

Chesa Boudin



District Attorney
Attorney

Independent Investigations Bureau

LATEEF H. GRAY
Managing

January 24, 2021

Via Electronic Mail & USPS
Chief William Scott
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158
William.Scott@sfgov.org

Re: IIB Case #2019-009 - *In re Lafayette Reed*

Dear Chief Scott:

The San Francisco District Attorney's Office's Independent Investigations Bureau (IIB) has completed its review of the September 3, 2019 use of force incident involving San Francisco Police Department (SFPD) officers and Mr. Lafayette Reed. After a thorough review of the available evidence, we have concluded that evidence does not support charges alleging criminal misconduct. Accordingly, the District Attorney declines to file criminal charges in this matter.

IIB's review of the case focused exclusively on whether criminal charges relating to any conduct by SFPD officers are warranted. The review did not examine issues such as any officers' 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. Nor is a declination of charges synonymous with a finding that no crime was committed; it simply means we do not have a good faith belief that any charges could be proved beyond a reasonable doubt.

In brief, the investigation revealed that on September 3, 2019, at approximately 3:30 p.m., off-duty SFPD Officer Jeffrey Rosenberg (#1511) was working overtime at the Westfield Mall on 835 Market Street, San Francisco. Mall security guard Benjamin Landman called Officer Rosenberg to help remove a man from the women's lower level restroom. Officer Rosenberg encountered a man, later identified as Mr. Reed, in one of the stalls in the women's restroom, and ordered him to exit and leave the mall. Mr. Reed did not immediately comply. Approximately 10 minutes later, Mr. Reed walked out of the restroom and Officer Rosenberg and security guard Landman escorted him through the mall toward an exit.

As Mr. Reed was escorted through the food court, he grabbed a plastic bottle from a tabletop and splashed water on Officer Rosenberg's and Landman's face and chest. After emptying the bottle, Mr. Reed walked toward a mall exit leading to the underground Powell Street BART station and Officer Rosenberg and Landman followed several feet behind. As Mr. Reed exited the mall, he threw an empty plastic water bottle at an unknown woman, striking her in the face.

Mr. Reed walked up the BART station escalators and into Market Street's oncoming traffic lanes, ignoring Officer Rosenberg's repeated orders to stop. Officer Rosenberg attempted to grab Mr. Reed's shoulders, but Mr. Reed pulled away and swung at the officer's head, narrowly missing. At that moment, Officer Rosenberg flagged down an SFPD cruiser as it drove on Market Street. Officers Chris Quiocho (#1424), Kaitlyn Christ (#2213), Dennis Tupper (#2473), and Kevin Mooney (#2453), exited the car and walked toward Mr. Reed, who was walking backward with his fists up in a fighting position. A federal patrol car driving on Market Street stopped in the middle of the road to avoid hitting Mr. Reed as Mr. Reed backed away from the officers. Mr. Reed then backed into the front bumper of the stopped federal car. At that time, SFPD officers closed the gap with Mr. Reed and tried to grab him, but Mr. Reed began throwing punches at the officers, striking Officer Quiocho once on the left cheek and twice on the top of his head. The officers thereafter wrestled with Mr. Reed and ordered him to put his hands behind his back, but Mr. Reed continued to kick and punch at the officers. After a brief struggle, the officers wrestled Mr. Reed to the ground and handcuffed him.

Mr. Reed was transported to Zuckerberg San Francisco General Hospital (ZSFGH), where he was treated for a broken jaw and a cut to his cheek.

On September 5, 2019, IIB and SFPD investigators interviewed Mr. Reed at ZSFGH. He told investigators that the "police did not break his jaw," and further said that an unknown assailant broke his jaw several days prior to September 3rd.

Since evidence could not prove unlawful use of force or other criminal conduct by SFPD officers, the District Attorney will close its file.

Please do not hesitate to contact me if you have any questions.

Best Regards,

A handwritten signature in blue ink, appearing to read "Chesa Boudin".

Chesa Boudin
District Attorney

cc: Lieutenant David Do, SFPD Internal Affairs Unit