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6 COALITION

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

FIRST AMENDMENT COALITION,

Petitioner,

v.

CITY OF SAN DIEGO,

Respondent.

Case No.

**VERIFIED PETITION FOR
DECLARATORY RELIEF AND WRIT OF
MANDATE UNDER THE CALIFORNIA
PUBLIC RECORDS ACT**

[Gov't Code § 7923.000]

1 **INTRODUCTION**

2 1. This Verified Petition for Declaratory Relief and Writ of Mandate seeks to enforce
3 the rights of the public and Petitioner First Amendment Coalition (“Petitioner” or “FAC”) to
4 disclosure of records related to a widely reported and controversial use of force by San Diego
5 Police Department (“SDPD”) officers against Marcus Evans, including the repeated use of a K-9
6 unit and the discharge of multiple “beanbag” shotgun rounds that caused significant harm to Mr.
7 Evans, who was never charged with a crime. For no valid reason, the City of San Diego refused
8 FAC’s request for virtually all records related to SDPD’s use of force against Mr. Evans.

9 2. As the Legislature declared in adopting a landmark law on disclosure of police
10 records, “The public has a strong, compelling interest in law enforcement transparency because it
11 is essential to having a just and democratic society.” S.B. 1421, § 4, 2017–18 Reg. Sess. (Cal.
12 2018) (codified at Penal Code §§ 832.7–832.8).

13 3. Accordingly, the “public has a right to know all about ... officer-involved
14 shootings and other serious uses of force,” including any incident in which an officer’s use of
15 force caused great bodily injury. S.B. 1421, § 1(b). To conceal records of such incidents
16 “undercuts the public’s faith in the legitimacy of law enforcement, makes it harder for tens of
17 thousands of hardworking peace officers to do their jobs, and endangers public safety.” *Id.*

18 4. Consistent with these principles, FAC and the public are entitled to disclosure of
19 the records at issue under the California Public Records Act, Gov’t Code § 7920.000 *et seq.*
20 (“Public Records Act”), the California Constitution, Cal. Const. art. I, § 3(b), and recent laws that
21 mandate openness in records related to significant uses of force by peace officers, Penal Code §
22 832.7(b); Gov’t Code § 7923.625.

23 5. Yet, except for a redacted call log, the City has withheld *every* responsive record
24 related to this incident *in full* based on a laundry list of exemptions that are entirely foreclosed by
25 controlling law and cannot justify the City’s near-blanket denial of FAC’s request. To bring the
26 City into compliance with California law and vindicate FAC’s and the public’s right of access to
27 records regarding SDPD’s use of force against Mr. Evans, this Petition should be granted.

28

1 **PARTIES**

2 6. FAC is a non-profit organization headquartered in San Rafael, California, dedicated
3 to enforcing the people’s right of access to information under the Public Records Act and Article I,
4 section 3(b) of the California Constitution, enacted by the people’s 83-percent vote for Proposition
5 59 in 2004. FAC is a person within the meaning of Government Code section 7920.520 and a
6 member of the public within the meaning of Government Code section 7920.515.

7 7. Respondent City of San Diego (“respondent” or “the City”) is a local agency under
8 Government Code section 7920.510 that is in possession of the records requested by FAC and
9 located in San Diego County.

10 **JURISDICTION AND VENUE**

11 8. According to Government Code section 7923.000, “[a]ny person may institute a
12 proceeding for injunctive or declarative relief, or for a writ of mandate ... to enforce that person’s
13 right under” the Public Records Act “to inspect or to receive a copy of any public record or class
14 of public records.”

15 9. According to Government Code section 7923.100, “[w]henver it is made to
16 appear, by verified petition to the superior court of the county where the records or some part
17 thereof are situated, that certain public records are being improperly withheld from a member of
18 the public, the court shall order the officer or other person charged with withholding the records to
19 disclose those records or show cause why that person should not do so.”

20 10. The relief sought by Petitioner is authorized under Government Code sections
21 7923.000 and 7923.100, Code of Civil Procedure sections 1060 and 1085, and Article 1, section
22 3(b) and Article VI, section 10 of the California Constitution.

23 11. Venue is proper under Code of Civil Procedure sections 394 and 395 and
24 Government Code section 7923.100. Petitioner is informed and believes that the records to which
25 it seeks access are in San Diego County and that the acts and events giving rise to the claim
26 occurred in San Diego County.

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1 **FACTUAL BACKGROUND**

2 12. Just before midnight on October 24, 2024, SDPD officers responded to a 911 call
3 that led them to a residence near the 6400 block of Duluth Avenue in San Diego.

4 13. The SDPD officers involved in all actions described in this Petition are peace
5 officers under California law.

6 14. The ensuing use of force by SDPD officers against Mr. Evans was captured, in part,
7 on video by a local videographer. 619 News Media, *CAUGHT ON CAMERA: K9 Takes Down*
8 *Suspect*, Youtube (Oct. 25, 2024), <https://www.youtube.com/watch?v=L2ERgHIR80k>.

9 15. The video shows that officers instructed occupants to exit the residence, and that
10 three occupants did so with their hands raised and were then apprehended by SDPD officers.
11 Mr. Evans followed. At first, his hands were raised as well. He moved slowly, and he was only
12 wearing basketball shorts. He was barefoot and shirtless and told the officers that he was unarmed.
13 According to the video, he then began asking that the officers explain their presence and insisted
14 that he had done nothing wrong.

15 16. One or more SDPD officers eventually shot Mr. Evans with three “beanbag”
16 shotgun rounds, hitting him in the torso and shin and near his groin. One or more SDPD officers
17 also deployed a K-9 unit against Mr. Evans twice. The second time, the dog bit and clung to Mr.
18 Evans’ arm, jerking it from side to side while officers finally moved in to arrest him. Mr. Evans
19 said, “I can’t feel my arm,” as SDPD officers gathered around him.

20 17. As Mr. Evans writes in the complaint in his lawsuit against the City and various
21 officers arising from this incident, “The K9 officer’s teeth remained attached to [Mr. Evans],
22 vigorously shaking him around for approximately forty (40) seconds while [Mr. Evans] screamed
23 in pain and confusion.” A true and correct copy of Mr. Evans’s civil complaint is attached hereto
24 as **Exhibit A**.

25 18. Video of the incident shows that Mr. Evans repeatedly cried out in pain and
26 pleaded with the officers to stop using force against him. Mr. Evans has not been charged with any
27 crime based on the incident.

28

1 19. SDPD’s use of force on Mr. Evans was widely covered in the media. *See, e.g.,*
2 Christian Martinez, *Man attacked by San Diego Police Dog and Shot with Bean Bag Rounds Files*
3 *Claim against City*, San Diego Union-Tribune (Nov. 14, 2024, 3:02 PM),
4 [https://www.sandiegouniontribune.com/2024/11/13/man-attacked-by-san-diego-police-dog-and-](https://www.sandiegouniontribune.com/2024/11/13/man-attacked-by-san-diego-police-dog-and-shot-with-bean-bag-rounds-files-claim-against-city/)
5 [shot-with-bean-bag-rounds-files-claim-against-city/](https://www.sandiegouniontribune.com/2024/11/13/man-attacked-by-san-diego-police-dog-and-shot-with-bean-bag-rounds-files-claim-against-city/); City News Service, *Man Shot with Bean*
6 *Bags, Bitten by Police Dog Files Lawsuit against SDPD*, CBS 8 (Nov. 13, 2024, 5:14 PM),
7 [https://www.cbs8.com/article/news/local/man-shot-bean-bags-bitten-police-dog-lawsuit-sdpd/509-](https://www.cbs8.com/article/news/local/man-shot-bean-bags-bitten-police-dog-lawsuit-sdpd/509-5b0a95fa-df4a-40ee-adf1-d101f61a6f15)
8 [5b0a95fa-df4a-40ee-adf1-d101f61a6f15](https://www.cbs8.com/article/news/local/man-shot-bean-bags-bitten-police-dog-lawsuit-sdpd/509-5b0a95fa-df4a-40ee-adf1-d101f61a6f15); Michael Chen, *Excessive Force Claim Filed against City*
9 *of San Diego, SDPD*, ABC 10 News San Diego (Nov. 13, 2024, 6:35 PM),
10 [https://www.10news.com/news/local-news/excessive-force-claim-filed-against-city-of-san-diego-](https://www.10news.com/news/local-news/excessive-force-claim-filed-against-city-of-san-diego-sdpd)
11 [sdpd](https://www.10news.com/news/local-news/excessive-force-claim-filed-against-city-of-san-diego-sdpd); Katie Hyson & Carlos Castillo, *‘We’re Not Feeling Protected. We’re Feeling Hunted’:*
12 *Community Calls for Changes to SDPD K-9 Policy*, KPBS (Dec. 6, 2024, 6:00 AM),
13 [https://www.kpbs.org/news/racial-justice-social-equity/2024/12/06/were-not-feeling-protected-](https://www.kpbs.org/news/racial-justice-social-equity/2024/12/06/were-not-feeling-protected-were-feeling-hunted-community-calls-for-changes-to-sdpd-k-9-policy)
14 [were-feeling-hunted-community-calls-for-changes-to-sdpd-k-9-policy](https://www.kpbs.org/news/racial-justice-social-equity/2024/12/06/were-not-feeling-protected-were-feeling-hunted-community-calls-for-changes-to-sdpd-k-9-policy).

15 20. Mr. Evans made a Government Claims Act claim to the City based on this incident.
16 The claim states that he suffered “serious and traumatic injuries,” for which he was “transported
17 ... to the hospital,” as a result of the City’s use of force against him.

18 21. According to the claim, “The injuries resulted from being shot by beanbag rounds
19 multiple times, and also his left arm was mauled by the K9 unit.” A true and correct copy of Mr.
20 Evans’s claim obtained from the City, as redacted by the City, is attached hereto as **Exhibit B**.

21 22. His counsel elaborated, according to a news report, that “[a] bean bag round had
22 torn a piece out of one of his shins” and he was unable to return to work at his construction job.
23 Martinez, *supra*.

24 23. Mr. Evans’s counsel also stated that he had bruised ribs and tendon damage. Chen,
25 *supra*.

26 24. According to Mr. Evans’s counsel, “Weeks after the arrest,” Mr. Evans “still
27 couldn’t work, or walk. He had to change the dressing on his shin twice a day. He had trouble
28

1 opening and closing his left hand, and gripping. A bruised rib made it hard to take deep breaths.”
2 Hyson & Castillo, *supra*.

3 25. Mr. Evans reports in his civil complaint against the City arising from the incident
4 that, as a result of the beanbag rounds fired by SDPD officers, he suffered “severe[.]” injuries
5 “including, but not limited to, breaking his right tibia.” Ex. A at 7:26–8:1.

6 26. The use of force by one or more SDPD officers caused Mr. Evans “great bodily
7 injury” within the meaning of Penal Code section 832.7(b)(1)(A)(ii) and Government Code
8 section 7923.625(e)(2).

9 27. The discharge of three beanbag rounds from a shotgun by one or more SDPD
10 officers at Mr. Evans constituted the “discharge of a firearm” at a person within the meaning of
11 Penal Code section 832.7(b)(1)(A)(i) and Government Code section 7923.625(e)(1).

12 28. SDPD’s beanbag shotguns are “standard Remington Model 870, 12-gauge
13 shotgun[s] that [have] been modified with an orange stock and fore-end.” SDPD, *San Diego*
14 *Police Department Procedure: Kinetic Energy Weapon Systems* (IV)(C) (2022),
15 <https://www.sandiego.gov/sites/default/files/138-extendedrangeimpactweaponseriw.pdf>
16 [hereinafter SDPD Procedure: KEW]. A true and correct copy of SDPD Procedure: KEW is
17 attached hereto as **Exhibit C**.

18 29. Such a shotgun is a firearm as defined in Penal Code section 16520(a) because it is
19 “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile
20 by the force of an explosion or other form of combustion.”

21 30. In using the term “firearm” in Penal Code section 832.7(b)(1)(A)(i) and
22 Government Code section 7923.625(e)(1), the Legislature intended to incorporate the definition of
23 firearm found in Penal Code section 16520(a).

24 31. According to SDPD, the “[b]eanbag ammunition” used by its officers is
25 12-gauge KEW ammunition, commonly known as a beanbag round, [and] consists
26 of a fabric sock containing lead shot contained within a standard 2 ¾ inch shot shell
27 casing. The current Department-authorized round is manufactured by Combined
Tactical Systems (12-gauge round, shot-filled flexible sock, approximately 40
grams, with an opaque shell, labeled “2581 Super-Sock”).

28 Ex. C, SDPD Procedure: KEW, at (IV)(D).

1 32. On March 12, 2025, FAC requested from the City copies of the following records
2 related to SDPD’s “arrest of or use of force on Marcus Evans on or about October 25, 2024 (the
3 ‘Incident’)”:

4 1. All video or audio recordings relating to or depicting the Incident.

5 2. All records relating to any report, investigation, or findings concerning the
6 Incident, including but not limited to any incident reports; investigative reports;
7 photographs; transcripts or recordings of interviews; materials compiled and
8 presented for review to the district attorney or to any person or body charged with
9 determining whether to file criminal charges against an officer in connection with
10 an incident, whether the officer’s action was consistent with law and agency policy
11 for purposes of discipline or administrative action, or what discipline to impose or
corrective action to take; documents setting forth findings or recommended
findings; and copies of disciplinary records relating to the incident, including any
letters of intent to impose discipline, any documents reflecting modifications of
discipline due to the Skelly or grievance process, and letters indicating final
imposition of discipline or other documentation reflecting implementation of
corrective action.

