

No. 19-55376

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

VIRGINIA DUNCAN, ET AL.,
Plaintiffs and Respondents,

v.

XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS ATTORNEY
GENERAL OF THE STATE OF CALIFORNIA,
Defendant and Appellant.

On Appeal from the United States District Court
for the Southern District of California
Honorable Roger T. Benitez
District Court Case No. 3:17-cv-0107-BEN-JLB

**BRIEF OF *AMICI CURIAE* THE CITY OF LOS ANGELES,
THE CITY AND COUNTY OF SAN FRANCISCO,
THE CITY OF SAN DIEGO, AND THE CITY OF OAKLAND
IN SUPPORT OF REVERSAL**

MICHAEL N. FEUER
Los Angeles City Attorney
JAMES P. CLARK
KATHLEEN KENEALY
BLITHE SMITH BOCK
DANIELLE. L. GOLDSTEIN
Office of the Los Angeles City Attorney
200 North Spring Street, 14th Floor
Los Angeles, CA 90012
(213) 978-1868
danielle.goldstein@lacity.org

Attorneys for *Amicus Curiae*
CITY OF LOS ANGELES

DENNIS J. HERRERA
San Francisco City Attorney
AILEEN MCGRATH
Co-Chief of Appellate Litigation
City Attorney's Office
City Hall Room 234
One Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102
(415) 554-4700
aileen.mcgrath@sfcityatty.org

Attorneys for *Amicus Curiae*
CITY AND COUNTY OF SAN
FRANCISCO

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
INTEREST OF AMICI AND SUMMARY OF ARGUMENT.....	1
ARGUMENT	8
I. LCMs Are Most Often Used in Connection with Crime, Including Mass Shootings and Violence Against Law Enforcement Officers.....	8
II. There Is No Evidence That LCMs Are Useful to, or Routinely Used by, Law-Abiding Citizens In Self-Defense.	13
CONCLUSION	18
STATEMENT OF RELATED CASES	20
CERTIFICATE OF COMPLIANCE.....	20
CERTIFICATE OF SERVICE.....	21
APPENDIX	

TABLE OF AUTHORITIES

Cases

<i>Fyock v. City of Sunnyvale</i> , 779 F.3d 991 (9th Cir. 2015)	<i>passim</i>
<i>Heller v. District of Columbia</i> , 670 F.3d 1244 (2011)	14
<i>Jackson v. City & Cty. of San Francisco</i> , 746 F.3d 953, 969 (9th Cir. 2014)	8, 17

Municipal Codes and Statutes

City of Los Angeles, Cal., Ord. No. 183806 (August 7, 2015), enacted as Muni. Code § 46.30, archived at https://perma.cc/K322-8KY6	4, 12, 14
City and Cty. of San Francisco, Cal., Ord. No. 249-13 (Nov. 8, 2013), enacted as Police Code § 619.....	5, 12, 14
City of Oakland, Cal., Ord. No. 13352, (Jan 19, 2016) enacted as Muni Code § 9.38.10 <i>et seq.</i>	<i>passim</i>

Other Authorities

C. Carlson, <i>City Attorneys, Police: Gun Violence Restraining Orders Are Not a Cure-All, But Save Lives</i> , Ventura County Star (May 23, 2019), archived at https://perma.cc/S644-ZXVB	8
T. Figueroa, <i>San Diego City Attorney Secures 100th Restraining Order to Remove Guns from People Who Pose a Significant Threat</i> , San Diego Union Tribune (Jan. 31, 2019); archived at https://perma.cc/LS92-MGMC	7
V. Ho, <i>UPS Shooter in San Francisco Used Stolen Gun with 30-Round Magazine</i> , San Francisco Chronicle (June 23, 2017), archived at https://perma.cc/NC28-UBLX	6

C. Ingraham, <i>See What Happens When Regular People Try to Use Handguns in Self-Defense</i> , Washington Post (July 28, 2015), https://perma.cc/69M3-AXKM	14
E. Shapiro, <i>New Details Emerge in Thousand Oaks Mass Shooting, Including Gunman's Possession of Seven High-Capacity Magazines</i> , ABCNews (Nov. 27, 2018), <i>archived at</i> https://perma.cc/J775-W4EF ..	4
A. Sheeler, <i>High-Capacity Magazines Flooded into California After Judge Struck Down Gun Control Law</i> , Sacramento Bee (Apr. 11, 2019), <i>archived at</i> https://perma.cc/8CFL-JT4C	5
U.S. Census Bureau, <i>QuickFacts: City of Los Angeles, California</i> , <i>archived at</i> https://perma.cc/9AFU-AZ4P	2
U.S. Census Bureau, <i>QuickFacts: City of San Diego, California</i> , <i>archived at</i> https://perma.cc/F85S-7HRM	7

INTEREST OF AMICI AND SUMMARY OF ARGUMENT¹

Amici are four of California’s ten largest cities, protecting and representing more than six million residents—a larger population than more than half of the states in the nation. Amici are the primary providers of street-level law enforcement in their jurisdictions and the first line of defense against the profound harms caused by military-style weapons like the large-capacity magazines (LCMs) at issue in this case. As a result, amici and their law enforcement personnel routinely deal with the use and possession of LCMs—and their consequences.²

In amici’s experience, prohibiting LCMs is critically important to protecting both the public and law enforcement personnel. LCMs are highly lethal and, in amici’s experience, are most often used in connection with crime, mass shootings, and violence against law enforcement. Amici have also observed that prohibiting the possession

¹ Pursuant to Rule 29(a)(4)(E) of the Federal Rules of Appellate Procedure, no part of this brief was authored by either party’s counsel, neither party or their counsel contributed money that was intended to fund preparing or submitting the brief, and no person—other than the amici and their counsel—contributed money that was intended to fund preparing or submitting the brief. All parties have consented to the filing of this brief.

² This brief refers to firearm magazines with a capacity of more than ten rounds as LCMs.

of LCMs has minimal effect on firearm uses traditionally protected by the Second Amendment, because LCMs are military-style weapons that offer little, if any, marginal utility in self-defense situations.

Amici's experience aligns with the evidence the State of California introduced in opposition to summary judgment in this case.

Nonetheless, relying on speculation and extra-record evidence, and imposing a burden of proof far beyond that set by this or any court, the district court found that the State failed to demonstrate a "fit" between its interest in reducing the lethality of shootings and its prohibition on LCMs. That finding cannot be harmonized with the law, the record, or reality.

Amici are:

The City of Los Angeles. The City of Los Angeles is the largest in California and the second largest in the nation, with nearly four million residents.³ Los Angeles has experienced the significant and far-reaching impacts of gun violence in its communities, ranging from loss of community members to particularly alarming threats to law

³ U.S. Census Bureau, *QuickFacts: City of Los Angeles, California*, archived at <https://perma.cc/9AFU-AZ4P>.

enforcement. In 2016 alone, the most recent year for which comprehensive data is available, 1,180 people were shot in Los Angeles—127 of them fatally. ER 1615-16 (Decl. of LAPD Detective M. Mersereau, tables). That year, the Los Angeles Police Department's Gun Unit recovered 224 LCMs, as well as 89 assault rifles and machine guns. ER 1617 (Decl. of M. Mersereau, tables). In Los Angeles, as in other cities, officers regularly encounter individuals with firearms, many with LCMs. LCMs permit members of the public to match—or outmatch—the lethality of standard LAPD officers' duty weapons.

LCMs are also particularly suited to use in mass shootings, and the LA area has not been immune from the increase in such shootings. Mass shootings employing LCMs in the LA area have occurred in local religious centers, schools, and workplaces. ER 1618-19 (Decl. of M. Mersereau ¶¶ 12-16) (describing incidents). They have targeted children and young people, law enforcement, public servants, and ordinary people going about their days. *Id.* Indeed, in just the period between the filing of the Motion for Summary Judgment in this case and the Order granting it, twelve people were killed less than 40 miles from Los Angeles in a mass shooting initiated by a gunman carrying

seven high-capacity, 30-round magazines.⁴ The victims of the resulting firefight included a Ventura County Sheriff's Department sergeant.⁵

Confronted with the typical uses and dangers of LCMs, Los Angeles has taken steps to prevent them from flowing through the community. The Los Angeles City Council adopted prohibitions on LCM possession in 2015, even before the State adopted the possession ban at issue in this case.⁶ The City's prohibition expired in 2017, and the State's LCM law, at issue here, became effective July 1, 2017. ER 1614 (Decl. of M. Mersereau ¶ 6).

Thus, Los Angeles will be left without protection from LCMs and the dangers that come with them if the State prohibition is lifted. Data collected in connection with federal LCM restrictions suggests that, while the measures work to reduce the number of LCMs in the community, possession of LCMs rebounds aggressively when

⁴ E. Shapiro, *New Details Emerge in Thousand Oaks Mass Shooting, Including Gunman's Possession of Seven High-Capacity Magazines*, ABCNews (Nov. 27, 2018), *archived at* <https://perma.cc/J775-W4EF>.

⁵ *Id.*

⁶ Appendix A, City of Los Angeles, Cal., Ord. No. 183806 (August 7, 2015), enacted Muni. Code § 46.30, *archived at* <https://perma.cc/K322-8KY6>.

restrictions are lifted. *See, e.g.*, ER 415-16 (Koper Rep.).⁷ This is consistent with data collected in Los Angeles showing a steep decline in LCM recovery in 2016, the only full year of Los Angeles's ban, but a more-than doubling in the first nine months of 2017, during the period when the district court enjoined enforcement of portions of the law at issue. ER 1617 (Decl. of M. Mersereau, tables). Los Angeles fears an ever-increasing influx of these highly lethal firearm magazines if the district court's judgment is not reversed.

The City and County of San Francisco. Like Los Angeles, in response to the mass shootings in Newtown, Connecticut and Tucson, Arizona, San Francisco has prohibited the possession of magazines with the capacity to hold more than 10 rounds.⁸ Despite these local protections, approximately 50 percent of firearms seized by the San Francisco Police Department remain equipped with LCMs. ER 1601 (Decl. of SFPD Officer J. Emanuel ¶ 38).

⁷ *See also* A. Sheeler, *High-Capacity Magazines Flooded into California After Judge Struck Down Gun Control Law*, Sacramento Bee (Apr. 11, 2019), *archived at* <https://perma.cc/8CFL-JT4C>.

⁸ Appendix B, City and Cty. of San Francisco, Cal., Ord. No. 249-13 (Nov. 8, 2013), enacted as Police Code § 619.

San Francisco’s police officers and citizens continue to be victimized by shooters using LCMs. For example, on June 14, 2017, a United Parcel Service worker—using an illegal automatic pistol equipped with an unlawful 30-round magazine brought across state lines into California—fired 20 rounds in his rampage at a UPS sorting facility in the Potrero Hill neighborhood, fatally shooting four people and injuring two others.⁹

The City of Oakland. Oakland, too, has dealt with the violence and harm associated with LCMs, including suffering one of the deadliest police shootings in the nation in 2009. ER 1002 (Mayors Against Illegal Guns, *Analysis of Recent Mass Shootings* (2013)). The Oakland Police Department reports that in 2015 alone, 101 criminal cases were charged where an LCM was recovered.¹⁰ In the face of these

⁹ V. Ho, *UPS Shooter in San Francisco Used Stolen Gun with 30-Round Magazine*, San Francisco Chronicle (June 23, 2017), *archived at* <https://perma.cc/NC28-UBLX> (“UPS Shooter”). *See also* ER 306 (Allen Rpt., Combined Mass Shootings Data, 1982–October 2017).

¹⁰ Appendix C, City of Oakland, Cal., Ord. No. 13352, enacted as Muni. Code § 9.38.20, 5 (findings).

threats, Oakland, too, has attempted to slow the possession and use of LCMs in its communities by banning LCM possession.¹¹

The City of San Diego. The City of San Diego, home to more than 1.4 million residents, is the second-largest in California.¹² San Diego, too, has suffered several mass shootings. San Diego's history includes one of the deadliest to date, the San Ysidro shooting, in which a gunman using an LCM killed 21 people and injured 19 at a crowded McDonalds. ER 309 (Allen Rpt., Combined Mass Shootings Data, 1982–October 2017).

Accordingly, the City of San Diego has taken active steps to reduce gun violence. The San Diego City Attorney's Office has taken a leading role in the State on assisting police departments in filing gun violence restraining orders pursuant California Penal Code section 18150.¹³ As the prosecutor for the City of San Diego, the San Diego City

¹¹ *Id.*

¹² U.S. Census Bureau, *QuickFacts: City of San Diego, California*, archived at <https://perma.cc/F85S-7HRM>.

¹³ See, e.g., T. Figueroa, *San Diego City Attorney Secures 100th Restraining Order to Remove Guns from People Who Pose a Significant Threat*, San Diego Union Tribune (Jan. 31, 2019); archived at <https://perma.cc/LS92-MGMC>; C. Carlson, *City Attorneys, Police: Gun Violence Restraining Orders Are Not a Cure-All, But Save Lives*,

Attorney's Office views the legislation prohibiting LCMs as another piece of the puzzle to reduce gun violence.

ARGUMENT

Amici's experience in on-the-ground law enforcement confirms and reinforces the fit between California's LCM prohibitions and state and local governments' "self-evident" interest "in reducing the fatality of shootings," *Jackson v. City & Cty. of San Francisco*, 746 F.3d 953, 969 (9th Cir. 2014), particularly against law enforcement officers, *Fyock v. City of Sunnyvale*, 779 F.3d 991, 1000 (9th Cir. 2015). In amici's experience, LCMs are most often possessed and used in connection with extremely serious and potentially deadly crimes, not self-defense.

I. LCMs Are Most Often Used in Connection with Crime, Including Mass Shootings and Violence Against Law Enforcement Officers.

Like courts, experts, and legislatures across the country, amici's law enforcement agencies and legislative bodies have consistently found that LCMs are most often deployed in support of serious criminal activity, including gang and drug activity, mass shootings, and

Ventura County Star (May 23, 2019), *archived at* <https://perma.cc/S644-ZXVB>.

attempted and successful shootings of law enforcement officers.

Because LCMs are uniquely lethal, they pose extraordinary dangers to the public and law enforcement in any context. But the risk to amici's communities are particularly high when they are employed, as they regularly are, in the context of serious crime.

Amici have seen several of their own law enforcement personnel targeted, injured, or murdered by individuals wielding LCMs. For example, in 2009, in one of the deadliest police shootings in the nation, an individual recently released from jail shot and killed four Oakland Police Department officers, two while using an LCM. ER 1002 (Mayors Against Illegal Guns, *Analysis of Recent Mass Shootings* (2013)).

Similarly, in November 1994, SFPD Officer James Guelff was killed in downtown San Francisco by a shooter with an assault rifle and thousands of rounds of ammunition. ER1602 (Decl. of J. Emanuel ¶ 41). Officer Guelff was a member of the SFPD Specialist Team and, as a result, had more training than even the average SFPD officer. *Id.* However, he was outmatched in firepower: Having exhausted his service revolver's six shots, he was shot by the suspect—who did not have to reload—as he reloaded. *Id.*

In Los Angeles, in 1997, shooters engaged in a bank robbery used LCMs to establish suppressive fire—a continuous wave of fire—against responding LAPD officers. ER 1602-03 (Decl. of J. Emanuel ¶ 43). This type of fire is the major advantage of LCM over standard magazines. It is designed to “degrade and paralyze law enforcement’s ability to stop the threat,” ER 1603 (Decl. of J. Emanuel ¶ 43) and is most used (like LCMs) in law enforcement and military applications. The responding officers, who like Officer Guelff had only standard-issue firearms, were forced to commandeer weapons and ammunition from a nearby firearm store in an attempt to stop the shooting. *Id.* In the end, the shooters fired more than 1000 rounds of ammunition, and 12 officers and eight civilians were injured by the gunfire. *Id.*

These are not isolated incidents; amici are aware of other examples of individuals targeting law enforcement using LCMs. *See, e.g.,* ER 1602 (Decl. of J. Emanuel ¶ 42). And this experience is entirely consistent with the data submitted by the State in opposition to summary judgment, which shows that LCMs are frequently used in connection with violence against law enforcement. *See, e.g.,* ER 418 (Koper Rep.) (“For the period of 2009 through 2013, LCM firearms

constituted 41% of guns used in murders of police, with annual estimates ranging from 35% to 48%.”).

LCMs have also been used with harrowing regularity to target children, students, religious centers, workplaces, and public spaces in California communities, including amici’s. For example, in 1999, a white supremacist using LCMs fired into the North Valley Jewish Community Center in the City of Los Angeles, injuring three children, a teenager, and an adult. ER 1618 (Decl. of M. Mersereau ¶ 13). In 2013, a shooter armed with LCMs opened fire on the campus of Santa Monica College, killing five people and injuring four. ER 1619 (Decl. of M. Mersereau ¶ 14). That same year, a gunman using an LCM opened fire at Los Angeles Airport, killing a TSA agent and injuring several other people. ER 1619 (Decl. of M. Mersereau ¶ 15). In 2015, in San Bernadino, shooters bearing at least four LCMs opened fire at a workplace holiday party, killing 14 people and injuring 22 others. ER 1619 (Decl. of M. Mersereau ¶ 16). And in 2017, still another shooter, also using LCMs, opened fire at his San Francisco workplace, killing three and injuring one. ER 306 (Allen Rpt., Combined Mass Shootings Data, 1982–October 2017).

LCMs pose special dangers to law enforcement personnel and the public. As the examples above illustrate, the marginal utility of an LCM over a standard magazine lies in the ability to shoot for longer, without reloading. As a result, shooters are better able to maintain deadly fire, including suppressive fire, without pauses that would permit law enforcement (or members of the public) to either intervene or fall back to take cover. ER 1602 (Decl. of J. Emanuel ¶ 40).¹⁴

Because of these features, as law enforcement personnel confirm and as the amici’s legislative bodies have consistently found, shootings involving LCMs result in significantly more injuries and casualties. *Id.*; ER 1618 (Decl. of M. Mersereau ¶ 11); Appendix A, Los Angeles Ord. No. 183806 at 1 (findings); Appendix B, San Francisco Ord. No. 249-13 at 2-3 (findings); Appendix C, Oakland Ord. No. 13352 at 1 (findings).¹⁵

¹⁴ See also Appendix D, Declaration of Captain David S. Lazar In Support of San Francisco’s Opposition To Plaintiffs’ Motion for Preliminary Injunction ¶ 8, *San Francisco Veteran Police Officers Association v. San Francisco*, No. 13-cv-5351 (N.D. Cal. Jan 16, 2014).

¹⁵ The district court addressed at length its view that “[l]ethality is [n]ot the [t]est” when evaluating whether a restriction is acceptable under the Second Amendment. But this Court’s case law is clear that “promoting public safety and reducing violent crime” and “reducing the harm and lethality of gun injuries in general” are plainly the kind of

The ready availability of LCMs to the public also eliminates law enforcement’s superior fire advantage—a desirable outcome only if one sees, like the court saw in this case, “an insidious plan to disarm the populace,” ER 29 fn.33 (Order Granting Plaintiffs’ Motion for Summary Judgment (“Order”), in reasonable firearm restrictions. But promoting an arms race between criminals and law enforcement with increasingly deadly weapons does little more than increase the odds that more community members will die. The entire community is safer when criminals cannot easily access, and law enforcement does not have to use, highly lethal, military-style firearms.

