing Officer CHACON, MARINA	Star 638	Station Tenderloin Station	Watch 0600-1600	Date 10/23/15 15:35	
	OIC DARE, GREGORY R	Star 897	Station Tenderloin Station	Watch 1500-0100	Date 10/23/15 20:41	
Related Case --	Related Case --	Re-assigned to Assigned to 3J300 Copies to 3J300 3*300 Add'l Copies 1/ DA 1/OR			Assigned by MC 638	

R / 1 V I C T I M	Code RV 1	Name (Last, First Middle) [REDACTED]	Alias	Email [REDACTED]
	Day Phone [REDACTED]	Type Work	Home Address	City [REDACTED]
	Night Phone [REDACTED]	Type Cell	Work Address [REDACTED]	City SAN FRANCISCO
	DOB [REDACTED]	Age [REDACTED]	or age between and	Race W
	Sex M	Height 6'1	Weight 175	Hair Color BLN
	Eye Color GRE	ID Type Jurisd.	ID No.	
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star 1870	Follow-up Form YES <input checked="" type="checkbox"/>
				Statement YES <input checked="" type="checkbox"/>
				Relationship to Subject ACQUAINTANCE
School (if Juvenile)	Injury/Treatment NONE	Other Information/If Interpreter Needed Specify Language CASE MANAGER AT [REDACTED]		

R / 2 V I C T I M	Code RV 2	Name (Last, First Middle) [REDACTED]	Alias	Email [REDACTED]
	Day Phone [REDACTED]	Type [REDACTED]	Home Address	City [REDACTED]
	Night Phone [REDACTED]	Type [REDACTED]	Work Address [REDACTED]	City SAN FRANCISCO
	DOB [REDACTED]	Age [REDACTED]	or age between and	Race W
	Sex F	Height 5'8	Weight 120	Hair Color BLN
	Eye Color BLU	ID Type Jurisd.	ID No.	
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star 1870	Follow-up Form YES <input checked="" type="checkbox"/>
				Statement YES <input checked="" type="checkbox"/>
				Relationship to Subject ACQUAINTANCE
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language PROGRAM MANAGER [REDACTED]		

8th St A 92 100 5102

UNIT 5102

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

150926047

R E P O R T E E	Code R 1		Name (Last, First Middle)				Alias				Email													
	Day Phone		Home Address				City				State		Zip Code											
	Night Phone		Type		Work Address				City SAN FRANCISCO				State CA		Zip Code									
	DOB / Age		DOB		or age between and		Race		Sex		Height		Weight		Hair Color		Eye Color		ID Type		Jurisd.		ID No.	
	Unk. <input type="checkbox"/>						W		M		5'10		275		BRO		BRO							
	Confidential Person <input type="checkbox"/>		Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star		Follow-up Form YES <input checked="" type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>		Relationship to Subject ACQUAINTANCE											
School (if Juvenile)				Injury/Treatment				Other Information/If Interpreter Needed Specify Language PROJECT COORDINATOR AT																

B O O K E D	Code B 1		Name (Last, First Middle)				Alias				Email									
	Day Phone		Type		Home Address				City SAN FRANCISCO				State CA		Zip Code					
	Night Phone		Type		Work Address				City				State		Zip Code					
	DOB Unknown <input type="checkbox"/>		Date of Birth		Age		or age between and		Race		Sex		Height		Weight		Hair Color		Eye Color	
					22				A		M		5'9		140		BLK		BRO	
	SFNO		J/D# (if Juvi)		ID Type/Jurisdiction/Number DL CA				ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number							
	Booking Charge(s) 422(a) 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 checked="" type="checkbox"/> 1341				Date Time 10/23/2015 11:26				CWB Check TOY				Star 1701						
Book/Cite Approval SGT. CONWAY		Star 453		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																				

P R O P E R T Y	Code/No EVD 1		Item Description COPY OF FACEBOOK POSTS						Brand		Model			
	Serial No.		Gun Make		Caliber		Color		Narcotics Lab No.		Quantity 1		Value	
	Seized by (Star) 1870				From Where									
	Additional Description/Identifying Numbers Facebook Posts made by (B1).													

Report Type: Initial

150926047

NARRATIVE

On the above listed date and time FTO McEachern #1341 and I responded to [REDACTED] to investigate a man threatening the case managers in [REDACTED].

[REDACTED] is comprised of housing for individuals who need assisted care living conditions not related to mental health issues.

