

May 28, 2025

**Paul Henderson
Executive Director
Department of Police Accountability
1 South Van Ness, 8th Floor
San Francisco, CA 94103**

Re: Request for Investigation of San Francisco Police Department Officers

Dear Executive Director Henderson,

We have discovered that San Francisco Police Department (SFPD) officers violated policies by using unnecessary force against Public Defender client Matthew Ludwig and failing to properly activate their body worn cameras (BWC). We write to initiate a formal administrative complaint and request a full investigation against the following officers:

Ofc. Jonathan Zepeda (#2730)
Ofc. Vinesh Govindbhai (#750)

Officers' Account of Matthew Ludwig's Arrest¹

At nearly 11:20pm on July 4, 2024, Officers Zepeda and Govindbhai were driving around Larkin and Grove Streets when Ofc. Govindbhai spotted a Honda Accord.² Ofc. Zepeda checked the Honda's license plate but entered the wrong number in his system. As expected, the erroneous check revealed that the license plate he entered belonged to a different car—a Toyota—not the Honda.

Incorrectly believing the license plate belonged to a different car and that the driver, Matthew Ludwig, was "speeding up leaving the area," officers turned their car around to catch up to, in their words, "confirm the license plate." Now on Larkin, Ofc. Zepeda claimed that he "observed from a long eye the Honda running multiple red lights." The Honda then turned onto O'Farrell Street but was stopped at a red light behind several cars. Ofc. Govindbhai stopped his car directly behind the Honda so that, practically, it was pinned in from the front and back.

¹ Details taken from SFPD Incident Report number 240-417-675, authored by Ofc. Govindbhai and individual officer Incident Report Statements unless noted otherwise.

² Officers provided no reason why they decided to check *this* license plate and provided no other details about checking license plates in the area. That there is no insight into whom officers target is a gap in SFPD's policies and procedures.

Both officers got out of their patrol car, with Ofc. Govindbhai approaching the driver side door and Ofc. Zepeda approaching the passenger side. Neither officer reentered the license plate into the system to confirm that it belonged to the Honda. Neither officer stated that they activated their lights.

Based on “exigency and the fact that there was heavy traffic and to prevent injuries to bystanders and occupants of nearby vehicle’s [sic],” Ofc. Govindbhai hit the driver side window four times with his baton smashing it and pulled Ludwig out of the car onto the street. Simultaneously, Ofc. Zepeda drew his gun and held it at the low ready position because he believed the location to be “a very high crime are[a] such as shootings, drug dealing and aggravated assaults.” Ofc. Zepeda ordered the passengers to get out of the Honda.

Ofc. Govindbhai ordered Ludwig to place his hands behind his back several times but claimed Ludwig was tensing his arm and pulling away. Ludwig kept raising his upper body multiple times to get up. In response Ofc. Govindbhai pushed Ludwig’s shoulders into the ground, causing Ludwig’s head to hit the street pavement. Because Ludwig’s left arm was under his body near his waistband, Ofc. Govindbhai believed Ludwig was possibly concealing a gun. Ofc. Govindbhai then requested assistance over his radio, and Ofc. Zepeda ran over to assist in the arrest.

Because Ofc. Govindbhai believed that Ludwig had failed to comply with multiple orders, was actively resisting, and concealing his left arm under his body, he used OC pepper spray in Ludwig’s eyes despite being on top of Ludwig and having the assistance of Ofc. Zepeda. The two officers then placed Ludwig in handcuffs.

After Ludwig was placed in handcuffs, Ofcs. Govindbhai and Zepeda realized their mistake when they entered the incorrect license plate. Despite this, they recommended Ludwig be charged with resisting arrest and reckless driving.

Body Worn Camera Footage of Ludwig’s Arrest

Ofc. Govindbhai did not activate his body worn camera (BWC) when he first erroneously entered the license plate information, when he claimed the Honda ran stop signs, or when he got out of his patrol car. Similarly, Ofc. Zepeda claimed his BWC malfunctioned, causing a slight delay in activation. Because both officers did not activate their BWCs until well after they began interacting with Ludwig and the passengers, much of what occurred before lacks corroboration.

Ofc. Govindbhai’s BWC begins with him driving for a few seconds before stopping his car behind Ludwig’s car. He then got out of the car and approached Ludwig’s car—which was behind three cars stopped at a red light—pulling out his baton along the way.³ It is unclear if he ordered Ludwig to get out of the car since his BWC

³ Ofc. Govindbhai BWC at 00:00:18.

was not recording audio then, but even if he had Ludwig functionally had no time to react to any command.

