

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
STANDARD INITIAL AND RENEWAL APPLICATION
FOR LICENSE TO CARRY A CONCEALED WEAPON

Official Use Only
Type of License Requested

Standard Judge
 Reserve Officer 90 Day

Initial Application Renewal Application

Public Disclosure Admonition:

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed on this application may be subject to public disclosure.

Applicant Signature

10-11-13

Date

LT. Daryl Fong #1552

10-11-13

Witness Signature

Badge Number

Date

Section 1 - Applicant Personal Information

GOLDA
Last Name

VOYTEK
First Name

Middle Name

If Applicable, Maiden Name or Other Names(s) Used

SAN FRANCISCO
City of Residence

SAN FRANCISCO COUNTY
County of Residence

USA
Country of Citizenship

Date of Birth

Place of Birth (City, County, State)

Height

Weight

Eye Color

Hair Color

M/F

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had, a license to carry a concealed weapon (CCW)? If yes, please enter the issuing agency name, issue date and CCW license number. Use additional pages if necessary. YES NO

Issuing Agency

Issue Date

CCW No.

2. Have you ever applied for and been denied a CCW license? If yes, please enter the agency name, date, and the reason for denial. YES NO

San Francisco Sheriff's Department
Agency Name

April 2012 and June 2013
Date

Insufficient evidence to establish Good Cause
Reason for Denial

3. Have you ever held and subsequently renounced your United States citizenship? If yes, please explain. YES NO

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? If yes, please explain. YES NO

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5. Are you now, or have you been, a party to a lawsuit in the last five years? If yes, please explain. YES NO

6. Are you now, or have you been, subject to a restraining order(s) from any court? If yes, please explain. YES NO

7. Are you on probation or parole from any state for conviction of any offense including traffic? If yes, please explain. YES NO

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. Use additional pages if necessary.

Date	Violation/Accident	Agency	Citation


9. Have you ever been convicted of any criminal offense (civilian or military) in the U.S. or any other country? If yes, please explain including the date, agency, charges and disposition. YES NO

10. Have you withheld any fact that might affect the decision to approve this license? If yes, please explain. YES NO

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Section 3 - Description of Weapons

List below the weapons you desire to carry if granted a CCW license. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. Use additional pages if necessary.

BERETTA	92FS	9mm	
Make	Model	Caliber	Serial Number
_____	_____	_____	_____
Make	Model	Caliber	Serial Number
_____	_____	_____	_____
Make	Model	Caliber	Serial Number
_____	_____	_____	_____

Section 4 - CCW License Conditions and Restrictions

The licensee is responsible for all liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit, or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

The licensee authorizes the licensing agency to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification to be issued a license to carry a concealed weapon and release said agency of any and all liability arising out of such investigation.

While exercising the privileges granted to the licensee under the terms of this license, the licensee shall not, when carrying a concealed weapon:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.
- Be under the influence of any medication or drug, whether prescribed or not.
- Refuse to show the license or surrender the concealed weapon to any peace officer upon demand.
- Impede any peace officer in the performance of his/her duties.
- Present himself/herself as a peace officer to any person unless he/she is, in fact, a peace officer as defined by California law.
- Unjustifiably display a concealed weapon.
- Carry a concealed weapon not listed on the permit.
- Carry a concealed weapon at times or circumstances other than those specified in the permit.

Title 49, section 46505 of the United States Code states that a license to carry a concealed weapon does not authorize a person to carry a firearm, tear gas, or any dangerous weapon aboard commercial airlines. Further, a person must declare that he/she is carrying such firearm, tear gas, or any dangerous weapon BEFORE entering the boarding area of an air terminal where the security checks are made. Such violation can result in arrest by law enforcement.

Any violation of these restrictions or conditions may invalidate the CCW license and may void any further use of the license until reinstated by the licensing authority. Any arrest for a felony or serious misdemeanor, including driving under the influence of alcohol and/or drugs, is cause for invalidating the license.