Upon arrival I spoke with (R/V1) [REDACTED] and (R1) [REDACTED]. [REDACTED] told me that one of their tenants, (B1) [REDACTED] made some posts on Facebook threatening to shoot (R/V1) [REDACTED] and (R/V2) [REDACTED]. [REDACTED] showed me a screenshot, of [REDACTED] posts, on his cellphone. [REDACTED] told me that [REDACTED] lived in [REDACTED]. I went to [REDACTED] and knocked on the door numerous times with negative results. [REDACTED] told me that every tenant was required to sign an agreement upon living at [REDACTED] that says they must consent to room inspections. [REDACTED] showed me the agreement that [REDACTED] signed when he moved in. FTO McEachern #1341 and I made entry into [REDACTED] and took [REDACTED] into custody without incident. I transported [REDACTED] to Tenderloin Station.

[REDACTED] Facebook post states, in summary, that [REDACTED] was going to shoot [REDACTED] and [REDACTED] and that [REDACTED] would be happy when they're both dead. I had [REDACTED] print me out a (E1) copy of the Facebook posts.

[REDACTED] was notified of the threatening posts by some concerned tenants. [REDACTED] told me that he searched for [REDACTED] Facebook online and was able to view the posts himself. [REDACTED] told me that he was very concerned that [REDACTED] was going to carry out the threat so he brought the threatening posts to [REDACTED] attention.

[REDACTED] told me that [REDACTED] notified him about the posts that morning. [REDACTED] read the posts and said that he was afraid that [REDACTED] was going to carry out the threats and [REDACTED] notified the Program manager, [REDACTED], who is also named in the Facebook posts. [REDACTED] told me that he called the police because he was afraid for his and [REDACTED] safety. I asked [REDACTED] why he would have threatened to kill them. [REDACTED] told me that [REDACTED] was probably upset that he was getting evicted from the property. [REDACTED] had been given notice that he had to vacate his room by the end of the month and [REDACTED] was extremely upset about it.

[REDACTED] told me that she read [REDACTED] post after she was notified about them and she was very concerned about the threats that [REDACTED] made towards her and [REDACTED]. [REDACTED] said that she was afraid because she thought that [REDACTED] was actually going to kill her. [REDACTED] told me that she does not feel safe with him living there anymore or being anywhere near her.

I gave [REDACTED] and [REDACTED] follow up forms with the case number on it as well as victim of crime forms and Marcy's Cards.

I booked the (E1) copy of the Facebook posts into evidence at Tenderloin Station. I also uploaded a copy of the Facebook posts and attached it to the report.

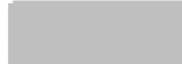

FTO McEachern #1341 Mirandized [REDACTED] at 1126 hours but [REDACTED] said that he did not want to talk about the incident.





I notified Sgt. Fitzpatrick #114 at Tenderloin SIT, who took over the investigation.

I checked [REDACTED] for warrants with Toy # 1701 at CWB with negative results.

[REDACTED] was transported to and booked at County Jail with the approval of Sgt. Conway #453.


5 hrs • 

I'm going to buy a gun and kill case managers 
and  cause they won't get away and I'm
NEVER FUCKING HAPPY until they die someone
please help me I want to kill both of them. I'll just do
petty shit like call police and use bomb threats and
guns but OH HEL YEAH I will fucking shoot you both
and I'm so happy I don't have to enjoy termites in my
door and shit ANY FUCKING MORE PLEASE LET ME
SHOOT YOU

 Share
5 hrs • 

Ugh what childish petty shit. Fuck you fat weird
browed, just to let you know. I'll definitely have SF pay
for prison fuck power and kissing your feet to wake up
to the shadows and demons that forever exist and
love to exist because like I can't stop being scared? I
have to go to rehab or some shit NO you're dead
thanks

