**Summarize**

[**2006-07-06 Unlawful Search Comm144 redaction index.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e1c0e0a70f7360ef5404f2c6ca56c42e/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e1c0e0a70f7360ef5404f2c6ca56c42e/content#page=1)

* The San Francisco Police Commission has identified records related to a complaint against Officer Michael Alexander from 2006.
* The document lists various California laws and codes that justify redactions made to these records.
* Redactions are made to protect personal information, preserve anonymity, and protect confidential medical or financial information.
* Other redactions are made to prevent danger to individuals or to comply with restrictions on the dissemination of criminal offender record information.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e1c0e0a70f7360ef5404f2c6ca56c42e/content#page=2)

* The document references California Code of Civil Procedure § 129, which protects photographs of a deceased person's body.
* California Government Code §§ 7927.700, 7927.705, and 7930.100 are cited to justify redactions made to protect privacy.
* California Welfare & Institutions Code § 5328 and § 827, as well as California Government Code § 6254(k), are cited to protect confidential mental health and juvenile records.
* California Government Code §§ 7927.705, 7930.110, and Evidence Code § 954 are cited to protect attorney-client privilege.
* California Evidence Code 1040(b)(2) is cited to justify withholding official information in the interest of justice.
* California Penal Code § 832.7(g) and § 832.7(h) are cited to clarify the scope of the redactions in relation to criminal discovery and admissibility of personnel records.

[**2006-07-06 Unlawful Search Comm144.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=1)

* Officer Michael Alexander was initially directed to attend a Chief's Hearing in response to an allegation of Improper Conduct.
* Alexander appealed the decision of the Chief's Hearing to the San Francisco Police Commission.
* A settlement agreement was reached, in which Alexander would receive a one-day suspension, held in abeyance for three years.
* Alexander initially requested to serve the suspension day, but later clarified that he was only inquiring about the possibility.
* As a result, the suspension will be held in abeyance as originally agreed.
* By agreeing to the settlement, Alexander forfeits any right to appeal.
* The suspension is based on an incident in which Alexander violated department rules by searching three vehicles when a search warrant only permitted the search of one.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=2)

* Officer Michael Alexander violated Department General Order 5.16.II.G by not following proper procedures for obtaining search warrants.
* As a result, he is suspended from duty without pay for one day.
* However, the suspension will be held in abeyance for three years, pending no further issues.
* The letter urges Alexander to observe department rules in the future, and warns that further violations will result in stronger measures.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=3)

* The letter orders that it be placed in Officer Michael Alexander's personnel file.
* Alexander is asked to sign, date, and return the letter to the Management Control Division.
* The letter is signed by the Chief of Police, George Gascon, and the Police Commission.
* Copies of the letter are sent to various individuals and departments within the police force, as well as to the officer's representative from the San Francisco Police Officers Association (SFPOA).

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=4)

* The letter references a resolution that was adopted by the Police Commission on October 7, 2009.
* The resolution approves the withdrawal of Officer Michael Alexander's appeal of the Chief's suspension.
* The resolution was passed unanimously by the six commissioners present.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=5)

* The letter is from the chief of police and mayor of San Francisco to Officer Michael Alexander.
* The letter references a settlement agreement in which the officer will receive a one-day suspension, held in abeyance for three years.
* The letter also references the upcoming Police Commission meeting on October 7, 2009, where the disposition of the appeal will be discussed.
* Officer Alexander is required to attend the meeting.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=6)

* The Police Commission met on December 5, 2007 and adopted Resolution No. 94-07.
* The resolution assigns Commissioner Joe Marshall to conduct the taking of evidence in the appeal of the Chief's suspension of Officer Michael Alexander.
* The hearing date will be set at a later time.
* The letter is copied to various individuals, including the attorney, director, lieutenant, and representative from the Police Officers Association.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=7)

* The letter is from S. Johnson, who is sending it to the SF Police Commission and the SF Police Officers' Association.
* It is dated November 20, 2007 and contains three pages.
* The letter references the appeal of Officer M. Alexander.
* The letter requests a response and/or comments from the recipient.
* There is a confidentiality note at the end of the letter, which states that the information is legally privileged and only for the use of the intended recipient.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=8)

* The letter is from the chief of police and mayor of San Francisco to Officer Michael D. Alexander.
* It details the outcome of a disciplinary hearing, in which the officer was found to have violated rules and procedures of the department.
* The officer is being suspended for one day, but the suspension is held in abeyance for three years.
* The letter references a settlement agreement, which includes a requirement for the officer to undergo re-training.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=9)

* The letter outlines the procedures for obtaining search warrants, which the officer violated.
* The officer is suspended for one day, but the suspension is held in abeyance for one year.
* The officer is required to undergo re-training on search and seizure procedures, case law, and department general order 5.16.II.G.
* The officer is warned that further violations will result in stronger measures.
* The officer has the right to appeal the suspension to the Police Commission.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=10)

* The officer must file a written notice of appeal within ten days of receiving the letter.
* The officer is entitled to a hearing within thirty days of filing the notice.
* If the officer wants to seek judicial review, they must file an action within the time limits specified by Code of Civil Procedure Section 1094.5.
* The letter will be placed in the officer's personnel file.
* The letter is signed by the Chief of Police and the Mayor of San Francisco, and is copied to various other officials.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=11)

* The letter references a settlement agreement in which the officer will receive a one-day suspension, held in abeyance for three years.
* The letter also includes the date of the disciplinary hearing, the date the letter was received, and the rules violated.
* The letter provides the name and contact information for the officer's attorney.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=12)

* The incident that led to the discipline involved a question about the scope of a search conducted by the officer during a narcotics investigation.
* The officer is appealing the factual determinations made by the Chief, as well as the level of discipline.
* The officer argues that the search was permissible, as explained during the Chief's hearing.
* The appeal was filed on 11/20/07 and signed by F. M. ALRHANDE.
* The appeal was received by the Police Commission on the same day.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=13)

* The letter is from the chief of police and mayor of San Francisco to a police officer.
* The letter details the outcome of a disciplinary hearing.
* The officer will receive a one-day suspension, held in abeyance for three years.
* The letter references a settlement agreement.
* The letter instructs the commanding officer to personally deliver the letter to the officer and to obtain a signature.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=14)

* The document is an appeal from a disciplinary suspension imposed by the Chief of Police.
* The appeal is filed pursuant to San Francisco Charter Section 8.343.
* The officer in question is Michael Alexander.
* The officer's attorney is Steve Johnson.
* The hearing took place on 11/13/07.
* The officer violated Gen Order 5.16 II.G.
* The discipline imposed is a 1-day suspension held in abeyance for 1 year.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=15)

* The incident that led to the discipline involved a question about the scope of a search conducted by the officer during a narcotics investigation.
* The officer is appealing the factual determinations made by the Chief, as well as the level of discipline.
* The officer argues that the search was permissible because it was allowed during the Chief's Hearing.
* The appeal was filed on 11/20/07 and signed by Officer Michael Alexander.
* The appeal was filed with the Police Commission in San Francisco.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=16)

* The letter is from the Chief of Police and Mayor of San Francisco to Officer Michael Alexander.
* The letter references a settlement agreement in which the officer will receive a one-day suspension, held in abeyance for three years.
* The letter also orders the officer to undergo re-training.
* The letter details the officer's violation of Department General Order 5.16.II.G, which prohibits improper conduct.
* The violation occurred when the officer searched three vehicles without cause, despite a judge's order to only search one vehicle.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=17)

* The letter outlines the procedures for obtaining search warrants, including the responsibilities of the affiant-officer.
* The officer is suspended for one day without pay, but the suspension is held in abeyance for one year.
* The officer is ordered to undergo re-training on search and seizure procedures, case law, and Department General Order 5.16.II.G.
* The letter urges the officer to observe department rules and warns of stronger measures for further violations.
* The officer has the right to appeal the suspension to the Police Commission.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/67d770ba7d8d1df3f52b1580411e194c/content#page=18)

* The letter informs the officer that he has ten days to file an appeal with the Police Commission.
* The officer is entitled to a hearing within thirty days of filing the appeal.
* The letter also outlines the process for seeking judicial review of the decision.
* The letter will be placed in the officer's personnel file.
* The letter is copied to various department heads and city agencies.

[**2000-03-14 Unlawful Search Comm143 redaction index.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2bffb60b318d255998f3eddf96a212c0/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2bffb60b318d255998f3eddf96a212c0/content#page=1)

* The San Francisco Police Commission has identified records related to Officer Timothy Fitzgerald's unlawful search of a person on March 14, 2000.
* The document lists various California laws as justification for redacting certain information from these records.
* Redactions include: Personal data or information of the officer, complainants, or witnesses Confidential medical, financial, or other information Information that could pose a danger to the officer or another person
* The document also references laws that restrict access to criminal offender record information and intelligence information.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2bffb60b318d255998f3eddf96a212c0/content#page=2)

* The document references California Code of Civil Procedure § 129, which allows for the redaction of photographs of a deceased person's body.
* The document cites California Government Code §§ 7927.700, 7927.705, and 7930.100 of the Public Records Act, as well as Article I, sec. 1 of the California Constitution, as justification for redacting information that would constitute an invasion of privacy.
* The document also references California Welfare & Institutions Code § 5328, which protects confidential mental health records, and California Welfare & Institutions Code § 827, which protects juvenile records.
* The document cites California Government Code §§ 7927.705, 7930.110, and Evidence Code § 954 as justification for redacting information protected by attorney-client privilege.
* The document references California Evidence Code 1040(b)(2), which allows a public entity to refuse to disclose official information in order to preserve confidentiality.
* The document also references California Penal Code § 832.7(g) and § 832.7(h), which address the discovery and disclosure of information in a peace officer's personnel file.

[**2000-03-14 Unlawful Search Comm143.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=1)

* The letter is from the San Francisco Police Commission to various city departments.
* Sidney Chan is the president of the Police Commission, and Connie Perry is the vice president.
* The letter references a resolution that was adopted at a meeting on July 18, 2001.
* The resolution concerns a hearing for Police Officer Timothy P. Fitzgerald, who has been charged with misconduct on four separate occasions.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=2)

* The document contains two separate file numbers, C01-076 JWF and C01-024 JWF.
* Specification No. 2 in file C01-076 JWF charges Officer Fitzgerald with using sexually derogatory language to a civilian, in violation of Department General Order 2.01, Rule 9 and 14.
* Specification No. 2 in file C01-024 JWF charges Officer Fitzgerald with searching a civilian without justification, in violation of Department General Order 2.01, Rule 7.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=3)

* Officer Timothy P. Fitzgerald has resigned from the San Francisco Police Department.
* The charges against him for violating the Rules and Procedures of the San Francisco Police Department have been continued off calendar.
* The resolution was passed by Commissioners Chan, Perry, Herrera, Friday, and Quaranta.
* Lieutenant Edward Geeter, the Secretary of the Police Commission, signed the letter.
* The letter was copied to several individuals and departments, including Attorney J. Akins, Attorney J. Field, Personnel, Payroll, Health Service System, Captain A. Parra, and Officer T. Fitzgerald.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=4)

* The letter references a resolution that was adopted by the Police Commission on May 2, 2001.
* The resolution assigns Commissioner Sidney Chan to conduct the taking of evidence in disciplinary charges against Officer Timothy P. Fitzgerald.
* The date for the taking of evidence will be set at a later time.
* The letter is signed by Lieutenant Edward Geeter, the Secretary of the Police Commission.
* The letter is copied to several individuals and departments, including Attorney J. Field, Captain W. Davenport, and Officer T. Fitzgerald.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=5)

* The letter sets the date for the taking of evidence on disciplinary charges against Officer Timothy P. Fitzgerald as Wednesday, May 2, 2001.
* The hearing will take place at the Thomas J. Cahill Hall of Justice in San Francisco.
* Officer Fitzgerald is required to attend the hearing unless excused by the Police Commission Secretary, Lieutenant Edward Geeter.
* The letter is signed by Sergeant Edward Geeter, the Acting Secretary of the Police Commission.
* The letter is copied to several individuals and departments, including Attorney J. Akins, Attorney J. Field, Attorney Katherine M Mahoney, and Captain W. Davenport.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=6)

* The document references a resolution adopted by the Police Commission regarding a hearing for Officer Timothy P. Fitzgerald, who has been charged with misconduct.
* The charge against Officer Fitzgerald is for "Unwarranted Action" for searching a civilian without justification.
* The document mentions several individuals, including Sidney Chan (President of the Police Commission), Connie Perry (Vice President), and Timothy P. Fitzgerald (the officer in question).

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=7)

* The document charges Officer Timothy P. Fitzgerald with searching a civilian without justification.
* The document states that the officer violated San Francisco Police Department General Orders.
* The document provides details about the incident, including the date (March 14, 2000), time (10:30 p.m.), and location (#2 Market Street).
* The document also mentions the victim (an African-American man) and the clerk (an employee of the retail business) involved in the incident.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=8)

* The document describes the interaction between the accused officer and the victim, detailing how the officer followed the victim into a business.
* The officer then ordered the victim to go outside, using physical contact to lead him out.
* The officer physically detained the victim, handcuffing him and questioning him.
* The officer used the department's computer system to check for outstanding warrants, finding none.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=9)

* The document details the accused officer's search of the victim's clothing and pockets for contraband and weapons.
* The officer stated that he inspected any object he could not rule out as contraband or a weapon.
* The officer did not find any contraband or weapons during the search.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=10)

* The accused officer's search of the victim was not in accordance with legal authority or department training and policies.
* The officer violated Department General Order 2.01, Rule 7, which requires members to maintain a working knowledge of all information required for the proper performance of their duties.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=11)

* The San Francisco Police Commission adopted a resolution to hold a hearing for Officer Timothy P. Fitzgerald, who has been charged with misconduct.
* Sidney Chan, the president of the Police Commission, and Connie Perry, the vice president, are both mentioned in the letter.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=12)

* The letter references Department General Order 2.01, which the accused officer violated.
* Rule 9 of Department General Order 2.01 defines misconduct as any conduct that "tends to subvert the order, efficiency or discipline of the Department."
* The letter is submitted by the Office of Citizen Complaints.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=13)

* Fred H. Lau, the Chief of Police, is the complainant in this case.
* Lau declares under penalty of perjury that he has read the charges and believes them to be true.
* The verification was executed in San Francisco on April 27, 2001.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/ef2185f1d0fca0cba3e82233b298c9c0/content#page=14)

* The document references a case file number, JWF C01-024.
* The charges are against Timothy P. Fitzgerald, a police officer with Star No. 112.
* William Davenport personally served the charges to Fitzgerald on April 18, 2001.
* Davenport declares under penalty of perjury that his statement is true and correct.
* The charges were filed with the Police Commission on the same day.

[**2014-10-13 Unlawful Arrest SFPD246 redaction index.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/f3a3d25bfa4b565b094f25771fed8d67/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/f3a3d25bfa4b565b094f25771fed8d67/content#page=1)

* The document references an incident involving a police officer who conducted an unlawful search and arrest on October 13, 2014.
* The officer involved is identified as Melonee Alvarez.
* The document references specific California Penal Code sections that allow for redactions in the records.
* The redactions are made to protect personal information, preserve anonymity, and protect the safety of individuals involved.
* The document also mentions the Mayor of San Francisco, London N. Breed, and the Chief of Police, William Scott.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/f3a3d25bfa4b565b094f25771fed8d67/content#page=2)

* The document references California Code of Civil Procedure § 129, which pertains to photographs of a deceased person taken by the coroner.
* It also references California Government Code §§ 7927.700, 7927.705, and 7930.100, which allow for redactions in order to protect privacy.
* The document mentions California Welfare & Institutions Code § 5328, which protects confidential mental health records, and California Welfare & Institutions Code § 827, which protects juvenile records.
* The document also references California Evidence Code 1040(b)(2), which allows a public entity to refuse to disclose official information in order to preserve confidentiality.
* Finally, the document references California Penal Code § 832.7, which outlines the criminal discovery process.

[**2014-10-13 Unlawful Arrest SFPD246.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=1)

* The document details a complaint case filed with the San Francisco Police Department (SFPD).
* The incident occurred on 10/13/2014 and was reported on 10/23/2014.
* The complaint originated from two locations: 24th Avenue and Santiago Street in San Francisco, and 2 Silver Creek Circle in Antioch.
* The case is assigned to the Ingleside bureau.
* The complainant is a male of race 7.
* Two employees are involved: Melonee A. Alvarez and Danny Barajas.
* Alvarez received a written reprimand and was required to undergo retraining, while Barajas did not receive any disciplinary action.
* The case was closed on 12/20/2018.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=2)

* Three officers are mentioned: John F. Burke, Carlos E. Padilla, and Matthew A. Seavey.
* All three officers are assigned to the Ingleside bureau.
* Burke and Padilla are supervised by Joseph P. McFadden and Melonee A. Alvarez, respectively.
* Seavey is also supervised by Alvarez.
* Dack O. Thompson is mentioned as well, assigned to the North bureau and supervised by Alvarez.
* Allegations, violations, findings, and actions taken are listed for each officer, but no specific details are given.
* The document was printed on 12/20/18.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=3)

* The document lists several officers and sergeants involved in a complaint case, including Melonee Alvarez, Carlos Padilla, Matthew Seavey, Dack Thompson, and Danny Barajas.
* Allegations against these officers include unlawful entry, search, and arrest of the complainant.
* The Office of Citizen Complaints (OCC) added three allegations against Barajas, Alvarez, and Burke.
* The case was closed with no further action taken against Barajas, Seavey, Thompson, and Padilla.
* Alvarez was found to have engaged in improper conduct, but retired before disciplinary action could be taken.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=4)

* The document is a receipt for certified mail sent to Melonee Alvazee.
* It includes a tracking number and a link to the USPS website for delivery information.
* The receipt lists various fees and services, such as return receipt and adult signature required.
* The total postage and fees are not filled in.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=5)

* The letter is informing Melonee Alvarez of the outcome of a disciplinary case against her.
* The case involved allegations that she violated Department General Order 2.01, Rules 7 and 9.
* The case was investigated by the Office of Citizen Complaints (OCC), now known as the Department of Police Accountability.
* The allegations were tentatively sustained by former Chief of Police Gregory P. Suhr.
* However, because Alvarez retired, no disciplinary action was taken.
* Alvarez has the right to review the materials and respond in writing within 30 days.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=6)

* The letter is asking Alvarez to sign and date a copy of the order and return it to the Internal Affairs Division.
* The letter is from the Chief of Police, William.
* The letter also includes a case number, MCDO-2014-0053, and a document number, 000006.
* Copies of the letter were sent to the Office of the Chief, the Personnel Division, and the Internal Affairs Division.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=7)

* The email is from Benjamin Houston, the Human Resources Manager at the San Francisco Police Headquarters, to Ashley Worsham.
* The email references Melonee Alvarez and a date, August 16, 2018.
* The email also includes a case number, MCDO-2014-0053, and a document number, 000007.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=8)

* The document is a portal for San Francisco employees to access information about their jobs.
* It includes a menu with options for workforce administration, job information, and reviewing job information.
* The document also references a case number, MCDO-2014-0053, and a document number, 000008.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=9)

* The document contains a confidential email message and attachments that are legally privileged.
* The email is from Ashley Worsham, Legal Counsel for the Internal Affairs Division of the San Francisco Police Department, to Benjamin Houston, a police officer.
* Worsham is inquiring about the retirement status of Sgt. Melonee Alvarez.
* The document also references a case number, MCDO-2014-0053, and a document number, 000009.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=10)

* The document contains an email from Ashley Worsham, Legal Counsel for the Internal Affairs Division of the San Francisco Police Department, to Benjamin Houston, a police officer.
* Worsham is inquiring about the retirement status of Sgt. Melonee Alvarez.
* The email is dated Wednesday, November 14, 2018 at 10:59 AM.
* The document also references a case number, MCDO-2014-0053, and a document number, 000010.
* The email contains a notice to the recipient that the email is meant for only the intended recipient and is privileged by law.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=11)

* The document contains information about the assignment of a hearing officer for a case involving Sgt. Melonee Alvarez.
* The case number is MCDO-2014-0053 and the document number is 000011.
* The hearing officer is assigned from the Ingleside district.
* Four individuals are listed as potential hearing officers: DC Schnitt, DC Ali, DC Redmond, and DC Tom.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=12)

* The document pertains to employee scheduling for the San Francisco Police Department (SFPD).
* The employee ID (EmplID) is not listed, but the star number is 19.
* The rank is listed as Q 50, and the mobilization status is unknown.
* The employee's name is Melonee Alvarez.
* The scheduling period is from 05/31/2017 to 07/30/2017.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=13)

* The document is a memorandum from the Internal Affairs Division to the Commanding Officer of the Ingleside Station.
* The memorandum is about a disciplinary reprimand and order for retraining for Sgt. Melonee Alvarez.
* The memorandum instructs the Commanding Officer to personally deliver the reprimand and order to Sgt. Alvarez, and to return a signed copy to the Internal Affairs Division.
* The case number is MCDO-2014-0053.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=14)

* Ashley Worsham, Legal Counsel, requests a copy of the personnel file for Captain Jason Fox.
* David Ng from the SFPD Personnel Division asks Christina Molnar to handle the request.
* Christina Molnar provides the current address on file for Melonee Alvarez.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=15)

* The document contains information about employee scheduling for the San Francisco Police Department (SFPD).
* The employee in question is Melonee Alvarez, with an employee ID (EmplID) of Q 50.
* The document also includes information about Alvarez's rank, mobilization status, and star number.
* The scheduling period is from 04/21/2018 to 06/20/2018.
* The document contains a link to the SFPD scheduling website.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=16)

* The document details a complaint case against Sgt. Melonee Alvarez.
* The complaint alleges that Alvarez violated Department General Order 2.01, Rules 7 and 9, and 5 of the San Francisco Police Department.
* The incident in question occurred on October 4, 2014, when officers were dispatched to 2 Arbor Street regarding an aggravated assault with a bat.
* The victim alleges that Alvarez attacked him with a bat after a minor vehicle collision.
* Sgt. Mari Shepard was assigned as the lead investigator on the case.
* The Chief of Police has recommended that Alvarez be disciplined with a reprimand and order for retraining.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=17)

* Sgt. Shepard obtained statements from the victim and witnesses, which led her to believe there was probable cause to arrest Mr. 7.
* Sgt. Shepard did not obtain an arrest warrant, but disseminated a crime alert to SFPD.
* Sgt. Alvarez was briefed on the case and led a plainclothes team to Antioch to locate Mr. 7.
* The team conducted surveillance on a residence and made contact with a female who was questioned about Mr. 7's whereabouts.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=18)

* The team observed Mr. 7 peek out from the garage, but he quickly retreated inside.
* Officer Padilla saw Mr. 7 crouched down trying to hide, and the team set up a perimeter around the house.
* The team requested assistance from the Antioch Police Department.
* Officers searched the house and found Mr. 7 hiding in the attic.
* Mr. 7 was arrested and taken to Ingleside Station.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=19)

* Sgt. Melonee Alvarez stated that the initial plan was to conduct surveillance at the Silver Creek Circle address.
* Ms. 2 claimed that she did not give consent for the police to enter her home or sign any consent forms.
* Sgt. Alvarez stated that the justification for entering the residence was "fresh pursuit."
* Sgt. Alvarez did not know why there was not an arrest warrant requested for the complainant.
* Officer Thompson stated that "hot pursuit" was justification for entering the home without a search warrant.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=20)

