

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



FOR IMMEDIATE RELEASE: Nov. 3, 2011

CONTACT:

Jay Rorty

Jay.rorty@sfgov.org

Desk: 415-575-8808

Cell: 831-246-1546

***** PRESS RELEASE *****

Public Defender Calls for Change Following New Police Misconduct Evidence

San Francisco, CA --- Revealing evidence of a fabricated police report, excessive force against a blameless merchant, and police theft, San Francisco Public Defender Jeff Adachi today called on the SFPD to: (1) launch an immediate investigation into new reports of police misconduct, and (2) to institute a zero tolerance policy for officers who steal or who lie in police reports.

Surveillance footage released at a news conference at the Public Defender's office shows police responding to an August 16, 2011 call regarding two men arguing outside a Richmond District market. The video shows officers interrogating market owner Charles Tran, age 44, who was not involved in the fight and has no criminal history. Police then pushed Tran without provocation, slapped his hand, yanked his arm behind his back, handcuffed him, threw him against a wall, and kicked his legs out from beneath him, causing him to fall to the pavement. Tran was then handcuffed on the ground for 15 minutes in front of his store before being released. The report describing the incident was signed by police under penalty of perjury. In an apparent attempt to justify the excessive force, the report falsely described Tran as balling his fist and taking a fighting stance against the officer. This description cannot be reconciled with the video. Tran and his family filed a complaint against officers today with the Office of Citizen Complaints. The officers involved in the incident are Joseph Filamor, who used excessive force, and Kevin Ison, who wrote the false report.

“The manner in which Mr. Tran is treated by officers is unconscionable and unconstitutional. Creating a false report compounds the injury to Mr. Tran.” Adachi said. “It is further evidence of a police department culture that ignores residents’ rights and permits officers to perjure themselves in order to justify their conduct. The Police

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpdpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpdpublicdefender.org/services

Reentry Council
P: 415.553.1593
www.sfreentry.com

Bayview Magic
P: 415.558.2428
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MoMagic
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Commission recently ratified its commitment to Community Policing; abusing business owners at their place of work flies of the face of the stated policies of the Department.”

Today’s evidence follows a series of surveillance videos released by the Public Defender in March through May of this year showing systematic misconduct among officers, including illegal searches, excessive force, theft, and perjury. The revelations spawned an ongoing federal investigation.

The Public Defender renewed his call on the Chief and the Commission to establish a zero tolerance policy for officers found to have lied in police reports or to have committed theft. “In any other workplace employees lose their jobs for lying and stealing. We should hold police officers to at least the same standard as the general public.”

“When the video scandal surfaced, SFPD brass promised more honest policing. The termination of four officers this week suggests that the Commission will hold officers accountable for their actions. We therefore expect that the Commission will move swiftly to address these serious new charges. ”

The Public Defender’s Police Misconduct Unit released information today in five cases involving alleged theft by officers. The complaints implicate Mission Station officers – including Ricardo Guerrero, Peter Richardson, Jacob Fegan, Kevin Healy, and Robert Sanchez – in the thefts. Those officers were implicated in previous cases of misconduct, including an incident in which Guerrero is caught on video carrying a duffel bag filled with personal items out of a man’s hotel room. The man later reported the items missing and they were never booked into evidence.

The new complainants include:

- Rick Short, who alleges that officers stole \$10,000 in cash from a safe in his bedroom during the execution of a search warrant on April 30, 2011. Short’s case has been dismissed. His story is corroborated by witnesses. Officers involved in his case are Michael Wibunsin, Peter Richardson, Ricardo Guerrero, Robert Sanchez, and Jacob Fegan.
- Joe Melvin, who was not charged with a crime, who alleges officers stole \$300 and a Nokia Internet Tablet while he was detained during a search of his apartment in 2011. Melvin’s roommate was the subject of the search warrant. Officers involved in the search were Jacob Fegan, Ricardo Guerrero, Peter Richardson, Robert Sanchez, Kevin Healy, Jeffrey Cuenca, and John Cvetovac.

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- Rosario Encarnacion Lopez Rodriguez, who was not charged with a crime, who alleges her brother's watch, her nephew's iPod and \$2,300 – including \$500 from her child's piggy bank – was stolen by officers during a March 11, 2011 search warrant executed on her husband, Cervando Carvajal. Carvajal's case has since been dismissed. Lopez's claims are corroborated by witnesses. Officers involved in the search were Kevin Healy, Ricardo Guerrero, Peter Richardson, Robert Sanchez, Reynaldo Vargas, Jacob Fegan, and Adam Kujath.
- Brandon Stanton, whose \$650 in cash disappeared after police conducted an August 4, 2010 raid on his roommate. Stanton was never charged in connection with the raid. His story is corroborated by witnesses. Officers involved in the search were Jacob Fegan, Ricardo Guerrero, Peter Richardson, Robert Sanchez, Kevin Healy, Britt Elmore, Reynaldo Vargas, David Sands, Robert Greiner, Matthew Kenney, John Cathey, Eileen Cooper, Michael Moody, Joseph Emanuel, Luis Oliva, Mario Molina, and Kenneth Esposto.
- Robert Karganilla, who claims police stole his Canon Powershot camera during a May 12, 2010 routine traffic stop. The Office of Citizen Complaints sustained his claim that police failed to book the camera into evidence. His camera has not been returned and he has not been compensated for his loss.