**San Francisco Sheriff's Department
County Jail #1 - DAILY REPORT**

Date: October 23, 2015		Day of Week: Friday		Watch: 1500-2300	
Staff on Duty		Staff on Overtime		Staff Detailed (To Where)	
Watch Commander	Sr. Dep. Alba	Tongue - 8 OT			
Asst. Watch Comm.		Lavitoria - 8 OT			
Booking Supervisor					
				Staff on RDO	
Director	Quock			Lt. Winch	
Booking/Director	Martinez for A. James			Curley	
Booking/Release	Tongue OT			Dajani	
Releasing	Jardin	Staff on S/L		I. Hall	
Move Coordinator	Artificio			Ideta	
Move/Search	Lu			Park	
Move/Search	Lavitoria OT			Vigil	
Move/Search	McFarland	Staff at Training			
Public Info/Property	Burleson (out at 2100)			Staff on VAC,FH,CT,DIL	
Property/Public Info	Oca			Sgt. Ramos - 8 CT	
Money/Property	Conway			Sr. Dep. Brown - 8 VAC	
Control Room	Palenica			Grant - 8 CT	
Relief/DNA/Search	T. Lee	Staff on LV or DP		D. Hall - 8 CT	
Public Info/Property				Burleson - 2 DIL	
Phones					
Detailed		Work Substitution		ID-Tech RDO	
		Martinez for A. James			
				ID TECHS on SL, VAC, DIL, CT, FH	
				Staff on Loan (From Where)	
		Staff on Mod/Restricted Duty			
Minimum Staffing:	Staffing Available:	Number of Overtime Hours Used:	Reason for OT:		
1/13	1/11	16	3 CT, 1 VAC, 1 DIL		
	JMS Staff Present	Classification Staff Present:	ID Processing Technicians:		
		K. Quinn			
		S. Long			
		M. Pyun			
Muster: Musterboard items and redbook information debriefed to watch.					
Comments:					
Completed by: Sr. Dep. Alba #132: [REDACTED]					



Booking Card

Print Date/Time: 11/06/2015 11:37
Login ID: flewellen1098

San Francisco Sheriff
ORI Number: [REDACTED]



Booking #: [REDACTED] Booking Date/Time: 10/23/2015 15:04

Jacket #: [REDACTED] Inmate #: [REDACTED]

Address: [REDACTED]

Phone #: [REDACTED] DOB: [REDACTED] Race: Asian or Pacific
SSN: [REDACTED] Age: 22 Sex: M
Hair Color: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

Prisoner Type: Criminal Incarceration Reason: *On View Booking
Facility: COUNTY JAIL 2 Pod/Block: 2 POD C LOWER Cell: LOWER ISO4 Bed: 2CLISO4

Charge: State 08 422 PC/M Offense/Charge Date: 10/27/2015 00:00 Case Tracking ORI: [REDACTED] Bond/Bail Set Type: Bond Bond Posted By: Severest: No	CRIMINAL THREATS Warrant Number: Case Tracking #: 2015-00926047 Bond/Bail Set Date: 10/27/2015 16:42 Bond Post Date:	Court Date/Time: Docket Number: [REDACTED] Bond/Bail Set Amt: \$30000.00/ Bond Post Amt:
Charge: State 08 422 PC/M Offense/Charge Date: 10/27/2015 00:00 Case Tracking ORI: Bond/Bail Set Type: Bond Bond Posted By: Severest: No	CRIMINAL THREATS Warrant Number: Case Tracking #: Bond/Bail Set Date: 10/27/2015 16:42 Bond Post Date:	Court Date/Time: Docket Number: [REDACTED] Bond/Bail Set Amt: \$30000.00 - Inclusive/ Bond Post Amt:

Release Date/Time: Released By:
Release Reason: Released to ORI:
Released To:

I will have opportunity to contact family or counsel.

Inmate Signature: _____

Booking Officer(s): # _____ # _____

Reviewed By: # _____

Date/Time

[Redacted]		11 San Francisco Field Arrest Card				[Redacted]	
Last Name:		[Redacted]		Middle Name:		[Redacted]	
(SF#) Local ID Number	PID Hit () Yes () No	Alias		Date of Arrest		Time of Arrest	
CDL #	STATE: CA	Residence		10, 23, 15		1115 Hrs.	
CII #		Location of Arrest		Booking Counter Search A10756		Unit / Agency 3J13A / SFPD	
FBI #				A# / Star# A21796 / 1870		Reason Not Cited: 6	
CWB Check	Star # 1701	Prior to Booking Comment: Cooperative		Any Property Booked From Incident		Gender	
Global Subject #		Use of Force Prior to Booking () Carotid () OC Spray () Less Than Lethal		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		RACE (check one) () Black () White () Unknown <input checked="" type="checkbox"/> Asian / Pacific Islander () American Indian / Alaskan	
Arresting Officer	A# / Star # 1870	Citizen: <input checked="" type="checkbox"/> Yes () No Country:		Ethnic Origin		C H VEST	
Arresting Officer	A# / Star # 1341	Medical Assessment Prior to Booking (Comment if yes)		Medical Triag		[Redacted]	
Supervisor	A# / Star # 453	Charge 1		Check If Attempt		F / M / I	
Notifications		422(a) PC		<input type="checkbox"/>		F	
Name:		Charge 2		<input type="checkbox"/>			
Phone #		Charge 3		<input type="checkbox"/>			
Relationship (check one) () Officer () Parole () Probation		Charge 4		<input type="checkbox"/>			
Remarks:						P & P (E - 16) Strip Search OK <input checked="" type="checkbox"/> Not Eligible for Strip Search ()	
						1281 Checked By (A # / Star #)	
						Searching Deputy	
Sub-Codes:				Class Level MIN			