II. There Is No Evidence That LCMs Are Useful to, or Routinely Used by, Law-Abiding Citizens In Self-Defense.

In amici’s experience, LCMs present little or no additional utility over standard magazines in self-defense situations—and may cause more harm than good. First, individuals using firearms in self-defense do not normally use or need LCMs.¹⁶ This is so because few, if any shots, are typically fired in self-defense in these situations. Second,

“substantial and important government interests” that must be considered in connection with such restrictions. *Fyock*, 779 F.3d at 1000.

¹⁶ See, e.g., Appendix D, Decl. of D. Lazar ¶ 4.

additional shots, even when fired in self-defense, increase the risk of harm to those in or near the home, particularly in dense urban areas like amici's. *See, e.g.*, ER 1599-1600; Appendix A, Los Angeles Ord. No. 183806 at 3-4 (findings); Appendix B, San Francisco Ord. No. 249-13 (findings); Appendix C., Oakland Ord. No. 13352 (findings). *See also Heller v. District of Columbia*, 670 F.3d 1244, 1263-64 (D.C. Cir. 2011) (“[T]he tendency is for defenders to keep firing until all bullets have been expended, which poses grave risks to others in the household, passersby, and bystanders.”).¹⁷ There is nothing to suggest that a (possibly untrained) individual who is unable to kill, incapacitate, or scare away an attacker with ten rounds is more likely to do so with 30, rather than injuring an unintended target.¹⁸

Both of these points were amply demonstrated by the evidence the State provided in opposition to summary judgment—exactly the sort of evidence this Court has held carries the governmental burden in *Fyock*, 779 F.3d at 1000-01. But the district court dismissed this record

¹⁷ *See also* C. Ingraham, *See What Happens When Regular People Try to Use Handguns in Self-Defense*, Washington Post (July 28, 2015), <https://perma.cc/69M3-AXKM>.

¹⁸ *See, e.g., id.*; Appendix D, Decl. of D. Lazar ¶¶ 4-5.

evidence as mere “generalizations,” ER 77 (Order), in favor of its belief that LCMs are so critical to self-defense that a prohibition against them leaves law-abiding Californians “no room . . . to defend their homes against attack.” ER 68 (Order). This view is the linchpin of the court’s decision; on the basis of this “judgment call,” the district court distinguished this Court’s controlling opinion in the very similar *Fyock* case. ER 87 (Order).¹⁹

But the court’s view that LCMs are core to self-defense finds no support in the facts and appears to be ripped from the headlines rather than the record. Its source seems to be a handful of extra-record anecdotes, which the court referred to as “illustrative,” in which armed individuals faced down in-home attackers and run out of rounds. But even accepting the district court’s reliance on these extra-record incidents, those anecdotes do not support its conclusion. Indeed, in two of the district court’s vividly recounted examples, a standard number of

¹⁹ *Fyock* involved the City of Sunnyvale’s ban on possession of LCMs. In that case, this Court confirmed that the “prohibition of . . . large-capacity magazines *does not* effectively disarm individuals or substantially affect their ability to defend themselves.” *Fyock*, 779 F.3d at 999 (quoting *Heller*, 670 F.3d at 1262) (quotation marks omitted, emphasis added).

rounds *worked* for successful self-defense. ER 8-10 (Order). In both cases, the attackers either fled or were killed despite the lack of the purportedly crucial LCM. *Id.*

While dismissing evidence showing LCMs are not useful in self-defense situations as “generalizations,” ER 77 (Order), and the dangers of mass shootings because they are “rare,” ER 54 (Order), the district court did not identify a single case in which an LCM would have saved a victim’s life. Much less did it offer the police reports or conclusive proof of a direct causal link that it demanded of the State to create an issue of material fact. *See, e.g.*, ER 60 (Order) (demanding police reports in connection with shootings, and faulting the use of news articles); ER 72 (Order) (rejecting expert’s conclusion that banning LCMs will reduce violence because expert acknowledged that one shooting likely would have occurred despite such a ban).

Thus, in the end—and in sharp contrast to the evidence of the harms of LCMs—the purported advantages of LCMs to self-defense appear to be entirely hypothetical. *See, e.g.*, ER 23 (Order) (“If you judge for yourself that you will need more than 10 rounds, however, the crime is yours. And, too bad if you complied with the law but needed 11

rounds to stop an attacker, or a group of attackers, or a mob. Now, you are dead.”); ER 47 (Order) (“When food distribution channels are disrupted and sustenance becomes scarce while criminals run rampant, the burden of a 10-round magazine limit is severe.”). But hypotheticals are not enough to defeat the extensive record evidence of reasonable fit to critical governmental goals. *See, e.g., Jackson*, 746 F.3d at 969 (“[Plaintiff’s] evidence suggests that the lethality of hollow-point bullets is an open question, which is insufficient to discredit San Francisco’s reasonable conclusions.”).

At base, the district court’s approach in this case is a one-way ratchet toward the ready availability of ever-more lethal weapons. There is always a more-lethal weapon that would provide law-abiding citizens with more firepower and hence, theoretically better protection from attackers. Devices capable of enhancing firepower are likely to become common when made available to the general public, including residents, because of the belief that they will provide better self-protection. While self-defense is undoubtedly important, the Constitution does not guarantee even the most respectable, law-abiding citizen unlimited choice in how to effect it or prevent the State from

imposing reasonable restrictions on the ready availability of highly-lethal, military-style weapons.

CONCLUSION

For the foregoing reasons, amici urge this Court to reverse the judgment of the court below.

Dated: July 22, 2019

Respectfully submitted,

By: /s/ Danielle L. Goldstein

MICHAEL N. FEUER

Los Angeles City Attorney

JAMES P. CLARK

KATHLEEN KENEALY

BLITHE SMITH BOCK

DANIELLE. L. GOLDSTEIN

Office of the Los Angeles City Attorney

200 North Spring Street, 14th Floor

Los Angeles, CA 90012

(213) 978-1868

danielle.goldstein@lacity.org

Attorneys for *Amicus Curiae*

CITY OF LOS ANGELES

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

DENNIS J. HERRERA
San Francisco City Attorney
AILEEN MCGRATH
Co-Chief of Appellate Litigation
City Attorney's Office
City Hall Room 234
One Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102
Attorneys for *Amicus Curiae*
CITY AND COUNTY OF SAN FRANCISCO

BARBARA J. PARKER
City Attorney
City of Oakland
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
Attorney for *Amicus Curiae*
CITY OF OAKLAND

MARA W. ELLIOTT
City Attorney
JONATHAN I. LAPIN
Chief Deputy City Attorney
Office of the City Attorney
1200 Third Ave., Suite 1620
San Diego, CA 92101
Attorneys for *Amicus Curiae*
City of San Diego

STATEMENT OF RELATED CASES

Amici are not aware of any related cases pending in this Court.

CERTIFICATE OF COMPLIANCE

1. This BRIEF OF AMICI CURIAE THE CITY OF LOS ANGELES, THE CITY AND COUNTY OF SAN FRANCISCO, THE CITY OF SAN DIEGO, AND THE CITY OF OAKLAND IN SUPPORT OF REVERSAL complies with the type volume limitation contained in Ninth Circuit Rule 29(a)(5), because it contains 3,478 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f); and
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Century Schoolbook font.

By: s/ Danielle L. Goldstein
Counsel for Amici Curiae

Dated: July 22, 2019

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing BRIEF OF AMICI CURIAE THE CITY OF LOS ANGELES, THE CITY AND COUNTY OF SAN FRANCISCO, THE CITY OF SAN DIEGO, AND THE CITY OF OAKLAND IN SUPPORT OF REVERSAL with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 22, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

By: s/ Danielle L. Goldstein
Counsel for Amici Curiae

Dated: July 22, 2019

APPENDIX

TABLE OF CONTENTS

APPENDIX A	City of Los Angeles, Cal., Ord. No. 183806 (August 7, 2015)APP 1
APPENDIX B	City and Cty. of San Francisco, Cal., Ord. No. 249-13 (Nov. 8, 2013)APP 10
APPENDIX C	City of Oakland, Cal., Ord. No. 13352 (Jan 19, 2016)APP 23
APPENDIX D	Declaration of Captain David S. Lazar In Support of San Francisco’s Opposition To Plaintiffs’ Motion for Preliminary Injunction, <i>San Francisco Veteran Police Officers Association v. San Francisco</i> , No. 13-cv-5351 (N.D. Cal. Jan 16, 2014)APP 32

ORDINANCE NO. 183806

An ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines.

WHEREAS, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine";

WHEREAS, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code is considered to be a "large-capacity" magazine, and some large-capacity magazines can hold up to 100 rounds of ammunition;

WHEREAS, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns;

WHEREAS, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms with these magazines;

WHEREAS, a recent study concluded that 42 percent of mass shooting incidents within the last three decades involved an assault weapon and more than half of the perpetrators possessed assault weapons, large-capacity magazines or both;

WHEREAS, on average, shooters who use assault weapons and/or large-capacity magazines in mass shootings shoot 151 percent more people and kill 63 percent more people than shooters who do not use assault weapons and large-capacity magazines;

WHEREAS, the prohibition on large-capacity magazines serves as further protection for law enforcement officers because shooters will be forced to reload – and put themselves in a position to be subdued – before they can cause mass casualties;

WHEREAS, large-capacity magazines were used in a number of high-profile shootings, including:

- The shooting at a San Francisco law firm on July 1, 1993, where a shooter armed with semiautomatic assault weapons and large capacity magazines, some capable of holding up to 50 rounds of ammunition, killed 8 people and injured 6 others;

- The shooting on December 7, 1993, that occurred in a Long Island Rail Road train, where a shooter armed with a semi-automatic handgun and large capacity magazines killed 6 people and wounded 19 others;
- The shooting on February 28, 1997, at a North Hollywood Bank of America where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at the Connecticut State Lottery Headquarters in Newington, Connecticut on March 6, 1998, where a gunman armed with 9mm pistol and large-capacity magazine holding 19-rounds of ammunition, killed 4 people;
- The shooting on April 20, 1999, at Columbine High School in Columbine, Colorado where two students using shot guns and semi-automatic handguns loaded with 52, 32 and 28-round large-capacity magazines killed 12 students and injured 21 additional students;
- The shooting at the North Valley Jewish Community Center in Granada Hills on August 10, 1999, where a shooter armed with an Uzi-type submachine gun and semi-automatic pistol and large-capacity magazines fired 70 shots into the lobby of the Community Center, wounding 5 people (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on April 3, 2009, at the American Civic Association immigration center in Binghamton, New York where a shooter armed with semi-automatic pistols, two 30-round large capacity magazines, and two 15-round large capacity magazines, killed 13 people and wounded 4 others;
- The shooting at a family-owned beer and wine wholesaler in Manchester, Connecticut on August 3, 2010, where a gunman using a Sturm Ruger SR9 pistol and two large capacity magazines holding 17-rounds of ammunition, killed 8 co-workers and seriously wounded 2 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona where U.S. Representative Gabrielle Gifford and 13 others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;

- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members;
- The recent shooting on July 15, 2013, near and on the campus of Santa Monica College where a shooter armed with 1,300-rounds of ammunition, including a semi-automatic AR-15 assault rifle with large-capacity magazines, capable of holding 30-rounds of ammunition, killed 5 people and seriously wounded 4 others;
- The recent shooting on August 5, 2013, at a town meeting in Ross Township, Pennsylvania where a gunman fired 28-rounds from a Ruger Mini-14 rifle, killing 3 people and injuring 2 others. The shooter used a 30-round large-capacity magazine in his rifle and had 90-rounds of ammunition in his car;
- The recent shooting on August 20, 2013, at Ronald E. McNair Discovery Learning Academy in Decatur, Georgia where a gunman using an AK 47-style assault rifle, large-capacity magazines and nearly 500 rounds of ammunition exchanged fire with local law enforcement before ultimately surrendering to local law enforcement;
- The recent shooting on September 20, 2013 at a park on the south side of Chicago where a shooter armed with an assault weapon equipped with a large-capacity magazine injured 13 people; and
- The recent shooting on November 1, 2013, at Los Angeles International Airport where a gunman using a Smith & Wesson M&P15 semi-automatic rifle loaded with a 30-round large-capacity magazine opened fire into a crowded airport terminal, killing 1 TSA agent and wounding several others. The shooter had five additional 30-round large-capacity magazines and hundreds of ammunition in his carrying bag;

WHEREAS, large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine; and

WHEREAS, large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an urban center like Los Angeles where law enforcement can and does respond quickly to threats

and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Los Angeles;

WHEREAS, in 1994, in recognition of the dangers posed by large-capacity magazines, Congress adopted a law prohibiting the transfer and possession of large-capacity magazines as part of the federal assault weapon ban;

WHEREAS, the federal law banning large-capacity magazines was enacted with a sunset clause and expired on September 13, 2004;

WHEREAS, a researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons and large-capacity magazines found that “attacks with semi-automatics including assault weapons and other semi-automatics equipped with large-capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms”;

WHEREAS, since the federal ban’s sunset in 2004, the Los Angeles Police Department’s Gun Unit has seen a significant increase in the number of large-capacity magazines recovered, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010;

WHEREAS, the number of assault rifles recovered by the Los Angeles Police Department’s Gun Unit ranged from 93 in 2010, 56 in 2011, 54 in 2012, and 63 in 2013;

WHEREAS, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving or lending of large capacity magazines; however, California law does not prohibit the possession of these magazines, and this gap in the law threatens public safety;

WHEREAS, any large-capacity magazine that is subject to California Penal Code Section 32390 is a nuisance wherever found within the State and can be disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 6.7

LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED

SEC. 46.30. LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED.

(a) Definitions.

(1) “**LARGE –CAPACITY MAGAZINE**” means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (i) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (ii) A .22 caliber tube ammunition feeding device.
- (iii) A tubular magazine that is contained in a lever-action firearm.

(b) Prohibition on Possession of Large-Capacity Magazines

(1) It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.

(2) Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 60 days from such effective date to do any of the following without being subject to prosecution:

- (i) Remove the large-capacity magazine from the City of Los Angeles;
- (ii) Surrender the large-capacity magazine to the Los Angeles Police Department for destruction;
- (iii) Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

(c) **Exemptions.**

The provisions of Subsection (b) shall not apply to the following:

- (1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties;
- (2) A person licensed pursuant to Sections 26700 to 26915 of the California Penal Code;
- (3) A gunsmith for the purpose of maintenance, repair or modification of the large-capacity magazine;
- (4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;
- (5) Any person, corporation or other entity that manufactures the large-capacity magazine for a person mentioned in Subdivision (1), or for export pursuant to applicable federal regulations;
- (6) Any person using the large-capacity magazine solely as a prop for a motion picture, television or video production;
- (7) Any holder of a special weapons permit issued pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;
- (8) Any person issued a permit pursuant to California Penal Code Section 32315 by the Department of Justice upon a showing of good cause for the possession, transportation or sale of large-capacity magazines between a person licensed pursuant to Sections 26700 to 26915 of the California Penal Code, and an out-of-state client, when those activities are in accordance with the terms and conditions of the permit;
- (9) Any federal, state or local historical society, museum or institutional collection which is open to the public, provided that the large-capacity magazine is properly housed, secured from unauthorized handling and unloaded;
- (10) Any person who finds the large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to the law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large-capacity magazines in accordance with California Penal Code Section 32310 who is in possession of a large-capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm;

(d) **Penalty.** Violation of this section shall constitute a misdemeanor.

(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 28 2015.

HOLLY L. WOLCOTT, City Clerk

By 
Deputy

Approved August 7, 2015


Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
BRIAN SOTTILE
Deputy City Attorney

Date JUN 26 2014

File No. CF 13-0068

DECLARATION OF POSTING ORDINANCE

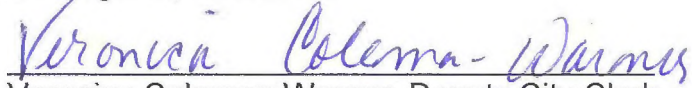
I, VERONICA COLEMAN-WARNER, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No.183806 – Adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **July 28, 2015**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **August 10, 2015** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **August 10, 2015** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **7th** day of **August, 2015** at Los Angeles, California.


Veronica Coleman-Warner, Deputy City Clerk

Ordinance Effective Date: September 19, 2015

Council File No. 13-0068

AMENDED IN COMMITTEE

10/10/13

FILE NO. 130585

ORDINANCE NO. **249-13**

[Police Code - Large Capacity Magazines; Sales of Firearms and Ammunition; Reporting Lost or Stolen Firearms; Shooting Ranges]

Ordinance amending the Police Code to ban the possession of large capacity magazines for firearm ammunition; require that dealers advise persons purchasing a firearm of local firearms laws; establish a rebuttable presumption that the owner who has not reported the theft or loss of a firearm as required by law remains in possession of the firearm; modify certain requirements for ammunition sales require local dealers to report all ammunition sales to the Chief of Police; and, prohibit the operator of a shooting range from allowing minors to enter the premises.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 Additions to Codes are in *single-underline italics Times New Roman font*.
 Deletions to Codes are in *strikethrough italics Times New Roman font*.
 Board amendment additions are in double-underlined Arial font.
 Board amendment deletions are in ~~strikethrough Arial font~~.
 Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables. Do NOT delete this NOTE: area.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by adding Section 619 618, to read as follows:

SEC. 619 618. PROHIBITION AGAINST POSSESSION OF LARGE CAPACITY MAGAZINES

(a) Findings.

(1) In 2007, 3,231 people died from firearm-related injuries in California, and 4,491 other people were treated for non-fatal gunshot wounds.

(2) The ability of an automatic or semiautomatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine." Inside the

1 magazine, a spring forces the cartridges into position to be fed into the chamber by operation of the
2 firearm's action.

3 (3) Magazines with a capacity of more than 10 rounds of ammunition are generally
4 considered to be "large capacity" magazines, although the statutory definitions vary. In some cases,
5 large capacity magazines can hold up to 100 rounds of ammunition. Other types of firearms, in
6 contrast, are generally capable of holding far less ammunition; for example, revolvers typically hold
7 six rounds of ammunition in a rotating cylinder.

8 (4) Although detachable large capacity magazines are typically associated with
9 machine guns or semiautomatic assault weapons, such devices are available for any semiautomatic
10 firearm that accepts a detachable magazine, including semiautomatic handguns.

11 (5) The ability of large capacity magazines to hold numerous rounds of ammunition
12 significantly increases the lethality of the automatic and semiautomatic firearms using them.

13 (6) Large capacity magazines were used in a number of recent high-profile shootings,
14 including:

15 The shooting on the campus of Virginia Tech on April 16, 2007, where 32 people were
16 killed and many others wounded,

17 The shooting in a gym in Pittsburgh on August 4, 2009, where three people were killed
18 and nine others injured,

19 The shooting on November 5, 2009 at Fort Hood, Texas, where 13 people were killed
20 and 34 more were wounded,

21 The shooting on January 8, 2011, at Tucson, Arizona, where 6 people were killed and 13
22 people were injured, including a member of the United States House of Representatives, and

23 The shootings on December 14, 2012, at Newtown, Connecticut, where 27 people (not
24 including the shooter) were killed.