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Section 5 - Applicable California Penal Code Sections

The following Penal Code sections are of special importance to the holder of a CCW license regarding the use, carrying, and storage of firearms:

Penal Code section 26175 - False Statement on Application Form

- (a) Any person who files an application required by Section 26175 knowing that statements contained therein are false is guilty of a misdemeanor.
- (b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony.
 - (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.
 - (2) A criminal conviction.
 - (3) A finding of not guilty by reason of insanity.
 - (4) The use of a controlled substance.
 - (5) A dishonorable discharge from military service.
 - (6) A commitment to a mental institution.
 - (7) A renunciation of United States citizenship.

Penal Code section 192 - Manslaughter

Manslaughter is the unlawful killing of a human being without malice.

- (a) Voluntary - upon a sudden quarrel or heat of passion.
- (b) Involuntary - in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. This subdivision shall not apply to acts committed in the driving of a vehicle.

Penal Code section 197 - Justifiable Homicide; Any Person

Homicide is also justifiable when committed by any person in any of the following cases:

- 1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
- 2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or
- 3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
- 4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Penal Code section 198 - Justifiable Homicide; Sufficiency of Fear

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

Penal Code section 199 - Justifiable and Excusable Homicide; Discharge of Defendant

The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Penal Code section 25100 - Criminal Storage of Firearm

- (a) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm of the first degree" if all of the following conditions are satisfied.
 - (1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
 - (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
 - (3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person.

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Section 5 - Applicable California Penal Code Sections - Continued

- (b) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm of the second degree" if all of the following conditions are satisfied:
- (1) The person keeps any loaded firearm within any premises that are under the person's custody or control.
 - (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
 - (3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417.

Penal Code section 25105 - Exceptions

Section 25100 does not apply whenever any of the following occurs:

- (a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
- (d) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense for defense of another person.
- (g) The person who keeps a loaded firearm on any premise that is under the person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

Penal Code section 25200 - Storage of Firearm where Child Obtains Access and Carries Firearm Off-Premises

- (a) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine:
- (1) The person keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under the person's custody or control.
 - (2) The person knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian.
 - (3) The child obtains access to that firearm and thereafter carries that firearm off-premises.
- (b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine:
- (1) The person keeps any firearm within any premises that are under the person's custody or control.
 - (2) The person knows or reasonably should know that a child is likely gain access to the firearm without the permission of the child's parent or legal guardian.
 - (3) The child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.
- (c) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of Section 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.
- (d) As used in this section, "off-premises" means premises other than the premises where the firearm was stored.

Penal Code section 25205 - Exceptions

Section 25200 does not apply if any of the following are true:

- (a) The child obtains the firearm as a result of an illegal entry into any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is locked with a locking device, as defined in Section 16860, which has rendered the firearm inoperable.
- (d) The firearm is carried on the person within close enough range that the individual can readily retrieve and use the firearm as if carried on the person.
- (e) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

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Section 6 - Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through an act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of any application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding false statements on a CCW Application, manslaughter, killing in defense of self or property, limitation on self-defense and defense of property, and child access and firearm storage, stated in this application.

I have read and understand the Firearms Prohibiting Categories attachment to this application. I further acknowledge that these prohibiting categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW license.



Applicant Signature

LT. Daryl Fong #1552

Witness Signature

Badge Number

10-11-13

Date

10-11-13

Date

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Section 7 - Investigator's Interview Notes

GOLDA Applicant Last Name VOYTEK First Name Middle Name

[REDACTED] Date of Birth 55 Age [REDACTED] Social Security No. [REDACTED] CA Driver License/ID No.

CA Driver License Restrictions

[REDACTED] Residence Address SAN FRANCISCO CA City State [REDACTED] Zip Code (415) Telephone Number (Day)

[REDACTED] Mailing Address (if different) City State [REDACTED] Zip Code (415) Telephone Number (Evening)

[REDACTED] Spouse/Domestic Partner Last Name First Name Middle Name

SAME AS ABOVE Physical Address (if different than applicant) City State Zip Code Telephone Number

CORRECTIONAL OFFICER Applicant Occupation Business/Employer Name

[REDACTED] Business/Employer Address City CA State [REDACTED] Zip Code Telephone Number