12 The City designated FAC’s request “Request 25-1937” (“the Request”). A true and correct copy of
13 the web page for the Request on the City’s NextRequest website which accurately presents the
14 content of the Request and the City’s response thereto is attached hereto as **Exhibit D**.

15 33. On March 21, 2025, the City responded to the Request by partially disclosing a
16 single, redacted call log document but withholding all other records responsive to the Request in
17 their entirety. A true and correct copy of the partial, redacted call log that the City disclosed to
18 FAC is attached hereto as **Exhibit E**.

19 34. In refusing to disclose virtually all the records requested by FAC, the City stated, in
20 substance, that (1) body worn camera records were withheld pursuant to Government Code section
21 7923.600; (2) “911/Audio files/Talk Radio” records were withheld pursuant to Government Code
22 sections 7922.000, 7923.600, 7923.615 and *Haynie v. Superior Court*, 26 Cal. 4th 1061 (2001);
23 (3) the CAD report was redacted pursuant to Government Code sections 7923.600 and 7922.000;
24 and (4) “[a]ll records relating to any report, investigation, or findings concerning the Incident”
25 were withheld pursuant to Government Code sections 7923.600 and 7927.705. The City’s
26 response also noted that SDPD does not transcribe calls.

27 35. The exemptions cited by the City do not justify the City’s near-blanket withholding
28 of the records sought by FAC’s Request and this Petition. The records sought by FAC’s Request

1 and this Petition are subject to disclosure under the Public Records Act and Article I, section 3(b)
2 of the California Constitution. The City’s near-total denial of FAC’s Request violates the Public
3 Records Act, Article I, section 3(b) of the California Constitution, and Penal Code section
4 832.7(b).

5 36. The City is obligated to disclose all records requested by FAC “pursuant to the
6 California Public Records Act” because they are “record[s] relating to the report, investigation, or
7 findings of ... [a]n incident involving the discharge of a firearm at a person by a peace officer” or
8 “[a]n incident involving the use of force against a person by a peace officer ... that resulted in ...
9 great bodily injury.” Penal Code § 832.7(b)(1)(A)(i)–(ii).

10 37. According to Penal Code section 832.7(b)(11), “records subject to disclosure under
11 this subdivision shall be provided at the earliest possible time and no later than 45 days from the
12 date of a request for their disclosure,” except when “temporary withholding for a longer period is
13 permitted” under circumstances that do not apply to this case.

14 38. In addition or in the alternative, the City is obligated by the Public Records Act to
15 disclose the “video or audio recording[s]” requested by FAC because they relate to a “critical
16 incident” by depicting “[a]n incident involving the discharge of a firearm at a person by a peace
17 officer” or “[a]n incident in which the use of force by a peace officer ... against a person resulted
18 in ... great bodily injury.” Gov’t Code § 7923.625(e).

19 39. The City may not delay disclosure of the video or audio recordings requested by
20 FAC because more than 45 days have elapsed since the “critical incident” involving Mr. Evans,
21 and the City has no legally authorized grounds for delay. Gov’t Code § 7923.625(a).

22 40. Under Penal Code section 832.7(b) or Government Code section 7923.625, the City
23 is obligated to disclose records requested by FAC immediately.

24 41. The City’s violations of law set forth above will continue unless and until it is
25 commanded by this Court to produce the public records requested by FAC and to not engage in
26 such further violations of law by a declaratory judgment declaring its conduct unlawful.
27 Additionally, absent injunctive relief, the City will continue to withhold public information as it
28 has done here, resulting in great and irreparable injury to Petitioner and the public at large by

1 depriving them of immediate access to information vital to the public interest and necessary for
2 self-government. Petitioner has no adequate remedy at law because the relief it seeks does not
3 consist of monetary compensation but rather the enforcement of its statutory and constitutional
4 rights of access, and the harm it has suffered through the City's refusal to provide access to
5 information that is required to be disclosed under California law cannot be compensated through
6 an award of damages.

7 **CAUSE OF ACTION**

8 **(Unlawful Refusal to Disclose Public Records)**

9 42. Petitioner realleges and incorporates by this reference paragraphs 1 through 41
10 above as though fully set forth herein.

11 43. The Public Records Act provides that "access to information concerning the
12 conduct of the public's business is a fundamental and necessary right of every person in this
13 state." Gov't Code § 7921.000.

14 44. The records sought in FAC's Request and this Petition are public records as defined
15 in Government Code section 7920.530 because they concern the conduct of public business and
16 are necessary for FAC and the public to assess the performance of its peace officers in connection
17 with SDPD's use of force against Mr. Evans and the City's response.

18 45. The records sought in FAC's Request are subject to disclosure under the Public
19 Records Act, Penal Code section 832.7(b), and Article I, section 3(b) of the California
20 Constitution.

21 46. The City's refusal to disclose almost all records sought in FAC's Request violates
22 the Public Records Act, Penal Code section 832.7(b), and Article I, section 3(b) of the California
23 Constitution.

24 47. The City cannot show that the records sought by FAC's Request are exempt from
25 disclosure or that the City's delays in disclosure are justified.

26 48. FAC has no plain, speedy, and adequate remedy to obtain the public records it has
27 requested, other than the declaratory and writ relief sought by this Petition. FAC is entitled to
28 institute proceedings for a writ of mandate and for declaratory and injunctive relief to enforce the

1 right to obtain records responsive to FAC's Request. Further, the case should proceed consistent
2 with the requirement that Public Records Act cases be scheduled "with the object of securing a
3 decision as to the matters at issue at the earliest possible time." Gov't Code § 7923.005.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Petitioner prays as follows:

6 1. That the Court grant the Petition for Writ of Mandate and order the City to disclose
7 all of the records requested in FAC's Request;

8 2. That the Court grant declaratory relief finding and declaring that Article I, section
9 3(b) of the California Constitution, the Public Records Act, and Penal Code section 832.7(b)
10 mandate disclosure of the records sought in FAC's Request, and that the City's response and near-
11 total denial of FAC's Request violated the foregoing laws;

12 3. That the Court grant declaratory relief finding and declaring that the City's
13 response to and processing of FAC's Request violated Government Code section 7922.530(a),
14 Penal Code section 832.7(b)(11), and Government Code section 7923.625(a).

15 4. Alternatively, if the Court does not immediately issue the declaratory relief set
16 forth above and order the City to produce the records sought by FAC's Request, that the Court
17 order the City to show cause why the records should not be released and the requested declaratory
18 relief should not be awarded and order the City to prepare a log of withheld records, and that it
19 thereafter grant the requested declaratory relief and order that the requested records be disclosed;

20 5. Alternatively, if the Court does not immediately issue the declaratory relief set
21 forth above and order disclosure of the records sought by FAC's Request, that the Court conduct
22 an in camera review, if it deems it necessary, of some or all of the records sought by FAC's
23 Request pursuant to Government Code section 7923.105(a) and that it thereafter grant the
24 requested declaratory relief and order that the requested records be disclosed;


25 6. That Petitioner be awarded attorney's fees and costs against the City and/or any
26 other individual or entity who may attempt to block disclosure of the records sought by FAC's
27 Request pursuant to Government Code section 7923.115(a) and/or Code of Civil Procedure
28 section 1021.5; and

1 7. For such other and further relief as the Court may deem just and proper.

2 Dated: June 25, 2025

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FIRST AMENDMENT COALITION

By  _____
 DAVID LOY
 AARON R. FIELD
 Attorneys for Petitioner FIRST
 AMENDMENT COALITION

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VERIFICATION

I, David E. Snyder, am the executive director of the First Amendment Coalition (“FAC”), the Petitioner in this action.

I have read the foregoing Verified Petition for Declaratory Relief and Writ of Mandate under the California Public Records Act. I am informed and believe the matters stated therein to be true, and on that ground I alleged that the matters stated therein are true. I have authority to make this verification on behalf of FAC.

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

Executed on June 25, 2025 in Albany, California.



David E. Snyder

Exhibit A

1 DANTE T. PRIDE (SBN 262362)
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7 Attorneys for Plaintiff,
8 MARCUS EVANS

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
3/25/2025 12:08:09 PM
Clerk of the Superior Court
By C. Hines ,Deputy Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO**

12 MARCUS EVANS, an individual,
13 Plaintiff,

14 v.

15 CITY OF SAN DIEGO, a municipality;
OFFICER ALAN DYEMARTIN (Badge No.
16 6642), an individual; OFFICER
TECHEAKBOTH UCH (Badge No. 7280),
17 an individual; OFFICER ROBERT NELSON
(Badge No. 7443), an individual; OFFICER
18 ERROL JOHNSON (Badge No. 1644), an
individual; OFFICER SAMANTHA BURNS
19 (Badge No. 1948), an individual; OFFICER
ANDREW DUARTE (Badge No. 6529), an
20 individual; OFFICER JONATHAN WELLS
(Badge No. 7319), an individual; OFFICER
21 LIAM COATS (Badge No. 1729), an
individual; OFFICER RODOLFO
22 ARREGUIN (Badge No. 1732), an
individual; OFFICER JOSE RODRIGUEZ
23 (Badge No. 7360), an individual; OFFICER
JOHN SULLIVAN (Badge No. 6455), an
24 individual; OFFICER JOHN WHITE (Badge
No. 6982), an individual; OFFICER
25 SHAYAN ESAMBOLCHI (Badge No.
1087), an individual; OFFICER ISAI
26 CASTILLO (Badge No. 7875), an individual;
OFFICER ASHLEY POUCHIE (Badge No.
27 1910), an individual; OFFICER TYLER
CHRISTMAN (Badge No. 7711), an

CASE NO. 25CU015412C

**PLAINTIFF'S COMPLAINT FOR
DAMAGES FOR:**

1. Violation of 42 U.S.C. § 1983 (False Arrest);
2. Violation of 42 U.S.C. § 1983 (False Imprisonment);
3. Violation of 42 U.S.C. § 1983 (Failure to Properly Screen and Hire);
4. Violation of 42 U.S.C. § 1983 (Failure to Properly Train);
5. Violation of 42 U.S.C. § 1983 (Failure to Properly Supervise and Discipline);
6. Violation of 42 U.S.C. § 1983 (*Monell* Violation);
7. Violation of Bane Civil Rights Act Civil Code § 52.1;
8. Violation of Ralph Act Civil Code § 51.7;
9. Battery; and
10. Intentional Infliction of Emotional Distress

JURY TRIAL DEMANDED

-IMAGED FILE-

1 individual; OFFICER MEGHAN BISESTO
2 (Badge No. 5797), an individual; OFFICER
3 DANIEL KIM (Badge No. 1611), an
4 individual; OFFICER JOHN CLEMONS
5 (Badge No. 1565), an individual; OFFICER
6 CARLO DUMAPLIN (Badge No. 6481), an
7 individual; OFFICER PHILIPPE
8 MONTAYRE (Badge No. 6499), an
9 individual; OFFICER CHRISTOPHER JOHN
10 RABONZA (Badge No. 1388), an individual;
11 SCOTT WAHL, an individual; and DOES 1-
12 50, inclusive,

Defendants.

13 Plaintiff MARCUS EVANS (“PLAINTIFF”), by and through his counsel of record,
14 hereby alleges the following:

15 **PARTIES, JURISDICTION, AND VENUE**

16 1. PLAINTIFF is, and at all relevant times was, an individual over the age of
17 eighteen (18) residing in San Diego County, California.

18 2. At all times relevant herein, Defendant OFFICER ALAN DYEMARTIN, Badge
19 No. 6642 (“DYEMARTIN”) was an individual over the age of eighteen (18) employed by the
20 Defendant CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police
21 Department (“SDPD”). On information and belief, DYEMARTIN resides in San Diego County,
22 California.

23 3. At all times relevant herein, Defendant OFFICER TECHEAKBOTH UCH (Badge
24 No. 7280), (“UCH”) was an individual over the age of eighteen (18) employed by the Defendant
25 CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department
26 (“SDPD”). On information and belief, UCH resides in San Diego County, California.

27 4. At all times relevant herein, Defendant OFFICER ROBERT NELSON (Badge No.
28 7443), (“NELSON”) was an individual over the age of eighteen (18) employed by the Defendant
CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department
29 (“SDPD”). On information and belief, NELSON resides in San Diego County, California.

1 5. At all times relevant herein, Defendant ERROL JOHNSON (Badge No. 1644),
2 (“JOHNSON”) was an individual over the age of eighteen (18) employed by the Defendant CITY
3 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
4 On information and belief, JOHNSON resides in San Diego County, California.

5 6. At all times relevant herein, Defendant SAMANTHA BURNS (Badge No. 1948),
6 (“BURNS”) was an individual over the age of eighteen (18) employed by the Defendant CITY
7 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
8 On information and belief, BURNS resides in San Diego County, California.

9 7. At all times relevant herein, Defendant ANDREW DUARTE (Badge No. 6529),
10 (“DUARTE”) was an individual over the age of eighteen (18) employed by the Defendant CITY
11 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
12 On information and belief, DUARTE resides in San Diego County, California.