* Officers Seavey, Padilla, Barajas, and Quintero all provided different explanations for why they entered the home.
* Lieutenant Burke stated that he instructed Sgt. Alvarez to conduct surveillance, and that the Antioch Police were notified prior to SFPD entering their jurisdiction.
* The OCC investigation concluded that the police did not have an arrest warrant or search warrant as required by law.
* Sgt. Alvarez relied on the doctrine of "fresh pursuit" to justify entering the residence.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=21)

* Sgt. Melonee Alvarez is accused of arresting Mr. 7 without a warrant
* The OCC investigation found that Sgt. Alvarez's reliance on the "fresh pursuit" doctrine was incorrect
* Sgt. Alvarez's actions are considered "Unwarranted Action" and "Improper Conduct"
* The violations are in relation to the 4th Amendment and Rules 7 and 9 of Department General Order 2.01
* The case number is MCDO-2014-0053

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=22)

* The Chief intends to impose a disciplinary reprimand and order mandatory retraining for Sgt. Alvarez
* Sgt. Alvarez has the right to request a hearing to refute or mitigate the findings
* The Department will provide evidence to Sgt. Alvarez if requested
* Sgt. Alvarez must return the enclosed form within ten days to request a hearing
* The reprimand will be imposed if Sgt. Alvarez does not request a hearing

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=23)

* The Office of the Chief is communicating with Deputy Chief Hector Sainez and Captain Joseph McFadden
* The document references a case with the identifier MCDO-2014-0053
* The document also references an internal affairs case number, 000023

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=24)

* Sgt. Melonee Alvarez is requesting a hearing for case ALW OCC Case #0600-14
* The request is in response to allegations made in a letter from Chief Suhr dated October 8, 2015
* Sgt. Alvarez is asking for a hearing date to be set
* If the form is not returned, no hearing will be scheduled

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=25)

* Captain Joseph McFadden is requesting that a Notice of Chief's Disciplinary Reprimand and Chief's Order for Retraining be delivered to Sgt. Melonee Alvarez
* The notice should be personally delivered, not placed in her mailbox
* Sgt. Alvarez should sign and date the copy of the notice
* If she refuses to sign, it should be noted on the copy
* Any questions should be directed to the Internal Affairs Division

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=26)

* Sgt. Alvarez is being disciplined for violating Department General Order 2.01, Rules 7 and 9
* The matter was investigated by the Office of Citizen Complaints
* The recommendation for discipline is based on an incident on October 4, 2014, in which Sgt. Alvarez allegedly struck a victim with a bat
* Sgt. Mari Shepard was assigned as the lead investigator on the case

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=27)

* Sgt. Shepard obtained statements from the victim and witnesses, which led to the identification of Mr. 7 as the suspect
* Sgt. Shepard disseminated a crime alert to SFPD and conducted a Lexus-Nexis search to locate Mr. 7
* Sgt. Alvarez was briefed on the case and led a plainclothes team to Antioch to locate Mr. 7
* The team conducted surveillance and made contact with a woman who may have information about Mr. 7's whereabouts

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=28)

* The team observed Mr. 7 attempting to hide in a garage
* Sgt. Alvarez instructed the team to set up a perimeter and requested assistance from the Antioch Police Department
* Officers from both departments searched the residence and located Mr. 7 in the attic
* Mr. 7 was arrested and transported back to Ingleside Station

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=29)

* Sgt. Alvarez and her team were conducting surveillance at the Silver Creek Circle address to catch Mr. 7
* The team saw a male matching Mr. 7's description and entered the residence to apprehend him
* Sgt. Alvarez stated that they had justification to enter the residence due to "fresh pursuit"
* Officer Thompson also stated that they did not need a search warrant because it was a "hot pursuit"
* Sgt. Alvarez did not know why an arrest warrant was not requested for Mr. 7

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=30)

* Officers Seavey, Padilla, Barajas, and Quintero all gave different explanations for why they entered the residence
* Lt. Burke stated that he instructed Sgt. Alvarez to conduct surveillance and that the Antioch Police were notified
* The OCC investigation concluded that the officers did not have an arrest warrant or search warrant as required by law
* Sgt. Alvarez relied on the doctrine of "fresh pursuit" to justify entering the residence

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=31)

* Sgt. Melonee Alvarez is the officer involved in the case.
* The case revolves around the arrest of Mr. 7 without a warrant.
* The OCC investigation found that Sgt. Alvarez's reliance on the "fresh pursuit" doctrine was incorrect.
* Sgt. Alvarez's actions are considered "Unwarranted Action" and "Improper Conduct" in violation of the 4th Amendment and Rules 7 and 9 of Department General Order 2.01.
* Rules 7 and 9 of Department General Order 2.01 are cited, which pertain to maintaining knowledge and misconduct, respectively.
* The case number is MCDO-2014-0053.

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=32)

* The Chief of Police, Gregory P. Suhr, has decided to impose a disciplinary reprimand and order mandatory retraining for Sgt. Alvarez.
* The reprimand and retraining will not take effect until 20 days after the letter is received.
* Sgt. Alvarez has the right to request a hearing to refute or mitigate the findings.
* If Sgt. Alvarez wants to review the evidence, she must contact Attorney Ashley L. Worsham.
* Sgt. Alvarez must sign and return the enclosed form within 10 days to request a hearing.
* Cristina Franco is the Commanding Officer of the Internal Affairs Division.

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=33)

* The document references the Office of the Chief and two other individuals: Deputy Chief Hector Sainez and Captain Joseph McFadden.
* The document also references the Internal Affairs Division.
* The case number is MCDO-2014-0053 and the file number is 000033.

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=34)

* Sgt. Melonee Alvarez is requesting a hearing for case ALW OCC Case #0600-14.
* The request is in response to a letter from Chief Suhr dated October 8, 2015.
* If Sgt. Alvarez does not want a hearing, she is instructed not to return the form.

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=35)

* The document is a report summary from the San Francisco Police Department detailing a complaint case.
* The complainant is Sgt. Melonee Alvarez.
* The employees involved in the case are Chief Suhr and Sgt. Alvarez.
* The allegations, violations, findings, and actions taken in response to the complaint are all detailed in the report.

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=36)

* Ashley Worsham, legal counsel for the Internal Affairs Division (IAD) of the San Francisco Police Department (SFPD), is requesting that Captain John Jaimerena serve a notice to Officer Dack Thompson.
* The notice is related to an old complaint case that should have been served while Thompson was assigned to Ingleside Station.
* Worsham is requesting that the notice be signed and returned to IAD in order to close the case.
* The document also contains a disclaimer about the confidential nature of the communication.

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=38)

* The document contains information about employee scheduling for Dack Thompson, a Q2 rank officer with the SFPD.
* Thompson's employee ID, star number, and mobilization number are all listed.
* The document also specifies the dates for which the scheduling information is relevant: from 11/25/2016 to 01/24/2017.
* There are also links to access further information or return to a search page.
* Finally, the document references a case number, MCDO-2014-0053, and an internal ID number, 000038.

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=39)

* The document is a report summary from the San Francisco Police Department (SFPD) detailing a complaint case.
* It includes information about the incident, the complainant, and the employees involved.
* The document lists the allegations, violations, findings, and actions taken in response to the complaint.

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=40)

* The document contains a routing and transmittal slip with four different actions to be taken, including requests for approval, information, and coordination.
* Officer Thompson is located at Northern Station.
* The document also references a specific case number, MCDO-2014-0053, and a unit number, SFPD 39(7/72).
* Captain Joseph P. McFadden is mentioned by name and badge number.

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=41)

* Ashley Worsham, legal counsel for the Internal Affairs Division, is communicating with Captain Joseph McFadden.
* Worsham has attached four OCC directives for 2015.
* Worsham requests that McFadden have two officers, Tompson and Barajas, review the conduct of two other officers, Seavey and Padilla, in relation to case OCC-0600-14.
* Sgt. Alvarez has not signed the receipt box, but has requested a hearing to document service on October 8, 2015.
* The document also contains a disclaimer about the confidential nature of the communication.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=42)

* Ashley Worsham, legal counsel for the Internal Affairs Division (IAD) of the San Francisco Police Department (SFPD), is requesting signed memorandums from Captain Joseph McFadden.
* The memorandums are for Officers Barajas, Thompson, Seavey, and Padilla.
* Worsham states that the officers' files will remain active and open until the memorandums are returned.
* The communication also contains a disclaimer about the confidential and legally protected nature of the message.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=43)

* The document is a report summary from the SFPD detailing a complaint case.
* The complainant is identified as "John Doe" and the employees involved are Officers Barajas, Thompson, Seavey, and Padilla.
* The allegations include excessive force, improper conduct, and failure to follow departmental policy.
* The findings state that the officers violated departmental policy and that disciplinary action is recommended.
* The actions taken in response to the complaint include a formal reprimand and suspension without pay.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=45)

* The document details a complaint case against four SFPD officers.
* The complainant, John Doe, alleges excessive force, improper conduct, and failure to follow departmental policy.
* The findings state that the officers violated departmental policy and disciplinary action is recommended.
* The officers received a formal reprimand and suspension without pay as a result of the complaint.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=46)

* Ashley Worsham, legal counsel for the Internal Affairs Division (IAD) of the San Francisco Police Department (SFPD), is requesting that four officers be brought to IAD-Admin for questioning.
* This is the third request made by Worsham, and she is asking for the officers to be brought in by the end of the week.
* Worsham also includes a PDF attachment with additional information.
* The document ends with a disclaimer about the confidential nature of the communication.

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=47)

* Worsham sends an email to Captain McFadden with an attachment containing four OCC directives.
* Worsham requests that two officers, Tompson and Barajas, be investigated for their conduct in OCC-0600-14.
* Sgt. Alvarez did not sign the receipt box on the copy that was emailed to McFadden, but has requested a hearing to document service.
* Worsham provides her contact information and a warning about the confidential nature of the communication.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=48)

* Worsham is waiting for signed memorandums from four officers: Barajas, Thompson, Seavey, and Padilla.
* The officers' files will remain open until the memorandums are returned.
* Worsham provides her contact information, including a fax number.
* The message includes a warning about the confidential nature of the communication.
* The case number is MCDO-2014-0053.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=49)

* The report summary details a complaint case filed by the San Francisco Police Department.
* The complainant is identified as "John Doe."
* The employees involved in the case are listed as "Officer A" and "Officer B."
* The allegations include excessive force, improper search, and improper arrest.
* The violations found include failure to follow department policy and improper conduct.
* The actions taken in response to the complaint include a reprimand for Officer A and a suspension for Officer B.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=50)

* The report summary details the complaint case filed by the San Francisco Police Department against two officers.
* The complainant, John Doe, alleges that the officers used excessive force, conducted an improper search, and made an improper arrest.
* The department found that the officers violated department policy and engaged in improper conduct.
* As a result, Officer A received a reprimand and Officer B was suspended.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=52)

* The report summary details the complaint case filed by the San Francisco Police Department against two officers.
* The complainant, John Doe, alleges that the officers used excessive force, conducted an improper search, and made an improper arrest.
* The department found that the officers violated department policy and engaged in improper conduct.
* As a result, Officer A received a reprimand and Officer B was suspended.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=53)

* Ashley Worsham, Legal Counsel for the Internal Affairs Division, is requesting that Captain Joseph McFadden serve a Disciplinary Reprimand Notice to Officer Melonee Alvarez.
* The notice must be served today, as the 3304 date is on Tuesday.
* Worsham requests that McFadden email her once service is complete.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=54)

* The document is a routing and transmittal slip from the San Francisco Police Department (SF PD).
* It contains instructions for various individuals, including Lt. Yick Lad, Robert, and Captain Greg Northern.
* The document references a specific case file, MCDO-2014-0053, and requests that the recipient investigate and report on the complaint results from the Office of Citizen Complaints (OCC).
* The document also contains a note that it should not be used as a record of approvals, concurrences, disapprovals, clearances, or similar actions.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=55)

* Officer Dack Thompson is requesting an investigative hearing regarding OCC Case 0600-14.
* Thompson disagrees with the preliminary findings, which allege that he acted inappropriately during an incident.
* Thompson argues that he had legal justification for his actions, which were taken during a hot pursuit.
* He believes that an investigative hearing will reveal that his actions were reasonable and reflective of the positive spirit of the SF PD.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=56)

* The Office of Citizen Complaints (OCC) has conducted an investigation into a complaint against Officer Dack Thompson.
* The OCC has provided a summary of their preliminary findings, which include two allegations against Thompson.
* Thompson has the right to request an investigative hearing if he is not satisfied with the preliminary findings.
* If he chooses to do so, he must submit a written request within ten days of receiving the letter.
* The OCC recommends that Thompson speak with the investigator in his case to review the evidence and findings.
* If the allegations are sustained, the OCC will transmit the findings to the Chief of the San Francisco Police Department (SFPD) for review and action.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=57)

* Captain Joseph McFadden has written a memorandum to the Commanding Officer of the Ingleside Station, requesting that a Notice of Chief's Disciplinary Reprimand and Chief's Order for Retraining be delivered to Sgt. Melonee Alvarez.
* The memorandum instructs that the original notice be personally delivered to Alvarez, and that a copy be signed and dated by her.
* If Alvarez refuses to sign the copy, the Commanding Officer is to note this on the copy before returning it to the Internal Affairs Division.
* The memorandum also provides contact information for the Internal Affairs Division in case there are any questions.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=58)

* Sgt. Melonee Alvarez is being disciplined for violating Department General Order 2.01, Rules 7 and 9, and Section 5 of the San Francisco Police Department.
* The discipline is based on Alvarez's conduct on October 4, 2014, when she responded to an aggravated assault call.
* The victim reported that he was attacked with a bat by his former neighbor, and that Alvarez did not take appropriate action.
* Sgt. Mari Shepard was assigned to investigate the case, and she determined that Alvarez had not followed proper procedure.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=59)

* Sgt. Shepard obtained statements from the victim and witnesses, which led her to believe there was probable cause to arrest Mr. 7.
* Sgt. Shepard disseminated a crime alert to SFPD and conducted a Lexus-Nexis search to locate Mr. 7's address.
* On October 12, 2014, Mr. 7's vehicle was towed and he went to his brother's ex-girlfriend's house in Antioch, CA.
* Sgt. Shepard briefed the plainclothes team, which included Officer Carlos Padilla, Officer Matthew Seavey, Officer Dack Thompson, Officer Justin Quintero, Officer Mark Lustenberger, and Officer Danny Barajas, on the case.
* The plainclothes team conducted surveillance on the residence in Antioch and made contact with Ms. 2, who was seen leaving the garage.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=60)

* Mr. 7 was seen peeking out of the garage before retreating inside the residence.
* Officer Padilla observed Mr. 7 crouched down in an attempt to hide.
* The team set up a perimeter and requested assistance from the Antioch Police Department.
* Officers Thompson, Lustenberger, and Padilla attempted to locate Mr. 7, while Officer Barajas stayed with Ms. 2.
* Antioch Police arrived and assisted in the search, which led to the discovery of Mr. 7 hiding in the attic.
* Mr. 7 was arrested and escorted back to Ingleside Station.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=61)

* Sgt. Alvarez explains that the initial plan was to conduct surveillance at the Silver Creek Circle address.
* Ms. 2 denies giving consent for the police to enter her home or signing any consent form.
* Sgt. Alvarez justifies entering the residence by citing "fresh pursuit."
* Sgt. Alvarez claims he did not need permission from the Deputy Chief to call Antioch PD for assistance.
* Officer Thompson also justifies entering the residence by citing "hot pursuit."

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=62)

* Officers Seavey, Padilla, Barajas, and Quintero all provide different explanations for why they entered the residence.
* Lt. Burke claims he instructed Sgt. Alvarez to conduct surveillance, and that the Antioch Police were notified prior to SFPD entering their jurisdiction.
* The OCC investigation concludes that the police did not have an arrest warrant or search warrant as required by law.
* Sgt. Alvarez relies on the doctrine of "fresh pursuit" to justify entering the residence.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=63)

* Sgt. Alvarez is found to have incorrectly relied on the doctrine of "fresh pursuit" to justify arresting Mr. 7 without a warrant.
* This action is considered "Unwarranted Action" and "Improper Conduct" in violation of the 4th Amendment and Department General Order 2.01.
* Rules 7 and 9 of Department General Order 2.01 are cited as the specific rules violated.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=64)

* Sgt. Melonee Alvarez is being reprimanded and ordered to undergo retraining due to conduct that brought discredit to the department.
* The reprimand and retraining will not take effect for 20 days.
* Sgt. Alvarez has the right to request a hearing to refute or mitigate the findings.
* If she wants a hearing, she must sign and return the enclosed form within 10 days.
* If she does not request a hearing, the reprimand will be imposed.
* Sgt. Alvarez must also return a copy of the letter to the Internal Affairs Division.

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=65)

* The Office of the Chief is addressing a complaint case (MCDO-2014-0053) with case number 000065.
* Deputy Chief Hector Sainez and Captain Joseph McFadden are copied on the correspondence.
* The Internal Affairs Division is involved in the case.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=66)

* Sgt. Melonee Alvarez is requesting a hearing for case ALW OCC Case #0600-14.
* The request is in response to allegations made in a letter from Chief Suhr dated October 8, 2015.
* Sgt. Alvarez is asking for a hearing date to be set.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=67)

* Sgt. Alvarez is being disciplined for violating Department General Order 2.01, Rules 7 and 9, and 5 of the San Francisco Police Department.
* The discipline is based on an incident that occurred on October 4, 2014, in which Sgt. Alvarez allegedly struck a victim with a bat.
* Sgt. Mari Shepard was assigned as the lead investigator on the case and began her investigation on October 8, 2014.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=68)

* Sgt. Shepard obtained statements from the victim and witnesses, which led her to believe there was probable cause to arrest Mr. 7.
* Sgt. Shepard disseminated a crime alert to SFPD and conducted a Lexus-Nexis search to locate Mr. 7's address.
* Sgt. Alvarez was briefed on the case and led a plainclothes team to Antioch to locate Mr. 7.
* The team conducted surveillance and made contact with a female at the residence, eventually locating Mr. 7.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=69)

* The team observed Mr. 7 peek out from the garage before retreating inside.
* Officers set up a perimeter and requested assistance from the Antioch Police Department.
* Various officers reported their observations and positions around the residence.
* Antioch Police arrived and assisted in entering the residence, where they located Mr. 7 in the attic.
* Mr. 7 was arrested and transported back to Ingleside Station.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=70)

* Sgt. Melonee Alvarez is the officer in question.
* Ms. 2 claims she did not consent to the police entering her home or signing any forms.
* The initial plan was to conduct surveillance to catch Mr. 7.
* The justification for entering the residence was "fresh pursuit" according to Sgt. Alvarez and Officer Thompson.
* Sgt. Alvarez claims she did not need permission from the Deputy Chief to call Antioch PD for assistance.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=71)

* Officers Seavey, Padilla, Barajas, and Quintero all provide different explanations for the justification of entering the home.
* Lieutenant Burke claims he instructed Sgt. Alvarez to conduct surveillance, and that the Antioch Police were notified prior to SFPD entering their jurisdiction.
* The OCC investigation concluded that the police did not have the proper warrants to enter the home or arrest the complainant.
* Sgt. Alvarez relies on the doctrine of "fresh pursuit" to justify the search.

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=72)

* Sgt. Alvarez is found to have incorrectly relied on the doctrine of "fresh pursuit" to justify the arrest of Mr. 7 without a warrant.
* This action is considered "Unwarranted Action" and "Improper Conduct" in violation of the 4th Amendment and Department General Order 2.01.
* Rules 7 and 9 of Department General Order 2.01 are cited as the specific rules violated.

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=73)

* The Chief intends to impose a disciplinary reprimand and order mandatory retraining for Sgt. Alvarez.
* Sgt. Alvarez has the right to request a hearing to refute or mitigate the findings.
* If Sgt. Alvarez does not request a hearing, the reprimand will be imposed automatically.

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=74)

* The document is from the Office of the Chief
* It is addressed to Deputy Chief Hector Sainez and Captain Joseph McFadden
* The document references the Internal Affairs Division
* The case number is MCDO-2014-0053
* The document number is 000074

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=75)

* Sgt. Melonee Alvarez is requesting a hearing for case ALW OCC Case #0600-14
* The request is in response to a letter from Chief Suhr dated October 8, 2015
* If the form is not returned, a hearing will not be set
* The document number is 000075

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=76)

* Sgt. Alvarez is being disciplined for violating Department General Order 2.01, Rules 7 and 9, and 5 of the San Francisco Police Department
* The discipline is based on an incident that occurred on October 4, 2014, in which Sgt. Alvarez allegedly attacked a victim with a bat
* The victim was not seriously injured, but experienced pain and swelling
* Sgt. Mari Shepard was assigned to investigate the case and began her work on October 8, 2014

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=77)

* Sgt. Shepard obtained statements from the victim and witnesses, which led her to believe there was probable cause to arrest Mr. 7
* Sgt. Shepard disseminated a crime alert to SFPD and conducted a Lexus-Nexis search to find a possible address for Mr. 7
* Sgt. Alvarez was briefed on the case and led a plainclothes team to Antioch, CA to locate Mr. 7
* The team conducted surveillance and eventually made contact with a woman who was at the residence
* Officers Quintero and Barajas saw an unknown male who they believed was Mr. 7

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=78)

* Officer Padilla saw Mr. 7 peek out from the garage and then retreat inside the residence
* Sgt. Alvarez instructed the team to set up a perimeter and contacted the Antioch Police Department for assistance
* Officers Thompson, Lustenberger, Padilla, and Seavey all attempted to locate Mr. 7
* Officer Barajas stayed with the woman at the front of the house
* Antioch Police arrived and assisted in the search, which led to the discovery of Mr. 7 hiding in the attic
* Mr. 7 was arrested and taken to Ingleside Station

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=79)

* Sgt. Alvarez and Officer Thompson both claim that they did not need a search warrant to enter the home because they were in "hot pursuit" of the suspect
* Ms. 2 claims that she did not give consent for the police to enter her home and that she never signed a consent form
* Sgt. Alvarez states that the initial plan was only to conduct surveillance, but the situation changed when they saw the suspect
* Sgt. Alvarez also claims that he did not need permission from the Deputy Chief to call the Antioch Police Department for assistance
* Officer Thompson reiterates that "hot pursuit" was justification for entering the home without a warrant

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=80)

* Officers Seavey, Padilla, Barajas, and Quintero all provide different explanations for why they entered the home
* Lt. Burke claims that he instructed Sgt. Alvarez to conduct surveillance, and that the Antioch Police were notified prior to SFPD entering their jurisdiction
* Lt. Burke also explains the protocol for interagency operations
* The OCC investigation concludes that the police did not have the proper warrants to enter the home or arrest the complainant
* Sgt. Alvarez relies on the doctrine of "fresh pursuit" to justify the actions taken

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=81)

* Sgt. Alvarez is found to have incorrectly relied on the doctrine of "fresh pursuit"
* Her failure to comply with warrant requirements is considered "Unwarranted Action" and "Improper Conduct"
* This violation is in breach of the 4th Amendment and Rules 7 and 9 of Department General Order 2.01
* Rules 7 and 9 are outlined, both of which emphasize the importance of officers maintaining knowledge and avoiding misconduct

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=82)

* The Chief intends to impose a disciplinary reprimand and order mandatory retraining
* Sgt. Alvarez has the right to request a hearing to refute or mitigate findings
* If she does not request a hearing, the reprimand will be imposed
* Sgt. Alvarez is asked to sign and return a copy of the letter

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=83)

* The letter is addressed to the Deputy Chief and Captain
* It references a specific case number (MCDO-2014-0053) and complaint number (000083)
* The letter is from the Internal Affairs Division

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=84)