1. List all previous home addresses for the past five years. Use additional pages if necessary.

[REDACTED] Address City State Zip Code

Address City State Zip Code

Address City State Zip Code

Address City State Zip Code

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? If yes, please explain. YES NO

[Empty box for explanation]

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program. If yes, please explain. YES NO

[Empty box for explanation]

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Section 7 - Investigator's Interview Notes - Continued

4. Have you ever been involved in an incident involving firearms? If yes, please explain.

YES NO

[Redacted area]

5. Have you ever been involved in a domestic violence incident? If yes, please explain.

YES NO

[Redacted area]

6. List any arrest or formal charges, with or without disposition, for any criminal offenses within the U.S. or any other country (civilian or military)

YES NO

[Redacted area]

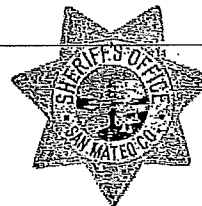
If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life property been threatened or in jeopardy? Explain incidents, dates, times, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW license. Use additional pages if necessary.

I have been with [Redacted] Office for approximately 19 years, first 3 as a Reserve Deputy and last 16 as a Correctional Officer.
On many occasions, while off duty, I came in contact with previously incarcerated individuals that were in custody where I work.
Most recently mine as well as my family's lives were threatened by an inmate who is now on bail.
I am convicted that he knows my name, clearly displayed on my uniform, and can recognize my face, since I was not wearing a helmet.

Please see attached summary of a crime report.

[Redacted area]



CONCEALED WEAPONS PERMIT REQUEST EXECUTIVE SUMMARY

Date: May 7, 2013

Permit Request:

Candidate Name: Voytek GOLDA

Date of Birth: [REDACTED]

Social Security #: [REDACTED]

CDL #: [REDACTED]

Home Address:

[REDACTED]
San Francisco, CA 94134

Weapon(s): Beretta model 92FS 9mm

Investigative Summary:

Applicant is a correctional officer with [REDACTED] and has been since November of 1997. He is married [REDACTED] and a resident of the City of San Francisco. He has no criminal history and his driving record shows no accidents, citations, failures to appear, or departmental actions.

Mr. Golda has one gun listed on his application, a Beretta 92FS, registered to him. The Department of Justice indicates that he is "eligible to possess firearms."

Mr. Golda resides in the City and County of San Francisco. He was referred to the San Francisco Sheriff's Office in 2012 after his request for a Concealed Weapons Permit and was denied based on insufficient evidence to establish Good Cause.

Good Cause:

Please refer to Mr. Golda's written request for a concealed Weapons Permit attached. Mr. Golda is requesting a concealed weapons permit based on this incident, which occurred at [REDACTED] facility within the Intake area. Please reference San Mateo County Sheriff's Crime Report 13-01177. Mr. Golda was present during the extraction and placement of inmate Jason Hylton Tully. During this incident, Tully directed threats to all personal present. Mr. Golda believed Tully made direct eye contact and stated to him "and you, I'm going to hunt you down, I'm going to fuck your wife and kill her in front of you before I kill you. I see your fucking names, you're done." Mr. Golda is convinced Tully knows his name as it [REDACTED] and could recognize his face.

Mr. Golda described a few occasions where he has encountered individuals who had previously been housed within the [REDACTED]. These encounters occurred during his non-work hours. These individuals knew where he resides, the types of vehicles he owns and described in detail his daily activities.

Good Moral Character:

Mr. Golda has no criminal history and has an established work record as a reliable and honorable employee. There is nothing that suggests he does not possess good moral character.

Finding:

No facts revealed indicate any reason that would preclude Mr. Golda from being issued a concealed weapons permit. His safety might reasonably be enhanced by his ability to carry a concealed weapon.

[REDACTED]

[REDACTED]

Janice Page, Background Investigator
Bureau of Professional Standards
San Mateo County Sheriff's Office

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



NARRATIVE

SUMMARY:

(S) Jason Tully was being held in the transportation holding cell of the [REDACTED] Facility. (S) Tully began hitting and kicking the cell door and was ordered to stop. (S) Tully failed to comply with the order to cease his actions and continued his behavior. The jail Emergency Response Team was activated. A cell extraction was conducted involving (S) Tully and (S) Tully was placed in a Pro Restraint chair. (S) Tully made several criminal threats of death towards jail staff members on the ERT team as well as Jail Nurse [REDACTED]. (S) Tully also made threats to kill [REDACTED] and [REDACTED]. The US Secret Service (Special Agent Byron Tarver) was contacted regarding the threats to [REDACTED].