13 8. At all times relevant herein, Defendant JONATHAN WELLS (Badge No. 73199),
14 (“WELLS”) was an individual over the age of eighteen (18) employed by the Defendant CITY
15 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
16 On information and belief, WELLS resides in San Diego County, California.

17 9. At all times relevant herein, Defendant LIAM COATS (Badge No. 1729),
18 (“COATS”) was an individual over the age of eighteen (18) employed by the Defendant CITY
19 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
20 On information and belief, COATS resides in San Diego County, California.

21 10. At all times relevant herein, Defendant RODOLFO ARREGUIN (Badge No.
22 1732), (“ARREGUIN”) was an individual over the age of eighteen (18) employed by the
23 Defendant CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police
24 Department (“SDPD”). On information and belief, ARREGUIN resides in San Diego County,
25 California.

26 11. At all times relevant herein, Defendant JOSE RODRIGUEZ (Badge No. 7360),
27 (“RODRIGUEZ”) was an individual over the age of eighteen (18) employed by the Defendant

1 CITY OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department
2 ("SDPD"). On information and belief, RODRIGUEZ resides in San Diego County, California.

3 12. At all times relevant herein, Defendant JOHN SULLIVAN (Badge No. 6455),
4 ("SULLIVAN") was an individual over the age of eighteen (18) employed by the Defendant
5 CITY OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department
6 ("SDPD"). On information and belief, SULLIVAN resides in San Diego County, California.

7 13. At all times relevant herein, Defendant JOHN WHITE (Badge No. 6982),
8 ("WHITE") was an individual over the age of eighteen (18) employed by the Defendant CITY OF
9 SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department ("SDPD"). On
10 information and belief, WHITE resides in San Diego County, California.

11 14. At all times relevant herein, Defendant SHAYAN ESAMBOLCHI (Badge No.
12 1087), ("ESAMBOLCHI") was an individual over the age of eighteen (18) employed by the
13 Defendant CITY OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police
14 Department ("SDPD"). On information and belief, WHI ESAMBOLCHI TE resides in San Diego
15 County, California.

16 15. At all times relevant herein, Defendant ISAI CASTILLO (Badge No. 7875),
17 ("CASTILLO") was an individual over the age of eighteen (18) employed by the Defendant
18 CITY OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department
19 ("SDPD"). On information and belief, CASTILLO resides in San Diego County, California.

20 16. At all times relevant herein, Defendant ASHLEY POUCHIE (Badge No. 1910),
21 ("POUCHIE") was an individual over the age of eighteen (18) employed by the Defendant CITY
22 OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department ("SDPD").
23 On information and belief, POUCHIE resides in San Diego County, California.

24 17. At all times relevant herein, Defendant TYLER CHRISTMAN (Badge No. 7711),
25 ("CHRISTMAN") was an individual over the age of eighteen (18) employed by the Defendant
26 CITY OF SAN DIEGO (the "CITY") as an Officer with the San Diego Police Department
27 ("SDPD"). On information and belief, CHRISTMAN resides in San Diego County, California.

1 18. At all times relevant herein, Defendant MEGHAN BISESTO (Badge No. 5797),
2 (“BISESTO”) was an individual over the age of eighteen (18) employed by the Defendant CITY
3 OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”).
4 On information and belief, BISESTO resides in San Diego County, California.

5 19. At all times relevant herein, Defendant DANIEL KIM (Badge No. 1611), (“KIM”)
6 was an individual over the age of eighteen (18) employed by the Defendant CITY OF SAN
7 DIEGO (the “CITY”) as an Officer with the San Diego Police Department (“SDPD”). On
8 information and belief, KIM resides in San Diego County, California.

9 20. At all times relevant herein, Defendant JOHN CLEMONS (Badge No. 1565),
10 (“CLEMONS”) was an individual over the age of eighteen (18) employed by the Defendant
11 CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department
12 (“SDPD”). On information and belief, CLEMONS resides in San Diego County, California.

13 21. At all times relevant herein, Defendant CARLO DUMAPLIN (Badge No. 648),
14 (“DUMAPLIN”) was an individual over the age of eighteen (18) employed by the Defendant
15 CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police Department
16 (“SDPD”). On information and belief, DUMAPLIN resides in San Diego County, California.

17 22. At all times relevant herein, Defendant PHILIPPE MONTAYRE (Badge No.
18 6499), (“MONTAYRE”) was an individual over the age of eighteen (18) employed by the
19 Defendant CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police
20 Department (“SDPD”). On information and belief, MONTAYRE resides in San Diego County,
21 California.

22 23. At all times relevant herein, Defendant CHRISTOPHER JOHN RABONZA
23 (Badge No. 1388), (“RABONZA”) was an individual over the age of eighteen (18) employed by
24 the Defendant CITY OF SAN DIEGO (the “CITY”) as an Officer with the San Diego Police
25 Department (“SDPD”). On information and belief, RABONZA resides in San Diego County,
26 California.

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1 24. At all times relevant herein, Defendant SCOTT WAHL (“WAHL”) was an
2 individual over the age of eighteen (18) employed as the Chief of SDPD. On information and
3 belief, WAHL resides in San Diego County, California.

4 25. Whenever in this complaint reference is made to any act, deed, or conduct of
5 “SDPD OFFICERS” such allegation means includes Defendants DYEMARTIN, UCH,
6 NELSON, JOHNSON, BURNS, DUARTE, WELLS, COATS, ARREGUIN, RODRIGUEZ,
7 SULLIVAN, WHITE, ESAMBOLCHI, CASTILLO, POUCHIE, CHRISTMAN, BISESTO,
8 KIM, CLEMONS, DUMPLIN, MONTAYRE, RABONZA, WAHL, and DOES 1-25, inclusive,
9 (collectively, “SDPD OFFICERS”). At all times relevant herein, each of the individual SDPD
10 Officers were working within their course and scope for Defendant CITY.

11 26. Defendant the CITY is a public entity, and is a city in the County of San Diego,
12 California.

13 27. PLAINTIFF is ignorant as to the true names, identities, and capacities of
14 Defendants DOES 1 through 50, inclusive. Therefore, PLAINTIFF sues these Defendants under
15 the fictitious designation of DOES 1 through 50. PLAINTIFF will amend this Complaint once
16 their identities have been ascertained as well as facts giving rise to their liability.

17 28. The individual defendants, including all individual DOE defendants, carried out
18 the actions complained of in their individual capacities, under color of state law, in the course and
19 scope of their employment with their respective law enforcement agencies. The CITY is
20 obligated, under California Government Code §§ 815.2 and 825(a), to pay any compensatory
21 damages awarded against the individual defendants. Nevertheless, the defendants herein are
22 jointly and severally liable for any award of damages.

23 29. Venue is proper in this Court because the acts and omissions complained of all
24 occurred within the County of San Diego and all parties herein reside in, work in, or are situated
25 within the County of San Diego.

26 30. On November 13, PLAINTIFF filed a Claim Form with the CITY as required by
27 California Government Code §§ 910, *et seq.* On December 16, 2024, the CITY denied

1 PLAINTIFF's claim. PLAINTIFF timely brings this lawsuit. A true and correct copy of such
2 denial is attached hereto as *Exhibit "A"* and is incorporated by reference.

3 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

4 *San Diego Police Department Violently Released a K9 Officer who Maimed and Injured Plaintiff*

5 31. On October 24, 2024, SDPD responded to a report of a man allegedly displaying a
6 weapon during an altercation. The reporting party told SDPD the suspect entered a residence near
7 the 6400 block of Duluth Avenue.

8 32. SDPD OFFICERS immediately surrounded the location. At the scene, there were
9 at least twenty-two (22) officers, at least four (4) SDPD vehicles, and at least two (2) vehicles
10 were marked as "Police K9." A helicopter was also aerially surveilling the residence.

11 33. The SDPD OFFICERS called for the occupants of the residence to exit one by one.
12 Complying with SDPD directives, three (3) individuals exited the residence one (1) at a time.
13 Each individual exited the residence with their hands raised, stopped at the end of the driveway,
14 spun around to demonstrate they had no weapons, then walked backwards toward the officers as
15 instructed.

16 34. PLAINTIFF was the fourth individual to exit the residence. PLAINTIFF is a
17 thirty-two (32) year old Black man, and a father, who is gainfully employed in the construction
18 industry. PLAINTIFF's family members are employed by or have been employed by the CITY
19 for decades.

20 35. PLAINTIFF complied with all SDPD orders and commands as he exited the
21 residence barefoot, shirtless, and in thin shorts with his arms raised. PLAINTIFF was visibly
22 unarmed and posed no threat to the SDPD OFFICERS at any time during the incident.

23 36. SDPD OFFICERS inexplicably deployed multiple attacks of force directed at
24 PLAINTIFF. These attacks of force met PLAINTIFF despite PLAINTIFF not exhibiting *any*
25 signs of active resistance to SDPD instructions and commands.

26 37. SDPD OFFICERS shot PLAINTIFF with at least three (3) beanbag rounds. These
27 beanbag rounds severely injured PLAINTIFF, including, but not limited to, breaking his right

1 tibia.

2 38. PLAINTIFF was knocked to the ground, where his arms remained raised, by the
3 first beanbag shot. PLAINTIFF was curled in fetal position writhing in pain. PLAINTIFF was
4 completely immobilized after the first beanbag round hit him. At this time, it is unclear which of
5 the SDPD OFFICERS deployed the first shot.

6 39. Despite PLAINTIFF's immobilization, SDPD OFFICERS continued to deploy at
7 least two (2) more beanbag rounds.

8 40. As SDPD deployed numerous beanbag rounds at PLAINTIFF's barely clothed
9 body, PLAINTIFF begged and pleaded for SDPD OFFICERS not to shoot him. PLAINTIFF
10 continued to comply with all SDPD instructions and commands as he pleaded not to be harmed.
11 As SDPD OFFICERS ignored PLAINTIFF's pleas, PLAINTIFF cried out for help and called for
12 his uncle.

13 41. SDPD OFFICERS continued to exercise persistent force against PLAINTIFF.
14 Throughout the entire display of their continuous attacks of force against PLAINTIFF,
15 PLAINTIFF remained immobilized. PLAINTIFF laid on the ground, in agony, with his hands
16 raised. PLAINTIFF's pleas for help continued. SDPD OFFICERS continued to ignore
17 PLAINTIFF's helpless pleas and deployed the use of a K9 police officer at least two (2) times.

18 42. SDPD OFFICERS first deployed the K9 officer immediately after PLAINTIFF
19 was shot with the second beanbag round. The K9 officer made contact with PLAINTIFF but
20 ultimately retreated to the source officer. PLAINTIFF remained seated on the driveway, with his
21 hands still raised.

22 43. SDPD OFFICERS deployed a K9 officer for a second time. This time, the K9
23 officer attacked PLAINTIFF immediately after he was shot with the third beanbag round. During
24 the attack, PLAINTIFF was immobilized, seated on the step of the driveway, with his hands
25 raised. The K9 officer rushed PLAINTIFF's body and violently latched onto PLAINTIFF's arm.
26 The K9 officer's teeth remained attached to PLAINTIFF, vigorously shaking him around for
27 approximately forty (40) seconds while PLAINTIFF screamed in pain and confusion. As the K9

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1 officer was recalled by the source officer, the K9 officer did not disengage from PLAINTIFF and
2 remained latched to his arm causing further injury. Because the K9 officer failed to recall and
3 disengage, the SDPD OFFICERS had to forcibly remove the K9 officer from PLAINTIFF's
4 body. As a result of the K9 officer's forceful bite, PLAINTIFF screamed in agonizing pain.

5 44. SDPD's use of the K9 officer was a display of excessive force in contravention of
6 both SDPD's training and California's Peace Officer Standards and Training ("POST") standards.
7 PLAINTIFF posed no direct or immediate threat to any of the SDPD OFFICERS present nor any
8 member of the community. Yet, SDPD OFFICERS fired at least three (3) beanbag rounds and
9 violently deployed a K9 officer twice.

10 45. PLAINTIFF sustained serious injuries as a result of the unreasonable conduct and
11 excessive force of SDPD OFFICERS.

12 46. Throughout PLAINTIFF's encounter with SDPD, numerous SDPD OFFICERS
13 and supervisory officers, stood around and watched the use of force continuously increase. Their
14 use of force only increased as time went on despite PLAINTIFF's failure to display active
15 resistance to any of the SDPD OFFICERS' commands. The SDPD OFFICERS, including other
16 supervisory officers, failed to ensure proper use of force was utilized throughout the situation.
17 Rather, these SDPD OFFICERS, including supervisor officers, merely stood by and watched as
18 other SDPD OFFICERS continued to escalate the force against PLAINTIFF in contravention of
19 SDPD's training and California's POST standards.

20 47. Further displaying excessive force, while on the scene, SDPD OFFICERS also
21 ordered PLAINTIFF's uncle to exit the residence. However, at the time SDPD OFFICERS
22 arrived, PLAINTIFF's uncle was attached to his dialysis machine and could not leave the house.
23 Instead, PLAINTIFF's seventeen (17) year old cousin exited the residence with his arms raised to
24 explain to the SDPD OFFICERS that his father was undergoing treatment for dialysis and could
25 not safely exit the residence.