* Sgt. Melonee Alvarez is requesting a hearing for case ALW OCC Case #0600-14
* The request is in response to allegations made in a letter from Chief of Police Gregory P. Suhr
* The letter from Chief Suhr is dated October 8, 2015
* Sgt. Alvarez is requesting that a hearing date be set

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=85)

* The document contains information about employee scheduling for the San Francisco Police Department (SFPD)
* The document references a specific employee, Melonee A. Alvarez, with an employee ID of 19
* The document specifies a date range for scheduling, from September 24, 2015 to November 23, 2015
* The document also references a case number, MCDO-2014-0053, and an associated URL

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=86)

* The document references the Commanding Officer of the Internal Affairs Division (IAD) and the recommendations of the Office of Citizen Complaints (OCC)
* The document identifies three employees: Lieutenant John Burke, Sergeant Melonee Alvarez, and Officer Matthew Seavey
* The document lists allegations against Sergeant Alvarez for "Unwarranted Action" and "Unlawful Entry"
* The OCC found the allegations to be "Sustained" while the IAD classified the conduct as "Improper"

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=87)

* The document references the San Francisco Police Department (SFPD) headquarters and identifies the Chief of Police and Mayor
* The document identifies three officers: Dack Thompson, Danny Barajas, and Carlos Padilla
* The Chief of Police concurs with the findings of the OCC
* The document references two case numbers and an identification number

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=88)

* The document details a case evaluation by the Internal Affairs Division (IAD) of the SFPD
* The evaluation is conducted by A/Lieutenant Sergeant Cristina Franco and Sergeant Melonee Alvarez
* The allegation is for "Unwarranted Action 5"
* The document references three dates: October 4, 2014 (the date of the incident), October 8, 2014 (when the lead investigator was assigned), and October 9, 2014 (when the investigation began)
* The document details the incident, in which the complainant allegedly attacked the victim with a bat after a minor vehicle collision
* Sergeant Mari Shepard is the lead investigator assigned to the case

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=89)

* Sergeant Shepard obtains statements from the victim and witnesses, which positively identify the complainant as the suspect
* Sergeant Shepard believes she has probable cause to arrest the complainant, and does not obtain a warrant
* Sergeant Shepard conducts a Lexus Nexis search to locate the complainant's address
* The complainant's vehicle is towed
* Sergeant Shepard briefs the plainclothes team, which travels to Antioch to locate the complainant
* The team conducts surveillance and makes contact with a woman at the residence

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=90)

* Officers Quintero and Barajas observe the complainant attempting to hide inside the residence
* Officer Padilla observes the complainant from a ledge
* Sergeant Alvarez sets up a perimeter and requests assistance from the Antioch Police Department
* Officers Thompson, Lustenberger, and Seavey attempt to locate the complainant
* The team enters the residence with the assistance of the Antioch Police Department
* The complainant is found in the attic and arrested

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=91)

* Ms. 2 claims she never signed a consent form for the police to search her home
* Sergeant Alvarez explains the initial plan was to conduct surveillance at the Silver Creek Circle address
* The team sees the complainant enter the residence and sets up a perimeter
* Sergeant Alvarez calls the Antioch Police Department for assistance
* The team enters the residence without a search warrant, citing "hot pursuit" as justification

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=92)

* Officers Seavey, Padilla, Barajas, and Quintero all provide different explanations for why they entered the residence
* Lieutenant Burke states that he instructed Sergeant Alvarez to conduct surveillance, and that he was in phone contact with her throughout the incident
* OCC argues that the police did not have an arrest warrant or search warrant as required by law
* Sergeant Alvarez claims that the doctrine of "fresh pursuit" allowed them to enter the residence without a warrant

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=93)

* OCC argues that the exigent circumstance exception to warrant requirements does not apply in this case
* Sergeant Alvarez and Officer Padilla are found to be in violation of the Fourth Amendment for entering a third party's residence without a warrant
* The allegation of Unwarranted Action against Sergeant Alvarez is deemed Improper Conduct
* Officer Padilla is found to have violated the general rule that a search warrant and arrest warrant are required when searching a third party's residence

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=94)

* The Office of Citizen Complaints (OCC) conducted an investigation into the actions of three officers: Dack Thompson, Matthew Seavey, and Carlos Padilla.
* Officer Thompson justified his actions by citing the high threat matrix, the violent nature of the arrest, and the presence of a weapon.
* Officer Seavey stated that he was looking for the complainant in order to ensure officer safety.
* Officer Padilla said he used force while looking for the complainant because he believed the complainant was attempting to flee.

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=95)

* The OCC found that Officer Danny Barajas, who authored the incident report, omitted important details about the involvement of the three officers in the arrest of the complainant.
* Specifically, Barajas did not mention that Officer Thompson saw the complainant in the backyard, that Officer Seavey observed the ceiling debris in the bedroom closet, or that Officer Padilla was involved in the search.
* The OCC also found that Barajas did not mention that Lieutenant John Burke approved the decision to conduct surveillance in Antioch to locate the complainant.
* The OCC stated that it was difficult to determine the role of the Antioch Police Department (PD) in the search and arrest of the complainant due to conflicting statements from the officers.

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=96)

* A supervisor must approve any response to an outside jurisdiction, and the lieutenant must approve any response beyond 40 miles of San Francisco.
* Lieutenant Burke approved the decision for Sergeant Alvarez's team to conduct surveillance and attempt to locate the complainant.
* The OCC found that the incident report contained gaps that could not be answered without further investigation.
* The Acting Commanding Officer of the Internal Affairs concurred with the OCC's findings that Officer Barajas' incident report was incomplete.
* Sergeant Alvarez played an involved role at the scene, but signed off on Officer Barajas' report.

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=97)

* The OCC stated that Sergeant Alvarez's belief that the doctrines of fresh pursuit or hot pursuit allowed her to enter the Antioch residence without a warrant was misguided.
* The OCC cited multiple cases to support their argument that the exception to the warrant requirement only applies when officers are in immediate and continuous pursuit of a suspect from the scene of a crime.
* The OCC also stated that a warrantless entry violates the constitution against unreasonable searches and seizures.
* Sergeant Alvarez had a duty to ensure that the complainant's Fourth Amendment rights were not violated.
* The Acting Commanding Officer of the Internal Affairs Division concurred with the OCC's findings.

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=98)

* Sergeant Alvarez was instructed by Lieutenant Burke to conduct surveillance at 2 Silver Creek Circle in order to locate the complainant.
* Lieutenant Burke was off duty on the day of the incident, but received phone calls from Sergeant Alvarez and had discussions with her both during and after the incident.
* The OCC found that Lieutenant Burke failed to recognize that his subordinates' actions violated the complainant's rights.
* However, the Acting Commanding Officer of the Internal Affairs Division disagreed with the OCC's findings, arguing that Lieutenant Burke was not aware of all the pertinent details at the time.

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=99)

* Lieutenant John Burke, Sergeant Melonee Alvarez, Officer Danny Barajas, Officer Matthew Seavey, Officer Dack Thompson, and Officer Carlos Padilla are all mentioned in the document.
* Lieutenant Burke, Sergeant Alvarez, and Officer Thompson all have IAD complaint histories, while Officers Barajas and Seavey do not.
* Officer Padilla has the most extensive IAD history, with 12 complaints.
* The document also references case number MCDO-2014-0053.

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=100)

* Lieutenant John Burke is recommending that Sergeant Melonee Alvarez be disciplined for unwarranted action (unlawful entry).
* The Office of Citizen Complaints (OCC) has sustained the allegation against Sergeant Alvarez.
* The Internal Affairs Division (IAD) has also found that Sergeant Alvarez engaged in improper conduct.
* Officers Matthew Seavey, Dack Thompson, and Danny Barrajas are also mentioned in the document, but no specific allegations or findings are made against them.
* The document references case number MCDO-2014-0053.

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=101)

* Officer Carlos Padilla is mentioned, with badge number 2272.
* The document again references case number MCDO-2014-0053.

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=102)

* The incident occurred on 10/13/2014 and was reported on 10/23/2014.
* The location of the incident is given as 24th Avenue and Santiago Street in San Francisco, CA.
* The complainant is identified as a male, but no other information is given.
* Three employees are mentioned: Melonee A. Alvarez, Danny Barajas, and John F. Burke.
* Alvarez is accused of "Unwarranted Action" and "Neglect of Duty," both of which are pending.
* No allegations, violations, or findings are listed for Barajas or Burke.

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=103)

* Three additional employees are mentioned: Carlos E. Padilla, Matthew A. Seavey, and Dack O. Thompson.
* All three are accused of various violations, but no findings are given.
* The case is assigned to Robert C. Yick, with a due date for completion.
* The report details three sustained allegations against Alvarez, Padilla, Seavey, and Thompson.
* One additional allegation is added against Barajas.

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=104)

* The document references two allegations added by the Office of Citizen Complaints (OCC)
* Sergeant Melonee Alvarez and Lieutenant John Burke are the employees involved
* The case number is MCDO-2014-0053

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=105)

* The document is a report summary from the San Francisco Police Department (SFPD)
* The case number is 0600-14
* The complainant is not named
* Sergeant Melonee A. Alvarez is the named officer
* The allegations are for "unwarranted action"
* The disposition is "sustained"
* The document is addressed to Joyce M. Hicks, the Executive Director of the OCC
* The document is dated October 1, 2015

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=106)

* The recommendation is to either not submit the complaint to the Police Commission or to request a meeting with the Officer-In-Charge of the Internal Affairs Division (IAD)
* The Executive Director of the Office of Citizen Complaints (OCC) requests a meeting with the Chief of Police before a final decision is made
* The document is signed by Joyce M. Hicks, the Executive Director of the OCC
* The document is received by Gregory P. Suhr, the Chief of Police
* The case number is MCDO-2014-0053

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=107)

* The document is a report of an OCC investigation
* The case number is 0600-14
* The complainant is unnamed
* The named member is Sergeant Melonee Alvarez
* The incidents occurred on October 12, 2014 at 3:43 a.m. and October 13, 2014 at 2:42 p.m.
* The locations of the incidents are 24th Avenue and Santiago Street in San Francisco and Silver Creek Circle in Antioch, California
* The complainant alleges that officers vandalized his van

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=108)

* The complainant alleges that officers seized his van without a warrant or probable cause
* The complainant also alleges that officers entered his friend's residence without a warrant and ransacked it
* The complainant claims he was arrested without a warrant, slapped, denied his Miranda rights, and verbally tortured
* The complainant also alleges that the transporting officers drove recklessly and violated vehicle code sections
* Four allegations against three different officers resulted in findings other than "Sustained"

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=109)

* Allegation No. 5 and 6 are against Sergeant Melonee Alvarez, both resulting in a "Finding"
* Allegation Nos. 7-10 are against four different officers, all resulting in a "Finding"
* Allegation No. 11 is against Officer Justin Quintero, resulting in a "Finding"
* Allegation No. 12 is against Officer Mark Lustenberger, also resulting in a "Finding"

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=110)

* Allegation Nos. 13-15 are against Sergeant Melonee Alvarez, who unlawfully entered a third-party residence, searched for, and arrested the complainant
* Allegation No. 16 is against Officer Carlos Padilla
* Allegation Nos. 17-19 are against Officers Matthew Seavey, Dack Thompson, and Carlos Padilla

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=111)

* Three additional allegations were added by the Office of Citizen Complaints (OCC)
* Allegation No. 1 is against Officer Danny Barajas, with a finding against Sergeant Melonee Alvarez
* Allegation No. 2 does not specify an officer, but does include a category and finding
* Allegation No. 3 is against Lieutenant John Burke

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=112)

* The OCC is investigating a complaint case, No. 0600 14
* The complainant is unnamed, but the named members include Sergeant Melonee Alvarez
* Two incidents are being investigated, one on October 12, 2014 at 3:43 a.m. and the other on October 13, 2014 at 2:42 p.m.
* The first incident occurred at 24th Avenue and Santiago Street in San Francisco, while the second incident occurred at 5 Silver Creek Circle in Antioch, California
* The complainant alleges that officers vandalized his van by kicking and jumping on it

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=113)

* The complainant alleges that after his van was seized, he was arrested without a warrant
* The complainant claims he was slapped, denied his Miranda rights, and verbally tortured by officers
* The complainant also alleges that officers ransacked his friend's residence and searched it without a warrant
* Four allegations were made against three officers, but none of the allegations were sustained

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=114)

* The document contains multiple allegations against various members of the San Francisco Police Department (SFPD).
* Allegation No. 5 is against Sergeant Melonee Alvarez, and the document lists a finding related to her conduct.
* Allegation No. 6 does not mention a specific officer, but does contain a finding related to the category of conduct.
* Allegations Nos. 7-10 are against four officers: Danny Barajas, Carlos Padilla, Justin Quintero, and Melonee Alvarez. The document also lists a finding related to their conduct.
* Allegation No. 11 is against Officer Justin Quintero, and the document lists a finding related to his conduct.
* Allegation No. 12 is against Officer Mark Lustenberger, and the document lists a finding related to his conduct.
* The document also contains a case number (MCDO-2014-0053) and a reference number (000114).

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=115)

* Allegations Nos. 13-15 are against Sergeant Melonee Alvarez, and the document alleges that she unlawfully entered a third-party residence, searched for, and arrested the complainant.
* Allegation No. 16 is against Officer Carlos Padilla, but the document does not contain any further information about the allegation.
* Allegations Nos. 17-19 are against Officers Matthew Seavey, Dack Thompson, and Carlos Padilla.
* The document also contains a case number (MCDO-2014-0053) and a reference number (000115).

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=116)

* The document contains three "OCC-Added" allegations (Nos. 1-3).
* Allegation No. 1 is against Officer Danny Barajas, and the document categorizes the conduct as a "Finding."
* Allegation No. 2 does not contain any information about the officer involved, but it does categorize the conduct as a "Category."
* Allegation No. 3 is against Lieutenant John Burke, and the document categorizes the conduct as a "Finding."
* The document also contains a case number (MCDO-2014-0053) and a reference number (000116).

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=117)

* The document is a "Sustained Case Report" from the Office of Citizen Complaints (OCC).
* The case number is 0600-14.
* The complainant is identified as "7."
* The document references a case number (MCDO-2014-0053) and a reference number (000117).

[**Page 118**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=118)

* The document contains a table of contents, which lists the sections of the report.
* The report begins with a summary of the complaint, followed by the allegations made against the employees involved.
* The OCC added three additional allegations to the case.
* The report then details the evidence collected, and provides a summary of the findings for each allegation.
* For each allegation, the report outlines the applicable rules, analyzes the evidence, and provides a conclusion.

[**Page 119**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=119)

* The document contains several attachments, including the original complaint, SFPD event history, incident reports, and crime alerts.
* The OCC also provided a response form completed by Sergeant Jonathon Ozol.
* The document references SFPD Department General Order 5.16.
* The OCC conducted multiple interviews with the complainant, witnesses, and employees involved in the case.

[**Page 120**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=120)

* The document is a report summary from the San Francisco Police Department (SFPD) detailing a complaint case.
* The complainant alleges that officers vandalized his van on two separate occasions.
* The first incident occurred on October 12, 2014 at 3:43 a.m. on 24th Avenue and Santiago Street in San Francisco.
* The second incident occurred on October 13, 2014 at 2:42 p.m. at 2 Silver Creek Circle in Antioch, California.
* Sergeant Melonee Alvarez is the named member involved in the case.

[**Page 121**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=121)

* The complainant alleges that officers seized his van without a warrant or probable cause.
* The complainant also alleges that he was arrested without a warrant, and that officers searched his friend's residence without a warrant.
* The complainant claims that he was verbally and physically abused by the officers, including being slapped, denied his Miranda rights, and verbally tortured.
* The complainant also alleges that the transporting officers drove recklessly and violated several vehicle code sections.
* Four allegations were made against three officers: Sergeant Mari Shepard, Sergeant Jonathan Ozol, and Sergeant Melonee Alvarez.
* None of the allegations were sustained.

[**Page 122**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=122)

* Allegation No. 5 is against Sergeant Melonee Alvarez.
* Allegation No. 6 does not specify an officer, but the finding is listed as "LO."
* Allegation Nos. 7-10 are against four officers: Officer Danny Barajas, Officer Carlos Padilla, Officer Justin Quintero, and Sergeant Melonee Alvarez.
* Allegation No. 11 does not specify an officer, but the finding is listed as "MCDO-2014-0053."
* Allegation No. 12 is against Officer Mark Lustenberger.

[**Page 123**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=123)

* Allegation Nos. 13-15 are against Sergeant Melonee Alvarez, who is accused of unlawfully entering a third-party residence, searching for, and arresting the complainant.
* Allegation No. 16 is against Officer Carlos Padilla, but no specific conduct is mentioned.
* Allegation Nos. 17-19 are against three officers: Matthew Seavey, Dack Thompson, and Carlos Padilla.

[**Page 124**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=124)

* Three additional allegations have been added by the Office of Citizen Complaints (OCC).
* Allegation No. 1 is against Officer Danny Barajas, but no specific conduct is mentioned.
* Allegation No. 2 is against Sergeant Melonee Alvarez, but no specific conduct is mentioned.
* Allegation No. 3 is against Lieutenant John Burke, but no specific conduct is mentioned.

[**Page 125**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=125)

* The document lists 16 pieces of evidence, including reports from the San Francisco Police Department (SFPD) and the Antioch Police Department
* The document also references several SFPD Department General Orders and a Department Bulletin
* The document includes a list of recorded interviews with the complainant, a witness, and several SFPD employees

[**Page 126**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=126)

* The document details an incident in which Sergeant Melonee Alvarez unlawfully entered a third-party residence to search for and arrest the complainant
* The document also describes an earlier incident in which the complainant allegedly assaulted a neighbor with a baseball bat
* The document outlines the investigation process, including interviews with the complainant, the victim, and witnesses
* The document concludes that the entry, search, and arrest of the complainant was unlawful and violated the complainant's Fourth Amendment rights

[**Page 127**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=127)

* Sergeant Shepard disseminated a crime alert to SFPD stating there was probable cause to arrest the complainant
* Sergeant Shepard provided details of the case to Sergeant Melonee Alvarez
* The complainant's van was towed and he went to Antioch to visit his brother's ex-girlfriend
* Sergeant Shepard briefed the plainclothes team before they drove to Antioch to arrest the complainant
* The team conducted surveillance on the residence and eventually made contact with the complainant
* The complainant attempted to hide, but was eventually apprehended

[**Page 128**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=128)

* Officers attempted to locate the complainant in the backyard, but were unsuccessful
* The six member team maintained a perimeter and waited for Antioch police officers to arrive
* Antioch police officers arrived and the complainant was located in the attic
* The complainant was arrested and transported to Ingleside District Station
* The complainant was charged with two counts of aggravated assault, criminal threats, and a hate crime
* The District Attorney discharged the case against the complainant

[**Page 129**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=129)

* The complainant claims that SFPD officers vandalized his van and towed it away
* The complainant alleges that officers did not identify themselves and had guns drawn
* The complainant claims that an officer ransacked a house, handcuffed him, and physically abused him
* The complainant alleges that the officer threatened him in order to obtain information

[**Page 130**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=130)

* The complainant alleges that the female officer told him to "shut the fuck up" when he asked for a lawyer
* The complainant claims that the officers arrested him without a warrant and seized his van without probable cause
* The complainant states that he was charged with assault with a deadly weapon and criminal threats, but denies owning any weapons
* The complainant alleges that the officers who transported him to Ingleside Station terrorized him
* The complainant claims that he was not informed of the charges against him until he arrived at the station
* The complainant states that he has a long-standing dispute with his former neighbor, who he believes may have instigated the incident

[**Page 131**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=131)

* The complainant threatens to go to a lawyer's office if his property is not returned
* A witness states that she saw eight officers at her driveway, but did not know the complainant was in her home
* Another witness claims that she did not give the officers permission to enter her home, and that they broke her property
* A third witness states that her roommate was mistaken for the complainant by an officer

[**Page 132**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=132)

* Sergeant Shepard is the lead investigator in the case
* The complainant is accused of assaulting the victim with a vehicle and a bat, as well as making verbal threats
* Sergeant Shepard believes the victim to be credible and reliable
* After investigating, Sergeant Shepard determines there is probable cause to arrest the complainant
* She issues a "Crime Alert" and instructs officers to arrest the complainant and tow his van
* The complainant is eventually taken into custody with the assistance of Antioch PD

[**Page 133**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=133)

* Sergeant Shepard did not accompany the plainclothes unit to the residence where the complainant was arrested
* The complainant was transported to Ingleside Station, where Sergeant Shepard interviewed him
* The DA did not charge the complainant
* Sergeant Shepard denies any inappropriate behavior and states she has not been admonished or counseled
* Sergeant Shepard discusses the difficulty in determining the complainant's address due to conflicting information
* Sergeant Shepard states she did not instruct Sergeant Alvarez on how to conduct the arrest, but expected her to take the complainant into custody if possible
* Sergeant Shepard believes the intel gained by Sergeant Alvarez would have led to a search warrant

[**Page 134**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=134)

* Sergeant Shepard and Sergeant Alvarez were involved in a case involving an assault with a bat.
* The complainant was believed to have ties to an address in Antioch, which the officers went to investigate.
* The officers conducted surveillance for over an hour before making contact with a woman at the residence.
* The officers saw a man who matched the complainant's description, but were unable to confirm his identity.
* The man fled and the officers were unsure if he escaped the yard.

[**Page 135**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=135)

* Sergeant Alvarez set up a perimeter to prevent the complainant from leaving the property.
* Antioch PD was called to assist and arrived Code 3.
* The complainant was eventually located hiding in the attic.
* Sergeant Alvarez stated that they had justification to enter the residence due to "fresh pursuit."
* Sergeant Alvarez denied any misconduct, including threatening to destroy the home or slapping the complainant.

[**Page 136**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=136)

* Sergeant Alvarez searched Ms. 2's home for evidence of the crime the complainant committed, specifically a baseball bat.
* Ms. 2 initially cooperated with the search, but later denied knowing the complainant was in her home.
* Sergeant Alvarez denied ransacking the residence and stated that Ms. 2 did not express anger when they left.
* Sergeant Alvarez had minimal contact with the complainant, who made an odd request to be his girlfriend.
* Sergeant Alvarez was under the supervision of Sergeant Shepard and the SIT Lieutenant, and followed their instructions.
* Sergeant Alvarez stated that she and her team acted within SFPD policy and were not disciplined.
* In a follow-up interview, Sergeant Alvarez discussed her training and experience with plainclothes work and warrants.

[**Page 137**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=137)

* Sergeant Alvarez's team supplements work with the investigative team, assisting with locating and arresting suspects.
* Sergeant Alvarez worked under the direction of Sergeant Shepard, who was the case manager for this incident.
* Sergeant Alvarez does not recall specific dates related to the case, but the Chronological Report states she was notified on October 11, 2014.
* The team conducted surveillance at the Silver Creek Circle address, where they eventually made contact with the homeowner.
* The team saw a man they believed to be the complainant, and set up a perimeter to prevent his escape.
* Communication was difficult due to their radios not working, but they adapted to the situation.

[**Page 138**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=138)

* Sergeant Alvarez discusses the importance of safety and teamwork in her unit.
* She defines "fresh pursuit" based on her training and experience.
* Sergeant Alvarez notes that most people can tell they are the police, even when they are not in uniform.
* She believes the complainant knew they were the police and was trying to avoid being taken into custody.
* The team searched neighboring homes to locate the complainant, and identified themselves to the neighbors.
* Sergeant Alvarez explains the conditions under which they are allowed to search a person's residence.

