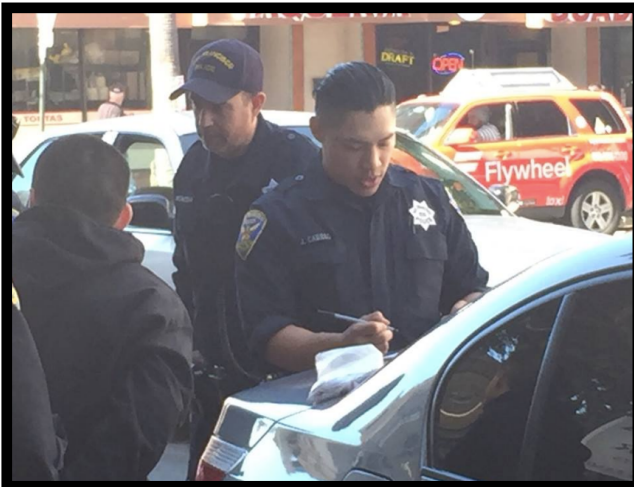


# Bad Cops in the San Francisco Police Department Case Study: Joshua Cabillo

“THE ROTTEN APPLE SPOILS HIS COMPANION.” — POOR RICHARD’S ALMANAC, 1736



# SFPA

*report prepared by*

**San Franciscans for  
Police Accountability**

in memory of Derrick Gaines, and all other victims of  
police violence who cannot give their own testimony

This report was prepared as a follow up on a presentation given during public comment at the San Francisco Board of Supervisors joint meeting with the Police Commission on November 15, 2016. During that public comment, 7 community members as part of or in collaboration with San Franciscans for Police Accountability presented stories about a brutal corrupt cop: Joshua Cabillo. This report collects those stories and materials for posterity, and for the future use of activists and advocates for justice.

While this is a story about one bad cop, we encourage readers to look at the broader picture. The most notable thing about Cabillo's story is how police brutality is never isolated to one incident or one cop.

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# 1

## Social Media Comments about Joshua Cabillo

ACCORDING TO SAMUEL SINYANGWE OF CAMPAIGN ZERO, INSIGHT FROM YOUTH IN THE COMMUNITY IS AN IMPORTANT WAY TO FIND OUT WHICH OFFICERS ARE ABUSING THEIR POWER.



...

26 likes

**A**

J. Cabillo was EXTRA handsy & aggressive with our peaceful protesters yesterday, and apparently folks have seen this from him before...to the internet he goes!



[Redacted]

3d

Same cop who was talkin random shit to me on 30th 3 years ago also arrested my boy and slapped him up while he had handcuffs on



[Redacted]

3d

He will get his



[Redacted]

3d

Fuck this bitch ass nigga. Always in the hood tryna find a reason to fuck wit the homies



[Redacted]

3d

He worked for SSFPD and would tell my freinds "Ima kill you one day watch.." My freshmen year I was called in the office because the school accused me of selling weed, cabillo goes to South San Francisco High School to investigate. He takes me in a room and gets in my face, it's just me and him in the room he tells me "Your a bitch ass fucking punk I hate the kids in your side of the city" I was raised in (east side of south city) he then says "I'm gunna arrest your bitch ass one fucking day" he got mad cause he had nothing on me and they couldn't find anything on me. I was only 15 at the time.

**B**

Edited · 3d

This is SFPD officer Joshua Cabillo, badge number 1014.

Some folks at the last [#JusticeForMarioWoods](#) Super Bowl protest took photos of him for being one of the most "pushy/grabby", aggressive cops that day. Well guess what:

- He's the cop who murdered Black disabled teen Derrick Gaines in June 2012 in South San Francisco (after the controversy he was simply transferred SF).

- He's one of the 3 SFPD cops who beat up Black comrade Travis Hall in the Mission District in 2015 (which was also a well-known controversial incident).

- He's one of 2 cops who caught one of our comrades catching a small 4-inch tag on a mailbox. He was slamming our woman comrade around while his partner (Anthony Montoya, also known for being hella violent) told the other comrade he was going to break his wrist & then proceeded to bend him over into the trunk of his car so no one would see. Thankfully, bystanders showed solidarity by pulling over to film the situation.

- This cop & his partner both have a reputation for being violent with Mission District youth, just ask around.

What is there to gain from holding discussions with sadistic, violent, psychopathic cops who believe they're in the right, or know they aren't & don't care, who find it funny or enjoyable when we're terrorized, murdered, when we cry, when we're in pain, when we have to live with trauma & fear?

What common ground is there to find with cops who's primary purpose is to protect the status quo with a legal monopoly on violence, who's existence began as slave catchers, who are trained to be violent & manipulative towards our most vulnerable, knowing that they will almost never face serious consequences?

What trust is there to be had with cops when there is a mass epidemic of murder & rape by law enforcement, when they have always been the ones to attack us whenever we've fought for social change at ANY stage of history, terrorizing, disappearing & assassinating our ancestors, our comrades & leaders from previous generations, in every movement, from the fight for the 8-hour day, to the fight against segregation, to every single revolutionary & anti-capitalist movement we've ever had?

[#WeDontTalkToPolice](#)



- 3d  
 Fuck This Muthafucker Str8 Bitch I can't Even Walk In The Mission With Out This Punk Ass Mark Detaining Me N Doing The Most He Broke My Middle To Finger WHILE He Was Trying To Put The Handcuffs So He Can Search Me N His Excuse For Breaking My Finger Was That I Was Resiting Arrest When I I Already Had My Hands Behind My Back Fuck This Pig
- 3d  
 Wow... How in the fuck is this piece of shit still working? Smfh @B
- 3d  
 You Nailed It Bro These Muthafuckas Are Really Shady N Dirty Fr
- 3d  
 Expose that punk!
- 3d  
 Napoleon complex shawty
- 3d  
 Punk ass had me searched when got stopped. Couldn't find shit, still wrote up a ticket for bein double parked at 2am.... FUCK ACAB
- 3d  
 B  
 Damn we hear yall! Hella stories of this cop being a piece of shit in every hood he's worked in.
- 3d  
 Daaaaaamm. I was there and straight facing him with truth. His demeanor was aggressive and his hands looked to damn comfortable holding his baton, you could tell he was itching for an excuse to use it. Had no idea there was all this dirt he's involved in....