26 48. When PLAINTIFF's minor cousin exited the residence with his hands raised,
27 SDPD OFFICERS immediately aimed their weapons, including guns, at him. PLAINTIFF had

1 two other minor cousins who were also required to exit the residence. These minors also exited
2 the residence, following all directions, with their arms raised, and had weapons, including guns,
3 aimed directly at them. At no time, did these minors fail to comply with the SDPD OFFICERS'
4 instructions nor did they pose any threat to them. Yet, guns remained aimed at them the entire
5 time.

6 49. Eventually the SDPD OFFICERS entered the residence where they forced
7 PLAINTIFF's uncle to disconnect from his critical dialysis treatment. Although he was connected
8 to a dialysis machine and also posed no threat to SDPD OFFICERS, PLAINTIFF's uncle was
9 also met with weapons pointed at him.

10 50. Following this diabolic series of events, PLAINTIFF was finally transported to the
11 hospital for the injuries he sustained from the multiple beanbag rounds and the K9 officer attacks.
12 All the while, PLAINTIFF was in disbelief because he had done nothing wrong or threatening to
13 the police; his only "crime" was being a Black man living in a neighborhood in San Diego
14 County, California.

15 51. What's worse, no criminal charges were filed against PLAINTIFF relating to this
16 incident; again, because he had done nothing wrong.

17 52. After video footage of the brutal attack on PLAINTIFF was posted online by a
18 concerned citizen, veteran SDPD Officer, Johnnie Cochran, filed a complaint with the CITY and
19 SDPD internal affairs because of the excessive use of force by the SDPD OFFICERS on the
20 scene.

21 Police Weaponization of K9 Officers

22 53. In January 2024, American Civil Liberties Union California Action ("ACLU CA
23 Action") released a report analyzing the use of K9 officers by police departments throughout
24 California. This report established: (1) police use K9 officers to inflict serious injury on people
25 who do not pose danger to officers or others; (2) police use K9 officers to perpetrate racialized
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1 violence; and (3) K9 officers fail to stop attacking when recalled.¹ Each of these findings were
2 experienced by PLAINTIFF.

3 54. Notably, more Californians suffered life-threatening or life-altering injuries from
4 K9 officer attacks than those similarly harmed by batons or tasers.² The California Department of
5 Justice reported K9 officers account for more than one in ten uses of force that result in serious
6 injury each year.³

7 55. Throughout California, the use of K9 officers is most common when the suspect
8 poses no serious danger to the officer or to others. Most injured by K9 officers are not combative
9 or even running from police – at most these individuals have displayed “passive resistance.” In
10 fact, ACLU CA Action report concluded the use of K9 officers is intentionally primarily limited
11 to instances where the civilian does not pose a serious threat nor is suspected of any serious
12 crime. The report also highlights the frequent use of K9 officers against people who are laying
13 down, restrained, or with their hands in the air.⁴ This likely explains the manner of treatment to
14 which PLAINTIFF was subjected, as described herein.

15 56. Even worse, K9 officers are disproportionately deployed against People of Color.
16 Specifically, Black Californians are 2.6 times more likely to be seriously injured by K9 officers
17 than White Californians.⁵ These statistics are on full display in the San Diego Police Department
18 as well—as was the case with PLAINTIFF. In fact, a San Diego Police officer K9 handler
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23 ¹ *Weaponizing Dogs: The Brutal and Outdated Practice of Police Attack Dogs*, ACLU CALIFORNIA ACTION,
24 (Jan. 2024), [https://aclucalaction.org/wp-content/uploads/2024/01/ACLUReport_Weaponizing-](https://aclucalaction.org/wp-content/uploads/2024/01/ACLUReport_Weaponizing-Dogs_1.10.2024.pdf)
Dogs_1.10.2024.pdf (Hereinafter, *ACLU California Action Report*).

25 ² *Id.*

26 ³ Cal. Dep’t of Justice, *Use of Force Incident Reporting Data, 2020-2022*, <https://openjustice.doj.ca.gov/data>;
See also Cal. Dep’t of Justice, *Use of Force Incident Reporting Data, 2022*, [https://data-](https://data-openjustice.doj.ca.gov/sites/default/files/2023-06/USE%20OF%20FORCE%202022f.pdf)
openjustice.doj.ca.gov/sites/default/files/2023-06/USE%20OF%20FORCE%202022f.pdf.

27 ⁴ *ACLU California Action Report*, *supra* note 1.

28 ⁵ *Id.*

1 “joked” that his K9 officer “only likes dark meat” as the K9 officer was deployed to arrest a
2 Woman of Color.⁶

3 57. SDPD also has a custom and practice of releasing K9 officers to inflict injury on
4 individuals:

- 5 • On July 9, 2017, SDPD deployed a K9 officer on a Black man experiencing
- 6 distress and standing in traffic. The K9 officer continued to bite the man after he
- 7 was handcuffed and on the ground;
- 8 • On December 3, 2015, SDPD deployed a K9 officer on a man whose wife called
- 9 for psychiatric help. No psychiatric team was present;
- 10 • On April 15, 2015, SDPD deployed a K9 officer on a man who was naked in a
- 11 canyon. The man sustained serious injuries to his leg and filed a lawsuit against
- 12 SDPD when the K9 officer bites became infected; and
- 13 • On February 11, 2010, SDPD deployed a K9 officer on a woman who fell asleep
- 14 in her office afterhours setting off the alarm. The K9 officer attacked the woman
- 15 and bit her face and lip while she was asleep.⁷

16 58. SDPD’s policies and procedures for use of K9 officers does not limit deployment
17 to incidents where a threat of serious injury is present. SDPD’s policies and procedures for K9
18 officers is not limited to apprehension of violent crimes nor is it limited to felony arrests. SDPD’s
19 policies and procedures also permit the deployment of K9 officers against people experiencing
20 mental health crises. Finally, SDPD utilizes K9 officers for crowd control.

21 59. In 2018, the Right to Know Act, SB 1421, was approved and signed into law. This
22 law requires law enforcement agencies to publish the full investigation and disciplinary records
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24 ⁶ Alexis Rivas, et al., *Racist Comments, Excessive Force and Offensive Behavior Revealed in SDPD Internal*
25 *Affairs Cases*, NBC SAN DIEGO, (Feb. 14, 2023), [https://www.nbcsandiego.com/news/investigations/racist-](https://www.nbcsandiego.com/news/investigations/racist-comments-excessive-force-and-offensive-behavior-revealed-in-san-diego-police-department-internal-affairs-cases/3166439/)
26 [comments-excessive-force-and-offensive-behavior-revealed-in-san-diego-police-department-internal-affairs-](https://www.nbcsandiego.com/news/investigations/racist-comments-excessive-force-and-offensive-behavior-revealed-in-san-diego-police-department-internal-affairs-cases/3166439/)
27 [cases/3166439/](https://www.nbcsandiego.com/news/investigations/racist-comments-excessive-force-and-offensive-behavior-revealed-in-san-diego-police-department-internal-affairs-cases/3166439/)

28 ⁷ Abbie VanSickle, et al., *We’re Tracking Police Dog Bites Across the Country*, THE MARSHALL PROJECT,
<https://www.themarshallproject.org/2020/11/17/we-re-tracking-police-dog-bites-across-the-country> (last
accessed November 26, 2024.)

1 when the department found evidence of: (a) violation of the law; (b) lying while carrying out their
2 law enforcement duties; (c) using excessive force; (d) failing to intervene against another officer
3 that used excessive force; (e) exhibiting prejudice or discrimination; or (f) making an unlawful
4 search or unlawful arrest. From 2014 to 2022, there were sixty-eight (68) internal affairs
5 investigations for SDPD. These investigations revealed multiple findings of discriminatory
6 behavior by SDPD officers. However, thirty-seven (37) of these investigations were missing files
7 with disciplinary information. As of 2023, over half of the SDPD officers named in the
8 misconduct investigations are still employed with the agency.⁸

9 60. ACLU CA Action sought to obtain SB 1421 records from SDPD but was
10 unsuccessful. SDPD indicated SB 1421 records existed but did not produce any records for
11 review.⁹

12 SDPD's Policies, Customs, and Practices

13 61. Unfortunately, SDPD has a problem with racial bias and discrimination,
14 necessitating the need for legal intervention. This is also a nationwide and statewide problem,
15 resulting in the Legislature attempting to create laws to address the problems.

16 62. In 2016, San Diego State University performed a study regarding SDPD's policies,
17 customs, and practices. SDPD's unspoken policy was on full display in this independent study,
18 wherein the analysis of SDPD's data showed that Black and Hispanic people are more likely to be
19 searched and questioned in the field after being stopped.

20 63. According to the National Justice Database City Report on SDPD, Black people
21 made up 14.8% of all people who experienced traffic stops from 2017-2020. Once stopped, Black
22 people were searched 2.5 times as often as White people. Not only that, but the report found that
23 Black people were subjected to force 5 times as often as White people per year on average,
24 considering the population size of each group.

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26 ⁸ Alexis Rivas, *supra* note 6.

27 ⁹ ACLU California Action Report, *supra* note 1 at Appendix B.

1 64. Because Black and Hispanic people are stopped more frequently, this also
2 increases their chance of K9 officer use. These factors explain the treatment to which
3 PLAINTIFF was subjected, as described herein.

4 65. The Police Scorecard is the first nationwide public evaluation of policing in the
5 United States. The Scorecard calculates levels of police violence, accountability, racial bias and
6 other policing outcomes for over 16,000 municipal and county law enforcement agencies,
7 covering nearly 100% of the US population. The indicators included in this scorecard were
8 selected based on a review of the research literature, input from activists and experts in the field,
9 and a review of publicly available datasets on policing from federal, state, and local agencies.

10 66. The Police Scorecard evaluated the policing practices of San Diego Police
11 Department, and their results show the department to be engaged in a pattern of discriminatory
12 policing.

13 67. SDPD not only used force more often but also used more severe forms of force
14 against Black people than other groups, even after controlling for arrest rates and alleged level of
15 resistance. In fact, Black people were stopped – in traffic or pedestrian stops – by San Diego
16 police at a rate 219% higher than white people. San Diego police made 35,038 stops of Black
17 people during a 12-month period in a city with a total of 88,774 Black residents. Black people
18 were more likely than white people to be stopped in 85% of San Diego Police Department beats.
19 Moreover, fewer than 15% of these stops were initiated from civilian calls for service (*i.e.*, 911
20 calls), indicating that these racial disparities are the product of police decision-making rather than
21 officers responding to community calls for assistance.

22 68. Given all of the above, PLAINTIFF’s experience proves to be in line with SDPD’s
23 documented patterns and practices of mistreating people of color despite what their written
24 policies say. In fact, SDPD has been a defendant in numerous lawsuits very similar to this one,
25 which clearly demonstrates a deliberate indifference to the rights of citizens by SDPD’s
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1 management.¹⁰ SDPD is and has been on notice of the glaring deficiencies in its policies and
2 practices relating to racial inequality, yet the municipality has failed to address the issues. The
3 deluge of lawsuits only solidifies that sad fact.

4 **FIRST CAUSE OF ACTION**

5 **False Arrest (42 U.S.C. § 1983)**

6 ***(Against SDPD OFFICERS and DOES 1-25, inclusive)***

7 69. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
8 incorporate the same by reference.

9 70. 24 U.S.C. § 1983 provides in part:

10 Every person who, under color of any statute, ordinance, regulation,
11 custom, or usage of any State or Territory subjects, or causes to be
12 subjected, any person of the United State or other person within the
13 jurisdiction thereof to the deprivation of any rights, privileges, or
14 immunities secured by the Constitution and laws shall be liable to the
party injured in an action at law, suit at equity, or other proper
proceeding for redress.

15 71. PLAINTIFF had a firmly established right under the Fourth Amendment to be free
16 from wrongful arrest and detention.

17 72. At the time of PLAINTIFF’s arrest and detention, SDPD OFFICERS and DOES
18 1-25, inclusive, and each of them, had no probable cause to believe that PLAINTIFF had
19 committed a crime. In fact, no charges were ever filed against PLAINTIFF.

20 73. Said defendants intentionally and unlawfully exercised force or the express or
21 implied threat of force to restrain, detain, or confine PLAINTIFF.

22 74. Said defendants, particularly supervisory DOE defendants, authorized,
23 encouraged, directed, or assisted officers in either doing an unlawful act or procuring without
24 proper process PLAINTIFF’s arrest.

25 _____
26 ¹⁰ See, e.g., *McKinnie v. City of San Diego, et al.*, No. 3:24-cv-00827 (S.D. Cal. 2024) [Hon. Marilyn Huff
27 affirmed *Monell* liability for the municipality on similar, racial grounds, relying in large part upon the
studies and statistics cited herein]; see also, e.g., *Brandon, et al. v. City of San Diego, et al.*, No. 3:24-cv-
01164 (S.D. Cal. 2024) [Section 1983 case involving SDPD officers racial profiling, unlawfully detaining,
and using excessive force upon Black citizens following a funeral].

1 75. The restraint, detention, confinement, and arrest caused PLAINTIFF to suffer
2 injuries, damages, loss, and harm according to proof at the time of trial.

3 **SECOND CAUSE OF ACTION**

4 **False Imprisonment (42 U.S.C. § 1983)**

5 *(Against SDPD OFFICERS and DOES 1-25, inclusive)*

6 76. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
7 incorporate the same by reference.