[**Page 139**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=139)

* Sergeant Alvarez discusses the importance of notifying Antioch PD when her team was en route to Silver Creek Circle.
* She clarifies that she did not plan on using Antioch PD to help them, but was merely notifying them out of courtesy.
* After the complainant fled, Sergeant Alvarez called Antioch PD for assistance.
* Sergeant Alvarez did not obtain permission from the Deputy Chief before calling 9-1-1, as she did not believe it was necessary.
* She discusses the accuracy and completeness of the incident report, and why she did not request Antioch PD to write statements.

[**Page 140**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=140)

* Sergeant Alvarez discusses the process of arresting the complainant, including obtaining consent to search and providing a property receipt.
* She explains why she did not include every detail in the incident report, as it would be overwhelming and unnecessary.
* Sergeant Alvarez discusses the importance of safety during the search, and how they maximized it by using uniformed officers first.
* She clarifies that she did not feel the need to document how they entered the premises, as it was not important to the case.
* Sergeant Alvarez discusses the decision not to request statements from officers, as there was no use of force or significant independent action.
* She discusses the importance of being prepared and safe when dealing with individuals like the complainant.
* Sergeant Alvarez explains why there was a gap between notification and arrest, and why they did not need a warrant.

[**Page 141**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=141)

* Sergeant Alvarez discusses the exigent circumstances created by the complainant, which allowed for fresh pursuit.
* She explains her training in fresh pursuit, which is part of her basic academy training on searches, Fourth Amendment, search and seizure, etc.
* Officer Thompson discusses his training for plainclothes assignment, which includes narcotics, force options, arrest and control.
* He explains that he was not made aware that the complainant was former law enforcement and may have had weapons.
* Officer Thompson discusses the plan to locate the complainant, and the fact that an arrest warrant was not needed.

[**Page 142**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=142)

* Officer Thompson describes the layout of the property and his role in monitoring the fence line.
* He recounts the movements of the other officers involved in the operation.
* Officer Thompson details his observations of the complainant in the backyard and his subsequent retreat into the house.
* He explains that the situation changed once the complainant entered the house, and that they contacted Antioch PD to set up a perimeter.
* Officer Thompson clarifies that they did not need a warrant to enter the home due to the "hot pursuit" rule.

[**Page 143**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=143)

* Officer Thompson discusses the differences between a probable cause warrant and an arrest warrant.
* He recounts the events leading up to the search of the home, including the homeowner's cooperation.
* Officer Thompson details the search of the home, including the discovery of the complainant in the attic.
* He describes the arrest of the complainant and the complainant's behavior towards the officers.

[**Page 144**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=144)

* Officer Matthew Seavey has been employed by the San Francisco Police Department (SFPD) for eight years, and has received training in plainclothes work.
* On the date of the incident, Officer Seavey and his team were briefed on the complainant, who was wanted for assault with a deadly weapon ("245").
* The team conducted surveillance on the complainant's residence for approximately 30 minutes before approaching a woman who had exited the house.
* After spotting the complainant in the backyard, the team set up a perimeter to prevent his escape.
* Antioch Police Department (APD) was called in to assist, and the complainant was eventually found hiding in a crawl space.

[**Page 145**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=145)

* Officer Carlos Padilla has been employed by SFPD for eight years, and has received training in plainclothes work and detective work.
* On the day of the incident, Officer Padilla and his team were briefed on the complainant, who was wanted for aggravated assault.
* The team conducted surveillance on the complainant's residence, and prepared by researching the location and layout of the house.
* The team notified APD prior to arrival, and the two departments worked together to search for the complainant.
* The complainant was eventually found in a crawl space, and was searched and handcuffed before being taken into custody.

[**Page 146**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=146)

* Officer Padilla and his team parked near the complainant's house to observe the area.
* They spoke to a woman who was exiting the garage, and asked her about the complainant.
* Officer Padilla briefly looked at a car on the side of the house, before spotting the complainant in the backyard.
* The team set up a perimeter, but lost sight of the complainant.
* After searching the area, the complainant was found and taken into custody.
* Officer Padilla assisted in the search for a baseball bat, but did not interact with the complainant.

[**Page 147**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=147)

* Officer Barajas has been employed by SFPD for eight years and has received training for plainclothes work.
* He participated in a briefing with other officers to discuss the complainant, who was wanted for aggravated assault.
* The team went to the complainant's address in Antioch to conduct surveillance.
* Officer Barajas saw an unidentified male in the garage, but was unsure if it was the complainant.
* Officer Padilla later saw the complainant in the backyard and the team moved in to arrest him.
* The team communicated via text message due to radio issues, and called Antioch PD for assistance.

[**Page 148**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=148)

* Officer Barajas did not enter the residence to arrest the complainant, but Officer Padilla did.
* The officers had justification to enter the residence due to "hot pursuit."
* The complainant was pat searched and placed in a vehicle with three other officers.
* The team obtained permission from the homeowner to search the house for a baseball bat used in a crime.
* Officer Barajas wrote the incident report and did not include certain details he felt were not pertinent.

[**Page 149**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=149)

* Officer Barajas defended his incident report, stating that he has written hundreds of reports and has never been disciplined for inaccuracies.
* Sergeant Alvarez, who is known to be a tough reviewer, approved the report and only noted grammar and spelling errors.
* Officer Lustenberger, who has been with SFPD for six years, was part of the team that responded to the location of the complainant.
* The team had a briefing prior to arriving at the location and knew the complainant was wanted for assault and a hate crime.
* Officer Lustenberger took up a position on the side of the house and did not see what happened in the front, but heard on the radio that the complainant fled back into the house.

[**Page 150**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=150)

* Officer Lustenberger attempted to look over the fence to see the complainant, but accidentally pulled a board off the fence.
* He did not enter the backyard, but instead waited for Antioch PD to arrive.
* After the complainant was in custody, Officer Lustenberger briefly entered the house and only saw the female homeowner.
* Officer Quintero, who has been with SFPD for eight years, was also part of the team and received a briefing and a copy of the arrest warrant.
* He was one of the officers who transported the complainant to the station.

[**Page 151**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=151)

* The officers attempted to make contact with the complainant, but the homeowner was evasive.
* The complainant was eventually spotted peeking out from the garage.
* Officer Quintero was instructed to set up a perimeter and attempted to make contact with neighbors.
* When the complainant was spotted in the backyard, Antioch PD was called for assistance.
* Officer Quintero searched the house for a bat, which was seized as evidence.
* The complainant was transported to the station by Officer Quintero.
* Lieutenant Burke, the SIT Lieutenant, discussed the incident with Sergeant Shepard.

[**Page 152**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=152)

* Lieutenant Burke was responsible for viewing incident reports, assigning incidents for further investigation, and reviewing case investigations.
* Lieutenant Burke did not review Sergeant Shepard's Crime Alert before it was disseminated.
* Lieutenant Burke and Sergeant Shepard reviewed the incident report a few days after Sergeant Shepard received her OCC complaint.
* Lieutenant Burke did not think that Sergeant Shepard would have had time to get a DA to sign off on an arrest warrant.
* He stated that it is common practice to arrest wanted suspects on probable cause.
* Lieutenant Burke discussed the incident with Sergeant Alvarez and instructed her to conduct surveillance at Silver Creek Circle.

[**Page 153**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=153)

* Lieutenant Burke emphasized the importance of conducting investigations independently, rather than relying on other agencies.
* He confirmed that he instructed Sergeant Alvarez to conduct surveillance at 2 Silver Creek Circle.
* Antioch Police Department was notified prior to SFPD entering their jurisdiction.
* Lieutenant Burke outlined the importance of interagency notifications to avoid "blue on blue" situations.
* He clarified that DGO 5.14 applies to search warrant services in conjunction with making an arrest with an arrest warrant.
* Lieutenant Burke stressed the importance of moving quickly to make an arrest and preserve evidence in this case.

[**Page 154**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=154)

* The document discusses the distinction between "hot pursuit" and "fresh pursuit" in relation to police investigations.
* Lieutenant Burke clarifies that in the case at hand, it was a "hot pursuit" situation.
* Both Sergeant Shepard and Sergeant Alvarez were not admonished, counseled, or retrained following the incident, as they did not violate any policies.
* The document also includes a summary of event history detailing an aggravated assault with a bat, and the subsequent escape of the suspect in a white Chevy work van.

[**Page 155**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=155)

* Officers Richard Morgante and Rommel Baldovino responded to an assault at 2 Arbor Street.
* The complainant, Mr. 2, was hit with a baseball bat by his former neighbor, who he has had a contentious relationship with.
* The suspect fled the scene in a vehicle, which the officers queried and conducted a records check on.
* The document also includes a summary of event history detailing an investigative detail in Antioch, CA, involving Sergeant Melonee Alvarez and several other officers.

[**Page 156**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=156)

* Officer Danny Barajas wrote a supplemental incident report detailing the search for the complainant, who was wanted for aggravated assault and terrorist threats.
* The team of officers conducted surveillance on a residence where the complainant was believed to be located.
* The complainant was eventually located hiding in the attic and was arrested.
* Ms. 2, the homeowner, gave consent for the officers to search the property.

[**Page 157**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=157)

* Sergeant Mari Shepard was assigned to investigate the case.
* She interviewed the victim, Mr. 2, who identified the complainant as the attacker.
* Sergeant Shepard also spoke with the complainant's family member, who provided information about the complainant's whereabouts and weapons.
* Sergeant Shepard coordinated with other law enforcement agencies to locate the complainant.
* The complainant was eventually taken into custody and interviewed.

[**Page 158**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=158)

* The District Attorney's Office discharged all charges against the complainant due to lack of corroboration.
* Sergeant Shepard authored a search warrant for the complainant's van, which was signed by two different judges.
* Sergeant Shepard also authored a Crime Alert, which detailed the probable cause for the complainant's arrest and warned officers to use caution when approaching him.
* SFPD contacted the Antioch Police Department to request assistance in locating the complainant.
* The complainant was eventually found hiding in the attic of a house and taken into custody.

[**Page 159**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=159)

* The document discusses the Fourth Amendment of the United States Constitution, which protects citizens from unreasonable searches and seizures.
* It references legal precedent and sourcebooks, specifically mentioning the cases of Payton v. New York and Steagald v. United States.
* The document discusses the concept of "fresh pursuit" and the circumstances under which a warrantless entry is justified.
* It also references the California Peace Officers Legal Sourcebook.

[**Page 160**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=160)

* The document references several cases that establish the circumstances under which "fresh pursuit" of a fleeing felon may justify a warrantless entry into a private dwelling.
* It discusses the California Supreme Court's ruling in Escudero, which clarifies that "fresh pursuit" does not require the suspect to be kept in physical view at all times.
* The document also references the Dorman case, which sets out five factors to consider when determining whether exigent circumstances justify a warrantless arrest.
* Finally, the document discusses the Williams case, in which the court upheld a warrantless arrest based on the Dorman factors.

[**Page 161**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=161)

* The document discusses three cases (People v. Johnson, People v. Escudero, and People v. Gilbert) that illustrate the application of the "fresh pursuit" doctrine.
* It also discusses the "hot pursuit" exception to the warrant requirement, which requires officers to be in "immediate" and "continuous" pursuit of a suspect from the scene of the crime.
* The document references the Welsh v. Wisconsin case, in which the Supreme Court found that the "hot pursuit" exception did not apply because there was no immediate or continuous pursuit of the suspect from the scene of the crime.

[**Page 162**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=162)

* The document discusses the United States Supreme Court case Warden v. Hayden, which upheld the right of police to make a warrantless entry to arrest an armed robber.
* It also discusses the Welsh v. Wisconsin case, in which the Supreme Court ruled that the "hot pursuit" doctrine did not apply because the police had not chased or pursued the defendant from the crime scene.
* The document discusses the United States v. Santana case, which illustrates the exigency where police attempted to make an arrest in public and the suspect tried to escape by going inside a residence.
* The document concludes with an analysis of the case at hand, noting that the police did not have an arrest warrant or a search warrant to enter the home of a third party to arrest the complainant.

[**Page 163**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=163)

* The document discusses the legal standard for "fresh pursuit" and how it does not apply to the case at hand.
* It details the events leading up to the warrantless entry and search of Ms. 2's home in Antioch, California.
* The document argues that the officers violated the Fourth Amendment by entering and searching the home without a warrant.
* It notes that the differing accounts of what happened inside the home are not relevant to the issue of the warrantless entry and search.

[**Page 164**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=164)

* The document discusses a warrantless entry into Ms. Borsodi's residence to arrest the complainant.
* Sergeant Alvarez and six plainclothes officers drove to the address on October 13, 2014.
* The officers did not attempt to obtain an arrest warrant or search warrant prior to entering the residence.
* According to Payton v. New York, this entry is prohibited unless there are exigent circumstances.
* Sergeant Alvarez claims the "fresh pursuit" doctrine allowed them to enter without a warrant, but the evidence does not support this claim.
* The document references several cases that emphasize the importance of obtaining a warrant before entering a residence.

[**Page 165**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=165)

* The document discusses the lack of urgency in the officers' investigation of the assault case.
* The officers did not pursue the complainant immediately after the crime, and instead waited several days before taking any action.
* The document references cases in which the "fresh pursuit" doctrine was applied, and argues that the officers in this case did not meet the criteria for this doctrine.
* The document argues that the officers had ample time to obtain a warrant before entering the complainant's residence.

[**Page 166**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=166)

* Lieutenant John Burke argues that Sergeant Alvarez was confused in referencing "fresh pursuit" and that the team's actions were justified under the "hot pursuit" doctrine.
* However, the document argues that the "hot pursuit" exception does not apply in this case because the officers were not in "immediate" or "continuous" pursuit of the suspect.
* The document references several cases to support this argument, including Welsh v. Wisconsin and LaLonde v. County of Riverside.
* The document argues that the officers needed a search warrant and an arrest warrant to enter the third party's home in order to arrest the complainant.

[**Page 167**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=167)

* The document argues that the officers' account of the complainant "running" from them is problematic because there is no evidence to support this claim.
* The document also argues that the "hot pursuit" exception does not apply because the crime occurred nine days earlier in a different county.
* The document references United States v. Santana to argue that the complainant was not in a "public place" when the officers saw him.
* The document argues that the officers should have obtained a search and arrest warrant before going to the residence where they believed the complainant would be found.

[**Page 168**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=168)

* Sergeant Melonee Alvarez entered and searched the complainant's home without a search warrant or arrest warrant, violating the Fourth Amendment.
* The allegation of Unwarranted Action against Sergeant Alvarez is sustained.
* Officer Carlos Padilla was part of a team conducting surveillance at the residence of a third party where the complainant may have been located.
* Officer Padilla saw someone he believed to be the complainant and entered the property to look for him.
* The Summary of Evidence section is incorporated into the report in its entirety.

[**Page 169**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=169)

* Officer Padilla stated that he saw the complainant from a platform on the side of the house and then lost sight of him.
* The officers set up a perimeter and Officer Padilla went to the next street to search for the complainant.
* Officer Padilla never entered the house or took part in arresting the complainant.
* The Applicable Rules section is incorporated into this section of the document.
* The analysis states that the officers needed a search warrant or arrest warrant to enter a third-party residence, and that the general rule applies to enclosed back yards as well.

[**Page 170**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=170)

* The Santana case is referenced to clarify the definition of a "public place."
* The document argues that the complainant had an expectation of privacy in the enclosed, fenced-in back yard.
* The hot pursuit doctrine did not apply in this case.
* Officer Carlos Padilla is found to have violated the rules.
* Allegation Nos 17-19 are sustained against Officers Matthew Seavey, Dack Thompson, and Carlos Padilla.
* The Summary of Evidence Section is incorporated into this section of the document.

[**Page 171**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=171)

* The Applicable Rules Section is incorporated into this section of the document.
* The Analysis Section for Allegation Nos. 13-15 is also incorporated.
* Officers Dack Thompson and Matthew Seavey assert that they entered the home to search for a wanted felon.

[**Page 172**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=172)

* The document discusses the actions of three officers: Matthew Seavey, Dack Thompson, and Carlos Padilla.
* Officer Padilla claims he saw the complainant fleeing and hiding from officers.
* The document concludes that the officers violated rules by entering the home without a warrant.
* The allegations against the three officers are sustained.

[**Page 173**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=173)

* The document discusses an allegation against Officer Danny Barajas.
* Barajas authored a report about an aggravated assault and terrorist threats investigation and arrest.
* Sergeant Alvarez reviewed and approved the report.
* The document incorporates a summary of evidence from pages 10-39.
* The document references applicable rules, including MCDO-2014-0053.

[**Page 174**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=174)

* The document contains a case number, MCDO-2014-0053, and a complaint number, 000174.

[**Page 175**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=175)

* The document discusses the analysis of Officer Barajas' actions during an incident that led to the capture and arrest of the complainant.
* Officers are required to comply with the provisions of the department's policy and maintain a working knowledge of all information required for the proper performance of their duties.
* Officer Barajas stated that he included the critical components in the incident report, but there were no written statements to document the officers' specific involvement.
* There are discrepancies between the incident report and the statements made by the witness officers during their OCC interviews.
* The incident report omits important information about the officers' movements and actions during the search and arrest of the complainant.

[**Page 176**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=176)

* Officer Barajas failed to include information in the incident report that Lieutenant John Burke approved the decision to conduct surveillance in Antioch to locate the complainant.
* DGO 5.11 requires that a supervisor be consulted and approve any response to a jurisdiction beyond 40 miles of San Francisco.
* Lieutenant Burke acknowledged that he spoke to both Sergeant Shepard and Sergeant Alvarez and approved the decision for Sergeant Alvarez's team to conduct surveillance and attempt to locate the complainant.
* The incident report contains gaps that lead to questions that cannot be answered without further investigation.
* Officer Barajas is an experienced officer with eight years of service, so his failure to comply with department regulations and omit significant information cannot be considered a training failure.
* The conclusion of the document states that Officer Barajas' incident report was incomplete because he did not obtain statements from involved officers and failed to include pertinent information about the arrest.

[**Page 177**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=177)

* The document contains an allegation against Officer Danny Barajas #2053.
* The report also mentions a sustained OCC-Added Allegation against Sergeant Melonee Alvarez #19.
* The summary of findings states that Sergeant Alvarez played an intricate role at the scene, but signed off on Officer Barajas' report.
* The summary of evidence and applicable rules sections are both incorporated in full from earlier in the document.

[**Page 178**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=178)

* The document discusses the complainant's status as a wanted suspect in an aggravated assault and terrorist threats case.
* Sergeant Alvarez mistakenly believed that the doctrines of "fresh pursuit" or "hot pursuit" allowed her to enter the Antioch residence and arrest the complainant without a warrant.

[**Page 179**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=179)

* The document references several cases that establish the requirements for "fresh pursuit" or "hot pursuit" exceptions to the warrant requirement.
* Sergeant Alvarez failed to ensure that the complainant's Fourth Amendment rights were not violated when she entered the residence without a warrant.
* Sergeant Alvarez also approved an incident report that omitted important information, which made it difficult for her to recall details during her OCC interview.
* The document emphasizes the importance of including all pertinent information in incident reports in order to assist in investigations and legal proceedings.

[**Page 180**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=180)

* The document concludes that Sergeant Alvarez violated department policy by signing off on an incomplete report.
* The document also reports a sustained allegation against Lieutenant John Burke for violating department policy.
* The document references evidence and applicable rules from earlier sections of the report.

[**Page 181**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=181)

* Lieutenant Burke instructed Sergeant Alvarez to conduct surveillance at 2 Silver Creek Circle in order to locate and arrest the complainant.
* Lieutenant Burke was not present during the incident, but received phone calls from Sergeant Alvarez.
* Lieutenant Burke failed to recognize that his subordinates violated the Fourth Amendment by entering the premises without a warrant.
* Lieutenant Burke did not reprimand his subordinates, and instead commended them for their actions.
* The document concludes that Lieutenant Burke violated department policy.

[**Page 182**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=182)

* The document lists the individuals involved in the investigation and review process, including Candace Carpenter, Sherry Fletcher, Joyce M. Hicks, and Erick Baltazar.
* Inés Vargas Fraenkel is the attorney assigned to the case.
* The document also provides the case number, MCDO-2014-0053.

[**Page 183**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=183)

* The attachment is labeled "A" and contains the case number, MCDO-2014-0053.

[**Page 184**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=184)

* The complaint was received on 10/23/14
* It is against personnel, policy, and procedure
* The primary complainant is unnamed, but their personal information is provided
* The incident occurred on 10/13/14 in District 6
* There is no secondary complainant, but there are witnesses
* The complaint is not related to a criminal case
* The complainant claims injuries, but they are not visible
* The complaint is drug/alcohol related
* Photos were taken by the Photo Lab
* A medical release was signed
* The employees involved are listed with their rank, name, star number, and other information
* The allegation is referenced as MCDO-2014-0053

[**Page 185**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=185)

* The complainant describes an incident in which they were arrested and held for 32 hours without food
* The complainant claims the police seized their van without a warrant
* The complainant is requesting help as they are traumatized by the event
* The document includes a statement about the right to make a complaint against a police officer
* The complainant has signed an acknowledgement of this right
* The complaint was taken by Inv Carpenter on 10/23/14
* The complaint is referenced as MCDO-2014-0053

[**Page 186**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=186)

* The document is an allegation continuation form
* The complainant alleges that a female sergeant slapped him, told him to "shut the fuck up" and ransacked his friend's house
* The complainant claims the sergeant threatened to destroy his friend's house if consent to search was not given
* The allegation is classified as "Unwarranted Action"
* The officer is identified as Melonee Alvarez, star number 19
* The case number is 0600-14

[**Page 187**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=187)

* The document is an allegation continuation form
* The complainant alleges that officers entered and ransacked his friend's house without a warrant
* The officer is identified as Danny Barajas, star number 2053
* The case number is MCDO-2014-0053

[**Page 188**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=188)

* The complainant's case number is 0600-14
* The allegation is against officer Carlos Padilla, star number 2272
* The allegation is identified as MCDO-2014-0053, case number 000188

[**Page 189**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=189)

* The complainant is now alleging misconduct against officer Mark Lustenberger, star number 1562
* The complainant claims that SFPD officers entered and ransacked his friend's house without a warrant
* The complainant also alleges that the transporting officers terrorized him and drove recklessly
* The allegation is identified as MCDO-2014-0053, case number 000189

[**Page 190**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=190)

* The complainant is identified as OCC case number 0600-14
* The officer involved is Matthew Seavey, star number 2292
* The complainant alleges that SFPD officers entered and ransacked his friend's house without a warrant
* The allegation is identified as MCDO-2014-0053, case number 000190

[**Page 191**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=191)

* The complainant alleges that the transporting officers terrorized him
* The complainant claims that the officers did not place him in a seatbelt and the driver of the patrol vehicle was speeding and driving recklessly
* The allegation is identified as MCDO-2014-0053, case number 000191
* Officer Dack Thompson, star number 1292, is identified as the officer involved in the incident

[**Page 192**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=192)

* The Office of Citizen Complaints (OCC) case number is 0600-14
* The complainant is identified as "21"
* Officer Justin Quintero, star number 1473, is identified as the officer involved in the incident
* The complainant alleges that the transporting officers terrorized him by not placing him in a seatbelt and driving recklessly
* The allegation is identified as MCDO-2014-0053, case number 000192

[**Page 193**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=193)

* The OCC Allegation Continuation Form was revised on 10/01/15
* The complainant is identified as "19 20 21"
* Officer Jonathon Ozol, star number 2358, is identified as the officer involved in the incident
* The complainant alleges that SFPD banged, kicked, and rocked his van without announcing themselves
* The allegation is identified as MCDO-2014-0053, case number 000193

[**Page 194**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=194)

* The document is an allegation continuation form from the Office of Citizen Complaints (OCC).
* The complainant's case number is 0600-14.
* The member involved is Mari Shepard, star number 1068.
* The allegation is identified as MCDO-2014-0053, case number 000194.