Inmate Housing History Report

Print Date/Time: 11/09/2015 08:36
Login ID: chew809

San Francisco Sheriff
ORI Number: [REDACTED]

Inmate: [REDACTED] Jacket Number: [REDACTED] Booking Number: [REDACTED] Booking Date: 10/23/2015 15:04

<u>Facility</u>	<u>Block</u>	<u>Cell</u>	<u>Bed</u>	<u>Assignment Date</u>	<u>Assignment End Date</u>	<u>Supervision Level</u>
COUNTY JAIL 2	2 POD C LOWER	LOWER ISO4	2CLISO4	10/29/2015 21:36		
COUNTY JAIL 2	2 POD C LOWER	LOWER DORM 4	2CLD4-03	10/24/2015 11:42	10/29/2015 21:36	
COUNTY JAIL 2	2M PENDING	2MP	2MP005	10/24/2015 11:40	10/24/2015 11:42	
COUNTY JAIL 2	2 POD C LOWER	LOWER ISO4	2CLISO4	10/24/2015 09:39	10/24/2015 11:40	
COUNTY JAIL 1	1M PENDING	1MP	1MP009	10/23/2015 15:10	10/24/2015 09:39	

Total Transactions for [REDACTED] 5



Booking Card

Print Date/Time: 12/16/2015 12:18
Login ID: chew809

San Francisco Sheriff
ORI Number: [REDACTED]



Booking #: [REDACTED] Booking Date/Time: 10/23/2015 15:10

Jacket #: [REDACTED] Inmate #: [REDACTED]

Address: HOMELESS
SAN FRANCISCO, CA 00000

Phone #: [REDACTED] DOB: [REDACTED] Race: Other
SSN: [REDACTED] Age: 37 Sex: M
Hair Color: Black Eyes: Brown Height: [REDACTED]

Weight: [REDACTED]

Prisoner Type: Criminal
Facility: [REDACTED]

Incarceration Reason: Parole Violation
Pod/Block: [REDACTED] Cell: [REDACTED]

Bed: [REDACTED]

Charge: CA0380000 00 3056 PC HOLD XX/X HOLD FOR PAROLE VIOLATION

Offense/Charge Date: 10/23/2015 15:12

Warrant Number: [REDACTED]

Court Date/Time: [REDACTED]

Case Tracking ORI: [REDACTED]

Case Tracking #: [REDACTED]

Docket Number: [REDACTED]

Bond/Bail Set Type: [REDACTED]

Bond/Bail Set Date: [REDACTED]

Bond/Bail Set Amt: [REDACTED]

Bond Posted By: [REDACTED]

Bond Post Date: [REDACTED]

Bond Post Amt: [REDACTED]

Severest: No

Release Date/Time: 10/28/2015 20:23

Released By: 2117 - McFarland

Release Reason: RELEASE

Released to ORI: [REDACTED]

Released To: HOLD OFF

I will have opportunity to contact family or counsel.

Inmate Signature: _____

Booking Officer(s): # _____ # _____

Reviewed By: # _____

Date/Time



Daily Booking Activity Report

Incoming

Print Date/Time: 12/16/2015 12:09
Login ID: chew809

From Date: 10/23/2015
To Date: 10/23/2015

San Francisco Sheriff
ORI Number: [REDACTED]


Booking Date/Time	Booking #	Name	Address	Prisoner Type
10/23/2015 15:04	[REDACTED]	[REDACTED]	[REDACTED]	Criminal
	Inmate #:	[REDACTED] Sex: M	Race: Asian or Pacific Islander	DOB: [REDACTED] Age: 22
	Incarceration Reason:	*On View Booking	Classification:	
	Brought In By:	A04661 - Conway	Agency: [REDACTED]	
	Charge:	CRIMINAL THREATS	Offense/Charge Date:	10/27/2015 12:00:00 AM
	Charge:	CRIMINAL THREATS	Offense/Charge Date:	10/27/2015 12:00:00 AM
10/23/2015 15:10	[REDACTED]	[REDACTED]	HOMELESS SAN FRANCISCO, CA 00000	Criminal
	Inmate #:	[REDACTED] Sex: M	Race: Other	DOB: [REDACTED] Age: 37
	Incarceration Reason:	Parole Violation	Classification:	
	Brought In By:	A04661 - Conway	Agency: [REDACTED]	
	Charge:	HOLD FOR PAROLE VIOLATION	Offense/Charge Date:	10/23/2015 3:12:00 PM
10/23/2015 15:29	[REDACTED]	[REDACTED]	[REDACTED]	Criminal
	Inmate #:	[REDACTED] Sex: M	Race: White	DOB: [REDACTED] Age: 27
	Incarceration Reason:	*On View Booking	Classification:	
	Brought In By:	1698 - Macksoud	Agency: [REDACTED]	
	Charge:	BATTERY	Offense/Charge Date:	10/23/2015 3:31:00 PM
10/23/2015 15:38	[REDACTED]	[REDACTED]	[REDACTED]	Criminal

