**Summarize**

[**2011-10-27 Bias Comm124\_Redaction\_Index\_for\_SFPD\_Portal\_Byrne.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/971e5fc997a0912778b1cd72d9862d69/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/971e5fc997a0912778b1cd72d9862d69/content#page=1)

* The San Francisco Police Commission has identified records related to an incident involving Officer Derek Byrne exchanging racially derogatory text messages from October 2011 through August 2012.
* Redactions have been made to these records based on various legal exemptions.
* Exemptions include: protecting personal data, preserving anonymity of complainants and witnesses, protecting confidential medical or financial information, and preventing danger to the physical safety of individuals.
* Other exemptions cited involve restrictions on the disclosure of personnel records, criminal offender record information, and information from the California Law Enforcement Telecommunications System.
* Finally, exemptions are made for preliminary drafts, notes, and memoranda, as well as records of complaints and investigations.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/971e5fc997a0912778b1cd72d9862d69/content#page=2)

* The document cites various legal exemptions that justify the redactions made to records related to an incident involving Officer Derek Byrne.
* Exemptions include: California Code of Civil Procedure § 129, which protects photographs of a deceased person taken by or for the coroner. California Government Code § 6254(c) and Cal. Govt. Code section 6254(k), which protect against unwarranted invasions of privacy. California Welfare & Institutions Code § 5328, which protects confidential mental health records. California Government Code §§ 254(k), 6254.25, 6276.04, and Evidence Code § 954, which protect attorney-client privilege. California Evidence Code 1040(b)(2), which allows a public entity to refuse to disclose official information. California Penal Code § 832.7(g) and (h), which protect peace or custodial officer's personnel files.

[**2011-10-27 Bias Comm124\_Derek\_Byrne\_IAD\_2015-0084\_case\_file\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=1)

* The San Francisco Police Commission adopted a resolution to take disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* The charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission has directed the department to keep all related documents on file indefinitely.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=2)

* Officer Derek Byrne submitted his resignation to Benjamin Houston, the Human Resources Manager for the San Francisco Police Department.
* Byrne's resignation is effective as of March 7, 2019.
* Byrne expressed regret in leaving the department, but also expressed gratitude for being a part of the law enforcement community in San Francisco since 2007.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=3)

* Benjamin Houston requested that Byrne provide a resignation email outlining his resignation from his Q2 Police Officer position, as well as the effective date.
* Byrne agreed to provide this information and thanked Houston for being understanding on the phone.
* Houston also requested that Byrne complete certain forms in order to finalize the resignation process.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=4)

* Derek Byrne is inquiring about the process of resigning from the San Francisco Police Department.
* Byrne wants the resignation to happen as soon as possible.
* Byrne expresses sadness over the decision to resign, but is appreciative of Houston's help.
* Byrne provides his phone number in case Houston needs to contact him.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=5)

* The San Francisco Police Commission has accepted the hearing in the matter of Officer Derek Byrne.
* Bob Hirsch is the sender of the letter, and Jayme Campbell is the recipient.
* The letter was sent on February 27, 2019.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=6)

* The Police Commission has scheduled the taking of evidence in the matter of Officer Derek Byrne on Thursday, May 2, 2019.
* The hearing will take place at Police Headquarters in San Francisco.
* Each side is limited to 1 and ½ hours for a total of 3 hours of hearing time.
* If either side needs additional time, they must submit a written request by Friday, April 5, 2019.
* Each party must also submit a Pre-Hearing Statement by the same date.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=7)

* The Pre-Hearing Statement must include a summary of the party's position and evidence, as well as any legal citations.
* The statement should also include a list of undisputed and disputed facts, exhibits, and evidence.
* The statement should also identify any legal issues to be decided.
* Each party must provide a list of witnesses, a summary of their testimony, and the expected duration of their testimony.
* Any motions must be filed by Friday, April 5, 2019, and are limited to 10 pages.
* Oppositions to motions must be filed by Thursday, April 11, 2019.
* Replies to oppositions must be filed by Thursday, April 18, 2019.
* All witnesses must be scheduled and confirmed before the day of the hearing.
* Requests for third-party records must be made by Friday, April 4, 2019.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=8)

* The Police Commission adopted a resolution denying Officer Derek Byrne's motion to suppress evidence.
* The Commission found that Byrne lacked standing to move to suppress the evidence.
* Additionally, the Commission found that the search warrant was properly issued and executed.
* Six commissioners voted in favor of the resolution, while one was absent.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=9)

* The Police Commission charges Officer Derek Byrne with engaging in conduct unbecoming an officer.
* Specifically, Byrne is accused of making statements that show extreme bias and hatred, which is incompatible with the duties of a sworn police officer.
* This violation of Rule 9 of the San Francisco Police Department causes Byrne to fall below the minimum standards required to be a peace officer.
* General allegations include that Byrne has been a member of the department for 8 years and is currently employed as a police officer.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=10)

* Officer Byrne is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department.
* He is also responsible for maintaining the minimum standards required of peace officers, which includes being of good moral character.
* The FBI, United States Attorney's Office, and the San Francisco Police Department's Internal Affairs Criminal Division began investigating allegations of misconduct against Byrne in 2011.
* The investigation resulted in federal grand jury indictments against three sworn members of the Department, and continued criminal investigation of several members.
* The Department's IAD-Crim was a joint partner with the FBI and was included on the Federal Rules of Civil Procedure 6(e) confidential grand jury list.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=11)

* The document discusses the various individuals who are allowed to be present during grand jury proceedings, including grand jurors, interpreters, court reporters, and attorneys for the government.
* Rule 6(e)(3)(B) of the Federal Rules of Criminal Procedure states that information disclosed to an individual assisting an attorney for the government can only be used to enforce federal criminal law.
* The attorney for the government must provide the court with the names of all individuals who have received this information and ensure they understand their obligation to keep it secret.
* The San Francisco Police Department's IAD-Admin and the Office of Citizen Complaints were not allowed to access the materials gathered by the FBI and IAD-Crim.
* The FBI executed search warrants on #5's cell phone, which provided critical evidence during the criminal trial.
* IAD-Crim could not share information with IAD-Admin until the conclusion of the criminal trial.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=12)

* Thousands of text messages were obtained from a cell phone, and the officers involved have no privacy interest in them.
* The criminal trial concluded on December 8, 2014, and information from IAD-Crim was shared with IAD-Admin and the Office of Citizen Complaints.
* The Office of Citizen Complaints expressed concern about the content of the text messages, which showed extreme bias and hatred towards people of color, women, and gay and lesbian people.
* As a result, four officers, including Derek Byrne, were disarmed and administratively reassigned.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=13)

* Officer Derek Byrne is accused of sending hate-filled messages that are incompatible with his employment as a police officer.
* The summary of text messages between Byrne and another officer, #5, show repeated use of homophobic slurs and derogatory language towards African Americans.
* Some of the messages were sent while Byrne was on duty.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=14)

* The summary of text messages continues, with Byrne and #5 exchanging more homophobic slurs.
* Byrne also makes a joke about cancer, and insults #5's appearance and the appearance of women who are attracted to him.
* Several of the messages were sent while Byrne was on duty.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=15)

* Byrne and #5 exchange more text messages containing homophobic slurs.
* The messages also contain sexist and racist remarks.
* Byrne admits to socializing with #5.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=16)

* Byrne acknowledges that most people would be offended by the text messages, but claims he used the slurs as terms of endearment.
* Byrne expresses regret for his actions and accepts responsibility for the discredit brought to the department.
* The commission argues that Byrne's messages demonstrate extreme bias and make it impossible for him to interact with certain groups of people.
* The commission also argues that Byrne's conduct is inexcusable, even though it does not rise to the level of criminal conduct.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=17)

* The commission cites Rule 9 of Department General Order 2.01, which defines misconduct as any behavior that subverts order or reflects discredit on the department.
* The commission argues that if Specification One is sustained, the only appropriate penalty is termination.
* The commission also argues that Byrne's credibility as a witness is irreparably damaged, and that he can no longer perform the core duties of an officer.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=18)

* Gregory P. Suhr, the Chief of Police, verifies that he is the complainant in the case against Officer Derek Byrne.
* Suhr states that he has read the charges and believes them to be true.
* The verification was executed in San Francisco on April 25, 2015.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=19)

* The document provides proof of service of charges against Officer Derek Byrne.
* The charges were personally served to Byrne on April 2015.
* The officer who served the charges declares that the information is true and correct.
* The charges were filed with the San Francisco Police Commission.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=20)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This is due to Byrne's resignation from the department.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=21)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=22)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=23)

* The letter references two case numbers: #9 and #315.

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=24)

* The letter is informing the commissioners of an evidentiary hearing for Officer Derek Byrne.
* The hearing is scheduled for May 2, 2019 at 5:00pm.
* The location of the hearing is Police Headquarters, room 1025, 1st floor.
* Documents and parking instructions will be provided closer to the date of the hearing.
* Sgt. Jayme Campbell is the point of contact for any questions.

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=25)

* The letter is from the San Francisco Police Commission to Chief William Scott.
* Disciplinary charges against Officer Derek Byrne have been taken off the calendar due to his resignation.
* The charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* All related documents will be kept on file.

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=26)

* The document is an email from Damali A. Taylor to Jayme Campbell.
* The email is about a hearing in the matter of Officer Derek Byrne.
* The email contains a link to a document on the Plastlook website.

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=27)

* The email is from Rachael Kilshaw to Jayme Campbell.
* The email is about the acceptance of a hearing in the matter of Officer Derek Byrne.
* The email contains a link to a document on the Outlook Office 365 website.

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=28)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
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* All related documents will be kept on file.

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=29)

* Byrne's attorneys are moving to suppress cell phone data seized from #5 cell phone under a federal search warrant.
* They argue that federal agents exceeded the scope of their warrant by seizing text messages between Byrne and #5 that were not described in the warrant application.
* The warrant only authorized agents to seize data related to a finite list of potential crimes, and the attorneys argue that the text messages do not fall within this scope.

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=30)

* Byrne's attorneys argue that the seizure of the text messages was unconstitutional and that federal agents had no authority to share the data with the San Francisco Police Department.
* They are invoking Penal Code § 1546.4, which allows for the suppression of electronic information obtained in violation of the Fourth Amendment.
* They argue that because the evidence was obtained illegally, Byrne's discipline must be dropped.

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=31)

* A search warrant was signed by Judge Elizabeth D. Laporte on December 14, 2011, authorizing federal agents to seize data from #5's personal cell phone.
* The warrant was the first of several issued as part of an investigation into #5's suspected criminal activities, which include buying and selling stolen property, peddling drugs, and obstructing justice.
* The warrant includes restrictions to ensure agents only search the accounts and files described in the affidavit.
* Section II of the warrant authorizes agents to seize everything on the phone, while Section III limits agents to copying only data related to specific suspected criminal activities.
* The warrant is in compliance with the Fourth Amendment's requirement for particularity.

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=32)

* The federal investigation into #5 led to criminal indictments against six San Francisco Police officers, two of whom were convicted.
* Joyce Hicks from the Office of Citizen Complaints forwarded a memorandum to the Chief of Police, detailing evidence of racist text messages between #5 and at least three other officers.
* The SFPD Internal Affairs Department reviewed the evidence and identified problematic texts between Byrne and #5, which contained homophobic language.
* IA opened an investigation into Byrne, who was apologetic and claimed he was new to the country at the time of the exchanges.
* Byrne was not indicted.

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=33)

* Byrne argues that the U.S. Supreme Court has declared that cell phone data should be afforded special protection under the Fourth Amendment.
* The Fourth Amendment protects people from unreasonable searches and seizures, and this protection extends to government employers.
* Byrne argues that the Department had no warrant and was not authorized to search his cell phone data.
* Byrne also argues that the warrant used to seize his cell phone data was executed in a way that made it more like a "general warrant," which the Fourth Amendment was designed to prevent.

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=34)

* The document discusses the historical context of "general warrants" and how they allow for unchecked searches and seizures.
* The document references cases that highlight the invasiveness of cell phone searches and the need for special protections.
* The document argues that the warrant used to search Byrne's phone was overbroad and thus unconstitutional.
* The document argues that the texts between Byrne and #5 should be suppressed as evidence because they were obtained through an unconstitutional search.

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=35)

* The document references the requirement for "particularity" in warrants, which prevents the seizure of one thing under a warrant describing another.
* The document cites cases that emphasize the importance of limiting searches and seizures to the items specifically enumerated in the warrant.
* The document argues that federal investigators violated this requirement by conducting an "indiscriminate sweep" of data, which included the Byrne #5 Exchanges.
* The document argues that the seizure of the Byrne #5 Exchanges is "constitutionally intolerable" and should be suppressed as evidence.

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=36)

* The document argues that the San Francisco Police Department has no independent right to access the cell phone data seized by federal investigators.
* The document references the Federal Stored Communications Act, which allows government agencies to obtain warrants for electronic communications when the data is relevant to an ongoing criminal investigation.
* The document argues that the release of the Byrne #5 Exchanges to the San Francisco Police Department was not proper under the Act, as the data was not obtained through a warrant and the disclosure was not appropriate given the receiving officer's official duties.

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=37)

* The document argues that disclosure to the San Francisco Police Department was not appropriate under the Federal Stored Communications Act because the data was not seized lawfully by federal agents.
* The document argues that the federal agents violated the Fourth Amendment by conducting an overbroad seizure of data unrelated to the objectives of the warrant.
* The document also argues that the federal agents did not follow the guidelines established by the Ninth Circuit for searches of electronic devices, which include protocols for segregation and redaction of data.

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=38)

* The document argues that the federal agents violated the Fourth Amendment by not adhering to the parameters of their own warrant application.
* The document also argues that the federal agents failed to follow the guidelines established by the Ninth Circuit, which would have prevented the seizure of the Exchanges.
* The document argues that the disclosure to the Los Angeles Police Department was not appropriate because they do not have an independent right to access cell phone data without a warrant.
* The document argues that the Los Angeles Police Department used the federal government to gain access to information they had no probable cause to collect.

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=39)

* The document discusses the constitutional limitations on search and seizure, referencing specific cases and amendments.
* It argues that while police officers may have lesser rights to privacy in some cases, they have equal rights to privacy when it comes to cell phone searches.
* The document references a Ninth Circuit case that establishes that an officer's home is a "sacred place" that deserves the same protection as any other citizen's home.
* The document argues that the U.S. Supreme Court has held that cell phones deserve an equally high level of protection as homes, and that the search of a cell phone is more intrusive than the search of a home.
* The document concludes that the San Francisco Police Department had no right to search Derek Byrne's cell phone data without a warrant.

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=40)

* The document argues that the Department needed a warrant to search the cell phone data, and that the illegal acquisition of the Byrne #5 Exchanges should be suppressed.
* It references Penal Code § 1546.4, which states that cell phone data seized in violation of the Fourth Amendment must be suppressed from arbitration.
* The document argues that the Commission has a duty to protect the sanctity of private electronic device information, and that CalECPA is directly controlling in this case.
* It concludes by requesting that the cell phone data be suppressed and the disciplinary matter pending against Derek Byrne be dismissed in its entirety.

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=41)

* The document is a proof of service, detailing how a motion for suppression of evidence was served to various interested parties.
* The motion pertains to Derek Byrne, and is made under Penal Code § 1546.4.
* The document outlines the various methods used to serve the motion, including by mail, overnight delivery, facsimile transmission, messenger, hand delivery, and email.
* The recipients of the motion are listed, including the San Francisco Police Commission, the San Francisco Police Department, and two individuals: Ashley Worsham and Sgt. Rachael Kilshaw.
* The document is signed by Andrea M. Kelly, and dated January 23, 2019.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=42)

* The letter is from the San Francisco Police Commission to Chief William Scott.
* It informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar due to his resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* All related documents will be kept on file.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=43)

* The document is a "Petitioners' Compendium of Exhibits in Support of Writ Motion" from 12.01.2015.
* The document has the reference number 000337 and the exhibit number ER 0656.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=44)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=45)

* The San Francisco Police Commission has communicated to Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* This decision is due to Byrne's resignation from the force.
* However, the commission has made it clear that the charges will be reinstated if Byrne ever comes back under their jurisdiction.
* The commission will keep all related documents on file.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=46)

* The document is a compendium of exhibits in support of a writ motion.
* The document is dated 12.01.2015.
* It is labeled as "TAB 11" and has the reference numbers "000340" and "ER 0659."

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=47)

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[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=48)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation from the force.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also states that all related documents will be kept on file.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=49)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* However, the commission will reinstate the charges if Byrne comes back under their jurisdiction.
* All related documents will be kept on file.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=50)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
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[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=51)

* The document is a compendium of exhibits in support of a writ motion.
* The document is dated 12.01.2015.
* The document has two reference numbers: 000345 and ER 0664.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=52)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
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[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=53)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=54)

* The San Francisco Police Commission (SFPD) has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges were dropped due to Byrne's resignation.
* If Byrne returns to the SFPD's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file by the SFPD.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=55)

* The document is a compendium of exhibits in support of a writ motion.
* The document is dated 12.01.2015.
* The document has two reference numbers: 000349 and ER 0668.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=56)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The commission will reinstate the charges if Byrne comes back under their jurisdiction.
* The commission will keep all related documents on file.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=57)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=58)

* The document is a compendium of exhibits in support of a writ motion.
* The document is dated 12.01.2015.
* The document has two reference numbers: 000352 and ER 0671.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=59)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=60)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=61)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=62)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
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* The letter also notes that all related documents will be kept on file.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=63)

* The document is a compendium of exhibits in support of a writ motion.
* The document is dated 12.01.2015.
* The document has two reference numbers: 000357 and ER 0676.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=64)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The commission will reinstate the charges if Byrne comes back under their jurisdiction.
* The commission will keep all related documents on file.

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=65)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=66)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* If Byrne ever comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file by the commission.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=67)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned from the force.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=68)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file by the commission.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=69)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned from the force.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=70)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=71)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=72)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=73)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* If Byrne returns to the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=74)

* The San Francisco Police Commission (SFPD) has informed Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned.
* The SFPD will reinstate the charges if Byrne comes back under their jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=75)

* The San Francisco Police Commission (SFPD) has informed Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned.
* The SFPD will reinstate the charges if Byrne comes back under their jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=76)

* The letter from the SFPD to Chief Scott details that disciplinary charges against Officer Byrne have been taken off the calendar due to his resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=77)

* The letter from the San Francisco Police Commission (SFPD) to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=78)

* The SFPD has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=79)

* The San Francisco Police Commission (SFPD) has communicated to Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The SFPD notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=80)

* The letter from the SFPD to Chief Scott informs him that disciplinary charges against Officer Byrne have been taken off the calendar due to his resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The SFPD will keep all related documents on file.

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=81)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=82)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=83)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* If Byrne returns to the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=84)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar due to his resignation.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=85)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* If Byrne returns to the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file by the commission.

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=86)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned from the force.
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The commission will keep all related documents on file.

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=87)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=88)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* The letter from the commission to Chief William Scott notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also states that all related documents will be kept on file.

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=89)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=90)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* The charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* All related documents will be kept on file.

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=91)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=92)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=93)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* If Byrne returns under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=94)

* The San Francisco Police Commission has informed Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar because Byrne resigned.
* The letter states that if Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=95)

* The San Francisco Police Commission has communicated to Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that if Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=96)

* The San Francisco Police Commission has communicated to Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that if Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=97)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The charges were taken off the calendar due to Byrne's resignation.
* The letter states that if Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=98)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* However, the commission has made it clear that if Byrne ever comes back under their jurisdiction, the charges will be reinstated.
* All related documents will be kept on file by the commission.

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=99)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar.
* The letter states that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also notes that all related documents will be kept on file.

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=100)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision was made because Byrne resigned from the force.
* The commission will reinstate the charges if Byrne comes back under their jurisdiction.
* All related documents will be kept on file.

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=101)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar.
* This decision is due to Byrne's resignation from the force.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* The commission will keep all related documents on file.

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=102)

* Exhibit B does not contain any new information, but rather reiterates the information from the previous page.

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=103)

* The letter is from Joyce M. Hicks, the Executive Director of the San Francisco Police Commission, to Chief Greg Suhr.
* The letter requests an internal investigation into three unidentified SFPD officers who exchanged racially derogatory text messages with #5.
* The letter provides excerpts of the text messages, which contain racial epithets and references to "white power."

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=104)

* The document contains multiple exchanges of text messages between #5 and unidentified SFPD officers.
* The text messages contain derogatory language and references to black people, including the use of the word "nigger" and "coon."
* The document references exhibits and US Attorney documents that contain further evidence of the text messages.
* The document also provides the location and contact information for the San Francisco Police Commission.

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=105)

* The document contains multiple exchanges of text messages between #5 and unidentified SFPD officers.
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* The document also provides the location and contact information for the San Francisco Police Commission.

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=106)

* The document contains multiple exchanges of text messages between #5 and unidentified SFPD officers.
* The text messages contain derogatory language and references to black people, including the use of the word "nigger" and "coon."
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* The document also provides the location and contact information for the San Francisco Police Commission.

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=107)

* The document expresses concern over the conduct of the unidentified officers and #5, who are exchanging derogatory text messages.
* The document calls for an investigation into the misconduct of the officers involved, as well as any other officers implicated in the texting evidence.
* The document also requests a meeting to strategize about police training to address the conduct exposed in the text messages.

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=108)

* Joyce M. Hicks, the OCC Executive Director, expresses concern over how the conduct of one sergeant has infected others at the San Francisco Police Department.
* Hicks urges Chief Suhr to send a strong message to his troops that this conduct is despicable and destroys the fabric of the department.
* Hicks looks forward to meeting with Chief Suhr to discuss the matter further.
* Assistant Chief Lyn Tomioka is copied on the letter.

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=109)

* The San Francisco Police Commission is informing Chief William Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar due to his resignation.
* The letter notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* All related documents will be kept on file.

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=110)

* Officer Byrne argues that federal agents exceeded the scope of their warrant when they seized text messages between him and #5.
* Byrne also argues that the seizure was unconstitutional and that the agents had no authority to share the information with the San Francisco Police Department.
* The Commission counters that Byrne lacks standing to file the motion because he was not the target of the warrant nor the recipient of the warrant.
* The Commission also argues that the Department did not violate Byrne's constitutional rights, as the evidence was seized pursuant to a lawful search warrant.
* Lastly, the Commission argues that the Defense has provided no authority for the argument that evidence obtained from a lawful search warrant cannot be used in an administrative proceeding.

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=111)

* The document argues that Officer Byrne's motion for suppression should be denied because he was not the target or recipient of the warrant.
* The document also argues that the department did not violate Byrne's privacy rights under the Fourth Amendment because he did not have a reasonable expectation of privacy in the text messages he sent.
* The document cites several cases to support its arguments, including United States v. Gonzalez, United States v. Miller, and City of Ontario, California v. Quon.

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=112)

* The document argues that Officer Byrne had no reasonable expectation of privacy in the text messages he sent because he willingly shared them with another person.
* The document also argues that the text messages were obtained lawfully through a search warrant, which is presumed to be valid unless the moving party can prove otherwise.
* The document cites People v. Wilson and Daugherty v. City and County of San Francisco to support its arguments.

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=113)

* The document argues that the Department did not need to seek a separate warrant for Officer Byrne's cell phone records because the text messages were discovered as a result of a lawfully executed search warrant.
* The document argues that the Riley v. California decision does not apply to this case because no search of Officer Byrne's cell phone occurred.
* The document argues that the text messages are in the possession of the SFPD as the result of a lawfully executed search warrant.

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=114)

* The Defense argues that the search warrant was "more like a general warrant" and allowed for an unconstitutionally overbroad search.
* The Department counters that the search warrant was necessary and critical to their law enforcement efforts.
* The Department argues that the affidavits in support of the search warrant revealed a pattern of criminality and a willingness to tamper with witnesses.
* The Department points to the content of the text messages as evidence of a comfort level between Officer Byrne and #5, which led to suspicion of illegal activity.
* The Department cites the Rain Daugherty v. City and County of San Francisco case to support their argument.

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=115)

* The Department argues that the text messages were a key investigative tool in the criminal conspiracy case.
* The Department contends that the text messages were obtained through search warrants and were used to identify relationships, associates, and accomplices.
* The court reasoned that it was reasonable for the corruption investigators to view the text messages with suspicion.
* Officer Byrne cites cases that do not support his argument that the Department was required to obtain a search warrant for his cell phone data.
* The Department cites cases that support their argument that the search warrant was not unconstitutionally overbroad.

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=116)

* The document discusses the "operational realities of the workplace" that may make public employees' expectations of privacy unreasonable.
* The document references the Payton v. New York case, which held that the 4th Amendment prohibits police from making warrantless entries into a suspect's home.
* The document also references the Ashcroft v. Abdullah AL-KIDD case, which held that an objectively reasonable arrest and detention of a material witness cannot be challenged as unconstitutional.
* The document discusses the Andresen v. Maryland case, which described the warrants as "models of particularity."
* The document argues that the Defense cannot rebut the presumption that the search warrant was lawful.
* The document argues that the SFPD has a strong interest in taking action against misconduct.
* The document references the Skelton v. Superior Court case, which allows officers to seize contraband that is not included in the warrant.

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=117)

* The document argues that Officer Byrne's text messages were in plain view during the execution of a lawful search warrant.
* The document argues that the warrant was detailed and particular, and specifically allowed for the collection of electronic communication.
* The document argues that the search was not overbroad and that the text messages were revealed as a result of a valid and lawfully executed search warrant.
* The document argues that the SFPD is lawfully in possession of the cell phone data obtained from the phone.
* The document argues that the Defense's argument that the SFPD did not have an independent right of access to the cell phone data is baseless.
* The document argues that the warrants were valid and that disclosure to the Department by the FBI was appropriate.
* The document argues that the SFPD had an obligation to investigate and pursue discipline against Officer Byrne because the text messages indicated that he had engaged in behavior that would undermine his ability to carry out the duties to protect the public in a fair and unbiased manner.

[**Page 118**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=118)

* The document argues that the SFPD is entitled to move forward with its disciplinary process related to Officer Byrne and the text messages.
* The document argues that the California Electronic Communications Privacy Act (CalECPA) does not apply in this matter because it was enacted after the investigation and litigation had already started.
* The document argues that CalECPA only applies in criminal matters, and that the remedy for any purported violations of the Act is only available in criminal proceedings.

[**Page 119**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=119)

* The document argues that section 1538.5 motions do not apply in administrative hearings, citing Goldin v. P.U.C. and Penal Code section 1538.5 (b).
* The document argues that the Legislature intended to limit CalECPA's requirements to criminal matters, as evidenced by the fact that the remedy for violations is limited to Penal Code section 1538.5 motions.
* The document argues that Officer Byrne's request to exclude his racist, sexist, and homophobic text messages from his disciplinary proceeding should be denied because there was no constitutional violation in the matter.
* The document argues that the Department has an obligation to root out bias among its members, and that suppressing the text messages would undermine this goal.

[**Page 120**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=120)

* The Department requests that the Commission deny Officer Byrne's Motion for Suppression.
* The Department argues that they did not violate Officer Byrne's constitutional or statutory rights.
* The document is submitted by Ashley Worsham, an attorney for the San Francisco Police Department.