P.L.E.O

- Sergeant [REDACTED]
- Deputy [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Correctional [REDACTED]
- Jail Nurse [REDACTED]

AWARENESS:

On 2/10/13 at approximately 1006 hours, (S) Jason Tully (DOB 12-4-73 / Jail ID [REDACTED]) was booked into the [REDACTED] Facility by the San Bruno Police Department for 166(a)(4) PC (restraining order violation) and 415(3) PC (Disturbing the peace). (S) Tully was initially compliant as he went through the booking process. (S) Tully was placed in a holding cell and within a few minutes he began singing loudly and creating a disturbance in the Intake area of the jail. (S) Tully was ordered several times to keep his noise level down or he would be moved to another area of the jail. (S) Tully continued to create a disturbance in the Intake area of the jail by singing and being loud.

Based on this behavior, at approximately 1100 hours, (S) Tully was escorted to the transportation holding cell, located next to the central control room of the jail. (S) Tully laid down on the bench in the cell and after a few minutes, (S) Tully began to scream and be loud. (S) Tully began to create a disturbance in the transportation holding cell (See C/[REDACTED] statement below for further details).

Prepared By: [REDACTED]

Date: 2/10/2013

Approved By: [REDACTED]

Date: 2/12/2013



NARRATIVE

Based on (S) Tully's escalating behavior, Sergeant [redacted] responded to the transportation holding cell with [redacted] and the decision was made to activate the jail Emergency Response Team (ERT).

At approximately 1122 hours, The San Mateo County Sheriff's Office Emergency Response Team was activated to conduct a cell extraction on (S) Tully. The cell extraction team consisted of C/O [redacted], C/O [redacted], C/O [redacted], C/O [redacted] and C/O [redacted]. I was tasked with using the (less lethal) 40mm launcher if (S) Tully became assaultive towards any staff members during the cell extraction.

Prior to (S) Tully being removed from the transportation holding cell, C/O [redacted] activated a portable digital camera provided by Sergeant [redacted] and placed it in the control room window which faced the transportation holding cell. At approximately 1125 hours, (while being video recorded) (S) Tully removed his shirt and pants. (S) Tully was standing in his underwear and then walked to the rear of the holding cell near the toilet and sink. (S) Tully turned the water on and began splashing water all over his body and the floor in the holding cell. (S) Tully also removed his boxer style underwear and placed them in the sink to get them wet. After (S) Tully was wet enough he walked to the center of the transportation holding cell and began shadow boxing in anticipation for staff members entering the holding cell. After shadow boxing for a few minutes (1135 hours), (S) Tully put his shirt and pants back on.

At approximately 1140 hours, the ERT team arrived and stacked up just outside the holding cell door. All Sheriff's Office staff members present were wearing fully recognizable Sheriff's Office blue uniforms with shoulder patches stating "San Mateo County Sheriff" and cloth badges on the left chest that read, "Sheriff's Office, San Mateo County". C/O [redacted] used a set of jail keys and opened the cell door so the ERT team could enter the transportation holding cell. As the holding cell door opened, I directed the 40mm launcher at (S) Tully and ordered him to the floor. (S) Tully dropped to the floor and placed his hands under his body. The ERT team members entered the cell and placed a plastic shield on top of (S) Tully. (S) Tully struggled in an attempt to prevent the ERT team members from handcuffing him. The ERT members were able to overcome (S) Tully's resistance and place a set of metal handcuffs on (S) Tully's wrists. After (S) Tully's wrists were handcuffed, Nurse [redacted] entered the holding cell to check (S) Tully's wrists for proper circulation. While Nurse [redacted] was checking (S) Tully's wrist restraints, (S) Tully made a threat to C/O [redacted] (who was securing Tully's ankles) that he was going to kill him. (S) Tully stated, "I'll fucking kill you bitch, I'll fuckin kill you!" I asked (S) Tully who he was directing his threat to and he answered, "The dude who is on my fuckin ankle." (S) Tully then stated, "I'm going to kill you and your mother, Bitch!" (S) Tully was picked up and placed into the Pro Restraint chair for his safety and the safety of Sheriff's staff.