MEDICAL

Removed

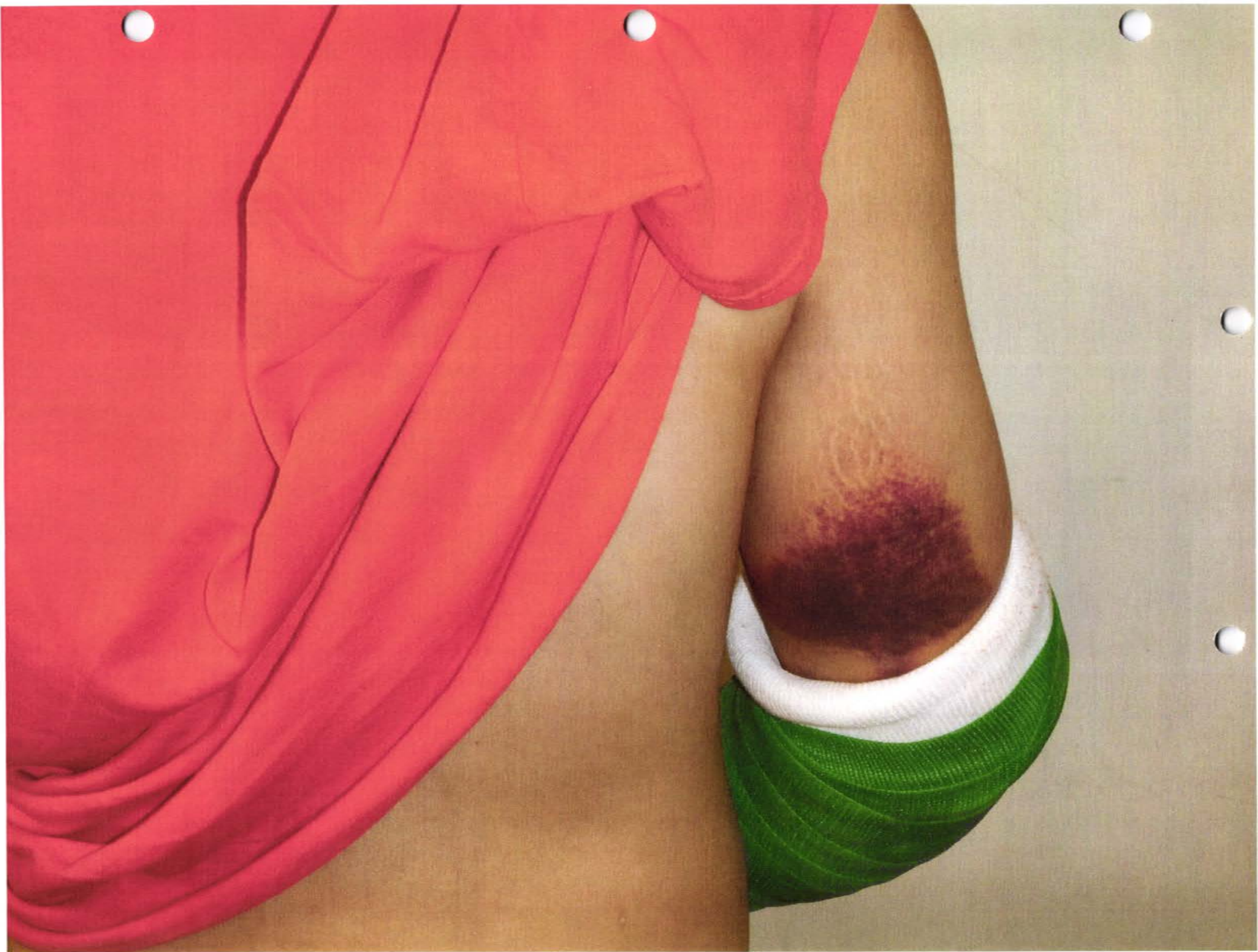




A photograph of a person's arm and shoulder. The arm is wearing a green cast. There is a large, dark purple bruise on the upper arm. A hand is visible holding a piece of lined paper with handwritten text. The background is a plain, light-colored wall.