8 77. On October 24, 2024, SDPD OFFICERS forced PLAINTIFF out of his residence
9 and restricted his movement for some time, causing PLAINTIFF to be arrested and falsely
10 imprisoned.

11 78. PLAINTIFF did not consent to the imprisonment.

12 79. PLAINTIFF was arrested/detained despite having committed no crime and SDPD
13 OFFICERS having neither probable cause nor reasonable suspicion.

14 80. There was no lawful basis for PLAINTIFF to be arrested, detained, or imprisoned
15 by SDPD OFFICERS.

16 81. As a direct and proximate result of the actions of said defendants, PLAINTIFF
17 suffered harm to be determined at trial.

18 **THIRD CAUSE OF ACTION**

19 **Failure to Properly Screen and Hire (42 U.S.C. § 1983)**

20 *(Against the CITY, WAHL, and DOES 26-50, inclusive)*

21 82. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
22 incorporate the same by reference.

23 83. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, as a
24 matter of custom, practice, and policy, failed to adequately and properly screen and hire SDPD
25 OFFICERS.

26 84. The failure of said defendants, their agents, directors, officers, and employees to
27 properly screen and hire defendant police officers as a matter of policy, custom, and practice, in

1 the exercise of their functions, was deliberately indifferent to the Constitutional rights of
2 PLAINTIFF and done with conscious disregard for the dangers of harm and injury to
3 PLAINTIFF and others similarly situated.

4 85. Due to the acts of said defendants, the failure to properly screen and hire police
5 officers, and the continued employment of SDPD OFFICERS, and each of them, presents a clear
6 and present danger to the residents of the city of San Diego.

7 86. The lack of adequate screening and hiring practices by said defendants evince
8 deliberate indifference to the rights of PLAINTIFF and others in his position.

9 87. Therefore, said defendants, with deliberate indifference, disregarded a duty to
10 protect the public from official misconduct.

11 88. The conduct alleged herein violated PLAINTIFF's rights alleged above which has
12 legally, proximately, foreseeably, and actually caused PLAINTIFF to suffer emotional distress,
13 pain and suffering, and further damages according to proof at the time of trial.

14 **FOURTH CAUSE OF ACTION**

15 **Failure to Properly Train (42 U.S.C. § 1983)**

16 *(Against the CITY, WAHL, and DOES 26-50, inclusive)*

17 89. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
18 incorporate the same by reference.

19 90. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, as a
20 matter of custom, practice, and policy failed to maintain adequate and proper training for police
21 officers in the department necessary to educate the officers as to the Constitutional rights of
22 arrestees; the consistent and systematic use of inappropriate intimidation, discrimination, and
23 racially-profiling tactics.

24 91. The failure of said defendants, their agents, servants, and employees to properly
25 train defendant police officers as a matter of policy, custom and practice, in the exercise of their
26 functions, was deliberately indifferent to the Constitutional rights of PLAINTIFF and done with
27

1 conscious disregard for the dangers of harm and injury to PLAINTIFF and others similarly
2 situated.

3 92. Said defendants failed to provide adequate training to police officers that hold the
4 power, authority, insignia, equipment, and arms entrusted to them.

5 93. Therefore, said defendants, with deliberate indifference, disregarded a duty to
6 protect the public from official misconduct.

7 94. The failure of said defendants to promulgate or maintain constitutionally adequate
8 policies regarding training was done with deliberate indifference to the rights of PLAINTIFF and
9 others similarly situated.

10 95. The constitutionally infirm lack of adequate training as to the officers in this case
11 caused PLAINTIFF's damages.

12 **FIFTH CAUSE OF ACTION**

13 **Failure to Properly Supervise and Discipline (42 U.S.C. § 1983)**

14 ***(Against the CITY, WAHL, and DOES 26-50, inclusive)***

15 96. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
16 incorporate the same by reference.

17 97. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, as a
18 matter of custom, practice, and policy, failed to supervise and discipline police officers in order to
19 prevent the consistent and systematic use of inappropriate intimidation, discrimination, and
20 racially-profiling tactics.

21 98. Said defendants failed to provide adequate supervision to police officers that hold
22 the power, authority, insignia, equipment, and arms entrusted to them.

23 99. Said custom, practice, and policy included a failure to adequately investigate,
24 supervise, and discipline the offending officers which fostered the custom, practice, and policy
25 within SDPD, resulted in the above-plead injuries to PLAINTIFF.

26 100. Therefore, said defendants, with deliberate indifference, disregarded a duty to
27 protect the public from official misconduct.

1 101. The failure of said defendants to promulgate or maintain constitutionally adequate
2 policies regarding investigation, supervision, and discipline was done with deliberate indifference
3 to the rights of PLAINTIFF and others similarly situated.

4 102. The conduct alleged herein violated PLAINTIFF's rights alleged above which has
5 legally, proximately, foreseeably, and actually caused PLAINTIFF to suffer emotional distress,
6 pain and suffering, and further damages according to proof at the time of trial.

7 **SIXTH CAUSE OF ACTION**

8 ***Monell Violation (42 U.S.C. § 1983)***

9 ***(Against the CITY, WAHL, and DOES 26-50, inclusive)***

10 103. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
11 incorporate the same by reference.

12 104. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them,
13 maintained a custom, policy, or practice within the meaning of *Monell*, of making inappropriate
14 and illegal contacts despite lacking reasonable suspicion or probable cause. These illegal contacts
15 then lead to using excessive force, falsely arresting, and otherwise burdening citizens who object
16 to unlawful profiling, harassment, and discriminatory actions by SDPD OFFICERS.

17 105. Said defendants maintained an unconstitutional policy with respect to contacting,
18 detaining, searching and arresting citizens based on unlawful racial profiling. Despite having
19 policies and procedures regarding these topics, SDPD failed to enforce its own policies, choosing
20 instead to ratify and/or allow unlawful conduct on the part of its employees.

21 106. The conduct alleged herein violated PLAINTIFF's rights alleged above which has
22 legally, proximately, and foreseeably caused PLAINTIFF to suffer emotional distress, pain and
23 suffering, and further damages according to proof at the time of trial.

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SEVENTH CAUSE OF ACTION

Violation of Bane Act (Civ. Code 52.1)

(Against all Defendants)

107. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and incorporate the same by reference.

108. PLAINTIFF had a firmly established right to be free from excessive force under the Fourth through the Fourteenth Amendments to the United States Constitution and the equivalent provisions of the California Constitution.

109. The California Legislature declared that it violates the state civil rights act for any person to interfere with the exercise or enjoyment by an individual of his right secured by the United States Constitution or state or federal law. This includes any interference of these rights by threats, intimidation, coercion, or attempted threats, intimidation, or coercion.

110. Defendants interfered with PLAINTIFF's rights under the First and Fourth Amendments of the United States Constitution by the use of force and violence as alleged above.

111. This interference with PLAINTIFF's rights was perpetrated by Defendants in violation of California Civil Code section 52.1 and under his rights under the Fourth and Fourteenth Amendments to be free from excessive force under the First and Fourteenth Amendments to the United states Constitution and the California Constitution.

112. Due to the violation of PLAINTIFF's rights by Defendants, PLAINTIFF has suffered economic damages and non-economic damages including, but not limited to, emotional distress, pain and suffering, and further damages according to proof at the time of trial.

113. PLAINTIFF is also entitled to the statutory civil penalties set forth in California Civil Code section 52.1, attorneys' fees and costs of suit incurred herein.

114. The conduct of Defendants also amounts to oppression, fraud, or malice within the meaning of California Civil Code section 3294, *et seq.* and punitive damages should be assessed against each non-public entity defendant for the purpose of punishment and for the sake of example. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, are liable

1 for the acts of SDPD OFFICERS, and each of them, as they have agreed with and/or ratified the
2 acts.

3 **EIGHTH CAUSE OF ACTION**

4 **Violation of Ralph Act (Civ. Code 51.7)**

5 ***(Against all Defendants)***

6 115. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and
7 incorporate the same by reference.

8 116. Defendants, and each of them, committed violent acts against PLAINTIFF.

9 117. A substantial motivating reason for Defendants' conduct was PLAINTIFF's race,
10 color, and/or political affiliation or Defendant's perception of PLAINTIFF's race, color, and/or
11 political affiliation, because of PLAINTIFF being a Black man in San Diego, California.

12 118. Due to the violation of PLAINTIFF's rights by Defendants, PLAINTIFF has
13 suffered economic damages and non-economic damages including, but not limited to, emotional
14 distress, pain and suffering, and further damages according to proof at the time of trial.

15 119. Defendant's conduct was a substantial factor in causing PLAINTIFF's harm.

16 120. PLAINTIFF is also entitled to the statutory civil penalties set forth in California
17 Civil Code section 51.7, attorneys' fees and costs of suit incurred herein.

18 121. The conduct of Defendants also amounts to oppression, fraud, or malice within the
19 meaning of California Civil Code section 3294, *et seq.* and punitive damages should be assessed
20 against each non-public entity defendant for the purpose of punishment and for the sake of
21 example. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, are liable
22 for the acts of SDPD OFFICERS, and each of them, as they have agreed with and/or ratified the
23 acts.

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NINTH CAUSE OF ACTION

Battery

(Against all Defendants)

122. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and incorporate the same by reference.

123. Defendants, and each of them, caused PLAINTIFF to be touched with the intent to harm or offend him. Specifically, Defendants shot PLAINTIFF at least three (3) times with a beanbag round fired from a shotgun. Defendants further deployed a K9 officer at least twice, latching and violently biting PLAINTIFF for at least forty (40) seconds before an SDPD officer had to forcibly remove the K9 officer.

124. PLAINTIFF did not consent to the touching.

125. PLAINTIFF was harmed and offended by Defendants' conduct.

126. A reasonable person in PLAINTIFF's situation would have been offended by the harmful touching.

127. As a result of Defendants' conduct, PLAINTIFF has suffered economic damages and non-economic damages including, but not limited to, emotional distress, pain and suffering, and further damages according to proof at the time of trial.

128. Defendant's conduct was a substantial factor in causing PLAINTIFF's harm.

129. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, are vicariously liable under Government Code section 815.2(a) for the acts and omissions of SDPD OFFICERS, and each of them, during the course and scope of his employment.

130. The conduct of Defendants also amounts to oppression, fraud, or malice within the meaning of California Civil Code section 3294, *et seq.* and punitive damages should be assessed against each non-public entity defendant for the purpose of punishment and for the sake of example. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, are liable for the acts of SDPD OFFICERS, and each of them, as they have agreed with and/or ratified the acts.

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TENTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against all Defendants)

131. PLAINTIFF realleges all prior and subsequent paragraphs of this complaint and incorporate the same by reference.

132. By engaging in the acts alleged herein, SDPD OFFICERS, and DOES 1-50, inclusive, and each of them, engaged in outrageous conduct with an intent to or a reckless disregard of the probability of causing PLAINTIFF to suffer emotional distress.

133. As a direct, proximate and foreseeable result, PLAINTIFF suffered severe emotional distress and the outrageous conduct was the cause of the emotional distress suffered by PLAINTIFF.

134. The conduct of said defendants also amounts to oppression, fraud or malice and punitive damages should be assessed against said defendants for the purpose of punishment and for the sake of example.

135. Defendants the CITY, WAHL, and DOES 26-50, inclusive, and each of them, are vicariously liable under Government Code section 815.2(a) for the acts and omissions of SDPD OFFICERS, and each of them, during the course and scope of his employment.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF respectfully prays for judgment against defendants herein and the following relief:

- A. Compensatory general and special damages in an amount according to proof at trial;
- B. Punitive and treble damages in an amount according to proof at trial;
- C. Reasonable attorneys' fees, expenses, and costs of suit;
- D. Pre-judgment interest;

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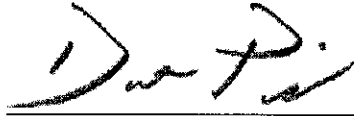
- E. An order directing the CITY, SDPD, and all supervisory DOE defendants to set forth policies and procedures as may be necessary and proper with respect to unlawful racial profiling, excessive force, false arrests, and false imprisonments;
- F. All such other and further relief as the Court deems necessary or proper.

JURY DEMAND

PLAINTIFF demands a jury trial on all issues in this case.

