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## MEMORANDUM

TO: Police Commission  
Chief of Police, William Scott

FROM: Raymond R. Rollan *cc for RR*  
Deputy City Attorney  
Alicia Cabrera  
Deputy City Attorney

DATE: March 9, 2022

RE: *Spiers v. City and County of San Francisco, et. al*  
United States District Court Case Number 20-cv-01357-JSC  
Order on Motion for Sanctions

We write to update you about the order on the Motion for Sanctions (the "Order") against the San Francisco Police Department ("SFPD") arising from the case referred to above. The City Attorney's Office has informed the Court that it is working closely with SFPD to ensure that SFPD provides the City Attorney's Office with all material related to its ongoing civil litigation moving forward, even in unusual cases like this one where there is an open criminal investigation into the same incident. This Office and SFPD are both taking concrete steps to ensure that the issue does not happen in future litigation and that there is improved communication between this Office and SFPD going forward. Specifically, the City Attorney's Office and SFPD are working collaboratively on a Unit Order that the Chief will issue, providing clear directives regarding the disclosure of records in the course of litigation. The Unit Order will allow the City Attorney's Office to comply with its discovery obligations while ensuring that confidential and privileged information is properly withheld from disclosure. We are attaching to this Memorandum the mutually-agreed upon form of the Unit Order.

Briefly, by way of background, the Order arising out of this civil rights case involves an October 6, 2019 incident where San Francisco Police Department officers Terrance Stangel, Cuauhtemoc Martinez, and Joshua Cabillo responded to a 911 call from a third-party witness regarding possible domestic violence between Plaintiff Dacari Spiers and Breonna Richard. Spiers alleged that the officers used excessive force when detaining him, particularly deploying multiple metal baton strikes resulting in injury requiring surgery. Spiers also alleged that officers improperly procured and served an emergency protective order to separate him from Richard while he was recovering from the hospital.

On August 10, 2021, the parties participated in a settlement conference with Magistrate Judge Joseph Spero and agreed to a settlement in the amount of \$700,000. While the settlement was going through the City's approval process, including approval by the Board of Supervisors, Spiers filed a motion for sanctions against the City and County of San Francisco and SFPD seeking \$25,600 for the failure to disclose evidence.

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On February 3, 2022, the parties appeared before Magistrate Judge Jacqueline Corley on Plaintiff's motion for sanctions. The Court did not rule on Plaintiff's motion and instead continued the hearing to March 3, 2022.

There is a question about when our Office and Chief Scott received the Order, particularly because the Order itself was dated March 1, 2022. The Court did not actually issue the Order until the morning of March 2, 2022. Based on SFPD's conduct, the Order assessed against the City an attorneys' fees award in the amount of \$2,300 and took the hearing off-calendar. This Office learned of the Court's Order that morning and we informed Chief Scott in the afternoon.