[**Page 121**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=121)

* The document is a proof of service, confirming that the Department's Memorandum of Points & Authorities in Opposition to Defense Motion for Suppression of Evidence was emailed to two attorneys.
* The proof of service was submitted by an employee of the San Francisco Police Department.
* The document includes the employee's business address and the email addresses of the two attorneys who received the memorandum.
* The proof of service was submitted on February 8, 2019.

[**Page 122**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=122)

* The document discusses the case of Derek Byrne, who is appealing his termination from the San Francisco Police Department.
* Byrne argues that the Department conducted an unlawful search and seizure, which violated his constitutional rights.
* Byrne is requesting that the evidence obtained from this search be suppressed.

[**Page 123**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=123)

* The Department claims that the search warrant used to obtain evidence against Byrne was "valid" and "lawfully executed."
* Byrne argues that the warrant was not valid because the Department seized evidence that was not listed in the warrant application.
* Byrne cites multiple cases to support his argument that the search violated the Fourth Amendment.
* Specifically, Byrne argues that the Department's use of vulgar text messages as evidence against him is invalid because they were not responsive to the federal warrant.

[**Page 124**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=124)

* Byrne argues that the Department's use of cell phone data is "highly improper" and violates the Supreme Court's assertions about the sanctity of cell phone data.
* Byrne claims that the Department illegally obtained evidence it had no probable cause to collect by using data seized by federal agents.
* Byrne argues that the Department is wrong in claiming that it did not need its own warrant to search the data, and cites multiple cases to support his position.

[**Page 125**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=125)

* Byrne references the case of LeClair v. Hart to argue that the Department had no right to search data seized years earlier under a different agency's criminal warrant.
* Byrne argues that even if the federal warrant allowed the government to review the data, the review should have been brief and cursory, as required by Federal Rules of Evidence § 41 and the Fourth Amendment.
* Byrne claims that the government's review of the data was not cursory, and that they retained texts that were not responsive to the warrant, which he argues is unreasonable and exceeds the government's authority.

[**Page 126**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=126)

* The court in United States v. Wey rejects the argument that the government has the right to continually review and use documents seized under a warrant.
* The court compares the government's conduct to returning to a premises to seize left-behind notebooks without seeking a new warrant.
* The court also criticizes the government for handing off unresponsive data to a separate agency for use in a non-criminal matter.
* In United States v. Hulscher, the court addresses the question of how to treat the exchange of digital copies of electronic information between law enforcement agencies.

[**Page 127**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=127)

* The court finds that the San Francisco Police Department should have applied for its own warrant before continuing to search the phone data.
* The court argues that the failure to do so renders all of the data illegally seized and must be suppressed.
* The court also rejects the Department's argument that the "plain-view exception" applies, as the three prongs of the doctrine are not met in this case.

[**Page 128**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=128)

* The court argues that the "plain-view exception" does not apply in this case, as the Department did not have a legal right to sift through the cell phone data, the incriminating character of the evidence was not immediately apparent, and the Department did not have a lawful right of access to the evidence.
* The court also argues that the California Electronic Communications Privacy Act (CalECPA) does apply to this case, despite the Department's assertion that it only applies to criminal matters.
* The court argues that the fact that CalECPA instructs the use of criminal procedures to challenge unlawfully obtained evidence is proof that it does apply to matters outside of criminal cases.

[**Page 129**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=129)

* The court argues that CalECPA is not limited to criminal defendants, as the statute plainly states that "any person" in a trial, hearing, or proceeding may move to suppress electronic information obtained in violation of the Fourth Amendment.
* The court argues that CalECPA is not limited to violations of CalECPA itself, as the statute provides a remedy for any person to suppress evidence seized in violation of the Fourth Amendment.
* The court argues that CalECPA can be applied retroactively, as a statute is not made retroactive merely because it draws upon facts existing prior to its enactment.

[**Page 130**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=130)

* The court argues that the Department was on notice that its search was unlawful, as the Ninth Circuit has maintained that the Government must either destroy or return nonresponsive data.
* The court argues that CalECPA was written to combat the exact situation at hand, as the legislative intent behind the bill shows that it was designed to prevent the seizure of information not necessary to achieve the objective of the warrant.
* The court argues that the Department's seizure of electronic information without a warrant is the situation CalECPA's authors feared, and that the statute creates standing for officers such as Derek Byrne to challenge the search.
* The court argues that the administrative appeal proceedings are subject to the provisions of CalECPA, even though the facts giving rise to the action occurred before the law's effective date.

[**Page 131**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=131)

* The document concludes that the seizure of texts not responsive to the warrant was unconstitutional
* As a result, the commission must suppress the texts and dismiss the disciplinary matter against Derek Byrne
* The document is dated February 15, 2019
* It was submitted by the law firm Rains Lucia Stern St. Phalle & Silver, PC
* Nicole Pitari, an attorney for Derek Byrne, is specifically mentioned
* The document also references a reply to the department's opposition to a motion for suppression

[**Page 132**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=132)

* The document is a proof of service
* It details the various methods by which the document was served to interested parties
* The document specifically mentions the San Francisco Police Commission, the San Francisco Police Department, and two individuals: Ashley Worsham and Sgt. Rachael Kilshaw
* The document is dated February 15, 2019
* It is signed by Andrea M. Kelly

[**Page 133**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=133)

* The document discusses the discovery process in the case against Officer Duck Byrne
* It mentions that the commission has turned over discovery in the past
* The document also discusses the need for a settlement conference and motions
* It references the need for a search warrant application
* Finally, the document notes that an administrative case will need three months to file

[**Page 134**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=134)

* The document discusses the complexity of the case against Officer Byrne
* It references California privacy rights and acts
* The document also mentions the need for a mitigation plan
* It provides a timeline of important dates and events
* Finally, the document references specific case numbers

[**Page 135**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=135)

* The document is a letter from the San Francisco Police Commission to Chief William Scott
* It informs Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar
* The reason for this is that Byrne has resigned
* However, the letter notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction
* The letter also states that all related documents will be kept on file

[**Page 136**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=136)

* Rachael Kilshaw from the San Francisco Police Commission sent an email to Damali A. Taylor
* The email confirms that a settlement conference for Officer Derek Byrne has been accepted
* The email was sent on Wednesday, January 9, 2019 at 3:59 PM

[**Page 137**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=137)

* The letter from the San Francisco Police Commission to Chief William Scott informs him that disciplinary charges against Officer Derek Byrne have been taken off the calendar
* The charges were taken off the calendar due to Byrne's resignation
* The letter also notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction
* All related documents will be kept on file

[**Page 138**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=138)

* Rachael Kilshaw from the San Francisco Police Commission sent an email to Julia Fox, a lawyer
* The email was sent on January 9, 2019
* The subject of the email is that a settlement conference for Officer Derek Byrne has been accepted

[**Page 139**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=139)

* The settlement conference for Officer Derek Byrne is scheduled for Wednesday, February 27, 2019 at 1:00 pm
* The location of the conference is 1245 3rd Street, Room 6122 - 6th floor
* Rachael Kilshaw is the organizer of the conference
* The required attendees include Damali Taylor, William Scott, Rowena Carr, Ashley Worsham, Julia Fox, Walter Ware, and the San Francisco Police Commission
* Rachael Kilshaw provides her contact information in case anyone has any questions
* The email contains a confidentiality notice

[**Page 140**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=140)

* Julia Fox confirms that they are available for the settlement conference on February 27, 2019 at 1:00 pm
* Rachael Kilshaw is reassured that the oversight was on Julia Fox's end, not a glitch on Rachael's end

[**Page 141**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=141)

* The email is marked as confidential and intended only for the recipients listed in the "To," "Cc," and "Bcc" lines.
* The sender requests that anyone who received the email in error delete it and notify the sender.
* Rachael Kilshaw is asking Ashley Worsham and Julia Fox if they are available for a settlement conference regarding Officer Derek Byrne.
* The proposed date and time for the conference is Wednesday, February 27, 2019 from 1pm-2pm.
* Kilshaw also requests that Fox confirm Byrne's availability, as his presence is required.

[**Page 142**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=142)

* The San Francisco Police Commission has taken disciplinary charges against Officer Derek Byrne off the calendar due to his resignation.
* If Byrne comes back under the commission's jurisdiction, the charges will be reinstated.
* All related documents will be kept on file.

[**Page 143**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=143)

* Sergeant Rachael Kilshaw is coordinating a settlement conference for Officer Derek Byrne.
* The conference is tentatively scheduled for Wednesday, February 27, 2019 from 1pm-2pm.
* Officer Byrne's attendance is required.

[**Page 144**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=144)

* The status conference for Officer Derek Byrne has been accepted.
* Rachael Kilshaw and Ashley Worsham are the point of contact for the conference.
* The conference is scheduled for Monday, December 10, 2018 at 11:58 AM.

[**Page 145**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=145)

* The message is from outside the City email system, so caution should be taken when opening links or attachments.
* Rachael Kilshaw is the recipient of the message, and Damali A. Taylor is the sender.

[**Page 146**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=146)

* Rachael Kilshaw and Damali A. Taylor are discussing potential dates for a settlement conference in the matter of Officer Derek Byrne.
* Chief Scott is available on four different days in February 2019, with specific times listed.
* Rachael Kilshaw is asking Damali A. Taylor to confirm which of the four days works for her, so that she can coordinate with other individuals.
* The message contains a confidentiality notice, warning against unauthorized interception, review, or use of the information.

[**Page 147**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=147)

* Rachael Kilshaw is informing Ashley Worsham and Jennifer Fox that Officer Derek Byrne's case will be taken off the Police Commission calendar.
* Byrne does not need to appear for the November 7, 2018 hearing.
* Kilshaw provides her contact information in case there are any questions.
* The message contains a confidentiality notice, warning against unauthorized interception, review, or use of the information.

[**Page 148**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=148)

* The Police Commission has scheduled a status conference and/or possible setting of hearing on disciplinary charges against Officer Derek Byrne.
* The meeting is scheduled for Wednesday, December 5, 2018, in Room 400, City Hall, San Francisco.
* Byrne and his representative must attend unless excused by the Commission Secretary.
* The letter provides contact information for the Police Commission Office in case Byrne has any questions.

[**Page 149**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=149)

* The letter discusses the possibility of taking Officer Byrne's case off the calendar due to his resignation.
* The letter notes that the charges will be reinstated if Byrne comes back under the Commission's jurisdiction.
* The letter also states that all related documents will be kept on file.
* The letter provides contact information for the Police Commission Office in case Byrne has any questions.

[**Page 150**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=150)

* Julia Fox, an attorney at Rains Lucia Stern, PC, is communicating with Rachael Kilshaw, a sergeant at the San Francisco Police Department, about the case of Officer Derek Byrne.
* Fox is asking Kilshaw to consider keeping the case on the agenda for the following week.
* Kilshaw is asking Ashley Worsham, another member of the Police Commission, for her thoughts on the matter.

[**Page 151**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=151)

* The email discusses the employment status of Officer Derek Byrne, which is "more complicated than initially thought."
* The email suggests keeping Byrne's case on the calendar.
* The email is from Julia Fox, an attorney at Rains Lucia Stern, PC.
* The email contains a confidentiality notice, which instructs the recipient to delete the email and its attachments if they are not an intended recipient.
* Rachael Kilshaw from the San Francisco Police Department informs Ms. Worsham and Ms. Fox that Byrne's case will be taken off the calendar, and that he does not need to appear.

[**Page 152**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=152)

* The letter is from the San Francisco Police Commission to Chief William Scott.
* The letter informs Scott that disciplinary charges against Officer Derek Byrne have been taken off the calendar due to his resignation.
* The letter notes that the charges will be reinstated if Byrne comes back under the commission's jurisdiction.
* The letter also states that all related documents will be kept on file.

[**Page 153**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=153)

* The Police Commission has scheduled a status conference and/or possible setting of hearing on disciplinary charges for November 7, 2018.
* Officer Byrne and his representative must attend the meeting unless excused.
* The letter provides contact information for the Police Commission Office in case Byrne has any questions.
* The letter is copied to two attorneys and a deputy city attorney.

[**Page 154**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=154)

* The letter discusses the Court of Appeal's decision in Daugherty et al. v. City and County of San Francisco et al.
* The Court of Appeal reversed the trial court's decision that the discipline initiated against these officers was untimely.
* The Commission cannot proceed until the Court of Appeal's decision is final, which will be on June 29, 2018.
* Further proceedings in the Superior Court may be necessary before the Commission can take further action.

[**Page 155**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=155)

* The Department argues that the Superior Court's orders are incompatible with the Court of Appeal's decision.
* The Department requests that the Commission postpone scheduling a status conference until after the Court of Appeal's opinion becomes final.
* The Department wants the Commission to allow the parties to brief the Commission on the status of any additional Superior Court proceedings before resuming disciplinary cases.
* The letter includes a list of individuals who are copied on the letter, including counsel for the petitioners and the San Francisco Police Commission.

[**Page 156**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=156)

* The document is a lead sheet for scanning a court order.
* The case number is CPF-15-514302 and the filing date is Jun-22-2015.
* The document was filed by Sean Kane.
* The order pertains to the case of Rain O Daugherty vs. City and County of San Francisco et al.
* The lead sheet includes instructions to place the sheet on top of the document to be scanned.

[**Page 157**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=157)

* The document is a proposed order denying a motion to vacate an order staying administrative proceedings and to reject jurisdiction.
* The case is between Rain O. Daugherty (plaintiff-petitioner) and the City and County of San Francisco, the San Francisco Police Department, and the San Francisco Police Commission (defendants-respondents).
* The motion was heard on June 22, 2015 at 9:30 a.m. in Department 302 (Law & Motion) of the Superior Court of California, County of San Francisco.
* Alison Berry Wilkinson represented the plaintiff-petitioner, while Kenneth M. Walczak represented the defendants-respondents.
* The motion was denied based on the Peace Officers' Procedural Bill of Rights (POBR), which provides due process protections for peace officers.

[**Page 158**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=158)

* The document discusses the City's violation of Gov. Code sec. 3304(d)(1), which prohibits punitive action against a public safety officer if the investigation is not completed within one year.
* Petitioners provide evidence that the City has undertaken punitive action against them, and that the City is acting beyond the one-year statute of limitations.
* The City argues that the Police Chief did not learn about the text messages until January 2015, but the evidence submitted is insufficient to establish this fact.
* The City also argues that the criminal investigation exception applies, but again, insufficient evidence is set forth to substantiate this argument.
* The Court concludes that Petitioners have set forth sufficient evidence of a likelihood of prevailing on the POBR claim.

[**Page 159**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=159)

* The document references Alameida v. State Personnel Bd., which establishes that an employee can assert violation of the Act as a defense to discipline.
* The Court orders that the stay order issued on May 19, 2015 will remain in effect until a final adjudication of the writ.
* The Court believes it is in the interest of justice to stay the administrative proceeding to avoid conflicting results.
* The order is dated June 22, 2015 and signed by Judge Ernest H. Goldsmith.

[**Page 160**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=160)

* The document is a lead sheet for scanning a court order.
* The case number is CPF-15-514302 and the filing date is Dec-21-2015.
* The document was filed by Cynthia Herbert.
* The order pertains to the case of Rain O Daugherty vs. City and County of San Francisco et al.
* The lead sheet instructs that it should be placed on top of the document to be scanned.

[**Page 161**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=161)

* The document concerns a case between plaintiff-petitioner Rain O. Daugherty and defendants-respondents City and County of San Francisco, its Police Department, and its Police Commission.
* The case number is CPF-15-514302.
* A hearing took place on December 21, 2015 in Department 302, presided over by Judge Ernest Goldsmith.
* Both parties were represented by legal counsel.
* The document is a proposed order granting a motion for writ and extraordinary relief.

[**Page 162**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=162)

* The petition for writ of mandate and extraordinary relief is granted.
* The one-year statute of limitations period for investigating officer misconduct is meant to protect both the rights of police officers and the public's safety.
* Lieutenant DeFilippo was obligated to initiate an administrative investigation of the petitioners' misconduct in December 2012, and the investigation needed to be completed by December 2013.
* The San Francisco Police Department's unwritten policy did not excuse the department's failure to conduct the investigation in a timely manner.
* The tolling exception did not apply in this case because the petitioners were not the subject of a criminal investigation.
* Even if the department was prevented from conducting an administrative investigation, the petitioners are still entitled to relief because the U.S. Attorney's Office instructed those involved in the criminal investigation to keep the information confidential.

[**Page 163**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=163)

* The department failed to demonstrate that an investigation of the misconduct was prohibited for confidentiality purposes.
* Even if the limitations period began later, the department still did not complete the investigation in time.
* The department did not establish that the extensions provided in the Government Code applied in this case.
* The judge ordered that the motion for writ of mandate and extraordinary relief be granted.

[**Page 164**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=164)

* The document is a lead sheet for scanning a court order.
* The case number is CPF-15-514302 and the filing date is May 19, 2015.
* The order was filed by Sean Kane.
* The case is Rain O Daugherty vs. City and County of San Francisco et al.

[**Page 165**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=165)

* The court order is for a stay of administrative proceedings pending further hearing.
* The order was granted on May 18, 2015 at 11:00 a.m. in Department 302 of the San Francisco Superior Court.
* Alison Berry Wilkinson represented the petitioner, Rain O. Daugherty, while Kenneth M. Walczak represented the respondents.

[**Page 166**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=166)

* The stay applies to all administrative proceedings related to Daugherty and other subject officers in various IAD cases.
* Officers who join the action by May 19, 2015 will be included in the stay.
* While the stay is in effect, officers on unpaid administrative leave will be placed on paid leave.
* The stay will remain in effect until a hearing on June 22, 2015, which will address various issues including the court's jurisdiction and whether relief should remain in effect.
* The parties are required to file motions and briefs according to a set schedule.

[**Page 167**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=167)

* The court will decide whether to retain jurisdiction to resolve the merits of the writ petition at the June 22, 2015 hearing.
* If the court retains jurisdiction, a hearing on the merits and a briefing schedule will be issued.
* The order is dated May 19, 2015 and signed by Judge Ernest H. Goldsmith.

[**Page 168**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=168)

* The document is a lead sheet for scanning a court order.
* The case number is CPF-15-514302 and the filing date is May 19, 2015.
* The order was filed by Sean Kane.
* The case is Rain O Daugherty vs. City and County of San Francisco et al.
* The document includes instructions to place the lead sheet on top of the document to be scanned.

[**Page 169**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=169)

* The document is a proposed order to stay administrative proceedings.
* The case number is CPF-15-514302.
* The plaintiff-petitioner is Rain O. Daugherty.
* The defendants-respondents are the City and County of San Francisco, the San Francisco Police Department, and the San Francisco Police Commission.
* The order was granted on May 18, 2015 at 11:00 a.m. in Department 302 of the San Francisco Superior Court.
* Alison Berry Wilkinson represented the petitioner and Kenneth M. Walczak represented the respondents.

[**Page 170**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=170)

* The order stays all administrative proceedings related to Daugherty and other officers identified in various case numbers.
* Officers who join the action by May 19, 2015 will be included in the stay.
* While the stay is in effect, officers on unpaid administrative leave will be placed on paid leave.
* The stay will remain in effect until a hearing on June 22, 2015.
* The hearing will address the court's jurisdiction, whether relief should remain in effect, and any motions for protective order or to seal.
* The parties are given deadlines for filing motions, oppositions, and replies.

[**Page 171**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=171)

* The document references a hearing that took place on June 22, 2015
* The court may retain jurisdiction to resolve the writ petition
* If the court does retain jurisdiction, a hearing and briefing schedule will be issued
* The order is dated May 19, 2015
* The order was issued by Judge Esmer Goldsmith of the Superior Court

[**Page 172**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=172)

* The document references a motion for a protective order and/or to seal records
* The motion is granted in part
* All references to material protected by Penal Code sections 832.7 and 832.8 must be filed under seal
* The document references the parties involved in the case, including the petitioner, Rain O. Daugherty, and the respondents, the City and County of San Francisco, the San Francisco Police Department, and the San Francisco Police Commission
* The document also references the attorneys representing each side

[**Page 173**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=173)

* The document discusses the issue of identifying officers in court filings and oral proceedings
* It references the Copley Press, Inc. v. Sup. Ct. case, which establishes that an officer does not have to choose between protecting his rights and his right to confidentiality
* The request to close the hearings is denied
* The document ends with an order from the judge

[**Page 174**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=174)

* Officer Derek Byrne is on paid administrative leave due to the discovery of racist and homophobic text messages
* The messages were exchanged with #5 and date from October 2011 to August 2012
* Byrne has admitted to sending the messages
* A Return to Duty hearing was held on April 21, 2015
* Deputy Chief Schmitt recommended that Byrne be placed on unpaid interim suspension
* Chief Suhr concurs with the decision

[**Page 175**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=175)

* The Chief is authorized to suspend an officer under exigent circumstances
* Byrne's statements are considered offensive and create a risk to the safety and well-being of the community and fellow officers
* The Department has determined that there is no assignment that would not present a risk of harm
* Byrne is ordered to be placed on suspension pending a hearing before the Commission

[**Page 176**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=176)

* Byrne is placed on interim suspension without pay
* He is ordered to stay away from all Department stations, facilities, and administrative offices
* He must sign and date the letter and provide a copy to the Internal Affairs Division
* The letter is copied to various departments and individuals within the City

[**Page 177**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=177)

* The Police Commission sets a case management conference
* President Loftus reviews the joint discovery letter
* Department counsel is directed to respond to discovery requests
* Byrne is allowed to file a 3304 Motion
* A briefing schedule is set for the motion
* A hearing is scheduled for May 11, 2015

[**Page 178**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=178)

* President Loftus sets a date for taking evidence
* Time limits for each side are established
* Parties are instructed to submit written requests for additional time
* Parties are instructed to prepare and deliver Pre-Hearing Statements
* Deadlines are set for motions, oppositions, and replies

[**Page 179**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=179)

* Parties are instructed to schedule and confirm witnesses before the hearing
* Deadlines are set for requesting attendance of Department employees and non-City employees
* A deadline is set for requesting records from third parties
* The Commission Secretary will contact counsel to schedule an Early Case Resolution Conference

[**Page 180**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=180)

* The Police Commission adopted Resolution No. 15-17
* The resolution assigns Commissioner Suzy Loftus to conduct taking of evidence in the disciplinary charges filed against Officer Derek Byrne
* The date for the hearing will be set at a later time
* Copies of the resolution were sent to various individuals involved in the case

[**Page 181**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d9abba982474f40bae70550bb9784786/content#page=181)

* The letter is from the San Francisco Police Commission to Officer Derek Byrne.
* Disciplinary charges against Byrne are being taken off the calendar due to his resignation.
* The charges will be reinstated if Byrne comes back under the Commission's jurisdiction.
* All related documents will be kept on file.

[**2017-07-31 Bias Comm118\_part\_2\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=1)

* Alison Berry Wilkinson is the attorney representing Sergeant Sherry Hicks
* The motion to dismiss charges against Hicks is being brought before the San Francisco Police Commission
* The motion references the case of Morgado v. City and County of San Francisco, in which the Commission was found to have violated procedure by not providing an officer with the opportunity for an administrative appeal
* The motion argues that the Commission similarly did not provide Hicks with the opportunity for an administrative appeal

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=2)

* The motion argues that the Commission violated Government Code section 3304(b) by not providing Hicks with an opportunity for administrative appeal
* The motion references the case of Morgado v. City and County of San Francisco, which found that every step of disciplinary procedures for San Francisco Police Officers involves a "punitive action" as defined by the Public Safety Officers' Procedural Bill of Rights Act (POBR)
* The motion argues that the Commission's failure to provide Hicks with an administrative appeal constitutes a violation of POBR

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=3)

* The motion references the case of Morgado v. City and County of San Francisco, which found that a hearing prior to the final imposition of disciplinary action does not satisfy the mandate provided by Government Code section 3304(b)
* The motion argues that the Commission is not providing Hicks with an opportunity to appeal the ultimate disciplinary decision, which is a violation of POBR
* Hicks is requesting that the disciplinary action be dismissed due to the procedural deficiency
* The motion is submitted by attorney Alison Berry Wilkinson on behalf of Hicks

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=4)

* The document is a memorandum of points and authorities in opposition to the motion to dismiss
* The document argues that neither Government Code section 3304(b) nor the statement in Morgado are sufficient to grant the motion
* The document argues that Hicks' rights have not been violated because the initial filing of the Commission charges does not constitute a "punitive action"
* The document is submitted by attorney Ashley L. Worsham on behalf of the San Francisco Police Department

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=5)

* The document argues that the filing of Commission charges is just one step in the disciplinary process for peace officers
* The document argues that the Morgado decision does not call for an administrative appeal at every step in the disciplinary process
* The document argues that the Defense's motion to dismiss is premature and not supported by Government Code Section 3304(b) or the holding in Morgado
* The document argues that the right to an administrative appeal is only triggered by the final disciplinary action by the Commission

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=6)

* The document argues that Sgt. Hicks' motion to dismiss is premature
* The document argues that the Defense's reliance on Government Code Section 3304(b) and the Morgado case is misplaced
* The document clarifies that Government Code Section 3304(b) requires an opportunity for an administrative appeal only after a punitive action is taken
* The document argues that the Chief's complaint is not a punitive action, and therefore does not trigger the right to an administrative appeal

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=7)

* The document references the Morgado case to argue that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal
* The document argues that the motion to dismiss is premature because the Commission has not yet heard any evidence
* The document argues that the Chief's complaint does not amount to a punitive action, and therefore does not trigger the right to an administrative appeal
* The document argues that the Defense's reliance on the Morgado case is misplaced because the facts of the case are different
* The document argues that the purpose of an administrative appeal is to allow the officer to establish a formal record and attempt to convince the agency to reverse its decision

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=8)

* The Department requests that the Commission deny Sgt. Hicks' Motion to Dismiss
* The document is dated July 13, 2018
* The document is submitted by Ashley L. Worsham, an attorney for the San Francisco Police Department

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=9)

* Alison Berry Wilkinson is the attorney for Sgt. Sherry Hicks
* The motion to dismiss charges against Sgt. Hicks references the case of Morgado v. City and County of San Francisco
* The motion argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal
* The hearing date is set for August 8, 2018

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=10)

* The motion argues that the San Francisco Police Commission is out of compliance with Government Code section 3304(b)
* The lack of an administrative appeal procedure significantly prejudices Sgt. Hicks
* The motion argues that proceeding with the hearing would violate Hicks' rights under the Public Safety Officers' Procedural Bill of Rights Act
* The motion also argues that the Commission could be subject to sanctions under Government Code section 3309.5
* Sgt. Hicks is unable to make strategic decisions about her defense without knowing the details of the administrative appeal procedure

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=11)

* Sgt. Hicks has already submitted a pre-hearing witness list and documentary evidence
* The lack of an administrative appeal procedure has already violated her rights under the Public Safety Officers' Procedural Bill of Rights Act
* The motion requests that the charges against Sgt. Hicks be dismissed
* The motion is submitted by attorney Alison Berry Wilkinson on behalf of Sgt. Hicks

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=12)

* The motion for discovery is being made under California Evidence Code section 1043 and Riverside Cnty. Sheriff's Dept. v. Stiglitz.
* Hicks is requesting the production of any peace officer personnel records within the five year period before July 31, 2018.
* The hearing is scheduled for August 9, 2018 at 9:30 a.m. in San Francisco.
* Commissioner Robert Hirsch is the hearing officer.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=13)

* The motion references a violation of Department General Order 2.01, Rule 9, which prohibits conduct unbecoming an officer.
* The motion is supported by a notice, memorandum, declaration, and other evidence.
* Alison Berry Wilkinson is the attorney for Sergeant Sherry Hicks.
* Hicks is accused of using a racial epithet in a text message, but argues that the recommended penalty is too harsh and inconsistent with how others have been treated.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=14)

* The motion argues that discovery of records is necessary for Hicks to defend against the disciplinary recommendation.
* The motion references the California Supreme Court's decision in Pitchess v. Superior Court, which allows for discovery of police personnel records.
* The motion also references the California Evidence Code, which limits access to peace officer personnel records to that which is relevant to the pending litigation.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=15)

* The motion references the Stiglitz case, in which the California Supreme Court held that a Pitchess motion is the proper mechanism for discovery in administrative proceedings.
* The motion argues that good cause exists to produce the records, as they are material to the pending litigation and the San Francisco Police Department is likely to have the information sought.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=16)

* The motion argues that the recommended penalty of termination is overly harsh and excessive, and that it violates the principles of progressive discipline.
* Sergeant Hicks is requesting access to records from the San Francisco Police Department and the Police Commission in order to establish a defense.
* The motion requests the production of records related to any sustained allegation of misconduct or disciplinary action related to the use of derogatory or offensive words.
* The motion is submitted by attorney Alison Berry Wilkinson on behalf of Sergeant Hicks.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=17)

* Alison Berry Wilkinson, an attorney licensed to practice in California, is representing Sergeant Sherry Hicks.
* Wilkinson argues that the recommended penalty of termination is excessive for a single, accidental use of a racial epithet.
* Wilkinson requests access to confidential peace officer personnel records in order to provide Hicks with a fair hearing.
* Wilkinson's declaration is meant to show good cause as required by Evidence Code section 1043.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=18)

* The motion references the importance of records, data, and materials that are in the exclusive possession of the Police Commission and the Police Department.
* The motion argues that the recommended termination of Sergeant Hicks is based on an allegation of conduct unbecoming a police officer, which is inconsistent with how other officers have been treated for similar infractions.
* The motion cites three specific cases in which officers were not terminated for using derogatory language or engaging in behavior that suggested racial bias.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=19)

* The motion references another case in which a sergeant used racially derogatory language in a text exchange, but only received a two-day suspension.
* The motion argues that there are multiple instances in which officers have violated department rules but were not terminated.
* The motion is signed by Alison Berry Wilkinson, the attorney for Sergeant Hicks, and is dated June 29, 2018.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=20)

* The document is an opposition to a motion for discovery under Pitchess/Stiglitz.
* The opposition is filed by the San Francisco Police Department (SFPD) as the custodian of records for sworn members.
* The SFPD argues that the motion is premature and that Sgt. Hicks has not shown good cause to access confidential police files.
* The document is signed by Ashley L. Worsham, the attorney for the SFPD, and is dated July 16, 2018.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=21)

* Sgt. Hicks is requesting access to confidential personnel files of officers who may have used derogatory language.
* The San Francisco Police Department (SFPD) is asking the Commission to deny the request, arguing that it is premature and lacks good cause.
* The SFPD cites California Evidence Code §1043(b)(3) to support their argument.
* The SFPD also references the case of Pitchess v. Superior Court to argue that peace officer personnel records are privileged and can only be disclosed with a court order.
* The SFPD argues that the legislature intended to place limitations on the disclosure of peace officer personnel files.