BY SD CHEW #809

11-9-2015





84 50
11-9-2015

A photograph of a person's right arm and shoulder. The person is wearing a red shirt and red shorts. A green cast is applied to the forearm and wrist, with a white sock visible at the top. A large, dark purple bruise is visible on the upper arm. The background consists of a yellow wall and a grey door. A piece of lined paper with handwritten text is visible in the upper right corner.

BY SD CHEW #809

11-9-2015

Admonition

Deputy Frank Lu #2113, this is an ongoing investigation. You are hereby ordered not to discuss this investigation or your interview in this matter with anyone other than your Attorney/Labor Representative, investigators from the IAU, and your work site supervisor/s for the sole purpose of resolving any personnel conflicts that may arise.

Failure to comply with this order may result in a charge of insubordination, regardless of the disposition of the primary matter under investigation. A charge of insubordination may result in disciplinary proceedings against you, up to and including termination of your employment with this Department.

Proof of Service

An exact copy of this notice, consisting of three pages, was delivered to Deputy Frank

Lu #2113, at the following location: County Jail 1, 425-7th ST, SF, CA 94103

at 2125 hrs hours on 11/14/15, by the undersigned



**OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO**

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**Ross Mirkarimi
SHERIFF**

From: Lt. C. Flewellen #1098
Internal Affairs Unit

Date: 11/10/2015
Case: **A2015-0064**

To: Aaron McFarland #2117

Page 1 of 3

Re: Formal Notice of Investigation and Interview

Please be advised, the Sheriff's Department is calling you to an interview as part of a formal investigation. This investigation is regarding an incident that occurred on Friday, October 23, 2015 involving Dep. Frank Lu #2113 and Inmate [REDACTED] at CJ #1.

This is an investigation regarding possible violations of the following:

- SFSD 03-01.II.A.27.a.b.c. - Misconduct
- SFSD 03-01.II.C.1 - Use of Physical Force
- SFSD 02-03.II.B - Use of Force

There is no allegation against you at this time. However, should the San Francisco Sheriff's Department become aware of violations by you and of any above noted section(s), you should expect to have administrative charges preferred against you. These proceedings may result in discipline up to and including termination of your employment with this Department.

Further investigation including your interview(s) may disclose additional acts related to this series of events, which are not currently known to the San Francisco Sheriff's Department. Any such acts discovered during further investigation may also result in discipline.

Please be further advised that you may be called to one or more interviews pursuant to this investigation. Such interview(s) will be conducted under the provisions of Sec. 3300 et seq. of the Government Code of the State of California, commonly known as the Public Safety Officers Procedural Bill of Rights Act. You are required to appear at such interview(s). During such interview(s), you are required to answer any and all questions asked of you. You are required to answer such questions in a full, forthright and truthful manner, without deception or concealment.

If you fail to appear at any such interview, or fail to answer any question asked of you, or you answer any such question in other than a full, forthright, and truthful manner, or you answer deceptively, or conceal information, or you otherwise fail to cooperate fully with this investigation, you may be charged with insubordination, regardless of the disposition of the primary matter under investigation. The charge of insubordination may result in disciplinary proceedings against you. These proceedings may result in termination of your employment with this Department.

Please be further advised that you have certain procedural rights pursuant to such interview(s), including the right to have present with you a representative of your choice, not a party to or witness in this matter, and the right to bring with you your own recording device and to record any and all aspects of such interview(s).

In this matter, you are called to interview on Wednesday, November 18, 2015. This interview will be conducted during your normal working hours. The exact time during the day is flexible. You should contact whomever you intend to have represent you in this matter and provide them with a copy of this notice. Further, you should encourage your representative to contact me so that we may set an exact time.

Sincerely,


Lieutenant C. Flewellen #1098

cc: Undersheriff F. Rocha #2


Admonition

Deputy Aaron McFarland #2117, this is an ongoing investigation. You are hereby ordered not to discuss this investigation or your interview in this matter with anyone other than your Attorney/Labor Representative, investigators from the IAU, and your work site supervisor/s for the sole purpose of resolving any personnel conflicts that may arise.

Failure to comply with this order may result in a charge of insubordination, regardless of the disposition of the primary matter under investigation. A charge of insubordination may result in disciplinary proceedings against you, up to and including termination of your employment with this Department.

Proof of Service

An exact copy of this notice, consisting of three pages, was delivered to Deputy Aaron McFarland #2117, at the following location: COUNTY JAIL #1, 425 7th ST. S.F., at 1525 hours on TUESDAY, NOVEMBER 17, 2015, by the undersigned.





**OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO**

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**Ross Mirkarimi
SHERIFF**

From: Lt. C. Flewellen #1098
Internal Affairs Unit

Date: 11/10/2015
Case: **A2015-0064**

To: Deputy F. Lu #2113

Page 1 of 3

Re: Formal Notice of Investigation and Interview

Please be advised that you are under formal investigation by the Sheriff's Dept. for the following allegation(s):

That, on or about Friday, October 23, 2015 while employed by the San Francisco Sheriff's Department and while on-duty;

- You handcuffed and escorted Inmate [REDACTED] to the dressing stall at CJ #1 injuring his right arm during the process.

Your conduct, if accurately described above, in whole or part, may have violated one or more of the following:

San Francisco Sheriff's Dept. Employee Rules and Regulations:

- SFSD 03-01.II.A.27.a.b.c. - Misconduct
- SFSD 03-01.II.C.1 - Use of Physical Force

San Francisco Sheriff's Dept. Policy & Procedure:

- SFSD 02-03.II.B - Use of Force

That your conduct during such times, in addition to conduct which is prohibited by one or more of the previously cited Rules and Regulations, is conduct unbecoming a Deputy Sheriff with the San Francisco Sheriff's Department and;

That the same or any similar act or acts if found to have occurred constitutes an act or acts which may lead to disciplinary proceedings against you, up to and including termination of your employment with this Department.

Please be further advised that you will be called to an interview or interviews pursuant to this investigation. Such interview(s) will be conducted under the provisions of Sec. 3300 et seq. of the Government code of the State of California, commonly known as the Public Safety Officers Procedural Bill of Rights Act. You are required to answer any and all questions asked of you. You are required to answer such questions in a full, forthright and truthful manner, without deception or concealment.

If you fail to appear at any such interview, or to answer any question asked of you, or you answer any such question in other than a full, forthright and truthful manner, or you answer deceptively, or conceal information, or you otherwise fail to cooperate fully with this investigation, you may be charged with insubordination, regardless of the disposition of the above allegation(s).

The charge of insubordination may result in disciplinary proceedings against you. These proceedings may result in termination of your employment with this Department.

Please be further advised that you have certain procedural rights pursuant to such interview(s), including the right to have present with you a representative of your choice, not a party to or witness in this matter, and the right to bring with you your own recording device and to record any and all aspects of such interview(s).

In this matter you are hereby ordered to appear for interview on Wednesday, November 18, 2015. This interview will be conducted during your normal working hours 1500hrs - 2300hrs. The exact time during the day is flexible. You should contact whomever you intend to have represent you in this matter and provide them with a copy of this notice. Further, you should encourage your representative to contact me so that we may set an exact time and location.


Lt/C. Flewellen #1098

cc: U/S F. Rocha #2

Total Active PINs: 1

Total Inactive PINs: 0

PIN:

Last Name [REDACTED]

First Name [REDACTED]

Active Only: False

Retired PIN: False

Description:

Report Date: 11/10/2015 12:49:24 PM

Run By: Vincent Chew

PIN	FIRST NAME	MIDDLE	LAST NAME	ALIAS	LAST CALLED B.
[REDACTED]	[REDACTED]		[REDACTED]		[REDACTED]

First Name: Last Name: Start Date (Time): 10/23/2015 End Date (Time): 11/10/2015
 Phone: Bill to Number: PIN: [REDACTED] Active PIN only: [REDACTED]
 Min Duration: Max Duration: Call Type: Completion Status: All Calls
 Stop Reasons: HOT status record only: No Private status record only: No
 Energy status only: No Call Band:
 Call Note: Case ID:
 Report Date: 11/10/2015 12:50:41 PM Investigator ID:
 Run By: Vincent Chew Site Name: All Sites