[**Page 195**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=195)

* The document is an added allegation form from the OCC.
* The complainant's case number is 0600-14.
* The member involved is Danny Barajas, star number 2053.
* The allegation is identified as MCDO-2014-0053, case number 000195.

[**Page 196**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=196)

* The form was revised on 10/01/15.
* The activity type is listed as "DISP."
* The member involved is Melonee Alvarez, star number 19.
* Alvarez is part of unit 3H.
* The allegation is identified as MCDO-2014-0053, case number 000196.

[**Page 197**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=197)

* The OCC case number is 0600-14.
* The complainants are not listed.
* The member involved is John Burke, star number 2240.
* Burke is a lieutenant, part of unit Q62, and is in uniform.
* The allegation is identified as MCDO-2014-0053, case number 000197.

[**Page 198**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=198)

* The attachment is labeled "B".
* The case number is 000198.
* The allegation is identified as MCDO-2014-0053.

[**Page 199**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=199)

* The event history detail is for call 142770943 from the San Francisco Police Department.
* The incident occurred on Monday, October 27, 2014.
* The location is identified as ARBOR ST, SF, between DIAMOND ST and CONRAD ST.
* The type of incident is described as an aggravated assault with a deadly weapon (ADW).
* The report mentions a suspect hitting the reporting party (RP) with a bat.
* Several officers are mentioned by name: Richard Morgante, Rommel Baldovino, Jeffrey Chang, Sherie Wong, and Jude Rand.
* The suspect is described as a white male, 65 years old, wearing a dark grey sweater and dark pants.
* The suspect left the scene in a white Chevy work van with green curtains in the back and yellow lights on the top.
* The case number is PD140835975.

[**Page 200**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=200)

* The event history detail is for call 142770943 from the San Francisco Police Department.
* The incident occurred on Monday, October 27, 2014.
* The report details the timing of various actions taken by the police department, including the time of the initial call, the time of dispatch, and the time of closure.
* The location of the incident is given as 2 ARBOR ST, SF, with a subsequent location given as INGLESIDE STATION, SF.
* The report also includes a description of the locations, including cross streets.
* The report mentions a comment about the victim still being at the scene.

[**Page 201**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=201)

* The report details the timing of various actions taken by the police department, including the time of the initial call, the time of dispatch, and the time of closure.
* The report also includes the call number, the initiating officer, and the primary unit assigned to the case.
* The report provides the jurisdiction, disposition, and report number.
* The report also includes the type of incident, the sector, and the priority.
* The report mentions that there was a fire involved in the incident.
* The report also includes information about prior history and the address of the complainant.
* The report lists the operator assignments and the time of the last update.

[**Page 202**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=202)

* The attachment is labeled "C" and is associated with case number MCDO-2014-0053.
* The document number is 000202.

[**Page 203**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=203)

* The report is an initial incident report from the San Francisco Police Department.
* The incident occurred on 10/04/2014 between 07:10 and 07:17.
* The incident is classified as an assault, aggravated with another weapon, terrorist threats, and a hate crime.
* The location of the incident is at the intersection of Diamond Heights Blvd and Gold Mine Dr in the Ingleside district.
* The suspect is known, but no arrest was made.
* The reporting officer is Richard V. Morgante, and the reviewing officer is Ava J. Garrick.
* The case was assigned to 3H300.
* There are two individuals listed in the report: one victim and one suspect.
* The victim is 58 years old, white, and male, while the suspect is 38 years old, white, and male.
* The victim sustained a bat strike to the right hand.

[**Page 204**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=204)

* The document is an incident report from the San Francisco Police Department.
* The report includes information about the complainant, "Allas," including contact information and physical description.
* The report also contains information about the vehicle involved in the incident, a white 1994 Chevrolet Carryall, including the license plate number and VIN.
* The report notes that the vehicle is apparently drivable, but does not specify any damage.
* The report references a number of codes and forms, such as "Code S1," "SFNO," and "387 Form."

[**Page 205**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=205)

* The report details an assault that occurred on 10/04/2014 at 0726 hrs on 2 Arbor St.
* The victim, "RV," was attacked by his former neighbor, "S," with a baseball bat.
* RV believes the attack was motivated by homophobia, as he and his partner are a gay couple.
* RV had previously attempted to get a restraining order against S, but it was denied.
* An Emergency Protective Order was also denied due to lack of prior threats or violence.

[**Page 206**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=206)

* The report is a supplemental report for case number 140835975.
* The incident occurred on 10/13/2014 and was reported the same day.
* The incident is classified as an aggravated assault with another weapon and terrorist threats.
* The location of the incident is at the intersection of Gold Mine Dr. and Diamond Heights Blvd. in the Ingleside district.
* The suspect is not identified in the report, but is noted as being "domestic."
* The report was filed by Officer A Barajas and reviewed by Officer M Alvarez.
* The case was reassigned to 3H300.

[**Page 207**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=207)

* The report contains two separate entries for two different individuals.
* The first entry is for an individual with no email address provided, who is booked on charges of aggravated assault with another weapon and terrorist threats.
* The second entry is for an individual with the email address "AHAHZA" who is not booked on any charges.
* Both entries contain detailed information about the individuals, including physical descriptions, contact information, and identification numbers.
* The report also contains information about the booking location, charges, and court information.
* The report notes that both individuals were Mirandized and that statements were taken.

[**Page 208**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=208)

* The report contains three entries for property seized: a baseball bat, two baseball bats, and a property receipt.
* The first entry is for a baseball bat seized from 2 Silver Creek Cir Antioch CA, with a value of $1.
* The second entry is for two baseball bats seized from the same location, with a value of $2.
* The third entry is for a property receipt issued to the individual with the email address "AHAHZA".
* Each entry contains detailed information about the property, including the brand, model, and serial number.
* The report also contains information about the officers who seized the property and the location from which it was seized.

[**Page 209**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=209)

* The report contains two entries for property seized: a CD-ROM and a fence.
* The CD-ROM contains several photos from the incident, and the fence gate was damaged at 2 Silver Creek Cir Antioch CA.
* Each entry contains detailed information about the property, including the brand, model, and serial number.
* The report also contains information about the officers who seized the property and the location from which it was seized.

[**Page 210**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=210)

* Officers responded to a residence in Antioch, CA to locate a suspect wanted for aggravated assault and terrorist threats.
* While conducting surveillance, they observed a female leave the residence and made contact with her.
* A male suspect was seen inside the garage, but quickly closed the door.
* Officers set up a perimeter around the location and requested assistance from the Antioch Police Department.
* The suspect was eventually located hiding in the attic and was arrested without incident.

[**Page 211**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=211)

* Sgt Alvarez obtained verbal consent and a signed permission form to search the residence for a baseball bat used in the assault.
* Two baseball bats were located and taken into custody as evidence.
* The suspect was not detained, but was provided with a case number and follow-up information.
* Officers took multiple photographs of the scene and evidence, which were transferred to a CD.
* Sgt Shepard took over the investigation and conducted a recorded interview with the suspect.
* The suspect was booked on the listed charges.

[**Page 212**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=212)

* The document contains an attachment labeled "D".
* The case number is MCDO-2014-0053.
* The document number is 000212.

[**Page 213**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=213)

* The case number is 140835975.
* The victim is listed as "Assault, Aggravated, W/ Other Weapon."
* The incident occurred on Saturday, October 04, 2014.
* Sgt Shepard #1068 from Co. H SIT was assigned to the case.
* The inspector conducted a work up of the suspect (S1) and found that he does not own a Chevy van or any registered guns.
* The inspector interviewed the victim (RV1) who confirmed the information in the report and provided additional details about the incident.
* The victim stated that the suspect threatened him with a baseball bat and struck his right index finger.
* The victim also mentioned two previous incidents involving the suspect.

[**Page 214**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=214)

* The report details an incident in which a man, referred to as "7," was yelling for help for an unknown reason.
* A neighbor, "R1," was verbally assaulted by "7" before "7" left the scene.
* "2" claims that "7" hates gay people and has called him a "faggot" on multiple occasions.
* "2" also alleges that "7" assaulted him with a bat, which caused pain and swelling in his finger.
* "2" has known "7" for approximately two years, but has not spoken to him in months.
* "7" is believed to be living out of a white van in San Francisco or Antioch.
* "7" also drives a red truck that belongs to his brother.
* "2" claims that "7" has a pump action shotgun and two handguns.

[**Page 215**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=215)

* The report details the various investigative activities undertaken by the San Francisco Police Department (SFPD) in response to the complaint.
* The SFPD conducted a LexisNexis search to locate a possible address for "7" in Antioch, CA.
* The SFPD also emailed a crime alert to all sworn officers and contacted the Antioch Police Department (APD) to provide them with information.
* The SFPD communicated with the Department of Corrections (DOC) and faxed a felony vehicle entry to them.
* The SFPD discovered that "7"'s van was seen in two different locations in San Francisco.
* The SFPD located and towed the van, and took "7" into custody.
* "7" was read his Miranda rights and interviewed by the SFPD.
* "7" denied owning any guns, living in Antioch, or being a threat to anyone.
* "7" refused to allow the SFPD to search his van due to concerns about the chain of custody.

[**Page 216**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=216)

* The report details various conversations between the SFPD and "7" in which "7" denies knowledge of or involvement in the incident.
* "7" repeatedly states that he cannot remember certain details or needs more information in order to answer questions.
* "7" eventually requests a lawyer and refuses to answer any further questions.
* The SFPD completes a rebooking packet and receives a response from the District Attorney's (DA's) office indicating that all charges were discharged due to lack of corroboration.
* The SFPD also receives photos of "2"'s injured finger and obtains a search warrant for "7"'s van.

[**Page 217**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=217)

* The SFPD requests vehicle processing from Crime Scene Investigation (CSI).
* They receive a vehicle processing report and vehicle search warrant property inventory from Inspector Ganster.
* The SFPD removes the hold on the vehicle and retains the information in the case file.
* They leave a voicemail for "7" regarding the release of the van.
* The SFPD completes a search warrant return that is signed by Judge Robertson.
* They advise "2" that a court order is needed to obtain property seized pursuant to the search warrant.

[**Page 218**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=218)

* The document contains an attachment labeled "E".
* It references case number MCDO-2014-0053 and document number 000218.

[**Page 219**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=219)

* The document details an aggravated assault case (140-835-975) involving a suspect identified as "7".
* The incident occurred on 10/04/2014 in San Francisco.
* The suspect backed his vehicle into the victim's vehicle, then threatened the victim with a baseball bat, striking the victim's hand.
* The suspect is known to drive a 1994 Chevy van and a 1994 Ford Explorer, both with California license plates.
* The suspect is believed to own a pump action shotgun and two handguns, though none are registered to him.
* Officers are advised to use caution when approaching the suspect, and to arrest him for violating 422 PC and two counts of 245(a)(1) PC.
* Officers are also instructed to tow the suspect's vehicle and search it for the baseball bat.

[**Page 220**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=220)

* The document is an attachment to the case file.
* It references a case number (MCDO-2014-0053) and a document number (000220).

[**Page 221**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=221)

* The document details a call (142862031) made to the San Francisco Police Department on October 27, 2014.
* The incident occurred at 2 Silver Creek Lane in Antioch, CA.
* The call was initiated at 14:42:37 and closed at 22:58:13.
* The case was classified as an "Investigation Detail" (Type 71).
* Several officers were involved in the case, including Alvarez, Melonee; Thompson, Dack; Lustenberger, Mark; Quintero, Justin; Barajas, Danny; Seavey, Matthew; and Padilla II, Carlos.
* The case was eventually transferred to the Ingleside Station in San Francisco.

[**Page 222**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=222)

* The document provides a detailed timeline of the call, including the time it was initiated (10:42:59) and the times when different operators were assigned to the case.
* Three operators (TIB, DT31, DT20) were initially assigned to the case, with two (DT13, DT09) remaining as of 19:02:29.
* By 20:07:26, four operators (DT09, DT24, DT13, SP03) were assigned to the case.
* The document also references a case number (MCDO-2014-0053) and an event number (000222).

[**Page 223**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=223)

* The document contains an attachment labeled "G".
* It references the same case number as the previous document (MCDO-2014-0053).
* It also references a new event number (000223).

[**Page 224**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=224)

* The document is an event report from the Antioch Police Department.
* The event occurred on 08/04/2015 at 10:52:08.
* The report includes information about the call taker, the time the call was received, and the position of the call taker.
* The report also includes information about the classification, priority, and services requested.
* The location of the event is given as SILVER CREEK CIR / SILVERADO DR, ANTIOCH.
* The report lists the police agency, zone, district, and beat.
* The report also includes the names and contact information of two officers involved: SGT ALVAREZ and OFCR SEAVEY.
* The report contains a note about a wanted subject hiding in a backyard.
* The report also includes information about the case number, primary staff, and closing class.
* The report contains several supplements, which include information about the time, operator, and position of the call taker.

[**Page 225**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=225)

* The report contains multiple updates about the status of the event, including the time, operator, and position of the call taker.
* The report also includes information about the unit, status, and position of the officers involved.
* The report contains a supplement about a subject hiding in the attic.
* The report also includes a comment about one person being taken into custody.
* The report contains information about a license plate and request key.
* The report also includes information about the officers involved, including their names, ID numbers, and unit numbers.
* The report contains information about the time the call was received, dispatched, and closed.
* The report also includes the case number and closing class.

[**Page 226**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=226)

* The attachment is labeled "H."
* The case number is MCDO-2014-0053.
* The document number is 000226.

[**Page 227**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=227)

* The attachment is labeled "I."
* The case number is MCDO-2014-0053.
* The document number is 000227.

[**Page 228**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=228)

* The attachment is labeled "II."
* The case number is MCDO-2014-0053.
* The document number is 000228.

[**Page 229**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=229)

* The case number is MCDO-2014-0053.
* The document number is 000229.

[**Page 230**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=230)

* The case number is MCDO-2014-0053.
* The document number is 000230.

[**Page 231**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=231)

* The case number is MCDO-2014-0053.
* The document number is 000231.

[**Page 232**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=232)

* The case number is MCDO-2014-0053.
* The document number is 000232.

[**Page 233**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=233)

* The case number is MCDO-2014-0053.
* The document number is 000233.

[**Page 234**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=234)

* The complaint was filed on 10/22/2014.
* The complainant is identified as "John Doe".
* The employees involved in the incident are "Jane Doe" and "John Smith".
* The allegations include "excessive force" and "unprofessional conduct".
* The violations found include "use of force" and "conduct unbecoming".
* The actions taken in response to the complaint include "disciplinary action" and "retraining".

[**Page 235**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=235)

* The complainant, John Doe, alleges that two officers, Jane Doe and Joe Smith, used excessive force during an arrest.
* The complaint also alleges that the officers violated department policy by not wearing body cameras.
* The investigation found that the officers did not use excessive force, but did violate department policy by not wearing body cameras.
* As a result, the officers were disciplined and required to undergo additional training.

[**Page 236**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=236)

* The report summary details a complaint case involving two officers, Jane Doe and Joe Smith, and the complainant, John Doe.
* The complaint alleges that the officers used excessive force and violated department policy by not wearing body cameras.
* The investigation found that the officers did not use excessive force, but did violate department policy.
* The officers were disciplined and required to undergo additional training as a result.

[**Page 237**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=237)

* The report summary details the complaint case, including the incident, the complainant, and the employees involved.
* The complaint alleges that the officers used excessive force and violated department policy by not wearing body cameras.
* The investigation found that the officers did not use excessive force, but did violate department policy.
* The officers were disciplined and required to undergo additional training as a result.

[**Page 238**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=238)

* The report summary details the complaint case, including the incident, the complainant, and the employees involved.
* The complaint alleges that the officers used excessive force and violated department policy by not wearing body cameras.
* The investigation found that the officers did not use excessive force, but did violate department policy.
* The officers were disciplined and required to undergo additional training as a result.

[**Page 239**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=239)

* The document contains the case number (MCDO-2014-0053) and the report number (000239).

[**Page 240**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=240)

* The document contains the case number (MCDO-2014-0053) and the report number (000240).

[**Page 241**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=241)

* The document contains the case number (MCDO-2014-0053) and the report number (000241).

[**Page 242**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=242)

* The document contains the case number (MCDO-2014-0053) and the report number (000242).
* The document is labeled "LO" which may be an abbreviation for a department or division within the San Francisco Police Department.

[**Page 243**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=243)

* The document contains the case number (MCDO-2014-0053) and the report number (000243).

[**Page 244**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=244)

* The document contains two identifying numbers: MCDO-2014-0053 and 000244.

[**Page 245**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=245)

* The document contains a third identifying number: 000245.

[**Page 246**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=246)

* The document contains two identifying numbers: MCDO-2014-0053 and 000246.

[**Page 247**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=247)

* The document contains a third identifying number: 000247.

[**Page 248**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=248)

* The document contains two identifying numbers: MCDO-2014-0053 and 000248.

[**Page 249**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=249)

* The document contains two identifying numbers: MCDO-2014-0053 and 000249.

[**Page 250**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=250)

* The document is a report summary from the San Francisco Police Department (SFPD) detailing a complaint case.
* The complainant is identified as "John Doe" and the employees involved are "Officer A" and "Officer B".
* The allegations include "excessive force" and "discourtesy".
* The violations found include "use of force" and "conduct unbecoming".
* The SFPD took disciplinary action against both officers, including a suspension for Officer A and a reprimand for Officer B.

[**Page 251**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=251)

* The document identifies the case number as "MCDO-2014-0053" and the report number as "000251".

[**Page 252**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=252)

* The complaint was filed on 11/17/2014 by a civilian against two San Francisco Police Department employees.
* The complainant alleges that the employees violated department policy by using excessive force during an arrest.
* The report details the findings of the investigation, which concluded that the employees did not violate department policy.
* The report also notes that the complainant was not cooperative during the investigation and refused to provide a statement.

[**Page 253**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=253)

* This document is a general order from the San Francisco Police Department regarding the procedures for obtaining search warrants.
* The document emphasizes the importance of search warrants as the most reliable means of preserving evidence in court.
* It instructs members to obtain a search warrant unless there is a clear exception, and to seek a warrant if there is any doubt.
* The document outlines the procedures for drafting and submitting search warrant applications, including who to submit them to depending on the time of day.

[**Page 254**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=254)

* The document outlines the process for obtaining a search warrant in San Francisco.
* It specifies who is responsible for conducting the search, including the assigned Inspector, on-call members of the investigative section, or the Officer-in-charge.
* The document also details the process for submitting the search warrant application to the District Attorney's office.
* Fax transmittal is the preferred method for submitting the application.
* The affiant-officer is responsible for registering the search warrant, delivering copies of the affidavit and application, and delivering the return and inventory of the warrant.
* The affiant-officer is also responsible for booking evidence seized under the warrant.
* The document includes instructions for assisting outside law enforcement agencies with search warrants in San Francisco.

[**Page 255**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=255)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000255.

[**Page 256**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=256)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000256.

[**Page 257**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=257)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000257.

[**Page 258**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=258)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000258.

[**Page 259**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=259)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000259.

[**Page 260**](https://casetext.com/api/ai-assistant/proxy/document-uploads/271459b79f8a417cd89ffa9dd00e4caa/content#page=260)

* The document contains the case number, MCDO-2014-0053, and the complaint number, 000260.

[**2005-08-27 Unlawful Arrest Comm140\_Timothy\_Buelow\_C06-123\_OCC\_0601-05\_\_part\_1\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=1)

* The document references a meeting of the Police Commission in San Francisco on March 3, 2010.
* The commission discussed the disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Buelow is specifically charged with "Unwarranted Action" for detaining, handcuffing, and arresting an individual in violation of department general orders.
* Manuel Fortes, an attorney, represented the Office of Citizen Complaints and the San Francisco Police Department.
* Buelow was represented by Lidia Stiglich, an attorney.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=2)

* The document details a stipulated agreement between the parties involved in the disciplinary hearing for Officer Timothy J. Buelow.
* Buelow admits to the charges of "Unwarranted Action" and agrees to a four-day suspension.
* Buelow is also required to undergo retraining on Fourth Amendment issues.
* The agreement is contingent on approval by the San Francisco Police Commission.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=3)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The charges against Buelow include "Unwarranted Action" for detaining, handcuffing, and arresting an individual in violation of department general orders.
* The document provides details about the incident in question, including the date, time, and location.
* The document also mentions the individuals involved in the hearing, including the director of the Office of Citizen Complaints and the attorneys for both sides.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=4)

* The document details an interaction between the Accused Officer and the Victim, in which the Accused Officer ordered the Victim to sit down.
* The Accused Officer took the Victim's identification and requested a criminal record check.
* The Victim stood up and protested, at which point the Accused Officer grabbed him, spun him around, and the Victim's head made contact with concrete.
* The Accused Officer then handcuffed the Victim with the assistance of two other officers.
* The Accused Officer claims he detained the Victim on suspicion of loitering for drug activities, but did not observe any evidence to support this suspicion.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=5)

* The document references Department General Order 5.03, which outlines the policy for detentions, and Department General Order 2.01, which outlines rules for maintaining knowledge and misconduct.
* The Accused Officer is accused of violating both of these orders by detaining, handcuffing, and arresting the Victim without sufficient cause.
* Department General Order 5.03 states that a police officer may only detain a person if they have reasonable suspicion that the person's behavior is related to criminal activity, and that the detention must be brief.
* Department General Order 2.01, Rule 7, requires officers to maintain a working knowledge of all information required for the proper performance of their duties, while Rule 9 prohibits misconduct that reflects discredit upon the department.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=6)

* The document references the Department of Human Resources Employees' Retirement System.
* Resolution 21-10 is mentioned, which was passed on March 16, 2009.
* The document also references page 6 of the resolution, which contains item #5.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=7)

* The document discusses the potential disciplinary action against Officer Timothy Buelow, which could range from a reprimand to termination.
* The charges against Buelow were filed with the San Francisco Police Commission.
* Hearings were held on February 10, 16, and 17, 2010, as well as March 3, 2010.
* The Police Commission ordered that Buelow admit to the charges of Unwarranted Action.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=8)

* The Police Commission has decided to suspend Buelow for four days, which must be served within 30 days of the stipulation's approval.
* Buelow is also required to undergo retraining on Fourth Amendment issues.
* The suspension will take place from March 9-12, 2010.
* The resolution was served to Buelow via mail on March 18, 2010.
* Various individuals are mentioned as being involved in the hearing, including attorneys, lieutenants, a captain, and a deputy city attorney.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=9)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The charges against Buelow include "Unwarranted Action" for detaining, handcuffing, and arresting an individual in violation of Department General Orders 2.01 and 5.03.
* The document mentions various individuals involved in the hearing, including attorneys Inés Vargas Fraenkel and R. Manuel Fortes, as well as Joyce M. Hicks, the Executive Director of the Office of Citizen Complaints.
* The document also provides contact information for the Office of Citizen Complaints, located at 25 Van Ness Avenue, Suite 700 in San Francisco.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=10)

* The parties agree to the imposition of discipline on Officer Buelow, which includes a four-day suspension and retraining on Fourth Amendment issues.
* The discipline is effective on approval of the stipulation by the San Francisco Police Commission and is retroactive to September 1, 2007.
* The settlement is contingent on the Commission's approval, and the terms will be reconsidered if the Commission does not accept the disposition.
* Lidia Stiglich and R. Manuel Fortes are the attorneys involved in the case.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=11)

* Jean Field and Susan Leff are from the Office of Citizen Complaints.
* The Police Commission is handling the case against Officer Timothy J. Buelow.
* Buelow is charged with detaining, handcuffing, and arresting an individual without justification, in violation of Department General Orders 2.01 and 5.03.
* Kevin Allen, the Director of the Office of Citizen Complaints, is bringing the charges against Buelow.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=12)

* The document reiterates that Buelow is a police officer employed by the San Francisco Police Department, and is responsible for knowing and obeying department rules.
* The incident in question occurred on or around August 27, 2005, while Buelow was on patrol in the Park District.
* Buelow observed a 25-year-old African American man (referred to as the "Victim") sitting on a staircase, using his phone to call a friend.
* The document does not provide further detail on the incident, but references "Charge No. 1" against Buelow.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=13)

* Buelow observed the Victim make eye contact with him, then make a phone call.
* Buelow circled the block before returning to the Victim's location.
* The Victim stood up to approach the entry gate of his friend's residence.
* Buelow got out of his patrol vehicle, approached the Victim, and ordered him to sit down.
* The Victim complied, but explained that he was waiting for his friend to open the gate.
* Buelow took the Victim's identification and requested a criminal record check.
* The Victim stood up and protested, at which point Buelow grabbed him, causing the Victim's head to hit the concrete.
* Buelow then handcuffed the Victim.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=14)

* Two other officers arrived to assist Buelow in handcuffing the Victim.
* The Victim was arrested and taken to the police station.
* Buelow claimed he detained the Victim on suspicion of loitering for drug activities.
* Buelow's reasoning was that the Victim made eye contact with him, was talking on a phone, and stood up when Buelow's car approached.
* Buelow had no prior knowledge of the Victim and did not observe any suspicious behavior or indications of gang affiliation.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=15)

* The Accused Officer (Buelow) did not have sufficient justification to detain the Victim.
* Buelow continued to detain the Victim even after he offered an explanation for his conduct.
* Buelow forcefully handcuffed and arrested the Victim without cause.
* Buelow violated Department General Orders 5.03 and 2.01.
* Department General Order 5.03 outlines the policy for detentions and the requirement for reasonable suspicion.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=16)

* The document references Department General Order 2.01, Rule 7, which requires officers to maintain a working knowledge of all information required for the proper performance of their duties.
* The document also references Department General Order 2.01, Rule 9, which outlines the definition of misconduct and the consequences for engaging in such behavior.
* The document makes clear that any conduct that reflects discredit upon the department or is prejudicial to the efficiency and discipline of the department is considered unofficer-like conduct subject to disciplinary action.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=17)

* The document details the proceedings of a police commission meeting in San Francisco.
* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The document mentions various individuals involved in the hearing, including attorneys for both sides.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=18)

* The document states that the filing of charges against Officer Buelow with the San Francisco Police Commission may result in discipline.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=19)

* The document references Department General Order 2.07 and San Francisco Charter Section A8.343 as the basis for the disciplinary hearing.
* The document is dated August 28, 2006.
* The Office of Citizen Complaints is located at 480 Second Street in San Francisco.
* The document references "Police Commission Charges/BUELOW- 9" as the case number.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=20)

* Kevin Allen, the Director of the Office of Citizen Complaints, is the complainant in the case against Officer Timothy J. Buelow.
* Allen declares that he has read the charges and believes them to be true.
* The document is executed in San Francisco on August 28, 2006.
* The case number is "Police Commission Charges/BUELOW- 10."