1 (7) Large capacity magazines have also been used against San Francisco police
2 officers, including a recent incident at India Basin Shoreline Park, where undercover police officers
3 were targeted with semiautomatic pistols containing 30-round magazines. Prohibiting large capacity
4 magazines serves police safety by requiring perpetrators to pause to reload their firearms more
5 frequently, giving police officers greater opportunity to apprehend them.

6 (8) Large capacity magazine bans reduce the capacity, and thus the potential lethality,
7 of any firearm that can accept a large capacity magazine.

8 (9) Large capacity magazines are not necessary for individuals to vindicate their right
9 to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-
10 defense ever be required to use a large capacity magazine to defend himself or herself effectively. This
11 is particularly true in an urban center like San Francisco, where law enforcement can and does
12 respond quickly to threats and incidents. Conversely, the dangers of large capacity magazines are
13 heightened in dense urban areas like San Francisco.

14 (10) In 1994, in recognition of the dangers posed by these devices, Congress adopted a
15 law prohibiting the transfer and possession of large capacity magazines as part of the federal assault
16 weapon ban. That law was filled with loopholes, however.

17 (11) The federal law was enacted with a sunset clause, providing for its expiration after
18 ten years. Despite overwhelming public support for the law, Congress allowed the federal ban to
19 expire on September 13, 2004.

20 (12) Research commissioned by the U.S. Department of Justice to analyze the effect of
21 the 1994 federal ban on assault weapons and large capacity magazines found that attacks with
22 semiautomatics including assault weapons and other semiautomatics equipped with large capacity
23 magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do
24 attacks with other firearms.

1 (13) Since January 1, 2000, California Penal Code §§ 32310 et seq., have, with limited
 2 exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or
 3 exposing for sale, giving, or lending of large capacity magazines. California law does not, however,
 4 prohibit the possession of these magazines, and this gap in the law threatens public safety.

5 (b) Definition. "Large capacity magazine" means any detachable ammunition feeding device
 6 with the capacity to accept more than 10 rounds, but shall not be construed to include any of the
 7 following:

8 (1) A feeding device that has been permanently altered so that it cannot accommodate
 9 more than 10 rounds;

10 (2) A .22 caliber tube ammunition feeding device; or

11 (3) A tubular magazine that is contained in a lever-action firearm.

12 **(c) Prohibition on Possession of Large Capacity Magazines.**

13 (1) No person, corporation, or other entity in the City may possess a large capacity
 14 magazine, whether assembled or disassembled.

15 (2) Any person who, prior to the effective date of this chapter, was legally in possession
 16 of a large capacity magazine shall have 90 days from such effective date to do any of the following
 17 without being subject to prosecution:

18 (A) Remove the large capacity magazine from the City;

19 (B) Surrender the large capacity magazine to the Police Department for
 20 destruction; or

21 (C) Sell or transfer the large capacity magazine lawfully in accordance with
 22 Penal Code § 12020.

23 (d) Exceptions. Subsection (c) shall not apply to the following:

1 (1) Any government officer, agent, or employee, member of the armed forces of the
 2 United States, or peace officer, to the extent that such person is otherwise authorized to possess a large
 3 capacity magazine in connection with his or her official duties;

4 (2) A person licensed pursuant to Penal Code §§ 26700 to 26915, inclusive;

5 (3) A gunsmith for the purposes of maintenance, repair or modification of the large
 6 capacity magazine;

7 (4) Any entity that operates an armored vehicle business pursuant to the laws of the
 8 state, and an authorized employee of such entity, while in the course and scope of his or her
 9 employment for purposes that pertain to the entity's armored vehicle business;

10 (5) Any person, corporation or other entity that manufactures the large capacity
 11 magazine for a person mentioned in subsection (a) or for export pursuant to applicable federal
 12 regulations;

13 (6) Any person using the large capacity magazine solely as a prop for a motion picture,
 14 television, or video production, or entertainment event;

15 (7) Any holder of a special weapons permit issued pursuant to Penal Code § 33300,
 16 32650, 32700, 31000, or 18900;

17 (8) Any person issued a permit pursuant to Penal Code § 32315 by the California
 18 Department of Justice upon a showing of good cause for the possession, transportation, or sale of large
 19 capacity magazines between a person licensed pursuant to Penal Code §§ 26700 to 26915 and an out-
 20 of-state client, when those activities are in accordance with the terms and conditions of that permit;

21 (9) Any federal, state or local historical society, museum, or institutional collection
 22 which is open to the public, provided that the large capacity magazine is properly housed, secured from
 23 unauthorized handling, and unloaded;

24 (10) Any person who finds the large capacity magazine, if the person is not prohibited
 25 from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the

large capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large capacity magazines in accordance with Penal Code § 12020, who is in possession of a large capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large capacity magazine solely for use with that firearm.

(e) **Penalty.** Any person violating this chapter is guilty of a misdemeanor.

(f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(g) **No duplication of state law.** In the event that the State of California enacts legislation prohibiting possession of large capacity magazines, this Section 618 shall have no force or effect to the extent that it duplicates any such state law.

Section 2. The San Francisco Police Code is hereby amended by amending Section 613.10, to read as follows:

SEC. 613.10. LICENSE—CONDITIONS.

* * * *

1 (n) At or prior to the time of delivering a firearm, licensees shall provide the person buying,
 2 leasing, or receiving the loan of the firearm with a copy of a notice, to be prepared by the Chief of
 3 Police, advising the reader of local firearms laws, including safe gun storage requirements and the
 4 requirement to report a lost or stolen firearm. The notice may also include summary information on
 5 relevant State firearms laws, including the requirement that the sale, loan or other transfer of a firearm
 6 to a non-licensed person be completed through a licensed firearms dealer.

7
 8 Section 3. The San Francisco Police Code is hereby amended by amending
 9 Section 616, to read as follows:

10 **SEC. 616. REPORTING THE LOSS OR THEFT OF FIREARMS.**

11 (a) Any person that owns or is otherwise in possession of a firearm shall report the
 12 theft or loss of such firearm to the San Francisco Police Department within 48 hours of
 13 becoming aware of the theft or loss whenever

14 (1) the owner resides in San Francisco, or

15 (2) the theft or loss of the firearm occurs in San Francisco.

16 (b) The failure of an owner or person in possession of a firearm to report the theft or
 17 loss of the firearms within 48 hours of when the owner or person in possession becomes
 18 aware or should have become aware of the theft or loss shall be punishable in accordance
 19 with Section 613.19.

20 (c) The failure of an owner or person in possession of a firearm to report the theft or loss of the
 21 firearms in a timely manner shall create a rebuttable presumption that the owner or person remains in
 22 possession of the firearm.

23
 24 / / /

25 / / /

1 Section 4. The San Francisco Police Code is hereby amended by amending
2 Section 615, to read as follows:

3 **SEC. 615. RECORDS OF AMMUNITION SALES.**

4 (a) **Definitions.**

5 (1) "Firearm ammunition," as used in this Section, shall include any ammunition
6 for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include
7 ammunition for shotguns that contains shot that is No. 4 or smaller.

8 (2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle
9 which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and
10 chamber the next round, and which requires a separate pull of the trigger to fire each
11 cartridge.

12 (3) "Assault weapon," as used in this Section, shall mean any of the weapons
13 designated in California Penal Code Section 12276 or 12276.1.

14 (4) "Vendor," as used in this Section, shall mean any person located in the City
15 and County of San Francisco who is engaged in the sale of firearm ammunition, including any
16 retail firearms dealer.

17 (5) "Remote Vendor," as used in this Section, shall mean any person engaged
18 in the sale of firearm ammunition, including any retail firearms dealer, who is located outside
19 the City and County of San Francisco but delivers or causes to be delivered firearm
20 ammunition to an address within the City and County of San Francisco.

21 (b) No Vendor shall sell or otherwise transfer ownership of any firearm ammunition
22 without at the time of purchase recording the following information on a form to be prescribed
23 by the Chief of Police:

24 (1) the name of the Vendor (including the name of the specific individual)
25 transferring ownership to the transferee;

- 1 (2) the place where the transfer occurred;
- 2 (3) the date and time of the transfer;
- 3 (4) the name, address and date of birth of the transferee;
- 4 (5) the transferee's driver's license number, or other identification number, and
- 5 the state in which it was issued;
- 6 (6) the brand, type and amount of ammunition transferred; and
- 7 (7) the transferee's signature and thumbprint.

8 ~~Within 24 hours of the commencement of the transaction, regardless of when the~~
 9 ~~firearm ammunition is delivered, the Vendor shall report the transaction to the Chief of Police~~
 10 ~~by electronic mail at _____ or by such other means specified by the Chief of Police.~~
 11 ~~The report shall contain the same information required above.~~

12 (c) ~~(1) The records required by this Section shall be maintained on the premises of the~~
 13 ~~vendor for a period of not less than two years from the date of the recorded transfer. Said records shall~~
 14 ~~be subject to inspection at any time during normal business hours.~~

15 ~~(2) Any vendor or remote vendor~~ Any Vendor or Remote Vendor who sells or
 16 otherwise transfers ownership of five hundred (500) or more rounds of any firearm
 17 ammunition to a transferee in a single transaction, where the transaction occurs within the
 18 City and County of San Francisco or the firearm ammunition is ordered for delivery to an
 19 address within the City and County of San Francisco, shall be subject to the reporting
 20 requirement of this subsection (c) (e)(2). Within 24 hours of the commencement of the
 21 transaction, regardless of when the firearm ammunition is delivered, the Vendor or ~~Vendor or~~
 22 ~~Remote Vendor~~ shall report the transaction to the Chief of Police by electronic mail at
 23 _____ or by such other means specified by the Chief of Police. The report shall
 24 contain the same information required under subsection (b). In determining the number of
 25 rounds sold or otherwise transferred for purposes of complying with this subsection (c) (e)(2),

1 the Vendor or Remote Vendor ~~vendor or remote vendor~~ shall include any combination of types,
2 brands or calibers sold or transferred to the transferee.

3 (d) No Vendor shall knowingly make a false entry in, or fail to make a required entry in,
4 ~~or fail to maintain in the required manner~~ records prepared in accordance with subsection (b)
5 ~~subsections (b) and (c)(1). No vendor shall refuse to permit a Police Department employee to examine~~
6 ~~any record prepared in accordance with this Section during any inspection conducted pursuant to this~~
7 ~~Section.~~ No Vendor or Remote Vendor shall fail to submit the report required under
8 subsection (c) ~~subsections (b) or (c) in a timely manner subsection (c)(2)~~, or knowingly include
9 false information in such report. A Vendor must maintain the records required under subsection (b)
10 on the premises for a period of not less than two years from the date of the recorded transfer. Said
11 records shall be subject to inspection by the Police Department at any time during normal business
12 hours.

13 (e) **Penalties.**

14 (1) **First Conviction.** Any person violating any provision of this Section shall
15 be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a
16 fine of not less than \$50 nor more than \$100.

17 (2) **Subsequent Convictions.** In any accusatory pleading charging a violation
18 of this Section, if the defendant has been previously convicted of a violation of this Section,
19 each such previous violation and conviction shall be charged in the accusatory pleading. Any
20 person violating any provision of this Section a second time within a 90-day period shall be
21 guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more
22 than \$400 for each provision violated, or by imprisonment in the County Jail for a period of not
23 more than six months, or by both such fine and imprisonment. Any person violating any
24 provision of this Section, a third time, and each subsequent time, within a 30-day period shall
25 be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not

1 more than \$500 for each provision violated, or by imprisonment in the County Jail for a period
2 of not more than six months, or by both such fine and imprisonment.

3 (f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section
4 be for any reason declared unconstitutional or invalid or ineffective by any court of competent
5 jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining
6 portions of this Section or any part thereof. The Board of Supervisors hereby declares that it
7 would have adopted this Section notwithstanding the unconstitutionality, invalidity, or
8 ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

9
10 Section 5. The San Francisco Police Code is hereby amended by amending
11 Section 1040, to read as follows:

12 **SEC. 1040. FIREARMS REGULATED; MINORS PROHIBITED.**

13 (a) It shall be unlawful for any person, firm, corporation, club or association,
14 maintaining or conducting any shooting gallery or range to use or permit to be used or
15 discharged therein any firearms of greater than 22 caliber, unless the cartridges used in such
16 firearms be loaded with reduced charges.

17 (b) It shall be unlawful for any person, firm, corporation, club or association, maintaining or
18 conducting any shooting gallery or range to permit any person under the age of 18 to enter the
19 premises that are the subject of the permit unless accompanied by a parent or guardian.

20
21 Section 6. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12
13 By:


THOMAS J. OWEN
Deputy City Attorney

14
15
16 n:\legana\as2013\1300396\00878805.doc
17
18
19
20
21
22
23
24
25



City and County of San Francisco

**Tails
Ordinance**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 130585

Date Passed: October 29, 2013

Ordinance amending the Police Code to ban the possession of large capacity magazines for firearm ammunition; require that dealers advise persons purchasing a firearm of local firearms laws; establish a rebuttable presumption that the owner who has not reported the theft or loss of a firearm as required by law remains in possession of the firearm; modify certain requirements for ammunition sales; and prohibit the operator of a shooting range from allowing minors to enter the premises.

October 10, 2013 Neighborhood Services and Safety Committee - AMENDED, AN
AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 10, 2013 Neighborhood Services and Safety Committee - RECOMMENDED AS
AMENDED

October 22, 2013 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Mar, Tang and Yee

Excused: 2 - Kim and Wiener

October 29, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener
and Yee

File No. 130585

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/29/2013 by the Board of Supervisors of
the City and County of San Francisco.

A handwritten signature in black ink, appearing to read 'Angela Calvillo'.

**Angela Calvillo
Clerk of the Board**

A handwritten signature in black ink, appearing to read 'Edwin Lee'.

Mayor

A handwritten date '11/8/13' in black ink.

Date Approved

FILED
OFFICE OF THE CITY CLERK
OAKLAND

16 FEB -3 AM 9:11

APPROVED AS TO FORM AND LEGALITY

Amalia Sotil
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL
ORDINANCE NO. 13352 C.M.S.

INTRODUCED BY COUNCILMEMBERS CAMPBELL WASHINGTON AND KALB

**ORDINANCE PROHIBITING POSSESSION OF LARGE-CAPACITY
MAGAZINES**

WHEREAS, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine"; and

WHEREAS, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code is considered to be a "large-capacity" magazine, and some large-capacity magazines can hold up to 100 rounds of ammunition; and

WHEREAS, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns; and

WHEREAS, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of automatic and semiautomatic firearms equipped with these magazines; and

WHEREAS, a recent study of mass shooting incidents within the last three decades concluded that more than half of the perpetrators possessed assault weapons, large-capacity magazines or both; and

WHEREAS, on average, shooters who use assault weapons and/or large-capacity magazines in mass shootings shoot 151 percent more people and kill 63 percent more people than shooters who do not use assault weapons and large-capacity magazines; and

WHEREAS, the prohibition on large-capacity magazines serves as further protection for law enforcement officers because shooters will be forced to reload, and put themselves in a position to be subdued - before they can cause mass casualties; and

WHEREAS, large-capacity magazines have been used in a number of high-profile shootings, including:

- The shooting at a San Francisco law firm on July 1, 1993, where a shooter armed with semiautomatic assault weapons and large capacity magazines, some capable of holding up to 50 rounds of ammunition, killed 8 people and injured 6 others;
- The shooting on December 7, 1993, that occurred in a Long Island Rail Road train, where a shooter armed with a semi-automatic handgun and large capacity magazines killed 6 people and wounded 19 others;
- The shooting at the Connecticut State Lottery Headquarters in Newington, Connecticut on March 6, 1998, where a gunman armed with 9mm pistol and large-capacity magazine holding 19 rounds of ammunition, killed 4 people;
- The shooting on April 20, 1999, at Columbine High School in Columbine, Colorado where two students using shot guns and semi-automatic handguns loaded with 52, 32 and 28-round large-capacity magazines killed 12 students and injured 21 additional students;
- The shooting at the North Valley Jewish Community Center in Granada Hills on August 10, 1999, where a shooter armed with an Uzi-type submachine gun and semi-automatic pistol and large-capacity magazines fired 70 shots into the lobby of the Community Center, wounding 5 people (3 children, 1 teenage counselor and an office worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on April 3, 2009, at the American Civic Association immigration center in Binghamton, New York where a shooter armed with semi-automatic pistols, two 30-round large capacity magazines, and two 15-round large capacity magazines, killed 13 people and wounded 4 others;
- The shooting at a family-owned beer and wine wholesaler in Manchester, Connecticut on August 3, 2010, where a gunman using a Sturm Ruger SR9 pistol and two large capacity magazines holding 17-rounds of ammunition, killed 8 coworkers and seriously wounded 2 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona where U.S. Representative Gabrielle Gifford and 13 others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died including a Federal Court Judge;
- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;

- The shooting on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members;
- The shooting on July 15, 2013, near and on the campus of Santa Monica College where a shooter armed with 1,300-rounds of ammunition, including a semi-automatic AR-15 assault rifle with large-capacity magazines, capable of holding 30-rounds of ammunition, killed 5 people and seriously wounded 4 others;
- The shooting on August 5, 2013, at a town meeting in Ross Township, Pennsylvania where a gunman fired 28-rounds from a Ruger Mini-14 rifle, killing 3 people and injuring 2 others. The shooter used a 30-round large-capacity magazine in his rifle and had 90-rounds of ammunition in his car;
- The shooting on September 20, 2013 at a park on the south side of Chicago where a shooter armed with an assault weapon equipped with a large-capacity magazine injured 13 people; and

WHEREAS, large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine; and

WHEREAS, large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an urban center like Oakland where law enforcement can and does respond quickly to threats and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Oakland; and

WHEREAS, in 1994, in recognition of the dangers posed by large-capacity magazines, Congress adopted a law prohibiting the transfer and possession of large-capacity magazines as part of the federal assault weapon ban; and

WHEREAS, the federal law banning large-capacity magazines was enacted with a sunset clause and was allowed to expire on September 13, 2004; and

WHEREAS, a researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons and large-capacity magazines found that “attacks with semi-automatics including assault weapons and other semiautomatics equipped with large-capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms”; and

WHEREAS, since the federal ban’s sunset in 2004, the Los Angeles Police Department’s Gun Unit has seen a significant increase in the number of large-capacity magazines recovered, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010; and

WHEREAS, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving or lending of large capacity magazines; however, California law does not prohibit the possession of these magazines, and this gap in the law threatens public safety;

WHEREAS, any large-capacity magazine that is subject to California Penal Code Section 32390 is a nuisance wherever found within the State and can be disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code;

WHEREAS, state and federal courts across the country have rejected the argument that large-capacity ammunition magazine prohibitions violate the Second Amendment; and

WHEREAS, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City; now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The following Chapter is added to the Oakland Municipal Code

CHAPTER

Possession of Large-Capacity Magazines Prohibited

A. Title.

This chapter shall be known as Oakland's Ban on Possession of Large-Capacity Magazines Act.