“

**THE COP & HIS PARTNER BOTH HAVE A REPUTATION FOR BEING VIOLENT WITH MISSION DISTRICT YOUTH, JUST ASK AROUND.**

”

“

**WHAT IS THERE TO GAIN FROM HOLDING DISCUSSIONS WITH SADISTIC, VIOLENT, PSYCHOPATHIC COPS WHO BELIEVE THEY'RE IN THE RIGHT, OR KNOW THEY AREN'T & DON'T CARE, WHO FIND IT FUNNY OR ENJOYABLE WHEN WE'RE TERRORIZED, MURDERED, WHEN WE CRY, WHEN WE'RE IN PAIN, WHEN WE HAVE TO LIVE WITH TRAUMA & FEAR?**

”

“

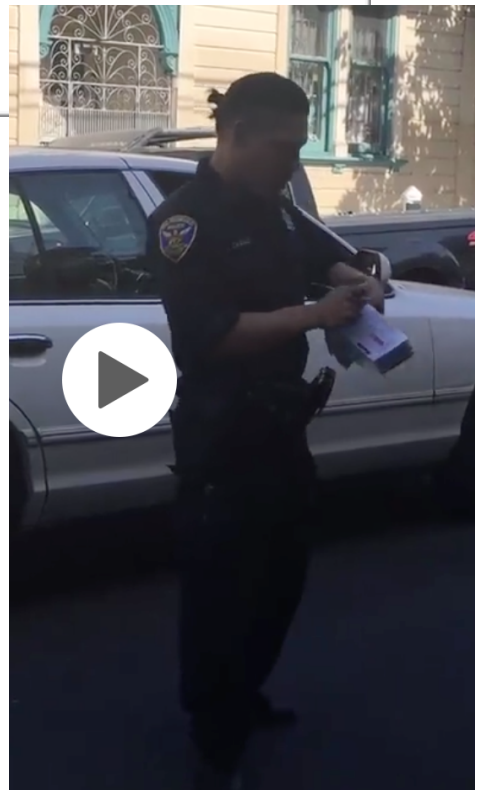
**HE WORKED FOR SSFPD AND WOULD TELL MY FRIENDS “IMA KILL YOU ONE DAY WATCH...” MY FRESHMAN YEAR, I WAS CALLED IN THE OFFICE BECAUSE THE SCHOOL ACCUSED ME OF SELLING WEED. CABILLO GOES TO SOUTH SAN FRANCISCO HIGH SCHOOL TO INVESTIGATE. HE TAKES ME IN A ROOM AND GETS IN MY FACE. IT'S JUST ME AND HIM IN THE ROOM. HE TELLS ME, “YOU'RE A BITCH ASS FUCKING PUNK. I HATE THE KIDS IN YOUR SIDE OF THE CITY.” (I WAS RAISED IN EAST SIDE OF SOUTH CITY) HE THEN SAYS, “I'M GONNA ARREST YOUR BITCH ASS ONE FUCKING DAY.” HE GOT MAD CAUSE HE HAD NOTHING ON ME AND THEY COULDN'T FIND ANYTHING ON ME. I WAS ONLY 15 AT THE TIME.**

”



this photo intentionally protects the young people  
who were let go, who were in a line in handcuffs on  
the curb


killer cop cabillo is in there




“


WAIT, JOSH CABILLO? I HATE THAT MF'ER! HE'S A RACIST PRICK AND TRIED TO SAY HE CAN'T BE RACIST CAUSE HE'S HALF SALVADORIAN AND GREW UP ON 16TH AND MISSION WITH HIS GRANDMA WHO STILL LIVES THERE, IN A MEDIATION I HAD AT OCC. THAT ASSHOLE HAD OUR CAR TOWED AND PUT A 30 DAY HOLD ON IT CAUSE I EXERCISED MY RIGHTS. ME, MY HUSBAND AND HIS COUSIN WERE NOT UNDER ARREST, SO WE WALKED AWAY, SO THAT PISSED HIM OFF. NOT TO MENTION MY HUSBAND AND HIS COUSIN ARE FIRST COUSINS WITH ALEX NIETO, AND WE HAVE HIS IMAGE ON OUR CADILLAC. HE'S IN GANG TASK NOW AND TRIES TO BLEND IN THE COMMUNITY. USES HIS SALVADORIAN G-MA AS AN EXCUSE TO TARGET OUR BLACK AND BROWN COMMUNITIES.

”





**Maria Margarita Villalta** Wait Josh cabillo? I hate that mf'er! He's a racist prick and tried to say he cant be racist cause he's half salvadorian and grew up on 16th and mission with his grandma which still lives there in a mediation I had at OCC. That asshole had our car towed and put a 30 day hold on it cause I exercised my rights. me my husband and his cousin were not under arrest so we walked away so that pissed him off. Not to mention my husband and his cousin are first cousins with Alex Nieto and we have his image on our cadillac. He's in gang task now and tries to blend in the community. Uses his Salvadoran g-ma as an excuse to target our black and brown communities

Like · Reply ·  3 · April 25 at 5:08pm · Edited





yes he murdered Derrick when he was with South SFPD. he also beat Leigh Stackpole's son, and threatened protesters during the march to super bowl city. pedazo de soquete cabillo

Like · Reply ·  2 · April 25 at 5:07pm





**Maria Margarita Villalta** This is why their conduct and complaints need to be made public record. That fucker is a fucking PUTO


Like · Reply ·  2 · April 25 at 5:14pm



With respect to you - the militarized cops would be there with or without wind of protests. This is an international event and the government would be prepared to handle "terrorist" threats.

Like · Reply ·  1 · February 1 at 3:05am



Sadly, there were lots of same-ol same-ol faces as well. Like  this guy, Joshua Cabillo badge #1014. Who was particularly mean and nasty at the blockade to protesters. This piece of work

- killed 14 y/o child Derrick Gaines in 2012;
- is being sued presently by the ACLU for the brutal beating of Travis Hall in 2015;
- is paid a salary and benefits package of over 180K - after a huge increase in pay in 2014.

... Wonder what news outlets would like to hear about this member of "San Francisco's finest," with his fine record, being out Saturday charged with the duty of pushing back protesters.





**Sana Saleem**  
@sanasaleem



Following

Asked an officer what Off Cabillo & his partner Montoya are doing here "I don't know him but I know he's not posted her" he's from mission.

RETWEETS  
2

LIKE  
1

3:32 PM - 17 Jul 2016

San Francisco, CA

Tweets from  
Sana Saleem,  
48 Hills reporter  
at Bayview station protest



**Sana Saleem**  
@sanasaleem



Following

Crowd dispersed but officer Cabillo chuffed his name was written down on the sidewalk. Jokes about being famous.