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=22)

* The document discusses the requirements for filing a motion for discovery according to section 1043.
* The party seeking discovery must submit affidavits showing good cause and materiality.
* The motion must describe the type of records or information sought with sufficient specificity.
* The document references the case of People v. Mooc to emphasize the importance of specificity.
* The document argues that Sgt. Hicks' motion is premature and fails to establish good cause.
* The document references the case of Riverside County Sherriff's Department v. Jan Stiglitz to argue that it is not applicable to the current situation.

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=23)

* Sgt. Hicks argues that her termination was disproportionate to her misconduct, citing other Department employees who received lesser punishments for similar infractions.
* The California Supreme Court ruled that an arbitrator may rule on a discovery motion for officer personnel records.
* The SFPD argues that Sgt. Hicks' motion is premature because she has not had an evidentiary hearing or ruling by the Commission.
* The SFPD also argues that Sgt. Hicks has not shown good cause for the request, and that the information she seeks is not relevant to her defense.

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=24)

* The SFPD argues that Sgt. Hicks' request for records is an improper "fishing expedition" because she has not named specific officers whose records she seeks.
* The SFPD also argues that any request for records beyond five years is unsupported by law, citing the California Supreme Court's ruling in City of Los Angeles v. Superior Court (Brandon).
* If the Commission finds good cause for production of the records, the SFPD requests that the Commission review the information in camera to determine its relevance to the case.

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=25)

* The document outlines five procedures the reviewing court should follow when conducting an in camera review of peace officer personnel records.
* The document references California Evidence Code section 915, which requires that the record of the in camera hearing and the record of the documents examined be kept confidential.
* The document also references California Evidence Code section 1045(d), which allows the court to protect the officer or agency from unnecessary embarrassment or oppression.
* The Department requests that the court order an in camera review and issue a protective order for any materials released to Sgt. Hicks.
* The Department also requests that the court limit the use of any disclosed information to the instant case only.

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=26)

* The document references Alford v. The Superior Court of San Diego County, a case that supports the Department's request to deny Sgt. Hicks's motion.
* The Department requests that Sgt. Hicks's motion be denied for the reasons outlined in the document.
* The document is submitted by Ashley L. Worsham on behalf of the San Francisco Police Department.

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=27)

* Alison Berry Wilkinson is the attorney representing Sgt. Sherry Hicks.
* The motion is in response to the San Francisco Police Department's opposition to Sgt. Hicks's discovery motion.
* The Police Department argues that the motion is premature and that good cause for discovery was not shown.
* Sgt. Hicks's attorney argues that the motion should be granted, as the Police Department's objections are not well taken.
* The motion specifically requests records within the five year period before July 31, 2018.

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=28)

* Sgt. Hicks is facing charges for allegedly using a term that suggested racial bias.
* The motion argues that the recommended penalty of termination is unfair.
* Sgt. Hicks is seeking records to support a defense of disparate treatment.
* The motion references four specific cases in which officers received lesser penalties for similar conduct.
* The motion argues that the Department's objection to not providing the names of the officers in the four cases is unfounded, as it is common practice to refer to officers by case number.

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=29)

* The motion argues that there may be additional records relevant to Sgt. Hicks' defense that she is unaware of, and that the Department does not dispute this.
* The motion argues that the Department's claim that the discovery request is premature is unfounded, as it is in accordance with the Police Commission's Rules.
* The motion also argues that it was filed in a timely manner, as the original hearing date was set only 45 days before the hearing, and the Department did not object to the motion being filed four days later.

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=30)

* The motion argues that the Commission's Rules allow for the discovery of Pitchess/Stiglitz material in order to determine misconduct charges.
* The motion also argues that the statutory scheme permits Pitchess/Stiglitz motions in Police Commission proceedings, and that the Department's argument that such motions are only available to administrative appeals is incorrect.
* Sgt. Hicks requests that the hearing officer grant her motion and produce records relevant to her defense.

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=31)

* The document pertains to a hearing before the Police Commission of the City and County of San Francisco.
* The matter concerns Sergeant Sherry Hicks, a police sergeant.
* The case number is IAD 2017-0283.
* The hearing took place at City Hall, Room 400, in San Francisco, California.
* The hearing occurred on Wednesday, August 15, 2018.
* The transcript was reported by Roomian & Associates, with Anna C. Greenley as the deposition reporter.

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* The hearing begins with the attendance of the San Francisco Police Commission.
* Sergeant Kilshaw introduces the agenda item, which is a motion to dismiss LAD 2017-0283.
* Ashley Worsham, an attorney for the San Francisco Police Department, and Alison Berry Wilkinson, an attorney for Sergeant Hicks, make appearances.
* Commissioner Hirsch asks for clarification on the motion to dismiss.
* Berry Wilkinson argues that the motion is based on the Morgado decision, which states that the Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* Hirsch questions why the trial judge or appellate court did not order the discipline to be dismissed.
* Berry Wilkinson responds that the lack of an administrative appeal procedure significantly prejudices Hicks, and that the proceedings should not move forward until the meet and confer process is complete.

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* Berry Wilkinson argues that the lack of an administrative appeal process makes it difficult for her to make strategic decisions about how to present her case.
* Commissioner Hirsch argues that the Commission is in the process of developing an appeal process, and that the meet and confer process is ongoing.
* Berry Wilkinson responds that the meet and confer process has reached an impasse, and that a fact-finding proceeding is scheduled for October 31st, November 1st, and November 2nd.
* Berry Wilkinson argues that the Morgado decision invalidates any disciplinary action taken by the Commission because there was no opportunity for administrative appeal.
* Commissioner DeJesus argues that the Morgado decision does not require the entire department to have an appellate procedure in place, and that the Commission can provide an appellate procedure for Hicks.
* Berry Wilkinson argues that the lack of an administrative appeal process forces her to call every witness and present all documents in order to create a full record for the hearing officer on appeal.
* Commissioner DeJesus argues that the Commission's rules allow for more time for complex cases, and that Berry Wilkinson should put on a full defense.

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* Berry Wilkinson argues that the Commission does not have the authority to impose its own appeal procedures.
* Commissioner DeJesus counters that the Charter does not prohibit the Commission from doing so.
* Berry Wilkinson argues that the Morgado decision has a residual impact on all San Francisco police officers, and that it would be inefficient and costly to litigate each case individually.
* Commissioner Hirsch clarifies that he only limited the number of character witnesses Berry Wilkinson could call, and that she could submit the rest by way of declarations.
* Berry Wilkinson argues that the lack of an opportunity to present witness credibility is prejudicial to her client.
* Commissioner Elias questions why the accommodations made by Commissioner Hirsch are not sufficient.

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* Berry Wilkinson argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal, which is a violation of the Bill of Rights Act.
* Commissioner Hamasaki questions whether there is any legal authority to support Berry Wilkinson's assertion.
* Berry Wilkinson cites the case of Morgado v. City and County of San Francisco as precedent.
* Berry Wilkinson argues that the San Francisco Police Commission is the only agency that does not provide a full-fledged de novo evidentiary hearing at the 3304(b) level.
* Commissioner DeJesus questions whether the Department cannot discipline anyone past 10 days until they go through an entire meet and confer process with the union.
* Berry Wilkinson argues that the disciplinary charges against Hicks should be dismissed because the procedures provided by the San Francisco City and County of San Francisco are non-POBR compliant.

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* Commissioner DeJesus questions why Berry Wilkinson is arguing for an administrative appeal when they are already preparing for a full evidentiary hearing.
* Berry Wilkinson argues that the statute requires an opportunity for an administrative appeal before proceeding with the hearing.
* Commissioner DeJesus questions why Berry Wilkinson would not put on their best case at this level rather than waiting for an appellate process.
* Berry Wilkinson argues that knowing the process is important for strategic litigation.
* Commissioner Hirsch asks for the Department's response.
* Ms. Worsham argues that there is nothing in the Government Code or the Morgado case that prohibits the Department from moving forward with the disciplinary process.
* Ms. Worsham argues that the Department is prepared to move forward with the evidentiary hearing regardless of the Commission's decision.

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=37)

* Berry Wilkinson argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal, which is required by law.
* Commissioner Hirsch questions whether the Morgado case is relevant, as the court did not dismiss the charges against Morgado.
* Berry Wilkinson argues that the Morgado case is different from the current case, and that the court did not rule on the issue because it was not presented to them.
* The Commission denies the motion to dismiss, and agrees to implement the same appeal process as in the Morgado case.
* Berry Wilkinson requests information on the appeal process, as she is not familiar with it.

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=38)

* Anna C. Greenley, a certified shorthand reporter, certifies that the hearing was held at the time and place stated.
* Greenley also certifies that she transcribed the hearing and is not affiliated with any of the parties involved.
* Greenley signs the certificate on August 23, 2018.

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=39)

* The document references a number of legal terms and concepts, such as "appeal," "arbitration," and "adjudication."
* Alison Berry Wilkinson, the attorney for Sergeant Sherry Hicks, argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* The motion references the case of Morgado v. City and County of San Francisco to support this argument.
* The document also mentions a number of individuals, including Alicia Cabrera, Ashley Carlton, and Cindy Bill.

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=40)

* The document discusses a number of legal concepts, such as "dismissal," "discipline," and "evidence."
* The motion references the San Francisco Police Commission and the San Francisco County Court.
* The document also mentions a number of individuals, including Elias DeJesus and Dr. CSR.
* The document discusses the importance of efficiency and economy in legal proceedings.

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=41)

* The document references a number of individuals, including sergeant Sherry Hicks, her attorney Alison Berry Wilkinson, and the opposing party, the San Francisco Police Commission.
* The motion to dismiss charges against Hicks references a previous case, Morgado v. City and County of San Francisco, to argue that the commission did not provide Hicks with the opportunity for an administrative appeal.
* The document also discusses various legal concepts and terms, such as "jurisdiction," "fact-finding," and "individualized" proceedings.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=42)

* The document continues to reference the case of Morgado v. City and County of San Francisco, as well as other cases and legal concepts.
* The document discusses the importance of providing an opportunity for an administrative appeal, and argues that the San Francisco Police Commission did not do so for sergeant Hicks.
* The document also references various legal terms and concepts, such as "POBR," "pre-hearing," and "posture."

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=43)

* The document references a number of legal terms and concepts, such as "prejudice," "rules," "ruling," and "proceeding."
* The document also mentions various individuals, such as Rachael, Scott, Robert, and Roomian.
* The document continues to argue that the San Francisco Police Commission did not provide sergeant Hicks with the opportunity for an administrative appeal, and references the case of Morgado v. City and County of San Francisco to support this argument.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=44)

* The document references a number of legal terms and concepts, such as "termination," "testimony," "vacate," and "valid."
* The document also mentions various individuals, such as Thomas, Worsham, and Wilkinson.
* The document continues to argue that the San Francisco Police Commission did not provide sergeant Hicks with the opportunity for an administrative appeal, and references the case of Morgado v. City and County of San Francisco to support this argument.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=45)

* Page 33 of the document contains a number of numerical references, such as times (15:25, 16:5, 17:10, 22:8), phone numbers (362-5920), and section numbers (1:25, 1:14, 1:25).
* The document also references various legal codes, such as 54957(b)(1), 67.10(b), and 832.73:6.
* The document mentions the law firm Roomian & Associates, and provides their phone number.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=46)

* The document references the San Francisco Police Commission and the San Francisco Police Department.
* The document concerns a hearing for Sergeant Sherry Hicks, who is identified by the case number IAD 2017-0283.
* The hearing took place on Thursday, August 9, 2018 at the Police Headquarters on 1245 Third Street, 6th Floor in San Francisco, California.
* The transcript of the hearing was reported by Roomian & Associates, with Anna C. Greenley as the court reporter.

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=47)

* The document lists the individuals in attendance, including Commissioner Robert Hirsch, attorneys Ashley Worsham and Alison Berry Wilkinson, and Sergeant Rachael Kilshaw.
* The document also identifies the parties represented by the attorneys: the San Francisco Police Department (Worsham) and Sergeant Sherry Hicks (Wilkinson).
* The document also mentions Sergeant Walter Ware and Deputy City Attorney Leila Mongan.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=48)

* The document begins with the proceedings of a hearing, with Commissioner Hirsch presiding.
* The hearing concerns a motion to dismiss charges against Sergeant Sherry Hicks, filed by her attorney, Alison Berry Wilkinson.
* The motion references a previous case, Morgado v. City and County of San Francisco, to argue that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* The document also mentions a motion for discovery, which is being pursued in case the motion to dismiss is not granted.
* The document also references a first amended complaint, which corrects an error in the original complaint.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=49)

* The document begins with a discussion about a department-issued phone and the corrections made to the original phone.
* The document then moves on to a discussion about the proof of service that Alison Berry Wilkinson has executed.
* The document also mentions two transcripts that are included in an envelope, which contain interviews with Sergeant Hicks.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=50)

* The motion to dismiss raises the issue of timeliness, which the attorney argues is not an issue.
* The attorney argues that the officer is entitled to discovery before the hearing on the merits.
* The attorney references the Daugherty case, which addresses nine individuals who were disciplined for texting.
* The attorney also references the declaration that supported the good cause statement, which references IAD case numbers of individuals who received discipline recommendations for texting communications.

[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=51)

* The document discusses recommendations for termination arising from the Daugherty case.
* Some recommendations were less severe than termination, such as suspensions for a few days.
* The attorney argues that the termination of Sergeant Hicks is unfair, as it was based on a single text message containing one word that the department claimed indicated bias.
* The attorney references the Daugherty case to show that other officers who exchanged more text messages or had a single text message did not receive termination.
* The document ends with the commissioner asking for appearances on the record.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=52)

* Ashley Worsham, Alison Berry Wilkinson, Leila Mongan, Rachael Kilshaw, and Walter Ware are all present.
* The commissioner questions why a new chief cannot have a more rigorous disciplinary standard than the prior chief.
* Ms. Berry Wilkinson responds by highlighting two areas: the new chief can change the disciplinary standard, but must provide notice to employees.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=53)

* Ms. Berry Wilkinson argues that employees must receive notice of changes to disciplinary standards in order to adjust their conduct accordingly.
* She cites cases that arose under both the prior and current chief, demonstrating that the old standard still applies.
* Commissioner Hirsch questions whether the department was put on notice after a texting scandal, but Ms. Berry Wilkinson argues that there was only a public statement against racist messaging.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=54)

* The document discusses the importance of considering the volume, content, and context of text messages when determining disciplinary action.
* The department has never explicitly stated that termination is the only penalty for using a racial term in a text message.
* The document references four cases (A, B, C, and D) to illustrate the department's inconsistent application of disciplinary standards.
* Cases C and D are related to the Daugherty texting matter.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=55)

* Commissioner Hirsch inquires about two cases (7A and 7B) that fall under the jurisdiction of the current chief.
* Ms. Berry Wilkinson explains that case 7B involved a suspension that was reduced to a reprimand for the use of a racist and sexist term.
* Case 7A involved multiple instances of racial and sexual texting by a command staff member, which resulted in a lengthy suspension.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=56)

* Commissioner Hirsch asks the Department to respond to the items discussed.
* Ms. Worsham references Chief Scott's zero tolerance policy for racial slurs.
* She notes that the four cases Ms. Berry Wilkinson referenced occurred before Chief Scott was hired.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=57)

* Commissioner Hirsch and Ms. Worsham discuss a case that may have been under Chief Scott's jurisdiction.
* Ms. Berry Wilkinson clarifies that the verified complaint was filed by Chief Scott in March 2017.
* In another case, the events and notices of discipline occurred before Chief Scott, but he ultimately approved the final decisions.
* Ms. Worsham argues that Chief Scott does not have the authority to change the discipline recommended by a different chief.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=58)

* Ms. Worsham argues that the motion to dismiss charges against Sergeant Hicks is premature.
* The Department believes that Hicks should put forth her best argument to defend against the allegations.
* Ms. Worsham argues that each case is different and should be evaluated on a case-by-case basis.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=59)

* The Commission is debating whether discovery is warranted.
* Commissioner Hirsch suggests an in camera review of two cases to determine if there is enough reason to allow Sergeant Hicks to view them.
* Ms. Berry Wilkinson clarifies that the argument that the chief cannot go back and issue a different discipline is not applicable in this case.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=60)

* Ms. Berry Wilkinson argues that Chief Scott's decision to reduce a suspension to a reprimand shows that the situation is not a zero tolerance circumstance.
* She also points out that the chief reduced a termination to a suspension in another case, which supports her argument of disparate treatment.
* Ms. Berry Wilkinson expresses appreciation for the opportunity to present the motion and for the Commission's decision to review the cases in camera.
* Commissioner Hirsch asks for clarification on why Chief Scott reduced the suspension to a reprimand, and Ms. Worsham responds that each case has its own set of facts.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=61)

* The document discusses a discovery issue in a case involving a Pitchess motion.
* The attorney, Ms. Berry Wilkinson, is asking for clarification on the process for in camera review.
* Commissioner Hirsch responds, but the response is not included in the document.
* Ms. Berry Wilkinson expresses that she is comfortable with a process similar to that used in court, where the court announces what will be released.
* Ms. Worsham discusses what information is typically released under a Pitchess motion.
* Commissioner Mazzucco is mentioned as having handled similar cases in the past.

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=62)

* Ms. Berry Wilkinson discusses the possibility of a settlement before discovery is required.
* She requests information on disciplinary actions taken against the officers involved in the case.
* Commissioner Hirsch asks for clarification on what information is being requested.
* Ms. Berry Wilkinson argues that they have made a showing that they cannot obtain the information elsewhere, and that they need it to mitigate the penalty being proposed.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=63)

* Ms. Berry Wilkinson expresses that she does not need the names of the officers involved, just the case numbers.
* Commissioner Hirsch is inclined to not release the names, but is open to providing information on the discipline issued and the offense.
* Ms. Berry Wilkinson references a document that sets out the terms and final discipline.
* Commissioner Hirsch questions why a settlement is permissible, and Ms. Berry Wilkinson argues that it is because they are using it as precedent.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=64)

* The chief is advocating for a zero tolerance policy and termination as the penalty.
* The chief has approved the final outcome in two circumstances.
* Ms. Berry Wilkinson argues that if there are prior disciplines that allow for a lesser discipline, her client should be able to argue for disparate treatment.
* Ms. Worsham submits the case to the commissioner.

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=65)

* Commissioner Hirsch requests to go off the record.
* Upon returning to the record, Hirsch discusses the mechanics of getting the documents to him for review.
* Ms. Mongan recommends that any records be under a protective order.
* Ms. Berry Wilkinson and Ms. Worsham both agree to work on a stipulated protective order.
* Commissioner Hirsch requests the documents within the next couple of days.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=66)

* Sgt. Kilshaw offers to bring the documents to Commissioner Hirsch or have them reviewed on site.
* Commissioner Hirsch states that he needs to check his calendar before making a decision.
* Ms. Berry Wilkinson and Ms. Worsham both express gratitude to the commissioner.
* The proceeding concludes at 3:00 p.m.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=67)

* Anna C. Greenley, a certified shorthand reporter, certifies that the hearing was held at the time and place stated.
* Greenley reports that she transcribed the hearing into typewriting.
* Greenley confirms that she is not affiliated with any of the parties involved in the proceeding and is not interested in the outcome.
* Greenley signs the certificate on August 20, 2018.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=68)

* The Board of Police Commissioners confirms that Commissioner Robert Hirsch has agreed to reschedule the taking of evidence in the case of Sergeant Sherry Hicks.
* The new date for the hearing is Thursday, July 19, 2018, at 9:30 a.m. at Police Headquarters in San Francisco.
* A phone conference call is also scheduled for Monday, June 25, 2018, at 1:00 p.m.
* Each side is limited to 1 and ½ hours for the hearing, including cross-examination.
* If either side needs additional time, they must submit a written request by Friday, June 29, 2018.
* Each party must also submit a Pre-Hearing Statement by the same date.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=69)

* The Pre-Hearing Statement must include a summary of the party's position and evidence, as well as any legal citations.
* The statement should also include a list of undisputed and disputed facts, exhibits, and evidence.
* The statement should identify any legal issues to be decided and include a list of witnesses with a summary of their anticipated testimony.
* Any motions must be filed by Friday, June 29, 2018, and are limited to 10 pages.
* Oppositions to motions must be filed by Thursday, July 5, 2018, and replies to oppositions must be filed by Monday, July 9, 2018.
* All witnesses must be scheduled and confirmed before the day of the hearing.
* Requests for third-party records must be made by Friday, June 29, 2018.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=70)

* The taking of evidence has been rescheduled to Thursday, August 9, 2018, at 9:30 a.m.
* The hearing will take place at Police Headquarters, 1245 3rd Street, Room 6122, San Francisco.
* Each side is limited to 1 and ½ hours for a total of 3 hours of hearing time.
* If additional time is needed, a written request must be submitted by Friday, June 29, 2018.
* Each party must submit a Pre-Hearing Statement by Friday, June 29, 2018.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=71)

* The document outlines the requirements for a Pre-Hearing Statement, which must include a summary of the party's position and evidence, as well as a statement of undisputed and disputed facts.
* The document sets deadlines for filing motions, oppositions, and replies.
* The document also specifies the need to schedule and confirm witnesses, and to request records from third parties.
* The document concludes with a request for cooperation and a list of individuals who have been copied on the letter.

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=72)

* The Police Commission denies a motion to dismiss charges against Sergeant Sherry Hicks.
* The Commission will schedule a future meeting to discuss and possibly adopt rules for an administrative appeal for Hicks.
* Five commissioners voted in favor of the resolution.

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=73)

* The Police Commission is notifying Sergeant Hicks of a meeting to decide whether to accept or reject a settlement agreement on disciplinary charges.
* The meeting is scheduled for Wednesday, October 10, 2018, at City Hall in San Francisco.
* Hicks and her representative must attend the meeting unless excused.
* The Police Commission is providing contact information in case Hicks has any questions.
* Copies of the notification are being sent to two attorneys and a deputy city attorney.

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=74)

* Rachael Kilshaw, a sergeant with the San Francisco Police Department, is communicating with Bob Hirsch, a commissioner with the San Francisco Police Commission.
* Kilshaw is requesting that the proposed settlement agreement for Sgt. Sherry Hicks be placed on the October 10th agenda.
* Kilshaw notes that the October 3rd agenda is already lengthy and that all parties will be available on October 10th.
* Kilshaw provides her contact information and a confidentiality notice.

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=75)

* Alison Berry Wilkinson, an attorney, is representing Sgt. Sherry Hicks.
* Hicks is accused in case number OCC 0167-15.
* Commissioner Robert Hirsch is the hearing officer.
* Hicks made a motion for discovery, which was partially granted and partially denied.
* Hirsch will release some records, but the parties agree that they should be subject to a protective order.
* The purpose of the protective order is to control the use and dissemination of the records.

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=76)

* The parties agree that all documents released as a result of the discovery motion are confidential.
* The documents can only be shared with the parties, their counsel, the Police Commission, and anyone else the parties agree to in writing.
* The documents can only be used in connection with this proceeding.
* Within 30 days of the final adjudication, the documents must be destroyed and the Police Commission must be notified.

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=77)

* The document is a pre-hearing statement from Sergeant Sherry Hicks.
* Hicks is arguing for the dismissal of charges against her.
* Her attorney, Alison Berry Wilkinson, references a previous case, Morgado v. City and County of San Francisco, to argue that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal.

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=78)

* Rachael Kilshaw, a sergeant with the San Francisco Police Department, sends an email to Bob Hirsch, a commissioner with the San Francisco Police Commission.
* Kilshaw attaches a protective order for Sgt. Sherry Hicks and asks Hirsch if he wants her to contact the parties to sign it.
* Alison Berry Wilkinson, Hicks' attorney, sends an email to Kilshaw informing her that the changes requested by Hirsch have been made.

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=79)

* Alison Berry Wilkinson, an attorney with Berry | Wilkinson | Law Group, sends an email to Rachael Kilshaw, a sergeant with the San Francisco Police Department.
* Wilkinson informs Kilshaw that the changes requested by Commissioner Bob Hirsch have been made to the protective order for Sgt. Sherry Hicks.
* Wilkinson provides her contact information, including her email address, phone number, and fax number, as well as the address of her law firm.