B. Findings and Purpose.

The City Council finds as follows:

1. This law is intended to reduce gun violence and make the City safer.
2. The ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of automatic and semiautomatic firearms equipped with these magazines.
3. Large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine.
4. Large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an

urban center like Oakland where law enforcement can and does respond quickly to threats and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Oakland.

5. It has been reported that from 2011 to 2012, roughly ten percent of all handguns seized by the Oakland Police Department had large-capacity magazines.
6. It has also been reported that large-capacity magazines are difficult to trace to their point of origin because ammunition magazines for public sale are not stamped with serial numbers.
7. In 2015 alone, the Oakland Police Department reported that 101 criminal cases were charged where a large capacity magazine was recovered.

C. Definitions.

“Large-capacity magazine” means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- a. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
- b. A .22 caliber tube ammunition feeding device;
- c. A tubular magazine that is contained in a lever-action firearm.

D. Possession of Large-Capacity Magazines Prohibited.

1. It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.
2. Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 90 days from such effective date to do any of the following without being subject to prosecution:
 - a. Remove the large-capacity magazine from the City of Oakland;
 - b. Surrender the large-capacity magazine to the Oakland Police Department for destruction;
 - c. Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

E. Exemptions.

The provisions of Subsection D. shall not apply to the following:

1. Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties.
2. A person licensed pursuant to Sections 26700 to 26915 of the California Penal Code;
3. A gunsmith for the purpose of maintenance, repair or modification of the large-capacity magazine;
4. Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;
5. Any person, corporation, or other entity that manufactures a large-capacity magazine for a person specified in subdivision 1., or for an expert pursuant to applicable federal regulations.
6. Any person using the large-capacity magazine solely as a prop for a motion picture, television or video production, so long as it does not contain any live ammunition;
7. Any holder of a special weapons permit issued pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;
8. Any person issued a permit pursuant to California Penal Code Section 32315 by the Department of Justice upon a showing of good cause for the possession, transportation or sale of large-capacity magazines between a person licensed pursuant to Sections 26700 to 26915 of the California Penal Code, and an out-of-state client, when those activities are in accordance with the terms and conditions of the permit;
9. Any federal, state or local historical society, museum or institutional collection which is open to the public, provided that the large-capacity magazine is properly housed, secured from unauthorized handling and unloaded;
10. Any person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to the law;

11. A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;
12. Any person in the business of selling or transferring large-capacity magazines in accordance with California Penal Code Section 32310 who is in possession of a large-capacity magazine solely for the purpose of doing so; or
13. Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm;

F. Penalty.

A violation of this section shall be subject to enforcement through criminal prosecution and/or civil penalties, as provided herein.

1. Violation a Misdemeanor

A person who violates this Chapter shall be guilty of a misdemeanor punishable by imprisonment in the County Jail not exceeding six months or by fine not exceeding one thousand dollars (\$1,000), or by both. Each violation shall be deemed a distinct and separate offense.

2. Civil Penalties

The City may assess civil penalties pursuant to Oakland Municipal Code Chapter 1.08 (Civil Penalties) in the amount of one thousand dollars (\$1,000 per violation.

G. Remedies not exclusive.

Remedies under this Chapter are cumulative and not exclusive. They are in addition to and do not supersede or limit other administrative, civil, and/or criminal remedies provided under state or federal law, or other provisions of the Oakland Municipal Code. The City may seek an order for the award of attorney's fees.

H. Amendments to State laws adopted herein.

In the event that any California statute adopted or referred to in this Chapter is amended or succeeded by another enactment of the California Legislature, such amendments shall be deemed automatically adopted as part of this chapter as if fully set forth herein unless the City Council amends this Chapter to provide otherwise.

SECTION 2. Severability and Validity.

If any provision of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction within the State of California, such decision shall not affect the validity of the remaining provisions. The City Council declares that it would have adopted the remaining provisions irrespective of the provisions, sections, sentences, clauses, or words declared invalid or unconstitutional.

SECTION 3. Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall be effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

JAN 19 2016

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ AND PRESIDENT
GIBSON MCELHANEY - 7

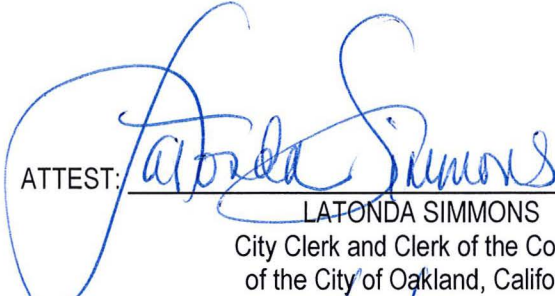
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation:

2/5/14

Introduction Date

JAN 05 2016

NOTICE AND DIGEST

ORDINANCE PROHIBITING POSSESSION OF LARGE-CAPACITY MAGAZINES

This ordinance prohibits the possession of large-capacity magazines. Violation may be punishable as a misdemeanor and/or a civil penalty.

DENNIS J. HERRERA, State Bar #139669
City Attorney
WAYNE SNODGRASS, State Bar #148137
CHRISTINE VAN AKEN, State Bar #241755
Deputy City Attorneys
1 Dr. Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, California 94102-4682
Telephone: (415) 554-4633
Facsimile: (415) 554-4699
E-Mail: christine.van.aken@sfgov.org

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
SAN FRANCISCO MAYOR EDWIN LEE, and
SAN FRANCISCO POLICE CHIEF GREG SUHR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO VETERAN POLICE
OFFICERS ASSOCIATION, LARRY
BARSETTI, RAINERIO GRANADOS,
ARTHUR RITCHIE, and RANDALL LOW,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO, THE MAYOR OF SAN
FRANCISCO, EDWIN LEE in his official
capacity, THE CHIEF OF THE SAN
FRANCISCO POLICE DEPARTMENT,
GREG SUHR, in his official capacity, and
DOES 1-10,

Defendants.

Case No. CV 13-5351 WHA

**DECLARATION OF CAPTAIN DAVID S.
LAZAR IN SUPPORT OF SAN FRANCISCO'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Hearing Date: February 13, 2014
Time: 8:00 a.m.
Place: Courtroom 8, 19th Floor

Date Action Filed: Nov. 19, 2013
Trial Date: None Set

I, David S. Lazar, declare as follows:

1. I am a Captain of the San Francisco Police Department. I have been a law enforcement officer with SFPD for 22 years and was appointed to the rank of captain six years ago. I am currently the commanding officer of the SFPD's Training Division, which includes responsibility for the Police Academy, the SFPD range, SFPD's field training program, its inservice training, and firearms training

for all department members. I have been the commanding officer at the Ingleside Police Station and have supervised the Personal Crimes Division, the Juvenile Domestic Violence Division, the Investigations Division, and many other command assignments.

2. The matters stated in this declaration are based on my training, education, and experience. I could and would testify competently to the matters stated in this declaration.

3. I make this declaration in support of the City and County of San Francisco's recently enacted Police Code § 619, which prohibits the civilian possession of large-capacity ammunition magazines, defined as detachable ammunition feeding devices with the capacity to accept more than 10 rounds.

4. I understand that the plaintiffs in this case contend that they may need to use large-capacity magazines to defend themselves or their homes effectively. I believe that this contention is wrong. In my 22 years as a police officer, I cannot recall hearing of any specific instance, in San Francisco or elsewhere, where a citizen using a standard-capacity magazine of 10 rounds or less needed to reload during a self-defense scenario.

5. In a dense urban area like San Francisco, police officers are trained to be very judicious in discharging their firearms because of the prospect of collateral injury to persons other than the target. Most civilians who are affected by Police Code § 619 do not have such training. Increasing the number of rounds that they can immediately fire in a self-defense emergency through the use of large-capacity magazines could result in unnecessary injury to innocent people who are nearby.

6. I understand that the plaintiffs in this action contend that a 1993 study shows that police officers have a 37% rate of successfully hitting targets in incidents in which they fire at that target one or more times. Plaintiffs contend that the low hit rate of police officers demonstrates why civilians need large-capacity magazines to effectively defend themselves. I am not familiar with the study plaintiffs cite. But in my opinion, if it is true that civilians miss their targets in most cases, then if they can readily discharge more bullets through the use of a large-capacity magazine, that could result in unnecessary collateral injuries to innocent people.

7. In any event, I doubt that the hit rate of police officers in performing their official duties bears any relationship to the rate at which civilians can successfully hit targets when shooting in

1 self-defense. Police officers are sworn to protect public safety and public order. Their jobs require
2 them to place themselves in harm's way and, sometimes, to fire shots at dangerous offenders in
3 circumstances that would not occur in the daily lives of civilians, such as firing a gun at a moving
4 target or while chasing a fleeing felon. In my opinion, attempting to compare the hit rates of police
5 officers in such circumstances with likely hit rates for civilians is meaningless because the
6 circumstances are so dissimilar.

7 8. In my opinion, large-capacity magazines in the hands of criminals pose a greater danger
8 to police officers than standard-capacity magazines. When a shooter must pause, even briefly, to
9 reload, police officers have the opportunity to take action, either by advancing or falling back to take
10 cover. A shooter who does not have to reload does not give police that opportunity. Unfortunately,
11 this has been illustrated in a real-life tragedy. In November 1994, San Francisco Police Department
12 Officer James Guelff, whom I knew personally and had worked with, was killed at Pine Street and
13 Franklin Street by a shooter with an assault rifle who was carrying what the media reported as about
14 1000 rounds of ammunition. Officer Guelff responded to a report of shots fired and a car-jacking in
15 progress and was met with the suspect's fire from an assault rifle. Officer Guelff returned fire with his
16 service revolver, which contained six shots. Officer Guelff was outgunned by the shooter with high-
17 capacity magazines and was tragically murdered.

18 9. There are also more recent examples of San Francisco Police Department officers being
19 targeted with large-capacity magazines. Attached to this declaration as Exhibit A is a true and correct
20 copy of a police report concerning an attempted homicide of police officers which occurred in April
21 2013. In this incident, suspects fired 10-15 shots at an unmarked patrol vehicle, at least four of which
22 hit the vehicle. During the investigation of the event, officers recovered a 30-round Glock magazine
23 and a Glock 17 semiautomatic pistol from the suspects' path of travel and another extended capacity
24 firearm magazine in a backpack located in the backseat of the suspects' vehicle.

25 10. I am familiar with many of the makes and models of firearms available for sale to
26 civilians in California. Because of California's prohibition on the manufacture and sale of large-
27 capacity magazines, it is generally unlawful for sellers to sell or offer for sale a handgun or long gun
28 with a magazine that can accommodate more than 10 rounds of ammunition, except to law

1 enforcement. For firearms that come standard in other states with large-capacity magazines, sellers
2 have responded to California's magazine restriction by selling "California-legal" versions of their
3 firearms with magazines that do not violate California's restrictions on large-capacity magazine sales.

4 11. I am familiar with the San Francisco Police Department's expectations for off-duty
5 police officers. SFPD officers are afforded the opportunity to act as peace officers when confronted
6 with criminal situations and may act as law enforcement officers at any time. For example, off-duty
7 SFPD officers may assist active-duty officers if they are in the vicinity of an incident. They may also
8 interrupt crimes that they witness while off-duty. For that reason, SFPD officers are authorized to
9 carry firearms with them even when off duty, including firearms equipped with large-capacity
10 magazines.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct. Executed this 15 day of January, 2014, in San Francisco, California.

13
14 
15 CAPTAIN DAVID S. LAZAR
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A
TO
DECLARATION OF CAPTAIN DAVID S. LAZAR
IN SUPPORT OF SAN FRANCISCO'S OPPOSITION
TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Retrieved by A10307 on 12/19/2013 at 0:00:00 AM

San Francisco Police Department

INCIDENT REPORT

Report Type: Supplemental

130309253

I N C I D E N T	Incident Number 130-308-253	Occurrence From Date / Time 04/16/2013 01:14	Occurrence To Date / Time 04/16/2013 01:14	Reported Date / Time 04/16/2013 01:14	CAD Number 131060140	130309253			
	Type of Incident INVESTIGATIVE DETENTION 04085								
	Location of Occurrence: 679 GATES ST		At Intersection with/Premise Type STREET, (NOT SIDEWALK)		District INGLESIDE				
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>		Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used) Reporting Unit SH11E	
Location Sent / On View: 679 GATES ST		At Intersection with		Reporting District INGLESIDE					
How Cleared?		Reported to Bureau DOC	Name Garrity, James B	Star 2158	Date/Time 04/16/2013 02:30	Elder Victim? <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>

O F F I C E R I A T I O N	I declare under penalty of perjury, this report of 6 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 116 CERTIFIED 5 Year/Post							
	Reporting Officer APODACA, NICHOLAS B		Star 408	Station Ingleside Station	Watch 2100-0700	Date 04/16/13 08:34		
	Reviewing Officer GARRICK, AVA J		Star 1190	Station Ingleside Station	Watch 0530-1530	Date 04/16/13 06:37		
	OIC WEARING, IRENE L		Star 1865	Station Ingleside Station	Watch 0530-1530	Date 04/16/13 06:41		
	Related Case	Related Case	Re-assigned to Copies to 5X200 3*300	Assigned to 5X200 Add'l Copies CO, C/I		Assigned by NA 408		

R E P O R T E E	Code R 1	Name (Last, First Middle) #408, #2200, SFPD			Alias			Email			
	Day Phone	Type	Home Address			City		State	Zip Code		
	Night Phone (415) 404-4000	Type Work	Work Address 1 SERGEANT JOHN V YOUNG LANE			City SAN FRANCISCO		State CA	Zip Code 94112-		
	DOB	Age	DOB	Age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Star			Follow-up Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject STRANGER/NONE	
	School (if Juvenile)			Injury/Treatment NONE			Other Information/If Interpreter Needed Specify Language				

846 V 91 MAY CIR

JIM SWAN
CLERK

Retrieved by A10307 on 12/19/2013 at 5:00:07 AM

San Francisco Police Department

Report Type: Supplemental

INCIDENT REPORT

130309253

D
E
T
A
I
N
E
D

Code D 1	Name (Last, First Middle) HERBERT, DARRELL JOSHUA		Alias		Email Unk	
Day Phone (000) 000-0000		Type Unknown	Home Address 679 GATES STREET		City SAN FRANCISCO	State CA
Night Phone		Type	Work Address		City	Zip Code 94110-
DOB Unknown <input type="checkbox"/>	Date of Birth 04/04/01	Age 22	or age between and	Race A	Sex M	Height 5'9
				Weight 200	Hair Color BLK	Eye Color BRN
SFNO	J/D# (If Juv)	ID Type/Jurisdiction/Number DL CA		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number
Booking Charge(s)				Booking Location		
Warrant #	Court#	Action#	Dept#	Enroute to		
Warrant Violation(s)					Bail (\$)	
Citation#	Violation(s)			Appear Date/Time	Location of Appearance	
<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date	Time	CWB Check	Star	
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (If Juvenile)	Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos						

D
E
T
A
I
N
E
D

Code D 2	Name (Last, First Middle) CONSTANTINO, RAYMOND JEREMY		Alias		Email Unk	
Day Phone (000) 000-0000		Type Unknown	Home Address 370 LELAND AVENUE		City SAN FRANCISCO	State CA
Night Phone		Type	Work Address		City	Zip Code 94134-
DOB Unknown <input type="checkbox"/>	Date of Birth 10/25/91	Age 21	or age between and	Race A	Sex M	Height 5'5
				Weight 100	Hair Color BLK	Eye Color BRN
SFNO	J/D# (If Juv)	ID Type/Jurisdiction/Number DL CA		ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number
Booking Charge(s)				Booking Location		
Warrant #	Court#	Action#	Dept#	Enroute to		
Warrant Violation(s)					Bail (\$)	
Citation#	Violation(s)			Appear Date/Time	Location of Appearance	
<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date	Time	CWB Check	Star	
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (If Juvenile)	Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos						

Relieved by A10307 on 12/19/2013 at 08:08 AM

San Francisco Police Department

Report Type: Supplemental

INCIDENT REPORT

130309253

PROPERTY 1	Code/No	Item Description			Brand		Model	
	EVD 1	CD DISC						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1		
Seized by (Star)		From Where						
408		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								
PROPERTY 2	Code/No	Item Description			Brand		Model	
	EVD 2	DNA COLLECTION DATA SHEET			SFPD		235B	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				WHI	13282163	2		
Seized by (Star)		From Where						
2286		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								
PROPERTY 3	Code/No	Item Description			Brand		Model	
	EVD 3	GSR COLLECTION DATA SHEET			SFPD		235C	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				WHI	13202163	2		
Seized by (Star)		From Where						
2286		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								
PROPERTY 4	Code/No	Item Description			Brand		Model	
	EVD 4	CRIME LABORATORY EXAMINATION REQUEST FORM			SFPD		84	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				WHI	13282163	1		
Seized by (Star)		From Where						
2286		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								
PROPERTY 5	Code/No	Item Description			Brand		Model	
	EVD 5	CERTIFICATE OF RELEASE FORM			SFPD		184	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				WHI		2		
Seized by (Star)		From Where						
408		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								
PROPERTY 6	Code/No	Item Description			Brand		Model	
	EVD 6	PAPER HAND BAGS						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				BRO		2		
Seized by (Star)		From Where						
2286		CO. H						
Additional Description/Identifying Numbers								
Booked at Co. H by #2286								

Retrieved by A10307 on 12/19/2013 at 8:06:09 AM

San Francisco Police Department

Report Type: Supplemental

INCIDENT REPORT

130309253

PROPERTY	Code/No EVD 7	Item Description GSR COLLECTION KIT				Brand		Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 2	Value		
	Seized by (Star) 2286		From Where CO. H						
	Additional Description/Identifying Numbers Booked at Co. H by #2286								
PROPERTY	Code/No EVD 8	Item Description AMMUNITION				Brand HSM		Model	
	Serial No.	Gun Make	Caliber 38 Special	Color CPR	Narcotics Lab No.	Quantity 100	Value		
	Seized by (Star) 408		From Where INSIDE OF (U I) HONDA CIVIC TRUNK						
	Additional Description/Identifying Numbers (2) HSM brand, 158 grain, semi-wadcutter boxes, 50 rounds each box. Booked at Co. H by #2286								
VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTER, D - DAMAGED, F - USED FFI ONLY, R - RECOVERED, S - STOLEN, SR - STOLEN/RECOVERED, T - TOWED, U - USED OTHER, V - VANDALIZED, X - STRIPPED								
	Code U 1	Plate No. 6WY138	State CA	Reg Yr 2013	Plate Type PC	VIN No. JH1MEJ8874WS009483			
	Veh Year 1998	Make Honda	Model CIVIC						
	Style Sedan, 4 Door	Color Black	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>					
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>				Damage NONE		Point of Entry		
	Crime Scene Tech. Notified? <input type="checkbox"/>	307 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Star		Towed to (Name/Address)		Tow Check (Name) Star		
	Hold For		Other Information						
	Registered Owner Business Name/Last Name (R/O) HERBERT								
	First Name DARRELL				Residence Phone				
	Residence Address 679 Gates St				City SAN FRANCISCO	State CA	Zip 94110.	Business Phone	

Retrieved by A10307 on 12/19/2013 at 8:06:08 AM

San Francisco Police Department
INCIDENT REPORT

Report Type: Supplemental

130309253

NARRATIVE

On 04/16/13 at approximately 0115 hours, Officer Jones #2286 and I were on patrol, in full police uniform, riding in a fully marked police vehicle in the city and county of San Francisco. I was sitting in the front passenger seat and Officer Jones was driving our patrol vehicle.