While (S) Tully was being secured in Pro Restraint chair, he made several threats of death to all of the Sheriff's Office staff members present. The staff members present who were threatened by (S) Tully were C/O [redacted], C/O [redacted], C/O [redacted], and C/O [redacted], C/O [redacted], C/O [redacted], C/O [redacted], C/O [redacted], C/O [redacted], Sgt [redacted], Nurse [redacted] and myself. (S) Tully stated, "I want every one of your names, I want every fuckin person's name!" "I'm going to kill everyone fuckin one of you...and your wives and your kids!" (S) Tully then said, "You're fuckin dead, every one of you!"

Prepared By: [redacted]

Date: 2/10/2013

Approved By: [redacted]

Date: 2/12/2013



NARRATIVE

I asked (S) Tully if he was aware that threatening someone is against the law and he stated, "Fuck you, you're dead...you and your wife....your fuckin family are fuckin dead, everybody!" I wanted to clarify (S) Tully's threat by asking, "I'm dead?" (S) Tully then stated, "You and your wife, everybody, your fucking family...you're dead!"

(S) Tully then stated, "Ask [redacted] who I am...ask [redacted] who the fuck I am!" It was later discovered that [redacted], the former mayor of San Francisco and current [redacted] [redacted], is the protected party in an un-served restraining order from the Superior Court of San Francisco from 2010. I later obtained a copy of this restraining order and served it on (S) Tully while he was in custody on the 3 West housing pod of the jail.

After (S) Tully ranted about [redacted], I asked (S) Tully, "you understand your committing a crime by stating that?" (S) Tully stated, "Hell yeah, I don't give a fuck, hell yeah..it's a fucking Felony!" "I don't give a fuck, I got felonies all over the place!" "I don't give a fuck, you guys are fucking dead!"

(S) Tully then stated, "I see your fucking names, you're done!" (S) Tully was looking at me and stated, [redacted], you're fucking done!" (S) Tully then asked me, "Do you have a wife, do you have a wife?" (S) Tully then stated, "You better call her!" "You better call her!" (S) Tully followed this up by stating, "I hope you don't have any kids!"

To clarify (S) Tully's statement, I asked, "Just so I have this correct, you are going to kill every one of us and our families?" (S) Tully answered, "Hell yeah!" I asked (S) Tully how many people was that and he answered, "I don't know, you tell me motherfucker!" (S) Tully followed this up by stating, "I'll find out though, I'll find out." "Damn sure I find out, I got soldiers all over the place!" I asked (S) Tully if there was anyone around us (in the transportation holding area) that he was not going to kill. (S) Tully informed me that he was not going to kill the mental health lady because she "Is the only cool one in this bitch!" He then stated "All of you are fuckin dead!"

C/O [redacted] directed (S) Tully to "Quiet down." (S) Tully directed his next statement towards C/O [redacted] and stated, "Fuck you bitch!...Fuck you!" "You're a fucking whore!" "I'm going to fuck your wife big time, motherfucker!" (S) Tully then followed up his statement by stating, "I'm gonna piss in her face, I'm gonna piss in that bitches face!...and cut her fucking throat!" (S) Tully then stated, "And fuckin your child, I'm going to take their entrails and hang them on the fucking ceiling!" "Take their entrails and hang them on the fuckin ceiling, bitch!" (S) Tully then stated, "Your fucking dog, I'm gonna cut off its tail and shove it down its throat, motherfucker!"

(S) Tully's face was covered with a spit mask while he was being secured in the Pro Restraint chair. (S) Tully turned his head to the right and asked, "Mental health lady, what's your name?" (S) Tully asked again and when Nurse [redacted] was directed by staff not to answer (S) Tully's question, (S) Tully stated, "Fuck it your dead too, fuck it,.. I don't give a fuck... your families dead too."