When Ofc. Govindbhai reached Ludwig's door and without checking to see if the driver side door was open, he shattered the window with four quick strikes.⁴ Ludwig's hands were raised to protect himself from the shattered glass.⁵ Once the window was shattered, Ofc. Govindbhai opened the already unlocked car door using the exterior handle and grabbed Ludwig's left arm.⁶ After Ludwig took one step out of the car, Ofc. Govindbhai then used his left hand to grab Ludwig's hooded sweatshirt and drag him out of the car, finally using his right hand to push Ludwig into the street pavement.⁷ Ludwig's head bounced up from the impact of the shove.⁸ Ludwig landed on his left side with his left arm pinned underneath him as Ofc. Govindbhai sat on top of him.

The beginning of the audio portion of the BWC captures Ludwig pleading with Ofc. Govindbhai to "relax."⁹ He repeats the phrase several times and even apologized by saying "I'm sorry, bro."¹⁰

Attempting to brace himself as his head was against the street pavement, Ludwig moved his right arm to the pavement.¹¹ In response, Ofc. Govindbhai smashed Ludwig's head into the pavement and told him to "put your fucking hands behind your back."¹² Ludwig cries out in pain and then asked the officer why he did that.¹³

As Ofc. Govindbhai continues to pull Ludwig's right arm behind his back, he tells Ludwig that he is going to be pepper sprayed.¹⁴ Meanwhile, Ofc. Zepeda ran over to help place Ludwig in handcuffs and briefly put his right knee on Ludwig's head.¹⁵ Ludwig cries out in pain. Despite Ofc. Zepeda's presence, that both officers were actively placing Ludwig in handcuffs, and without offering Ludwig an opportunity to comply, Ofc. Govindbhai used pepper spray on Ludwig seconds later.¹⁶ Nearly simultaneously, Ofc. Zepeda told Ofc. Govindbhai that he has Ludwig's hand.¹⁷ Seconds later, Ludwig is handcuffed.

⁴ *Id.* at 00:00:20 – 00:00:22.

⁵ *Id.* at 00:00:22.

⁶ *Id.* at 00:00:23.

⁷ *Id.* at 00:00:28.

⁸ *Ibid.*

⁹ *Id.* at 00:00:30.

¹⁰ *Id.* at 00:00:46.

¹¹ *Id.* at 00:00:47.

¹² *Id.* at 00:00:47 - 49.

¹³ *Id.* at 00:00:47 – 49 & 00:01:01.

¹⁴ *Id.* at 00:01:07.

¹⁵ *Id.* at 00:01:08.

¹⁶ *Id.* at 00:01:11.

¹⁷ *Id.* at 00:01:13.

Separately, Ofc. Zepeda's BWC shows that Ofc. Govindbhai had not activated his lights to stop the car.¹⁸

Much later, officers checked the license plate again and discovered they had entered the wrong information into the system.¹⁹

As a result of the incident, Ludwig's car was impounded and ultimately sold at auction.

OFFICERS VIOLATED MULTIPLE SFPD POLICIES

1. *Ofcs. Govindbhai and Zepeda violated DGO 5.01 by using unreasonable force when breaking Ludwig's window*

The Department broadly allows officers to use force when doing so "would be objectively reasonable 'from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.'"²⁰

However, officers should consider several factors when evaluating whether the use of force is objectively reasonable, including "the nature of the threat posed," the "severity of the crime at issue," the "availability of other feasible, less intrusive force options," and whether an officer had an "opportunity to warn about the use of force prior to force being used, and if so, [whether] such a warning [was] given."²¹

Department policy also articulates broad concepts that inform an officer's evaluation of whether to use force. This includes establishing communication to "achieve voluntary compliance before resorting to force options" and "balanc[ing] the severity of the offense committed and the level of resistance...with the level of force used and its likely injury outcome."²²

Ofc. Govindbhai used unreasonable force when he shattered Ludwig's car window, in part, because of his reckless, unprofessional investigative techniques. When officers began following the Honda after entering the wrong license plate information, they did not note in their incident report that they activated their lights, used their loudspeaker to order the Honda to stop, or used aggressive driving tactics to catch up to the Honda. They simply observed from a "long-eye distance" that the Honda allegedly ran a few red lights. This moving violation was the only legal basis to investigate Ludwig, particularly because officers had additional time

¹⁸ Ofc. Zepeda BWC at 11:01:30.

¹⁹ Ofc. Govindbhai BWC at 00:08:24.

²⁰ SFPD General Order 5.01.03(D).

²¹ 5.01.04(B)(2).

²² 5.01.02(B) & (D).

after they caught up to the car to (as they write in their incident report) “confirm” the license plate.