Dispatch advised Bayview units observed a vehicle fleeing the scene of an incident involving another vehicle firing gunshots at an unmarked Bayview patrol vehicle. 3C13E Officer Alvarenga #1630 advised the fleeing vehicle was a Honda with a license plate of 6WVY138, last seen with five occupants. A computer check of the above mentioned vehicle listed the registered owner as Darrell Herbert with a registered address of 579 Gates Street. We responded to the 500 block of Gates Street in an attempt to locate the vehicle and any possible suspects.

While traveling southbound Gates Street, we observed the above mentioned black (U1) Honda Civic (CA6WVY138), slowly reversing into a parking spot in front of 579 Gates Street. After Officer Jones stopped our patrol vehicle, we both exited and advanced towards the vehicle. I observed (D1) Darrell Herbert (04/04/91) sitting in the front driver seat of the vehicle, as well as (D2) Raymond Constantino (10/25/91) sitting in the front passenger seat. I observed the vehicle was still running and after telling Herbert to turn the vehicle off, he did. Both Herbert and Constantino were told to exit the vehicle and they did. Both were placed in handcuffs and detained pending further investigation. Herbert was identified via his California driver's license (E-) and Constantino was identified via his California ID Card (E-).

Officer Alvarenga arrived on scene shortly thereafter and identified both Herbert as the driver and the vehicle as being the same as the one that fled earlier.

Per 3C108 Sergeant Schaffer #1181, both Herbert's and Constantino's hands were paper bagged for GSR testing.

We transported Herbert back to Ingleside Station. 3H90 Officers Seavey #2292 and Padilla #2272 transported Constantino back to Ingleside Station. Per Sergeant Schaffer, 3H11E Officer Peregrina #2286 drove the Honda back to Ingleside Station.

As a GSR collection trained Officer, Officer Jones conducted a GSR collection of Herbert and Constantino and completed two (E3) SFPD 235c forms, which were later booked into evidence at Ingleside Station.

An incidental search of the Honda by myself resulted in locating two boxes of 38 Special (E8) ammunition (HSM, 158 grain, semi-wadcutter, 50 count each) inside the trunk, located in a plastic bag. I took digital photos of the vehicle and ammunition which were later saved onto a (E1) CD Disc. With a fresh pair of latex gloves, I seized the ammunition from inside the trunk.

5X105 Inspector Garrity #2156 responded to Ingleside Station and took over the investigation.

Officer Jones voluntarily obtained a DNA sample from Herbert and Constantino and completed two (E2) SFPD 235b forms and one (E4) SFPD 64 form. Lab number 13282163 was requested regarding the two DNA samples obtained.

Per Inspector Garrity, both Herbert and Constantino were released from Ingleside Station per 849(b) PC and each issued a (E5) Certificate of Release form.

Officer Jones booked the CD Disc, (E6) paper hand bags, (E7) GSR collection kit, ammunition, Certificate of Release forms, SFPD 64 form, SFPD 235b forms and SFPD 235c forms into evidence at Ingleside Station.

Retrieved by A10307 on 12/19/2013 at 10:00:55 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

I N C I D E N T	Incident Number 130-309-253	Occurrence From Date / Time 04/16/2013 00:17	Occurrence To Date / Time 04/16/2013 00:32	Reported Date / Time 04/16/2013 00:17	CAD Number 131060036	1 3 0 3 0 9 2 5 3	
	Type of Incident ASSAULT, ATT. HOMICIDE, W/ GUN 04021 ASSAULT, AGGRAVATED, ON POLICE OFFICER, W/ SEMI AUTO 04094 EVADING A POLICE OFFICER RECKLESSLY 27176						
	Location of Occurrence: 200 HUNTERS POINT BL				At Intersection with/Promise Type EVANS AVENUE / PARK		
	Confidential Report? <input type="checkbox"/>		Arrest Made? <input checked="" type="checkbox"/>		Suspect Known? <input type="checkbox"/>		
	Suspect Unknown? <input type="checkbox"/>		Non-Suspect Incident? <input type="checkbox"/>		Domestic Violence? <input type="checkbox"/>		
Reporting Unit 3C13E							
Location Sent / On View: 200 HUNTERS POINT BL				Reporting District DAYVIEW			
How Cleared? 6							
Reported to Bureau DOC		Name Drophy, Timothy		Star 2112			
Date/Time 04/16/2013 00:50		Elder Victim <input type="checkbox"/>		Gang Related? <input checked="" type="checkbox"/>			
Juvenile Subject? <input type="checkbox"/>		Prejudice Based? <input type="checkbox"/>					

O F F I C E R A T I O N	I declare under penalty of perjury, this report of 27 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 116 CERTIFIED Post Training					
	Reporting Officer ASCHWANDEN, DAVID J		Star 4257	Station Bayview Station	Watch 2100-0700	Date 04/16/13 09:25
	Reviewing Officer DANGERFIELD, TROY J		Star 250	Station Bayview Station	Watch 0530-1630	Date 04/16/13 09:28
	OIC DANGERFIELD, TROY J		Star 250	Station Bayview Station	Watch 0530-1630	Date 04/16/13 09:28
	Related Case ..	Related Case ..	Re-assigned to Copies to 3*300	Assigned to 3*300 Addl Copies: BAYVIEW SIT, HOMICIDE, CIU, GTF, HIT AND RUN, OR, DA		Assigned by DA 4257

R E P O R T E E	Code R 1	Name (Last, First Middle) SFPD #4257, SFPD #1630		Alias		Email	
	Day Phone (415) 671-2300	Type Work	Home Address		City	State	Zip Code
	Night Phone	Type	Work Address 201 WILLIAMS AVENUE		City SAN FRANCISCO	State CA	Zip Code 04124
	DOB / Age Unk. <input type="checkbox"/>	DOB	Age between and	Race	Sex	Height	Weight
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject STRANGER/NONE
	School (If Juvenile)	Injury/Treatment		Other Information/If Interpreter Needed Specify Language			

2013 APR 16 12:45

FMS UNIT

Retrieved by A10397 on 12/19/2019 at 16:06:56 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

BOOKED

Code B 1	Name (Last, First Middle) IOANE, LEAFATULAGI		Alias		Email	
Day Phone (415) 685 6699	Type Cell	Home Address 128 NORTH RIDGE ROAD		City SF	State CA	Zip Code 94124
Night Phone	Type	Work Address		City	State	Zip Code
DOB Unknown <input type="checkbox"/>	Date of Birth 05/07/84	Age 18	or age between and	Race A	Sex F	Height 6'6
				Weight 230	Hair Color BRO	Eye Color BRO
SFNO	J/D# (If Juv)	ID Type/Jurisdiction/Number DL CA		ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	
Booking Charge(s) 2800.2 CVC / 12500(a) CVC				Booking Location COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY		
Warrant #	Court#	Action#	Dept#	Enroute to		
Warrant Violation(s)				Bail (\$)		
Citation#	Violation(s)		Appear Date/Time	Location of Appearance		
<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date Time	CWB Check	Star		
Book/Cite Approval SGT BROPHY	Star 2112	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (If Juvenile)	Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tattoos GRAY HOODIE, BLUE JEANS AND BEIGE SHOES						

DETAINED

Code D 1	Name (Last, First Middle) WINTERSTEIN, EVELYN PULETELE		Alias		Email	
Day Phone (000) 000-0000	Type Unknown	Home Address 140 MIDDLEPOINT ROAD		City SF	State CA	Zip Code 94124
Night Phone (000) 000-0000	Type Unknown	Work Address		City	State	Zip Code
DOB Unknown <input type="checkbox"/>	Date of Birth 02/13/91	Age 22	or age between and	Race A	Sex F	Height 6'11
				Weight 215	Hair Color BLK	Eye Color BRO
SFNO	J/D# (If Juv)	ID Type/Jurisdiction/Number DL CA		ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	
Booking Charge(s)				Booking Location		
Warrant #	Court#	Action#	Dept#	Enroute to		
Warrant Violation(s)				Bail (\$)		
Citation#	Violation(s)		Appear Date/Time	Location of Appearance		
<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date Time	CWB Check	Star		
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (If Juvenile)	Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tattoos LSW: RED PFACOT, PINK HOODIE, BLUE JEANS, RAINBOW TOMS.						

Retrieved by A10307 on 12/19/2013 at 11:03:57 AM

San Francisco Police Department
INCIDENT REPORT

130309253

Report Type: Initial

D
E
T
A
I
N
E
D

Code D 2	Name (Last, First Middle) JANESA, LEE MO V L EUI				Alias				Email			
Day Phone (000) 000-0000		Type Unknown		Home Address 0000 GOLDEN GATE & HYDE UNKNOWN				City SF		State UNKNOWN		Zip Code -
Night Phone		Type		Work Address				City		State		Zip Code
DOB Unknown	Date of Birth 06/10/04	Age 18	or age between and		Race A	Sex F	Height	Weight	Hair Color BRO	Eye Color BRO		
SFNO	JID# (if Juv)	ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number		
Booking Charge(s)								Booking Location				
Warrant #	Court#	Action#		Dept#		Enroute to						
Warrant Violation(s)								Bail (\$)				
Citation#	Violation(s)				Appear Date/Time		Location of Appearance					
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star				
Book/Cite Approval	Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (if Juvenile)				Statement <input type="checkbox"/>		
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos												

D
E
T
A
I
N
E
D

Code D 3	Name (Last, First Middle) VAOGA, FLORENCE MARIA				Alias				Email			
Day Phone (000) 000-0000		Type Unknown		Home Address 43 NORTH IRIDGE ROAD				City SF		State CA		Zip Code 94124-
Night Phone (000) 000-0000		Type Unknown		Work Address				City		State		Zip Code
DOB Unknown	Date of Birth 03/19/95	Age 18	or age between and		Race A	Sex F	Height 6'4	Weight 185	Hair Color BRO	Eye Color BRO		
SFNO	JID# (if Juv)	ID Type/Jurisdiction/Number DL CA				ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number		
Booking Charge(s)								Booking Location				
Warrant #	Court#	Action#		Dept#		Enroute to						
Warrant Violation(s)								Bail (\$)				
Citation#	Violation(s)				Appear Date/Time		Location of Appearance					
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star				
Book/Cite Approval	Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (if Juvenile)				Statement <input type="checkbox"/>		
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos												

Retrieved by A10307 on 12/19/2013 at 8:06:58 AM

San Francisco Police Department
INCIDENT REPORT

130309253

Report Type: Initial

D
E
T
A
I
N
E
D

Code D 4	Name (Last, First Middle) SEGI-DAVIS, FRANCIELS				Alias				Email				
Day Phone (000) 000-0000		Type Unknown		Home Address 19 CARR STREET				City SF		State CA		Zip Code 94124-	
Night Phone (000) 000-0000		Type Unknown		Work Address				City		State		Zip Code	
DOB Unknown <input type="checkbox"/>		Date of Birth 01/01/92		Age 21		or age between and		Race B		Sex M		Height 6'0	
								Weight 170		Hair Color BLK		Eye Color BRO	
SFNO 654902		J/D# (If Juv)		ID Type/Jurisdiction/Number FBI USA				ID Type/Jurisdiction/Number CII USA				ID Type/Jurisdiction/Number	
Booking Charge(s)								Booking Location					
Warrant #		Court#		Action#		Dept#		Enroute to					
Warrant Violation(s)								Bail (\$)					
Citation#		Violation(s)				Appear Date/Time		Location of Appearance					
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star					
Book/Cite Approval		Star		Mass Arrest Code		<input type="checkbox"/> M X-Rays		School (If Juvenile)				Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos													

D
E
T
A
I
N
E
D

Code D 5	Name (Last, First Middle) SEGI, SIVANE				Alias				Email				
Day Phone (000) 000-0000		Type Unknown		Home Address 19 CARR STREET				City SF		State CA		Zip Code 94124-	
Night Phone (000) 000-0000		Type Unknown		Work Address				City		State		Zip Code	
DOB Unknown <input type="checkbox"/>		Date of Birth 02/23/91		Age 22		or age between and		Race B		Sex M		Height 6'5	
								Weight 135		Hair Color BLK		Eye Color BRO	
SFNO 637093		J/D# (If Juv)		ID Type/Jurisdiction/Number DL CA				ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number	
Booking Charge(s)								Booking Location					
Warrant #		Court#		Action#		Dupl#		Enroute to					
Warrant Violation(s)								Bail (\$)					
Citation#		Violation(s)				Appear Date/Time		Location of Appearance					
<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star					
Book/Cite Approval		Star		Mass Arrest Code		<input type="checkbox"/> M X-Rays		School (If Juvenile)				Statement <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos													

Retrieved by A10397 on 12/19/2013 at 6:08:59 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

D E T A I N E D	Code D 6	Name (Last, First Middle) TAYLOR, DEON				Alias				Email			
	Day Phone (000) 000-0000		Type Unknown	Home Address 220 MIDDLE POINT ROAD				City SF		State CA		Zip Code 04124-	
	Night Phone (000) 000-0000		Type Unknown	Work Address				City		State		Zip Code	
	DOB Unknown	Date of Birth 00/25/00	Age 24	or age between and		Race R	Sex M	Height 6'2	Weight 155	Hair Color BLK	Eye Color BRO		
	SFNO 61987G	J/D# (If Juv)		ID Type/Jurisdiction/Number CII USA			ID Type/Jurisdiction/Number DL CA			ID Type/Jurisdiction/Number FBI USA			
	Booking Charge(s)						Booking Location						
	Warrant #		Court#		Action#		Dept#		Enroute to				
	Warrant Violation(s)								Bail (\$)				
	Citation#		Violation(s)				Appear Date/Time		Location of Appearance				
	<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star				
Book/Cite Approval		Star		Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (If Juvenile)		Statement <input type="checkbox"/>			
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tattoos LSW: DARK BLUE JEANS, FREY HOODIE, GREY SHIRT, BLACK NIKES.													

D E T A I N E D	Code D 7	Name (Last, First Middle) FAATAUI, CENTURY				Alias				Email			
	Day Phone (000) 000-0000		Type Unknown	Home Address 144 WEST POINT ROAD				City SF		State CA		Zip Code 94124-	
	Night Phone (000) 000-0000		Type Unknown	Work Address				City		State		Zip Code	
	DOB Unknown	Date of Birth 01/06/91	Age 22	or age between and		Race A	Sex M	Height 6'10	Weight 210	Hair Color BLK	Eye Color BRO		
	SFNO 65054G	J/D# (If Juv)		ID Type/Jurisdiction/Number DL CA			ID Type/Jurisdiction/Number FBI USA			ID Type/Jurisdiction/Number CII USA			
	Booking Charge(s)						Booking Location						
	Warrant #		Court#		Action#		Dept#		Enroute to				
	Warrant Violation(s)								Bail (\$)				
	Citation#		Violation(s)				Appear Date/Time		Location of Appearance				
	<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star				
Book/Cite Approval		Star		Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (If Juvenile)		Statement <input type="checkbox"/>			
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tattoos													

Retrieved by A10307 on 12/19/2013 at 8:07:00 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

PROPERTY 1	Code/No	Item Description			Brand		Model	
	EVD 1	GUN						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
			9MM	BLK		1		
Seized by (Star)		From Where						
638		INDIA BASIN PARK						
Additional Description/Identifying Numbers								
Refer to CSI Supplemental								
PROPERTY 2	Code/No	Item Description			Brand		Model	
	EVD 2	GUN					GLOCK 17	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
			GLOCK	9MM	BLK		1	
Seized by (Star)		From Where						
638		EVANS AVENUE						
Additional Description/Identifying Numbers								
Refer to CSI Supplemental								
PROPERTY 3	Code/No	Item Description			Brand		Model	
	EVD 3	EXTENDED MAGAZINE						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				BLK		1		
Seized by (Star)		From Where						
638		EVANS AVENUE						
Additional Description/Identifying Numbers								
Refer to CSI Supplemental								
PROPERTY 4	Code/No	Item Description			Brand		Model	
	EVD 4	EXTENDED MAGAZINE						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1		
Seized by (Star)		From Where						
4267		FROM INSIDE SUSPECT VEHICLE.						
Additional Description/Identifying Numbers								
Booked at Bayview Station.								
PROPERTY 5	Code/No	Item Description			Brand		Model	
	EVD 5	FIRED CASINGS						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
			9MM	MUL/COL		2		
Seized by (Star)		From Where						
4257		INDIA BASIN PARK						
Additional Description/Identifying Numbers								
Booked at Bayview Station.								
PROPERTY 6	Code/No	Item Description			Brand		Model	
	EVD 6	BACKPACK						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				BLK		1		
Seized by (Star)		From Where						
4257		INSIDE SUSPECT VEHICLE (WHITE SUBURBAN)						
Additional Description/Identifying Numbers								
Booked at Bayview Station. Contains blue document folder with Certificate of Completion for IPO-HSA New Employee Orientation (NEO) Issued to Century Fastaut on 04/15/2013.								

Retrieved by A10307 on 12/19/2013 at 8:07:01 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 7	GSR TEST KITS						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
						0		
	Seized by (Star)		From Where					
	1114		ALL SUSPECTS IN SUSPECT VEHICLE (WHITE SUBURBAN)					
	Additional Description/Identifying Numbers							
	Booked at Bayview Station. (Refer to Ofc. Talusan's Statement)							
PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 8	LEAFY VEGETABLE SUBSTANCE						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				GRN	13282163	1		
	Seized by (Star)		From Where					
	704		NB 101					
	Additional Description/Identifying Numbers							
	Refer to Ofc. Cader's statement							
PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 9	GRINDER						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				GRN		1		
	Seized by (Star)		From Where					
	704		N/B 101					
	Additional Description/Identifying Numbers							
	Refer to Ofc. Cader's Statement							
PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 10	CD						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1		
	Seized by (Star)		From Where					
	704		N/B 101					
	Additional Description/Identifying Numbers							
	Contains photographs taken on scene. Refer to Ofc. Cader's statement.							
PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 11	CD						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1		
	Seized by (Star)		From Where					
	2438		INDIA BASIN PARK					
	Additional Description/Identifying Numbers							
	Contains photographs taken on scene.							
PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 12	849 FORMS			SFPD			
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				MUL/COL		7	\$0.00 Total	
	Seized by (Star)		From Where					
	4270		SOUTHERN STATION					
	Additional Description/Identifying Numbers							
	OFC CUNNINGHAM #1264 ALSO COLLECTED SOME OF THESE FORMS FROM SOUTHERN STATION							

Retrieved by A10307 on 12/19/2013 at 8:07:02 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED, D - DAMAGED, F - USED FELONY, R - RECOVERED, S - STOLEN, SR - STOLEN/RECOVERED, T - TOWED, U - USED OTHER, V - VANDALIZED, X - STRIPPED					
	Code F 1	Plate No. 4T7A184	State CA	Reg Yr 2013	Plate Type PC	VIN No.
	Veh Year 1999	Make Chevrolet	Model SUBURBAN			
	Style Truck Style	Color White	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>		
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Sgt. Brophy	Star 2112	Towed to (Name/Address) CSI LOT, 450 7TH STREET	Tow Check (Name) Star
	Hold For Criminal Investigations Unit		Other Information			
	OWNER	Registered Owner Business Name/Last Name (R/O) TAQUIMA		First Name LUISA		Residence Phone (415) 685-0099
Residence Address 9 Harbor Rd		City SAN FRANCISCO	State CA	Zip 94124-	Business Phone	
VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED, D - DAMAGED, F - USED FELONY, R - RECOVERED, S - STOLEN, SR - STOLEN/RECOVERED, T - TOWED, U - USED OTHER, V - VANDALIZED, X - STRIPPED					
	Code U 1	Plate No. 6WVY138	State CA	Reg Yr 1998	Plate Type PC	VIN No. JHMEJ0674WS009403
	Veh Year 1998	Make Honda	Model CIVIC			
	Style Sedan, 4 Door	Color Black	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>		
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name) Star
	Hold For		Other Information			
	OWNER	Registered Owner Business Name/Last Name (R/O) HERBERT		First Name DARRELL		Residence Phone
Residence Address 579 Gates St		City SAN FRANCISCO	State CA	Zip 94110-	Business Phone	

Retrieved by 710307 on 12/10/2013 at 0:07:03 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

NARRATIVE

On 04/16/2013 at approximately 0017 Hrs, Ofc. Alvarenga #1630 and I responded as back up to a Bayview plain clothes unit that had been fired upon in the area of India Basin Park (200 Hunters Point Expressway). Refer to Ofc. Faye's #1379 and Ofc. Eastlund's #1318 statements.