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=80)

* Rachael Kilshaw, a sergeant with the San Francisco Police Department, sends an email to Alison Berry Wilkinson, an attorney with Berry | Wilkinson | Law Group.
* Kilshaw requests that Wilkinson add two additional statements to the stipulated protective order for Sgt. Sherry Hicks: A statement confirming that all covered documents will be destroyed by the parties in possession once the matter is fully concluded, and Written confirmation from counsel that the destruction has occurred.
* Kilshaw also requests that the stipulated protective order be signed by both parties and sent to the Commission Office, where Commissioner Hirsch will sign it.
* Kilshaw provides her contact information, including her email address, phone number, and address.

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=81)

* Alison Berry Wilkinson is the attorney representing sergeant Sherry Hicks.
* Wilkinson's law firm, Berry Wilkinson Law Group, is located in San Rafael, CA.
* Contact information for the law firm is provided, including a telephone number, toll free number, and fax number.

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=82)

* Bob Hirsch requests that a statement be added to the protective order, confirming that all covered documents will be destroyed once the matter is concluded.
* Rachael Kilshaw is asked to confirm whether the draft of the stipulated agreement is approved.
* Kilshaw is a sergeant with the San Francisco Police Department.
* Alison Berry Wilkinson sends an email to Kilshaw, providing a draft of the stipulated protective order.

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=83)

* Alison Berry Wilkinson sends an email to Sergeant Kilshaw, attaching a draft stipulated protective order.
* The draft has been approved by Ms. Worsham.
* Wilkinson requests that Commissioner Hirsch review the draft and, if he approves, the parties will sign it.
* Wilkinson thanks Kilshaw for his assistance.

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=84)

* Kilshaw informs Wilkinson and Worsham that Commissioner Hirsch has reviewed the files of the cases discussed during the proceedings on August 9, 2018.
* Hirsch will make some records available, but requests that the parties submit a signed protective order approved by him before releasing any records.
* Kilshaw requests that the parties provide the document to the Commission Office for Hirsch's review and signature.
* Once the protective order is approved and signed, the Commission Office will redact any identifying information and provide the records to the parties.

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=85)

* The document references the Communications Privacy Act, which prohibits the unauthorized disclosure of communications.
* The document instructs the recipient to contact the sender and destroy all copies of the communication if they are not the intended recipient.

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=86)

* Sergeant Rachael Kilshaw is requesting that the parties submit a signed protective order before releasing any records.
* Once the protective order is approved and signed, the Commission Office will redact any identifying information and provide the records to the parties.
* Kilshaw provides her contact information and a confidentiality notice.

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=87)

* The document is a letter to the San Francisco Police Commission, specifically addressed to Commissioner Robert Hirsch.
* The letter concerns an internal affairs case involving Sergeant Sherry Hicks.
* The letter discusses Hicks's qualifications and accomplishments, including her work in the Asian community, her participation in a Racial Profiling Training Course, and her role as a P.O.S.T. certified instructor.
* Hicks was also chosen to teach as the lead instructor for the Community Policing component of instruction in the Basic Recruit Academy Training Program.

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=88)

* The letter provides background on Sergeant Hicks, detailing her various roles and accomplishments within the San Francisco Police Department.
* The author expresses shock at the recommendation to terminate Hicks, and argues that she has never displayed any racial bias or animosity.
* The author urges the commission to review Hicks's professional record in order to understand her contributions to the department.

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=89)

* The motion argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* The motion references the case of Morgado v. City and County of San Francisco to support its argument.
* The motion requests that the charges against Hicks be dismissed.

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=90)

* The motion to dismiss charges against Sergeant Sherry Hicks is filed by her attorney, Alison Berry Wilkinson.
* The motion references the case of Morgado v. City and County of San Francisco to argue that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* The motion requests that the charges against Hicks be dismissed.

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=91)

* Shary Hicks is the subject of the document
* Anson Berry-Wilkenson and Ashley Worskamm are involved in the case
* Hicks is requesting a reduction in charges
* Hicks would like the opportunity to speak
* There is mention of a settlement agreement

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=92)

* The document references a previous case, Morgado v. City and County of San Francisco
* The motion argues that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal
* The motion is requesting that charges against Hicks be dismissed

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=93)

* The text discusses the importance of providing a fair and reasonable opportunity for an administrative appeal
* The text references the need for reputable law enforcement and public officials
* The text also mentions the importance of avoiding bias and discrimination

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=94)

* The text discusses the need for a decision to be made regarding the termination of sergeant sherry hicks
* The text also mentions the importance of understanding the context of the situation
* The text references the need for the department to maintain a good image
* The text also discusses the importance of avoiding any problems for the department
* The text mentions the need for a calendar for the recommended approval

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=95)

* The text confirms a status conference for sergeant sherry hicks
* The conference is scheduled for Wednesday, September 19, 2018 at 4:00 pm
* Rachael Kilshaw is the organizer of the conference
* The required attendees include Bob Hirsch, Ashley Worsham, Alison Berry Wilkinson, and Walter Ware
* The text also contains a confidentiality notice

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=96)

* The text confirms that a status conference has been accepted for sergeant sherry hicks
* The email is from Bob Hirsch to Rachael Kilshaw
* The email was sent on Tuesday, September 18, 2018 at 2:54 PM

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=97)

* Rachael Kilshaw and Bob Hirsch are discussing a protective order for Sgt. Sherry Hicks
* Kilshaw asks Hirsch if he wants her to contact the parties to sign the order and send the records
* Alison Berry Wilkinson has made changes to the protective order as requested by Hirsch

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=98)

* Alison Berry Wilkinson's contact information is provided, including her email address, physical address, and phone numbers
* The name of her law firm, Berry | Wilkinson | Law Group, is also given

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=99)

* Sergeant Sherry Hicks is the subject of the motion to dismiss charges
* Alison Berry Wilkinson is her attorney
* The motion references a previous case, Morgado v. City and County of San Francisco, to argue that the San Francisco Police Commission did not provide Hicks with the opportunity for an administrative appeal

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=100)

* The document contains multiple references to discussions and negotiations
* There is mention of a protective order
* There are references to various individuals, including "Ashley" and "Yu"
* The document also mentions a settlement

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=101)

* The document discusses a status conference for Sgt. Sherry Hicks
* The conference is scheduled for Thursday, August 23, 2018 at 3:00 pm
* Rachael Kilshaw is the organizer of the conference
* Alison Berry Wilkinson is one of the required attendees
* The document contains a confidentiality notice

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=102)

* The document discusses a phone call between Alison Berry Wilkinson and Commissioner Hirsch
* The call is scheduled for Thursday, August 23, 2018 at 3:00 pm
* Ashley Worsham is the legal counsel for the San Francisco Police Department
* The document contains contact information for Ashley Worsham
* The document contains a confidentiality notice

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=103)

* Alison Berry Wilkinson is requesting a settlement conference by phone on 8/22
* Walter Ware responds that the Chief is unavailable that day and requests alternative dates
* Wilkinson responds that she will wait to hear what days the Commissioner is available

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=104)

* Wilkinson and Hirsch discuss potential dates for a settlement conference
* Hirsch suggests meeting before or after his 10:00 am meeting on 8/22
* Wilkinson proposes a 1:30 pm settlement conference, but needs to confirm her client's availability

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=105)

* Worsham suggests another settlement conference
* Kilshaw informs Worsham and Wilkinson that Commissioner Hirsch has reviewed the files and will make some records available
* Hirsch requests a signed protective order before releasing any records
* Kilshaw provides contact information for further questions

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=106)

* The document contains a confidentiality notice
* The notice states that the communication and its contents may contain confidential and/or legally privileged information
* The notice specifies that the information is only for the intended recipient(s)
* The notice warns against unauthorized interception, review, use, or disclosure
* The notice references the Electronic Communications Privacy Act

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=107)

* Alison Berry Wilkinson is communicating with Walter Ware, Bob Hirsch, Ashley Worsham, and the San Francisco Police Commission
* Wilkinson is requesting a meeting with the Commissioner
* Ware responds that the Chief is unavailable on the requested date, and asks for alternative dates
* Wilkinson thanks Ware and says she will wait to hear about the Commissioner's availability

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=108)

* Wilkinson, Hicks' attorney, is attempting to schedule a settlement conference
* Hirsch, the Commissioner, is available on 8/22 for a meeting before or after his 10:00 am meeting
* Worsham, legal counsel for the Internal Affairs Division, agrees that a settlement conference would be beneficial

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=109)

* Kilshaw, from the San Francisco Police Department, is requesting a signed protective order before releasing any records
* Once the protective order is signed, the Commission Office will redact any identifying information and provide the records to the parties
* Kilshaw is available for any questions

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=110)

* Worsham, legal counsel for the San Francisco Police Department, is requesting to check the Chief's schedule for availability
* Worsham wants to speak with the Chief before meeting with everyone else
* Wilkinson, Hicks' attorney, is requesting a settlement conference for 1:30pm on 8/22

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=111)

* Bob Hirsch, from the San Francisco Police Department (SFPD), is available for a settlement discussion on August 22, 2018.
* Ashley Worsham, legal counsel for the SFPD's Internal Affairs Division, suggests another settlement conference for the case of Sgt. Sherry Hicks.
* Rachael Kilshaw, from the SFPD, requests a signed protective order from the parties involved before releasing any records.

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=112)

* Rachael Kilshaw, a sergeant with the San Francisco Police Department (SFPD), offers to redact any identifying information from records before providing them to the parties involved.
* Kilshaw provides her contact information, including her phone number and email address, in case there are any questions.
* Kilshaw also includes a confidentiality notice, warning against unauthorized interception, review, or use of the information contained in the communication.

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=113)

* Ashley Worsham, legal counsel for the SFPD's Internal Affairs Division, requests an additional settlement conference for the case of Sgt. Sherry Hicks.
* Rachael Kilshaw responds, stating that Commissioner Hirsch has reviewed the files and will make some records available.
* However, Hirsch requests a signed protective order before releasing any records.
* Kilshaw asks the parties to provide the protective order for Hirsch's review and signature.

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=114)

* Rachael Kilshaw sends a confidentiality notice, warning that the communication and its contents may contain confidential and/or legally privileged information.
* Kilshaw states that the communication is only for the intended recipient(s) and that unauthorized interception, review, use, or disclosure is prohibited.
* Kilshaw asks that if the recipient is not the intended recipient, they should contact the sender and destroy all copies of the communication.

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=115)

* Risa Tom sends a message to Ashley Worsham and Alison Berry Wilkinson, copying Rachael Kilshaw, Walter Ware, and Leila Mongan.
* Tom attaches Commission Resolution 18-63 in the matter of Sgt. Hicks.
* Tom provides her contact information.

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=116)

* The Police Commission denies a motion to dismiss charges against Sgt. Sherry Hicks.
* The Commission plans to discuss and adopt rules for an administrative appeal for Hicks.
* The resolution is supported by five commissioners.

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a3d2e3da1c16e5d6d1be093507d38bf4/content#page=117)

* Alison Berry Wilkinson, Hicks's attorney, files a motion to dismiss charges against her client.
* Wilkinson references the Morgado v. City and County of San Francisco case to argue that the Police Commission did not provide Hicks with the opportunity for an administrative appeal.
* Wilkinson sends the motion to Rachael Kilshaw and Ashley Worsham, both with the Police Department.
* The motion will be heard on Wednesday, August 8, 2018 at 5:30 p.m.

[**2017-07-31 Bias Comm118\_part\_1\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=1)

* The Police Commission of San Francisco held a meeting on October 10, 2018.
* A resolution was passed to accept a stipulated disposition in the matter of Sergeant Sherry Hicks.
* Hicks was charged with violating rules and procedures, specifically for using racial epithets.
* Chief of Police William Scott filed the complaint against Hicks.
* Both the San Francisco Police Department and Hicks had legal representation at the hearing.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=2)

* The stipulated agreement between Sergeant Sherry Hicks and the San Francisco Police Department is outlined.
* Hicks is accused of engaging in conduct unbecoming of an officer, specifically for using a racial epithet in a text conversation.
* Hicks contends that she intended to use a term of Japanese origin, not a racial epithet.
* Commissioner Robert Hirsch held an early settlement conference and two conference calls to discuss the matter.
* The Department expressed concern about the difficulty of settling cases like this when multiple warnings have been given about the use of racial epithets.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=3)

* Hicks admits to violating Rule 9 of Department General Order 2.01 by sending the text message in question.
* Hicks acknowledges that she made an error in judgment by not proofreading the message before sending it.
* Hicks agrees to waive her right to further administrative remedies, including a trial before the Police Commission.
* Hicks agrees to the recommended discipline outlined in the stipulated agreement.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=4)

* Hicks will be suspended without pay for 30 days, starting the day the agreement is approved by the Commission.
* Hicks is required to participate in mandatory retraining regarding her conduct, which will include information on Department General Order 2.01, Rule 9, and DB 15-249.
* The Department's Brady Committee will determine if Hicks' conduct constitutes Brady material and if she should be placed on the Department's Brady List.
* Hicks waives her right to contest the agreement or its terms, but can appeal the Brady Committee's decision.
* If the Police Commission rejects the agreement, either party can rescind it and set the matter for trial.
* The agreement resolves all claims of misconduct against Hicks related to the incident in question.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=5)

* Chief William Scott served amended charges against Sgt. Hicks on June 25, 2018.
* The charges stem from a text message exchange that was flagged for potential bias during an Internal Affairs Division audit.
* The message in question was sent from Sgt. Hicks to three other individuals and contained a racially charged comment.
* Sgt. Hicks acknowledges her right to representation and that she has consulted with an attorney.
* The Commission adopted Resolution 18-78 to accept the stipulated disposition in the matter.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=6)

* The IAD investigation confirmed that Sgt. Hicks was off-duty and using her personal cell phone when the text messages were sent.
* Sgt. Hicks claims that she used the term "chink" as a shortened form of "chinkie," a Japanese colloquialism meaning "small."
* Sgt. Hicks insists that she did not intend to offend anyone with her use of the term.
* However, two individuals consulted in the investigation stated that they had only ever heard "chink" or "chinkie" used as a derogatory term.
* The first specification against Sgt. Hicks is that she violated Department General Order 2.01, Rule 9 by using a racial epithet in a text message.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=7)

* Chief of Police William Scott recommends terminating Sgt. Hicks's employment.
* A settlement agreement was submitted to the Police Commission on October 10, 2018.
* The Police Commission approved the stipulated agreement in order to protect the health, safety, and general welfare of the citizens of San Francisco.
* The agreement is between Sgt. Hicks and the San Francisco Police Department.
* The disciplinary matter is designated as File IAD 2017-0283.
* Sgt. Hicks is accused of engaging in conduct unbecoming an officer in violation of Rule 9 of Department General Order 2.01.
* Sgt. Hicks contends that the term she intended to use was of Japanese origin and not a racial epithet.
* Commissioner Robert Hirsch held an Early Settlement Conference and two conference calls to discuss the matter.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=8)

* Commissioner Hirsch does not view the matter as a termination case, but understands the Department's concerns.
* The Department expresses difficulty settling cases when multiple warnings and policies have been disseminated.
* Sgt. Hicks and her counsel explain the context in which the word was used, attributing it to an auto-correct error.
* Sgt. Hicks accepts responsibility for not proof-reading the message.
* The parties agree that Sgt. Hicks will admit to Specification 1 and that she engaged in conduct unbecoming an officer.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=9)

* Sgt. Hicks waives her right to further administrative remedies, including a trial before the Police Commission.
* She also waives her right to file an administrative appeal or Writ of Administrative Mandamus.
* Sgt. Hicks agrees to the recommended discipline, which includes a 30-day suspension without pay and mandatory retraining.
* The Department's Brady Committee will determine if her conduct constitutes Brady material and if she should be placed on the Department's Brady List.
* Sgt. Hicks waives any right to contest the agreement or its terms.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=10)

* Chief William Scott and the Police Commission approve the resolution.
* If the Police Commission rejects the agreement, either party can rescind the agreement and set the matter for trial.
* The agreement is a full resolution of all claims against Sgt. Hicks.
* Sgt. Hicks acknowledges her right to representation and that she has consulted with an attorney.
* The suspension will last from October 11, 2018 to November 9, 2018.
* The decision is subject to review under Code of Civil Procedure Section 1094.5.
* Commissioners Mazzucco, DeJesus, Hirsch, Hamasaki, Elias, Brookter, and Taylor all voted in favor of the resolution.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=11)

* The affidavit of mailing confirms that the resolution was served to Sgt. Hicks.
* The affidavit is signed by Rachael Kilshaw, the secretary of the San Francisco Police Commission.
* The resolution is also copied to various attorneys, captains, and staff members.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=12)

* Sgt. Hicks is accused of engaging in Conduct Unbecoming an Officer in violation of Rule 9 of Department General Order 2.01.
* The accusation stems from her use of a racial epithet during a texting conversation.
* Sgt. Hicks contends that she intended to use a Japanese term, not a racial epithet, and has provided multiple statements to support her claim.
* Commissioner Robert M. Hirsch held an Early Settlement Conference and two conference calls to discuss the matter.
* During these discussions, the Department expressed concern about the difficulty of settling such cases, while Sgt. Hicks and her counsel explained the context of her use of the word.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=13)

* Sgt. Hicks accepts full responsibility for her failure to proof-read the message before hitting send.
* The Department, the DPA, and the Commission have been working on a revised set of disciplinary guidelines.
* Sgt. Hicks agrees to admit Specification 1, which states that she engaged in Conduct Unbecoming a Police Officer.
* Sgt. Hicks waives her right to further administrative remedies.
* The Commission will impose a 30-day suspension without pay and mandatory retraining for Sgt. Hicks.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=14)

* Sgt. Hicks' conduct will be reviewed by the Department's Brady Committee to determine if it constitutes Brady material.
* Sgt. Hicks has the right to appeal the Brady Committee's decision within 15 days.
* Sgt. Hicks waives any right to contest the finding after the appeal.
* If the Police Commission rejects the Agreement, either party can rescind it and set the matter for trial.
* The Agreement is a full resolution of all claims of misconduct against Sgt. Hicks.
* Sgt. Hicks acknowledges her right to representation and that she has consulted with an attorney.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=15)

* The document outlines the stipulations of the Agreement between the Chief of Police and Sgt. Hicks.
* Sgt. Hicks waives any right to judicial or administrative review of the Agreement.
* If the Police Commission rejects the Agreement, either party can rescind it and set the matter for trial.
* The Agreement is a full resolution of all claims of misconduct against Sgt. Hicks.
* Sgt. Hicks acknowledges her right to representation and that she has consulted with an attorney.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=16)

* The document references several individuals, including Chief of Police William Scott, Sgt. Sherry Hicks, and attorneys Alison Berry Wilkinson and Ashley L. Worsham.
* The Police Commission approved the resolution to accept the stipulated disposition on October 15, 2018.
* The resolution is numbered 18-78.
* Sgt. Rachel Kilshaw, the secretary of the San Francisco Police Commission, is also mentioned.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=17)

* Chief of Police William Scott charges Sgt. Sherry Hicks with violating Department General Order 2.01, Rule 9, for using a racial epithet.
* The incident was discovered during an Internal Affairs Division audit of Department cell phone text messages.
* The text message exchange in question occurred on July 31, 2017, between Sgt. Hicks and three other individuals.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=18)

* Sgt. Hicks claims that she used the term "chink" as a shortened form of "chinkie," a Japanese colloquialism meaning "small."
* Sgt. Hicks argues that she did not intend to use the term as a racial epithet.
* One of the individuals involved in the text message exchange confirms that "chisai" means "small" in Japanese, but has never heard it shortened to "chinkie."
* Another individual involved in the exchange states that they have only heard "chink" used as a derogatory term.
* The Commission charges Sgt. Hicks with Conduct Unbecoming an Officer.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=19)

* The Chief of Police, William Scott, recommends that the Police Commission terminate Sgt. Hicks' employment.
* Scott verifies that he is the complainant and that the charges against Sgt. Hicks are based on his information and belief.
* The document references the case "SFPD v. Sherry Hicks #2227."

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=20)

* The document contains a proof of service for Sgt. Sherry Hicks, Star Number 2227.
* Alison Berry Wilkinson, Sgt. Hicks' legal representative, accepts service on her behalf.
* The Commission Charges (First Amended) are acknowledged as being received and served on Sgt. Hicks.
* The proof of service is executed in San Francisco, California on June 27, 2018.
* The document is filed with the Police Commission on June 27, 2018.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=21)

* Sgt. Sherry Hicks is accused of using a racial epithet in a text conversation
* Hicks contends that she intended to use a Japanese term, not a racial epithet
* The San Francisco Police Department (SFPD) filed specifications against Hicks
* Commissioner Robert M. Hirsch held an early settlement conference and two conference calls
* The parties agreed to a settlement agreement

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=22)

* The San Francisco Police Commission is revising disciplinary guidelines
* Sgt. Hicks admits to "Conduct Unbecoming a Police Officer"
* Hicks acknowledges that she made an error in judgment by not proofreading the text message
* Hicks waives her right to further administrative remedies
* The Commission will impose a 30-day suspension without pay and mandatory retraining
* The Department's Brady Committee will determine if Hicks' conduct constitutes Brady material

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=23)

* Sgt. Hicks has the right to appeal the Brady Committee's decision within 15 days
* Hicks waives any right to judicial or administrative review of the agreement
* If the Police Commission rejects the agreement, either party can rescind it and go to trial
* The agreement resolves all claims of misconduct against Hicks related to the incident
* Hicks acknowledges that she consulted with an attorney and understands the agreement

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=24)

* The Police Commission approved a resolution to accept the stipulated disposition
* Chief of Police William Scott and attorney Ashley L. Worsham are mentioned
* Sgt. Rachel Kilshaw is the secretary of the San Francisco Police Commission
* The resolution pertains to Sgt. Sherry Hicks and a settlement agreement

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=25)

* Alison Wilkinson-Berry, Esq. is the recipient of the letter
* The letter is in support of Sherry Hicks' position
* The letter references a conversation in which the term "chinke" was used
* The letter writer recalls asking for clarification on the term and being told it means "tiny" or "very small"
* The letter writer expresses surprise due to their Japanese heritage

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=26)

* Alison Wilkinson-Berry, Esq. is representing Sherry Hicks
* Wilkinson-Berry requests that a letter be included with the settlement agreement
* The letter is attached to the email
* The letter writer is sending the original letter with their signature
* The letter writer offers further assistance if needed

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=27)

* Jesse Zuniga is a private investigator
* Zuniga was asked to conduct an investigation into an internal affairs investigation involving Sgt. Sherry Hicks
* Zuniga reviewed reports and interviewed witnesses
* Witness #2 claims to have heard Hicks use the word "Chinky" on multiple occasions

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=28)

* Multiple witnesses attest to Sgt. Hicks' good character and community involvement
* Witnesses claim that the word "Chinky" is not derogatory in the context that Hicks used it
* "Chinky" is said to be a slang term used in old Japanese culture to describe small items
* Some witnesses speak Japanese fluently, while others only know a little

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=29)

* Witness #2 confirms that "Chinky" means small or tiny in Japanese
* Witness #2 claims that the word is used by the elderly generation in a specific dialect of Japanese
* Witness #2 was advised not to use the word as it may be offensive to Chinese people
* Witness #2 speaks highly of Sgt. Hicks, describing her as funny and amicable

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=30)

* Chief of Police William Scott charges Sergeant Sherry Hicks with violating Department General Order 2.01, Rule 9
* The charge stems from a text message exchange between Sgt. Hicks and three other individuals
* The message in question contains a racial epithet
* The message was discovered during a routine audit by the Internal Affairs Division

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=31)

* Sgt. Hicks was charged with violating rules and procedures for sending a text message containing the term "chink"
* Sgt. Hicks claims that she did not intend for the term to be derogatory, and that it is a shortened form of "chinkie," a Japanese colloquialism meaning "small"
* However, one of the recipients of the text message claims to have only heard the term used as a racial epithet
* The use of this language is considered "Conduct Unbecoming an Officer" and violates Department General Order 2.01, Rule 9

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=32)

* The Chief of Police, William Scott, recommends that the Police Commission terminate Sgt. Hicks' employment
* Scott verifies that he is the complainant and that the charges are based on his information and belief
* Scott executed the verification in San Francisco on March 23, 2018
* The document references two other sections of the document, #3 and #12
* The document is labeled as "SFPD v. Sherry Hicks #2227" and is categorized as "Commission Charges"

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=33)

* Commander Gregory B. Yedelag personally served the charges to Sgt. Sherry Hicks
* The charges were served on March 2, 2018
* Yedelag declares that the information is true and correct
* The document is filed with the Police Commission on May 22, 2018

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=34)

* The document is a pretrial case statement from the San Francisco Police Department
* The Department is represented by attorney Ashley L. Worsham
* The case is against Sergeant Sherry Hicks
* The Department alleges that Sgt. Hicks violated Rule 9 of Department General Order 2.01
* The Department recommends termination if the allegation is sustained

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=35)

* Sgt. Hicks has been a member of the Department since 1995
* The case revolves around a text message exchange between Sgt. Hicks and another individual on July 31, 2017
* The exchange included a discussion about an emoji, with Sgt. Hicks making comments about the individual's appearance
* The Department alleges that this exchange violated rules and procedures

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=36)

* Sgt. Hicks and the other individual exchanged several messages, with Sgt. Hicks making comments about the individual's appearance
* The Internal Affairs Division (IAD) interviewed both Sgt. Hicks and the other individual
* Two interviews were not recorded, while two others were
* The Department and Sgt. Hicks' counsel have agreed to the admissibility of certain documents, including Department Bulletins and General Orders, as well as transcripts and screenshots of the text messages
* There are currently no disputed facts between the Department and Sgt. Hicks' counsel

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=37)

* The Department lists four potential witnesses, including two sergeants who will testify about their roles in investigating the matter
* The Department also reserves the right to call additional witnesses
* The Department plans to introduce four exhibits, including the formal charges against Sgt. Hicks and various Department documents

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=38)

* The Department requests that all witnesses not under examination be excluded from the commission room
* The Department wants to review any documents or reports that defense witnesses plan to use in their testimony
* The Department seeks permission to introduce hearsay statements in order to explain subsequent conduct or responses from witnesses
* The Department cites two cases in which hearsay evidence was admitted in an administrative proceeding
* The Department requests an evidentiary hearing if the Commission has concerns about the Department's testimony

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=39)

* The document is a pre-trial case statement for Sgt. Sherry Hicks
* Ashley L. Worsham, an attorney for the San Francisco Police Department, submitted the document
* The document was sent to Alison Berry Wilkinson, an attorney for the accused officer
* The document was sent via email and U.S. mail
* The document was submitted on June 29, 2018

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=40)

* The document is a pre-hearing statement for Sgt. Sherry Hicks, who is accused of using a racial epithet
* The statement argues that the text exchange in question does not show the use of a racial epithet
* The hearing is scheduled for August 9, 2018 at 9:30 a.m. in San Francisco
* Commissioner Robert Hirsch is the hearing officer

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=41)

* The document discusses the definition of "epithet" and how it relates to the case at hand.
* Sergeant HICKS is accused of using a racial epithet in a text exchange, but the document argues that the exchange does not meet the definition of an epithet.
* The document also argues that the word in question was the result of an auto-correct error, not a deliberate choice by HICKS.
* The document claims that the Department failed to adhere to its own policies by not taking the context of the text exchange into account.
* The document argues that the recommendation to terminate HICKS is excessive and unjustified given her record of service.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=42)

* The document discusses the stipulated undisputed facts, which include that Sgt. Hicks is a sworn member of the Department and has been since 1995.
* The document details the text message exchange between Sgt. Hicks and another individual on July 31, 2017, in which the other individual shared an emoji of himself and asked if it looked like him.
* Sgt. Hicks responded with a series of messages, including one that said "U look kinda Latino. Haha."
* The document also includes the pre-hearing statement of Sgt. Hicks.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=43)

* The document begins with a series of text message exchanges between Sgt. Hicks and another individual, #2, #3, #12.
* Sgt. Hicks and #2, #3, #12 discuss the appearance of a cartoon character, with Sgt. Hicks suggesting that the eyes should be slanted more.
* The document then mentions two interviews conducted by IAD-Admin, one with #2 and one with Sgt. Hicks.
* The document also references two department documents: Department Bulletin 15-249 and Department General Order 2.01 (Rule 9).
* Finally, the document includes the pre-hearing statement of Sgt. Hicks.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=44)

* The document outlines the applicable legal principles for the case.
* It references the Standards for Discipline, which state that Sgt. Hicks is entitled to the presumption that her duties were properly and regularly performed.
* The document cites several cases that support this principle, including Stuart Arms Co. v. San Francisco, Parker v. City of Fountain Valley, and Layton v. Pomona.
* The document also references the San Francisco Police Commission Procedural Rules Governing Trials of Disciplinary Cases, which state that the burden of proof is on the Department or OCC to prove misconduct.
* Finally, the document notes that mere suspicion or hearsay evidence is not enough to support discipline.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=45)

* The document discusses the importance of relying on evidence that meets the burden of proof in a disciplinary action.
* It references two cases, Parker v. City of Fountain Valley and Layton v. City of Pomona, which both found that hearsay evidence was not sufficient to support disciplinary charges.
* The document also discusses Government Code section 11513, subsection (c), which allows for the admissibility of hearsay evidence in state administrative hearings, but only to supplement or explain other evidence.
* Finally, the document references Martin v. State Personnel Board, which held that hearsay evidence is not "substantial evidence" that can support an administrative determination.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=46)

* The document discusses the case of Walker v. City of San Gabriel, which held that hearsay evidence alone is not substantial evidence to support a determination by a city council.
* It argues that the charges against petitioner in the instant case were based on hearsay evidence twice removed, and that the city did not introduce "substantial evidence" to support the charges.
* The document also references two other cases, Gill v. Mercy Hospital and Communications Workers of America v. General Telephone Co. of California, which both support the argument that a decision cannot be based on hearsay evidence.
* Finally, the document includes a pre-hearing statement from Sergeant Sherry Hicks.