DATED: March 25, 2025

THE PRIDE LAW FIRM

By: 
 DANTE T. PRIDE
 JESSICA K. PRIDE
 SOPHIA REBECCA-MARIE
 Attorneys for Plaintiff,
 MARCUS EVANS

COPY TO: CITY ATTORNEY, RISK MANAGEMENT, DATE 4/01/25, DCC NAME ER

SUMMONS (CITACION JUDICIAL)

RECEIVED

2025 APR -1 PM 12:42

SUM-100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED Superior Court of California, County of San Diego 3/25/2025 12:08:09 PM

Clerk of the Superior Court By C. Hines, Deputy Clerk

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CITY OF SAN DIEGO, a municipality; OFFICER ALAN DYEMARTIN (Badge No. 6642), an individual; "ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED"

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

MARCUS EVANS, an individual

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: (El nombre y dirección de la corte es): San Diego County Superior Court 330 West Broadway, San Diego, CA 92101

CASE NUMBER: (Número del Caso): 25CU015412C

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Dante T. Pride; The Pride Law Firm, 2831 Camino del Río South, Ste. 104, San Diego, CA 92108; (619) 516-8166

DATE: (Fecha) March 26, 2025 Clerk, by (Secretario) C. Hines, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. [] as an individual defendant.
2. [] as the person sued under the fictitious name of (specify):
3. [XX] on behalf of (specify): City of San Diego, a municipality
under: [] CCP 416.10 (corporation) [] CCP 416.60 (minor)
[] CCP 416.20 (defunct corporation) [] CCP 416.70 (conservatee)
[] CCP 416.40 (association or partnership) [] CCP 416.90 (authorized person)
[XX] other (specify): Municipality
4. [] by personal delivery on (date):

SUM-200(A)

SHORT TITLE: Marcus Evans v. City of San Diego, et al	CASE NUMBER: 25CU015412C
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

- Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

OFFICER TECHEAKBOTH UCH (Badge No. 7280), an individual; OFFICER ROBERT NELSON (Badge No. 7443), an individual; OFFICER ERROL JOHNSON (Badge No. 1644), an individual; OFFICER SAMANTHA BURNS (Badge No. 1948), an individual; OFFICER ANDREW DUARTE (Badge No. 6529), an individual; OFFICER JONATHAN WELLS (Badge No. 7319), an individual; OFFICER LIAM COATS (Badge No. 1729), an individual; OFFICER RODOLFO ARREGUIN (Badge No. 1732), an individual; OFFICER JOSE RODRIGUEZ (Badge No. 7360), an individual; OFFICER JOHN SULLIVAN (Badge No. 6455), an individual; OFFICER JOHN WHITE (Badge No. 6982), an individual; OFFICER SHAYAN ESAMBOLCHI (Badge No. 1087), an individual; OFFICER ISAI CASTILLO (Badge No. 7875), an individual; OFFICER ASHLEY POUCHIE (Badge No. 1910), an individual; OFFICER TYLER CHRISTMAN (Badge No. 7711), an individual; OFFICER MEGHAN BISESTO (Badge No. 5797), an individual; OFFICER DANIEL KIM (Badge No. 1611), an individual; OFFICER JOHN CLEMONS (Badge No. 1565), an individual; OFFICER CARLO DUMAPLIN (Badge No. 6481), an individual; OFFICER PHILIPPE MONTAYRE (Badge No. 6499), an individual; OFFICER CHRISTOPHER JOHN RABONZA (Badge No. 1388), an individual; SCOTT WAHL, an individual; and DOES 1-50, inclusive

Exhibit B

Medium 38783 DAVID 11/13/24

CLAIM AGAINST THE CITY OF SAN DIEGO

Present claim by personal delivery or mail to the City of San Diego, Risk Management Department, 1200 Third Avenue, Suite 1000, San Diego, CA 92101 Including the claimant's email address on the returned claim form is highly recommended. Claims for death, injury to person or personal property must be filed no later than six (6) months after the occurrence (Gov. Code Section 911.2). All other claims must be filed within one (1) year of the occurrence.

2024 NOV 13 PM 12:54
Time Stamp

* = Required (Gov. Code Section 910)

Received Via Email US Mail Over the Counter Inter-Office Mail

A.

Claimant Name* (First, Middle, Last)
Marcus Evans

Claimant Address*
6461 Duluth Avenue

City* San Diego **State*** CA **Zip*** 92114

Claimant Phone Number
(619) 866-7181

B.

Send Official Notices and Correspondence To: *
Dante Pride; The Pride Law Firm

Address*
2831 Camino Del Rio South, Suite 104

City* San Diego **State*** CA **Zip*** 92108 **Phone Number** (619) 516-8166

Email Address
dpriide@pridelawfirm.com

C.

Date of Incident* 10/24/24-10/25/24 **Mo** October **Day** 24-25 **Year** 2024 **Time of Incident** 11:27 AM PM

Location of Incident or Accident (Be Specific)*
6461 Duluth Avenue, San Diego, CA 92114

Basis of Claim - State in detail all facts and circumstances of the incident.*
On 10/24/24 at approximately 11:27 pm, San Diego Police were called to MLK Park near 6400 Skyline for a report of a man allegedly displaying a weapon during an altercation. The individual stated that the suspect entered a residence near the 6400 block of Duluth Avenue. Police surrounded the location and called for the occupants of the building to come out. One of the occupants, Claimant Mr. Marcus Evans, D.O.B. [REDACTED] complied with police commands and exited the residence barefoot, topless and with his hands up; clearly unarmed. Despite posing absolutely zero threat to officers, SDPD officers inexplicably decided to deploy multiple attacks of force, including beanbag rounds and the deployment of a K9 dog who attached to Claimant's arm - in contravention of both SDPD's training policies and POST standards. This misconduct resulted in serious and traumatic injuries to Claimant. Not only did SDPD officers deploy beanbag rounds multiple times, but they also deployed k-9 officers multiple times as well. No charges were filed against Claimant and officers transported him to the hospital due to his serious injuries.

State why you believe the City is responsible for the alleged injury, property damage, or loss
The individuals who assaulted Claimant were employees of the City (i.e., San Diego Police Department Officer). Claimant posed no threat to the officers, yet SDPD officers deployed multiple attacks upon him, resulting in harm.

D.

Description of Alleged Injury, Property Damage, or Loss*
Claimant suffered serious injuries and was transported to the hospital. The injuries resulted from being shot by beanbag rounds multiple times, and also his left arm was mauled by the K9 unit. Claimant's injuries are ongoing.

CLAIM AGAINST THE CITY OF SAN DIEGO

Vehicle Information - If your claim relates to a motor vehicle or impound, provide the following information and attach proof of insurance and a copy of the current registration.

Year	Make of Vehicle	Model	License Plate No.	Driver's License No.
Insurance Company		Policy Number		Claim Number
Contact Name		Phone Number ()		Email Address

Additional Information - Please provide any additional information that might be helpful in considering your claim, including names of witnesses, treating physicians, hospitals, proof of damages such as invoices, receipts, estimates, a diagram, and photographs.

E.

Name and Department of City Employee who Allegedly Caused Injury or Loss (If Known)*	City Vehicle Type/Description	License Plate No./Unit No.
SDPD Officer Alan Dyemartin (ID 6642); DOE SDPD Officers		

F.

Damages Claimed*- If your claim does not exceed ten thousand dollars (\$10,000), state the basis of your computation of the amount claimed. (Attach supporting medical bills, invoices, repair estimates, etc.)

a. Amount claimed as of claim date	\$	TBD
b. Estimated amount of future costs	\$	TBD
Total Amount	\$	TBD

If your claim exceeds ten thousand (\$10,000), Government Code 910(f) requires that you indicate whether or not the claim is a "limited civil case." Check one.*

Limited (up to \$25,000)
 Unlimited (over \$25,000)

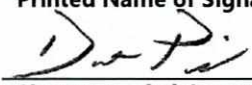
G.

Signature* - Claim form must be signed by claimant or party filing the claim. (Gov. Code Section 910.2)

Warning: It is a criminal offense to file a false claim. (California Penal Code § 72). I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters. I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Dante T. Pride

Printed Name of Signatory and Relationship to Claimant



Signature of Claimant or Person Acting On Behalf of Claimant*

November 13, 2024

Date

Exhibit C

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MAY 24, 2022

NUMBER: 1.38 - ADMINISTRATION

SUBJECT: KINETIC ENERGY WEAPON SYSTEMS

RELATED POLICY: [1.04](#), [1.05](#)

ORIGINATING DIVISION: TRAINING/EMPLOYEE DEVELOPMENT

NEW PROCEDURE:

PROCEDURAL CHANGE: **MAJOR CHANGES**

SUPERSEDES: DP 1.38 – 07/29/2021

I. PURPOSE

NEW

This Department procedure establishes guidelines for the use of Kinetic Energy Weapon (KEW) Systems.

II. SCOPE

This procedure applies to all sworn members of the Department. This does not limit SWAT Personnel from using additional KEW systems. For use of specialty munitions by SWAT, refer to Department Procedure 1.36, Use of Specialty Munitions.

III. BACKGROUND

- A. The San Diego Police Department recognizes and respects the value of human life and the dignity of every individual. It further recognizes that the primary duty of our officers is to preserve human life.
- B. The officer's use of a KEW will be evaluated and reviewed in accordance with policies and procedures outlined in Department Procedure 1.04, Use of Force.

IV. DEFINITIONS

- A. 40MM - this KEW is a 40MM single shot launcher; the Penn Arms model GL1-40, and DEF TECH model 1426, are just two examples.

NEW

B. 40MM ammunition - the 40MM KEW round is a sponge baton cartridge. The current Department-authorized 40MM round is manufactured by Defense Technology Corporation (eXact iMPact sponge round, approximately 36 to 38 grams). The sponge round has a blue-colored nose with a black base. The casing is stainless.

C. Beanbag shotgun - this KEW is a standard Remington Model 870, 12-gauge shotgun that has been modified with an orange stock and fore-end.

NEW

D. Beanbag ammunition - the 12-gauge KEW ammunition, commonly known as a beanbag round, consists of a fabric sock containing lead shot contained within a standard 2 ¾ inch shot shell casing. The current Department-authorized round is manufactured by Combined Tactical Systems (12-gauge round, shot-filled flexible sock, approximately 40 grams, with an opaque shell, labeled “2581 Super-Sock”).

E. Contact officer - the officer who deploys the beanbag shotgun or 40MM.

F. Cover officer - the officer(s) who provides “deadly force” backup.

NEW

G. Kinetic Energy Weapon (KEW) Systems - the KEW Systems consist of a device firing a special projectile designed to gain compliance, overcome resistance, or prevent serious injury or death to suspects, officers and bystanders. The Department currently uses two KEW systems. Both the beanbag shotgun and 40MM single shot launching system shall be classified as “Kinetic Energy Weapon” for identification within Department Procedure 1.04, Use of Force.

V. FIRING DISTANCES

A. All distances for KEW systems shall be measured from the muzzle end of the weapon’s barrel.

B. Officers generally should not fire either KEW from a distance of less than five (5) feet, or 1.5 meters. Severity of the circumstances at hand and shot placement, rather than deployment range, - are the critical factors in determining the extent of any injury caused by either projectile.

NEW

C. The maximum effective range of the beanbag shotgun is generally sixty (60) feet (20 yards).

NEW

D. The maximum effective range of the 40MM single shot launcher is generally one hundred twenty (120) feet (40 yards).

NEW

E. The target area from all distances should be the lower girdle area of the subject. This would include the lower abdominal region (belly button area) and below. Generally, the head, neck, thorax, heart, groin, and spine area should not be targeted.

VI. PROCEDURES

A. Authorized Users

1. Officers shall not deploy a KEW until they have successfully completed the required Department-approved training.
2. After the initial training, officers will be required to qualify annually with the KEW systems in conjunction with a Department Proficiency Shoot.
3. All Patrol personnel trained in the use of the beanbag shotgun will carry one in the field; currently beanbag shotguns are assigned to every marked patrol vehicle.

B. KEW Storage

1. Beanbag shotguns and 40MM are maintained in firearm cases that shall be carried horizontally within police vehicles that have an available trunk. In the case of the police SUVs, the beanbag shotguns shall be placed horizontally in the provided spring-loaded metal clasp mounted below the rear cargo compartment divider of the vehicle. The 40MM shall be maintained in firearms cases and carried in the lower portion of the rear cargo compartment of the police SUV. Officers are prohibited from carrying the KEW in the vehicle interior rack.
2. Beanbag shotguns shall be carried unloaded until time of deployment - safety "on", hammer down on an empty chamber with four rounds in a buttstock mounted sleeve.
3. The 40MM shall be carried unloaded until time of deployment. If the 40MM round is not used during deployment, the unused round will be unloaded and inspected for integrity.
4. All officers deploying the KEW systems are responsible for ensuring that only KEW ammunition is loaded into, or stored with, the designated weapons.
5. Officers are prohibited from "cross-loading" either the beanbag shotgun or standard shotgun with inappropriate rounds.

C. KEW Loading and Unloading

1. To reduce the danger of injury associated with unintentional discharge, the beanbag shotgun shall never be loaded or unloaded inside a vehicle, in a police station, or under any overhead structure. If close to multi-storied buildings (e.g., Headquarters E Street parking lot), ensure the muzzle is pointed in a safe direction at all times.
 - a. At the beginning of the shift, the driver of the unit shall ensure the

beanbag shotgun is unloaded, safety “on”, hammer down on an empty chamber, empty magazine tube. The beanbag shotgun should not be loaded until time of deployment. When loaded for deployment, the beanbag shotgun shall be loaded to “patrol ready” in the prescribed manner - safety “off”, hammer down on an empty chamber with four rounds in the magazine tube.

NEW

b. **In addition to the above-mentioned loading procedures, prior to the time of deployment, the officer in charge of deploying the weapon shall have a witness officer present to observe, confirm, and ensure the correct munitions are loaded into the appropriate corresponding KEW. This process will take place each time the KEW changes possession between officers or has been retrieved after being secured for any length of time.**

c. Upon conclusion of the incident in which a beanbag shotgun round has been chambered, the officer who chambered the round shall unload the beanbag shotgun in the currently prescribed manner and return it to the trunk unloaded with the rounds in the buttstock sleeve.