I was driving a marked police unit driving code-3 (emergency lights and siren activated) from the area of Ingalls Street at La Salle Avenue. I was travelling Northbound on Ingalls to the intersection of Ingalls at Innes Avenue. I turned right onto Innes Street traveling Eastbound Innes to the intersection of Innes Avenue at Hawes Street. I turned left onto Hawes Street traveling Northbound on Hawes to the intersection of Hawes Street and Evans Avenue. I turned left onto Evans Avenue traveling Westbound on Evans to the entrance on India Basin Park.

Upon arrival at India Basin park, I viewed approximately five vehicles approaching the exit of India Basin Park from inside of the park and attempting to turn Westbound onto Evans. I had my red lights and siren activated because I was driving code-3; however, none of the vehicles pulled to the right nor did they stop their vehicles. Of the five vehicles viewed, Ofc. Alvarenga and I were able to identify a (U/F1) White Chevy Suburban with California plates 4TZA184, (U/F1) Black Honda with California plates 6WVY138, and a Burgundy SUV with unknown plates.

Due to the seriousness of the call, the location of the vehicles, and the manner in which the vehicles were behaving, Ofc. Alvarenga and I determined that the vehicles were possibly involved with the shooting. The vehicles continued to drive away from my vehicle fleeing Westbound on Evans Avenue. The (U/F1) White Chevy was traveling at the highest rate of speed and appeared to be attempting to flee with the greatest effort. I therefore decided to pursue the White Chevy instead of the other vehicles.

I pursued the White Chevy Westbound on Evans at approximately 50-60 miles per hour. I watched the White Chevy run through multiple red lights and stop signs without obeying any traffic laws. From my recollection I recall that the Chevy failed to stop for a posted stop sign on Evans Avenue at Jennings, failed to stop for a solid red light at Evans and 3rd Street, failed to stop for a solid red light at Evans and Napoleon Street, failed to stop for a solid red light at Evans and Army, and failed to stop for a solid red light at 9th Street and Bryant Street. Officer Alvarenga provided updated information to dispatch as I drove our vehicle in pursuit of the White Chevy. The route of pursuit is as follows: Westbound Evans Avenue to the intersection of Evans Avenue and Army Street, left turn on Army Street heading Westbound on Army, Westbound on Army Street to the intersection of Army Street and the Northbound 101 on ramp, right turn heading N/B on 101 to the N/B 101 and E/B 80 split, left turn at the split traveling N/B 101 to the 9th Street off-ramp, right turn on the 9th Street off-ramp to Eastbound Bryant Street, straight on Bryant Street until stopping in front of 1046 Bryant Street.

During the pursuit, upon approaching the N/B 101 and E/B 80 split, I viewed sparks ignite beneath the White Chevy. I then viewed a large plume of black and white smoke emit from the White Chevy. The speed of the White Chevy decreased and I believe that the vehicle suffered a significant mechanical failure. I determined that the vehicle then coasted to the final stop at 1046 Bryant due to the mechanical failure. The vehicle made no effort to stop prior to the mechanical failure.

While the vehicle was coming to the stop, a number of police vehicles arrived on scene to assist in conducting a felony vehicle stop. The occupants of the vehicle were given verbal instructions until each passenger was taken into custody (Refer to Ofc. Talusan's #1114 Statement). The following individuals were inside of the vehicle: (B/1) LEAFAITULAGI IOANE, (D/1) EVELYN WINTERSTEIN, (D/2) LEE MO JAMESA, (D/3) FLORENCE VAOGA, (D/4) FRANCIELS SEGI-DAVIS, (D/5) SIVANE SEGI, (D/6) DEON TAYLOR, (D/7) CENTURY FAATAUI. All of the individuals were transported to Southern Station for further investigation. Sgt. Brophy #2112 was notified and took over the investigation. I did not speak with any suspects detained during the incident.

Ofc. Alvarenga and I searched the White Chevy as per the instructions of Sgt. Brophy. During my search of the Chevy, I found a (E/6) Black backpack that contained an (E/4) Extended magazine. I seized the backpack and magazine. The (U/F1) White Chevy was towed to 450th 7th Street with a hold for CSI. The White Chevy was

Retrieved by A10307 on 12/19/2013 at 10:07:03 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

escorted to the CSI lot by Ofc. Kikuchi #2374 and Ofc. Camilosa #4244 (Refer to Ofc. Camilosa's Statements).

While on scene at 1045 Bryant, Ofc. Alvarenga and I confirmed the plate for the Black Honda with California plates 6WVY138. I was later notified that Ingleside officers had detained a matching vehicle (Refer to Ofc. Apodaca's #408 supplemental report).

Multiple Bayview Units responded to the initial crime scene at India Basin Park in order to secure the crime scene. The crime scene was searched and Ofc. Hargreaves #2321 discovered a (E/2) CZ pistol as well as multiple 9mm shell casings (See Ofc. Hargreaves statement). CSI was notified and Sgt. Chacon #638 responded to the India Basin Park (Refer to CSI's Supplemental).

Ofc. Gummo #607 and Ofc. Dizon #710 searched the pursuit route in an effort to identify any additional evidence that may have been discarded by fleeing suspects. During the course of the search, Ofc. Gummo and Ofc. Dizon located a second pistol (E/1) Glock 17 and (E/3) Extended magazine on Evans Avenue (Refer to Ofc. Gummo's and Ofc. Dizon's statements).

Ofc. Tozzini #4084 responded to E/B 80 at the 9th Street split to assist with a search for evidence and discovered a container with (E/8) green leafy vegetable substance. Ofc. Cader #704 seized the container (Refer to Ofc. Tozzini's and Ofc. Cader's statements). The suspected marijuana was relinquished to Ofc. Alvarenga who maintained custody until Ofc. Chantal #4055 took control of the suspected marijuana and delivered it to the narcotics drop box at 850 Bryant Street.

I returned to the scene at India Basin Park and assisted in conducting a search of the area for additional witnesses, suspects, and evidence. During my search I located (E/5) two fired casings. I attempted to contact CSI to notify them that there were two additional casings located on scene. I was unable to contact CSI. Ofc. Lyons #2438 took photographs of the casings and I seized the casings.

The crime scene at India Basin Park was maintained until it was properly searched during daylight hours. Sgt. McCray #4076 supervised a search of the area with six additional Bayview Officers. No additional evidence was found.

After returning to Bayview Station I looked through the contents of the (E/6) Black Backpack, which contained the (E/4) extended magazine, and discovered a Certificate of Completion for IPO-HSA New Employee Orientation (NEO) issued to Century Faataui on 04/15/2013. All of the contents of the backpack were booked with the backpack except the extended magazine. A computer query of Century Faataui revealed that he was placed on probation until 10/04/2015 for a prior weapons violation (report #120423590).

The following evidence was booked at Bayview Station: (E/6) Backpack, (E/4) Extended Magazine, (E/9) Grinder, (E/5) Fired casings, (E/7) GSR test kits, (E/10) CD, (E/11) CD, (E/12) 849h forms, and (E/13) Crime Scene Log. The (E/8) suspected marijuana was dropped in the narcotics drop box at 850 Bryant Street by Ofc. Chantal #4055.

All other evidence was seized by Sgt. Chacon.

Retrieved by A10307 on 12/10/2013 at 6:07:04 AM

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last,First,Middle) Hergreaves, Louis B 2321				DOB/Age		Residence Phone (Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence				Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 03:00		Time Completed 03:10		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On April 16 2013 at about 0017 hours, I responded to the area of India Basin Park at 200 Hunters Point Blvd regarding shots fired. Officer Eastlund #1318 broadcast that their vehicle had been shot at and requested units to stage in the area of Middle Point Rd and Evans Ave for attempting to contact the suspects inside the park. Prior to my arrival, Officer Alvarenga broadcast that they spotted a vehicle leaving the scene and initiated a pursuit.

I located Officers Eastlund and Faye #1379 on Jennings St north of Evans Ave. I manually searched Officers Eastlund and Faye for any traumatic injuries and found none. Officer Faye said that the shots were most likely coming from the turnaround and the bottom of the hill near the waterfront. Officers Selo #2370, Navarro #1435, and I responded to the area to search for a crime scene.

As I was walking from the waterfront towards the Hunters Point Blvd vehicle entrance to the park, I felt an object in the roadway with my right foot. I looked down, illuminated the area with my flashlight, and found a (E) CZ 75-P01 semi-automatic pistol on the ground. I informed Lt Ng #338 of my discovery and ensured the firearm was not tampered with until CSI arrived to collect it.

Relieved by A10307 on 12/19/2013 at 8:07:05 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last,First,Middle) Gummo, Joseph F 607				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence				Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 02:30		Time Completed 03:00		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On Tuesday 04/16/13 at approximately 0050 hours my partner Officer Dizon #710 and I responded to India Basin Shoreline Park located on Hunters Point Blvd and met with 3C203 Lt. Ng#338 to assist in an ongoing investigation regarding shots fired at Officers.

We were directed to begin at the top of India Basin Shoreline Park on Hunters Point Blvd and canvass the pursuit route of the suspect vehicle which was pursued westbound Hunters Point Blvd to Evans, Evans to Cesar Chavez and then onto the Highway 101.

At 0112 hours while canvassing the route taken by the suspect vehicle and pursuing Officers, Officer Dizon and I observed what appeared to be a gun magazine lying in the street along the north curb line of Evans Street directly in front of Nor Cal Painting Inc. a business located at 1698 Evans Street. Officer Dizon stopped our patrol vehicle and I exited the passenger's seat and observed an extended 30 round "Glock" gun magazine. I immediately notified dispatch of our findings and maintained visual observation of the gun magazine. Officer Dizon informed me he was going to walk on foot westbound on Evans to look for additional evidence. Approximately 30 seconds later Officer Dizon verbally told me he found a gun in the number 2 westbound lane of Evans Street. I walked over and visually observed a "Glock 17" 9mm firearm which was broken apart with the slide and barrel detached from the frame and the handle broken into pieces. I again notified dispatch of our findings.

Simultaneously 5L101 Sgt. Chacon #638 arrived on scene at our location. She photographed and seized the firearm and magazine at approximately 0130 hours and Officer Dizon and I cleared our location.

Relieved by A10307 on 12/19/2013 at 8:07:00 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	6	3
Name (Last,First,Middle) Cuevas, Nicholas J 2295		DOB/Age	Residence Phone (Day/Night)		Business Phone (Day/Night) 415/671-2300			
Residence		Zip Code	Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 94124-2558		
Date of Statoment 04/16/13	Time Started 03:18	Time Completed 03:18	Location Where Statement Taken At Scene <input type="checkbox"/> Other:					

On 04/16/2013, I was working with Officer Larsen#2341. At approximately 01:38 hours, we responded to the termination point of the pursuit (Bryant Street and 9th Street), and we transported Sivale Segi, who was a passenger in the vehicle, to Southern Station. Segi was handcuffed, and her hands were preserved in paper bags. We detained her at Southern Station until she was interviewed by investigators.

Retrieved by A10397 on 12/19/2013 at 5:07:07 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last,First,Middle) Dizon, John O 710				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence				Zip Code		Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 02:30		Time Completed 00:30		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On 04/16/13 at approximately 0050 hours, Officer Gummo # 607 and I responded to India Basin Shoreline Park located on Hunters Point Blvd to assist in an ongoing investigation regarding shots fired at plain clothes officers.

Upon our arrival we met with 3C203, Lt Ng # 338 who instructed us to canvass the pursuit route, in our SFPD vehicle, for any guns/contraband that might have been thrown out of the suspect vehicle during the pursuit. Lt Ng instructed us to search the city street route which was westbound Hunters Point Blvd to west bound Evans Ave to west bound Cesar Chavez to the 101 northbound freeway on ramp. Other units would search the freeway to the termination point

We began our search along the westbound lane/curb line of Hunters Point Blvd to west bound Evans Ave. We continued searching west bound Evans across 3rd St past Phelps St. At approximately 0112 hours we noticed what appeared to be a gun magazine lying in the west bound number 2 lane approximately a foot from the north curb line of Evans Ave in front of Nor Cal Painting Inc located at 1698 Evans Ave. Officer Gummo and I exited our vehicle at which point we confirmed it was a magazine to a hand gun. Upon further inspection Officer Gummo identified the magazine as a 30 round "Glock" magazine. Officer Gummo then advised dispatch of our findings.

While Officer Gummo watched over the gun magazine I continued my search on foot west bound Evans Ave. As I neared Quint St I observed a black object in the east bound number 2 lane of Evans Ave. I walked over to the object and observed it to be a "Glock 17" 9mm handgun which was broken apart with the slide and barrel detached from the frame and the handle broken into pieces. It appeared that the hand gun had been run over several times by vehicles prior to its discovery. I advised Officer Gummo who notified dispatch of our findings.

CSI, 51101 Sgt Chacon #638 arrived on scene and seized the hand gun and the magazine.

At approximately 0130 hours Officer Gummo and I cleared the scene.

Retrieved by A10307 on 12/19/2013 at 8:07:08 AM

San Francisco Police Department
INCIDENT REPORT

130309253

Report Type: Initial

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3
Name (Last, First, Middle) Barrientos, Edward A 2276		DOB/Age	Residence Phone (Day/Night)		Business Phone (Day/Night) 415/671-2300			
Residence		Zip Code	Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2550		
Date of Statement 04/16/13	Time Started 02:36	Time Completed 03:19	Location Where Statement Taken At Scene <input type="checkbox"/> Other: SOUT					

On 4/15/13, at about 0017 hrs, Ofc. Guzman #2066 and I were working as SFPD patrol unit 3C11D and wearing full police uniforms. Ofc. Guzman was driving fully marked patrol vehicle #055 and I was the right front passenger. We responded to the area of India Basin Park located at 200 Hunters Point Blvd. to assist officers who advised of gunshots fired at their vehicle.

Officers pursued a white sport utility vehicle northbound HWY-101 to the 9th St. off-ramp where the vehicle had become disabled. Ofc. Guzman and I arrived as the vehicle was coming to a stop. We assisted officers in a high risk vehicle stop in detaining the occupants of the vehicle. Officers bagged the vehicle occupants' hands in order to preserve any possible evidence of gunshot residue (GSR).

Ofc. Guzman and I transported Leafaltulagi laone to Southern Station at the direction of Sgt. Schaffer #1181. Ofc. Talusan conducted GSR tests on laone.

Retrieved by A10307 on 12/10/2013 at 0:07:09 AM

**San Francisco Police Department
INCIDENT REPORT**

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1 3 0 3 0 9 2 5 3											
Name (Last,First,Middle) Talusán, Edric D 1114					DOB/Ago		Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence					Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 03:00		Time Completed 03:00		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR					

On 04/16/2013, at about 0017 hrs, Officer Cadór #704 and I were on uniformed patrol in a marked police car. We responded to a call of gunshots fired at a plainclothes SFPD unit at India Basin Park, located in the area of 200 Hunters Point Blvd.

While enroute to their location, the plainclothes unit (3C35) advised that several vehicles were seen leaving the area at a high rate of speed. 3C13E, Officer Alvarenga #1630 and Officer Ashwanden #4257, stated that they were in pursuit of a white Suburban traveling westbound on Evans approaching 3rd St. We made our way to their location while 3C13E transmitted their current location. They advised that the Suburban had blown its engine and was exiting 9th St. We caught up to their location at Bryant and 9th St and observed a white Suburban, with smoke spewing from its undercarriage, traveling at about 5 mph eastbound on Bryant St from 9th St. We positioned ourselves behind the vehicle and I used our vehicle's public announcement system to order the driver to stop the vehicle.

The vehicle stopped on the right shoulder and we conducted a felony stop on the vehicle with multiple SFPD units. I used our vehicles public announcement system to order the occupants hands up in the air. I ordered the occupants to exit the vehicle individually where they were taken into custody by SFPD Officers.

All the occupants were handcuffed and separated. All the occupants had their hands paper bagged to preserve any GSR evidence that may be present.

All the occupants were transported to Southern Police Station, where I conducted GSR testing on each individual.

Officer Cadór assisted in the GSR testing process. All GSR testing was conducted at Southern Police Station.

GSR testing consisted of the following:

- GSR data sheet was completed
- GSR vials and evidence bags were labeled
- I donned fresh latex gloves for each individual test
- I seized and labeled each paper bag with either L or R.
- I collected GSR samples using the GSR vials provided in the GSR kit
- I placed each GSR data sheet, paper bags and GSR vials into the provided GSR evidence bag which was sealed with the provided evidence seal
- I asked each individual if they had handled or fired a handgun in the last 48 hrs, to which they all answered with a negative response

I relinquished all GSR kits to Officer Alvarenga.

Received by A10307 on 12/19/2013 at 8:07:10 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last,First,Middle) Cadon, Brant M 704				DOB/Age		Residence Phone (Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence				Zip Code		Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 03:00		Time Completed 03:30		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On 04/16/13 at approximately 0017 hours, Ofc. Talusan #1114 and I responded as back up to Bayview units that were in pursuit of a vehicle that fired shots at plain clothes officers.

After conducting a Felony Stop on the vehicle and detaining all occupants I was instructed by Sgt. Schaffer #1181 to conduct a search of NB 101 with the California Highway Patrol. The pursuing officers saw the occupants of the vehicle toss something out of the vehicle during the pursuit on NB 101 before the 9th St. off-ramp. I coordinated with CHP Ofc. Tabarez #18829 to have NB 101 from the 80 split to the 9th St. off-ramp shut down so we could conduct a search on foot for any possible evidence. During our search I located a small blue plastic container, containing a green leafy substance. Based on my training and experience I believed the green leafy substance to be marijuana. The container looked to be unharmed and untouched, as if it had only been there for a short time. I also located a green plastic grinder approximately 150ft away from the container with the marijuana. Based on my training and experience I know that the grinder is used to grind the marijuana into a finer material prior to ingesting it. I found the green plastic grinder in pieces. I took pictures of the evidence and seized it from the freeway. I notified CHP Ofc. Tabarez that our search was finished and the freeway could reopen.