(S) Tully began ranting, "There's Black Gorilla Family in this motherfucker!" "B-G-F, Motherfucker!" The Black Gorilla Family is known as the largest African American prison gang in the United States.

Prepared By: [redacted]

Date: 2/10/2013

Approved By: [redacted]

Date: 2/12/2013



NARRATIVE

(S) Tully was transported in the Pro Restraint chair from the transportation holding area to Safety Cell #1 in the Intake area of the jail. As (S) Tully was placed in the Safety Cell he stated, "You better hope I don't get out of here, I swear to God when I hit the streets, you're fucking dead!" (S) Tully then stated, "Don't let me hit the streets, don't let me hit the streets..I swear to god!" (S) Tully then stated, "You better kill me in this motherfucker and make some shit look like an accident, because if I hit the streets all you motherfuckers are six feet under!" Once the Pro Restraint chair was secured in Safety Cell #1, Nurse [REDACTED] checked (S) Tully's restraints and the door was closed. (S) Tully continued to yell at staff members through the closed door.

At one point, (S) Tully began yelling that he was going to kill [REDACTED] and [REDACTED]. While (S) Tully was threatening the life of [REDACTED], I took the digital video camera and walked over to Safety Cell #1. (S) Tully could clearly see I was filming him through the door. (S) Tully began chanting, "[REDACTED] is a dead man!" "[REDACTED] is a dead man!" He then stated, "[REDACTED] is a dead bitch!" "[REDACTED] is a dead bitch!" (S) Tully then stated, "On June 29th, I'm going to take both their lives and their fuckin kids and their lives!" (S) Tully then chanted, "I'm gonna shoot them with my shelly shot, I'm gonna shoot them with my shelly shot, I'm gonna take both their lives!" (S) Tully then chanted, "I've got a Mach 11 with a thirty round clip, I'm gonna take both their lives!" When (S) Tully paused from his rant, I asked him if he understood it was illegal to do what he was stating. (S) Tully answered, "Yes, I do." (S) Tully told he was aware it was a Felony. I then asked (S) Tully, "Even thought it's a Felony, you're still going to do it?" (S) Tully answered, "Hell yeah." (S) Tully continued to make threats towards jail staff, the [REDACTED] and even his own family members.

While (S) Tully was restrained in Safety Cell # 1 in the Pro Restraint chair, his limbs were exercised to prevent injury. During each of these exercise periods, Sergeant [REDACTED] digitally recorded these contacts with (S) Tully. During one of these exercise periods, (S) Tully continued to make death threats towards staff. (S) Tully directed one of his threats towards me. (S) Tully stated, "I hate you [REDACTED], I hate you [REDACTED], I'm going to kill you and your fucking kids!" (S) Tully then looked at Sergeant [REDACTED] and stated, "I'm gonna fuckin kill you with my bare hands, I'm special forces, motherfucker!" (S) Tully cooperated with the ERT Team while his limbs were being exercised.

While he was being re-secured in the Pro Restraint Chair, (S) Tully directed his threats back towards me. (S) Tully stated, "You are fucking dead [REDACTED]!" "I'm gonna hunt your ass down, I will be outside the fuckin jail every fucking day!" "I will put a bullet in your head, I've got a Mach 11 with a thirty two round clip!" "You will never escape that shit!" "You think you can escape thirty two rounds coming at your ass?" (S) Tully then stated, "You're fuckin dead and your family is dead!" "When I get up out of this motherfucker, you ain't gonna be laughing then." (S) Tully was given medication and water by the intake nurse and he was secured in the Safety Cell and the door was closed.

STATEMENTS:

Prepared By:

Date:

Approved By:

Date:

[REDACTED]
2/10/2013

[REDACTED]
2/12/2013



NARRATIVE

Statement of (V) Correctional [REDACTED]

On 2/10/13, Correctional Officer [REDACTED] was assigned to the control room of the [REDACTED]. C/O [REDACTED] was wearing the San Mateo County Sheriff's Office class "D" uniform. The class "D" uniform or tactical dress uniform consists of a blue shirt and blue cargo pants. The shirt has patches on both shoulders with the words "San Mateo County Sheriff" on them. The shirt also has a cloth star on the left chest that reads, "Sheriff's Office, San Mateo County". C/O [REDACTED] was wearing this uniform as he was giving (S) Tully verbal commands from the control room.

