

# OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO



1 Dr. Carlton B. Goodlett Place Room 456, City Hall San Francisco, California 94102

Date: 04/09/19

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

Fr: Sgt. M. Ambat #1897 Investigator

This investigation of case #A2018-027 involving Sr. Deputy Kenny Lewis #1187 and Mr. is submitted for closure.

**Synopsis**: On 03/28/18, IAU received an email from Captain Tilton regarding a use of force incident involving Sr. Dep. Lewis, resulting in an injury to Mr.

Sr. Dep. Lewis wrote an Incident Report (#180215581) documenting his use of Sr. Dep. Lewis wrote that on 03/21/18, he was dispatched to ZSFGH Building #25 (H4212) to assist hospital staff in controlling an aggressive, combative hospital patient, so that medical staff could administer medication to him. Mr. was throwing objects toward nursing staff, including urine container. When Sr. Dep. Lewis grabbed s left wrist to control him, he resisted by violently pulling away from Mr. Sr. Dep. Lewis, Mr. kicked and punched Sr. Dep. Lewis during the struggle. Nursing staff was eventually able to control Mr. s leas while Sr. Dep. Lewis controlled the rest of his body by placing his left hand on received medication by injection. Mr. chest. Mr. complained that his arm was injured. Sr. Dep. Lewis immediately Mr. referred him to medical staff. Mr. received medical assessment/treatment at ZSFGH

Mr. was discharged from ZSFGH before IAU could interview him. Wr. was listed as homeless, with no contact information. who was present during the incident, did not respond to our requests for interview. The IAU obtained surveillance video depicting Sr. Dep. Lewis responding to the location. However, there are no surveillance cameras in hospital rooms.

	This	case investigation is being closed	for the following reason(s):
		There is no evidence to support the	complaint.
	<u>X_</u>	There is insufficient evidence to proc	ceed.
	<u>X</u> _	The complainant has not cooperated finding is possible.	d with the investigation. Without this input, no
	<u>X</u>	All applicable time frames have elaps	sed.
ADMINIST	[RATI	VE CASE REVIEW AND APPROVAL FOR C	LOSURE OR FORWARDING:
This repo	ort of 2	2 page has been reviewed for:	
B. C	Depart Closur rvesti	ment Administration or;	r action as deemed appropriate by the Sheriff's there is no further basis for administrative nonly.
OIC/IAU		VÁ	Date: 4/10/19

### SAN FRANCISCO SHERIFF'S DEPARTMENT CHRONOLOGICAL REPORT OF INVESTIGATION Page 1 of 3

TYPE OF CASE:			CASE NO:	SUBJECT:			
Misconduct/Us	se of Ford	e	A2018-027	Sr. Dep. K. Lewis #1187			
DATE:			UNIT:	INVESTIGATOR ASSIGNED:			
03	/21/19		[AU	Sgt. M. Ambat #1897			
DATE	TIME		ACTIVITY	(			
04/05/18	1500	incident i Lt. Flewe	AU-OIC Lt. C. Flewellen #1098 nvolving a patient at SFGH and Sr llen provided me with the following 1/21/18 SFSD Incident Report writted involved S	Dep. K. Lewis #1187. documents:			
		(Paraphra he was decontrolling administer staff. Upurine confliction left wrist if Sr. Dep. Inursing stawis complained complained	then kicked a taff eventually was able to controlled the rest of Mr. chest. Nursing staff them on. Sr. Dep. Lewis immediately lead that his arm was hurt. Sr. Dep.	n 03/21/18, approx. 1800 hours, (H4212) to assist hospital staff in tient (Mr. ) for a throwing objects toward nursing tw Mr. throw a plastic ep. Lewis grabbed Mr. throw a plastic ed by violently pulling away from and punched Sr. Dep. Lewis. The ol Mr. legs. Sr. Dep. body by placing his left hand on a gave Mr. a shot of et go of . Mr.			
04/09/18	0800	in Mr.	ned ZSFGH-IPU and confirmed that s room due to HIPP compliant four angles of surveillance video on the location.	nce.			
04/10/18	1100	I was adv	ned ZSFGH to make arrangements ised that he was already discharge of the that Mr. om the incident. However, IAU was a medical report since here.	d from ZSFGH.  sustained fracture to s unable to receive and/or			

