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District Attorney

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October 18, 2013

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on June 29, 2012 (Report No. 110 522 209)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the June 19, 2011 shooting on Gough Street involving San Francisco Police Officers Patrick Griffin and Michael Tursi. We have concluded that the officers were acting lawfully in self-defense and defense of others when they shot at Roselyndo Sicut (Sicut). Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

Sicut was charged with assault with a firearm as a result of this incident. As of the writing of this letter that case is still pending in the Superior Court of San Francisco. Given the pending prosecution the facts will be very briefly summarized.

On June 29, 2011 Officer Griffin received information that Sicut was at the Normandy Apartments. Officer Griffin knew there was an arrest warrant out for Sicut and was aware of information indicating that Sicut was in possession of firearms, a crime in light of his prior felony conviction. When Officer Griffin and his partner, Officer Tursi, arrived at the Normandy Apartments they saw Sicut driving a car that was exiting onto Gough Street from the Normandy Apartments. Both officers jumped out of their unmarked Ford Crown Victoria drawing their weapons. Sicut made eye contact with Officer Tursi, reached toward his waistband, and pulled out a gun. In fear for their lives and the lives of others, Officer Tursi and Officer Griffin fired in response. Sicut's car crashed across the street.

Sicut suffered gunshot wounds to his head and hand. He was interviewed about this incident and admitted he fired at the officers. Two weapons, a semi-automatic handgun and an assault rifle, were located in the car Sicut was driving.

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

WHITE COLLAR CRIME DIVISION

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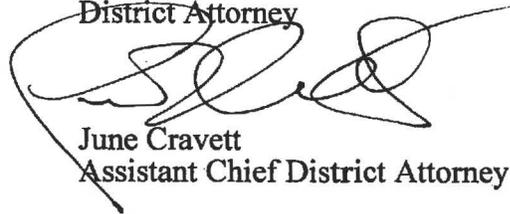
Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. *CALCRIM* 3470.

The facts in the present case indicate that Sicut assaulted police officers who were lawfully engaged in their duties. In fear for their lives, and the lives of others, the officers fired in response.

It is our conclusion that Officer Griffin and Officer Tursi acted lawfully.

Sincerely,

George Gascón
District Attorney

A handwritten signature in black ink, appearing to read 'June Cravett', is written over the typed name and title of the Assistant Chief District Attorney.

June Cravett
Assistant Chief District Attorney

c: Lt. Hector Sainez
Officer Patrick Griffin
Officer Michael Tursi