At approximately 1100 hours, Inmate (S) Jason Tully was escorted to the transportation holding cell, located next to the central control room of the jail. (S) Tully laid down on the bench in the cell and after a few minutes, (S) Tully began to scream and be loud. After being in the transportation holding cell for approximately ten minutes, (S) Tully began to strike the security glass pane of the holding cell door with open palm strikes. C/O [REDACTED] ordered (S) Tully to stop striking the cell door and window with his hands. (S) Tully answered C/O [REDACTED] command by kicking the cell door with front kicks. (S) Tully's kicks were so loud they could be heard throughout the first floor of the jail. The jail intake staff along with Sergeant [REDACTED] responded to the transportation holding cell area. (S) Tully was ordered to stop kicking and hitting the door. (S) Tully paced around the transportation holding cell in an agitated and aggressive state. (S) Tully had stopped kicking the door, so the Intake staff walked back to the Intake area.

After a few minutes, (S) Tully began kicking the door again. C/O [REDACTED] used the intercom in the transportation holding cell and ordered (S) Tully to stop kicking the door again. (S) Tully removed his clothes and began yelling, "Fuck you!" and (S) Tully then stated, "Come on in here [REDACTED] I'll kick your ass!...Just you and me!" (S) Tully challenged [REDACTED] to a physical fight several more times. [REDACTED] told (S) Tully to calm down and (S) Tully yelled, "I'm going to kill you!" (S) Tully then yelled, "I'm going to kill you, your wife and your family!" (S) Tully walked towards the sink in the rear of the cell and began splashing water all over his body. (S) Tully also splashed water on the floor of the holding cell in anticipation of staff members entering the cell to get him.

The ERT team responded and were able to enter the cell and place (S) Tully in handcuffs. (S) Tully was then placed in a Pro Restraint chair and wheeled out of the transportation holding cell and into the Intake area of the jail.

C/O [REDACTED] did not have any additional information for me regarding this incident with (S) Tully.

Statement of (S) [REDACTED]

Other than video recording (S) Jason Tully's verbal threats, I did not obtain a statement from (S) Tully.

EXAMINATION OF CRIME SCENE:

Prepared By:

Date:

Approved By:

Date:

2/10/2013

2/12/2013



This crime occurred inside and outside the transportation holding cell (near the control room) of the [REDACTED]. The transportation holding cell is approximately twelve feet by twelve feet with a bench on the East side of the cell and a combination sink and toilet on the South wall of the cell.

(S) Tully continued with his verbal threats towards myself and other jail staff members after he was placed in the ProRestraint chair and moved into Safety Cell #1.

EVIDENCE:

Sergeant [REDACTED] and C/O [REDACTED] video taped several of the interactions with (S) Tully using a digital camera and a digital recorder. All of the video footage was transferred to DVD by [REDACTED] and I took possession of the DVD. I later packaged, transported and booked the DVD into the Sheriff's Office property room as evidence in this case.

NEIGHBORHOOD CHECK:

None conducted.

INJURIES:

There were no injuries to Sheriff's Office staff members or (S) Tully as a result of this incident.

POTENTIAL LEADS / RECOMMENDATIONS:

Forward this report to the San Mateo District Attorney's Office for prosecution of (S) Jason Tully for twelve counts of 422(a) PC (Criminal threats) and twelve counts of 69 PC (Resisting an executive officer by threat or violence).

Forward a copy of this report to US Secret Service Special Agent Byron Tarver (Protective Intelligence Squad - SF Field Office) for further follow-up regarding threats made against [REDACTED] and [REDACTED].

Forward a copy of this report to the California Highway Patrol Officer Fred Ho, CHP Dignitary Protection Unit [REDACTED].

Prepared By:

Date:

Approved By:

Date:

2/10/2013

2/12/2013