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=47)

* The document discusses the importance of evaluating hearsay evidence in a discipline appeal.
* It references two cases, Burkhart v. Department of Motor Vehicles and Mathews v. Eldridge, which both emphasize the importance of due process in administrative proceedings.
* The document outlines three factors to consider when determining due process requirements: the private interests affected, the risk of an erroneous deprivation, and the government's interests.
* The document argues that the appellant's interests outweigh the administrative burden on the city.
* It references John A. v. San Bernardino City Unified School District, which argues that a reasonable person would not rely solely on written statements.
* The document includes a pre-hearing statement from Sergeant Sherry Hicks.

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* The document discusses the principles of "just cause" as outlined in Koven & Smith's JUST CAUSE: THE SEVEN TESTS.
* It lists the seven elements of "just cause" which include: notice, reasonable rule or order, investigation, fair investigation, proof, equal treatment, and penalty.
* The document emphasizes the importance of a full, fair, and objective investigation in order to ensure due process and sufficient proof.
* It references a quote from Koven & Smith which argues that a faulty investigation can lead to faulty proof.
* The document ends with a pre-hearing statement from Sergeant Sherry Hicks.

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* The document begins by questioning whether the degree of discipline administered by the employer was reasonable in relation to the seriousness of the employee's offense and their record.
* It lists six exhibits that will be entered into evidence, which include disciplinary penalty and referral guidelines, a harassment-free workplace policy, and documentary evidence concerning the use of a Japanese word.
* It also lists three potential witnesses who may be called to testify.
* Finally, it outlines the anticipated testimony of Sergeant Sherry Hicks and the three witnesses.

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* The document requests that the Commission issue subpoenas to four witnesses.
* The first witness, Jesus Zuniga, Jr., is a private investigator who will testify about his investigative efforts related to the allegations against Sergeant Hicks.
* The other three witnesses will testify about Sergeant Hicks' background, use of Japanese terms and colloquialisms, record of performance, and character for honesty and integrity.
* Each witness is expected to testify for about 10 minutes.

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* The document is a pre-hearing statement from Sergeant Sherry Hicks, who is represented by attorneys Alison Berry Wilkinson and Berry Wilkinson from the Law Group.
* The document is dated June 28, 2018.

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* The San Francisco Police Commission approved a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks.
* Chief of Police William Scott was present at the meeting.
* The resolution was approved unanimously by the commissioners.
* The stipulated disposition resolves the charges against Sergeant Hicks for violating rules and procedures.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=53)

* The document contains disciplinary penalty and referral guidelines for the San Francisco Police Department.
* The guidelines were revised on December 1, 1994.

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* The guidelines are meant to help the Chief of Police decide whether to refer charges of misconduct to the Police Commission.
* Allegations of Class A or Class B misconduct are usually referred to the Commission, but the Chief may decide to handle a Class B case.
* The Chief may also refer Class C or D offenses to the Commission depending on the severity of the offense.
* The guidelines suggest penalties for each class of offense, but the Chief will determine the appropriate penalty on a case-by-case basis.
* Factors the Chief will consider include the severity of the offense, the number of acts of misconduct, the officer's disciplinary history, whether an injury or death resulted, whether lives were endangered, and whether discriminatory intent was involved.

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* The document outlines additional factors the Department will consider when determining penalties, such as whether property was damaged, the Department's image was tarnished, or the officer was on probation.
* The Department will use progressive discipline where appropriate.
* The document provides suggested penalties for first offenses, with Class A misconduct resulting in termination or suspension, Class B misconduct resulting in suspension, termination, or fine, Class C misconduct resulting in suspension or fine, and Class D misconduct resulting in discipline up to a 10 day suspension.
* Multiple violations can lead to more serious punishment.

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* The document defines Class A misconduct as the most serious violations.
* The document lists ten behaviors that qualify as Class A misconduct, including alcohol intoxication on duty, use or possession of illegal drugs, refusal to submit to drug or alcohol tests, and violation of the Department's firearms use policy.
* Other behaviors that qualify as Class A misconduct include excessive or unnecessary use of force, conduct that constitutes a felony, and violations of the Department's discrimination and harassment policy.
* Additionally, violations of the Department's response and pursuit driving procedures or crowd control policy that result in death or serious injury or demonstrate reckless disregard for safety are considered Class A misconduct.

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* The document defines Class B misconduct as less serious than Class A misconduct, but still warranting disciplinary action.
* The document lists eight behaviors that qualify as Class B misconduct, including soliciting compensation for police duties without permission, drinking alcohol while on duty or in uniform, and off-duty offenses while under the influence of alcohol.
* Other behaviors that qualify as Class B misconduct include attempting to mislead or deceive an investigating officer, obstructing an administrative investigation, and failing to comply with the Department's drug and alcohol use policies.

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* The document lists nine additional behaviors that qualify as Class B misconduct, including violations of the firearms use policy, excessive and unnecessary use of force, and violations of the Department's Standards and Procedures for First Amendment activities.
* Other behaviors that qualify as Class B misconduct include using a weapon or ammunition that is not Department-issued or authorized, discrimination or harassment, and conduct that constitutes a misdemeanor.
* The document also lists violations of Department response and pursuit driving procedures, furnishing confidential information to bail bondsmen or attorneys, and using an official position to avoid consequences as Class B misconduct.

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* The document lists nine additional behaviors that qualify as Class B misconduct, including intimidation, threats, or coercion motivated by hostility to someone's race, ethnicity, national origin, religion, sex, or sexual orientation.
* Other behaviors that qualify as Class B misconduct include failing to treat members of the public with courtesy and respect, failing to report or investigate possible violations of the Department's discrimination and harassment policy, and working while off-duty on sick leave or disability leave without permission.
* The document also lists making false statements on police reports, arresting someone without probable cause, failing to report the use of unnecessary force, and conducting searches without lawful authority as Class B misconduct.

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* The document defines Class C misconduct as any of the behaviors listed in the document.
* Behaviors that qualify as Class C misconduct include failing to obey orders from superior officers, not reporting suspected drug use by another member, and using unnecessary force.
* Other behaviors that qualify as Class C misconduct include violating the Department's crowd control policy, responding "Code 3" when instructed not to, and failing to terminate a pursuit when instructed to do so.
* Additionally, Class C misconduct includes offering or giving material consideration to induce retirement, borrowing money from a bail bond broker, submitting a compensation request for overtime that the officer is not entitled to, and accepting a gratuity without approval.
* Finally, Class C misconduct includes failing to appear in court when subpoenaed.

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* The document outlines various types of misconduct for San Francisco Police Department (SFPD) officers, including unlawful detention, bringing discredit to the department, and failure to perform duties.
* For each type of misconduct, the document specifies the penalties that will generally be imposed for first, second, and third offenses.
* Penalties range from reprimands to suspensions to being classified as a higher level of offense.

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* The document continues to outline additional types of misconduct, such as failure to provide identification, making false statements, and not following proper procedures for citizen complaints.
* Again, the document specifies the penalties for first, second, and third offenses, which are generally consistent with the penalties outlined earlier in the document.
* The document also addresses failure to report serious crimes or damage to department property, with similar penalties.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=63)

* The document outlines various types of misconduct, including failure to make required notifications, accept a citizen's arrest, or provide information to the media.
* Penalties for first, second, and third offenses are outlined for each type of misconduct, with "R" indicating referral to the Police Commission, "C" indicating counseling, and "B" indicating a written reprimand.
* The document also addresses failure to control an arrestee, falsely reporting sickness, and recommending an attorney or bail bondsman to a prisoner.
* Finally, the document discusses failure to secure and book property, with penalties again outlined for each offense.

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* The document continues to outline various types of misconduct, including giving anything of value to a person in custody, failure to comply with response and pursuit driving guidelines, and failure to log or report use of force.
* Penalties for first, second, and third offenses are outlined for each type of misconduct, with "R" indicating referral to the Police Commission, "C" indicating counseling, and "B" indicating a written reprimand.
* The document also addresses misuse of department letterhead, improper care or wearing of the department uniform, and failure to report for duty or training.

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* The document outlines additional types of misconduct, including failure to perform police duties promptly and according to department procedures, carrying a firearm or weapon not issued or authorized by the department, and failure to appear in court when subpoenaed.
* Penalties for first, second, and third offenses are outlined for each type of misconduct, with "R" indicating referral to the Police Commission, "C" indicating counseling, and "B" indicating a written reprimand.
* The document also addresses failure to keep an accurate "Certificate of Residence" on file, engaging in secondary employment in violation of department guidelines, failure to obey orders from a superior officer, and misuse of department computer systems.

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* The document outlines penalties for violations of Department General Order 11.07, which prohibits discrimination and harassment.
* It also addresses penalties for unnecessary use of force, violation of response and pursuit driving procedures, and improper use of information or computer systems.
* Penalties for disseminating non-confidential information and violating Department General Order 5.03 are also outlined.
* Finally, the document addresses penalties for any violations not listed that bring discredit upon the department.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=67)

* The San Francisco Police Commission approved a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks.
* Hicks was charged with violating rules and procedures, and the resolution allows her to avoid a disciplinary hearing.
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting.

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* The Department is committed to providing a harassment-free workplace for all employees.
* The attached City and County of San Francisco Harassment-Free Workplace Policy outlines the rights of employees and the responsibilities of employers.
* The policy is based on state and federal laws prohibiting workplace discrimination.
* Retaliation against employees who complain or assist in investigations is also prohibited.
* Chief of Police Gregory P. Suhr urges all employees to review the policy and commit to a harassment-free workplace.

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* The policy prohibits harassment on the basis of sex, race, age, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, or other protected category.
* Harassment is defined as unwelcome visual, verbal, or physical conduct.
* Sexual harassment is specifically defined as unsolicited and unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature.
* Retaliation against individuals who report harassment or assist in investigations is prohibited.
* All employees are encouraged to report harassment, and supervisors are required to take corrective action.

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* Supervisors must report complaints of harassment to the department's EEO officer or personnel officer.
* Departments must report all complaints to the Human Resources Director within five days.
* Employees can file complaints with various individuals or agencies, including the EEO Division, Harassment Helpline, or MTA EEO Division.
* The Human Resources Director is responsible for investigating and resolving complaints, except for those involving the MTA.
* Employees can also file complaints with the EEOC or DFEH.
* Remedies available through these agencies include hiring, reinstatement, back pay, promotion, fines, and damages.
* Employees who engage in harassment, discrimination, or retaliation may be subject to disciplinary action.

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* The document is an exhibit labeled "3-A"

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=72)

* The document discusses the Japanese language Stack Exchange, a question and answer site for students, teachers, and linguists
* The site allows users to ask and answer questions, and vote on the best answers
* The document specifically discusses the meaning and usage of the word 'chinkie' in old Japanese language
* The author asserts that the word is not related to the derogatory English term
* The author is seeking information on the usage of the word 'chinkie' as a colloquialism meaning 'tiny' or 'small'
* One answer is provided, suggesting that the word may be derived from the word 'chinke', which means 'tiny' or 'insignificant'

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=73)

* The document details the proceedings of a meeting of the San Francisco Police Commission
* The commission approved a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Hicks was charged with violating rules and procedures
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=74)

* The document discusses various Japanese terms used to describe body shapes
* Terms such as "noppo," "seitaka noppo," and "kirin" are used to describe tall people
* "Udo no taiboku" is a near synonym for these terms
* "Chibi" and "chibikō" are used to describe small people
* "Kun yaro" and "chinke-na" are slang terms used to describe people who are small both physically and mentally

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* Exhibit 3-C discusses the San Francisco Police Commission's approval of a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Hicks was charged with violating rules and procedures
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=76)

* The document discusses the inflection of the Japanese adjectival noun "ちんちくりん" (chinchikurin), meaning "short"
* It provides various stem forms, including the imperfective, continuative, terminal, and attributive forms
* The document also outlines key constructions, such as the informal negative, informal past, and formal negative forms
* Lastly, it discusses the conjunctive, conditional, provisional, and volitional forms, as well as the adverbial and degree forms

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=77)

* Exhibit 3-D details the proceedings of a meeting of the San Francisco Police Commission
* The commission approved a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Hicks was charged with violating rules and procedures
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=78)

* The document contains information about the resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting
* The resolution was approved by the commission

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=79)

* The document contains information about the pronunciation and translation of the word "ちんちくりん"
* The word is defined as "short (person), shorty, stumpy"
* The document also provides technical information about the word's declension in various tenses and forms

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=80)

* The document contains a form of the word "ちんちくりん" in both hiragana and kanji
* The document also provides a link to a Japanese dictionary, kanji dictionary, and multi-radical search
* The document also contains links to forums and contact information
* The document is copyrighted by JapanDict.com

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=81)

* The document is an exhibit labeled "3-E"

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=82)

* The document discusses the Japanese slang terms "chinchikurin" and "chinchikurin yaro"
* These terms describe a person who is small both physically and mentally
* The document also mentions the adjective "chinke-na" which is slang for a short, unattractive, or awkward girl or woman

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=83)

* Exhibit 4 discusses the San Francisco Police Commission's approval of a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Hicks was charged with violating rules and procedures
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=84)

* The document defines "chink" as a small cleft, slit, or fissure
* It also provides three different contexts in which the word can be used: as a weak spot, as a narrow beam of light, or as a chink in a fence
* The document also lists five trending words and their definitions

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=85)

* The document defines "chink" as a verb meaning "to fill the chinks of"
* It also provides a quiz to test one's vocabulary
* The document defines "chink" as a noun in two different ways: as an archaic term for "coin, money" and as a "short sharp sound"

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=86)

* The document provides the origin and etymology of the word "chink"
* It defines "chink" as both an intransitive and transitive verb
* It also defines "chink" as an offensive noun or adjective used to describe a person of Chinese birth or descent

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=87)

* The document defines "chink" as a narrow slit or crack (as in a wall)
* It provides resources for further learning, such as a thesaurus, synonyms and antonyms, and a Spanish translation

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=88)

* The document discusses the 2017 Word of the Year and the process behind choosing it
* It addresses the question of whether "they" is a better choice as a singular pronoun
* It defines "ghost word" and discusses the awkward case of "his or her"
* The document provides several word games and quizzes, including a quiz on words used by Nabokov, a farm idioms quiz, and a visual vocabulary quiz
* It offers a subscription service to receive a new word every day

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=89)

* The document details the proceedings of a meeting of the San Francisco Police Commission
* The commission approved a resolution to accept a stipulated disposition in the matter of Sergeant Sherry Hicks
* Hicks was charged with violating rules and procedures
* Chief of Police William Scott, various commissioners, and attorneys were present at the meeting

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=90)

* The document references two specific items, #3 and #12
* The year 1897 is also mentioned

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=91)

* The document is an exhibit from the San Francisco Police Commission.
* It details the proceedings of a meeting in which the commission approved a resolution to accept a stipulated disposition in the matter of a sergeant who was charged with violating rules and procedures.
* Chief of Police William Scott, Sergeant Sherry Hicks, and various commissioners and attorneys are mentioned in the document.

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=92)

* The document discusses an internal affairs case involving Sergeant Sherry Hicks.
* Hicks is praised for her commitment to community policing and her work in the Asian community.
* She is recommended for participation in a racial profiling training course, and eventually becomes one of the best instructors for the program.
* Hicks is also chosen to teach as the lead instructor for the community policing component of the Basic Recruit Academy Training Program.

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/725937eda7b5e3a66c1b1a498cd62366/content#page=93)

* The document provides background information on Sergeant Sherry Hicks, detailing her various roles within the San Francisco Police Department.
* The author expresses shock at the recommendation to terminate Hicks, and argues against it.
* The author emphasizes Hicks' commitment to the community, and her lack of any history of racial bias.
* The author requests that the commission review Hicks' professional record in order to understand her contributions to the department.

[**2017-07-31 Bias Comm118\_part\_3\_Redacted.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=1)

* The document is a communication from legal counsel Ashley Worsham within the San Francisco Police Department (SFPD).
* Worsham apologizes for a delay in sending a response to Sgt. Hicks' Pitchess motion.
* The response is attached as a PDF file.
* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.
* The document also contains a disclaimer about the confidential nature of the communication and its attachments.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=2)

* Bob Hirsch informs Rachael Kilshaw that the motion to dismiss will need to be considered by the full Commission.
* Ashley Worsham sends a message to four individuals, including Kilshaw, Hirsch, Wilkinson, and Tom, attaching the Department's Opposition to the Motion to Dismiss in the Hicks matter.
* Worsham also states that she will be filing an opposition to the Pitchess motion on Monday.
* Worsham includes her contact information and a disclaimer about the confidential nature of the communication and its attachments.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=3)

* Ashley Worsham, legal counsel for the San Francisco Police Department, apologizes for the delay in sending a response to the motion to dismiss in the Hicks matter.
* Worsham references four individuals: Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.
* Worsham states that she will be filing an opposition to the Pitchess motion on Monday.
* Worsham includes her contact information and a disclaimer about the confidential nature of the communication and its attachments.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=4)

* Rachael Kilshaw and Bob Hirsch are the primary correspondents in this exchange.
* Kilshaw inquires about the legal terminology and whether the two motions submitted by Sgt. Hicks' attorney are considered "dispositive."
* Kilshaw asks if Hirsch wants an opinion from DCA Mongan.
* Hirsch responds that they do not need to set the matter for a full commission hearing, and that he will decide the discovery dispute.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=5)

* Rachael Kilshaw reaches out to Bob Hirsch to inquire about whether two motions from Sgt. Hicks' attorney need to be calendared before the full commission.
* Kilshaw suggests two potential dates for the motions to be heard.
* Alison Wilkinson, Sgt. Hicks' attorney, sends a pre-hearing statement and two motions to Kilshaw, and carbon-copies the Department's counsel.
* Wilkinson offers to answer any questions or concerns.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=6)

* The document contains contact information for the Berry | Wilkinson | Law Group, including their address, phone number, toll-free number, and fax number.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=7)

* Rachael Kilshaw is out of the office on vacation until July 15, 2018.
* There may be a delay in her responding to correspondence.
* If the matter is urgent, the recipient is advised to contact reception via telephone.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=8)

* Rachael Kilshaw has received the initial filings in the matter of Sgt. Sherry Hicks.
* Sgt. Hicks has filed a motion to dismiss.
* The motion will be heard at the August 8, 2018 Commission meeting in closed session.
* The Commission Office will send the oppositions and replies to the motions to the Commissioners ahead of the meeting.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=9)

* Bob Hirsch inquires about whether the City Attorney has been provided with a copy of the motion to dismiss.
* Rachael Kilshaw confirms that the City Attorney was sent the motion on the day it was received.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=10)

* Rachael Kilshaw asks Bob Hirsch if two motions need to be calendared before the full Commission.
* Kilshaw suggests two possible dates for the motions to be put in front of the Commission.
* Alison Wilkinson sends a pre-hearing statement and two motions to Kilshaw.
* Wilkinson also serves the Department's counsel, Ashley Worsham, with the documents.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=11)

* Alison Berry Wilkinson is identified as an attorney with the Berry | Wilkinson | Law Group.
* The law group's address, phone number, toll-free number, and fax number are provided.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=12)

* Rachael Kilshaw, a sergeant with the San Francisco Police Department, is communicating with Bob Hirsch, a commissioner with the SFPD.
* Kilshaw is asking Hirsch if two motions filed by Sgt. Sherry Hicks need to be calendared before the full commission.
* The hearing for Sgt. Hicks is scheduled for August 9th, but the motions may need to be heard on either August 1st or August 8th.
* Alison Wilkinson, a lawyer, has sent the pre-hearing statement and two motions to Kilshaw, and has also served the Department's counsel, Ashley Worsham.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=13)

* Alison Berry Wilkinson is a lawyer with the Berry | Wilkinson | Law Group.
* The law group is located in San Rafael, CA.
* Contact information for the law group is provided, including a telephone number, toll-free number, and fax number.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=14)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* Sgt. Hicks filed the motion.
* The document is an apology for a delay in sending a response to the motion.
* The document references the Department's filings in the matter of Sgt. Sherry Hicks.
* The document also includes a confidentiality notice.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=15)

* Alison Wilkinson is the sender of the email.
* The email is addressed to Rachael Kilshaw, with Walter Ware and Ashley Worsham copied.
* The email contains a pre-hearing statement and two motions related to the case of Sgt. Sherry Hicks.
* Hard copies of the documents were mailed to the Commission.
* Alison Wilkinson provides her contact information in case there are any questions or concerns.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=16)

* The email is a communication from Alison Wilkinson, a lawyer with the Berry | Wilkinson | Law Group.
* The email contains three attachments: a pre-hearing statement and two motions related to the case of Sgt. Sherry Hicks.
* The email is addressed to Rachael Kilshaw, with Walter Ware and Ashley Worsham copied.
* Hard copies of the documents were mailed to the Commission.
* Alison Wilkinson provides her contact information in case there are any questions or concerns.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=17)

* Ashley Worsham, legal counsel for the San Francisco Police Department, apologizes for the delay in sending a response to the motion.
* Worsham attaches the Department's pre-hearing statement.
* The email is addressed to Alison Wilkinson and Rachael Kilshaw, with Walter Ware copied.
* Worsham provides her contact information and warns against unauthorized dissemination of the information in the email.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=18)

* The document provides a telephone number, toll-free number, and facsimile number for contact purposes.

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=19)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* Sgt. Hicks filed the motion.
* Ashley Worsham, legal counsel for the San Francisco Police Department, apologizes for the delay in responding to the motion.
* Sgt. Hyun is available for the hearing.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=20)

* Ashley Worsham, legal counsel for the San Francisco Police Department, is communicating with various individuals about a hearing for Sgt. Sherry Hicks.
* The lead investigator, Sgt. Chris Beauchamp, is unavailable from August 3-August 21, 2018.
* Worsham is checking with Sgt. Jamie Hyun to see if he is available for the hearing on August 9, 2018.
* The Department may need to request an additional date for Sgt. Beauchamp.
* Rachael Kilshaw confirms that the Commission Office will send out an updated scheduling letter.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=21)

* The document contains a confidentiality notice, warning against unauthorized use or disclosure of the information within.
* Alison Berry Wilkinson and Rachael Kilshaw are the primary correspondents in this exchange.
* Other individuals copied on the email include Bob Hirsch, Ashley Worsham, Walter Ware, Leila Mongan, and the SFPD Commission.
* The parties have agreed on deadlines for filing oppositions and replies to motions filed by sergeants: the Police Department will file their oppositions by July 16th, and replies are due by July 26th.
* A hearing for Sgt. Sherry Hicks is scheduled for August 9th at the Public Safety Building.

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=22)

* The document is a communication from the San Francisco Police Department Police Commission Office.
* The document contains a confidentiality notice, warning against unauthorized use or disclosure of the information within.
* Rachael Kilshaw is the contact person for the department, with her email address provided.
* There is an attached mail file (.ics) included with the document.

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=23)

* Rachael Kilshaw, from the San Francisco Police Department, is communicating with Ashley Worsham, Alison Berry Wilkinson, and others about a motion to dismiss filed by Sgt. Sherry Hicks.
* Commissioner Bob Hirsch has directed that the motion be heard at the August 8, 2018 Commission meeting.
* The Commission Office will send out the oppositions and replies to the motion to all of the Commissioners before the meeting.

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=24)

* Risa Tom is communicating with Ashley Worsham about subpoenaing witnesses for the Hicks trial.
* Three individuals are requested to be subpoenaed: Sgt. Christopher Beauchamp, Sgt. Jamie Hyun, and an unnamed individual.
* Ashley Worsham is identified as the Legal Counsel for the Internal Affairs Division of the San Francisco Police Department.
* The message includes a warning about the confidential nature of the communication.

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=25)

* Rachael Kilshaw and Bob Hirsch are communicating about scheduling a hearing for Sgt. Sherry Hicks' motion to dismiss.
* Kilshaw is requesting dates from Hirsch, and will coordinate with Ms. Worsham and Ms. Berry-Wilkinson once she receives them.
* Kilshaw confirms that Sgt. Hicks is available for the Commission meeting on August 8th.
* Hirsch responds that he is unavailable that week, and will provide alternative dates in late September.

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=26)

* Rachael Kilshaw is communicating with Bob Hirsch about a re-scheduled hearing for Sgt. Sherry Hicks.
* Alison Berry-Wilkinson, Hicks' attorney, is unavailable on the proposed date of August 16th.
* Kilshaw requests additional dates from Hirsch, beginning the week of August 20th.