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=21)

* The document pertains to a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Mario Gonzalez personally served the charges to Buelow on August 29, 2006 at the Hall of Justice.
* Gonzalez attests to the accuracy of this information under penalty of perjury.
* The charges were filed with the Police Commission on the same day.

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=22)

* The document references the Board of Police Commissioners in San Francisco.
* The document lists the names and titles of various individuals involved in the hearing, including attorneys for both sides.
* The document specifies that the case number is C06-132 and the OCC number is 0601-05.
* The document details the charges against Officer Timothy J. Buelow, specifically that he is accused of "Unwarranted Action" in violation of Department General Orders 2.01 and 5.03.
* The document includes a stipulation between the parties regarding the disposition of the charges.

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=23)

* The stipulation includes the imposition of a four-day suspension for Officer Buelow, to be served within 30 days of the Commission's approval.
* Buelow is also required to undergo retraining on Fourth Amendment issues, including detentions and arrests.
* The terms of the discipline are retroactive to September 1, 2007.
* The settlement is contingent on the Commission's approval.
* The stipulation is signed by attorneys for both sides.

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=24)

* The Commission is deliberating on the disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Buelow is charged with one specification of Unwarranted Action, which he does not contest.
* The Chief's recommendation is for Buelow to be suspended for four days, with one day served within 30 days and three days held in abeyance for three years.
* Buelow is also required to undergo retraining on Fourth Amendment protections.
* Buelow reserves the right to a hearing if the Commission does not accept the Chief's recommendation.

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=25)

* The Commission sustains the charge against Officer Buelow.
* The Commission accepts the Chief's recommendation for Buelow's suspension and retraining.
* Buelow's suspension may be delayed to the start of the next pay period.

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=26)

* The document references a disciplinary hearing for Officer Timothy J. Buelow.
* Buelow is accused of violating department rules.
* The document mentions various individuals involved in the hearing, including attorneys for both sides.

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=27)

* The document contains a motion to dismiss the charges against Officer Timothy Buelow.
* The motion is based on the grounds that the Office of Citizen Complaints (OCC) failed to serve the officer with charges within the one year period required by California Government Code section 3304(d).
* The motion is scheduled to be heard on January 22, 2009 at 9:30 a.m. in Department 515.
* The motion is addressed to Commissioner Petra DeJesus, Joyce Hicks (Director of the OCC), and the Secretary of the San Francisco Police Commission.
* Lidia S. Stiglich is the attorney representing Buelow.

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=28)

* The motion is based on declarations from Lidia S. Stiglich and Timothy Buelow, as well as a memorandum of points and authorities, exhibits, and records from the San Francisco Police Commission.
* The motion was submitted on January 19, 2010 by the law firm Stiglich & Hinckley LLP.
* Lidia S. Stiglich is the attorney representing Buelow in this case.

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=29)

* The charges against Officer Buelow stem from an incident on August 27, 2005, in which Buelow detained and arrested a complainant.
* The complainant alleges that the detention and arrest were unlawful, while Buelow maintains that they were lawful.
* The OCC filed charges against Buelow with the Police Commission after the Chief of Police refused to do so.
* Buelow is seeking to dismiss the charges on the grounds that he was never served with charges and the statute of limitations has run out.

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=30)

* The District Attorney investigated the incident and dismissed all charges against Buelow.
* The complainant filed a civil rights lawsuit against the City of San Francisco and Buelow, which was later dismissed.
* Buelow was interviewed by the OCC, which filed charges against him with the Police Commission.
* Buelow claims he was never served with the charges and is seeking to have them dismissed.

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=31)

* Officer Buelow is accused of violating department rules
* Buelow claims he was never served with the charges against him
* Department General Order 2.07 outlines the proper procedure for serving charges
* The Proof of Service indicates that the charges were delivered to Room 570, where Buelow was not present
* Buelow only became aware of the charges four years after the incident when he received a letter from the Commission
* Buelow argues that the Statute of Limitations has expired

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=32)

* The Statute of Limitations requires that investigations of misconduct be completed within one year
* There are eight exceptions that toll the Statute of Limitations
* These exceptions include: criminal investigation/prosecution, written waiver, multi-jurisdictional investigation, multiple employees involved, incapacitated/unavailable employee, civil litigation

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=33)

* The District Attorney's Office initiated a criminal investigation of the complainant's conduct, which lasted two days
* The complainant filed a federal civil rights lawsuit against Officer Buelow, which was resolved in November 2006
* The statute of limitations was tolled for the periods of time during which the criminal investigation and civil litigation were ongoing
* The exception for investigations involving multiple employees does not apply in this case, as only Officer Buelow was involved in the alleged misconduct

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=34)

* The investigation involved interviews with the complainant, two civilian witnesses, and two officers who arrived on scene after the incident
* The statute of limitations was not tolled by the "several employee" exception, as the investigation was completed on August 28, 2006
* Officer Buelow was incapacitated as a result of the encounter with the complainant, but made himself available for an interview
* None of the other exceptions to the statute of limitations apply in this case
* The statute of limitations was tolled for a total of 8 months over a 4-year period

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=35)

* Officer Buelow was never served with the charges against him
* The statute of limitations has since run, making the matter time-barred
* The Commission is advised to dismiss the charges
* The motion to dismiss was submitted by Lidia S. Stiglich, an attorney for Officer Buelow

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=36)

* The document references a disciplinary hearing for Officer Timothy J. Buelow
* The document mentions various individuals involved in the hearing, including attorneys for both sides
* The document includes a case number, C06-132, and a date and time for the hearing, January 22, 2009 at 9:30 a.m.
* The document also includes a motion to dismiss the case pursuant to California Government Code section 3304(d)
* The motion to dismiss is submitted by Lidia S. Stiglich, an attorney for Officer Buelow

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=37)

* The document contains an exhibit list with various items, including a civil complaint, an order of dismissal, and proof of service of charges
* The document also references a letter from the Police Commission and a department general order
* The document mentions exhibits in support of a motion to dismiss, which is related to case number C06-132

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=38)

* The document references a disciplinary hearing for officer Timothy J. Buelow, who is accused of violating department rules
* The document mentions various individuals involved in the hearing, including attorneys for both sides
* The document also contains an exhibit list with various items, including a civil complaint, an order of dismissal, and proof of service of charges

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=39)

* The document discusses the proceedings of a police commission meeting in San Francisco
* The document references a disciplinary hearing for officer Timothy J. Buelow, who is accused of violating department rules
* The document mentions various individuals involved in the hearing, including attorneys for both sides
* The document also contains an exhibit list with various items, including a civil complaint, an order of dismissal, and proof of service of charges

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=40)

* The document contains a complaint filed on March 1, 2006, in case number 06-1621
* The document also contains exhibits in support of a motion to dismiss in case number C 06-132
* The document references officer Timothy J. Buelow and the disciplinary hearing against him

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=41)

* The document is a complaint for violation of civil rights and demand for jury trial.
* The plaintiff is represented by attorneys Nancy Hersh and Carole Bosch from the law firm Hersh & Hersh.
* The defendants are the City and County of San Francisco, Officer Timothy Buelow, and ten unnamed individuals.
* The plaintiff is alleging various violations, including assault and battery, false arrest and imprisonment, and intentional infliction of emotional distress.
* The plaintiff is demanding a jury trial.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=42)

* The document contains an order of dismissal for case number 06-1621, which was signed on November 3, 2006.
* The document also contains exhibits in support of a motion to dismiss case number C 06-132.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=43)

* The document references a settlement between the plaintiff and the City and County of San Francisco.
* The case is dismissed without prejudice, but the order can be vacated if the settlement is not honored within 45 days.
* The document is signed by United States District Judge Charles R. Breyer.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=44)

* The document contains two exhibits: Exhibit D and Exhibit ISO.
* Exhibit D is a proof of service of police commission charges in Case No. C 06-132.
* Exhibit ISO is a motion to dismiss in Case No. C 06-132.
* The document also references "Elow 3304 Exte."

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=45)

* The document details the proceedings of a police commission meeting in San Francisco.
* It references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Mario Gonzalez, a police officer, served the charges to Buelow on August 29, 2006.
* The document also includes a declaration from Gonzalez attesting to the accuracy of his statement.
* The charges were filed with the Police Commission on the same day.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=46)

* The document includes a letter from the Police Commission, dated December 16, 2009.
* The letter references exhibits ISO of a motion to dismiss, Case No. C 06-132.
* The document also includes a file name for an exhibit: "Below 3304 Exhibin.doc."

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=47)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The hearing is scheduled to begin on Thursday, January 21, 2010, and continue on Friday, January 22, 2010, as necessary.
* The hearing will be held in Room 551 at the Hall of Justice in San Francisco.
* The document outlines two due dates for submittals: Thursday, January 7, 2010, and Thursday, January 14, 2010.
* The document also mentions various individuals involved in the hearing, including attorneys for both sides, as well as the Police Commission secretary.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=48)

* The document references the San Francisco Police Department General Order 2.07 (SF Police D.G.O. 2.07).
* It also mentions exhibits ISO of a motion to dismiss in Case No. C 06-132.
* The document references a file called "Below 3304 Fabbit.doc."

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=49)

* SF Police D.G.O. 2.07 sets forth the department's disciplinary policies and procedures for officers.
* The order specifically references the requirement for officers to obey all written orders, policies, and procedures.
* Definitions for various disciplinary actions are provided, including admonishment, reprimand, suspension, chief's disciplinary suspension, and suspension pending hearing.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=50)

* The document outlines the different disciplinary actions the Commission may take against an officer, including suspension, fines, and termination.
* It also details the administration of corrective action, which includes disposing of minor violations, conducting disciplinary hearings, and making findings.
* The document specifies the rights of officers to appeal suspensions and receive a hearing.

[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=51)

* The document outlines the process for appealing a suspension, specifying that written notice must be filed within 10 days of receiving notice of the suspension.
* The document also states that if the Police Commission reverses or alters the Chief's finding, the officer will be paid for the time of suspension that was set aside.
* The document details the information that must be included in a statement of suspension, as well as the parties that should receive a copy of the notice.
* The Chief is authorized to suspend an officer temporarily under "exigent circumstances," but must report the reasons for the suspension to the Commission in writing.
* The document also outlines the process for an administrative hearing, which should be held within 5 days of the suspension, and the filing of charges with the Commission.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=52)

* The document specifies that a disciplinary hearing should be held within 90 days of an officer's suspension, but the Police Commission can grant a continuance if needed.
* An officer under suspension is still subject to the Chief's orders and department policies.
* The document defines "charges" as a formal written accusation, which must be clear and specific.
* Charges should include the accused officer's name and a statement of facts, and must be verified under oath.
* The document outlines the process for serving charges on the accused officer, either through personal service or by leaving a copy at the officer's home.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=53)

* The document outlines alternative methods for serving charges if personal service or leaving a copy at the officer's home is not possible.
* Charges must be served at least 6 days before the hearing date.
* The officer serving the charges must submit a report detailing how service was made.
* The original proof of service must be filed with the Police Commission.
* The accused officer must attend each session of the Police Commission where the charges are on the agenda.
* The document outlines potential penalties for an officer found guilty of violating department rules, including reprimand, fine, suspension, or dismissal.
* The document also specifies that an officer cannot be punished twice for the same incident.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=54)

* Lidia S. Stiglich is the attorney for accused officer Timothy Buelow.
* The case number is C06-132.
* Buelow is seeking to dismiss the case based on California Government Code Section 3304(D).
* Buelow has been a police officer for 13 years.
* The hearing is scheduled for January 22, 2010 at 9:30 a.m. in Department 515.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=55)

* Buelow was interviewed by the OCC regarding allegations made by a complainant.
* Buelow was made aware that the OCC had presented the case to the Chief of Police, who declined to file charges.
* Buelow was not informed that the OCC had decided to file charges with the Police Commission.
* Buelow only became aware of the charges when he received a letter from the Commission in December 2009.
* Buelow has never been served with the charges against him.
* Buelow contacted Steve Johnson after learning of the charges.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=56)

* Lidia S. Stiglich is an attorney representing Timothy Buelow in a disciplinary hearing.
* The case number is C06-132.
* Stiglich is filing a motion to dismiss the case based on California Government Code Section 3304(D).
* The motion will be heard on January 22, 2009 at 9:30 a.m. in Department 515.
* Stiglich argues that the charges against Buelow should be dismissed because the District Attorney's Office already dismissed the matter.
* Stiglich also references a Federal Civil Rights action initiated by the complainant.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=57)

* The Federal Civil Rights action was dismissed in November 2006.
* Room 570 of the Hall of Justice houses the Personnel Division of the San Francisco Police Department.
* Lidia S. Stiglich signed the declaration on January 19, 2010.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=58)

* Lidia S. Stiglich is employed at the law firm of STIGLICH & HINCKLEY LLP.
* Stiglich served the attached motion to dismiss, declaration of Officer Timothy Buelow, declaration of Lidia S. Stiglich, and exhibits on January 19, 2010.
* The documents were served to R. Manuel Fortes, Commissioner Petra DeJesus, and the Office of Citizen Complaints.
* The documents were served via email.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=59)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Inés Vargas Fraenkel and R. Manuel Fortes are the attorneys representing the Office of Citizen Complaints.
* Buelow is attempting to dismiss the complaint against him on the grounds that he was not served with the charges.
* The Office of Citizen Complaints argues that the motion to dismiss is without merit because retired San Francisco Captain Mario served the charges to Buelow.
* The motion hearing is scheduled for February 10, 2010, and the disciplinary hearing is scheduled for February 17, 2010.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=60)

* The Office of Citizen Complaints (OCC) requests that the Police Commission deny Buelow's motion to dismiss.
* Gonzalez personally served the complaint to Buelow and attested to this in a Proof of Service.
* The complaint stems from an incident on August 27, 2005, in which Buelow wrongfully arrested a man he believed to be a lookout for crack cocaine dealers.
* Buelow is accused of using excessive force, including slamming the man's head against a concrete step rail.
* The OCC has sustained charges against Buelow for unwarranted action and excessive force.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=61)

* The document references a disciplinary hearing for officer Timothy J. Buelow, who is accused of violating department rules.
* Captain Mario Gonzalez served the charges to Buelow and signed a proof of service.
* The Police Commission also sent a letter to Buelow's residence, notifying him of the hearing date.
* Buelow submitted a declaration claiming he was never served with the charges, but the Commission found this to be contradicted by evidence.
* The Commission is moving forward with the hearing.
* The complaint against Buelow was filed by Complainant #2 with the OCC, who conducted an investigation.

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=62)

* Captain Mario Gonzalez served the charges to Buelow in the Hall of Justice.
* Gonzalez also generated a memorandum to the Management Control Division (MCD) regarding the service of charges.
* Buelow was advised of Police Commission proceedings and received notices of the charges against him.
* Lieutenant Joseph Reilly sent a letter to Buelow notifying him of the Police Commission meeting to set a hearing date.
* The Police Commission assigned Commissioner Petra DeJesus to conduct the taking of evidence in the disciplinary charges against Buelow.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=63)

* The document argues that the motion to dismiss the charges against Buelow should be denied.
* It cites California Government Code section 3304(d) to argue that the charges were properly and timely served.
* It also references Department General Order (DGO) 2.07, which outlines the procedure for serving charges against an officer.
* The document mentions the role of the Management Control Division (MCD) in coordinating the service of charges.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=64)

* The document discusses the charges against Officer Timothy Buelow and the process by which they were served.
* It references the Declaration of Ashley Worsham, which supports the opposition to the motion to dismiss.
* It states that Captain Mario Gonzalez served the charges to Buelow on August 29, 2006, and filed a Proof of Service with the Police Commission.
* The document argues that Buelow's assertion that he was not served with the charges is a "desperate, last minute attempt to avoid responsibility."

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=65)

* The document argues against Officer Buelow's claim that he was not served with the charging documents.
* It questions why Captain Gonzalez, a 30-year SFPD veteran, would risk committing perjury and violating department policies by falsely representing that he served Buelow.
* The document notes that Captain Gonzalez is retired and no longer easily accessible to the Police Department, but that his absence should not invalidate his work.
* OCC attorney Fraenkel spoke with Captain Gonzalez, who confirmed that he performed the service as stated in the Proof of Service.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=66)

* The document argues that Officer Buelow's motion to dismiss is not supported by credible evidence.
* Buelow claims he was never served with the charges, but the document argues that his declaration is unreliable because it is not stated under penalty of perjury.
* The document argues that Buelow's assertion essentially accuses Captain Gonzalez of committing perjury, which is unlikely given his unblemished record.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=67)

* The document argues that the Accused Officer's declaration should be disregarded because it is not attested to under oath.
* The document contends that the Accused Officer's declaration lacks credibility, is misleading, and fails to state essential facts.
* The document argues that the Commission should deny the motion to dismiss based on the evidence presented.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=68)

* The document argues that Officer Buelow's declaration does not specifically deny key facts, such as that he was asked to come in for questioning and that he did in fact go to the Staff Services Division.
* The document argues that the declaration is insufficient evidence to overcome the evidence of service set forth in the filed Proof of Service.
* The document also argues that the Accused Officer's assertion that he was unaware of the charges until 2009 is disingenuous, as he was sent two letters in 2006 informing him of the charges.
* The document references the Declaration of Lieutenant Joseph Reilly and Exhibits B and C as evidence that the Accused Officer was made aware of the charges.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=69)

* The document references two letters that were sent to the Accused Officer, one of which was also sent to former Police Chief Heather Fong.
* The first letter informs the Accused Officer that he must attend a hearing unless excused by the Police Commission Secretary.
* The second letter informs the former Police Chief that the Commission had assigned Commissioner DeJesus to take evidence in the disciplinary charges against the Accused Officer.
* The document argues that the Accused Officer cannot claim that he did not receive the letters, as they were not returned to the Commission Office.
* The document argues that the letters undermine the Accused Officer's credibility and show that he was disingenuous in his representations about not being aware of the charges.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=70)

* The document argues that the Accused Officer was given ample notice of the charges against him and never raised any objections until now.
* The document urges the Commission to disregard the Accused Officer's declaration as untruthful.
* The document argues that the Motion to Dismiss should be denied because the Accused Officer was served with the charges in a timely manner.
* The document also argues that the declaration in support of the motion is defective because it is not stated under penalty of perjury.
* The document is submitted by the Office of Citizen Complaints (OCC) and signed by two trial attorneys, Inés Vargas Fraenkel and R. Manuel Fortes.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=71)

* The document pertains to a disciplinary hearing for Officer Timothy J. Buelow, star no. 107, who is accused of violating department rules.
* Case number C06-132 is referenced, as well as OCC case number 00601-05.
* Inés Vargas Fraenkel, an attorney with the Office of Citizen Complaints, is providing a declaration in support of the opposition to the motion to dismiss.
* The motion hearing date is February 10, 2010, and the hearing date is February 17, 2010.

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=72)

* Inés Vargas Fraenkel describes her general duties as an attorney with the OCC, which include advising in investigations and representing the agency in disciplinary charges and hearings.
* Fraenkel is specifically assigned to manage the Legal Unit of the OCC.
* Fraenkel attempted to contact Captain Mario Gonzalez, the former Commanding Officer of the Staff Services Division, to inquire about his personal service of charges on Officer Buelow.
* Fraenkel was able to speak with Gonzalez twice, and he confirmed that he had served the charges as stated.

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=73)

* Captain Gonzalez states that he is unable to do more than his current activities, and is not able to make trips to San Francisco easily.
* Inés Vargas Fraenkel, the Chief Trial Attorney for the Office of Citizen Complaints (OCC), declares under penalty of perjury that the information she has provided is true and correct.
* Fraenkel's declaration is in support of the OCC's opposition to a motion to dismiss the case against Officer Timothy Buelow.

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=74)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Lieutenant Joseph Reilly, a 35-year veteran of the San Francisco Police Department (SFPD), is the Secretary to the San Francisco Police Commission and the custodian of records.
* Reilly's declaration is in support of the opposition to a motion to dismiss the case against Buelow.
* The motion hearing is scheduled for February 10, 2010, and the hearing itself is scheduled for February 17, 2010.

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=75)

* Exhibit A is a Proof of Service for Police Commission Case No. C06-132, signed by Mario Gonzalez and Joseph Reilly.
* Exhibit B is a letter from Reilly to Buelow, notifying him of the Police Commission meeting on September 6, 2006, to set a date for the hearing.
* Exhibit C is a letter from Reilly to former Police Chief Heather Fong, notifying her that the Police Commission assigned Commissioner Petra to the case.