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

ACTIVITY

Page 2 of 3

	I BIALLY	ACTIVITY									
<u> </u>											
07/26/18	1000	I telephoned ZSFGH Unit Commander Capt. Tilton and requested assistance in coordinating a witness interview of Dep. Lewis report, was present during the incident.									
07/27/18	1405	I sent a follow up email to Capt. Tilton regarding my intention to interview									
	1450	I received an email from Capt. Tilton. The email was addressed to regarding my intention to interview									
		Note: I made several attempts to interview but to no avail.									
08/05/18	1500	I contacted ZSFGH to check if they took a witness statement from or any other staff members.									
		I was informed that no witness statements were taken regarding the matter.									
09/16/18	1400	I requested and received a copy of the DPH call for service document,  San Francisco Sheriff's Department-SOC General Call for Service									
		The following information was documented in the form:									
		<ul> <li>Time Call was received: 03/21/18 @ 6:01 PM</li> <li>Time Call was completed: 03/21/18@6:34 PM</li> <li>Location: H42 Rm 12</li> </ul>									
		What Activity is taking place?     THROWING THINGS, TRAY THROWN									
		<ul> <li>Subject's name</li> <li>Case #180215581</li> <li>Cad #180812782</li> </ul>									
03/22/19	0800	I completed a Closure Report regarding the matter due to the following reasons:									
	:	<ul> <li>There is insufficient evidence to proceed</li> <li>The IAU is unable to locate the complainant. Without his input, no finding is possible.</li> <li>All applicable time frames have elapsed.</li> </ul>									
		Note: Mr. is listed as homeless with no contact phone numbers.									

DATE TIME

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

Page 3 of 3

DATE	TIME	ACTIVITY
04/09/19	1700	Lt. Flewellen approved/signed the Closure Report.
04/10/19		The Closure Report is forwarded to U/S Freeman for approval for closure
04/11/19	1230	I received the Closure Report signed by U/S Freeman
		***Case Closed as No Further Action Required***
	İ	

#### SAN FRANCISCO SHERIFF'S DEPARTMENT

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PVT nerson	DELIVERED	THIS PERS	ON TO THE	SFSD A	"I ARRESTED T ND WILL SIGN A ROM ATTACHED	WRITTEN										IFORNI/	š. I
1	NAME (F	RINT)							SIGN	NATUR	RE						

SFSD FORM P10A (12/14)

### SAN FRANCISCO SHERIFF'S DEPARTMENT NCIDENT CASE NO: 180-215-581

## INCIDENT REPORT NARRATIVE 02 of 02

On Wednesday, March 21, 2018, I was on duty in uniform assigned to 1V03 for the San Francisco Sheriff's Patrol Unit (SPU). At approximately 1800 hours, I was dispatched to Building #25 (H4212), regarding an aggressive patient.

Upon arrival I made contact with threw food, plastic trays and fluid at medical staff. also said was aggressive and combative towards her and other medical staff. Before entering the room, I saw food and fluid on hallway floor leading into H4212. I walked over to the nursing station to ask what they were going do. Medical staff advised me they wanted to give from the hallway looking into the room, I saw throw a plastic urine container towards me staff.	n the g to 14212,
l entered the room and saw food and fluid all over the floor and an empty plastic food tray by the and one empty plastic food tray on the floor by the foot of seed. Medical staff entered the room and said they were going to give a shot of medication. Medical staff asked me to standby while medication was administered. I walked to the left side of the bed and stood next to eft shoulder. He was laying on his back. When he was told he was going to receive a syelled, "You are not going to give me a shot!"  turned his body to the left and kick me with both of his feet. One of his feet made contact with my lower torso.	ie shot
Medical staff grabbed legs and attempted to hold them down. As I tried to move away for legs, he punched my left elbo with his right hand. I grabbed his left wrist and attempted control his hand. He violently moved his body from side to side and tried to pull his hand away from me. I placed my left hand on his chest and attempted to prevent him from moving. Medical staff continued to try and secure legs. He did not stop resisting. Before I had a chance to let medical staff grabbed his right arm, held it down, and gave him a shot. Someone said "the only shot we are giving him". I immeditately let go of	to m
complained his arm hurt. I was concerened may have ijured himself while resisti and advised medical staff.	ng
Since was an admitted medical patient, in the intrest of justice, I opted to not charge him assault on a peace officer.	ı with