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=27)

* Case number IAD 2017-0283 is referenced.
* A motion for discovery and a motion to dismiss are mentioned.
* The first amended complaint contains an incorrect statement.
* There is a distinction made between department cell phones and personal cell phones.
* Sgt. Hicks is referenced multiple times.
* A transcript is mentioned.

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=28)

* The document references the Daughtery case.
* IAD case #3 is mentioned.
* The document discusses the possibility of termination.
* The document references a "less than terminative" case in #5.
* The document mentions Chef Scotts tommure.

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=29)

* The document mentions a delay in sending a response to a motion.
* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom, as well as Sgt. Hicks, who filed the motion.
* The document apologizes for the delay in response.

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=30)

* The document discusses the reasons for the delay in response to the motion.
* It references a settlement that occurred, which may have impacted the timing of the response.
* The document also mentions a reduction in punishment for an individual, from termination to suspension.

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=31)

* The document discusses a discovery issue related to a case called "Cannomer."
* There is mention of a protective order, but the name of the person requesting it is not given.
* The document references a disciplinary action that was taken, as well as an offense that was committed.
* The document discusses the possibility of a settlement, and whether it is permissible.
* There is mention of a "chef" who may be allowed to be disciplined in a lesser manner.

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=32)

* The document contains a request to stipulate to a protective order.
* The term "hull" is used, but its meaning in this context is not clear.

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=33)

* Rachael Kilshaw, Risa Tom, and Walter Ware are all mentioned as recipients of the communication.
* Bob Hirsch is identified as the commissioner who will hear the motion for discovery.
* The hearing is scheduled for August 9th at 2:30 p.m. at Headquarters.
* The communication contains a confidentiality notice, warning against unauthorized interception, review, or disclosure of the information.

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=34)

* Alison Berry Wilkinson is the attorney representing Sgt. Hicks.
* Rachael Kilshaw is the contact person for the San Francisco Police Department.
* The hearing is scheduled for Thursday, August 9, 2018 at 2:30 pm.
* The document contains a confidentiality notice.

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=35)

* Alison Berry Wilkinson suggests rescheduling the discovery motion due to the motion to dismiss being rescheduled.
* Risa Tom is the commissioner for the San Francisco Police Commission.
* Sgt. Hicks has filed a motion for discovery under Pitchess/Stiglitz.
* The department has filed an opposition to the motion for discovery.
* Sgt. Hicks has filed a reply memorandum in support of the motion.

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=36)

* The document contains a confidentiality notice, warning against unauthorized interception, review, or use of the information.
* Three PDF files are referenced: one for the Stiglitz motion filed by Sgt. Hicks, one for the opposition to the Pitchess motion, and one for Sgt. Hicks' reply to the memorandum of points and authorities.

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=37)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* The document references a motion for discovery under Pitchess/Stiglitz that is scheduled for Thursday, August 9, 2018 at 2:30 pm.
* Alison Berry Wilkinson suggests rescheduling the discovery motion to follow the motion to dismiss, which has been rescheduled from August 8th.

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=38)

* Risa Tom, from the San Francisco Police Commission, is communicating with the commissioner about the hearing for Sgt. Hicks.
* The hearing is scheduled for Thursday, August 9th, at 2:30 p.m. at Headquarters.
* Three documents are attached: Sgt. Hicks' Motion for Discover under Pitchess/Stiglitz, the Department's Opposition to Motion for Discovery, and Sgt. Hicks' Reply Memorandum of Points and Authorities in Support of Pitchess/Stiglitz Motion.
* The communication is marked as confidential and intended solely for the recipient.

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=39)

* Bob Hirsch expresses his desire to go ahead with the hearing, regardless of whether the Commission dismisses the matter later on.
* Rachael Kilshaw asks the commissioner if they would like to respond to Ms. Wilkinson or if Kilshaw should do so.
* Alison Berry Wilkinson sends an email to Risa Tom, copying several other individuals, in response to the motion for discovery.

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=40)

* Alison Berry Wilkinson suggests rescheduling the discovery motion to after the reset dismissal motion, for the sake of efficiency.
* Risa Tom sends a message to the commissioner, attaching three documents related to Sgt. Hicks' motion for discovery.
* Tom also includes a confidentiality notice, warning against unauthorized use or disclosure of the information.

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=41)

* Alison Berry Wilkinson inquires about the status of the Hicks matter, specifically whether the discovery motion is still scheduled for August 9th.
* Wilkinson suggests postponing the hearing until after the motion to dismiss is recalendared.
* Walter Ware responds to inform Wilkinson that the Police Commission meeting has been cancelled.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=42)

* Rachael Kilshaw and Bob Hirsch are the recipients of the communication.
* The message confirms that Sgt. Sherry Hicks' motion for discovery has been accepted.
* The message was sent on Friday, July 27, 2018 at 3:53 PM.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=43)

* Risa Tom is the sender of the communication.
* The message references three attachments: Sgt. Hicks' Motion for Discover under Pitchess/Stiglitz, the Department's Opposition to Motion for Discovery, and Sgt. Hicks' Reply Memorandum of Points and Authorities in Support of Pitchess/Stiglitz Motion.
* The hearing is scheduled for Thursday, August 9th, at 2:30 p.m., at Headquarters.
* The message contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the information.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=44)

* Rachael Kilshaw, Bob Hirsch, and Risa Tom are all referenced as recipients of the message.
* The message is from Ashley Worsham, a legal counsel within the San Francisco Police Department.
* Worsham apologizes for a delay in sending the response to Sgt. Hicks' Pitchess motion.
* Alison Berry Wilkinson is also referenced, with contact information provided.
* The message contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the information.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=45)

* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom, as well as Sgt. Hicks, who filed the motion.
* The parties have agreed on deadlines for filing oppositions and replies to the motion.
* The Police Department will file their oppositions by 5:00 p.m. on Monday, July 16th, and replies will be due by 5:00 p.m. on Wednesday, July 26th.
* A hearing is scheduled for Thursday, August 9, 2018 at 9:30 am at the Public Safety Building in San Francisco.
* Motions, pre-trial statements, and witness lists are due on Friday, June 29, 2018.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=46)

* The document contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the communication.
* The document also contains an attachment, "Mail Attachment.ics."

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=47)

* Rachael Kilshaw, Bob Hirsch, Ashley Worsham, Walter Ware, Leila Mongan, and the SFPD Commission are all mentioned as recipients of the communication.
* The document references a hearing for Sgt. Sherry Hicks, which has been rescheduled to Thursday, August 9, 2018 at 9:30 am.
* The Police Department is expected to file their oppositions to the motions by 5:00 p.m. on Monday, July 16th, and replies are due by 5:00 p.m. on Wednesday, July 26th.
* The motions, pre-trial statements, and witness lists are still due on Friday, June 29, 2018.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=48)

* Alison Berry Wilkinson is the author of the communication.
* The document references a hearing for Sgt. Sherry Hicks, which has been rescheduled to Thursday, August 9, 2018 at 9:30 am.
* The Police Department is expected to file their oppositions to the motions by 5:00 p.m. on Monday, July 16th, and replies are due by 5:00 p.m. on Wednesday, July 26th.
* The motions, pre-trial statements, and witness lists are still due on Friday, June 29, 2018.
* Alison Berry Wilkinson provides her contact information, including her email address, phone number, and address.
* Rachael Kilshaw also provides her contact information, including her email address and phone number.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=49)

* The communication contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the information.
* The communication references the Electronic Communications Privacy Act.
* The communication contains an attachment, "Mail Attachment.ics."

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=50)

* Rachael Kilshaw, Bob Hirsch, Ashley Worsham, Walter Ware, Leila Mongan, and the SFPD Commission are all mentioned in the communication.
* Alison Berry Wilkinson is the sender of the communication.
* The communication references a hearing for Sgt. Sherry Hicks.
* The Police Department is expected to file their oppositions to the motions by 5:00 p.m. on Monday, July 16th.
* Replies are due by 5:00 p.m. on Wednesday, July 26th.

[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=51)

* Rachael Kilshaw confirms the re-scheduled hearing for Sgt. Sherry Hicks on Thursday, August 9, 2018 at 9:30 am.
* The hearing will take place at the Public Safety Building in San Francisco.
* The Commission will send a formal scheduling letter once the parties agree on dates for filing oppositions and replies.
* Motions, pre-trial statements, and witness lists are due on Friday, June 29, 2018.
* Bob Hirsch directed the due date during a status conference.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=52)

* Rachael Kilshaw is communicating with Leila Mongan.
* Kilshaw is apologizing for the delay in responding to a motion filed by Sgt. Sherry Hicks.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=53)

* The document contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the information.
* The document also contains an attachment, "Mail Attachment.ics."

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=54)

* Rachael Kilshaw and Bob Hirsch are both referenced in the document, and both are affiliated with the San Francisco Police Department (SFPD).
* The document is a communication from Kilshaw to Sgt. Sherry Hicks, who filed a motion.
* The document is dated Monday, June 25, 2018, and was sent at 5:30 PM.
* The subject of the document is "Accepted: hearing."

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=55)

* The document confirms the re-scheduled hearing for Sgt. Sherry Hicks on Thursday, August 9, 2018 at 9:30 am.
* The hearing will take place at the Public Safety Building in San Francisco.
* The Commission will send a formal scheduling letter once the parties agree on dates for filing oppositions and replies.
* Motions, pre-trial statements, and witness lists are due on Friday, June 29, 2018.
* Rachael Kilshaw is the point of contact for any questions.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=56)

* Rachael Kilshaw is requesting a change of venue for the discipline hearing for Sgt. Sherry Hicks.
* The hearing is scheduled for Thursday, August 9, 2018 from 9:30 AM to 2:30 PM.
* The request was declined due to a conflict with a meeting organized by Nora Wong.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=57)

* Rachael Kilshaw, Bob Hirsch, and Alison Berry Wilkinson are discussing potential dates for a hearing.
* August 13th is not a viable date for either Ashley or Rachael's client.
* August 9th is a potential date, but only if oppositions to motions are not due until the week of July 23rd.
* Rachael Kilshaw is a sergeant with the San Francisco Police Department.
* Alison Berry Wilkinson is an attorney with the Berry Wilkinson Law Group.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=58)

* Alison Berry Wilkinson is requesting a change in the hearing date for Sgt. Hicks.
* Alison's client is unavailable on August 16th, but is available on either August 23rd or 24th.
* Alison prefers the hearing to be on August 24th.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=59)

* Rachael Kilshaw is the recipient of the email from Alison Berry Wilkinson.
* Alison is requesting a modification to the briefing schedule and a postponement of the hearing until a Morgado-compliant process is available.
* Alison wants to make Commissioner Bob Hirsch aware of these agenda items.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=60)

* The document references several individuals, including Shery Hicks, Alison Wilkinson, Bob Hirsch, and Jon.
* Alison is requesting a submission extension, and is asking for no further extensions to be granted.
* There is mention of a phone call and email exchange between the parties.
* There is a question about whether a department issue is at play.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=61)

* The document discusses various options for moving forward, including going forWALD or not disputing the issue.
* There is mention of a potential penalty if the petitioner wants to go to court.
* The document also references concerns about not knowing what Alison wants, and that she does not agree with some of the ideas presented.
* Finally, the document discusses a strategy for dealing with the motion.

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=62)

* The document discusses the impact of a case on the petitioner's strategy.
* Hirsch wants to move the date for filing the motion.
* Alison is mentioned as being responsible for designing the motion.
* The document also references a number of dates and case numbers.
* Finally, the document discusses the importance of working with all parties involved.

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=63)

* Rachael Kilshaw and Bob Hirsch are the primary correspondents in this document.
* The document discusses pre-hearing filings in the matter of Sgt. Sherry Hicks.
* Rachael is unsure if the motions submitted by Sgt. Hick's attorney are considered "dispositive."
* Bob Hirsch responds that they do not need to set the matter for a full commission hearing, and that he will decide the discovery dispute.

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=64)

* Rachael Kilshaw is asking Bob Hirsch if two motions need to be calendared before the full Commission.
* The hearing is scheduled for August 9th, and the motions would need to be put on the Commission's agenda on either August 1st or August 8th.
* Alison Wilkinson, Sgt. Hick's attorney, has submitted a pre-hearing statement and two motions.
* Wilkinson has electronically served the Department's counsel, Ashley Worsham, and has also sent hard copies to the Commission.

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=65)

* The document contains contact information for the Berry | Wilkinson | Law Group, including their address, phone number, toll-free number, and fax number.

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=66)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* Sgt. Hicks filed a motion for a continuance of a hearing.
* The request for a continuance was granted.
* A phone conference call was scheduled for 6/25 at 1:00 pm, and the hearing was rescheduled for 7/19 at 9:30 am.

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=67)

* Alison Berry Wilkinson is requesting a continuance of a hearing and pre-hearing submission dates.
* The request is to allow time for the parties to prepare an agreed factual statement.
* Ashley Worsham, counsel for the Police Department, does not object to the request.
* Alison suggests either a phone conference to select new dates or a specific set of alternative dates for the hearing and pre-hearing submissions.

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=68)

* Rachael Kilshaw and Walter Ware are the authors of the document.
* The document is a response to a motion filed by Sgt. Sherry Hicks.
* The response is delayed, but accepted.

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=69)

* The document is a communication from Rachael Kilshaw and Walter Ware to Sgt. Sherry Hicks.
* The document acknowledges the acceptance of a status conference.
* The document was sent on Friday, June 1, 2018 at 10:09 AM.

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=70)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* Sgt. Hicks filed the motion.
* The status conference is scheduled for Monday, June 25, 2018 at 1:00 pm.
* The document contains a confidentiality notice.
* The document also contains an invitation from Google Calendar.

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=71)

* Rachael Kilshaw and Bob Hirsch are both referenced as being affiliated with the San Francisco Police Department (POL).
* The document is dated Wednesday, May 30, 2018 at 5:29 PM.
* The document references a status conference with Sgt. Sherry Hicks.

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=72)

* Bob Hirsch sent a communication to Rachael Kilshaw, both of whom are affiliated with the San Francisco Police Department (POL).
* The communication is in response to a motion filed by Sgt. Sherry Hicks.
* Hirsch apologizes for the delay in responding to the motion.

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=73)

* Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom are all mentioned in the document.
* Sgt. Hicks filed the motion that is being discussed.
* A request for a continuance of the hearing for Sgt. Hicks was granted.
* A status conference is scheduled for Monday, June 25, 2018 at 1:00 pm.
* The new hearing date is Thursday, July 19, 2018 at 9:30 am.
* The hearing will take place in the Police Commission Hearing Room.
* A new scheduling letter will be sent out.

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=74)

* Alison Berry Wilkinson is requesting a continuance of the hearing for Sgt. Hicks.
* The request is to allow time for the parties to prepare an agreed factual statement.
* The Police Department does not object to the request.
* Wilkinson suggests either a telephone conference to select new dates or a new pre-hearing submission date and hearing date.

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=75)

* The document contains contact information for the San Francisco Police Department, including a telephone number, toll-free number, and fax number.

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=76)

* Rachael Kilshaw, Bob Hirsch, Ashley Worsham, Walter Ware, and Leila Mongan are all mentioned in the document.
* Sgt. Sherry Hicks is the subject of the hearing.
* The hearing was rescheduled to Thursday, July 19, 2018 at 9:30 am.
* The hearing will take place at the Public Safety Building in San Francisco.
* A scheduling letter will be sent out within the week.
* The document contains a confidentiality notice.

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=77)

* The document is a communication from a legal counsel within the San Francisco Police Department.
* The document apologizes for a delay in sending a response to a motion.
* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.
* Sgt. Hicks filed the motion.

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=78)

* Walter Ware sent an email to Rachael Kilshaw on Thursday, May 31, 2018 at 9:15 AM.
* The email concerns a status conference for Sgt. Sherry Hicks.

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=79)

* Alison Wilkinson is asking for confirmation that the settlement conference is still scheduled.
* Walter Ware confirms the settlement conference is scheduled for 5/17/18 at 1:00pm.
* The conference will take place at 1245-3rd St, Room 6122.

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=80)

* Rachael Kilshaw and Bob Hirsch are communicating about a request for a continuance in the matter of Sgt. Sherry Hicks.
* Bob Hirsch grants the request and sets a phone conference call for 6/25 at 1:00 pm, with the hearing set for 7/19 at 9:30 AM.
* Rachael Kilshaw asks Commissioner Hirsch to let her and Walt know how he wants to proceed.
* Alison Berry Wilkinson requests a continuance of the hearing for Sgt. Hicks.

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=81)

* Alison Berry Wilkinson is requesting a continuance of a hearing and pre-hearing submission dates for File No. IAD 201-0283, involving Sergeant Sherry Hicks.
* The request is to allow time for the parties to prepare an agreed factual statement, which will reduce hearing time and the number of witnesses needed.
* Alison suggests either a telephone conference to select new dates, or specific alternative dates for the hearing and pre-hearing submissions.
* Ashley Worsham, counsel for the Police Department, does not object to the request.

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=82)

* Rachael Kilshaw is organizing a status conference for the matter of Sgt. Sherry Hicks.
* The conference is scheduled for Monday, June 25, 2018 at 1:00 pm.
* Rachael will contact the parties via telephone on that date and time.
* Bob Hirsch, Ashley Worsham, Alison Berry Wilkinson, Walter Ware, and the SFPD Commission are required to attend.
* Rachael includes a confidentiality notice at the end of the communication.

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=83)

* Rachael Kilshaw confirms the re-scheduled hearing for Sgt. Sherry Hicks.
* The hearing is set for Thursday, July 19, 2018 at 9:30 am at the Public Safety Building.
* An updated scheduling letter will be sent from the Commission Office.
* Rachael asks that any questions be directed to her.
* Rachael includes her contact information and a confidentiality notice.

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=84)

* The document is an apology for a delay in responding to a motion.
* The document references several individuals: Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom, as well as Sgt. Hicks, who filed the motion.

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=85)

* The document is a communication from a legal counsel within the San Francisco Police Department.
* The document apologizes for a delay in responding to a motion filed by Sgt. Hicks.
* The document references several individuals: Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=86)

* The document is a response to a motion filed by Sgt. Hicks.
* The response apologizes for the delay in sending a response.
* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=87)

* Alison Berry Wilkinson requests a continuance of the hearing for Sgt. Hicks, as well as a continuance of the pre-hearing submission dates.
* The request is made in order to facilitate an agreement between the parties to reduce hearing time and narrow the number of witnesses.
* Ashley Worsham, legal counsel for the San Francisco Police Department, does not object to the request.
* Wilkinson suggests a telephone conference to select new dates for the hearing and pre-hearing submissions.

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=88)

* Wilkinson requests that the pre-hearing submissions date be continued to June 25, 2018.
* Wilkinson also requests that the hearing be set for one of six possible dates in July 2018.
* Wilkinson expresses gratitude for the consideration of the request, which will allow the parties to structure evidence in a way that saves time and resources.
* Contact information for Wilkinson and the Berry | Wilkinson | Law Group is provided.

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=89)

* Rachael Kilshaw requests that Walter Ware send out a cancellation for the hearing originally scheduled for June 25, 2018.
* The hearing has been rescheduled for July 19, 2018 at the Public Safety Building in Room 6122.
* Kilshaw requests that Risa Tom be added to the email list so she can cancel the court reporter.
* Kilshaw provides her contact information, as well as a confidentiality notice.
* The original appointment email is included, which lists the individuals who were originally invited to the hearing.

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=90)

* Walter Ware confirms the hearing for Sgt. Sherry Hicks is scheduled for June 25, 2018 at 10:00am.
* The hearing will take place at 1245-3rd St, Room 6122.
* A formal scheduling letter will be sent out early the following week.

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=91)

* The document is a letter from the San Francisco Police Commission to two attorneys, Ashley Worsham and Alison Berry-Wilkinson, as well as Sergeant Sherry Hicks.
* The letter confirms that Commissioner Robert Hirsch has scheduled the taking of evidence in a disciplinary case (IAD 2017-0283) for Monday, June 25, 2018.
* The hearing is limited to 3 hours, with each side given 1.5 hours to present their case.
* If either party wants additional time, they must submit a written request by Friday, June 1, 2018.
* Each party must also submit a Pre-Hearing Statement by that same date.

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=92)

* The Pre-Hearing Statement must include a summary of the party's position and evidence, citations to legal authority, a statement of undisputed and disputed facts, and identification of legal issues to be decided.
* The Pre-Hearing Statement must also include a list of witnesses, a summary of their testimony, and the expected duration of their testimony.
* Motions must be filed by Friday, June 1, 2018, and oppositions to motions must be filed by Wednesday, June 6, 2018.
* The moving party can reply to any opposition by Monday, June 11, 2018.
* Requests for witness attendance and notices to produce records must also be made by Friday, June 1, 2018.

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=93)

* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom, as well as Sgt. Hicks, who filed the motion.
* The document apologizes for a delay in sending a response to the motion.
* The document also mentions the San Francisco Police Department.

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=94)

* The text discusses the use of a personal phone to communicate with individuals.
* The text references difficulties the department is experiencing.
* The text mentions a "zero tolerance" policy.
* The text also discusses the issue of racial bias and the need to address different ethnic groups.

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=95)

* The text discusses the need to defer a response to a motion.
* The text references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom, as well as Sgt. Hicks, who filed the motion.
* The text apologizes for the delay in responding to the motion.

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=96)

* The text discusses the importance of common sense when it comes to deciding whether or not to publish a history.
* The text questions whether or not being on a list means that something is protected.
* The text argues that context matters when it comes to using the word "wild."
* The text references three specific items: #1, #3, and #12.
* The text discusses the meaning of the word "und" in the context of being derogatory.

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=97)

* The text discusses the importance of context and intent when it comes to determining penalties.
* The text references two individuals, ABN and BH, and questions what the Chuf is supposed to do.
* The text suggests that the Chuf should look at each case individually.
* The text discusses the need for a list to be published when establishing penalties.
* The text references the Code antext and discusses the importance of lessons for the sp.
* The text discusses the need for cultural awareness when it comes to taking steps against Sp Heks.

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=98)

* The text discusses the importance of context when it comes to determining penalties.
* The text references "Chuck" and the "lys" as two potential alternatives to the "mud."
* The text discusses the importance of understanding the "teratu" context.

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=99)

* The text confirms a settlement conference for Sgt. Sherry Hicks on 5/17/18 at 1:00pm.
* The conference will take place at 1245-3rd St, Room 6122.
* Sgt. Walter Ware from the Police Commission Unit is mentioned as a point of contact.

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=100)

* The text provides a calendar of events for June 2018.
* A hearing in the matter of Sgt. Sherry Hicks is scheduled for Monday, June 25, 2018 at 10:00am.
* The hearing will last for 4 hours and will take place in Room 6122.

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=101)

* The document references a status conference regarding a motion filed by Sgt. Hicks.
* A. Worsham and Allison Wition are mentioned as participants in the conference.
* Counsel Hirsch and Rachael Kilshaw are also mentioned.
* There are some discovery problems related to getting interviews.
* Alison is working to make sure all interviewed parties are accounted for.
* There is mention of some interviews not being included in recordings.

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=102)

* The document discusses the need for clarification on a brief paragraph on page 17.
* Allison requests confirmation that a recording exists.
* Hirsch wants to schedule a conference, with dates proposed for May 15-17.
* The chief is available on May 17, and a hearing date is available on June 25.

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=103)

* The document references several individuals, including Rachael Kilshaw, Bob Hirsch, Alison Berry Wilkinson, and Risa Tom.
* Sgt. Hicks filed the motion.
* The document apologizes for a delay in sending a response to the motion.

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=104)

* Alison Berry Wilkinson requests that Rachel Kilshaw contact her for a conference call.
* The status conference for Sgt. Sherry Hicks is scheduled for Wednesday, April 18, 2018 at 1:00 pm.
* Rachael Kilshaw will contact the parties by phone on that date and time.
* The document contains a confidentiality notice.

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=105)

* The Police Commission adopted Resolution No. 18-23, which assigns Commissioner Robert Hirsch to conduct the taking of evidence in the disciplinary charges against Sgt. Sherry Hicks.
* The date for the hearing will be set at a later time.
* Commissioners Turman, Mazzucco, Marshall, and Melara voted in favor of the resolution, while Commissioners DeJesus and Hirsch were absent.

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=106)

* Rachael Kilshaw and Walter Ware are the senders of the communication.
* The communication is addressed to Sgt. Sherry Hicks.
* The communication is in response to a status conference request made by Sgt. Hicks.
* The communication was sent on Saturday, April 14, 2018 at 7:18 PM.

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=107)

* Rachael Kilshaw and Bob Hirsch are the senders of the communication.
* The communication is addressed to Sgt. Sherry Hicks.
* The subject of the communication is "Accepted: status conference."
* The communication was sent on Friday, April 13, 2018 at 4:40 PM.

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=108)

* The status conference is scheduled for Wednesday, April 18, 2018 at 1:00 pm.
* Rachael Kilshaw is the organizer of the conference.
* Bob Hirsch, Ashley Worsham, Alison Berry Wilkinson, and Walter Ware are required to attend.
* Rachael Kilshaw is a sergeant with the San Francisco Police Department.
* The communication contains a confidentiality notice.

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=109)

* Rachael Kilshaw and Bob Hirsch are both identified as members of the San Francisco Police Department (POL).
* Bob Hirsch proposes three potential dates and times for a telephone conference: 4/17, 4/18, and 4/30.
* Rachael Kilshaw responds to clarify that the time slot on 4/18 is only available until 3:00 pm.

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=110)

* Alison Berry Wilkinson is introduced as a new contact, and she expresses her preference for the status conference to be held on 4/18 or 4/30.
* Rachael Kilshaw requests that Alison Berry Wilkinson and Ashley Worsham provide their availability for the three proposed dates.
* The email includes a confidentiality notice, warning against unauthorized interception, review, or disclosure of the communication.

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=111)

* Rachael Kilshaw and Ashley Worsham are both involved in the communication.
* The document references a potential status conference for Sgt. Sherry Hicks.
* Three possible dates for the conference are given: 4/17, 4/18, and 4/30.
* Rachael Kilshaw is asking for confirmation of availability and timeframes from Ashley Worsham and Alison Berry Wilkinson.
* Ashley Worsham confirms that the dates work for her.
* The document also contains a disclaimer about the confidentiality of the communication.

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=112)

* The document is a communication from Rachael Kilshaw, a sergeant in the San Francisco Police Department.
* The document contains contact information for Rachael Kilshaw, including her phone number and email address.
* The document contains a confidentiality notice, warning against unauthorized interception, review, or use of the communication.

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=113)

* Rachael Kilshaw is requesting availability for a status conference for Sgt. Sherry Hicks.
* Three potential dates are provided, each with different timeframes.
* Kilshaw requests a response with availability and timeframes that will work for a 30 minute conference.

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=114)

* Rachael Kilshaw and Bob Hirsch are both mentioned as recipients of the email.
* The email contains three proposed dates and times for a telephone conference.
* The email requests a response from Bob Hirsch to confirm one of the proposed times.

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=115)

* Rachael Kilshaw is communicating with Bob Hirsch about the assignment of a discipline case.
* Bob Hirsch may not be able to attend a Wednesday meeting due to travel.
* Rachael and Bob will work out a date for the first status conference.
* The paperwork will be sent to all commissioners on Monday.