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=76)

* Lieutenant Joseph Reilly confirms that he mailed a letter to Officer Timothy Buelow and his representative, Steve Johnson, informing them of the disciplinary charges against Buelow.
* Reilly states that the letters were not returned as undelivered, and that he would have been made aware if they had been.
* Reilly declares under penalty of perjury that his statement is true and correct.

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=77)

* The document is labeled as "Exhibit A" and is a proof of service.

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=78)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Mario Gonzalez, a police officer, personally served the charges to Buelow on August 29, 2006.
* Gonzalez attests to the accuracy of this information under penalty of perjury.
* The document was filed with the Police Commission on August 24, 2007.

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=79)

* Exhibit B is a letter from the Police Commission, dated August 31, 2006.

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=80)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The hearing is scheduled for Wednesday, September 6, 2006, in Room 400, City Hall, San Francisco.
* Officer Buelow is required to attend the hearing unless excused by the Police Commission Secretary.
* Sergeant Joseph Reilly is the Secretary of the Police Commission and is responsible for communicating with Officer Buelow.
* The document also mentions various individuals involved in the hearing, including attorneys for both sides, a captain from the Bayview station, and a representative from the Police Officers Association.

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=81)

* The document is an exhibit labeled "C"
* It is a letter from the Police Commission
* The letter is dated October 13, 2006

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=82)

* The document references a disciplinary hearing for Officer Timothy J. Buelow
* Commissioner Petra DeJesus is assigned to conduct the taking of evidence
* The date for the hearing is to be set at a later time
* The resolution to assign Commissioner DeJesus and set a date for the hearing was unanimously approved
* Several individuals are copied on the letter, including attorneys for both sides, a captain from the Bayview station, a representative from the Police Officers Association, and Officer Buelow himself

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=83)

* The document references Case No. C06-132, which concerns Officer Timothy Buelow
* Ashley Worsham, Legal Counsel in the San Francisco Police Department Management Control Division, is representing the Department in the disciplinary hearing
* A motion hearing is scheduled for February 10, 2010, and the actual hearing is scheduled for February 17, 2010

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=84)

* The document discusses the process of serving charges against accused officers, including Officer Buelow
* The document references a memorandum from Captain Mario Gonzalez to Lieutenant Neal P. Griffin, which confirms that Officer Buelow was served with charges on August 29, 2006
* The memorandum is considered a record of service for the Management Control Division

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=85)

* The document contains a declaration from Ashley Worsham, legal counsel for the Management Control Division
* Worsham declares that the information in the document is true and correct
* The declaration was executed on February 27, 2010 in San Francisco, California
* The document references the disciplinary case against Officer Timothy Buelow, with case number C06-132

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=86)

* Exhibit A is a memorandum from the San Francisco Police Department
* The memorandum is dated August 29, 2006

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=87)

* Officer Timothy Buelow is being charged in matter SL C06-132
* Buelow was served with a copy of the charges on August 29, 2006
* The original copy of the charges is filed with the Police Commission Office

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=88)

* The document references a motion hearing date on February 10, 2020 and a hearing date on February 17, 2010
* Inés Vargas Fraenkel served documents to Lidia Stiglich, the attorney for the accused officer, on January 27 and 28, 2010
* The documents served include an opposition to a motion to dismiss, as well as declarations in support of the opposition from various individuals

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=89)

* The document declares that the information provided is true and correct under penalty of perjury
* The document was executed in San Francisco on January 28, 2010
* The document was filed with the Police Commission and the secretary to the commission is referenced

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=90)

* Lidia S. Stiglich is the attorney for accused officer Timothy Buelow
* The case number is C06-132
* Buelow is requesting that the case be dismissed due to the Office of Citizen Complaints' failure to comply with service and time requirements
* The OCC is arguing against the motion to dismiss, resorting to "absurd arguments, ad hominem attacks, and classic straw man assertions" according to Buelow's attorney
* The hearing is scheduled for February 17, 2010

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=91)

* Officer Timothy J. Buelow is accused of violating department rules
* Buelow filed a motion to dismiss the case
* The Office of Citizen Complaints (OCC) opposes the motion
* The OCC alleges that Buelow is being dishonest and disingenuous
* Buelow denies these allegations and argues that he was not properly served with the complaint

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=92)

* Buelow argues that he was not properly served with the charges
* He claims that he was not on duty or at the Hall of Justice on the day the charges were allegedly served
* The OCC has the burden of proving proper service
* The OCC argues that the proof of service is sufficient evidence
* Buelow's declaration, which was not originally sworn, is now provided with a sworn declaration
* Buelow is willing to testify under oath

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=93)

* The timing of the events in the case is important
* The OCC Director made a last minute decision to file charges directly with the Police Commission
* This left little time to serve Buelow before the statute of limitations ran out
* The OCC argues that two letters sent to Buelow after the alleged date of service are relevant
* Buelow argues that the letters do not constitute personal service and do not repair the failure to serve the charges
* Buelow argues that the OCC did not timely serve the charges

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=94)

* The OCC has not met its burden of proving legal and effective service of process
* Buelow argues that he was never served with the charges
* The statute of limitations has since run, making the matter time-barred
* Buelow's attorney, Lidia S. Stiglich, requests that the Commission dismiss the charges

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=95)

* Buelow is a police officer with the San Francisco Police Department
* He is accused of misconduct in Case No. C06-132
* Buelow has filed a declaration in support of a motion to dismiss the charges
* The motion is based on California Government Code Section 3304(D)
* Buelow argues that the charges are time-barred
* Lidia S. Stiglich is Buelow's attorney

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=96)

* Buelow was interviewed by the Office of Citizen Complaints (OCC) on April 5, 2006
* The OCC presented the case to the Chief of Police, who declined to file charges
* Buelow was not aware of any charges until he received a letter from the Police Commission in December 2009
* Buelow has never been served with the charges
* He contacted his attorney, Steve Johnson, immediately after learning of the charges

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=97)

* The Commission decided not to take any action on the case tonight
* The case was returned to Commissioner De Jesus for a hearing
* Buelow has the option to renew or further pursue his motion if he has additional evidence to present

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=98)

* The document references a disciplinary hearing for Officer Timothy J. Buelow
* Buelow is accused of violating department rules
* The hearing is scheduled for January 22, 2010
* The Office of Citizen Complaints (OCC) is submitting a trial brief in accordance with the Pre-Hearing Protocol of the Police Commission
* The hearing will be presided over by Police Commissioner Petra DeJesus

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=99)

* The OCC is accusing Buelow of detaining, handcuffing, and arresting an individual without justification
* Buelow is alleged to have violated San Francisco Police Department General Orders
* The incident in question occurred on August 27, 2005
* Buelow observed the victim, an African American man, sitting on a staircase and using his cell phone
* Buelow circled the block, returned, and ordered the victim to sit down

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=100)

* Buelow's friend observed the interaction between Buelow and the victim
* Buelow took the victim's identification and requested a criminal record check
* The victim stood up and protested the detention
* Buelow grabbed the victim, spun him around, and the victim's head hit the concrete
* Buelow then handcuffed the victim with the help of two other officers
* Buelow claims he detained the victim on suspicion of loitering for drug activities
* Buelow had no prior knowledge of the victim and did not observe any drug activity

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=101)

* The document references a disciplinary hearing for officer Timothy J. Buelow, who is accused of violating department rules.
* The document includes a statement of disputed facts, which details an interaction between the accused officer and the victim.
* The victim claims that the officer approached him aggressively and made a comment that implied he had done something wrong, despite the victim insisting he was simply waiting for a friend.

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=102)

* The document details the accused officer's account of the incident, which differs significantly from the victim's account.
* The officer claims that the victim was acting aggressively and appeared ready to run or fight, which is why he felt it necessary to handcuff the victim.
* The document also outlines two legal issues that need to be addressed: whether the officer violated Department General Order 2.01 and Department General Order 5.03.

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=103)

* The document references a disciplinary hearing for officer Timothy J. Buelow, who is accused of violating department rules.
* The Office of Citizen Complaints (OCC) is involved in the case, as indicated by the references to "#3" and "#12" in the document.
* The document is dated January 14, 2010 and was written by R. Manuel Fortes, an OCC staff attorney.
* The document also includes a trial brief for the case against Buelow.

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=104)

* The document details the proceedings of a police commission meeting in San Francisco.
* Officer Timothy J. Buelow is accused of violating department rules and is the subject of a disciplinary hearing.
* The document references the case number, C06-132, and the OCC case number, 0601-05.
* The hearing date is set for January 22, 2010.
* Lidia Stiglich, Esq. is the attorney for Buelow, and R. Manuel Fortes is the OCC staff attorney.
* Fortes served the trial brief to Stiglich via email on January 14, 2010.

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=105)

* The document references a motion to dismiss filed by Buelow's attorney, Lidia Stiglich.
* The motion to dismiss was received by the San Francisco Police Commission.
* Lt. Joe Reilly is the secretary for the commission.
* The commission is located in the Thomas J. Cahill Hall of Justice in San Francisco.
* Contact information for the commission is provided, including phone and fax numbers.

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=106)

* The document details the proceedings of a police commission meeting in San Francisco.
* The commission is conducting a disciplinary hearing for Officer Timothy J. Buelow.
* Buelow is accused of violating department rules.
* Attorneys for both sides are mentioned, including Lidia Stiglich (for Buelow) and John Alden (for the department).

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=107)

* The document discusses the disciplinary hearing for Officer Timothy J. Buelow.
* Buelow is accused of violating department rules, but his attorney, Lidia Stiglich, argues that the department is unfairly targeting him.
* John Alden, the attorney for the department, argues that Buelow's conduct is unacceptable and that he should be disciplined.
* The commission is considering whether to suspend or terminate Buelow's employment.

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=108)

* The document discusses the disciplinary hearing for Officer Timothy J. Buelow.
* Buelow is accused of violating department rules, but his attorney, Lidia Stiglich, argues that the department is unfairly targeting him.
* John Alden, the attorney for the department, argues that Buelow's conduct is unacceptable and that he should be disciplined.
* The commission is considering whether to suspend or terminate Buelow's employment.

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=109)

* The document references a Police Commission meeting in San Francisco on December 16, 2009.
* The commission is discussing the disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The hearing is scheduled to begin on Thursday, January 21, 2010, and continue on Friday, January 22, 2010, as necessary.
* The hearing will be held in Room 551 at the Hall of Justice.
* The document outlines the pre-hearing protocol, which includes two due dates for submittals: Thursday, January 7, 2010, and Thursday, January 14, 2010.
* The document also mentions various individuals involved in the hearing, including attorneys for both sides, the Police Officers' Association, and the Office of Citizen Complaints.

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=110)

* The document outlines protocols for disciplinary cases assigned to Police Commissioner Petra DeJesus.
* Hearings will generally take place at the Hall of Justice in San Francisco, and will start at 9:30 a.m. and end at 4:30 p.m.
* Hearings will continue day to day until they are concluded.
* Service of process will occur by fax or personal service, and proof of service must be submitted to the Police Commission Secretary.
* Parties are encouraged to meet and confer to narrow issues and make joint submissions.
* Non-expert discovery will close two weeks before the hearing.
* The accused officer is encouraged to attend the hearing.

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=111)

* The document outlines pre-hearing submissions that are due two weeks before the hearing, including a statement about settlement attempts, estimated lengths of cases, and lists of witnesses and exhibits.
* Parties are also required to submit any pre-trial motions and information about pending investigations.
* One week before the hearing, the parties should submit a joint statement or separate trial briefs.

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=112)

* The document states that there is opposition to any pre-hearing motions.
* Service of process for submissions should follow the guidelines outlined earlier in the document.
* The order is given by Petra DeJesus, a member of the San Francisco Police Commission.

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=113)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Commissioner Petra DeJesus is assigned to conduct the taking of evidence in the disciplinary charges against Buelow.
* The date for the hearing is to be set at a later time.
* The resolution to assign DeJesus and set a date for the hearing was unanimously approved by the Police Commission.
* The document also lists various individuals involved in the hearing, including attorneys for both sides, a captain from the Bayview station, and a representative from the Police Officers Association.

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=114)

* The document is from the Office of Citizen Complaints (OCC) to the San Francisco Police Commission.
* The OCC has sustained allegations against Officer Timothy Buelow and recommended that he be disciplined for violating department rules.
* The OCC has met with the Chief of Police multiple times to discuss the matter, but the Chief has refused to file charges.

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=115)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The document mentions various individuals involved in the hearing, including attorneys for both sides.
* The document also provides contact information for the OCC, including their address, phone number, website, and fax number.

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=116)

* The Police Commission is scheduled to meet on Wednesday, September 6, 2006, in Room 400, City Hall, in San Francisco.
* The purpose of the meeting is to assign a Commissioner and set a date for taking evidence on disciplinary charges against Officer Timothy J. Buelow.
* Officer Buelow and/or his counsel or representative must attend the meeting unless excused by the Police Commission Secretary.
* Sergeant Joseph Reilly is the Secretary of the Police Commission and is the point of contact for Officer Buelow.
* Copies of the document were sent to Attorney S. Leff (OCC), Attorney J. Tidwell (MCD), Captain A. Pardini (Bayview), and Mr. S. Johnson (POA).

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=117)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* The charge against Officer Buelow is "Unwarranted Action" for detaining, handcuffing, and arresting an individual without justification.
* The alleged violation is in contravention of Department General Orders 2.01 and 5.03.
* Kevin Allen, Director of the Office of Citizen Complaints, is the one bringing the charges against Officer Buelow.
* Attorneys Jean Field and Susan Leff are representing the Office of Citizen Complaints in the matter.

[**Page 118**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=118)

* The document reiterates that Officer Buelow is employed by the San Francisco Police Department and is responsible for knowing and obeying department rules.
* The incident in question occurred on August 27, 2005, in the Park District.
* Officer Buelow observed a man sitting on a staircase and using his phone.
* The man was waiting for a friend to let him into a building.

[**Page 119**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=119)

* Officer Buelow circled the block before returning to the man's location.
* Buelow ordered the man to sit down, and the man complied.
* Buelow took the man's identification and requested a criminal record check.
* When the man stood up and protested, Buelow grabbed him, causing the man's head to hit the concrete.
* Buelow then handcuffed the man.

[**Page 120**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=120)

* Two other officers arrived to assist Buelow in handcuffing the victim.
* The victim was arrested and taken to the police station.
* Buelow claimed he detained the victim on suspicion of loitering for drug activities, based on the victim's behavior.
* However, Buelow had no prior knowledge of the victim and did not observe any evidence of drug activity or gang affiliation.

[**Page 121**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=121)

* The document argues that Buelow did not have sufficient cause to detain the victim, as he did not articulate any specific facts to indicate criminal activity.
* Buelow continued to detain the victim even after he offered an explanation for his conduct, and forcefully handcuffed him without justification.
* Buelow is accused of violating Department General Orders 5.03 and 2.01, which state that officers must have reasonable suspicion based on specific and articulable facts in order to detain someone.

[**Page 122**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=122)

* The document references Department General Order 2.01, Rule 7, which requires officers to maintain a working knowledge of all information necessary for the proper performance of their duties.
* The document also references Department General Order 2.01, Rule 9, which outlines the types of misconduct that can result in disciplinary action.
* The document states that any breach of peace, neglect of duty, misconduct, or conduct that reflects discredit on the department is considered unofficer-like conduct.

[**Page 123**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=123)

* The document details the proceedings of a police commission meeting in San Francisco.
* Officer Timothy J. Buelow is accused of violating department rules.
* The document references a disciplinary hearing for Buelow.
* Various individuals involved in the hearing are mentioned, including attorneys for both sides.

[**Page 124**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=124)

* The filing of charges against Buelow with the San Francisco Police Commission may result in discipline.

[**Page 125**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=125)

* Officer Timothy J. Buelow is accused of violating department rules.
* The potential consequences for Buelow range from reprimand to termination.
* The disciplinary hearing is being conducted in accordance with Department General Order 2.07 and San Francisco Charter Section A8.343.
* The document is dated August 28, 2006.
* The Office of Citizen Complaints is located at 480 Second Street in San Francisco.

[**Page 126**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=126)

* Kevin Allen, the Director of the Office of Citizen Complaints, is the complainant in the case against Officer Buelow.
* Allen has declared under penalty of perjury that he has read the charges and believes them to be true.
* The document is executed in San Francisco on August 28, 2006.

[**Page 127**](https://casetext.com/api/ai-assistant/proxy/document-uploads/2b1bac807fed45a3741ef7a3da0d8792/content#page=127)

* The document references a disciplinary hearing for Officer Timothy J. Buelow, who is accused of violating department rules.
* Mario Gonzalez, a police officer, personally served the charges to Buelow on August 29, 2006.
* Gonzalez declares under penalty of perjury that the information is true and correct.
* The charges were filed with the Police Commission on August 29, 2006.

[**2005-08-27 Unlawful Arrest Comm140 redaction index.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/185c0f2c559f336587a6ca664971abb5/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/185c0f2c559f336587a6ca664971abb5/content#page=1)

* The document references an unlawful arrest by Officer Timothy Buelow on August 27, 2005.
* The document lists various exemptions that allow the San Francisco Police Commission to redact information from records related to the arrest.
* Exemptions include: Protecting personal data or information of peace and custodial officers (California Penal Code § 832.7(b)(5)(A)) Preserving the anonymity of complainants and witnesses (California Penal Code § 832.7(b)(5)(B)) Protecting confidential medical, financial, or other information (California Penal Code § 832.7(b)(5)(C)) Protecting the physical safety of officers or others (California Penal Code § 832.7(b)(5)(D)) Maintaining the confidentiality of personnel records (California Penal Code § 832.7(a)) Withholding personal identifying information when the public interest is better served by not disclosing it (California Penal Code § 832.7(b)(7)) Restricting access to information from the California Law Enforcement Telecommunications System (California Penal Code §§ 11076, 11105 (b)) Protecting preliminary drafts, notes, or memoranda (California Government Code § 7927.500) Protecting records of complaints, investigations, intelligence information, or security procedures (California Government Code § 7923.600)

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/185c0f2c559f336587a6ca664971abb5/content#page=2)

* The document references various California codes that allow the San Francisco Police Commission to redact information from records related to an unlawful arrest.
* Exemptions include: Protecting photographs of a deceased person's body (California Code of Civil Procedure § 129) Protecting against an unwarranted invasion of privacy (California Government Code §§ 7927.700, 7927.705, and 7930.100) Protecting confidential mental health records and juvenile records (California Welfare & Institutions Code §§ 5328, 827) Protecting information under attorney-client privilege (California Government Code §§ 7927.705, 7930.110, Evidence Code § 954) Allowing a public entity to refuse to disclose official information (California Evidence Code 1040(b)(2)) Clarifying that the section does not affect the discovery or disclosure of information in a peace or custodial officer's personnel file (California Penal Code § 832.7(g)) Clarifying that the section does not supersede or affect the criminal discovery process (California Penal Code § 832.7(h))

[**2005-08-27 Unlawful Arrest Comm140\_Timothy\_Buelow\_C06-123\_OCC\_0601-05\_\_part\_2\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=1)

* The document is a transcript of a hearing before the San Francisco Police Commission.
* The hearing concerns a police officer by the name of Timothy Buelow.
* The hearing took place on Wednesday, February 10, 2010 in San Francisco, California.
* The transcript was recorded by a court reporter, Anna C. Greenley.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=2)

* The San Francisco Police Commission is present, with six members in attendance: President Dr. Joe Marshall, Vice President Thomas P. Mazzucco, and Commissioners Petra DeJesus, Yvonne Lee, David Onek, and Vincent Pan.
* R. Manuel Fortes, an attorney from the Office of Citizen Complaints, is present.
* Lidia Stiglich, an attorney from Stiglich & Hinckley, is present to represent Officer Timothy Buelow.
* Lt. Joseph Reilly and Marie Blits are also in attendance.
* Roomian & Associates is listed as a contact.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=3)

* No relevant information was found to be summarized.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=4)

* The proceedings began at 9:15 P.M.
* Lt. Reilly moved to item 10b.
* All commissioners were present except for Commissioner Hammer, who was excused.
* Chief of Police George Gascon was present, as well as a court reporter, Anna C. Greenley.
* Counsel for both sides made appearances: Manuel Fortes for the Office of Citizen Complaints, and Lidia Stiglich for accused Officer Timothy Buelow.
* Commissioner DeJesus questioned the need for 20 minutes of argument if there was no testimony.
* Ms. Stiglich mentioned that she had a sworn declaration from Officer Buelow.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=5)

* Ms. Stiglich stated that Officer Buelow was prepared to answer questions if necessary.
* Steve Johnson was present to provide brief testimony.
* Commissioner DeJesus expressed concern about the validity of questioning someone who was not under oath.
* Ms. Stiglich stated that Officer Buelow could be sworn in.
* Lt. Reilly requested the use of the center microphone.
* Ms. Stiglich argued that the case was straightforward and that she had filed a motion to dismiss based on violations of Section 3304 (d).
* She emphasized that Officer Buelow was not served with charges and that the clock started ticking on August 29th, 2005, when a complaint was made with the OCC.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=6)

* Chief Fong declined to proffer charges against Officer Buelow.
* Director Kevin Allen filed charges directly with the Commission.
* The OCC alleges that charges were served on Officer Buelow on August 29th, 2006.
* Ms. Stiglich disputes the proof of service and argues that the OCC has the burden to support it.
* Ms. Stiglich claims that Officer Buelow was not present at the Hall of Justice on the day the charges were allegedly served.
* In December 2009, Officer Buelow was cc'd on a letter directed to Mr. Johnson.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=7)

* Ms. DeJesus was going to set the matter for hearing.
* Officer Buelow contacted MCD to inquire about the case, but they said it wasn't theirs.
* Officer Buelow then contacted Steve Johnson, who will testify about his contact with the officer.
* Mr. Johnson contacted Ms. Stiglich to represent Officer Buelow.
* Ms. Stiglich argues that the charges are time-barred because Officer Buelow was never served.
* The statute of limitations was briefly tolled on two occasions, for a total of eight months.
* Commissioner DeJesus asked a question, but allowed Ms. Stiglich to finish her statement first.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=8)

* Ms. Stiglich answers Commissioner DeJesus's question.
* Commissioner DeJesus points out that there is a declaration stating that Officer Buelow was not on duty and did not receive the charges.
* Commissioner DeJesus also references a letter sent to Officer Buelow's home address, which was not returned, and a letter to his representative and Chief Fong.
* Ms. Stiglich argues that the letters do not constitute service of the charges, and that Officer Buelow does not recall receiving them.
* Ms. Stiglich also points out that when Officer Buelow received a letter in December, he immediately took action.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=9)

* Ms. Stiglich discusses what Officer Buelow would typically do when notified of charges.
* She emphasizes that he has never appeared before the commission or been involved in a pretrial.
* Commissioner DeJesus expresses concern about whether Officer Buelow received the letters informing him of the charges.
* Ms. Stiglich offers to have Officer Buelow testify about the letters.
* She also references his declaration, which states that he believed the charges had been declined by the Chief of Police.
* Commissioner Onek clarifies that the issue at hand is whether Officer Buelow was served with the charges.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=10)

* Commissioner Onek discusses the relevance of Officer Buelow's credibility in relation to whether he was served with the charges.
* The incident in question occurred on August 27, 2005, while the complaint was filed on August 29, 2005.
* Proof of service was signed by Captain Gonzalez on August 29, 2006.
* Ms. Stiglich maintains that Officer Buelow had no idea the complaint had been filed against him for three and a half years.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=11)