2. The 40MM should not be loaded until time of deployment.

D. KEW Cleaning, Maintenance, Repairs, and Inspections

1. Area commands will assign qualified SWAT personnel to conduct a monthly maintenance program for their assigned KEW systems. The maintenance program shall include removal, cleaning, and inspection of the beanbag shotguns and 40MM.

2. Any beanbag shotgun or 40MM requiring repair shall be taken out of the field and taken to the Range.

3. All KEW systems shall be inspected pursuant to the Police Department Inspection Guide.

NEW

4. All patrol KEW systems shall be inspected monthly, and if necessary, test-fired to establish “Point-of-Aim / Point-of- Impact.

NEW

5. SWAT shall maintain their issued KEW systems to their established guidelines.

E. KEW Deployment Procedures

1. Officers may deploy a KEW on subjects demonstrating assaultive behavior or life-threatening behavior, as defined in Department Procedure 1.04, Use of Force. The KEW may also be used to control an actively resistive subject reasonably believed to possess or have

immediate access to a deadly weapon, within the force guidelines of Department Procedure 1.04, Use of Force.

2. Officers shall always have immediate “deadly force” backup when deploying the KEW.
3. The contact officer shall inform assisting officers that the KEW is 10-97 at a scene and, whenever possible, notify Communications Division. Communications shall repeat this information to responding units and activate the “emergency tone” when appropriate.
4. If a subject fails to comply with commands, officers should verbally warn the subject of their intention to fire prior to discharging the KEW, unless a warning would not be feasible, due to safety concerns.
5. When feasible, prior to deploying each KEW round, officers will announce they are firing their KEW to prevent “contagious” or “sympathetic” fire. Officers should state, “Firing Beanbag” or “Firing Forty” when discharging either KEW.
6. Officers, generally, should not deploy a KEW at a subject when there is a danger of the subject falling from a significant height.
7. The KEW is intended to assist in gaining compliance from the subject. Multiple shots to the same body part should be avoided. If additional shots are required, they shall be directed to different parts of the body. The subject should be taken into custody as soon as possible after the discharge of the round(s).
8. KEW systems are limited use weapons. They shall not be used for any other purpose than those listed in section VI, E, 1.

F. Medical Treatment

1. In the event a person is struck by a KEW projectile, the arresting officer shall ensure that the subject is taken to a medical facility for treatment prior to being booked into jail or released.
2. The name of the medical facility, attending physician(s), sustained injuries, or lack of injuries, shall be documented in the arresting officer’s report.
3. Jail personnel will be notified of the use of the KEW. The information on which system was used shall be noted on the booking slip.

G. Reporting Requirements

1. The discharge of a KEW shall be considered the same as any authorized impact weapon when reporting the use of force. The KEW shall not be reported as the use of a firearm. Officers discharging KEW ammunition shall report the incident in accordance with Department Procedure 1.04, Use of Force, and complete the required report, e.g. Case Report or Officer's Report, in addition to a **BlueTeam** entry.
2. Whenever a person has been struck by a KEW, the officer who deployed the munitions shall notify a field supervisor.
3. The field supervisor shall respond to the scene and evaluate the circumstances surrounding the incident.
4. When appropriate, the field supervisor shall notify the Watch Commander of the incident, in accordance with Department Procedure 1.04, Use of Force.
5. The unintentional discharge of a KEW shall be treated the same as the unintentional discharge of a firearm, as outlined in Department Procedure 1.05, Firearm Procedures. In the event of an unintentional discharge, the officer shall report the incident immediately to a supervisor. The supervisor shall conduct an investigation and complete a Shooting Incident Report form (PD-128), as well as a **BlueTeam** entry.
6. In all incidents where a KEW has been fired, the expended rounds should be impounded, if feasible. The officer's report shall include:
 - a. Approximate distance from the suspect when fired;
 - b. Point of aim/point of impact; and,
 - c. Injuries or property damage.
7. In accordance with Department Procedure 1.23, Department Equipment Accountability Procedures, officers who misplace or lose any KEW ammunition shall prepare an Officer's Report describing the loss. The report shall be submitted to their commanding officer for approval.

NEW

Exhibit D

City of San Diego



Request Visibility: Published

Request 25-1937 Closed**Dates**

Received

March 12, 2025 via web

Requester

David Loy

dloy@firstamendmentcoalition.org

534 Fourth Street, Suite B, San Rafael, CA, 94901

619.701.3993

First Amendment Coalition

Staff assigned**Departments**

Police

Point of contact

Angela Laurita

Request

On behalf of the First Amendment Coalition, I request copies of the following records related to the San Diego Police Department's arrest of or use of force on Marcus Evans on or about October 25, 2024 (the "Incident"):

1. All video or audio recordings relating to or depicting the Incident.
2. All records relating to any report, investigation, or findings concerning the Incident, including but not limited to any incident reports; investigative reports; photographs; transcripts or recordings of interviews; materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of

disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

[Show less](#)

Timeline

Documents

 **Request published** Anyone with access to this request

March 24, 2025, 9:35pm

 **Request closed** Anyone with access to this request

02c. Released – Redacted and/or Withheld

All responsive documents have been released except those that have been redacted and/or withheld pursuant to:

[Law enforcement investigation]

Government Code section 7923.600

[records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of,any state or local police agency... are exempt from disclosure]

Government Code section 7922.000

The public interest in the nondisclosure of personal identifying information clearly outweighs the public interest in disclosure.

Government Code section 7923.615

This information is protected from disclosure pursuant to Government Code section 7923.615.

Government Code section 7922.000

The public interest in disclosure is outweighed by other factors.

Government Code section 7927.705
[other state or federal law]

Information you have requested is protected from disclosure pursuant to Government Code section 7927.705:

Evidence Code section 1043

March 21, 2025, 9:50am by Angela Laurita, Public Records Administration Manager (Staff)

 **Document(s) released** Anyone with access to this request

E24100036129_Redacted.pdf

March 21, 2025, 9:49am by Angela Laurita, Public Records Administration Manager (Staff)

 **Message to requester** Requester + Staff

Good morning,

In response to your request, all responsive records have been uploaded. Some of the records you requested are redacted/withheld pursuant to the following Government Code exemption(s):

BWC - withheld pursuant to the following Government Code exemption(s):

Government Code section 7923.600 [investigatory files]

The person making the decision to withhold the records is Capt. Charles Lara.

911/Audio files/Talk Radio-group - withheld pursuant to Government Code sections 7923.600 & 7923.615; Haynie v. Superior Court, 26 Cal 4th 1061 (2001); and Government Code section 7922.000 [public interest in non-disclosure outweighs public interest in disclosure]

The person making the decision to withhold the records is Roxanne Cahill, Police Dispatch Administrator.

SDPD does not transcribe calls.

CAD report - redacted pursuant to Government Code section 7923.600 [investigatory files] and Government Code section 7922.000 [personal identifying information]

The person making the decision to redact the records is Capt. Charles Lara.

The records you requested for item #2 are withheld pursuant Government Code section 7923.600 [investigatory files] and Government Code section 7927.705 [Evidence Code section 1043] [peace officer personnel records]

The people making the decision to withhold the records are Capt. Charles Lara and Lt. Tristan Schmottlach.

Kind regards.

March 21, 2025, 9:49am by Angela Laurita, Public Records Administration Manager (Staff)

 **Message to requester** Requester + Staff

Please be advised that City staff have received your CPRA request. Within the next 10 days, we will determine whether your request seeks copies of disclosable

records in the City's possession or whether the City will require an extension. If your request is submitted on a Saturday, Sunday, or City holiday, the City considers the request received on the following business day.

March 12, 2025, 2:26pm



Department assignment

Anyone with access to this request

Police

March 12, 2025, 2:26pm by the requester



Request opened

Anyone with access to this request

Request received via web

March 12, 2025, 2:26pm by the requester

Exhibit E

Call For Service

Event ID: **E24100036129**

Event Created: **10/24/2024 11:17:46**

DM

Call For Service

Event ID **E24100036129**
Event Created **10/24/2024 11:17:46 PM**
Dispatcher **SD8813 - [REDACTED]**
Call Source **ANI/ALI**
Received **10/24/2024 11:17:46 PM**
Dispatched **10/24/2024 11:18:49 PM**
Arrived **10/24/2024 11:24:20 PM**
Cleared **10/26/2024 7:10:31 PM**
Location **6461 Duluth Ave**
City, State, Zip **SAN DIEGO, CA 92114**
Beat **1452**
Grid
Jurisdiction **O'Farrell - San Diego**
Map
X Coordinate
Y Coordinate
Longitude **-117.058906**
Latitude **32.700453**

Reporting Party
Address
City, State, Zip
Phone
Call type
Event Type
Reported Offense
Verified Offense

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
THREATENING W/WEAPON
THREATENING W/WEAPON

Tow Company
Vehicle
Vehicle License
Disposition
Priority
Classification

A

Agency **SDPD - San Diego Police Dept**
Cases **24043762**

Officers

SD7280 - UCH, TECHEAKBOTH
SD7443 - NELSON, ROBERT
SD1644 - JOHNSON, ERROL
SD6642 - DYEMARTIN, ALAN
SD1948 - BURNS, SAMANTHA
SD6529 - DUARTE, ANDREW
SD7319 - WELLS, JONATHAN
SD1729 - COATS, LIAM
SD1732 - ARREGUIN, RODOLFO
SD7360 - RODRIGUEZ, JOSE
SD6455 - SULLIVAN, JOHN
SD6982 - WHITE, JOHN
SD1087 - ESAMBOLCHI, SHAYAN
SD7875 - CASTILLO, ISAI
SD1910 - POUCHIE, ASHLEY
SD7711 - CHRISTMAN, TYLER
SD5797 - BISESTO, MEGHAN
SD1611 - KIM, DANIEL
SD1565 - CLEMONS, JOHN
SD6481 - DUMAPLIN, CARLO
SD6499 - MONTAYRE, PHILIPPE
SD1388 - RABONZA, CHRISTOPHER JOHN

Notes **10/24/2024 23:18:39 1948 ** LOI search completed at 10/24/24 23:18:39**

10/24/2024 23:18:39 1948 [REDACTED] JWP2 -117.058854

Call For Service

CFS Number: **E24100036129**

Date: **10/24/2024 11:17:46 PM**

32.7006876
10/24/2024 23:18:39 1948 [REDACTED] JUST //
10/24/2024 23:18:58 1948 FYI SENT TO LDET
10/24/2024 23:19:29 1948 445S3 T4
10/24/2024 23:21:44 1948 RP ADV SHE SAW GUN AND SUSP COCKED THE GUN, ACTIVE 415 BMA LIGHT COMPELXION NO SHIRT BLK SHORTS SANDALS, RP IN GRY MIST PARKED IFO THE HOUSE
10/24/2024 23:23:47 1948 ON ST// 2 SUBJS CAME TO CHK ON ALEXANDRA WHO GOT BEAT UP BY BOYF AT LOC // [REDACTED] WENT BACK INSIDE HOUSE AND BOTH HER AND BOYF LIVE IN GARAGE AT LOC
10/24/2024 23:23:56 1948 2930S3 -- 1023 AT DETRIOT AND SKYLINE
10/24/2024 23:24:16 1948 2930S3 -- WILL ATC RP
10/24/2024 23:25:13 1948 2930S3 -- PEDS WALKING BACK DOWN DETRIOT
10/24/2024 23:25:31 1948 FEM THAT WALKED UP TO VEH IS [REDACTED]
10/24/2024 23:26:15 1948 UNK TARGET LOC / RP IS YELLING AT [REDACTED] TO GET IN THE VEH AND THEN HU
10/24/2024 23:26:43 1948 ABLE3 -- 2 SUBJS STANDING INSIDE THE OPEN GARAGE
10/24/2024 23:27:15 1948 2930S3 -- TRYING TO GET INFO FROM RP AND HAVE THEM REPOSITION VEH
10/24/2024 23:27:15 1948 // VICT UNCOOP
10/24/2024 23:28:22 1948 ABLE3 -- NOT MATCHING 2 IN THE OPEN GARAGE // TARGET LOC IS 1 PROP
10/24/2024 23:28:22 1948 JSO LOC W/ OPEN GARAGE W/ SUV IN FRONT YARD AND LRG
10/24/2024 23:28:22 1948 PALM TREE ST SIDE AND A CELL PH POLE
10/24/2024 23:28:43 1948 ** VEH search completed at 10/24/24 23:28:43
10/24/2024 23:28:51 1948 2914N3 -- W/ FEM STILL VERY UNCOOP
10/24/2024 23:29:02 1948 ** VEH search completed at 10/24/24 23:29:02
10/24/2024 23:29:24 1948 2918N3 -- ON 65TH JSO SKYLINE PERIM
10/24/2024 23:29:49 1948 2930S3 -- VICT GETTING A PH CALL FROM A [REDACTED] // POSS DV RELATED
10/24/2024 23:29:56 1948 ** LOI search completed at 10/24/24 23:29:56
10/24/2024 23:30:29 1948 442J3 -- TRYING TO SPK W/ VICT AND RP WHO IS SIS OF VICT
10/24/2024 23:31:06 1948 ABLE3 -- 2 IN OPEN GARAGE -- MALE HOODIE LONG PANTS // FEM WRG
10/24/2024 23:31:06 1948 LONG PANTS W/ JACKET
10/24/2024 23:31:40 1948 442J3 -- PER RP - 1 OF THE HSES AT END OF CUL DE SAC NOT AT THE
10/24/2024 23:31:40 1948 BEGINNING
10/24/2024 23:32:12 1948 438J3 -- ADD WILL BE [REDACTED]
10/24/2024 23:32:42 1948 438J3 -- WILL BE TARGET LOC // ON E SIDE IS GAR
10/24/2024 23:32:52 1948 ABLE3 -- NO ONE SEEN AROUND [REDACTED]
10/24/2024 23:32:58 1948 FROM 2404002408 - [REDACTED], BMA, 30YRS, 5F11/MED BLD.
10/24/2024 23:33:11 1948 ** LOI search completed at 10/24/24 23:33:11
10/24/2024 23:33:59 1948 437J3 -- SO FAR UNABLE TO ESTABLISH 417 // SO FAR ONLY HEARD - NO
10/24/2024 23:33:59 1948 WPN SEEN
10/24/2024 23:34:34 1948 ** Cross Referenced to Event # E24040024808 at: 10/24/24 23:34:34
10/24/2024 23:34:42 1948 438J3 -- PER WITN - MALE HAD A PISTOL AND THEY HEARD NOISE
10/24/2024 23:35:36 1948 [REDACTED]
10/24/2024 23:35:46 1948 438J3 -- WITN / VIC - CONFIRMED THEY DID SEE MALE POINT FIREARM
10/24/2024 23:35:46 1948 AND COCK IT - WILL BE VALID 245
10/24/2024 23:35:52 1948 2930S3 -- T4
10/24/2024 23:37:08 1948 441J3 -- WILL TAKE S PERM IN PARK AT HILL
10/24/2024 23:37:57 1948 2918N3 - FOR MALE INFO ADDED WILL HAVE PRIORS FOR DV, [REDACTED]
10/24/2024 23:38:41 1948 ABLE3 -- MALE W/ NO SHIRT AND SHORTS EXITED RESIDENCE AND

