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# San Francisco Police Chief William Scott Releases Statement Regarding Richmond District Catalytic Converter Investigation 22-117

August 26, 2022 | 11:41 PM

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## ***SFPD releases body-worn camera footage to provide transparency to the facts of this incident***

On August 16, 2022, at approximately 3:00 a.m., San Francisco Police Officers from Richmond Station responded to the area of 24th Avenue and Anza Street for a possible, in progress, theft from a vehicle. Officers arrived on scene, detained a suspect, conducted a preliminary investigation, and determined probable cause did not exist to make an arrest at that time. I support their decision.

This case has been the subject of public scrutiny and media attention across several platforms, which has jeopardized the public trust that the SFPD has worked hard to earn. There will always be areas where we can improve. We welcome and expect public scrutiny which often leads to areas for improvement.

I understand that people who see someone they believe is committing a crime want that person arrested, but that requires all the elements of the crime to be met.

When officers determine that there is not enough evidence to arrest an individual, and further investigation is needed, they may release that person pursuant to Penal Code section 849(b). Releasing an individual pursuant to PC 849(b) does not mean the end of the investigation, but often just the beginning.

We always encourage anyone who believes they are a witness or victim of a crime to call the police immediately. Here witnesses called 911 and coupled with a quick response, officers were able to disrupt a crime before it was completed.

In this case, a suspect was observed by a witness under a vehicle as the witness could hear metal being sawed. When officers arrived on scene, the suspect was standing next to the vehicle and was in possession of a car jack. Officers observed that the catalytic converter was damaged.

No cutting tool was located on the suspect or in the area. Officers were unable to locate the owner of the vehicle to determine the extent of new damage or an estimation of the cost of repair. SFPD Officers also did not have surveillance footage.

When faced with the decision to make an arrest, and in looking at the totality of the circumstances, SFPD Officers determined that there was no probable cause to arrest the suspect. I support their decision because the facts, as I know them, confirm that there was no probable cause.

### **Additional Information Related to the Case**

SFPD Officers were dispatched to a call for service of two possible suspects cutting a catalytic converter from a vehicle. There were multiple 911 callers who provided several descriptions of a suspect vehicle traveling in different directions, a description of an individual, and information on a possible victim vehicle.

Based on the BWC footage, when the officers arrived on scene, they observed the suspect standing in front of a Honda Accord next to a car jack on the ground. When asked, the suspect denied the vehicle was his, denied he went into the vehicle and denied cutting the catalytic converter.

Officers determined that the catalytic converter on the Honda had been cut. Officers searched the suspect, did not find any stolen property or a cutting tool, but did locate a flashlight. Neither a saw nor a cutting tool was found on scene.

During the entirety of this investigation, "Level II" or CLETS was down. Level II is a computer-based program that allows dispatch and officers to access the California Law Enforcement Telecommunications System ("CLETS") and search criminal justice-related databases. Through this, officers are able to gather suspect information, criminal histories, and DMV information. Without access to this information, officers on scene were unable to learn the registration information for the vehicle and were therefore unable to contact the registered owner.

During the investigation, a witness reported that she looked out her window, saw the suspect under the Honda, and heard metal sawing. She stated that the suspect was using a loud power tool, was on his back under the car, and was working his way around the car from the driver's side to the passenger side.

While speaking to officers, the witnesses were told that necessary elements for an arrest were missing, including a power tool and a victim.

The following crimes were, and remain, under investigation.

Requirements of 10852 CVC, tampering with a vehicle (misdemeanor)

1. The suspect willfully damaged/tampered with/broke someone else's vehicle;  
and
2. The suspect did not have the owner's consent to do that act.

Requirements of 594 PC, vandalism (felony if over \$400, misdemeanor if under)

1. The suspect maliciously damaged real property; and
2. The suspect did not own the property.

Requirements of 484/487 PC, theft (felony if over \$950, misdemeanor if under)

1. The suspect took possession of property owned by someone else;
2. The suspect took the property without the owner's consent;
3. When the suspect took the property (he/she) intended to deprive the owner of it permanently or to remove it from the owner's possession for so extended a period of time that the owner would be deprived of a major portion of the value or enjoyment of the property; and
4. The suspect moved the property, even a small distance, and kept it for any period of time, however brief.

Requirements of 10851 CVC, unlawful taking of a vehicle (felony if over \$950, misdemeanor if under)

1. The suspect took someone else's vehicle without the owner's consent; and
2. When the suspect took the vehicle, (he/she) intended to deprive the owner of possession or ownership of the vehicle for any period of time.

In most cases, individuals arrested on misdemeanor charges are cited and released on scene.

Police officers need probable cause to make an arrest. Probable cause to arrest exists if there is a fair probability or substantial chance that the suspect committed the crime under investigation. Probable cause is based on an assessment of the totality of the circumstances and an officer's knowledge, training, and experience are important factors.

On scene, officers consulted with a supervisor and determined there was insufficient evidence to arrest the suspect. The suspect was issued a certificate of release form (849(b) PC) and released pending further investigation. This case has been transferred to our Burglary Unit. To date, Burglary Investigators have continued this investigation and the case remains open and active.

**Click on the following links to view body-worn camera footage of the incident:**

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