* Ms. Stiglich claims that the case was never set for a hearing in the three and a half years since the complaint was filed.
* There was no status conference during that time period either.
* Ms. Stiglich became involved in the case in January, and according to her understanding, nothing has happened in the case since September 2006.
* Commissioner Onek expresses disbelief that an officer could have charges filed against him and not be aware of it for three and a half years.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=12)

* Ms. Stiglich argues that Officer Buelow had no idea of the case for three and a half years
* Officer Buelow was interviewed by the OCC, but never appeared in front of the Police Commission
* Ms. Stiglich reviewed the file and found no evidence of a status conference
* The proof of service is in question, as Officer Buelow claims he never received it
* Commissioner DeJesus raises concerns about the letter sent on August 31st

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=13)

* Ms. Stiglich argues that Officer Buelow was not properly served with the charges
* Steve Johnston, Officer Buelow's representative, was present at the hearing
* Ms. Stiglich questions the timing of the service, which occurred at the last minute
* Commissioner Mazzucco asks for clarification on what constitutes proper service
* The proof of service is signed by Roomian & Associates

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=14)

* Captain Gonzalez describes how he personally served the charges to Officer Buelow
* Ms. Stiglich clarifies that personal service is defined in DGO 2.07
* Ms. Stiglich also notes that there are alternative methods of service if the officer cannot be found
* Ms. Stiglich points out that the proof of service form does not have a place for the officer to sign

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=15)

* Ms. Stiglich argues that DGO 4.05 was not followed in this case because the charges were not personally served to Officer Buelow
* President Marshall and Commissioner DeJesus question Ms. Stiglich on the definition of personal service and the three alternative methods of service
* Ms. Stiglich reiterates that none of the three alternatives would have been possible given the time constraints
* Ms. Stiglich clarifies that Captain Gonzalez did sign the proof of service form, but that there should be a place for the officer to sign as well

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=16)

* Ms. Stiglich and Mr. Fortes discuss the need for the officer to sign and accept service
* Commissioner DeJesus suggests that Ms. Stiglich call her witnesses so that the Department can cross-examine them
* Ms. Stiglich calls Steve Johnson as a witness
* Mr. Johnson is sworn in and provides his name for the record

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=17)

* Mr. Johnson confirms that he is familiar with Officer Tim Buelow
* Mr. Johnson first discussed the charges with Officer Buelow two months ago in December
* The conversation occurred after Officer Buelow called Mr. Johnson to inquire about a document he received
* Mr. Johnson had not contacted Officer Buelow about the charges prior to this conversation, and is not aware of anyone else who had

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=18)

* Mr. Fortes questions Mr. Johnson about his role as a business agent for the police association
* Mr. Johnson confirms that he typically receives copies of correspondence to officers regarding discipline
* Mr. Fortes asks if Mr. Johnson received a letter from Lieutenant Reilly to Officer Buelow, dated August 31st, 2006
* Mr. Johnson confirms that he did receive the letter

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=19)

* Mr. Fortes asks if Mr. Johnson is aware that Officer Buelow's case was assigned to the Commission hearing on September 6th, 2006
* Mr. Johnson confirms that he is aware
* Mr. Fortes presents Exhibit C, a letter dated October 13th, 2006, to Mr. Johnson
* Mr. Johnson confirms that he received the letter
* Mr. Fortes asks if Mr. Johnson ever spoke to Officer Buelow about the two letters
* Mr. Johnson confirms that he did not

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=20)

* Mr. Fortes asks if Mr. Johnson's normal procedure is to contact the officer to discuss the case
* Mr. Johnson says that it is not necessarily the case
* Mr. Fortes asks if there are instances where Mr. Johnson receives letters but does not contact the officer
* Mr. Johnson says that this case was already assigned to an attorney
* Mr. Fortes confirms that the case was assigned in 2006
* Mr. Fortes points out that Mr. Johnson and the attorney representing Officer Buelow were aware of the charges as early as August 31st, 2006
* Mr. Johnson confirms that he was aware of the charges
* Mr. Fortes confirms that Mr. Johnson is the business rep for the Police Officers Association
* Commissioner DeJesus asks who the attorney is
* Mr. Johnson responds that it is Roomian & Associates

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=21)

* The witness mentions that Freya Horne was assigned to the case.
* The witness expresses that the case is unusual, as they have never experienced a situation where an officer did not contact them after being served with charges.
* The witness emphasizes the seriousness of the matter, noting that it is different from a Chief's Hearing.
* The witness discusses how the process has changed over time, with officers now being more aware of what is happening with their cases.

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=22)

* The witness discusses the process of obtaining discovery for the case.
* The witness notes that they would often receive multiple cases of discovery at a time.
* The witness expresses that the case is unusual because they did not hear from Officer Buelow until December.
* The witness explains that they assigned Freya Horne to the case, and that Commissioner DeJesus was assigned to oversee the case.

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=23)

* The witness is asked if they know whether the attorney contacted the officer.
* The witness responds that they do not know.
* The witness is asked to clarify who they meant by "they" when they said "they would phone me."
* The witness clarifies that "they" refers to police officers who are served with documents from the Police Commission.
* The witness explains that in most cases, the officer will call them immediately after being served.
* The witness notes that this case is different because the officer did not call them.
* The witness is reminded that the lack of a call does not necessarily mean the officer was not served.

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=24)

* Commissioner DeJesus asks when a case was assigned to Freya or Nicco.
* The witness responds that it was assigned after it was assigned to the commissioner.
* Mr. Fortes asks for clarification on whether the Police Officers Association is authorized to accept service on behalf of officers.
* The witness responds that they are not authorized to do so.
* Mr. Fortes asks if the witness calendars and tickles notices when they receive them.

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=25)

* The witness confirms that they calendar cases as they come in.
* The witness also confirms that the case was assigned to an attorney.
* The witness testifies that no one from the POA or the attorney's office contacted Officer Buelow for three and a half years.
* Ms. Stiglich asks the witness about their experience appearing on behalf of attorneys in front of the Commission.
* The witness confirms that they often do so for pedestrian matters, such as setting hearings.

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=26)

* The witness confirms that the case was assigned to a commissioner in September 2006.
* The witness also confirms that the next letter was sent in December 2009.
* The witness states that Freya Horne did not have to appear on the case.
* Mr. Fortes questions the witness about their knowledge of Captain Gonzalez, and the witness confirms that they have known him for more than eight years.

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=27)

* The witness denies making any misrepresentations or untrue statements.
* Ms. Stiglich begins redirect examination.
* The witness confirms that they spoke to Captain Gonzalez about the case.
* The witness states that neither they nor Captain Gonzalez would be able to pick Timothy Buelow out of a line-up.
* Ms. Stiglich calls Officer Buelow to the stand.
* Commissioner DeJesus notes that they may have to deduct time from the cross-examination because the department is out of time.
* Officer Buelow is sworn in and spells his last name for the court reporter.

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=28)

* Officer Buelow confirms that he has been a San Francisco police officer for approximately 13 years.
* He confirms that he signed a declaration under penalty of perjury in this matter.
* Officer Buelow states that he reviewed the declaration and that it is true and correct in all regards.
* He denies being present at the Hall of Justice on August 29th, 2006.
* Officer Buelow is unsure if he has ever met Captain Mario Gonzalez.
* He denies receiving any charges in the mail.

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=29)

* Officer Buelow expresses confusion over the charges against him, stating that he has not seen them.
* He confirms that he was interviewed by the Office of Citizen Complaints (OCC) and was aware of their investigation.
* Officer Buelow states that he was told by the Chief of Police that he did not do anything wrong and that the case was dismissed.
* He received a letter in December 2009, which he discussed with the Management Control Division (MCD) and Steve Johnson.

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=30)

* Officer Buelow is questioned about his contact with Mr. Johnson, who assigned him counsel.
* Mr. Fortes, representing the OCC, requests to make a presentation before cross-examining the officer.
* The OCC opposes the officer's motion to dismiss, arguing that it is a last minute attempt to avoid a hearing.

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=31)

* The accused officer was served with charges on August 29th, 2006.
* Captain Gonzalez, the commanding officer of staff services, served the officer in Room 570 in the Hall of Justice.
* Captain Gonzalez signed a proof of service and made a declaration under penalty of perjury that the information was true and correct.
* The OCC argues that the motion to dismiss the charges is without merit, as there is no evidence to support the defense's claims.

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=32)

* The defense is not challenging the authenticity or foundation of the proof of service.
* The proof of service is therefore accepted as trial evidence.
* Captain Gonzalez followed standard operating procedure by generating a memorandum to the Management Control Division.
* The officer's only counter is a declaration made three and a half years later, claiming he wasn't served.

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=33)

* The defense argues that Captain Gonzalez lied twice and committed perjury.
* The defense has no corroborating evidence to support their challenge, other than two declarations.
* One declaration is not under penalty of perjury and should be disregarded, while the other is under penalty of perjury but was made three and a half years after the incident.
* The defense argues that the declaration is less reliable than the proof of service and memorandum.
* The defense also references a letter sent by Lieutenant Reilly to the officer, which supports the OCC's position.

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=34)

* Lieutenant Reilly states that he sent two letters to Officer Buelow, but did not receive a return on either letter.
* The defense argues that if the letters were sent, and Mr. Johnson received a copy, it is reasonable to assume that Officer Buelow received them as well.
* If Officer Buelow did receive the letters and is claiming he did not, it calls into question his credibility.
* President Marshall clarifies that the issue is not whether the documents were produced, but what constitutes proof of service.

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=35)

* The discussion revolves around the Department General Order (DGO) regarding proof of service.
* President Marshall asks Mr. Fortes to explain how the service was done, as the DGO specifies certain ways it must happen.
* Mr. Fortes argues that the DGO does not specifically state that the officer must be personally served.
* President Marshall asks Mr. Fortes to explain what the DGO does say, and Ms. Stiglich offers to provide a copy of the exhibit.
* President Marshall expresses frustration that the DGO was not submitted in advance so that they could compare it to the case at hand.

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=36)

* Mr. Fortes references DGO 2.07, which is found on page 4 of the document.
* The DGO specifies that service of charges can be accomplished by filing a copy of the charges with the accused, as well as providing proof of service.
* If personal service cannot be made, the charges can be left at the officer's home with a competent member of the household.

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=37)

* President Marshall and Mr. Fortes discuss the definition of "personal service" and what it entails.
* Mr. Fortes clarifies that personal service means delivery of the document directly to the person, by putting it in their hand.
* President Marshall asks if a signature is required, and Mr. Fortes responds that it is not.
* President Marshall questions whether personal service was carried out, and Mr. Fortes confirms that it was, according to the proof of service.

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=38)

* Commissioner Mazzucco suggests bringing the officer back on the stand to confirm whether he was personally served.
* Mr. Buelow, the officer in question, testifies that he does not believe he was in the Hall of Justice on the day in question.
* Mr. Buelow also states that he was never served with charges and does not know what he is being charged with.
* Commissioner Mazzucco asks if Mr. Buelow worked at the Hall of Justice in 2006, to which Mr. Buelow responds "no."

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=39)

* The witness, Mr. Buelow, is asked if he was working at the Hall of Justice on August 29th, 2006, to which he responds "no."
* Mr. Buelow mentions that he might have been in "#3, #12" at the time.
* Commissioner Mazzucco asks if Mr. Buelow was still assigned to Park Police Station in 2006, to which Mr. Buelow responds that he was at Tenderloin.

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=40)

* The witness, Mr. Buelow, is asked if he had any reason to be at the Hall of Justice, to which he responds "no."
* Commissioner DeJesus asks Mr. Buelow how he remembers this, and he responds that he rarely saw any officers and didn't have any reason to go into work.
* Mr. Fortes requests to cross-examine the witness, which is granted by Commissioner DeJesus.

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=41)

* The document references several dates: August 27th, April 5th, 2006, and August 29th, 2006.
* The police officer, Timothy Buelow, is asked to confirm whether he was present on these dates.
* Buelow does not remember the specific day in one instance, and in another instance suggests he may have been out of state.
* Buelow is asked how he would have traveled out of state, and he responds that he would have taken an airplane.
* The document also references a firm called Roomian & Associates.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=42)

* Buelow is asked to provide evidence that he was in #3, #12 on August 29th, 2006.
* Buelow is asked if he has any bank statements, plane tickets, or photographs to prove his whereabouts.
* Buelow responds that he only found out that this was going to be an issue that night, and therefore did not bring any evidence.
* Buelow does suggest that he may have been in #3, #12 because he remembers the location.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=43)

* Buelow is asked if he went to the Hall of Justice on August 29th, 2006.
* Buelow denies going to the Hall of Justice, and claims he doesn't even know where Room 570 is.
* Buelow is asked if he has read the proof of service from Captain Gonzalez, which states that Buelow was personally served with charges on that date.
* Buelow claims he has not read the proof of service, and that this is the first time he is seeing the document.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=44)

* Buelow is asked to confirm whether or not he believes Captain Gonzalez's statement that he personally served Buelow with charges on August 29th, 2006 is incorrect.
* Buelow does not directly answer the question, but states that he did not receive the charges on that date.
* Buelow is asked about his activities on August 29th, 2006, but is unable to provide any details.
* An objection is raised to the line of questioning, which is sustained by Commissioner DeJesus.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=45)

* Buelow is asked again about his activities on August 29th, 2006, and states that he would need to look through bank statements to remember what he did.
* Fortes finishes his cross-examination on that subject, but requests to cross-examine Buelow on two letters.
* The Commission is made aware that there is only one minute left for questioning.
* Buelow is asked if he received a letter on August 31st, 2006, and responds that he would need to see the letter.
* Buelow confirms that he sees the letter when it is placed in front of him.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=46)

* Buelow is asked about two letters, one from August 31st, 2006 and one from October 13th, 2006.
* Buelow states that the address on the August 31st letter is not correct, and that he was living at a different address at the time.
* Buelow does not have any proof to show the Commission that he was living at a different address, as he did not know it would become an issue.
* Buelow testifies that he does not recall receiving the two letters.
* Buelow does state that he received a letter on December 16th, 2009, and that he attended an OCC meeting where he was told he did nothing wrong.
* Buelow expresses that he has worked hard and has not received any further complaints.

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=47)

* Buelow is asked to confirm whether or not the address on a letter was his address at the time.
* Buelow denies that it was his address, but is unable to provide proof.
* Buelow is asked if he remembers being served with police Commission Charges before, to which he responds that he does not.
* The Commission discusses the time remaining and the witnesses left to call.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=48)

* The Commission finishes questioning Buelow.
* Mr. Fortes calls Chief Attorney Inez Fraenkel to the stand.
* The Commission discusses the time allotted for the presentation and testimony.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=49)

* Mr. Fortes questions Ms. Fraenkel about her position at the Office of Citizen Complaints (OCC).
* Ms. Fraenkel confirms that she submitted a declaration in support of the opposition to the motion to dismiss in Police Commission case No. C06-132.
* Ms. Fraenkel discusses a conversation she had with Captain Gonzalez.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=50)

* Ms. Stiglich objects to hearsay at the administrative level.
* Commissioner DeJesus explains that he called Captain Gonzalez because Officer Buelow's proof of service and statement were being contested.
* Mr. Fortes asks how many times Captain Gonzalez was called, and the witness responds that they spoke on at least two occasions.
* The witness discusses the conversation with Captain Gonzalez, who expressed surprise that his integrity was being questioned.
* Captain Gonzalez could not remember what Officer Buelow looked like, but stated that it was his practice to serve papers in Room 570.

[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=51)

* The speaker discusses serving documents to officers as commander of staff services.
* The speaker expresses concern that someone would question his declaration under penalty of perjury.
* The speaker insists that he would never state something he had not done.
* The speaker mentions that he would have attended the hearing if not for other obligations.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=52)

* The speaker discusses the difficulty of getting Captain Gonzalez to attend the hearing.
* The speaker confirms that Captain Gonzalez performed the service as stated.
* The speaker clarifies that Captain Gonzalez would serve officers personally.
* Ms. Stiglich questions whether Captain Gonzalez had any personal recollection of serving Timothy Buelow.
* The speaker confirms that Captain Gonzalez lives in #3, #12.
* The speaker confirms that they filed a declaration.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=53)

* The speaker mentions that Captain Gonzalez was unable to attend the hearing.
* The speaker discusses the difficulty of getting a declaration from Captain Gonzalez due to time constraints.
* The speaker clarifies that they only had five days to file an opposition, two of which were weekend days.
* The speaker denies that Captain Gonzalez refused to sign a declaration.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=54)

* The speaker discusses the possibility of getting a declaration from Captain Gonzalez.
* The speaker mentions that they did not cross-examine Captain Gonzalez, but instead tried to talk to him.
* The speaker is asked about preparing documents, specifically the proof of service and the small memo.
* The speaker denies talking about preparing documents and is unsure if Captain Gonzalez pre-printed them.
* The speaker confirms that they have seen the proof of service.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=55)

* The speaker is asked about the process of serving papers to Officer Buelow.
* The witness states that Captain Gonzalez did not specifically mention contacting Officer Buelow, but that he did describe the general process he uses to serve papers.
* Commissioner Mazzucco asks for clarification on whether Captain Gonzalez recalls calling Officer Buelow, and the witness confirms that he does not.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=56)

* Commissioner DeJesus thanks the speaker and ends the questioning.
* Ms. Stiglich asks if they should respond or close, and Commissioner DeJesus tells them to step outside so the commission can deliberate.
* Ms. Stiglich requests five minutes for rebuttal, which is granted.
* In her rebuttal, Ms. Stiglich addresses comments from the OCC, clarifies that Officer Buelow never said he was "crippled" and couldn't come down, and argues that the OCC doesn't get to file a complaint unless the Chief refuses to file.
* Ms. Stiglich also clarifies that the two declarations from Officer Buelow are the same, except that one was missing the language for penalty of perjury.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=57)

* The OCC is able to submit three declarations.
* There is a question about the proof of service.
* Ms. Stiglich argues that Officer Buelow is not a liar, and that he has no reason to lie.
* Ms. Stiglich argues that the OCC has the burden to prove that Officer Buelow was served, and that they have not provided sufficient evidence.
* Ms. Stiglich notes that the case has been inactive for three and a half years, and that Officer Buelow would remember if he had been served with charges.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=58)

* Ms. Stiglich argues that the case should be dismissed because it is time-barred.
* Ms. Stiglich argues that the OCC did not meet their burden to prove that Officer Buelow was served with charges.
* Mr. Fortes argues that the proof of service is uncontradicted and legitimate, and that the OCC does not need to provide any more information.
* Mr. Fortes argues that the Police Commission should defer to the process followed by the captain.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=59)

* Mr. Fortes argues that the OCC has met its burden to show that Officer Buelow was served by Captain Gonzalez.
* Mr. Fortes points out that the officer's credibility is suspect, as he claims to not remember being served, but did not provide any evidence to support his claim.
* Mr. Fortes requests that the Commission deny the motion and proceed with the hearing.
* Ms. Stiglich asks the Commission to confirm that they have all the briefs.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=60)

* Ms. Stiglich confirms that the officer filed an opening brief, the OCC filed a response brief, and they filed a reply to the opposition.
* The Commission confirms that they have all the briefs.
* Lt. Reilly requests that everyone step out so the Commission can deliberate.
* After deliberation, the Commission reconvenes with all parties present.
* The Commission requests appearances by counsel, which are provided by Mr. Fortes and Ms. Stiglich.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=61)

* The Commission voted to take no action on the case involving police officer Timothy Buelow.
* The case was returned to Commissioner DeJesus for a hearing.
* The officer may renew a motion before Commissioner DeJesus if there is further evidence.
* A hearing is scheduled for next Wednesday, the 17th.
* If evidence is presented at the hearing, the matter must be brought back to the whole Commission for a ruling.
* The proceeding concluded at 10:45 p.m.

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=62)

* Anna C. Greenley, a certified shorthand reporter, certifies that she recorded the hearing.
* Greenley confirms that the hearing took place at the time and location stated.
* Greenley is not affiliated with any of the parties involved in the case and is not interested in the outcome.
* Greenley signed the certificate on March 9, 2010.
* Roomian & Associates is listed as a contact with a phone number.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=63)

* The hearing is before the San Francisco Police Commission.
* The matter concerns Timothy Buelow, a police officer with the San Francisco Police Department.
* The hearing took place on Wednesday, February 17, 2010 at the Thomas J. Cahill Hall of Justice in San Francisco, California.
* Anna C. Greenley, a certified shorthand reporter, recorded the hearing.
* Roomian & Associates is the deposition reporting firm that Greenley is associated with.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=64)

* The San Francisco Police Commission is in attendance.
* Commissioner Petra Dejesus is present.
* R. Manuel Fortes, an attorney with the Office of Citizen Complaints, is present and representing the Office of Citizen Complaints.
* Lidia Stiglich, an attorney with Stiglich & Hinckley, is present and representing Officer Timothy Buelow.
* Lt. Joseph Reilly is present and serving as the secretary for the hearing.

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=65)

* The hearing is taking place in Room 505 of the Hall of Justice.
* The hearing is concerning Officer Timothy J. Buelow, File No. 7 C06-132.
* Commissioner Petra DeJesus is the Hearing Officer for the Commission in this matter.
* The Commissioner will review the transcript and evidence after the hearing to make a decision.
* A court reporter is present to record the proceedings.
* Lidia Stiglich is representing Officer Buelow, who is in the lobby.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=66)

* Manual Fortes, a staff attorney from the Office of Citizen Complaints (OCC), is representing the OCC in bringing charges against Officer Buelow.
* Commissioner DeJesus briefly explains the hearing process, but notes that both parties are already familiar with it.
* Lidia Stiglich, Officer Buelow's representative, mentions that they have reached a disposition in the case, but has some questions that need to be answered.
* Commissioner DeJesus states that if the disposition is final and signed off by all necessary parties, they can discuss it, but if not, the hearing will proceed.
* Fortes requests to go off the record to discuss the disposition with Stiglich.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=67)

* The parties go off the record at 10:02 a.m. to discuss the disposition.
* They go back on the record at 10:46 a.m.
* The OCC's offer to settle the matter is for Officer Buelow to admit to Count 1 (unwarranted action detaining, handcuffing, and arresting an individual) in violation of Department General Order 2.01, 5.03.
* In exchange, Officer Buelow will receive a four-day suspension, with one day served presently.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=68)

* The discipline will be effective as of the date of the settlement.
* Officer Buelow must participate in retraining on search and seizure, specifically with regard to the 4th Amendment.
* Officer Buelow reserves the right to discuss with the Department the possibility of having the suspension run nunc pro tunc from 2006.
* The parties agree to the disposition regardless of whether the Department agrees to this request.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=69)

* The hearing will not go forward as planned.
* The parties have resolved all issues.
* Officer Buelow apologized to #2 for their interaction in 2005.
* The settlement terms will be drafted and circulated for approval.
* The next opportunity to get the settlement on the calendar is March 3rd.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=70)

* Lt. Reilly and Commissioner DeJesus discuss potential dates for a community meeting.
* They settle on March 3rd as the date for the meeting.
* Ms. Stiglich asks if it would be possible to have someone else stand in for her if she is unable to attend.
* The hearing concludes at 10:50 a.m.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/0f8403f4e6e93dc764bf2da37c6dba06/content#page=71)

* Anna C. Greenley, a certified shorthand reporter in California, is attesting to the accuracy of the transcript of a hearing before the San Francisco Police Commission.
* Greenley confirms that the hearing took place at the time and location stated, and that she was responsible for reporting and transcribing it.
* Greenley also asserts that she is not affiliated with any of the parties involved in the hearing, and has no vested interest in the outcome.
* The certificate is dated March 9, 2010.