The Public Defender has compiled a body of information corroborating their statements. Two have passed a polygraph; we were unable to obtain conclusive results on three others. None were found to be deceitful. Further corroborating information is available upon request.

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San Francisco Police Department
INCIDENT REPORT

110656347

Report Type: Initial

110656347

Incident Number 110-656-347	Occurrence from Date/Time 8/16/11 12:07	Occurrence to Date/Time	Reported Date/Time 8/16/11 12:10	CAD Number 112281276
Type of Incident Investigative Detention -64085				
Location of Occurrence 5th Av			At Intersection with/Premise type Clement Street, (Not Sidewalk)	
District RICH		Reporting Unit 3C3A		
Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input checked="" type="checkbox"/>	Non-Suspect Incident? <input checked="" type="checkbox"/>
Domestic Violence? <input type="checkbox"/>				(Type of Weapon Used)
Location Sent 5th Ave/ Clement St				
District RICH				
How Cleared?	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"/>	

OFFICIAL CREATION

I declare under penalty of perjury, this report of 7 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 Signature: *[Signature]*

Reporting Officer Ison, Kevin F	Star 176	Station Richmond Station	Watch 0700-1700	Date 8/16/11 13:54:18
Reviewing Officer 507 GMA4 1304	STAR	Station Richmond Station	Watch 2	Date 8-16-11
OIC	STAR	Station Richmond Station	Watch	Date

Related Case: [] Re-Assigned to: [] Assigned to: **Varies** Assigned by: KI/176
Copies to: **Varies** Add'l Copies: []

Code	Name (Last, First Middle) SFPD Ofc. Ison # 176, Ofc. Fillamor # 213	Alias
Day Phone Type	Home Address	City State Zip Code
Night Phone Type (415) 668-8000 Work	Work Address 461 6th Ave	City State Zip Code San Francisco CA 94118-
DOB / Age DOB Unk. <input type="checkbox"/>	or age between and	Race Sex Height Weight Hair Color Eye Color ID Type Jurisd. ID No.
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>
Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Stranger/Nona
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Code D 1	Name (Last, First Middle) Tran, Charles Cuong	Alias
Day Phone Type	Home Address	City State 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
SFNO	I/D# (if Juvi.)	ID Type/Jurisdiction/Number
DL		
Book Section #1	Book Section #2	Book Section #3
Book Section #4	Book Section #5	Booking Location
Warrant #	Court #	Action # Dept
Enroute to	CWB Check	
Warrant Violation(s)	Bail	Mirandized Star Date Time Statement
Citation #	Violation(s)	Appear Date/Time Location of Appearance
Book/Cite Approval	Star	Mass Arrest Code M X-Rays School (if Juvenile)
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos		
LSW: Blue Jeans, grey sweater		

2011 AUG 16 12:33
SFPD
RMS UNIT

110656347

D E T A I N E D	CODE D 2	Name (Last, First Middle)				Alias				
	Day Phone	Type	Home Address			City	State	Zip Code		
	Night Phone	Type	Work Address			City	State	Zip Code		
	School (if Juvenile)	Race	Sex	DOB	DOB	Height	Weight	Hair Color	Eye Color	
	SFNO	J/D# (if Juv.)	ID No.	ID No.			ID No.			
	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked				
	Warrant #	Court #	Action #	Dept	Enroute To	CWB Check	Star			
	Warrant Violation(s)					Bail	Mirandized	Star	Date/Time	Statement
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays						
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos I.S.W: Black Jacket/ blue jeans										
P V T P E R S O N A R R E S T	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									
	CODEB	Name (Last, First Middle)				Alias				
	Day Phone	Type	Home Address			City	State	Zip Code		
	Night Phone	Type	Work Address			City	State	Zip Code		
	School (if Juvenile)	Race	Sex	DOB	DOB	Height	Weight	Hair Color	Eye Color	
	SFNO	J/D# (if Juv.)	ID No.	ID No.			ID No.			
	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked				
	Warrant #	Court #	Action #	Dept	Enroute To	CWB Check	Star			
	Warrant Violation(s)					Bail	Mirandized	Star	Date/Time	Statement
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays							
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos										
P V T P E R S O N A R R E S T	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									

SFPD377 C (11/02)

110656347

San Francisco Police Department
PROPERTY LISTINGS

E 1	Code/No EVD 1	Item Description Certificate of Release				Brand SFPD	Model 849B Form	
	Serial No.	Gun Make	Caliber	Color YEL	Narcotics Lab No.	Quantity 2	Value TBD	
	Seized by (Star) 178		From Where On Scene					
	Additional Description/Identifying Numbers Given and signed by both (D1) Tran and (D2) [REDACTED]							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)		From Where					
	Additional Description/Identifying Numbers							

Incident# 110656347

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110656347

On 08/16/11 at approximately 1210 hrs., while I full uniform and in a marked patrol vehicle, I was dispatched to the intersection of 5th Ave and Clement St regarding a possible fight between and Asian male, later identified as (D1) Charles Tran, and a Latin male, also later identified as (D2) [REDACTED]. While in route to the above mentioned location, dispatch informed us that Tran was holding a knife.