At Southern Station I assisted Ofc. Talusan conduct Gun Shot Residue Kits.

Once back at Bayview Station I weighed the suspected marijuana in its container, its gross weight was 13.9 grams. I placed the suspected marijuana into a narcotics evidence envelope and sealed it. I pulled Lab#13282163. I gave Ofc. Alvarenga #1630 the evidence that I found on the freeway and it took control of it.

Received by A10307 on 12/19/2013 at 8:07:11 AM

San Francisco Police Department

INCIDENT REPORT

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3			
Name (Last,First,Middle) Camilosa, Jeffrey A /244				DOB/Age		Residence Phone(Day/Night)			Business Phone (Day/Night) 415/553-1373		
Residence				Zip Code		Business Address / City if not San Francisco 850 Bryant Street, SF				Zip Code 94133-4803	
Date of Statement 04/16/13		Time Started 03:30		Time Completed 03:45		Location Where Statement Taken At Scene <input type="checkbox"/> Other: SOUT					

On 04/16/2013 at approximately 0024 hours, I was working with Officer Kikuchi #2374 when we responded to the termination point of the pursuit at Bryant St and 9th St.

After the suspects were taken into custody by other responding units, we were directed by Sgt Espinoza # 525 to stand by the suspect vehicle (Chevrolet Suburban, CA 4TZA184).

While at the scene, I took digital photographs of the exterior and interior of the suspect vehicle. I also took photographs of the backpack containing an extended capacity firearm magazine located in the backseat of the vehicle.

Officer Kikuchi requested for a tow and we followed the suspect vehicle to Auto Return, where Officer Kikuchi secured the vehicle inside the CSI Lot.

I transferred the photographs onto a CD media and handed it to Officer Brophy # 2112.

Retrieved by A10307 on 12/19/2013 at 07:12 AM

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3							
Name (Last,First,Middle) Navarro, Shaun A 1435								DOB/Age		Residence Phone (Day/Night)		Business Phone (Day/Night) 415/671-2300			
Residence								Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF				Zip Code 94124-2558	
Date of Statement 04/16/13				Time Started 03:45		Time Completed 04:00		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR							

On 4/16/2013 at approximately 0017 hours, Officer Seto #2370 and I responded to a report of shots fired at officers at 200 Hunters Point, India Basin Park.

We responded to India Basin Park to secure the crime scene. Officer Seto started a crime scene log and I taped off the crime scene. Officer Seto and I located numerous (E) 9mm shell casings on the sidewalk and road and marked them with chalk for CSI.

Later, Officer Seto handed the crime scene log responsibilities to Officer Lyons #2438. We then followed the (D) unmarked Monte Carlo (CA 3VPW481) that was towed to the secured CSI parking lot at Auto Return. A hold for CIU was placed on the vehicle per Inspector Horan #2014.

Retrieved by A10397 on 12/19/2013 at 8:07:12 AM

San Francisco Police Department
INCIDENT REPORT

130309253

Report Type: Initial

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last,First,Middle) Eastlund, Eric G 1318				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300		
Residence				Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 84124-2558	
Date of Statement 04/16/13		Time Started 03:18		Time Completed 03:18		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On 04/16/2013 at approximately 0017 hours, Officer Faye #1379 and I were working in a plainclothes capacity, driving an unmarked unit in the area of Evans Avenue and Hunters Point Expressway.

I was the driver of the vehicle and Officer Faye #1379 was seated as the front passenger. Officer Faye #1379 and I entered India Basin Shoreline Park with our headlights on. My driver's side window was approximately 1/4 of the way open. The area of India Basin Shoreline Park is near Westpoint/Middlepoint roads. Over the previous week, I responded to shots fired in that area where numerous shell casings were recovered. Based upon my experience, I know that the park is a popular meeting place for individuals who live in the Westpoint/Middlepoint area. India Basin Shoreline Park has signs clearly posted that state that the park closes at 1900 hours. As I drove down through the park, I observed a black Honda Civic (mid 90's model), a white Chevrolet Suburban (mid 90's model) and approximately two other unidentified vehicles in the roundabout. I observed approximately 20 subjects congregating outside of the vehicles. Officer Faye #1379 and I decided that due to the amount of subjects, that we would exit the park and request a marked unit to assist us in clearing the park. I placed my vehicle in reverse and backed into a nearby parking space in an attempt to conduct a three point turn. I heard approximately 10-12 shots coming from the parked vehicles stationed in the round about and striking our vehicle repeatedly. I feared for my life. I had no doubt that the individuals firing the shots at my vehicle intended to kill my partner and I. I then sped out of the park and broadcast shots fired to responding units. I advised that my vehicle had been hit by gunfire. I stopped my vehicle at Evans Avenue and Jennings Street and exited. I observed 3C13E Officer Aschwanden #4257 and Alvarenga #1630 pursuing the black Honda Civic and white Chevrolet Suburban W/B on Evans Avenue.

I inspected the damage to my vehicle and found that the vehicle had been struck four times, right side of the trunk, left rear tire and driver's side door (twice).

Officer Faye #1379 and I were uninjured during the incident.

I was informed by Officer Alvarenga #1630 that a white Chevrolet Suburban (LP 4TZA184) was detained at 9th/Bryant Streets. I responded and positively identified the vehicle as being the same one that I saw parked at the round about of India Basin Shoreline Park.

I was later informed by 3H14E Officer Apodaca #408 and Jones #2286 that a black Honda Civic (LP 6WVY138) was detained on Gates Street. I responded and positively identified the vehicle as being the same one that I saw parked at the round about of India Basin Shoreline Park.

Retrieved by AS0307 on 12/10/2013 at 8:07:13 AM

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	6	3		
Name (Last,First,Middle) Faye, Patrick T 1379				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night) 671-2300		
Residence				Zip Code		Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 03:22		Time Completed 03:22		Location Where Statement Taken At Scene <input checked="" type="checkbox"/> Other: POTR				

On 04-16-2013 at approximately 0017 hours I was working in plain clothes in an unmarked police vehicle with Officer Eastlund #1318. Officer Eastlund was driving and I was in the front passenger seat. We drove into India Basin Shoreline Park, which is located close to Intersection of Westpoint Road and Middlepoint Road. Over the last week there have been multiple reports of shots fired near Westpoint Road and Middlepoint Road. India Basin Shoreline Park is an area that people frequently congregate in late at night, despite the fact that the Park closes at 1900 hours.

As we pulled into India Basin Shoreline Park our headlights illuminated a group of approximately 20-30 people standing around at least three vehicles on the north side of small traffic circle. Because of the trees, the lack of illumination beyond our headlights, and the small traffic circle we were unable to see everyone and everything that was in the Park. The relaxed body language and casual demeanor of the people in the Park made it appear as though they all friendly with each other.

Because of the number of people in the Park, combined with the fact that we were in an unmarked vehicle, Officer Eastlund and I decided to exit the Park and radio for a marked Police vehicle to initiate contact with the people. Officer Eastlund backed our car into a parking spot, turned the wheel to the left and starting driving up the road out of the Park. I heard 10-15 gunshots in rapid succession and what sounded like several bullets impacting our vehicle.

I was scared for my life and had no doubt that the people in the Park were shooting at us to kill us. Officer Eastlund accelerated rapidly out of the Park and turned west onto Evans Ave and Hunters Point Expressway. As we exited the park we broadcast what had just happened over the plc radio. We turned north onto Jennings St, stopped, and exited our vehicle.

I heard 3C13E, Officer Alvarenga #1630 and Officer Aschwanden #4257, broadcast that they were in pursuit of a vehicle. I saw a white Chevrolet Suburban (CA 4TZA184) drive westbound on Evans Ave at a high rate of speed with 3C13E and several other marked police vehicles, with emergency lights and sirens activated, closely behind them. I immediately recognized the Suburban as one of the vehicles I had seen inside of India Basin Shoreline Park. I also saw a black Honda Civic (CA 6WVY138) driving westbound at a high rate of speed closely behind the Suburban and ahead of the police vehicles.

Officer Eastlund and I returned to India Basin Shoreline Park and helped units establish the crime scene. I heard over the radio that 3C13E had stopped the Suburban downtown. Officer Eastlund and I responded downtown where I confirmed that the vehicle 3C13E had stopped was the same Suburban I had seen inside of India Basin Shoreline Park.

While we were downtown, we heard 3H14E broadcast that they had stopped the above listed Honda Civic on Gates St. Officer Eastlund, Officer Alvarenga and I responded to Gates St where I identified the Honda Civic as the same one I had seen travelling westbound on Evans Ave at a rate of speed.

Retrieved by A10307 on 12/19/2013 at 8:07:14 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3			
Name (Last,First,Middle)				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night)			
Tozzini, Glen P 4084								415/550-5400			
Residence				Zip Code		Business Address / City If not San Francisco			Zip Code		
						630 Valencia Street, SF			94110-1120		
Date of Statement		Time Started		Time Completed		Location Where Statement Taken					
04/16/13		03:55		04:04		At Scene <input type="checkbox"/> Other: MISS					

On 04/16/2013 at 0039hrs, I was working in full uniform and operating a marked SFPD vehicle in the City & County of San Francisco.

After assisting with traffic control at 9th Street & Bryant during a felony traffic stop, (CAD#131060036) I responded to perform a traffic break on E/B 80 at the 9th Street split to assist with a search for evidence.

Several CHP units also responded and we walked the freeway towards 9th Street. At 0056hrs, I located a blue, transparent plastic container on the right side (#2 lane) of the freeway. Inside of it I could see what appeared to me as marijuana "buds" from my training and experience. I also located about 20 yards from this a green, transparent plastic item that appeared to be a marijuana "bud" masher that had a metal ring next to it. Both described items were on the right shoulder of the roadway. They were found approximately above Brannon Street.

I radioed that I located these items and unit 3C73 arrived on scene and collected the items.

Retrieved by A10307 on 12/19/2013 at 6:07:15 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3
Name (Last,First,Middle)		DOB/Age	Residence Phone(Day/Night)		Business Phone (Day/Night)			
Lentz, Alexander N 2338					415/871-2300			
Residence		Zip Code	Business Address / City If not San Francisco			Zip Code		
			201 Williams Street, SF			94124-2550		
Date of Statement	Time Started	Time Completed	Location Where Statement Taken					
04/16/13	04:13	04:20	At Scene <input type="checkbox"/> Other: POTR					

On 04/16/2013 at approximately 0018 hours Officer Bernstein #2304 and I responded and assisted with the vehicle pursuit. Officer Bernstein and I arrived at the termination point of the pursuit at Bryant Street and 9th Street.

Once the vehicle was cleared and all occupants were removed, Officer Bernstein (while wearing a fresh pair of latex gloves) placed brown paper bags from a GSR Collection kit onto Segi-Davis' hands. The paper bags were secured with a zip tie. Officer Bernstein and I transported Francis Segi-Davis to Southern Station to be interviewed by Inspectors.

Retrieved by A10307 on 12/19/2013 at 8:07:16 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3		
Name (Last, First, Middle) Cunningham, Blake W 4284				DOB/Age		Residence Phone (Day/Night)		Business Phone (Day/Night) 671-2300		
Residence				Zip Code		Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 94124-2558	
Date of Statement 04/16/13		Time Started 04:20		Time Completed 04:25		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR				

On April 16, 2013 at approximately 0015hrs I responded CODE 3 with Officer Fry #656 to the area of 9th St. and Bryant to aid in conducting a felony car stop.

Upon arrival, I detained Evelyn Winterstein (verbally identified), who was seated in the "back middle" of the white SUV. Officer Fry and I placed her in handcuffs. I verified her ID through a computer records check. The computer check showed Winterstein had no wants or warrants. Her CA ID is [REDACTED].

Officer Fry and I transported Winterstein to Company B (Southern Station) for interview by Sgt. Brophy #2112.

I issued Deon Taylor (SF#619875), Century Faataui (SF#658546), and Janesa Luei (CA ID [REDACTED] 849(b) PC (SFPD Form 184) as per Sgt. Brophy at 0250hrs.

Retrieved by A10307 on 12/10/2013 at 8:07:17 AM

San Francisco Police Department

INCIDENT REPORT

130309253

Report Type: Initial

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3			
Name (Last,First,Middle) Fong, Kevin C 4270								DOB/Age		Residence Phone(Day/Night)	Business Phone (Day/Night) 671-2300
Residence								Zip Code		Business Address / City if not San Francisco 201 Williams Street, SF	Zip Code 94124-2558
Date of Statement 04/16/13				Time Started 03:45		Time Completed 04:15		Location Where Statement Taken At Scene <input type="checkbox"/> Other: SCUT			

On 4/16/13 at approximately hours I was on patrol in full uniform and in a marked patrol with FTO Rosenberg #1511 as the 3C13D. We responded to the termination point of a vehicle pursuit on Bryant St. between 8th and 9th.

At the scene of the incident, the driver and front passenger had been extracted from the vehicle and detained by other officers. The third person extracted from the vehicle, later identified as Silvale Segi, exited the rear right passenger door and was commanded to stop backwards with her hands in the air. Segi was then told to stop a short distance from me. I holstered my firearm and approached Segi. With the assistance of Ofc. Rosenberg, I placed Segi into handcuffs and escorted her away from the scene.

I conducted an arrest search of Segi and positively identified her through her California driver's license (REDACTED). While wearing a fresh pair of latex gloves, I opened a new package containing two paper bags and zip ties. I applied a paper bag to each of Segi's hands and secured them using the supplied zip ties.

I later transported Taylor to Southern Station for further investigation.

I later issued certificates of release at Southern Station to the following: Francil Segi at 0251 hours, Evelyn Winterstein at 0310 hours, Silvale Segi at 0319 hours, and Florence Vaoga at 0329 hours per Sgt. Brophy #2112.

Received by A10307 on 12/19/2013 at 8:07:13 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3			
Name (Last,First,Middle) Ozol, Jonathan T 2358				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300			
Residence				Zip Code		Business Address / City If not San Francisco 201 Williams Street, SF			Zip Code 04124-2558		
Date of Statement 04/16/13		Time Started 05:20		Time Completed 05:20		Location Where Statement Taken At Scene <input type="checkbox"/> Other: POTR					

On 4/16/2013 at approximately 0018 hours, Officer Salcedo #770 and I were in full uniform and in a marked patrol vehicle. I responded Code-3 to the report of shots fired at a plainclothes police unit at India Basin Park. While I was responding, I heard that Units were in pursuit of a white Chevrolet that had left the scene of India Basin Park and that was headed westbound on Evans. I responded to area and entered the pursuit of the white Chevrolet at Napoleon/Evans. Officer Salcedo and I were unable to broadcast our status in the pursuit due to other radio traffic preventing us from doing so. Based upon the fact that the white Suburban was possibly involved in shooting at the police and the fact that the vehicle could have had multiple suspects on board, I continued in the pursuit as vehicle #3 to the termination point on the 1000 block of Bryant Street.

At the termination point after the occupants of the vehicle had been detained, Officer Salcedo and I transported one of the occupants of the Chevrolet, Century Faataui, to Co. B for further investigation. While on scene and prior to transporting Faataui, I bagged his hands in order to preserve them for gunshot residue retrieval.

At Co. B, I transported B1-Leafaltulagi Ioane to be booked at CJ1.

Relieved by 410367 on 12/19/2013 at 8:07:19 AM

San Francisco Police Department
INCIDENT REPORT

Report Type: Initial

130309253

Incident Report Statement

INCIDENT NO.

1	3	0	3	0	9	2	5	3			
Name (Last,First,Middle)				DOB/Age		Residence Phone(Day/Night)		Business Phone (Day/Night)			
Lyons, Meighan A 2438								415/671-2300			
Residence				Zip Code		Business Address / City if not San Francisco			Zip Code		
						201 Williams Street, SF			94124-2558		
Date of Statement		Time Started		Time Completed		Location Where Statement Taken					
04/16/13		06:05		06:15		At Scene <input type="checkbox"/> Other: POTR					

On 4/16/2013 at approximately 0223 hours, while on uniformed patrol as the 3C15E with Officer Zellzer #2297, we responded to India Basin Park in the Bayview 3 Car Sector where I assumed responsibility for the Crime Scene Log from Officer Seto #2370.

I also took four photographs of two shell casings which I was told were located after CSI had concluded their evidence collection. The casings were near the back of the park, along the west curb, slightly south of the turnaround. Officer Ashwandan #4257 stood by as I took the photographs and I observed him collect the casings wearing a pair of fresh latex gloves.

I stored the photographs on a Photo CD at Bayview Station and provided it to Officer Alvarenga #1630.

Certificate of Completion

This certifies that

Century Faataui

has successfully completed

IPO - HSA New Employee Orientation (NEO)

and is awarded this certificate by

Human Services Agency – Staff Development

April 15, 2013

Date

P Marcia Brown

P Marcia Brown, Instructor

Retrieved by A10367 on 12/19/2013 at 8:07:21 AM
SFPD Records (415) 553-1288

CENTURY

CENTURY

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch. 1117) I hereby certify that the taking into custody of Subject's name on 4/16/13 at 0251 hours

by the Releasing Agency was a detention only, not an arrest.

Subject's name was released on 4/16/13 at 0251 hours

by the Releasing Agency pursuant to the provision of:

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name Officer [Signature] Title Officer Unit 30150

Officer's Signature [Signature] Star 4270

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 184 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of SFPD Records (215) 552-1288 on 4/16/13 at 08:21 hours

by the SFPD was a detention only, not an arrest.
Releasing Agency

Victor J. [unclear] was released on 4/16/13 at 08:21 hours
Subject's name

by the SFPD pursuant to the provision of:
Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name Fong Title Sgt Unit 0030

Officer's Signature [Signature] Star 4270

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 184 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of Sivale Segi on 4/16/13 at 08:21 hours

by the SFPD was a detention only, not an arrest.
Releasing Agency

Sivale Segi was released on 4/16/13 at 08:21 hours
Subject's name

by the SFPD pursuant to the provision of:
Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name Fong Title Sgt Unit 0030

Officer's Signature [Signature] Star 4270

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 184 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of Evangelina [unclear] on 4/16/13 at 08:21 hours

by the SFPD was a detention only, not an arrest.
Releasing Agency

Evangelina [unclear] was released on 4/16/13 at 08:21 hours
Subject's name

by the SFPD pursuant to the provision of:
Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name Fong Title Sgt Unit 0030

Officer's Signature [Signature] Star 4270

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 184 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of DEON TAYLOR on 11/15/13 at 07:04 hours

by the SFPD was a detention only, not an arrest.
 Releasing Agency SFPD
DEON TAYLOR was released on 11/15/13 at 02:52 hours
 Subject's name

by the SFPD pursuant to the provision of:
 Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name CUNNINGHAM Title Patrol Officer Unit 3C14E
 Officer's Signature [Signature] Star 4264

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 181 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of GENIVY FANTAU on 11/15/13 at 00:14 hours

by the SFPD was a detention only, not an arrest.
 Releasing Agency SFPD
GENIVY FANTAU was released on 11/15/13 at 02:52 hours
 Subject's name

by the SFPD pursuant to the provision of:
 Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (h) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name CUNNINGHAM Title Patrol Officer Unit 3C14E
 Officer's Signature [Signature] Star 4264

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 181 Rev. (06/05)

CERTIFICATE OF RELEASE

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch 1117) I hereby certify that the taking into custody of JANESA LEUT on 11/15/13 at 00:24 hours

by the SFPD was a detention only, not an arrest.
 Releasing Agency SFPD
JANESA LEUT was released on 11/15/13 at 03:00 hours
 Subject's name

by the SFPD pursuant to the provision of:
 Releasing Agency

Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of subdivision (b) of Penal Code Section 849; Penal Code Section 849.5; and Penal Code Section 851.6; pertinent portion of which appear on the reverse of this certificate.