4:04 PM - 17 Jul 2016

San Francisco, CA



Chalk at Mission station previously:  
Remember Derrick Gaines  
Peace, Love and Power  
Killed by KKKop Cabillo, found inside





## 2 Incidents Involving Cabillo

### 2011: Unwarranted Search & Theft of Property

“

On Nov. 17, 2011, officers Pfarr and Cabillo went to Penna’s house on Park Way in South San Francisco to perform a probation search, according to the lawsuit. Penna, who was not on probation, told officers he was not subject to such a search. Officers demanded entry into the home which Penna allowed. Penna was detained in his home while officers searched the home — including a safe within the bedroom from which officers took \$1,000, a diamond ring, a diamond pendent, certificates of title for two vehicles, spare keys and several passports, according to the lawsuit. Penna gave officers the combination to the safe under duress, according to the lawsuit. That property is not included in a police report and is alleged to have been stolen by the officers, according to the lawsuit.

”

<https://policeprofilingpatches.wordpress.com/2013/04/23/probation-search-leads-to-lawsuit/>



### 2012: Cabillo Kills Derrick Gaines

“

Supervisors and Commissioners, I am the Great Aunt of Derrick Gaines. Derrick was subjected to a scenario tragically familiar to many young black and brown men in our communities. In 2012 Officer Joshua Cabillo, who was then a rookie cop with the SSFPD, profiled two young teenagers who were casually walking from McDonald’s, through the Arco gas station next door, to a bus stop, at 7:30 on a June summer evening with lots of local residents on the sidewalk, in the gas station, and driving by. Cabillo swooped into a full gas station with his cop car and confronted the teenagers and demanded to know why they were walking through the gas



station. Derrick got scared. He was 15 YEARS OLD! He tried to run away. Officer Cabillo needlessly escalated a situation which resulted in an execution of Derrick, and execution that took 49 seconds from start to finish. Of course, the DA backed up this cop's conduct. Officer Joshua Cabillo — no accountability, no consequences for taking a young teenager's life. The young 14 year old who was with Derrick that evening has since been totally derailed in his life by this experience with cop Cabillo.

ALTHOUGH THE DA, WAGSTAFFE, OF SAN MATEO COUNTY UPHELD CABILLO'S CONDUCT, THE FAMILY RECEIVED A SIZEABLE SETTLEMENT IN A CIVIL SUIT. – WHAT DOES THAT TELL YOU?

”

**DERRICK WAS SUBJECTED TO A SCENARIO THAT MANY YOUNG BLACK AND BROWN BOYS AND MEN ARE. HE WAS PROFILED BY THE POLICE. HE GOT SCARED. REMEMBER, HE WAS ONLY 15 YEARS OLD!**

— Dolores Piper, Great Aunt of Derrick Gaines  
*Public Comment at the November 15, 2016  
joint meeting of the SF Board of Supervisors  
and Police Commission*

## February 2015: Harassing the Community

Maria is a woman who works with Carecen, an international organization that empowers and responds to the needs of Latino, immigrant, and other under resourced families in the SF Bay Area. On 11/2/16, she received the honor of being chosen Employee of the Year.

She also had an encounter with officer Cabillo in the Mission in February 2015 after she had parked her car. Maria was on the sidewalk heading for a bite to eat with her husband and cousin. Cabillo came up to them and asked for the IDs of the men. They gave a little push back asking why, whether they were being detained for some reason. Cabillo indicated that they were not being detained, so they proceeded to walk away from him to the restaurant. Upon returning, Cabillo was having Maria's car towed and arrested her husband as having driven on a suspended license. Later in court, the judge threw out all of this and said that her husband's rights had been violated because he had not been driving at all. Cabillo put a 30 day hold on her car, and you can imagine how expensive that was for her. Maria filed an OCC Complaint on 02/24/2015 with Investigator William Huey Complaint #0110-15. *An incident report can be found as an appendix to this document.*

The complaint included Officer Cabillo for targeting and harassing them as people of color. The complaint went to mediation, but there was no finding against Officer Cabillo. In the meantime Maria had no car for 30 days and an astronomical bill to pay to get it back.

## April 2015: Cabillo (& others) Beat Leigh Stackpole's Son

“

The officers who assaulted me were unprofessional and their behavior was downright malicious. Not all police officers do terrible things, but the ones who assaulted me unfortunately cast an ugly shadow on the rest of the SFPD with whom they share the uniform. The experience I endured at the hands of the officers on the scene that evening was dehumanizing and permanently scarred me in multiple ways. I was violently beaten and forced to stay up all night in jail with no explanation, and had to wait hours to call my family. This incident affected my physical well-being, my mental well-being and my work. Sadly, this is not the first incident of these same individuals harassing and terrorizing innocent citizens in the community. I am very disappointed with the reprehensible actions of these officers who are supposed to be protecting the community, ironically, from the very same type of criminal behavior they themselves engaged in. **The people whose job it is to enforce the law fairly with no bias should not be immune to it and therefore the officers who assaulted me must be held accountable.**

”

— Leigh's Son, statement via the ACLU

*Three officers were present:*

- Joshua Cabillo
- Tony Montoya
- Giselle Talkoff

In the course of restraining and attacking Leigh's son, the officers also needlessly pulled his pants down, causing him severe embarrassment.

During the unlawful detention, assault, and search of Leigh's son, he and his friends repeatedly asked the officers to explain the reason for the stop. Sgt. Montoya suggested, troublingly, that he was attacked and arrested in light of the Arabic writing on his sweatpants.



## February 2016: Superbowl City Protest

In early 2016, the Justice for Mario Woods Coalition helped organize a protest march to the Super Bowl city in downtown San Francisco in order to call attention to SFPD's killings of Alex Nieto, Amilcar Perez Lopez, and Mario Woods.

“

What is the real role of SFPD? To serve and protect? I've experienced otherwise. On the weekend before Super Bowl 50 in downtown San Francisco, Officer Joshua Cabillo aggressively put his hands on me. It was a peaceful protest and I sensed the hatred in his eyes.

I ask myself this question: Who do you call on the police when the police are harming you instead of protecting you? I don't feel like Cabillo is fit to 'protect and serve' our community. The power given to him was placed in the wrong hands and he must be stopped.

— Deja Caldwell, marcher



Joshua Cabillo (left) was the only officer present with an overused, worn down, splintered baton.