3G4A, Ofc. Filamor #213 arrived first on scene and observed a verbal argument between Tran and [REDACTED]. I should be noted that [REDACTED] is the produce delivery truck driver who was delivering produce to Tran who owns the corner produce business. While he was repositioning his marked patrol vehicle, both Tran and [REDACTED] began to move away from separate from each other. Ofc. Filamor parked his vehicle, at which time Tran began to walk away from Ofc. Filamor.

Upon my arrival, I immediately went to assist Ofc. Filamor and detained [REDACTED]. Ofc. Filamor quickly caught up to Tran who was walking S/B on the sidewalk adjacent to his business. As I was about to interview [REDACTED] I observed Tran become aggressive and take a fighting stance towards Ofc. Filamor. I also noticed Tran, ball up his right fist while Ofc. Filamor was attempting to speak to him. Ofc. Filamor noticed Tran's action and immediately turned him around and placed him against the near by wall. Observing this I went to assist Ofc. Filamor and placed Tran in handcuffs without incident. I checked Tran's handcuffs for the proper degree of tightness and double locked them.

It should be noted that [REDACTED] had a heavy Latin accent and Tran had a heavy Chinese accent.

I spoke to Tran who admitted to having verbal argument with [REDACTED] which originated from [REDACTED] was having a verbal argument with his employee [REDACTED] over the wrong produce items delivered. Tran went to assist [REDACTED] when the verbal argument escalated further. While arguing with [REDACTED], Tran took out his box cutter and opened the items delivered in order to show [REDACTED] that it wrong. Tran informed that he was been under a lot of stress lately and was on edge.

Ofc. Filamor spoke to [REDACTED] who also reiterated the same actions taken by Tran and himself.

Due to their language differences, I believe a miscommunication was established between both Tran and [REDACTED] therefore leading up to the verbal altercation. Both parties refused to press any charges against each other and was release on scene without further altercations.

Ofc. Filamor and I provided [REDACTED] and Tran with a (E1) Certificate of Release which I later booked a Richmond Station.

- Hello Everyone.
- The purpose of my presence at this press conference is to talk about the abusive behavior of certain police officers while they were on duty. I am sure all of you have seen the incident depicted in the video which has been just shown to you. Mr. Rorty also read you the police report written by the officers, but the report is not telling the truth. They lied about what happened.
- This incident occurred on 8/16/2011 on the sidewalk of Clement Street and Fifth Ave in San Francisco. Around 12 noon that day, I was detained and abused without any particular reasons by several police officers. I was released about 15 minutes later.
- After the incident I was traumatized and mentally collapsed. It has been affecting my work and my life and I feel that I am constantly living under the shadow of what happened to me on that day.
- I feel fortunate that I have the opportunity to be heard and tell my side of the story in this press conference today. I hope I can soon untie this knot in my heart and wish that such unfortunate incidents will not happen to others in the future.
- Finally, I want to thank all my friends and family who have been supporting and encouraging me. I especially want to thank my public defender, Mr. Adachi and his colleagues for their help. You can all witness today their devotion to their work for the public and they voice the opinions for the people. Thank you and I hope you all have a nice day.

陳樹強先生在發布會的聲明（講詞）

大家好！

今天本人出席這個發布會，目的是講述關於某些警員在執行任務時的一些濫權行為。剛才大家已經從錄影片段中看到事件的經過；再加上由 MR. J 所讀出的這份由警員就此案所寫的報告與真相不合。他們顯然是在說謊。案發於二零壹壹年八月十六日，在三藩市 CLEMENT 街和五街的行人道上。當天中午大約十二時左右，本人曾經被數名警員不查明事因而隨意扣押和凌辱約十五分鐘之後才釋放。

此事發生後令到本人受到很大的打擊和痛楚，甚至精神崩潰，嚴重影響到我的生活和工作，讓我無時無刻都活在這個陰影之中……。

此刻，我有幸藉著這次發布會，能夠有機會“討回公道，還我清白”。希望早日能解開在我心中的這個“結”；更希望以後這種不幸的事情不會再發生在任何一位市民的身上。

最後，本人要多謝所有在身邊曾支持和不斷鼓勵及關懷的親朋戚友們；還要特別感謝賀大器公辯律師和他的同僚們的“樂意幫助”。而大家都有目共睹，從今天的事情中能夠體會出——他們是為市民服務，真的深入民心，為民請命。

謝謝大家。祝大家身心愉快。