Call For Service

CFS Number: **E24100036129**

Date: **10/24/2024 11:17:46 PM**

10/24/2024 23:38:41 1948 ENTERED DETACHED DETACHED GAR AND CLOSED DOOR
10/24/2024 23:39:02 1948 2914N3 -- [REDACTED] WILL BE 2ND HSE TO EAST FROM MLK
10/24/2024 23:39:30 1948 ** LOI search completed at 10/24/24 23:39:30
10/24/2024 23:41:26 1948 ABLE3 -- MALE EXITED GAR AND ENTERED MAIN PROP
10/24/2024 23:41:48 1948 ABLE3 -- NO OTHER EXIT/ENTER FOR GAR // MALE HAS ENTRED MAIN
10/24/2024 23:41:48 1948 STRUCTURE
10/24/2024 23:41:56 1948 441J3 -- EYES ON BACK SIDE OF PERM
10/24/2024 23:42:44 1948 435S3 -- UTS TO HOLD PERM
10/24/2024 23:45:09 1948 ** LOI search completed at 10/24/24 23:45:09
10/24/2024 23:45:30 1948 445S3 -- POSS JUVENILES AND ADULTS INS [REDACTED] / UNK HOW MANY
10/24/2024 23:49:54 1948 ABLE3 -- NO CHANGE
10/24/2024 23:53:18 1948 ABLE3 -- WILL HAVE 30-35 MORE MIN AVAIL
10/24/2024 23:54:31 1948 438J3 -- 1 UNCLE WHO IS IMMOBILE AND 3 JUVS WILL BE INS [REDACTED]
10/24/2024 23:55:27 1948 445S3 -- SUSP INS IS GOOD FOR [REDACTED] // UTS TO HOLD
10/24/2024 23:55:27 1948 PERM // T4 ON ABLE FUEL TIME
10/25/2024 00:01:03 1948 435S3 -- WILL ROLL UP AND DO CALLOUTS / REQ 2 MORE UTS
10/25/2024 00:02:00 1948 ABLE3 -- GETTING HEAT SIGNATURE FROM GAR
10/25/2024 00:02:02 1948 435S3 -- T4
10/25/2024 00:03:10 1948 437J3 -- POSS 2 SMALL DOGS IN GAR
10/25/2024 00:03:20 1948 435S3 -- T4
10/25/2024 00:04:40 1948 ** LOI search completed at 10/25/24 00:04:40
10/25/2024 00:05:08 1948 2930S3 -- 1023 FOR 1 UT THEN WILL ROLL IN
10/25/2024 00:08:09 1948 ABLE3 -- MALE W/ NO SHIRT AND SHORTS EXITED RESD AND WENT TO GAR
10/25/2024 00:08:54 1948 435S3 -- PLAN IN PLACE // MOVING UP
10/25/2024 00:09:01 1948 435S3 -- EMERGENCY TONE **
10/25/2024 00:09:05 1948 2914N3 -- WILL BE LEAD CAR
10/25/2024 00:09:12 1948 ABLE3 -- MALE OUTSIDE HEADING TO FRONT YARD
10/25/2024 00:09:22 1948 ABLE3 -- MAKING WAY TO FRONT DOOR OF RESIDENCE
10/25/2024 00:09:34 1948 ABLE3 -- POSS WENT BACK INTO RESD
10/25/2024 00:09:54 1948 2914N3 -- WENT INS AND SLAMMED DOOR
10/25/2024 00:11:05 1948 ABLE3 -- GAR IS COMPLETELY DETACHED FROM RESIDENCE
10/25/2024 00:11:25 1948 2930S3 -- UTS SAW MALE AT FRONT DOOR // MALE WAS IN FRONT ROOM
10/25/2024 00:11:25 1948 OFF WEST SIDE OF FRONT DOOR // WILL START CALLOUTS
10/25/2024 00:12:19 1948 2930S3 -- MALE OPENED DOOR AND IS COMING OUT
10/25/2024 00:12:35 1948 2930S3 -- BEING COMPLIANT
10/25/2024 00:12:47 1948 ABLE3 -- HANDS UP WALKING BACK TO TEAM
10/25/2024 00:12:59 1948 ABLE3 - UTS DETAINING MALE
10/25/2024 00:13:05 1948 435S3 - MALE DETAINED IS NOT S1
10/25/2024 00:13:48 1948 ABLE3 -- EMERGENCY TONE ** 2 MALES AT FRONT DOOR
10/25/2024 00:13:53 1948 ABLE3 -- 1 EXITING W/ HANDS UP
10/25/2024 00:14:26 1948 2930S3 -- MALE DETAINED ADV SUSP [REDACTED] STILL INS - NO SHIRT
10/25/2024 00:14:26 1948 BASKETBALL SHORTS
10/25/2024 00:14:32 1948 2914N3 -- 2 COMING OUT
10/25/2024 00:14:55 1948 2914N3 -- REQ MORE UTS AT TARGET LOC
10/25/2024 00:15:07 1948 ABLE3 -- #2 SIC
10/25/2024 00:15:12 1948 ABLE3 -- #3 WALKING BACK
10/25/2024 00:15:37 1948 ABLE3 -- #4 MALE (NO SHIRT AND BBSHORTS) EXITING W/ HANDS UP
10/25/2024 00:17:19 1948 2930S3 -- NOTHING IN #4 MALE HANDS
10/25/2024 00:18:13 1948 435S3 -- SUBJ UTS TALKING TO IS S1 // NTO ALLOWED TO RETURN TO HSE

Call For Service

CFS Number: **E24100036129**

Date: **10/24/2024 11:17:46 PM**

10/25/2024 00:18:13 1948 // IF RUNS TO HSE WILL BE IMPACTED W/ BEANBAG AND K9 WILL
10/25/2024 00:18:13 1948 BE SENT
10/25/2024 00:19:09 1948 435S3 -- STIL NOT COMPLIANT
10/25/2024 00:19:58 1948 ABLE3 -- MALE NOT FOLLOWING COMMANDS
10/25/2024 00:20:36 1948 ABLE3 -- BEANBAG DEPLOYED
10/25/2024 00:23:05 1948 435S3 -- STAGE PMS APROX 1 BLK AWAY
10/25/2024 00:23:25 1948 445S3 -- FOR PMS - APPROACH VIA THE WEST
10/25/2024 00:23:50 1948 441J3 -- MEDIA 97 / 445S3 T4
10/25/2024 00:23:52 1948 FYI SENT TO LD01
10/25/2024 00:24:29 1948 435S3 -- MALE LAYING DOWN IFO STAIRS // NOT COMPLIANT AND REF TO
10/25/2024 00:24:29 1948 WALK TO UTS // UTS HAVE NOT SEEN MALES ENTIRE WAISTBAND
10/25/2024 00:24:29 1948 AND UNABLE TO VERIFY MALE IS UNARMED
10/25/2024 00:24:37 1948 FIRE T4 AND WILL STAGE AT O'MEARA/SKYLINE
10/25/2024 00:26:31 1948 ABLE3 -- NO CHANGE
10/25/2024 00:28:11 1948 ABLE3 -- K9 DEPLOYED
10/25/2024 00:29:22 1948 ABLE3 -- 2ND K9 DEPLOYED AND ON BITE
10/25/2024 00:29:30 1948 ABLE3 -- CONTACT TEAM MOVING UP AND DETAINING S1
10/25/2024 00:29:38 1948 ABLE3 -- MULTI SUBJS INS
10/25/2024 00:30:46 1948 ABLE3 -- S1 SIC // WALKING HIM BACK TO PATROL VEHS
10/25/2024 00:31:19 1948 2914N3 -- FIRE NOT CLR IN - NEED TO CLR THE HSE
10/25/2024 00:31:55 1948 ABLE3 -- AT LEAST 1 MORE PERSON INS // ABLE HAS 10 MORE IN
10/25/2024 00:32:11 1948 ABLE3 -- 1 COMING TO FRONT DOOR
10/25/2024 00:32:21 1948 435S3 -- 3 COMING OUT // COMPLIANT W/ HANDS UP
10/25/2024 00:39:14 1948 435S3 -- FIRE CAN 1022 / PD WILL XPORT S1 TO HOSP
10/25/2024 00:39:27 1948 FIRE T4
10/25/2024 00:40:52 1948 445Q -- UTS SET ON GAR
10/25/2024 00:42:28 1948 2914N3 -- UTS COMING OUT TO GAR
10/25/2024 00:42:56 1948 ** LOI search completed at 10/25/24 00:42:56
10/25/2024 00:43:06 1948 446Q -- 1 TO UCSD EAST
10/25/2024 00:44:01 1948 PER 446S3 CKIGN W/ RC03 FOR COVER UT AT UCSD EAST FOR 446Q
10/25/2024 00:46:55 1948 435S3 -- CODE 4 ** INS
10/25/2024 00:48:48 1948 435S3 -- CODE 4 ** ALL WAY AROUND
10/25/2024 00:50:47 1948 ** VEH search completed at 10/25/24 00:50:47
10/25/2024 01:02:41 1948 435S3 -- BREAKING DOWN// OFCRS TO CLR
10/25/2024 01:03:19 1948 ** LOI search completed at 10/25/24 01:03:19
10/25/2024 01:03:30 1948 446Q -- 2 MIN OUT UCCSD EAST
10/25/2024 01:07:59 1948 ** LOI search completed at 10/25/24 01:07:59
10/25/2024 01:08:29 1948 ** Case number 24043762 has been assigned to event E24100036129
10/25/2024 01:09:55 1948 ** LOI search completed at 10/25/24 01:09:55
10/25/2024 01:22:49 1948 ** LOI search completed at 10/25/24 01:22:49
10/25/2024 02:30:37 1948 ** Event Location changed from "[REDACTED]" to "6461 DULUTH AVE SD"
at: 10/25/24 02:30:37
10/25/2024 02:30:38 1948 ** LOI search completed at 10/25/24 02:30:38
10/25/2024 02:30:42 1948 ADDRESS CHANGE PER 437J3
10/25/2024 03:16:40 1948 ** LOI search completed at 10/25/24 03:16:40
10/25/2024 04:07:21 1948 E
10/25/2024 05:21:03 1948 ** LOI search completed at 10/25/24 05:21:03
10/25/2024 06:02:18 1948 ** LOI search completed at 10/25/24 06:02:18
10/25/2024 06:02:28 1948 438K1 -- WILL BE AT SCRIPPS MERCY

Call For Service

CFS Number: **E24100036129**

Date: **10/24/2024 11:17:46 PM**

10/25/2024 15:14:56 1948 ** Event E24100036129 closed.
10/25/2024 17:14:54 1948 ** Event E24100036129 has been reopened at: 10/25/24 17:14:54
10/25/2024 17:14:55 1948 ** LOI search completed at 10/25/24 17:14:55
10/25/2024 21:38:20 1948 ** Event E24100036129 closed.
10/26/2024 13:31:43 1948 ** LOI search completed at 10/26/24 13:31:43
10/26/2024 13:31:43 1948 ** Event E24100036129 has been reopened at: 10/26/24 13:31:43
10/26/2024 13:33:19 1948 ** LOI search completed at 10/26/24 13:33:19
10/26/2024 19:10:31 1948 ** Event E24100036129 closed.