”

After the killing of Luis Góngorra Pat in the Mission, a group of community activists who came to be known as the Frisco 5 went on hunger strike for 17 days in front of the Mission police station to demand Mayor Ed Lee fire then Chief of Police Greg Suhr. The hunger strike ended in the hospitalization of the strikers, eruption of spontaneous protests and the detainment of 33 people at City Hall.

Two weeks later, SFPD officers shot and killed Jessica Nelson-Williams, a black woman who was living on the streets. Greg Suhr resigned that afternoon.

Why Officer Cabillo repeatedly appeared at local protests before and after this time—despite a history of violent behavior—remains a mystery.

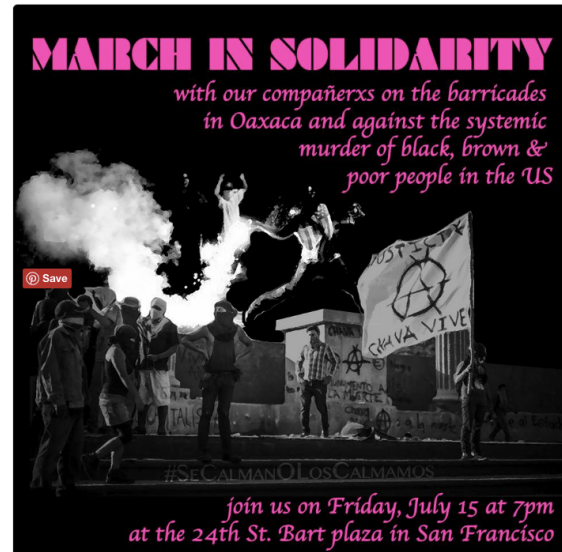
## July 2016: Brutal Detainment of Protestor

“

A young woman in her 20's was filming a protest event in the Mission a few months ago. She was grabbed by Officer Cabillo and dragged down several blocks by the hair to the Mission Police Station. She was bruised in several places by this treatment – hair pulled out of her head – when she asked Cabillo why he had to pull her hair for three blocks or more, he commented that he thought she “liked it”. She will be filing her complaint with the OCC shortly. Part of the reluctance to file these complaints is the trauma involved in the physical attack to effect the arrest. Then there is a psychological element especially for young people who have never been arrested or beaten by cops.

”

— SFPA Public Comment *at the November 15, 2016  
joint meeting of the SF Board of Supervisors  
and Police Commission*



**mary mad**  
@marymad



Following

SFPD kneeling on protester's head. She was screaming. [#SanFrancisco](#) [#Oaxaca](#)







# 3 The Psychological Toll of Police Brutality

“I BASICALLY CALLED THE COPS TO TELL THE COPS THEY ASSAULTED MY SON.”  
— LEIGH STACKPOLE

“

There are no support groups out there for victims of police misconduct, little research has been done on the unique psychological effects of it even though being a victim of police misconduct is a unique kind of trauma that erodes one's own sense of security in ways unlike other kinds of crimes. So mostly you're going to be on your own. From experience, I can tell you that this is why it's vitally important that you surround yourself with friends and family that believe you and believe in you. Don't isolate yourself just because others isolate you.

People are going to victimize you afterward, some people might even be hostile to you just because you became a victim of police misconduct. Be prepared for it emotionally, don't be surprised when people you thought were friends suddenly doubt you. As I said, it's important to not waste time with them, stick with people who believe in you and don't waste time with the others. Save your arguments for the court of law, not the court of public opinion.

It's going to be a long road to get back to where you were before this happened. But never give up hope that it'll get better, and keep fighting to find justice for yourself and for other victims too.

”

— <https://www.policemisconduct.net/a-police-misconduct-victims-guide/>

“

I am here as a mother of a child of color.

My son is a victim of police brutality, which has unique psychological effects similar to those of a victim of rape. I will not say his name in the public for that reason.

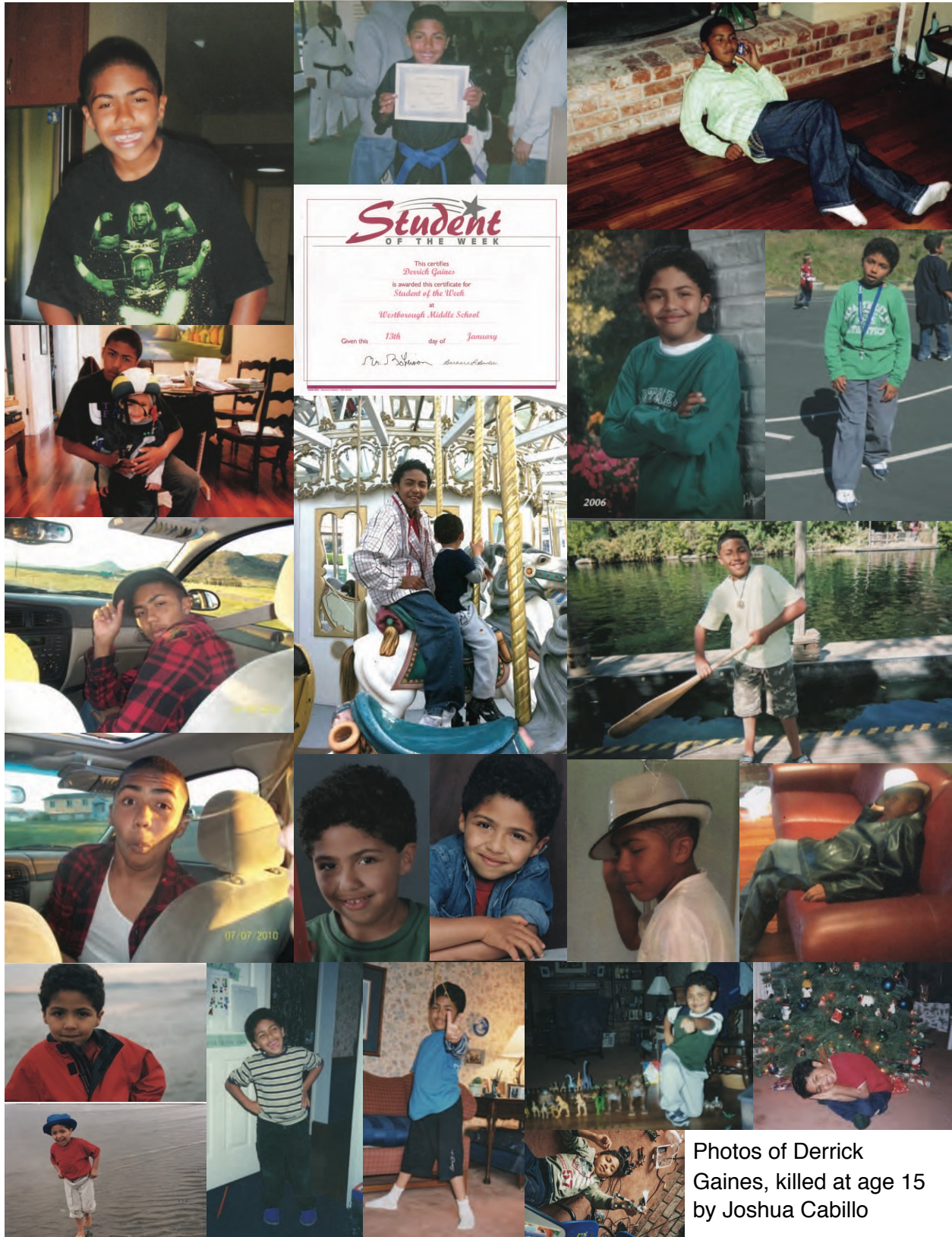
To process the trauma he did this painting of the view from our window and wrote a statement for the ACLU, which represented him vs. the SFPD.