BTN	DATE	TIME	PIN	SEC-PIN	PHONE	DEBIT CARD	CARD ID	DUR.	CHARGE TYPE	RESULT	DETECT
[REDACTED]	20151106	1759	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Not Accepted
	20151106	1758	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
[REDACTED]	20151106	1758	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	No VH Info
	20151106	1757	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151106	1756	[REDACTED]	NULL	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Invalid PIN
[REDACTED]	20151106	1756	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Refused
[REDACTED]	20151106	1754	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Courtesy	Not Accepted
[REDACTED]	20151106	1753	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Not Accepted
[REDACTED]	20151103	1442	[REDACTED]	1223	CJ2 - C-LO-CRT			00:47	\$0.00	Free	CP-Hungup
[REDACTED]	20151103	1438	[REDACTED]	1223	CJ2 - C-LO-CRT			03:43	\$0.00	Free	CP-Hungup
[REDACTED]	20151103	1434	[REDACTED]	1223	CJ2 - C-LO-CRT			01:46	\$0.00	Free	CP-Hungup
[REDACTED] 3	20151103	1432	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Courtesy	Inmate Hungup
[REDACTED]	20151103	1431	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	No VH Info
	20151103	1425	[REDACTED]	NULL	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Invalid PIN
[REDACTED]	20151103	1425	[REDACTED]	1223	CJ2 - C-LO-CRT			04:45	\$0.00	Free	Inmate Hungup
[REDACTED]	20151103	1423	[REDACTED]	1223	CJ2 - C-LO-CRT			00:52	\$0.00	Free	Inmate Hungup
[REDACTED]	20151103	1419	[REDACTED]	1223	CJ2 - C-LO-CRT			02:34	\$0.00	Free	Inmate Hungup
[REDACTED]	20151103	1416	[REDACTED]	1223	CJ2 - C-LO-CRT			02:34	\$0.00	Free	Inmate Hungup
	20151103	1413	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
[REDACTED]	20151103	1413	[REDACTED]	1223	CJ2 - C-LO-CRT			01:20	\$0.00	Free	Inmate Hungup
	20151103	1412	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151103	1412	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151103	1411	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151031	1949	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
[REDACTED]	20151031	1949	[REDACTED]	1223	CJ2 - C-LO-CRT			01:23	\$0.00	Free	Inmate Hungup
	20151031	1947	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151031	1947	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151031	1944	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
[REDACTED]	20151031	1944	[REDACTED]	1223	CJ2 - C-LO-CRT			01:45	\$0.00	Free	Inmate Hungup
	20151031	1943	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	NetCard	Invalid PIN
[REDACTED]	20151031	1941	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Not Accepted
[REDACTED]	20151031	1921	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Courtesy	Inmate Hungup
[REDACTED]	20151031	1919	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Not Accepted
	20151031	1917	[REDACTED]	1223	CJ2 - C-LO-CRT			00:00	\$0.00	Collect	Inmate Hungup
	20151031	1917	[REDACTED]	NULL	CJ2 - C-LO-			00:00	\$0.00	Collect	Invalid PIN

[illegible]

Total Calls: 63 Total Time: 59:28 Total Charge: \$8.80

Gorwood, Kathy

Inbox

To: Flewellen, Charles (SHF) <charles.flewellen@sfgov.org>;

Cc:Rocha, Federico (SHF) <federico.rocha@sfgov.org>; [REDACTED]; [REDACTED]; [REDACTED]

Lt. Flewellen,

I am forwarding this complaint directly to you as Undersheriff Rocha is out of the office today. Please open an investigation into this allegation.

Regards,

Chief Deputy Kathy Gorwood, #1319
Administration and Programs Division
415-554-7223

From: [REDACTED] (SHF)
Sent: Thursday, November 05, 2015 10:42 AM
To: Gorwood, Kathy <kathy.gorwood@sfgov.org>
Subject: FW: [REDACTED]

FYI

From: [REDACTED]
Sent: Thursday, November 05, 2015 10:22 AM
To: [REDACTED] (SHF)
Subject: Fwd: [REDACTED]

I had planned on discussing this with you prior to todays meeting!!!

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Nov 5, 2015 at 9:59 AM
Subject: Mr. [REDACTED]

I met with Vet Mr. [REDACTED] yesterday downtown at C Pod. Mr. [REDACTED] is in the medical pod due to a broken arm. He disclosed to me that his arm was broken on 10/23/15 during the daytime, while he was in the booking area of the jail downtown he was being assessed by jail medical. Mr. [REDACTED] claims that he was told he was talking too much.

Mr. [REDACTED] claims that an Asian deputy from SFSD with colorful tattoos all down both arms, grabbed him out

11/6/2015

FW: [REDACTED] - Flewellen, Charles (SHF)

of a line he was standing in and pulled him by his arm. He claims that the deputy then threw him into a wall and dragged him by his right arm breaking it in three places including his elbow. Mr. [REDACTED] claims that he did not resist or give any cause for the deputy to treat him so violently. Mr. [REDACTED] claims that his face and upper right arm was also bruised during the incident.

I spoke to [REDACTED] after meeting with Mr. [REDACTED] and she confirmed that several people witnessed the violent incident between Mr. [REDACTED] and the deputy in the booking area. At this point we do not know the name of the deputy.

[REDACTED]
Cover Case Manager
San Francisco County Jail # 5

--
[REDACTED]
Intake Coordinator
Cover