However, when Ofc. Govindbhai approached the car, he made no realistic attempts to talk to Ludwig—or even order him out of the car—to investigate the moving violation as is ordinary when a person has run a red light. He moved directly to violently smashing the window, knowing that the glass shards would very likely hit Ludwig in his face and arms. Importantly, Ofc. Govindbhai had other feasible, less intrusive force options readily available to him: knocking on the car door, ordering Ludwig out of the car, or simply opening the unlocked door. Ofc. Govindbhai had ample time, if the action was justified, to warn Ludwig of his intent to break his window as the car was blocked by three cars ahead stopped at a red light and by the officers’ car from behind. Both the BWC and the incident report are silent as to whether Ludwig made movements that indicated he would attempt to flee.

Ofc. Govindbhai’s actions stand in stark contrast to Ofc. Zepeda’s. While Ofc. Govindbhai moved quickly to smash Ludwig’s window without communicating with Ludwig, Ofc. Zepeda “gave commands to [the passengers to] exit the Honda.” The passengers followed Ofc. Zepeda’s commands. While Ofc. Govindbhai dragged Ludwig out of the car and violently threw him to the pavement, Ofc. Zepeda began speaking with the passengers.

Ofc. Govindbhai’s proffered explanation about why he had to break the window makes little sense. He offered, in a conclusory way and without any active observation, the following:

“Based on my training and experience I know that when vehicle’s [sic] flee at the sight of police and get stuck in traffic, suspects will often collide with other vehicle’s in an attempt to flee. Based on exigency and the fact that there was heavy traffic and to prevent injuries to bystanders and occupants of nearby vehicle’s, I struck the driver side window with my baton, causing it to shatter.”

“We were in the area of Larkin and Grove Street which is an area based on my experience as a location where stolen cars are driven and parked. Suspects in the area conduct criminal activity which is known to me and officers at Tenderloin station as a high drug trafficking area and suspects with warrants.”

No exigency existed because Ludwig’s car was blocked in on all sides and had been waiting there for several seconds before officers arrived. If Ludwig had wished to flee, he would have done so on foot before officers arrived. Moreover, Ofc. Govindbhai did not run to the car but briskly walked, undercutting any perceived “exigency.” Calling a neighborhood dangerous similarly does not give officers license to smash windows during a traffic stop absent some other justification. None existed here.

Breaking the window was excessive force and unnecessarily escalated a situation that should have been resolved without violence.

2. *Ofc. Govindbhai violated DGO 5.01 by using pepper spray on Ludwig* SFPD policy provides that officers *can* use chemical agents such as pepper spray “to overcome active resistance (unarmed or armed with a weapon other than a firearm)”²³ only when three elements are met: (1) that the active resistance is “*likely to result in injury* to either the subject or the officer;”²⁴ (2) that the officer provide a warning;²⁵ and (3) give the person a “*reasonable opportunity* to voluntarily comply, unless it would pose a risk to the public or the officer.”²⁶

Ofc. Govindbhai did not articulate in his incident report or on his BWC any facts to support the idea that Ludwig’s “active resistance” was *likely to result in injury to himself or Ofc. Zepeda*. Many facts cut against that idea: Ludwig did not run, fight, or reach for weapons (he was unarmed) but did tell the officer several times to, in effect, calm down and relax. By contrast, Ofc. Govindbhai offered the wildly speculative conclusion that Ludwig may have been armed and may have been reaching for a gun in his waistband. The BWC video shows Ludwig’s left arm was trapped under his body *because* Ofc. Govindbhai violently threw him to the street pavement and not because he was reaching for a gun that he did not have.

Moreover, it was Ofc. Govindbhai who escalated an ordinary traffic stop by smashing the window and dragging Ludwig out of the car. Ofc. Govindbhai created an unnecessarily aggressive situation that was disproportionate to the suspected moving violation. These actions undoubtedly contributed to Ludwig’s confusion at the situation.

Ofc. Govindbhai did not provide Ludwig with anything that resembles a warning that he intended to use pepper spray on him, telling him once “You are about to get sprayed.” He did not articulate what he was going to spray Ludwig with, providing little meaningful opportunity for Ludwig to appreciate what would happen next. Simultaneously, Ofc. Zepeda arrived and grabbed Ludwig’s right arm. Meanwhile, Ludwig called out, “Man, I wasn’t do nothing, bro.”

Finally, Ofc. Govindbhai provides Ludwig with practically no opportunity to comply. Everything Ludwig had been communicating to Ofc. Govindbhai was an effort to de-escalate the situation (“relax,” “calm down,” etc.) even though it is not civilians’ job to de-escalate police officers. Ofc. Govindbhai ignored those pleas and was laser focused on assuming Ludwig was armed and using as much force as he could. After announcing to Ludwig that he will be sprayed, three to four seconds elapsed until

²³ *Id.* at 5.01.08(C)(1).

²⁴ *Id.* at 5.01.08(C)(1).

²⁵ *Id.* at 5.01.08(C)(2)(b).