#### Ambat, Mercy (SHF)

From:

Ambat, Mercy (SHF)

Sent:

Friday, July 27, 2018 2:04 PM

To:

Tilton, Stephen (SHF)

Subject:

IAU Case #A2018-027-Confidential

Good afternoon Capt. Tilton,

I am sending you this email per our telephone conversation.

I am trying to close an allegation of **Use of Force** incident involving Sr. Dep. Kenny Lewis #1187 and SFGH patient

The incident occurred on 03/21/2018 at SFGH Building 25, H4212. Based on the SFSD Incident Report #180215581, was present during the incident. I am not sure SFSD SPU already received a witness statement from If so, I would like to get a copy of the statement. If we don't have a statement from the nurse, I would like to get a written witness statement from regarding the incident. Thanks Captain for your help regarding the matter. If you need any further information, please let me know.

Sincerely, Mercy



Sergeant Mercy Ambat #1897 San Francisco Sheriff's Dept. Internal Affairs Unit 25 Van Ness Avenue, Suite 350 San Francisco, CA 94102 (415)554-2380 Office (415)554-2381 Direct (415)850-8478 Cell (415)554-2392 Fax

#### Ambat, Mercy (SHF)

From:

Tilton, Stephen (SHF)

Sent:

Friday, August 03, 2018 7:28 AM

To:

Filday, August 03, 2016 7.26 Alvi

Cc:

Ambat, Mercy (SHF); Ferrigno, Kenneth (SHF) Fw: Request for Staff Interview

Subject: Fw: Request for Staff Interview

I'm circling back to see if this was completed.

Thank you,

Captain Stephen Tilton # 1455 San Francisco Sheriff's Department SPU / ZSFGH-LHH 415-206-3476 office 415-635-9921 mobile



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From: Ambat, Mercy (SHF)

Sent: Friday, July 27, 2018 2:46 PM

To: Tilton, Stephen (SHF);

Cc: Ferrigno, Kenneth (SHF)

Subject: RE: Request for Staff Interview

#### Thanks Captain

From: Tilton, Stephen (SHF)

Sent: Friday, July 27, 2018 2:19 PM

To:

Cc:

Ambat, Mercy (SHF) <mercy.ambat@sfgov.org>;

Ferrigno, Kenneth (SHF) < kenneth.ferrigno@sfgov.org>

Subject: Request for Staff Interview

SFSD Internal Affairs is attempting to conclude an investigation that occurred on 03/21/2018 at ZSFGH Building 25, H4212. Based on the SFSD Incident Report #180215581, was present during the incident.

Can you assist Sgt. Mercy Ambat in setting up a brief interview? I have copied Sgt. Ambat on this communication, her direct dial line is 415-554-2381.

Thank you,

Captain Stephen Tilton # 1455 San Francisco Sheriff's Department SPU / ZSFGH-LHH 415-206-3476 office 415-635-9921 mobile



#### Ambat, Mercy (SHF)

From:

Tilton, Stephen (SHF)

Sent:

Friday, July 27, 2018 2:19 PM

To: Cc: ...

Ambat, Mercy (SHF); Ferrigno, Kenneth (SHF)

Subject:

Request for Staff Interview

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Can you assist Sgt. Mercy Ambat in setting up a brief interview? I have copied Sgt. Ambat on this communication, her direct dial line is 415-554-2381.