”

— Leigh Stackpole,  
*public comment at  
the November 15, 2016  
joint meeting of the SF Board of Supervisors  
and Police Commission*







Photos of Derrick Gaines, killed at age 15 by Joshua Cabillo



# 4 Cabillo's Collaborators

## Tony Montoya

*Vice President of the Police Officers Association*  
participated in beating Leigh's son

"It's disgraceful for all of us."

"This is a very noble profession these men and women have chosen. This was a very small fraction of the department that's involved in this." — Tony Montoya on SFPD racist text scandal

from <http://abc7news.com/news/conduct-of-sfcops-accused-of-sending-offensive-texts-under-scrutiny/560739/>



In May 1997, Tony Montoya partnered with rookie cop Edward Clark, detained Leandro Lezcano for drunk driving. They requested a Spanish-speaking officer (Edgar Gonzales) to intermedate. In response to insults from Lezcano, Gonzales beat Lezcano, while handcuffed in the back of the car. Montoya did nothing to intervene. In fact...

“

The police department's case against Montoya and Gonzalez is based in part on an accusation made by Clark. Clark resigned in 1997 from the department, later blaming Montoya, his training officer, for his poor performance evaluation.

Clark subsequently filed a civil claim against the city. In that claim, Clark alleges that Montoya had told him to form a “human shield” so no one could witness the beating.

After the incident, Clark's claim says, Montoya told him to “write a false police report deleting anything that happened between Gonzalez and the suspect in the back seat of the automobile.”

”

— [http://www.policecrimes.com/police\\_brutality/California\\_police5.html](http://www.policecrimes.com/police_brutality/California_police5.html)

( minutes for the relevant Police Commission meeting can be found here: [https://archive.org/stream/minutes2000sanf\\_7/minutes2000sanf\\_7\\_djvu.txt](https://archive.org/stream/minutes2000sanf_7/minutes2000sanf_7_djvu.txt) )

# Giselle Talkoff

Public Affairs Officer

participated in beating Leigh's son

What do you do when a woman who helped beat you or your son keeps appearing on TV and in the press to represent the police department?

Use of Force Report (2nd line from bottom)

Sgt Montoya 1522 Talkoff 429(8?)

Physical control hold; suspect's face contacted sidewalk



SAN FRANCISCO POLICE DEPARTMENT				USE OF FORCE LOG										Reporting Period: Beginning <u>04/01/15</u> Ending <u>04/15/15</u> Mo. Day Yr. Mo. Day Yr.	
DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	PHYSICAL CONTROL	STRIKE BY FIST OR OBJECT	CHEMICAL AGENT/MACE/O.C.	BATON/STRIKE OR JAB	CAROTID RESTRAINT	FIREARM	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS		
4/11/15	150 286926	LIN 4845	Sgt. N. P. 1522				✓			Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Foot Pursuit		
4/11/15	150 287065	GAY 1084 ZIEGLER 4306	Sgt. N. P. 1522			✓	✓			Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Off. JAWED AS STRAIN		
4/6/15	150 297 246	WANG 4359 SHIH 42089	Sgt. FOWLER	✓						Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Arm Bar Requested in SUSP. NOSE ADMIN.		
4/11/15	150 299 220	CASTRO 1404	D. S. 1522		✓					Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	ELBOW STRIKES		
4/6/15	150 302027	Buckley 529	Sgt. Paul 641	✓						Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Physical Control - suspect's face contacted Booking area		
04/10	150-311-965	Sgt. MONTA 1522 TALKOFF 429	Sgt. T. FONG 1085	X						Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	PHYSICAL CONTROL HOLD - SUSPECTS FACE CONTACTED SIDEWALK		
4/15	150 330 200	KUWATRAMKORAL 42177	Sgt. T.J. 1522		✓					Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/> Unk <input type="radio"/>	(2) FIST STRIKES TO HEAD - BLOODY EYE		

Capt. Daniel A. Perea #474

COMMANDING OFFICER (SIGNATURE)

UNIT D

FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION.

**1ST AND 15TH OF EACH MONTH**

SFPD 128 (Rev. 3/05)



## Nicholas Buckley

*Police Officer Badge #(528 or 529)*

partnered with Cabillo when they impounded Maria's car and harassed them

Nicholas Buckley was separately rebuked by Judge Breyer of the ninth circuit for presenting false testimony in court. The rebuke was highly publicized, occurring in between the end of the Frisco 5 hunger strike and the resignation of chief Greg Suhr.

“

In Thursday's [May 12] case, Officer Nicholas Buckley testified that during an encounter in December, Simpson began walking quickly away from him with both hands tucked into his waistband, and was looking over his shoulder. At that point, Buckley said, he overtook Simpson, and other officers helped wrestle him to the ground and found a loaded handgun.

The video, shot from a nearby nonprofit housing building and presented by defense lawyers after Buckley's testimony, showed Simpson walking slowly in the general direction of the officers, one hand holding a water bottle, the other at his side, before he was tackled.

”

— <http://www.sfgate.com/crime/article/Gun-charges-dropped-when-video-contradicts-SF-7466109.php>

“

The video was unequivocal in rebutting everything the police officer testified to — at least to all the pertinent details.