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=116)

* Rachael Kilshaw is asking Julius Turman if it is allowable for Alison Berry-Wilkinson and her client to be excused from the assignment of the case.
* Alison Berry-Wilkinson is requesting a professional courtesy due to her inability to attend a meeting because of a flight delay.
* Sergeant Sherry Hicks is the subject of the discipline case.

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=117)

* Alison Berry Wilkinson is requesting either to be excused from appearing or to have the appearance postponed.
* She expresses gratitude for any courtesies the Commission can extend.
* The communication contains a confidentiality notice, warning against unauthorized use or dissemination of the information.
* The communication also contains an IRS Circular 230 Notice, informing the recipient that any tax advice in the communication cannot be used to avoid penalties.

[**Page 118**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=118)

* Rachael Kilshaw responds to Alison Berry Wilkinson's request, informing her that President Turman is not requiring the parties to attend the Commission meeting on April 11, 2018.
* Kilshaw states that the case will be assigned and that she will coordinate with the assigned Commissioner to set the first status conference.
* Kilshaw provides her contact information, including her phone number and email address.
* The communication contains a confidentiality notice, warning against unauthorized use or dissemination of the information.

[**Page 119**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=119)

* Alison Berry Wilkinson requests a professional courtesy from the Commission, as she will not be able to attend the meeting on April 11th due to a flight delay.
* Wilkinson requests either that she and Sgt. Hicks be excused from the meeting and notified of the Commissioner assignment by email, or that the appearance be postponed until the next Commission meeting.
* Wilkinson provides her contact information, including her phone number, toll-free number, fax number, and email address.

[**Page 120**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=120)

* Rachael Kilshaw is communicating with Julius Turman about the assignment of a new discipline case.
* The case involves Officer Sherry Hicks, who is accused of texting a biased term to a department-issued cell phone.
* The recommendation is for termination.
* Two Commissioners, Melara and Hirsch, are both eligible to be assigned the case, as they have the same number of open cases and were assigned their last cases on the same date.
* Kilshaw is asking Turman to decide which Commissioner will be assigned the case.
* Kilshaw provides her contact information, including her phone number and email address.
* The communication contains a confidentiality notice, warning against unauthorized interception, review, use, or disclosure of the information.

[**Page 121**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=121)

* Sgt. Hicks is being notified of the assignment of a Commissioner to disciplinary charges filed against her.
* The assignment will be on the Commission Calendar for the meeting on Wednesday, April 11, 2018.
* Sgt. Hicks and her representative must attend the meeting unless excused by the Commission Secretary.
* Rachael Kilshaw is the point of contact for any questions.
* Copies of the notification are being sent to Ret. Captain Chignell, Deputy City Attorney Mongan, and Attorney Betz.

[**Page 122**](https://casetext.com/api/ai-assistant/proxy/document-uploads/a53a95f5f08da9670c195ef88d95c855/content#page=122)

* The Police Commission is notifying Sgt. Hicks of the assignment of a Commissioner to his disciplinary case
* The meeting will take place on Wednesday, April 11, 2018 in Room 400, City Hall
* Sgt. Hicks and his representative must attend unless excused
* Sgt. Rachael Kilshaw is the Secretary for the Police Commission and is available to answer any questions
* Copies of the notification were sent to various individuals involved in the case

[**2017-07-31 Bias Comm118\_Redaction\_Index\_for\_SFPD\_Portal\_Hicks.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d77fa075652bf48198f4a2981478566a/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d77fa075652bf48198f4a2981478566a/content#page=1)

* The San Francisco Police Commission has identified records related to an incident involving Sgt. Sherry Hicks using a racial epithet on July 31, 2017.
* Redactions have been made to these records based on various exemptions, including: Protecting personal data or information of peace and custodial officers Preserving the anonymity of complainants and witnesses Protecting confidential medical, financial, or other information Protecting the physical safety of officers or others
* Other exemptions cited include: California Penal Code § 832.7(a) which makes personnel records of peace officers confidential California Penal Code § 832.7(b)(7) which allows for withholding personal identifying information California Penal Code §§ 11076, 11105 (b) which restrict access to information from the California Law Enforcement Telecommunications System California Government Code § 6254(a) which exempts preliminary drafts, notes, or memoranda from disclosure California Government Code § 6254(f) which exempts records of complaints, investigations, or security procedures from disclosure

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/d77fa075652bf48198f4a2981478566a/content#page=2)

* The document references various California codes that allow for redactions in records, including: California Code of Civil Procedure § 129 which protects photographs of a deceased person California Government Code § 6254(c) and Cal. Govt. Code section 6254(k) which protect against unwarranted invasions of privacy California Welfare & Institutions Code § 5328 which protects confidential mental health records California Welfare & Institutions Code § 827 which protects juvenile records
* The document also references codes that allow for attorney-client privilege and the refusal to disclose official information in the interest of justice.
* The document provides the address, phone number, fax number, and email address for the San Francisco Police Department Headquarters.

[**2019-07-21 Bias SFPD274.pdf**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=1)

[**Page 1**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=1)

* The document is a report summary from the San Francisco Police Department (SFPD) detailing a complaint against an officer, Gordon F. Brown.
* The complaint was filed on 10/21/2019 and the incident occurred on 07/21/2019.
* The allegation against Brown is "Conduct Unbecoming an Officer" and the violation is "Improper Conduct."
* The case was closed on 10/10/2023 and the actions taken in response to the complaint included a suspension, suspension held in abeyance, and retraining for Brown.

[**Page 2**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=2)

* The document details the various individuals and groups assigned to the case, including investigators, supervisors, risk management, the chief's office, the police commission, and attorneys.
* The document also provides the dates of assignment, completion, and due dates for each of these groups.
* The narrative section of the document clarifies that the allegation against Brown is specifically related to his use of a bias word in text messages on two separate occasions.
* The disposition of the case is "Improper Conduct" and the discipline Brown received includes a 15 day suspension (10 days served, 5 days held in abeyance) and mandatory retraining.

[**Page 3**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=3)

* Officer Gordon Brown has been given a 10-day suspension.
* The suspension began at midnight on the day the email was sent.
* Ashley Worsham, the managing attorney for the Internal Affairs Division, is the one who communicated the suspension to the other officers.
* The email also contains a disclaimer about the confidential nature of the information contained within it.
* The case number is MCD-2019-0201.

[**Page 4**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=4)

* Scott Lawburrell, an attorney, is communicating with Ashley Worsham, the managing attorney for the Internal Affairs Division of the San Francisco Police Department.
* Scott is informing Ashley that Officer Gordon Brown has begun his 10-day suspension.
* Brown notified his commanding officer, Sgt Dullea, of the suspension.
* The email also contains a warning about opening links or attachments from untrusted sources.
* The case number is MCD-2019-0201.

[**Page 5**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=5)

* The Police Commission met on September 20, 2023 to discuss the disciplinary case against Officer Gordon Brown.
* The Commission accepted a settlement agreement filed in the case.
* The agreement is between Officer Brown and the San Francisco Police Department.
* The case number is IAD 2019-0201.

[**Page 6**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=6)

* Officer Brown is accused of engaging in conduct unbecoming an officer, in violation of Rule 9 of Department General Order 2.01.
* The accusation stems from two text messaging conversations in which Officer Brown used a racial epithet.
* Officer Brown contends that the term was not used in a derogatory manner, but as a term of endearment.
* The parties discussed the case at an early settlement conference, where they also reviewed similar cases.
* Officer Brown accepted full responsibility for his use of the word in text messages.

[**Page 7**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=7)

* The parties initially discussed a settlement that would have included a 60-day suspension with 30 days served and 30 days held in abeyance for two years, as well as retraining.
* Officer Brown requested additional time to consider the terms, and eventually reached a settlement with the Commission.
* However, the Commission unanimously rejected the proposed settlement.
* The parties met again to discuss a revised settlement, which Officer Brown agreed to.
* As part of the settlement, Officer Brown admits to three specifications of misconduct and waives his right to further administrative remedies.
* The Commission will impose the recommended discipline as outlined in the settlement agreement.

[**Page 8**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=8)

* Officer Brown will be suspended without pay for 15 days, with 10 days served and 5 days held in abeyance for two years.
* He will also undergo mandatory retraining on Department General Orders and other relevant materials.
* The Department's Brady Committee will determine if Officer Brown's conduct constitutes Brady material and if he should be placed on the Department's Brady List.
* Officer Brown waives his right to contest the findings of the Brady Committee, but may appeal the decision.
* If the Police Commission rejects the settlement, either party may rescind the agreement and set the matter for trial.
* The settlement is a full resolution of all claims of misconduct against Officer Brown related to the incident in question.

[**Page 9**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=9)

* Officer Brown acknowledges his right to consult with an attorney and has discussed the agreement with his attorneys.
* He voluntarily agrees to the terms of the agreement, including the waivers.
* The agreement is signed by Officer Brown, his attorneys, the Chief of Police, and the attorney for the Department.
* The Police Commission approves the agreement by resolution.

[**Page 10**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=10)

* Officer Brown is suspended without pay for 15 days, with 10 days served and 5 days held in abeyance for 2 years.
* The suspension is due to violations of Department General Order 2.01, Rules 5 and 9.
* Officer Brown is required to undergo mandatory retraining.
* The resolution is served electronically to all necessary parties.

[**Page 11**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=11)

* This document is a settlement agreement between Officer Gordon Brown and the San Francisco Police Department.
* The disciplinary matter is designated as File No. IAD 2019-0201.
* Officer Brown is accused of engaging in conduct unbecoming an officer by using a racial epithet in two text messages.
* Officer Brown contends that the term was not used in a derogatory manner, but as a term of endearment.
* The parties discussed the case and similar cases, which resulted in suspensions ranging from 20-30 days.
* The Department expressed concern about the use of racial epithets and department equipment for personal business.
* Officer Brown's counsel explained the context in which the word was used and that it was not intended to be derogatory.

[**Page 12**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=12)

* Officer Brown accepts responsibility for using the racial epithet in text messages, but maintains that he did not intend to offend anyone.
* The parties discussed a possible settlement, which included a 60-day suspension and retraining.
* Brown requested additional time to consider the terms, and eventually agreed to a settlement.
* The Commission rejected the settlement, and the parties met again to discuss a revised settlement.
* The revised settlement includes Brown admitting to three specifications, waiving his right to further administrative remedies, and agreeing to a 60-day suspension.

[**Page 13**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=13)

* Officer Brown agrees to the recommended discipline, which includes a 15-day suspension without pay and mandatory retraining.
* Brown waives all rights to judicial or administrative review of the agreement.
* If the Police Commission rejects the agreement, either party can rescind it and set the matter for trial.

[**Page 14**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=14)

* The agreement is a full resolution of all claims against Officer Brown related to the incident.
* Brown acknowledges his right to representation and confirms he has consulted with attorneys.
* Both parties sign the agreement, which is approved by the Police Commission.

[**Page 15**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=15)

* Officer Brown is accused of using a racial term in two text messages on his department-issued phone.
* Brown argues that he did not intend for the term to be derogatory, and that it was used as a term of endearment.
* The Department argues that there have been multiple warnings against using racial epithets and department equipment for personal business.
* A settlement conference was held, and it was noted that similar cases resulted in suspensions without pay.

[**Page 16**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=16)

* Officer Brown accepts responsibility for his use of the word in text messages.
* The parties discussed a possible settlement that would involve a 60-day suspension and retraining.
* Officer Brown requested additional time to consider the terms.
* A settlement was reached, with Brown admitting to three charges and agreeing to the recommended discipline.

[**Page 17**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=17)

* Officer Brown will be suspended without pay for 60 days, with 30 days served immediately and the remaining 30 days held in abeyance for two years.
* Brown must participate in mandatory retraining, which will include instruction on Department General Order 2.01, Rules 5 and 9.
* Brown waives all rights to judicial or administrative review of the agreement.
* If the Police Commission rejects the agreement, either party can rescind it and set the matter for trial.
* The agreement resolves all claims of misconduct against Brown related to the incident.
* Brown acknowledges that he has consulted with an attorney and understands the terms of the agreement.

[**Page 18**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=18)

* The document lists the names of the attorneys representing Officer Brown (Scott Burrell and Randall Knox) as well as the Chief of Police (William Scott) and the attorney for the department (Ashley L. Worsham).
* The settlement agreement is approved by the Police Commission, with Sgt. Stacy Youngblood as the secretary.
* The document references the case number (MCD-2019-0201) and the resolution number (2022).

[**Page 19**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=19)

* The document is a report summary from the San Francisco Police Department detailing a complaint against Officer Gordon F. Brown.
* The report includes information about the incident, the complainant, the officer involved, and the actions taken in response to the complaint.
* The document references the case number (MCD-2019-0201) and the resolution number (2022).
* The document includes the contact information for the Chief of Police, the Mayor, and the attorney representing Officer Brown.
* The document also includes a list of files that are being provided to the attorney for review, which are considered confidential personnel files.

[**Page 20**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=20)

* The letter is addressed to Scott Burrell.
* The letter references the Pitchess/Stigliz Discovery case (MCD-2019-0201).
* The letter is dated July 15, 2021.
* The letter is signed by Ashley Worsham, Legal Counsel for the San Francisco Police Commission.
* The letter includes a carbon copy notation (CC) to indicate that the letter was also sent to another recipient.

[**Page 21**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=21)

* The document is a report summary from the San Francisco Police Department (SFPD)
* The report concerns a complaint against Officer Gordon F. Brown
* The SFPD is opposing a motion for discovery under Pitchess/Stiglitz
* The SFPD argues that the motion is premature and that Officer Brown has not shown good cause to access confidential police files
* The document is signed by Ashley L. Worsham, an attorney for the SFPD

[**Page 22**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=22)

* The document begins with an introduction, which outlines the SFPD's opposition to Officer Brown's motion to discover confidential police personnel records
* The SFPD argues that the motion is premature and that Officer Brown has not established good cause or materiality for the requested materials
* The document then discusses the requisite showing pursuant to Pitchess v. Superior Court, which establishes that peace officer personnel records are privileged and can only be disclosed with a court order
* The document also references other cases that support the SFPD's argument, such as City of Hemet v. Superior Court and Cal. Highway Patrol v. Superior Court of Santa Cruz
* Finally, the document outlines the two-step procedure for discovery of peace officer records as established in People v. Gutierrez

[**Page 23**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=23)

* The document references California Evidence Code §1043, which requires a written motion for discovery
* The document outlines the requirements for a Pitchess motion, including the need for affidavits showing good cause and materiality
* The document argues that Officer Brown's motion is premature and does not meet these requirements
* The document references the Stiglitz case, but argues that it is not relevant to the current situation

[**Page 24**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=24)

* Officer Brown is appealing his termination and claiming disparate treatment
* He argues that other employees who falsified time records received lesser punishments
* The California Supreme Court ruled that an arbitrator may rule on a discovery motion for officer personnel records
* However, the Department argues that Officer Brown's motion should be denied for two reasons: The motion is premature because there is no disciplinary decision to appeal Officer Brown has not shown good cause or demonstrated how the records would be relevant to his defense
* The Department argues that each disciplinary case has its own unique set of facts and circumstances

[**Page 25**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=25)

* The Department argues that Officer Brown's request for records is a "fishing expedition"
* Officer Brown has not named specific officers whose records he seeks, which further supports the Department's argument
* The Department also argues that any request for records beyond five years is unsupported by law
* If the Commission does find good cause for production of records, they must review the information in camera to determine its relevance

[**Page 26**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=26)

* The document outlines five procedures for conducting an in camera review of peace officer personnel records
* The document references California Evidence Code sections 915 and 1045
* The Department requests a protective order for any materials released to Officer Brown
* The Department also requests that any disclosed information be limited to use in the instant case only

[**Page 27**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=27)

* The document references the Alford v. The Superior Court of San Diego County case
* The SFPD requests that Officer Brown's motion be denied
* The document is submitted by Ashley L. Worsham from the San Francisco Police Department
* The document is dated February 23, 2021

[**Page 28**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=28)

* Scott C. Burrell and Randall Knox are attorneys for accused officer Gordon Brown
* The case number is IAD 2019-0201
* Brown is requesting discovery under Pitchess/Stiglitz
* Brown is seeking records related to any allegations of misconduct against any member of the SFPD from August 18, 2015 to the present day

[**Page 29**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=29)

* The document lists specific policy violations that Officer Brown is accused of, including the use of racial epithets
* The document also requests records related to any disciplinary actions taken against Brown for these policy violations
* The document references the Pitchess/Stiglitz motion, which is a request for discovery in a criminal case

[**Page 30**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=30)

* The document references an allegation of use of racial epithets in text communications by Officer Brown
* The motion is supported by a notice, memorandum, and declaration from Scott Burrell, the attorney representing Brown
* The document also references the Pitchess/Stiglitz motion, which is a request for discovery in a criminal case

[**Page 31**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=31)

* Officer Gordon Brown is charged with 5 counts before the Police Commission
* Count One alleges that Brown violated Department policy by using racial epithets
* The Department alleges that this conduct violated DGO 2.01, Rule 9 and Rule 1
* The Department has recommended termination for the alleged misconduct
* Brown argues that the penalty is overly harsh and violates principles of progressive discipline
* Brown also claims that others who have engaged in similar or worse conduct received lesser penalties or no penalty at all
* Brown is requesting records from the Department to support his defense

[**Page 32**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=32)

* The document argues that a discovery order is necessary for Officer Brown to have a fair opportunity to defend himself
* The document cites the Declaration of Scott C. Burrell as evidence of good cause for the inspection and production of records
* The document references California's statutory scheme for the discovery of peace officer personnel records, which includes Evidence Code sections 1043 and 1045, and Penal Code sections 832.7 and 832.8
* The document refers to these procedures as "Pitchess motions" after the California Supreme Court's decision in Pitchess v. Superior Court
* The document argues that the statutory scheme allows for access to peace officer personnel records when they are relevant to the pending litigation
* The document cites the California Supreme Court's decision in Riverside Cnty. Sheriff's Dept. v. Stiglitz, which held that Pitchess motions can be made in administrative police disciplinary cases

[**Page 33**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=33)

* The document argues that Officer Brown's proceeding is an administrative proceeding that falls under the purview of the Stiglitz decision
* The document references the case of Deputy Kristy Drinkwater, who was fired for falsifying payroll forms and sought discovery of records from personnel investigations of other employees who had been disciplined for similar misconduct
* The document argues that a Pitchess motion is the proper mechanism for obtaining these records
* The document argues that allowing administrative hearing officers to determine Pitchess motions furthers the goals of the Public Safety Officers Procedural Bill of Rights Act (POBRA)
* The document argues that good cause to produce the records exists, as the material is relevant to the pending litigation and the agency has the type of information sought
* The document cites the City and County of San Francisco v. Superior Court case, which states that the requisite allegations must establish some cause for discovery other than a mere desire for information

[**Page 34**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=34)

* The document argues that Officer Brown's defense is that the recommended penalty of termination is overly harsh and excessive
* The document argues that evidence relevant to this defense should exist in the files of the Police Department and the City and County of San Francisco
* The document argues that without access to these records, Officer Brown will be deprived of a fair hearing
* The document requests an order requiring the Department to produce any and all of the records requested in the Notice of this motion
* The document is submitted by the Burrell Law Office on behalf of Officer Brown

[**Page 35**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=35)

* Scott C. Burrell, an attorney licensed to practice in California, is representing Officer Gordon Brown
* The Department's Complaint alleges 5 counts of misconduct against Officer Brown
* Count One alleges that Officer Brown violated Department policy by using racial epithets
* The Department recommends termination
* Officer Brown argues that the penalty is overly harsh and unsupported by evidence
* A copy of the Commission charges is attached as Exhibit A

[**Page 36**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=36)

* The recommendation to terminate Officer Brown is argued to be unfair and in violation of progressive discipline principles
* Access to confidential peace officer personnel records is necessary for Officer Brown to have a fair hearing
* The declaration is submitted to show good cause as required by Evidence Code section 1043
* Scott C. Burrell has experience with the laws governing peace officer personnel files and is aware that the San Francisco Police Department keeps records of disciplinary actions

[**Page 37**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=37)

* The department keeps records of investigative findings and disciplinary actions
* Officer Brown is seeking information that is only available to the department and the City and County of San Francisco
* The recommendation to terminate Officer Brown is based on allegations that he used a racial epithet in text communications
* Officer Brown argues that he did not violate any rules and that the penalty is too harsh compared to other officers who have committed similar or worse misconduct

[**Page 38**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=38)

* The complainant is concerned that the term allegedly used by Officer Brown could be derogatory towards Asians or Asian Americans
* The complainant believes that the discipline imposed in the case was not severe enough
* The complainant cites another incident in which an officer received a sustained violation but was not terminated
* The document references a Pitchess/Stiglitz motion and the case number for the investigation into Officer Brown

[**Page 39**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=39)

* The document contains a declaration under penalty of perjury that the information is true and correct
* The declaration was executed on February 18, 2021 in Walnut Creek, California
* The document is signed by Scott C. Burrell
* The document references a Pitchess/Stiglitz motion and the case number for the investigation into Officer Brown

[**Page 40**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=40)

* The document contains an exhibit label, "EXHIBIT A"
* The document contains a unique identification number, "000040"
* The document references the case number, "MCD-2019-0201"

[**Page 41**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=41)

* The document details a complaint against Officer Gordon Brown for using a racial epithet, which is a violation of Department General Order 2.01, Rule 9.
* The complaint was discovered during a routine audit of Department cell phone text messages.
* The case number is IAD 2019-0201.

[**Page 42**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=42)

* The complaint against Officer Brown stems from two text messages he sent from his department-issued cell phone, which contained the word "nigga."
* The messages were sent on July 21, 2019 and August 17, 2019.
* Officer Brown claims that he did not intend the word to be derogatory, and that he was using it as a term of endearment.

[**Page 43**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=43)

* The complaint alleges that Officer Brown's use of a racially derogatory word in text messages constitutes "Conduct Unbecoming an Officer."
* The complaint specifically cites Department General Order 2.01, Rule 9 as the rule that Officer Brown violated.
* The case number for the complaint is MCD-2019-0201.

[**Page 44**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=44)

* The Chief of Police recommends that the Police Commission terminate Officer Brown's employment.
* William Scott, the Chief of Police, verifies the charges against Officer Brown under penalty of perjury.
* Scott states that he believes the charges to be true, based on his information and belief.
* The document is executed in San Francisco, California on August 18, 2020.

[**Page 45**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=45)

* The document is a proof of service of specifications, detailing the charges against Officer Gordon Brown.
* The file number for the case is IAD 2019-0201.
* Lt. Scott Heidohrn personally served the charges to Officer Brown on September 16, 2020.
* Lt. Heidohrn declares under penalty of perjury that the information in the document is true and correct.
* The document was filed with the Police Commission in San Francisco.

[**Page 46**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=46)

* Scott C. Burrell and Randall Knox are the attorneys representing Officer Gordon Brown.
* The case is being heard by the San Francisco Police Commission.
* Officer Brown is requesting discovery under the Pitchess/Stiglitz motion.
* The request is for any and all personnel records from August 18, 2015 to the present day, specifically related to allegations of misconduct.

[**Page 47**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=47)

* The document references policy violations that Officer Brown is accused of, as outlined in the Commission Charges from August 18, 2020.
* The document also requests records related to any disciplinary actions taken against any member of the San Francisco Police Department based on similar policy violations.
* Specifically, the document references Department General Order 2.01 (Rule 9) which prohibits the use of racial epithets.

[**Page 48**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=48)

* The document contains a motion to request records related to any other policy violations that Officer Brown may have committed, specifically in relation to the use of racial epithets in text communications.
* The motion is supported by a Notice, Memorandum of Points and Authorities, and the Declaration of Scott Burrell.
* The document is submitted by the Burrell Law Office on behalf of Officer Brown.

[**Page 49**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=49)

* Officer Gordon Brown is charged with 5 counts of violating Department policy by allegedly using racial epithets.
* The Department has recommended termination for the alleged misconduct.
* Officer Brown argues that the penalty is overly harsh and that others who have engaged in similar conduct did not receive such a severe penalty.
* Officer Brown is requesting records to support his disparate treatment defense.

[**Page 50**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=50)

* Officer Brown is seeking a discovery order to ensure he has a fair opportunity to defend himself.
* Scott C. Burrell's declaration provides good cause for the inspection and production of records.
* California law allows for the discovery of confidential personnel records in administrative disciplinary matters.
* The "Pitchess motion" is the process for obtaining these records.
* The California Supreme Court has ruled that these motions can be made in administrative police disciplinary cases.

[**Page 51**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=51)

* The document discusses a case involving Officer Gordon Brown, who is pursuing a claim of disparate treatment.
* The document references the case of Stiglitz, in which a deputy was fired for falsifying payroll forms, as a precedent for the use of a Pitchess motion in this context.
* The document argues that good cause exists to produce the records in this case, as the information is material to the litigation and the agency likely has the information sought.

[**Page 52**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=52)

* Scott Burrell, the attorney for Officer Gordon Brown, argues that the recommended penalty of termination is overly harsh and excessive.
* Burrell contends that the penalty violates the principles of progressive discipline and is contrary to past practice.
* Burrell requests an order requiring the Department to produce any and all records requested in the Notice of this motion, in order to allow Brown a fair hearing.

[**Page 53**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=53)

* Scott Burrell is an attorney licensed to practice in California and is representing Officer Gordon Brown.
* The Department's Complaint alleges five counts of misconduct against Brown, including the use of racial epithets.
* The Department recommends termination, but Brown argues that this penalty is too harsh and unsupported by evidence.

[**Page 54**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=54)

* The recommendation for termination is argued to be unfair and in violation of progressive discipline principles.
* Access to confidential peace officer personnel records is requested in order to provide Brown with a fair opportunity to defend himself.
* The declaration is submitted to meet the "good cause" requirement for accessing these records.
* The attorney representing Brown has experience with the laws governing peace officer personnel files and is aware that the San Francisco Police Department keeps records of disciplinary actions.

[**Page 55**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=55)

* The records, data, and materials sought are in the exclusive possession and control of the Department and the City and County of San Francisco.
* Officer Brown's only avenue of securing the information necessary to evaluate and/or present the disparate treatment defense is through this motion process.
* The recommendation of termination is based on allegations related to Officer Brown's text communications on July 21, 2019 and August 19, 2019.
* Officer Brown defends against the allegations on the basis that in context, he did not violate DGO 2.01 Rule 9 in his text communications.
* Brown also argues that the penalty sought is overly harsh since other officers accused of similar misconduct or worse have been allowed to keep their jobs.

[**Page 56**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=56)

* The complainant argues that the term allegedly used by Brown could be derogatory toward some Asians and/or Asian Americans.
* The complainant also notes that the discipline imposed in a similar case was not termination.
* The complainant believes that this is not the only incident in which an officer communicated inappropriate words or comments and was not terminated.

[**Page 57**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=57)

* Scott C. Burrell declares under penalty of perjury that the information in the document is true and correct.
* The declaration was executed in Walnut Creek, California on February 18, 2021.
* The document references a Pitchess/Stiglitz motion in relation to the case of Gordon Brown, with case numbers IAD 2019-0201 and MCD-2019-0201.

[**Page 58**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=58)

* The document contains an exhibit labeled "A" with the number "000058".
* The document references two case numbers: MCD-2019-0201 and IAD-2019-0201.