Thank you,

Captain Stephen Tilton # 1455 San Francisco Sheriff's Department SPU / ZSFGH-LHH 415-206-3476 office 415-635-9921 mobile



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### Ambat, Mercy (SHF) From: Ambat, Mercy (SHF) Sent: Friday, July 27, 2018 2:47 PM To: Tilton, Stephen (SHF); Cc: Ferrigno, Kenneth (SHF) Subject: RE: Request for Staff Interview Thanks Captain From: Tilton, Stephen (SHF) Sent: Friday, July 27, 2018 2:19 PM To: Cc: Ambat, Mercy (SHF) <mercy.ambat@sfgov.org>; Ferrigno, Kenneth (SHF) <kenneth.ferrigno@sfgov.org> Subject: Request for Staff Interview SFSD Internal Affairs is attempting to conclude an investigation that occurred on 03/21/2018 at ZSFGH Building 25, H4212. Based on the SFSD Incident Report #180215581, was present during the incident. Can you assist Sgt. Mercy Ambat in setting up a brief interview? I have copied Sgt. Ambat on this communication, her direct dial line is 415-554-2381. Thank you,

Captain Stephen Tilton # 1455

San Francisco Sheriff's Department

SPU / ZSFGH-LHH

415-206-3476 office

#### Flewellen, Charles (SHF)

From:

Freeman, Matthew (SHF)

Sent:

Wednesday, March 28, 2018 1:39 PM

To:

Flewellen, Charles (SHF)

Cc:

Hennessy, Vicki (SHF); Ferrigno, Kenneth (SHF)

Subject:

FW: SPU Use of Force Incidents

Attachments:

Lie	ut	en	an	t F	le	wel	len,

#### 3. 3/21/18

A Senior Deputy responded to ZSFGH Building 25, 4th floor on the report of an aggressive patient. SD arrived and found patient was throwing items, including a urine container at staff. Staff attempted to give the patient a shot and were attempting to hold the patient down. The patient kicked the SD in the torso and punched him in the left elbow. The SD maintained a control hold as the medical staff also held and administered the shot, as the patient was violently throwing himself side to side. Nurses in the room reported hearing a pop. The SD stated in his report that the patient said his arm hurt and urged staff to examine it. Further x-rays showed the patient fractured his arm by violently struggling with staff. — Please open an administrative case in this matter.

Thank you in advance.

Chief Deputy Ken Ferrigno San Francisco Sheriff's Department Field Operations Division 120 14th Street San Francisco, CA 94103 (415) 734-2403 (office) (415) 654-0083 (mobile)

From: Tilton, Stephen (SHF)

Sent: Tuesday, March 27, 2018 6:55 PM

To: Ferrigno, Kenneth (SHF) Subject: SPU Use of Force Incidents

and found patient was throwing in a shot and were attempting to ho	old the patient down. The patient kicke	rt of an aggressive patient. SD arrived aff. Staff attempted to give the patient ed the SD in the torso and punched him

the patient was violently throwing himself side to side. Nurses in the room reported hearing a pop. The SD stated in his report that the patient said his arm hurt and urged staff to examine it. Further x-rays showed the

patient fractured his arm by violently struggling with staff.

Respectfully,

Captain Stephen Tilton #1455 ZSFGH / LHH - DPH 415-206-3476 office 415-635-9921 cell

Thank you. Matthew Freeman Undersheriff #2 Sheriff's Administration 1 Dr. Carlton B. Goodlett Pl. City Hall, Room 456 San Francisco, CA 94102 Office: (415) 554-7294 Cell: (415) 850-5480 From: Ferrigno, Kenneth (SHF) Sent: Wednesday, March 28, 2018 6:30 AM To: Tilton, Stephen (SHF) <stephen.tilton@sfgov.org> Cc: Hennessy, Vicki (SHF) <vicki.hennessy@sfgov.org>; Freeman, Matthew (SHF) <matthew.freeman@sfgov.org>; Miyamoto, Paul (SHF) <paul.miyamoto@sfgov.org>; Scannell, Joan (SHF) <joan.scannell@sfgov.org> Subject: Re: SPU Use of Force Incidents Captain Tilton, involving Sr. Deputy Lewis and appear reasonable. I want you to gather the following information for me regarding these:

	i			,				
Times Canal View Ateo	6 09 ME MAR	hit(s) Dispatch	ned: Tie	Unit(s) Arrive		2011 NAR		
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crime taking pla	ncident /	H42 8	*.					
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responding thingy			IES	-   "	NO			
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Responding Links: trian	rearms, knives,	objects)				5.		
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