”

— Judge Breyer

*for more details on this incident see:*

<https://circuit9.blogspot.com/2016/05/case-o-week-lacoste-riposte-conditions.html>

<http://www.sfexaminer.com/feds-drop-gun-charges-video-shows-officer-lied/>

“

In a lawsuit against the city, Mejia said her ex-partner had sexually assaulted her and then had called police and falsely accused her of attacking him. But when officers [Buckley among them] arrived, she said, they refused to provide her with a Spanish-language interpreter, told her to communicate in English the best she could, and showed no interest when she haltingly tried to describe the assault and past abuses.

When her ex-partner returned to the apartment, she said, police provided him with an interpreter by phone, listened to his account and then arrested her, leaving her three children with him. She was released from jail on bond in the early-morning hours, was not charged with a crime and has sued Suhr and the Police Department for damages.

”

— <http://www.sfgate.com/bayarea/article/S-F-officer-accused-of-false-testimony-had-7877089.php>

The OCC found that the officers had arrested Mejia “without cause” and failed to provide interpretive services. Suhr reprimanded the officers—including Buckley—and assigned additional training. However, department guidelines specify a fine, suspension or termination as discipline for an arrest without cause.



# 5 How the System Protects Cabillo

## Questions

HAS CABILLO BEEN DISCIPLINED?

WHY HASN'T CABILLO BEEN FIRED?

WHY HASN'T CABILLO BEEN STOPPED?

## POBOR (Police Officer Bill of Rights)

*CA Govt. code section 3300-3313*

### Establishes a paralegal system for discipline

“**punitive action** means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment” [3303] This broad definition of “punitive action” means that even just putting Cabillo on desk duty would require a paralegal case be brought, including union paralegal representation.

### Keeps killer cops on the streets

“No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.” [3303(j)] There’s no way to keep Cabillo off the streets.

### One year time limit on investigations [3304(d)]

At the time this document was prepared, Cabillo could only be investigated for the two most recent incidents where he used force against protestors. The deadline for investigating his most serious violations has passed.

### Keeps Records Clean & Secret [3306]

Since Cabillo was either not investigated or not found at fault for killing Derrick Gaines, harassing community members, and beating Leigh’s son, none of those incidents can be recorded in Cabillo’s personnel file. The public has no idea what is recorded in Cabillo’s file. If the incidents are “erroneously” included, he can sue to have them removed. If and when Cabillo applies to be an officer at another department, this inaccurate record will be provided to the next department, leading to him being hired in a new municipality, where he can continue brutalizing a new population.

## The OCC / DPA

*As a result of a ballot measure the San Francisco Office of Citizen Complaints will be renamed the Department of Police Accountability*

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One reason we came here tonight with the presentation, was the lack of action by the OCC.

My son was in his senior year of university and had never been in trouble. After my son was assaulted without cause by Officer Giselle Talkoff, who forcibly removed him from the vehicle, and Sergeant Anthony Montoya and Officer Joshua Cabillo, who beat him, he was unlawfully jailed for the night. First thing the morning following his release, he went to the doctor then directly to the OCC. He was hurt physically and very marked up, the OCC took photographs.

He was advised by the OCC to not say anything or file a complaint until the charges were dropped.

The public defender's office and ACLU worked with us.

There was a lot of media on the case, there is evidence, a civil suit with depositions etc.

Despite all this, the OCC closed the case.

The OCC did not have the facts. The investigator said there was no video, but BOTH the public defender's office and the ACLU have video.

It should not be this hard to get some sort of justice when officers abuse policies, such as using unmarked cars to perform a traffic stop. Changing the name of the OCC and removing it from SFPD budgeting control does not completely make it function better. There must be closer insight into the OCC practices with a similar lens that was applied to SFPD.

Fighting for what is right wears you down. Trying to heal my family from the trauma has been my sole economic and emotional responsibility. There are ZERO resources for victims of police brutality. My son suffers from PTSD. I am wounded also. In fact, the wound is ripped open every time I see newly promoted Officer Talkoff on the news in her new role as Public Information Officer.

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— Leigh Stackpole comment at  
the November 15, 2016  
joint meeting of the SF Board of Supervisors  
and Police Commission

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Meanwhile, minor cases (in which officers may have incorrectly filed a report) are given as much import as other more serious allegations, like violence or corruption. The result, OCC current and former employees say, is an agency driven more by filing deadlines and statistical goals than by a genuine desire for police oversight — and frustration for OCC investigators who feel stymied from above.

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Much of the responsibility for this culture lies with Hicks, these sources say. "She does a very poor job of pursuing [serious allegations]," said a source with knowledge of Hicks's approach at the OCC.

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"It is not the OCC's goal to go after police. It is the OCC's role to investigate police misconduct and neglect of duty," [Hicks] says. "We are not advocates."

...

"She was eager to get files closed so we would file it as inconclusive," Gray says.

Unless an officer confessed to an allegation of wrongdoing, the leadership would give up instead of digging in, she adds.

In one case involving an officer who allegedly kicked a man in the face, the investigation was found to be inconclusive after the officer and his partner disagreed with the victim and a witness. It was the police's word against the public's — and the police watchdog sided with the police.

"If another officer needs to explain why there's face-to-boot contact," the officer is making things up, Gray says.

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In recent years, complaints against officers have declined, according to the OCC's own data. This suggests the public may be catching on to the problems listed by the agency's internal critics — and giving up on the OCC.

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In one case in early 2014, an officer punched a woman in the face after she spat at him. The officer in question was a field training officer, showing a rookie cop the ropes.

"The officer struck the complainant after she spit directly in his face near his eyes," according to a case summary in the OCC's annual report, one of the few public windows into the office's dealings (state public records laws protect most police officer records from disclosure). "The officer claimed he feared he would be spit on again and he considered spit in the face to be a direct threat to his safety as bodily fluids contain potentially dangerous diseases."

The OCC sent the case to the chief, who gave the officer a written reprimand for unnecessary use of force.

For this case, the OCC determined the discipline would not amount to more than a 10-day suspension — but how and why are some cases worthy of more punishment rather than less?

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The OCC uses a department disciplinary chart written in 1994 to rank offenses and discipline. It's outdated and needs updating, but it's the department who has the power to do that.

