



George Gascón
District Attorney

October 24, 2017

Chief William Scott
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Re: *In re Robert Bower*
SFPD Incident #160-496-444

Dear Chief Scott:

The Independent Investigations Bureau (IIB) has completed its review of Robert Bower's June 19, 2016 death while he was in the custody of the San Francisco Police Department (SFPD). After a thorough review of the available evidence, we have concluded that there is no evidence of criminal misconduct by any of the officers involved in this incident, including Officers Ian Goold (Star No. 1134), Franco Ragusa (Star No. 1482), Kathleen Cavanaugh (Star No. 575), and Andrew Sargenti (Star No. 2099). Accordingly, we decline to file any criminal charges in this matter.

IIB focused exclusively on determining whether criminal charges relating to any officer's conduct are warranted. This review did not examine collateral issues such as any officer's compliance with internal SFPD policies and procedures, their training or tactics, or any issues related to civil liability. The decision not to pursue criminal charges should not be interpreted as expressing any opinion on such non-criminal matters.

The investigation revealed that on June 18, 2016, at approximately 9:20 p.m., Mr. Bower was standing in front of 41 Jones Street in San Francisco when he got into a verbal argument with another person. Mr. Bower allegedly lunged at the person while holding a small sword that he had pulled out of a hollowed cane. SFPD officers responded and discovered the cane. Surveillance video of the arrest shows that Mr. Bower was cooperative with the officers and that they did not utilize force in order to arrest him. Mr. Bower calmly waited on a stoop near the building while officers conducted their investigation. Officers Ian Goold (Star No. 1134) and Franco Ragusa (Star No. 1482) were the arresting and transporting officers. Mr. Bower was arrested for, among other things, a violation of Penal Code § 422 (Criminal/Terrorist Threats).

At approximately 10:30 p.m., Officers Goold and Ragusa transported Mr. Bower to Tenderloin Station where he was read his Miranda rights and interviewed. Mr. Bower showed no obvious signs of distress during that interview nor did he request medical attention. Neither officer noted anything unusual about Mr. Bower. He was subsequently placed in a holding cell, where surveillance cameras depict Mr. Bower sitting on the bench, occasionally appearing to sleep, but otherwise doing nothing remarkable.

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At 1:50 a.m. on June 19, 2016, Officers Kathleen Cavanaugh (Star No. 575) and Andrew Sargenti (Star No. 2099) transported Mr. Bower to San Francisco County Jail. At approximately 2:22 a.m., jail staff declined to accept Mr. Bower due to his high blood pressure and requested a mental health evaluation. As a result, Officers Cavanaugh and Sargenti transported Mr. Bower to San Francisco General Hospital (SFGH) for medical clearance. Neither officer noted anything unusual about Mr. Bower at this point, other than his occasional talking to himself. After SFGH staff treated and medically cleared Mr. Bower, Officers Cavanaugh and Sargenti transported him back to County Jail at approximately 4:55 a.m.

During the return transport from SFGH, the officers noticed that Mr. Bower appeared to be moving more slowly than he had before. They had to assist him from the transport van and noticed that he was sweating. The officers had to help bring him to the nurse's intake desk and help hold him up. All of this is confirmed by surveillance videos.

At approximately 5:35 a.m., while awaiting medical screening, surveillance cameras show Mr. Bower visibly shaking and having difficulty sitting up in a chair. Officers Cavanaugh and Sargenti had to help hold him up in the chair and called for an ambulance. While waiting for the ambulance, Mr. Bowers went unconscious and stopped breathing at approximately 5:39 a.m. The officers and jail staff provided medical aid until paramedics arrived and brought Mr. Bower back to SFGH, where he was pronounced dead at approximately 6:19 a.m.

The only irregularity in this matter was that SFGH hospital staff discovered a small clear plastic baggie containing methamphetamine residue from Mr. Bower's clothing. A subsequent toxicology blood test revealed that Mr. Bower's methamphetamine level was extraordinarily high at 14.80 mg/L. Dr. Luke Rodda, the Medical Examiner's Office's Chief Forensic Toxicologist, stated this was a toxic amount of methamphetamine that finally caused his body to fail. Dr. Rodda told IIB investigators that Mr. Bower could have easily ingested the methamphetamine prior to being arrested or he could also have consumed it while in custody, if he had an opportunity. He could not narrow down the time when Mr. Bower ingested the methamphetamine because methamphetamine overdoses are unpredictable with each user.

San Francisco Chief Medical Examiner Ellen Moffatt subsequently conducted an autopsy and concluded that Mr. Bower died of acute methamphetamine overdose. Mr. Bower had an enlarged heart and other physical conditions consistent with methamphetamine abuse. He also had other conditions such as high blood pressure and hypertensive heart disease. Dr. Moffatt found no obvious trauma on Mr. Bower's body. Dr. Moffatt, like Dr. Rodda, stated that she could not pin down when Mr. Bower may have last ingested the meth. Ultimately, the available evidence does not establish that Mr. Bower consumed the drug while in SFPD custody, nor does the discovery of the methamphetamine suggest criminal culpability on the part of the officers involved.

Because Mr. Bower's death stemmed from a clear drug overdose, with no evidence or other basis for alleging any use of force or other criminal conduct by officers in this incident, criminal charges are unwarranted and we have closed this investigation. In the event that the SFPD uncovers any additional evidence, please contact Andy Huang, IIB's Managing Attorney, at [REDACTED] to further discuss this matter.

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Please do not hesitate to contact me if you have any questions. Thank you and your Department for your assistance in this matter.

Sincerely,



GEORGE GASCÓN
District Attorney