Officer's Full Name CUNNINGHAM Title Patrol Officer Unit 3C14E
 Officer's Signature [Signature] Star 4264

Releasing Officer ☒ Superior ☐

Original to citizen. Copy to Record Room. Attach additional copy to citation.

SFPD 181 Rev. (06/05)

Retrieved by A10307 on 12/19/2013 at 10:07:25 AM

SAN FRANCISCO POLICE DEPARTMENT PD Records (415) 553-1286

CRIME SCENE LOG

INCIDENT NUMBER:

130 309 253

1 of 2

TYPE OF INCIDENT:

ASSAULT, ATT. HOMICIDE w/ GUN

LOCATION:

200 HUNTER'S PT BLVD (INDIA BASIN PARK)

DATE/TIME OF INCIDENT:

4/16/13 @

OFFICER MAINTAINING LOG:

OFC SETO

STAR:

2370

DATE/TIME LOG STARTED:

4/16/13 @ 00:30 HRS

RELIEF OFFICER:

OFFER. LYONS

STAR:

2438

DATE/TIME:

4/16/13 0223

[illegible]

Retrieved by A10302 on 12/19/2013 at 6:07:26 AM

SEPT Records (415) 553-1286

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER:

130 300 253

TYPE OF INCIDENT:

216

LOCATION:

INDIA BASIN PARK

OFFICER MAINTAINING LOG:

CUNNINGHAM

STAR:

4264

DATE/TIME OF INCIDENT:

04/16/13 0015

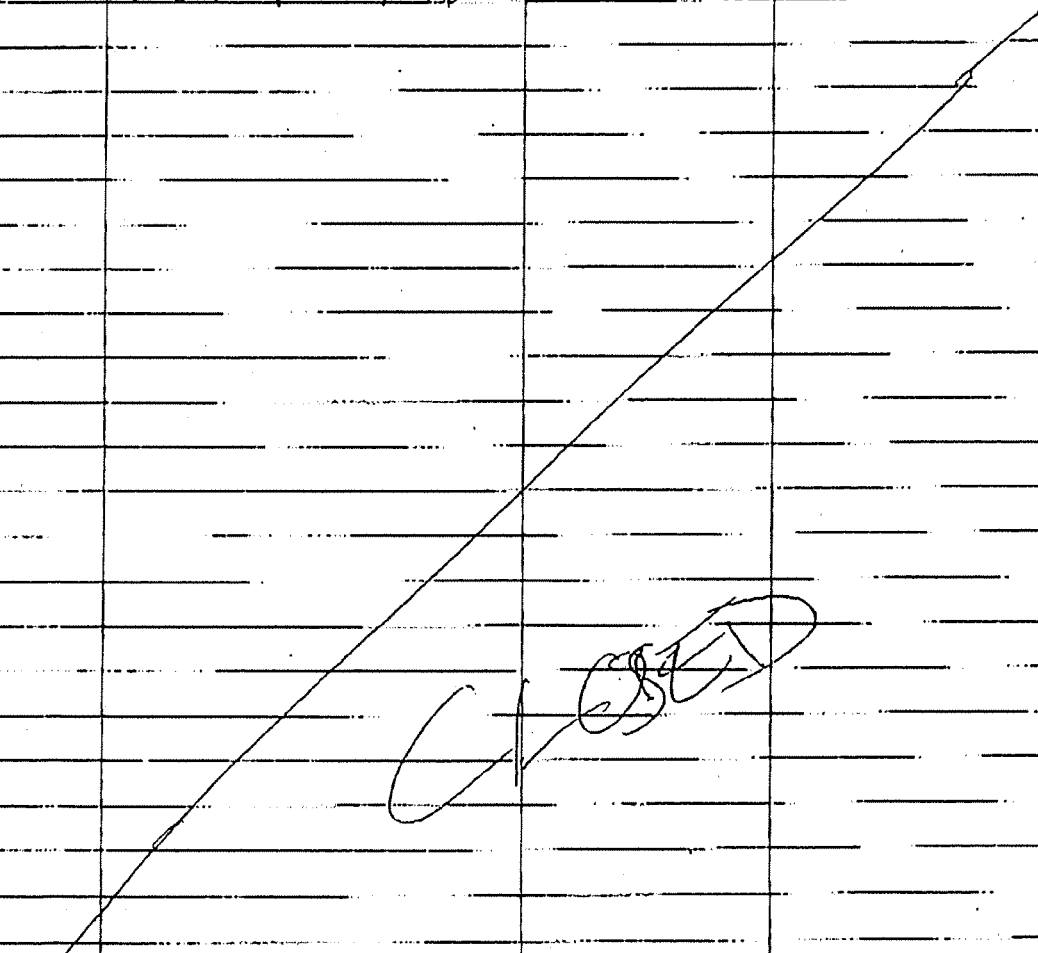
DATE/TIME LOG STARTED:

04/16/13 0550

RELIEF OFFICER:

STAR:

DATE/TIME:

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
0550	CUNNINGHAM 4264	PATROL OFFICER	INVESTIGATION	0705
0550	FRY 656	PATROL OFFICER	INVESTIGATION	0705
0650	BRADY 4258	PATROL	INVESTIGATION	0705
0650	DELL 4265	PATROL	INVESTIGATION	0705
0650	MCCRAY 4076	S6T	INVESTIGATION	0705
				

Retrieved by A10307 on 12/19/2013 at 8:07:27 AM

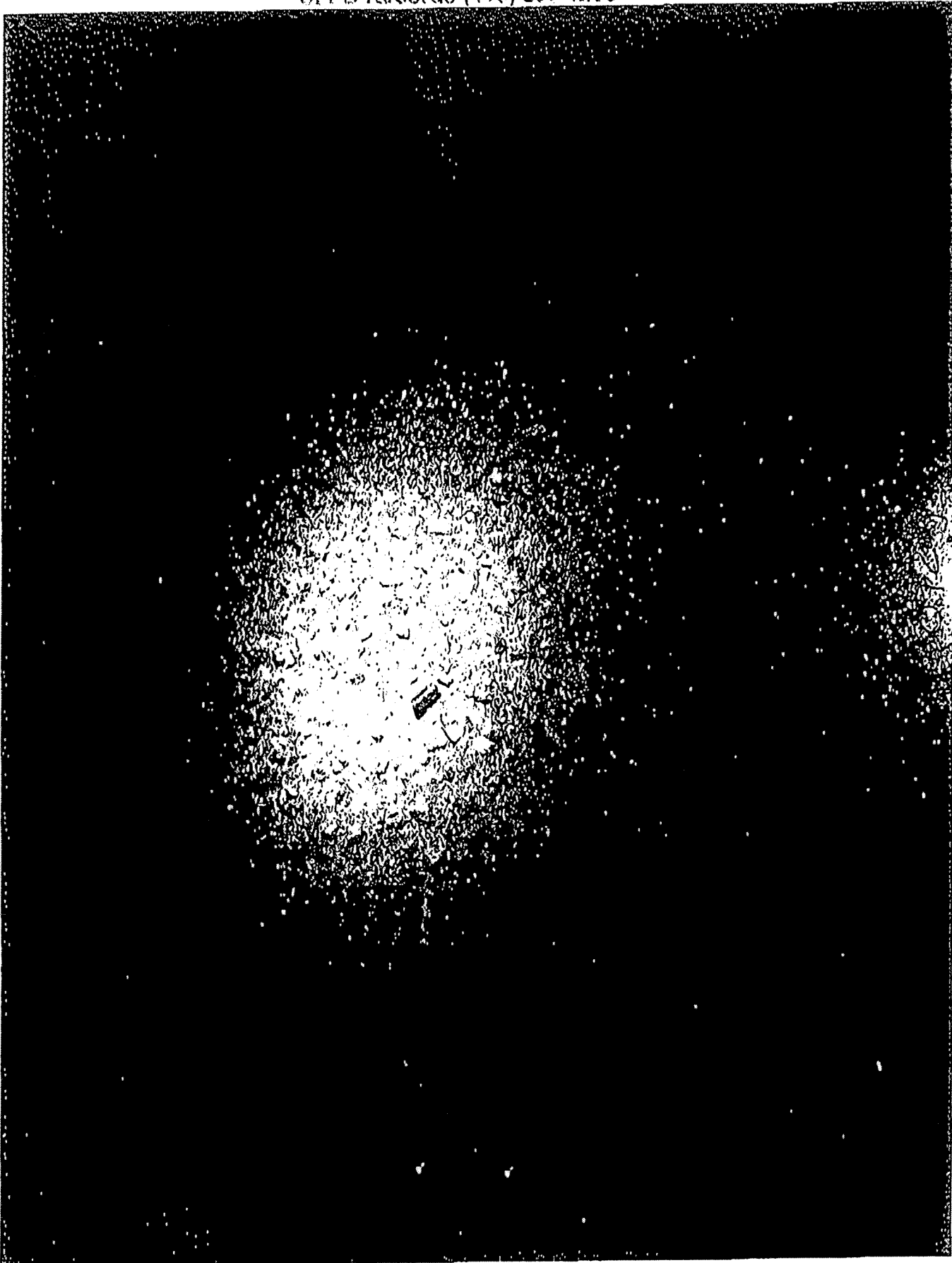


Retrieved by A10307 on 12/19/2013 at 8:07:26 AM





Retrieved by A10307 on 12/10/2013 at 8:07:30 AM
SFPD Records (415) 553-1286



Patrolled by A10307 on 12/19/2013 at 00:00:00 AIA
 San Francisco Police Department
 INCIDENT REPORT

Report Type: Supplemental

130309253

I N C I D E N T	Incident Number 130-309-263	Occurrence From Date / Time 04/16/2013 00:17	Occurrence To Date / Time 04/16/2013 00:32	Reported Date / Time 04/16/2013 00:17	CAD Number 131060036	130309253	
	Type of Incident ASSAULT, ATT. HOMICIDE, W/ GUN 04021 ASSAULT, AGGRAVATED, ON POLICE OFFICER, W/ SEMI AUTO 04094 EVADING A POLICE OFFICER RECKLESSLY 27175						
	Location of Occurrence: 200 HUNTERS POINT BL				At Intersection with Promisc Type EVANS AVENUE MARK 21 P 5:32		
	Confidential Report? <input type="checkbox"/>		Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>		Non-Suspect Incident? <input type="checkbox"/>
	Domestic Violence? <input type="checkbox"/>		(Type of Weapon Used)		Reporting Unit 3C13E		
Location Sent / On View: 200 HUNTERS POINTS BL						Reporting District BAYVIEW	
How Cleared? 6		Reported to Bureau UUC	Name Brophy, Timothy	Star 2112	Date/Time 04/16/2013 00:50	Elder Victim? <input type="checkbox"/>	
					Gang Related? <input checked="" type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	
						Prejudice Based? <input type="checkbox"/>	

O F F I C E R T I O N	I declare under penalty of perjury, this report of 1 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.					
	PROP 116 CERTIFIED Post Training					
	Reporting Officer ASCHWANDEN, DAVID J	Star 4267	Station Bayview Station	Watch 2100-0700	Date 04/24/13 06:29	
	Reviewing Officer ELLIOTT, DAVID O	Star 2185	Station Bayview Station	Watch 2000-0600	Date 04/24/13 07:21	
	OIC ELLIOTT, DAVID O	Star 2185	Station Bayview Station	Watch 2000-0600	Date 04/24/13 07:21	
Related Case --		Related Case --	Re-assigned to Copies to 31300	Assigned to 31300 Add 1 Copies	Assigned by DA 4257	

R / V I C T I M	Code RV 1	Name (Last, First Middle) SFPD, #1379	Alias	Email		
	Day Phone (415) 871-2300	Type Work	Home Address	City	State	Zip Code
	Night Phone	Type	Work Address 201 WILLIAMS AVENUE	City SAN FRANCISCO	State CA	Zip Code 94124
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height
	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>
	School (If Juvenile)	Injury/Treatment NONE/CIRT	Other Information/If Interpreter Needed Specify Language			
Relationship to Subject STRANGER/NONE						

R / V I C T I M	Code RV 2	Name (Last, First Middle) SFPD, #1310	Alias	Email		
	Day Phone (415) 871-2300	Type Work	Home Address	City	State	Zip Code
	Night Phone	Type	Work Address 201 WILLIAMS AVENUE	City SAN FRANCISCO	State CA	Zip Code 94124
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height
	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>
	School (If Juvenile)	Injury/Treatment NONE/CIRT	Other Information/If Interpreter Needed Specify Language			
Relationship to Subject STRANGER/NONE						

Received by A10307 on 12/19/2019 at 8:08:41 AM

San Francisco Police Department

Report Type: Supplemental

INCIDENT REPORT

130309253

VEHICLE INFORMATION	VEHICLE CODES: U - BOOSTED; D - DAMAGED; F - USED FELONY; R - RECOVERED; S - STOLEN; S/R - STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED					
	Code D 1	Plate No. 3VPW481	State CA	Reg Yr 2013	Plate Type PC	VIN No.
	Veh Year 1980	Make Chevrolet	Model MONTE CARLO			
	Style Sedan, 2 Door		Color Black	Plates/VIN Match? <input checked="" type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage STRUCK BY BULLETS	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Sgt. Schaffer	Star 1181	Towed to (Name/Address) AUTO RETURN	Tow Check (Name) Star
	Hold For Criminal Investigations Unit		Other Information			
	Registered Owner Business Name/Last Name (R/O) CITY AND COUNTY OF SAN FRANCISCO		First Name N/A		Residence Phone	
	Residence Address 1800 Jerrold Av		City SAN FRANCISCO	State CA	Zip 94124-	Business Phone

San Francisco Police Department
INCIDENT REPORT

Report Type: Supplemental

130309253

NARRATIVE

Upon review of the initial report, I identified that the two officers who were fired upon were not properly listed as victims nor was their vehicle. This supplemental accurately corrects the errors identified with the initial report cover pages.

2-16-13 12/16/2013 12:09:25 AM
 ATF FIREARM WORKSHEET

Stolen Y N

Case # 130-309-253

Loc/Bag# D 415-1 16 NCIC CODE 0900 CO.

Assigned Detail Assigned Inspector Contacted

Examined by Ofc. J. Gala 950 Date 08-13-2013 DNA Swab by Date

Ser # A021303	Mfg CZ
Type PISTOL SEMI AUTO	Cal 9mm
Country of origin Czech Republic	Model CZ 75 P-01
Barrel 3.75	Finish BLACK
Importer	Other marks
Serial # obliterated	Additional Accessories 1 Magazine
How removed	

Recovery Location

Recovery date 4-16-13		Type of location			
Street # 200	Direction	Street name HUNTERS POINT	Suffix BLVD	RT. #	Apt. #
City San Francisco	County SF	State CA	Zip Code 9	Country USA	
Lic. #	State	Make	Model	Year	

CLETS / NCIC Info

FCN
ORIGINAL

Comments

Found FCN	Safekeeping FCN
Crime FCN #	Evidence FCN #
Validated by: Ofc. J. Gala 950	

216 ON K.O.
 Retrieved by A10307 on 12/10/2013 at 8:09:27 AM
 SFPD Property (415) 553-1200
 ATF FIREARM WORKSHEET

Stolen Y N

Case # 130-309-253

Loc/Bag# D415-2
17

NCIC CODE 0900

CO. C

Assigned Detail _____ Assigned Inspector _____ Contacted _____

Examined by ofc. J. Gala Date 08-13-13 DNA Swab by _____ Date _____

Ser #	<u>OBLITERATED</u>	Mfg	<u>Glock</u>
Type	<u>PISTOL semi Auto</u>	Cal	<u>9</u>
Country of origin	<u>AUSTRIA</u>	Model	<u>17</u>
Barrel	<u>4.41</u>	Finish	<u>BLACK</u>
Importer		Other marks	
Serial # obliterated	<u>Yes</u>	Additional Accessories	
How removed	<u>Grinded</u>	Lower receiver	<u>BROKEN INTO SEVERAL PIECES</u>

Recovery Location

Recovery date			Type of location			
<u>4-16-13</u>						
Street #	Direction	Street name	Suffix	RT. #	Apt. #	
		<u>HUNTERS POINT</u>	<u>BL</u>			
City	County	State	Zip Code	Country		
<u>SAN FRANCISCO</u>	<u>SF</u>	<u>CA</u>		<u>USA</u>		
Lic. #	State	Make	Model	Year		

CLETS / NCIC Info

EVAL'S ME

Comments

Found FCN	Safekeeping FCN
Crime FCN # <u>[REDACTED]</u>	Evidence FCN # <u>[REDACTED]</u>
Validated by: <u>ofc. J. Gala #950</u>	

Retrieved by A10307 on 12/19/2013 at 6:09:29 AM

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

130309253

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 1	GUN					C 2	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
			9MM	BLK		1		
	Seized by (Star)		From Where					
	638		INDIA BASIN PARK					
	Additional Description/Identifying Numbers							
	Refer to CSI Supplemental							

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 2	GUN					GLOCK 17	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
			GLOCK	9MM	BLK		1	
	Seized by (Star)		From Where					
	638		EVANS AVENUE					
	Additional Description/Identifying Numbers							
	Refer to CSI Supplemental							

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 3	EXTENDED MAGAZINE						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				BLK		1		
	Seized by (Star)		From Where					
	638		EVANS AVENUE					
	Additional Description/Identifying Numbers							
	Refer to CSI Supplemental							

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 4	EXTENDED MAGAZINE						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				SIL		1		
	Seized by (Star)		From Where					
	4257		FROM INSIDE SUSPECT VEHICLE.					
	Additional Description/Identifying Numbers							
	Booked at Bayview Station.							

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 5	FIRED CASINGS						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				MUL/COL		2		
	Seized by (Star)		From Where					
	4257		INDIA BASIN PARK					
	Additional Description/Identifying Numbers							
	Booked at Bayview Station.							

PROPERTY	Code/No	Item Description			Brand		Model	
	EVD 6	BACKPACK						
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
				BLK		1		
	Seized by (Star)		From Where					
	4257		INSIDE SUSPECT VEHICLE (WHITE SUBURBAN)					
	Additional Description/Identifying Numbers							
	Booked at Bayview Station. Contains blue document folder with Certificate of Completion for IPO-HSA New Employee Orientation (NEO) issued to Century Fasten on 04/15/2013.							