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— San Francisco Police's Toothless Watchdog. *Jonah Owen Lamb*. SF Weekly. March 16, 2016. <http://archives.sfweekly.com/sanfrancisco/san-francisco-polices-toothless-watchdog-sfpd-office-of-citizen-complaints-ed-lee-greg-suhr-joyce-hicks-mario-woods-alex-nieto-police/Content?oid=4548631&showFullText=true>



# 6 Analysis: The Next 100 Joshua Cabillos

Who can stop Joshua Cabillo? The answer might be no-one. At this point, the OCC/DPA “lacks standing” to investigate him for internal discipline. POBOR ensures this. The Chief of Police could try to at least keep Cabillo off the streets. However, if he does so without the support of the SF POA (Police Officers Association, the police union) he will likely find himself in a messy internal political fight, and on the wrong side of POBOR. Furthermore, Cabillo is friends with the Vice-President of the Police Officers Association, Tony Montoya. Montoya himself, like most of the POA leadership, has actively participated in police cover-ups. Who *can* stop Joshua Cabillo?

While we should strive to get Cabillo off the streets, we hope this report makes the much bigger issue clear:

**THERE ARE MANY BAD COPS IN SFPD. BAD COPS ARE REPEAT OFFENDERS. THEY ARE NETWORKED. THEY INCULCATE EACH OTHER IN A CULTURE OF IMPUNITY. THIS NETWORK CONTROLS THE POA.**

Police brutality is not a random anomaly. A cop who behaves brutally once is likely to behave brutally again. They teach their partners, co-workers and friends how to get away with brutality.

This should be a cause of optimism. If there is any hope for SFPD short of dissolving the department entirely, it must lie in rooting out the core of this network of bad cops, and changing the systems of oversight to prevent the network from re-forming.

The network of bad cops can be identified by tracking and acting on the basis of repeated patterns of violence and misconduct. Identify and stop the repeat offenders. To do this requires a police commission and DPA committed to enacting, empowering and supporting punitive and adversarial oversight mechanisms.

Re-formation of the network might be deterred by changing the incentives of average police officers, both positively and negatively. **ANY OFFICER FOUND TO HAVE COVERED UP MISCONDUCT—IN ANY WAY—SHOULD BE FIRED AS A MATTER OF POLICY.** Allowing any such officers to remain on the force enables a culture of misconduct. Montoya was only given a 15 days

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Brown has fired more than 70 Dallas cops since taking office. But he doesn’t just fire bad cops, he also announces the firings — and the reasons for them — on social media. It’s a bold sort of transparency for which, again, he’s been criticized by police groups. Shortly after taking office, Brown fired a police officer who had kicked and maced a handcuffed suspect. But he not only fired the cop, he publicly praised the officer who turned that cop in, an implicit acknowledgment and criticism of the notorious Blue Wall. “One of the things that I really want to express about Officer Upshaw’s action is that we should not as a department ostracize him in any way. We should applaud him coming forward, him intervening,” Brown said.

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— What the Dallas Police Department does right. Radley Balko. Washington Post. July 8, 2016

suspension for covering up a beating. Now he's vice president of the POA, despite continuing to participate in and enable further beatings of civilians. The police commission and DPA have the authority to enact such a policy.

Positive support for officers who do step forward is also crucial. **WHISTLEBLOWERS NEED TO BE CELEBRATED, SUPPORTED, AND PROTECTED FROM RETRIBUTION BY THE POA**, as Chief Brown does in the Dallas Police Department. Montoya's partner only blew the whistle on him after it became clear he was going to be fired anyway. We must empower and encourage officers to be moral actors in their department by making the benefits of doing the right thing outweigh the potential costs of retribution.

Ultimately, the POA will be an obstacle to any and all such efforts. Treating the POA as a partner in any attempt to regain control of the department is misguided. The leadership of the POA needs to be kicked out of the police department altogether. It is naive to expect they will willingly support an agenda that results in their leadership being fired. Unless the Police Commission, the DPA, and the people of San Francisco accept the SF POA as their enemy, nothing of substance will change.





# Acknowledgements

San Franciscans for Police Accountability would like to thank a number of people for their work, stories and advocacy that contributed directly or indirectly to the creation of this report.

Thank you to Dolores Piper, Leigh Stackpole, and Maria for sharing their stories and their words.

Thank you to Lisa Ganser for providing images.

Thank you to Jeremy Miller for his initial research on this story, and for his powerful moving telling of it in the San Francisco BayView.

Thank you to all the activists in San Francisco working to end police brutality and bring justice to its victims. Thank you to the Justice groups and coalitions: Justice & Amor for Alex Nieto, Justice for Mario Woods Coalition, Wealth and Disparities in the Black Community - Justice 4 Mario Woods, Justice for Amilcar Perez Lopez, Honor & Justice for Luis Gongorra Pat, and SF Alliance. Thank you to the Frisco Five and their supporters for putting your bodies on the line. Especially, thank you to the Idriss Stelley Foundation and Mesha Monge-Irizarry for being an immovable force for justice in San Francisco.

## Appendix: Maria's full incident report

*(this report was obtained second hand, and quotations should not be taken as precise, or complete. Please refer to an authoritative copy on file for any legal purposes)*

02/18/2015 Police Incident Report 150151357

I left CARECEN office at 5:15p.m. with Fernando and Benji.

We drove to 24th and Treat.

We parked on the corner of 24th and Treat. Corner meter parking. We were already out of the vehicle on the sidewalk when two officers approached us. It was

Officer Cabillo, Badge #1014 (Philipino?)

Officer Buckley Badge #529 (White)

As we were walking to the taqueria they approached us and said hey can we talk to you guys?

We said yes what's up they asked what we were doing there and we responded that "we are going to go grab some tacos."

Officer Buckley asked Fernando are you on probation or parole? He said "No"

I asked, why are you stopping us?

Officer Cabillo said "we did not stop you" and asked the two males for their I.D.

I then asked "why are you asking for their I.D. if you are not stopping us?"

Cabillo then said because "I want to know who is in this community. You look familiar do I know you?" I responded no I may look familiar because I am a community worker. He asked oh are you? I said yes I work for CARECEN. Cabillo asked "Where is that?" I responded on Cesar Chavez and Mission

As they wrote down Fernando and Benji's information Officer Buckley asked Fernando "Where are you from?" As in reference to a gang. Fernando responded "from San Francisco, CA" He then asked where do you work and Fernando said I am currently unemployed but trying to return to school at wyotech.

I again asked "why are you stopping us? Is it because we are three latinos that maybe look a certain way? Because if that's the reason that's racial profiling!"

Officer Cabillo then said "why would you say that? I'm half latino."

I responded "but you don't look like it so again I ask why are you stopping us?"

Officer Cabillo said "I already told you we did not stop you."

I continued by asking "so if this is not profiling, why is it that you only asked the two MALES for their I.D and not me?"