²⁶ *Id.* at 5.01.08(C)(2)(b).

he did, even though Ofc. Zepeda was now in control of Ludwig's right arm and was moving it behind his back to attach the handcuffs. Seconds later, Ludwig was in handcuffs.

At every turn, Ofc. Govindbhai bypassed the safeguards in place to ensure that pepper spray is not used unnecessarily. Consequently, his use of pepper spray violated department policy.

3. Ofc. Zepeda violated DGO 5.01 by drawing the gun

SFPD policy allows an officer to draw a gun “when an objectively reasonable officer, based on the totality of the circumstances, would believe there is a specific and articulable threat of bodily injury or death, or that the situation may escalate to justify the use of deadly force.”²⁷

Neither officer provided any “specific and articulable threat of bodily injury or death” that Ludwig posed by being stopped after running red lights. Neither did an officer articulate any specific and articulable facts to suggest that the situation may escalate to justify their use of deadly force.

When officers approached the car, Ludwig and the occupant were seated inside. Officers could have confirmed that the license plate matched the Honda, but they did not do so. Ludwig and the passengers did not raise suspicions by attempting to run, despite having the opportunity to do so. It was, instead, both officers' erroneous belief that the car carried the wrong license plate that supplied the threat. In short, officers' fears were imaginary and exaggerated.

Because Ofc. Zepeda articulated nothing to suggest that Ludwig or the passengers would pose a threat to the officers, drawing a weapon was unnecessary and violated department policy.

4. Ofc. Zepeda violated DGO 5.01 by applying his knee to Ludwig's head

SFPD policy specifically prohibits this use of force to the head “while effecting an arrest of a person, *overcoming resistance*, or preventing escape unless an exigent circumstance arises.”²⁸ The policy further declares that exigent circumstances must be based on “specific and articulable facts, that a threat exists to a person's safety, the safety of others, or the safety of the involved officer(s).” If an officer applies force, the officer must notify a supervisor and document and articulate the circumstances and steps taken in the corresponding incident report.

Body worn camera footage shows that Ofc. Zepeda placed his knee on Ludwig's head as he tried to assist Ofc. Govindbhai in placing Ludwig in handcuffs. He provided no

²⁷ *Id.* at 5.01.08(G)(1)(b).

²⁸ *Id.* at 5.01.08(B)(4).

statement in his report acknowledging that he did this or any attempts to justify doing so.

Ludwig articulated no threat to the officers other than allegedly engaging in active resistance that would constitute an “exigent circumstance.” While Ofc. Govindbhai argued in his report that Ludwig’s left arm was underneath him and that he might possibly be concealing a weapon, Ofc. Zepeda did not know this when he placed his knee on Ludwig’s head. Moreover, the officers outnumbered Mr. Ludwig, who was already on the ground and injured because of Ofc. Govindbhai’s excessive force, was unarmed, and expressing serious confusion at the level of violence officers directed at him.

None of this constitutes an “exigent circumstance” that warrants what Ofc. Zepeda did. Consequently, he violated department policy.

5. Officers Govindbhai and Zepeda violated DGO 10.11 by failing to activate their BWCs before interacting with Ludwig

Department policy requires officers to activate their BWCs when, among other things, conducting traffic stops, vehicle pursuits, and uses of force.²⁹ Here, neither officer activated their BWCs when they began pursuing Ludwig’s car nor when they got out of the car. Ofc. Govindbhai activated his camera well after he got out of the car, smashed Ludwig’s window, and dragged him out of the car. Ofc. Zepeda claims that his BWC malfunctioned, but his BWC shows that he activated it well into the incident.³⁰ Both officers violated department policy by failing to activate their BWCs.

POLICY RECOMMENDATION

The Department of Police Accountability should audit what information officers look up to determine, for example, if license plates match the car, for warrant information, and to determine if a car is stolen. Officers may be—and very likely have been—targeting people of color for enforcement at a disproportionate rate. Collecting this information also provides a further comparative advantage: exploring why an officer checked the plates of one car driven by a Black driver while not checking the plates of other drivers in the area.

CONCLUSION

Ofcs. Govindbhai and Zepeda used excessive force and violence against Ludwig when they smashed his window, forcibly removed him from his car, threatened him with violence, smashed his head into the road, held his head down (briefly) with a knee, and used pepper spray on him. This situation was an officer-created

²⁹ SFPD General Order 10.11.03(C).

³⁰ While the BWC violation is important, DPA should consider the statement that the BWC “malfunctioned” dishonest because the BWC plainly controverts it.

emergency based on their error and over reaction. They should be fully investigated, and the DPA should recommend appropriate discipline.

Respectfully,

Brian Cox
Deputy Public Defender
Office of the Public Defender