[**Page 59**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=59)

* William Scott, Chief of Police, is charging Officer Gordon Brown with a violation of Department General Order 2.01, Rule 9.
* The violation is for the use of a racial epithet.
* The complaint was discovered during a routine audit of Department cell phone text messages.

[**Page 60**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=60)

* Officer Brown's department-issued cell phone was found to contain two text messages with the word "nigga."
* The messages were sent on July 21, 2019 and August 17, 2019.
* Officer Brown admitted to using the word, but claimed it was not derogatory or negative in any way.

[**Page 61**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=61)

* The complaint against Officer Gordon F. Brown is for "Conduct Unbecoming an Officer"
* The complaint stems from Officer Brown sending text messages containing a racially derogatory word
* Officer Brown's use of his department cell phone to communicate the word is a violation of Department General Order 2.01, Rule 9
* The case number is MCD-2019-0201

[**Page 62**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=62)

* The Chief of Police recommends that the Police Commission terminate Officer Brown's employment
* William Scott, the Chief of Police, verifies that he is the complainant and that the charges are based on his information and belief
* Scott executed the verification in San Francisco on August 18, 2020
* The case number is again referenced as MCD-2019-0201

[**Page 63**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=63)

* The document is a proof of service of specifications from the San Francisco Police Department
* The charging party is identified as "Y"
* The accused is Officer Gordon Brown, Star Number 265
* Lt. Scott Heidohrn personally served the charges to Officer Brown on September 16, 2020
* Lt. Heidohrn declares under penalty of perjury that the information is true and correct
* The document is filed with the Police Commission

[**Page 64**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=64)

* The document is a report summary from the San Francisco Police Department
* The complaint is against Officer Gordon Brown
* The report details a violation of Department General Order 2.01, Rule 9
* The violation is for the use of a racial epithet
* The complaint was discovered during a routine audit of Department cell phone text messages
* The case number is IAD 2019-0201

[**Page 65**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=65)

* Officer Brown's department-issued cell phone was found to contain two text messages with the word "nigga"
* The messages were sent on July 21, 2019 and August 17, 2019
* Officer Brown admitted to using the word, but claimed it was not derogatory or negative in any way
* The messages were discovered during a routine quarterly bias word audit

[**Page 66**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=66)

* The report details a complaint against Officer Gordon Brown for using a racially derogatory word in text messages
* Officer Brown's use of the word is considered "Conduct Unbecoming an Officer" and violates Department General Order 2.01, Rule 9
* The complaint is filed under case number MCD-2019-0201

[**Page 67**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=67)

* The Chief of Police recommends that the Police Commission terminate Officer Brown's employment
* William Scott, the Chief of Police, verifies the charges and declares that he believes them to be true
* The verification is executed in San Francisco on August 18, 2020
* The case is referenced as "SFPD V. OFFICER GORDON BROWN #265"

[**Page 68**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=68)

* The document is a proof of service of specifications
* The charging party is the San Francisco Police Department
* The accused is Officer Gordon Brown, Star Number 265
* The file number is IAD 2019-0201
* The charges were personally served to Officer Brown on a day in 2020
* The officer serving the charges declares that the information is true and correct
* The document is filed in the Office of the Police Commission

[**Page 69**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=69)

* The document is a Chief's Disarming and Reassignment Order and No Public Contact Order
* The order is directed to Officer Gordon F. Brown, Jr.
* The order is in response to allegations of misuse of department equipment and derogatory and racist language in text messages
* Officer Brown is ordered to surrender his handgun, identification card, and star
* He is also ordered not to wear any San Francisco Police Department uniform
* He is reassigned to a non-public contact assignment
* The order is in effect until the resolution of the matter

[**Page 70**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=70)

* The document is a report summary from the San Francisco Police Department
* It details a complaint against Officer Gordon F. Brown
* The report includes information about the incident, the complainant, the officer involved, and the actions taken in response to the complaint
* The report is addressed to the Assistant Chief, Deputy Chief, Personnel Division, Staff Services, and Internal Affairs Division
* The report is identified as MCD-2019-0201 and 000070

[**Page 71**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=71)

* A complaint was made against Officer Gordon F. Brown
* The "Chief's Disarming and Reassignment Order and No Public contact" Order was served to Officer Brown
* Officer Brown was transferred to the Department Operations Center
* The order required the immediate disarming and collection of department-issued identifications and star
* Officer Brown's firearm and magazines were seized and secured
* Officer Brown's identification cards and star were also collected
* Several individuals were present to provide support to Officer Brown

[**Page 72**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=72)

* The memorandum is from the Commanding Officer of the Internal Affairs Division
* It is addressed to the Officer in Charge at Ingleside Station
* The memorandum is about the "Chief's Disarming Action" and "Non-Public Contact Assignment Order"
* The memorandum instructs the Officer in Charge to personally deliver the order to Officer Brown
* The Officer in Charge is also instructed to get a signed and dated copy of the order from Officer Brown
* If Officer Brown refuses to sign, the Officer in Charge should note that on the copy
* The memorandum also provides contact information for the Internal Affairs Division in case of any questions

[**Page 73**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=73)

* The document is a report summary from the San Francisco Police Department
* It details a complaint against Officer Gordon F. Brown
* The complaint alleges that Brown engaged in "Conduct Unbecoming an Officer" and "Improper Conduct"
* The recommendation is for Brown to receive an "Admonishment/Retraining"
* Brown is to be retrained on two rules by his PIP Sergeant
* The training is to be documented in a memorandum
* There are various signatures and notes from different individuals within the department, some concurring with the recommendation and some not

[**Page 74**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=74)

* The report is an evaluation by Lieutenant Angela Wilhelm
* It concerns a case involving Officer Gordon Brown
* Brown is accused of using derogatory language on his department-issued cell phone
* The language was used in two text messages, on July 21, 2019 and August 17, 2019
* Brown admitted to using the word "nigga" on both occasions
* Brown claims that he does not perceive the word to be derogatory
* The report concludes that Brown engaged in "Improper Conduct"

[**Page 75**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=75)

* Officer Brown was on duty when he sent the derogatory text
* The text was sent on Saturday, August 17, 2019 at 0022hrs
* The incident is in violation of DGO 2.01, Rule 9 MISCONDUCT
* The rule prohibits any conduct that reflects discredit upon the department

[**Page 76**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=76)

* The recommendation is for Officer Brown to receive an admonishment and retraining
* Retraining will focus on DGO 2.01, rule 1 & 9
* The training will be conducted by his PIP Sergeant and documented in a memorandum
* The case number is MCD-2019-0201

[**Page 77**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=77)

* Officer Gordon Brown Jr. is the accused in this case
* He is assigned to the Ingleside Station and reports to Captain Hart
* The interview is scheduled for Monday, 11/18/19 at 1330 hrs
* The case number is MCD-2019-0201
* It is recommended that Officer Brown bring a POA attorney or representative to the interview

[**Page 78**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=78)

* The document is a notification to Captain John Hart about a complaint against Officer Gordon Brown Jr.
* The complaint is being handled by the Internal Affairs Division
* The case number is 2019-0201
* The commanding officer is responsible for notifying the accused officer and providing them with a copy of the complaint
* The acknowledgement form must be returned to the Internal Affairs Division
* If the officer cannot be notified prior to the interview, a memorandum of explanation must be provided

[**Page 79**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=79)

* The document is a supervisor's notification for IAD case #2019-0201
* Officer Gordon Brown Jr. is scheduled for an interview on 11/18/2019 at 1330 hours
* The interview will take place on the 4th floor of the Police Headquarters Building
* Both the supervisor and the officer must sign the form to acknowledge receipt
* The form must be returned to the Internal Affairs Division

[**Page 80**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=80)

* Officer Gordon Brown Jr. is under investigation by the Internal Affairs Division
* He is required to appear for an interview on 11/18/2019
* He is entitled to one representative and is encouraged to bring that representative with him
* If he is on suspension without pay, he will be compensated for the time spent at the Internal Affairs Division
* He is required to bring his memorandum book and other relevant material
* Sergeant J. Hyun is the point of contact for additional information
* Lieutenant Angela Wilhelm is the officer in charge

[**Page 81**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=81)

* A complaint was filed against Officer Gordon F. Brown on 10/21/2019, stemming from an incident that occurred on 07/21/2019.
* The complaint alleges that Brown engaged in "Conduct Unbecoming an Officer" by using his department-issued cell phone to text a bias word on two separate occasions.
* The case is currently open and pending, with Jamie J. Hyun assigned as the investigator.

[**Page 82**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=82)

* The complaint against Officer Gordon F. Brown is classified as an "MCD Complaint" with the case number MCD-2019-0201.
* The incident occurred in the Ingleside district, although the specific location and address are unknown.
* Brown is accused of "Conduct Unbecoming an Officer" for texting a bias word twice from his department-issued cell phone.
* The case is currently open and assigned to Jamie J. Hyun, with a due date of 4/22/20.

[**Page 83**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=83)

* The complaint against Officer Gordon F. Brown is classified as an "Internal Affairs Division Case" with the case number 2019-0201.
* The complaint was received by phone on Monday, October 21, 2019.
* The complainant is a member of the San Francisco Police Department (SFPD).
* The incident occurred in the Ingleside district, although the specific location and address are unknown.
* Brown is accused of "Conduct Unbecoming an Officer" and "Failure to Appear" for an arrest.
* The case is assigned to Sgt. Hyun and was assigned on Tuesday, October 22, 2019.

[**Page 84**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=84)

* The complaint alleges that Officer Gordon used his department-issued cell phone to text a bias word on two separate occasions.
* The complaint was taken by Sgt. J.
* The case number is SFPD0000845 and the case is classified as MCD-2019-0201.

[**Page 85**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=85)

* The memorandum is from the Internal Affairs Division of the San Francisco Police Department.
* The memo is addressed to Lt. Angela Wilhelm, the officer in charge, and Sgt. Jamie Hyun.
* The memo is dated October 21, 2019.
* The memo details an allegation of misconduct against Officer Gordon Brown.
* The allegation is that Officer Brown used a bias word in two text message threads on his department-issued cell phone.
* The two text message threads are attached to the memo.
* The case number is MCD-2019-0201 and the report number is SFPD-68 (03/89).

[**Page 86**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=86)

* The document contains multiple text message exchanges between different individuals.
* The messages are dated between July 20, 2019 and July 21, 2019.
* The messages mention the San Francisco Police Department (SFPD) and City College of San Francisco (CCSF).
* One message references the case number MCD-2019-0201 and report number 000086.

[**Page 87**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=87)

* The document contains 11 messages in total.
* The messages are dated between April 4, 2019 and August 17, 2019.
* The messages mention the San Francisco Police Department (SFPD) and City College of San Francisco (CCSF) multiple times.
* One message references the case number MCD-2019-0201 and report number 000087.

[**Page 88**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=88)

* The document is a memorandum from the Internal Affairs Division to the Chief of Police and the Officer in Charge.
* The memorandum concerns a complaint against Officer Gordon Brown for "Conduct Unbecoming an Officer."
* The complaint alleges that Officer Brown used his department-issued cell phone to text a bias word on two separate occasions.
* The focus of the investigation is to determine if Officer Brown did indeed use his department-issued cell phone to text a bias word on two separate occasions.
* The case number is IAD 2019-0201 and the report number is 000088.

[**Page 89**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=89)

* The document is a report summary from the San Francisco Police Department detailing a complaint against Officer Gordon Brown.
* The report reveals that during the 3rd quarter audit of Department electronic equipment, it was discovered that Officer Brown texted the word "nigga" during two text message conversations using his Department issued cell phone.
* The case number is IAD 2019-0201 and the report number is 000089.

[**Page 90**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=90)

* The document provides information on the parties involved in the case, including the complainant (SFPD), the member (Officer Gordon Brown), and the fact that there are no witnesses.
* The case number is IAD 2019-0201 and the report number is 000090.
* The document is divided into sections, with the information summarized here found in Section 2 on page 3 of the report.

[**Page 91**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=91)

* The document references an Internal Affairs Division (IAD) case, number 2019-0201.
* Section 3 of the document is mentioned.
* There is an attachment, "A", which contains an investigation chronology.
* The document is page 4 out of 13 in total.
* There are two additional reference numbers: SFPD-68 and MCD-2019-0201.
* The document also includes a six-digit number, 000091.

[**Page 92**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=92)

* The document references an IAD case, number 2019-0201.
* Section 4 of the document is mentioned.
* The document details an investigation into Officer Gordon Brown's use of a bias word on two separate occasions.
* The document also references a memorandum written about the incident, as well as additional IAD forms.
* Officer Brown was interviewed on November 18, 2019, and stated that he understood his rights and the Department General Orders (DGO) related to the investigation.
* The document also includes an attachment, "B", which contains Officer Brown's multiple card and employee photo.
* The document is page 5 out of 13 in total.
* There are two additional reference numbers: SFPD-68 and MCD-2019-0201.
* The document also includes a six-digit number, 000092.

[**Page 93**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=93)

* Officer Brown is asked about his use of the word "nigga" in a text conversation.
* Officer Brown claims that the word is not derogatory to him, and is synonymous with "brother."
* Officer Brown states that he would not use the word in public while in uniform, but would use it with his partner.
* Officer Brown also states that he would be offended if a non-African American person used the word to address him.
* The document is page 6 out of 13 in total.
* There are two additional reference numbers: SFPD-68 and MCD-2019-0201.
* The document also includes a six-digit number, 000093.

[**Page 94**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=94)

* The document references IAD Case #2019-0201.
* Officer Brown is asked to explain why he used the word "nigga" in a text message.
* Officer Brown claims that he was using the word in a positive manner, as a greeting to a close friend.
* POA Representative Martin argues that the word is not derogatory in this context, and that the Department should recognize the cultural significance of the word.
* The interview is transcribed and burned onto a CD.

[**Page 95**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=95)

* The document references IAD Case #2019-0201.
* Section 5 of the document contains statements.
* Officer Gordon Brown's statement is recorded.
* The document is on page 8 of 13.
* The document references two forms: SFPD-68 and MCD-2019-0201.
* The document has a case number of 000095.

[**Page 96**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=96)

* The document references IAD Case #2019-0201.
* Section 6 of the document contains a summary of an interview.
* All statements are summarized in the "Investigative Findings" section.
* The document is on page 9 of 13.
* The document references two forms: SFPD-68 and MCD-2019-0201.
* The document has a case number of 000096.

[**Page 97**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=97)

* The document is a memorandum.
* The conclusion is found in Section 7.
* The investigation found that Officer Brown committed "Improper Conduct" by texting a bias word on two occasions.
* Officer Brown admitted to texting the word "nigga" twice.
* "Improper Conduct" is defined as conduct that is improper according to the Department's applicable standard.
* The document is on page 10 of 13.
* The document references two forms: SFPD-68 and MCD-2019-0201.
* The document has a case number of 000097.

[**Page 98**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=98)

* The document is a report summary from the San Francisco Police Department.
* The complaint is against Officer Gordon F. Brown.
* The report references DGO 2.01 Rule 9 Misconduct, which defines "unofficer-like conduct" as any behavior that disrupts the order, efficiency, or discipline of the department.
* The investigation found that Officer Brown texted a bias word twice on his department-issued cell phone while on duty.
* The incident occurred on August 17, 2019.
* The report was investigated by Sergeant Jamie Hyun and approved by Lieutenant Angela Wilhelm.
* The report is dated November 21, 2019.

[**Page 99**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=99)

* The memorandum recommends that discipline be imposed according to department policy and guidelines, if necessary.
* The document references case number MCD-2019-0201 and report number 000099.

[**Page 100**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=100)

* The document references IAD case number 2019-0201 and section 8.
* There are five attachments: a chronological of investigation, IAD forms, text messages, transcripts of interviews, and a CD of interviews.
* The document number is 000100.

[**Page 101**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=101)

* The document details an investigation into a complaint against Officer Gordon Brown.
* The incident in question occurred on 07/21/19 and 08/17/19.
* The investigation was assigned to Hyun #811 on 10/22/19.
* Officer Brown was interviewed on 11/18/19, during which he admitted to texting the word "nigga" but claimed he did not consider it derogatory.
* The case was submitted for review on 11/21/19.

[**Page 102**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=102)

* The document provides a chronological record of the investigation into Officer Gordon Brown.
* The investigation concerns text messages sent from Brown's department cell phone.
* Sgt Diane Khuu was assigned to the case.
* Khuu reviewed the text messages and Brown's work history.
* Khuu found that Brown sent 197 outgoing text messages, 29 of which were sent while on duty.
* Khuu did not find any inappropriate or offensive content in the messages, aside from the use of a bias word.

[**Page 103**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=103)

* The document is a report summary from the San Francisco Police Department.
* The complaint is against Officer Gordon F. Brown for "Conduct Unbecoming an Officer."
* The complaint alleges that Brown used a bias word in two text messages sent from his department-issued cell phone.
* The case is currently open and assigned to Jamie J. Hyun for investigation.
* The investigation is due to be completed by 4/22/20.

[**Page 104**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=104)

* The document is from the San Francisco Police Department.
* It contains a case number (MCD 2019-0291.71.227) and a web address for the report (webuniversalplus/UniversalReport.aspx).
* The document was created on 11/21/09 at 01:04.

[**Page 105**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=105)

* The document contains multiple messages, with timestamps ranging from 04:09 PM on 7/20/19 to 04:00 AM on 7/21/19.
* The messages are from the CCSF SFPD, with some messages labeled "A" and "B".
* One message mentions bonding someone out.
* The document also contains a case number (MCD-2019-0201) and an identification number (000105).

[**Page 106**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=106)

* The document contains 11 messages, all from the CCSF SFPD.
* Most messages are timestamped on 4/4/19, with two messages timestamped on 8/17/19.
* Some messages are labeled "A" or "B".
* The document also contains a case number (MCD-2019-0201) and an identification number (000106).

[**Page 107**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=107)

* The document contains a report summary from the San Francisco Police Department detailing a complaint against an officer, Gordon F. Brown.
* The report includes information about the incident, the complainant, the officer involved, and the actions taken in response to the complaint.
* The case number is MCD-2019-0201 and the identification number is 000107.

[**Page 108**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=108)

* Angela Wilhelm, a lieutenant in the Internal Affairs Administration Division, is requesting an audit trail for a department-issued cell phone.
* The phone belongs to Gordon Brown, an officer with the San Francisco Police Department.
* Wilhelm is requesting information from February 2019 to July 2019.
* Wilhelm has copied three other individuals on the email: Gerald Louie, Jamie Hyun, and Paul Ospital.
* Wilhelm is asking for the audit trail to be made available for pick-up.

[**Page 109**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=109)

* The document contains a series of messages, each with a date and time stamp.
* Some messages are marked as "on duty" or "off duty."
* There are a few instances where the sender or recipient is not identified.
* There are a few messages that contain only symbols or are otherwise unreadable.
* The document ends with a case number: MCD-2019-0201.

[**Page 110**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=110)

* The document contains a series of messages, each with a date and time stamp, spanning from 6/16/19 to 7/2/19.
* Some messages are marked as "on duty" or "off duty," while others are marked with an "X" or "0" to indicate the sender or recipient.
* There are a few messages that contain only symbols or are otherwise unreadable, but most messages contain some information.
* The document ends with a case number: MCD-2019-0201 and a case reference number: 000110.

[**Page 111**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=111)

* The document contains multiple entries with dates and times, spanning from 7/2/19 to 7/8/19.
* Each entry is marked with either a "0", "X", or "☑" symbol, which may indicate the status of the entry.
* Some entries contain additional notes or information, such as "oooooooooo" or "oooooo ooooooo oo ooo oo".
* The document also references a case number, "MCD-2019-0201".

[**Page 112**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=112)

* The document contains multiple entries with dates and times, spanning from 7/8/19 to 7/17/19.
* Each entry is marked with either a "0", "X", or "XXX" symbol, which may indicate the status of the entry.
* The document also references a case number, "MCD-2019-0201", and an identification number, "000112".

[**Page 113**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=113)

* The document continues to contain multiple entries with dates and times, spanning from 7/18/19 to 7/28/19.
* Each entry is again marked with either a "0", "X", "XXX", or "✗" symbol, which may indicate the status of the entry.
* One entry contains a quote, "Still out here we're about to bond this nigga out".
* The document references a new identification number, "000113", and the same case number, "MCD-2019-0201".

[**Page 114**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=114)

* The document references the San Francisco Police Department's Internal Affairs Division.
* The document contains a case number, "IAD 2019-0201", and a file name, "Brown 2019-0201".
* The document contains an audio transcription of an interview with Officer Gordon Brown.
* The interview took place on Monday, November 18, 2019.
* The transcription was provided by Behmke Reporting and Video Services, Inc., located at 455 Market Street, Suite 970, San Francisco, California 94105.
* The transcription was completed by He Suk Jong, a certified shorthand reporter with the identification number "12918".

[**Page 115**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=115)

* The interview is conducted by Sergeant Hyun, who is investigating the complaint against Officer Gordon Brown.
* Officer Brown is represented by Kevin Martin from the San Francisco Police Officers Association.
* Sergeant Jesse Oropeza is also present during the interview.
* Officer Brown confirms that he has read the complaint form regarding the allegations of misconduct.

[**Page 116**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=116)

* Sergeant Hyun asks Officer Brown if he understands various department general orders and government codes.
* Officer Brown confirms that he does.
* Sergeant Hyun orders Officer Brown not to speak about the interview to anyone other than his representative.
* Officer Brown confirms that he understands the interview is being audio recorded and is prepared to be interviewed.
* Officer Brown states his current rank and assignment, as well as how long he has been assigned to Ingleside Station.

[**Page 117**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=117)

* Sergeant Hyun asks Officer Brown about his employment history with the department.
* Officer Brown confirms that he has been employed by the department for about five years.
* Sergeant Hyun inquires about Officer Brown's department cell phone number and whether he has ever allowed anyone else to use it.
* Officer Brown confirms that he has only ever had one department cell phone number and has never allowed anyone else to use it.
* Sergeant Hyun asks Officer Brown if he knows the owner of a specific phone number, to which Officer Brown confirms that he does.

[**Page 118**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=118)

* Sergeant Hyun and Officer Brown discuss a woman who is an old friend of Officer Brown's.
* Officer Brown confirms that he has never met her through the course of his employment, and that they went to school together when he was younger.
* Sergeant Hyun asks about the woman's occupation, but Officer Brown does not know the specifics.
* Sergeant Hyun and Officer Brown also discuss another friend from college.

[**Page 119**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=119)

* Sergeant Hyun questions Officer Brown about why he is using his department cell phone for personal reasons.
* Officer Brown explains that he has been having issues with his personal phone, such as freezing and bad service, which has led him to use his department phone to send texts or make calls.

[**Page 120**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=120)

* Officer Brown admits to using his department cell phone for personal reasons.
* He justifies this by explaining that his personal phone has been unreliable, and he wants to be able to receive important calls.

[**Page 121**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=121)

* Sergeant Hyun questions Officer Brown about the length of time he has been using his department phone for personal reasons.
* Officer Brown confirms that it has been more than a month.
* Officer Brown explains that he recently got a new phone, which should resolve the issue.

[**Page 122**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=122)

* Ofc. Gordon Brown is being questioned about a text message he sent on July 24, 2019
* The text message contained the word "n-i-g-g-a"
* Ofc. Brown claims that the recipient of the message is an old friend and that the word is not used in a negative context
* Sgt. Hyun asks if Ofc. Brown commonly uses this word, to which he responds that he does within his household and among friends

[**Page 123**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=123)

* Ofc. Gordon Brown is being questioned about his use of the word "n-i-g-g-a"
* Ofc. Brown claims that he uses the word as a term of endearment, similar to "brother" or "family"
* Sgt. Hyun questions whether the word could be considered offensive or derogatory to others
* Ofc. Brown responds that it depends on the context and that he does not use it in a derogatory manner

[**Page 124**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=124)

* Ofc. Gordon Brown is being questioned by Sgt. Hyun about his use of the word "n-i-g-g-a"
* Ofc. Brown claims that he uses the word as a term of endearment, similar to "brother" or "family"
* Ofc. Brown acknowledges that he has used the word with his partner, but would not use it with members of the public
* Sgt. Hyun questions whether the word could be considered offensive or derogatory to others
* Ofc. Brown responds that it depends on the context and that he does not use it in a derogatory manner

[**Page 125**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=125)

* Ofc. Brown discusses his upbringing in a small town and how the word "n-i-g-g-a" was used in his household
* He claims that the word was used as a term of endearment and not in a negative context
* Sgt. Hyun questions Ofc. Brown about a specific instance in which he used the word in a text message

[**Page 126**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=126)

* Ofc. Brown argues that the word "n-i-g-g-a" is not used in a negative context when he says it
* He claims that it is a term of endearment, similar to "my brother"
* Sgt. Hyun questions Ofc. Brown about two instances in which he used the word in text messages
* Ofc. Brown confirms that he was off duty during the first instance, but is unsure of the details of the second instance

[**Page 127**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=127)

* Sgt. Hyun and Ofc. Brown discuss a text message conversation from April
* Ofc. Brown wrote "You must be with your n-i-g-g-a" in a text message on August 17th, 2019 at 0022 hours
* Ofc. Brown insists that the word "n-i-g-g-a" was not meant to be derogatory in this context

[**Page 128**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=128)

* Sgt. Hyun questions Ofc. Brown about his use of the word "n-i-g-g-a"
* Ofc. Brown insists that the word is used to denote friendship or closeness
* Ofc. Brown claims that he would not use the word in public or within earshot of others

[**Page 129**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=129)

* Ofc. Brown discusses the context in which he might greet someone
* He distinguishes between greeting a member of the public and greeting a fellow officer
* Sgt. Hyun presses Ofc. Brown on whether he would use a particular word to address his partner in the presence of others
* Ofc. Brown says he would not, but is unsure why

[**Page 130**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=130)

* Ofc. Brown and Sgt. Hyun discuss the use of a word that may have been interpreted as offensive
* Ofc. Brown argues that the word was used in a context that did not imply any negative connotation
* Mr. Martin, the complainant, expresses gratitude for the opportunity to explain the language used

[**Page 131**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=131)

* The document discusses the issue of bias and mal-intent, noting that there is no evidence of either in Gordon Brown's case.
* Gordon's use of a particular word is described as a "welcomed embrace" and in line with its intended use.
* The document also discusses the importance of understanding different cultures and languages when recruiting new officers.
* Finally, the document acknowledges that Officer Brown did use a department phone inappropriately, but that his use of the word in question was not meant in a negative way.

[**Page 132**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=132)

* The document discusses the importance of considering the intended use and audience of a word when investigating a complaint.
* The department is asked to strongly consider this aspect in their investigation.
* Sergeant Hyun and Officer Gordon Brown have a brief exchange, in which Hyun asks for Brown's personal phone number.

[**Page 133**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=133)

* The document is a report summary from the San Francisco Police Department.
* The report details a complaint against Officer Gordon F. Brown.
* The report includes information about the incident, the complainant, the officer involved, and the actions taken in response to the complaint.

[**Page 134**](https://casetext.com/api/ai-assistant/proxy/document-uploads/e39a6dd2721727c30cdd5adb6bc7a0da/content#page=134)

* Sergeant Hyun interviews Officer Gordon Brown about his use of a derogatory word.
* Brown denies using the word in public or in the presence of others, and claims he only uses it within his social circle.
* Hyun orders Brown not to speak about the interview to anyone other than his representative.
* The interview concludes at 1122 hours.