Cabillo then said "May I see your I.D.?" I responded "no sir you say you did not stop us so I will not give you my I.D. but you know come to think of it you may know me because I am a co-founder of the Justice For Alex Nieto Coalition so I'm sure you have seen my face before. Fernando just said yeah we are Alex Nieto's cousins.

Officer Cabillo said "Good we need people like you"

At this point Cabillo walked over to the police car and Officer Buckley said "look ma'am we are not trying to give you problems" stretched out his hand to shake it and said "what's your name?" I responded "good try, I'm not give you my name because you say you did not stop us. All you need to know is I am Fernando's wife."

Buckley then said "you don't have to give me your real name." I laughed and said "yeah then it's giving false information, I know my rights and what you can do if I lie to you. I'm not stupid."

I then asked Officer Buckley again "so why are you stopping us?"

He said "We already told you that you were not stopped"

I said "oh ok so we are free to go?" He said "yes" so the three of us walked away and went to go eat at Taqueria Vallarta on 24th between Treat and Harrison. Benji went out to feed the meter when we got change and came back to eat dinner with us.

When we were done eating dinner the same officers had stopped a latino man that was severely intoxicated on the same block across the street and a building over from where we were parked. we stood by to watch what they were doing because this male was yelling and they had their gloves on. I said "wow there they go harassing people again" and went into the store for some cigars. As Fernando and I walked out the latino male was still with the officers and the male was still yelling in Spanish I laughed and said to Fernando "let's go babe"

We began to cross the street when the two officers ran towards us leaving their vehicle behind and grabbed Fernando and Benji and said "you are being detained"

I asked why are you detaining them and Officer Buckley forcefully said "I don't have to tell you!"

Benji then asked me to call his dad and Officer Buckley said "you can't be on the phone!" I said I am not being detained so I walked away and called Fernando's aunt this was at 6:04pm.

I am the licensed and the insured driver of a 2004 Cadillac DTS. I am also the registered owner.

I returned to the scene at 6:36pm and they were towing my car. Fernando called me and said that they were towing it because they said that Fernando was driving on a suspended license. And that Benji was going to Jail.

I asked how are they saying that you were driving on a suspended license if they approached us on the street and they never stopped us? Plus I have the keys? He said I don't know babe but we are gonna have to get the car tomorrow.

02/19/2015

We went to 850 Bryant tow hearing window in room 154 they stated that our car had a 30 day hold and that the report says that Fernando was driving so by law they have to hold the vehicle for 30 days because his license is suspended.

I requested to speak to a supervisor.

She directed me to request a police report. They said they cannot give me the report for 10 days and that I can try to speak to the officers that towed my car.

I went to Mission Station and they told me that they did not need to speak to me and I requested the officers names and badge numbers which they refused to give me and I insisted on getting the number and names to file a complaint and after making me wait with my husband for over an hour they finally gave me the numbers.

I requested to speak to a supervisor and they said they would have her call me in the next few days.

Mission Station officer called me the week of 02/23-02/27 and asked what the problem was. I told her that I already filed a complaint with OCC and she said oh ok I was on vacation.

**OCC Complaint filed on 02/24/2015 @12:44pm with Investigator William Huey Complaint #0110-15**

**Requested Mediation with the officers**

03/10/2015 Fernando spoke to OCC investigator. They asked him to give me the citation and proof of the registration.

03/11/2015 I called Inspector William Huey to follow up on mediation with the officers. Left a message.

## Further Articles and Reading

**Rhetoric vs. reality: SFPD's investment in police brutality.** *Jeremy Miller.* San Francisco BayView. February 29, 2016. <http://sfbayview.com/2016/02/rhetoric-vs-reality-sfpds-investment-in-police-brutality/>

**Who Turned Off Derrick Louis-Lamar Gaines's Music.** *Leroy F Moore Jr.* Poor Magazine. August 13, 2012. <http://poormagazine.org/node/4490>

**Derrick Gaines: They treated him like a statistic.** *Clayton Plake and Sid Patel.* San Francisco Bay View. September 19, 2012. [sfbayview.com/2012/09/derrick-gaines-they-treated-him-like-a-statistic/](http://sfbayview.com/2012/09/derrick-gaines-they-treated-him-like-a-statistic/)

**Lawsuit alleges SF police wrongfully beat young black man.** *Michael Barba.* SF Examiner. September 9, 2015. <http://www.sfexaminer.com/lawsuit-alleges-sf-police-wrongfully-beat-young-black-man/>

**Alleged San Francisco Police Brutality Prompts ACLU Lawsuit.** *(no author).* CBS SF Bay Area. September 9, 2015. <http://sanfrancisco.cbslocal.com/2015/09/09/alleged-san-francisco-police-brutality-prompts-aclu-lawsuit/>

**Probation Search Leads to Lawsuit.** *Heather Murtagh.* Police Profiling Patches. April 23, 2013. <https://policeprofilingpatches.wordpress.com/2013/04/23/probation-search-leads-to-lawsuit/>

**San Francisco Police's Toothless Watchdog.** *Jonah Owen Lamb.* SF Weekly. March 16, 2016. <http://archives.sfweekly.com/sanfrancisco/san-francisco-polices-toothless-watchdog-sfpd-office-of-citizen-complaints-ed-lee-greg-suhr-joyce-hicks-mario-woods-alex-nieto-police/Content?oid=4548631&showFullText=true>

**What the Dallas Police Department does right — and why doing those things could now be more difficult.** *Radley Balko.* The Washington Post. July 8, 2016. <https://www.washingtonpost.com/news/the-watch/wp/2016/07/08/what-dallas-pd-does-right-and-why-doing-those-things-could-now-be-more-difficult/>

### Other citations made

<https://www.policemisconduct.net/a-police-misconduct-victims-guide/>

[http://www.policecrimes.com/police\\_brutality/California\\_police5.html](http://www.policecrimes.com/police_brutality/California_police5.html)

[https://archive.org/stream/minutes2000sanf\\_7/minutes2000sanf\\_7\\_djvu.txt](https://archive.org/stream/minutes2000sanf_7/minutes2000sanf_7_djvu.txt)

<https://circuit9.blogspot.com/2016/05/case-o-week-lacoste-riposte-conditions.html>

<http://www.sfexaminer.com/feds-drop-gun-charges-video-shows-officer-lied/>

<http://www.sfgate.com/crime/article/Gun-charges-dropped-when-video-contradicts-SF-7466109.php>

<http://www.sfgate.com/bayarea/article/S-F-officer-accused-of-false-testimony-had-7877089.php>