



The City Of San Diego

MEMORANDUM

RECEIVED  
23 MAR 13 AM 8:07  
INTERNAL AFFAIRS

DATE: January 17, 2023  
TO: Jeffrey Peterson, Captain, Central Division  
FROM: Chris McGrath, Executive Assistant Chief of Police  
Via Anthony Dupree, Captain, Internal Affairs  
SUBJECT: Completed Internal Investigation

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF  
POLICE AND/OR THE CITY ATTORNEY.

COMPLAINT INDEX FILE NUMBER: 2022-0516

SUBJECT OFFICER: CALDERSON, Victor, A., Police Officer II, ID #6583

NATURE OF COMPLAINT: 1. Search 2. Procedure 3. Procedure 4. Procedure 5. Courtesy

DISPOSITION: 1. Sustained 2. Sustained 3. Sustained 4. Sustained 5. Sustained

Discipline or Notice of Adverse Action must be served by: October 5, 2023

The confidential, administrative personnel investigation of the above complaint has been completed and is attached for your review. The contents of the investigation are the property of the San Diego Police Department and all related materials shall not be released to any unauthorized person. Commanding Officers will review the investigation with the subject employee and return the signed package to Internal Affairs within 30 days.

If the employee does not agree with the disposition/findings of this investigation, they may file a written rebuttal within 30 days from the date the actual order of discipline is served. The rebuttal will be filed with the investigation in Internal Affairs, see D.P. 1.10, IX, E.

☒ Mark the box if the subject employee retained the attached investigation.  
☐ Mark the box if the subject employee retained the electronic case file.

I have read the Internal Affairs investigation reference the above complaint.

Employee [REDACTED]

Date 3-5-202

Commanding Officer [REDACTED]



**The City of San Diego**  
**M E M O R A N D U M**

RECEIVED  
22 NOV 18 PM 2:29  
INTERNAL AFFAIRS

DATE: November 2, 2022

TO: Victor Calderson #6583, Police Officer II

FROM: Anthony Dupree, Captain, Internal Affairs

SUBJECT: Internal Affairs Investigation # IA 2022-0516

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This is to inform you that you have been identified as a subject officer in an Internal Affairs investigation. This is considered an internal investigation. This investigation concerns the following allegations:

1. Search
2. Procedure
3. Courtesy

Additional allegations may arise during the course of the investigation.

This investigation stems from an incident which occurred on September 19, 2022 at 1400 Imperial Avenue, Incident E22090025865. Please review any reports or other documents you prepared in connection with this incident, prior to your interview. I hereby order and admonish you NOT to view any surveillance footage or Body Worn Camera footage other than your own prior to the interview. Detective Sergeant William Miles at the Internal Affairs Unit will contact you to schedule an interview.

As the subject officer you will be allowed to have a representative present during your interview. Representatives must not be connected with this investigation.

You are hereby ordered not to discuss this investigation or the allegations with anyone other than the investigating supervisor or your legal representative. Your failure to comply with this order will be deemed insubordination and subject you to disciplinary action up to and including termination. This requirement is set forth in Section 9.4 (Obedience to Lawful Orders Policy) of the San Diego Police Department Policy Manual.


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Internal Affairs Investigation # IA 2022-0516

November 2, 2022

You are also ordered to answer all questions directed to you during your interview fully and truthfully, as required by Section 9.29 (Truthfulness Policy) of the San Diego Police Department Policy Manual. Your failure to answer all questions fully and truthfully will subject you to disciplinary action up to and including termination.

I have received a copy of this memorandum and agree to comply with the orders.

  
\_\_\_\_\_  
Victor Calderon #6583

11/18/2022  
\_\_\_\_\_  
Date

**This memorandum has been presented to me by:**

  
\_\_\_\_\_  
Supervisor Name/Rank/PD ID#

11-18-22  
\_\_\_\_\_  
Date

Supervisor: Once the employee has signed the form, the original will be returned to the Internal Affairs Unit, MS-709 **within 10 days**.

AD/bm

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Reporting Officer: William Miles, Detective Sergeant ID: 5473 Division: Internal Affairs

Approved By: Dan Sayasane, Lieutenant #5680 [REDACTED] #5680 Date of Report: January 11, 2023



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## San Diego Police Department Investigator's Report

**Date of Incident:** September 19, 2022  
**Time of Incident:** 1112 Hours  
**Location of Incident:** 1400 Imperial Avenue, San Diego, CA 92101  
**Subject:** Internal Investigation I.A. #2022-0516

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**CONFIDENTIAL:** THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

**SUBJECT OFFICER:** Calderson, Victor, PO-II, ID #6583  
Date of Hire: 7-18-2008  
S.D.P.D., Central Division ■■■■■  
(619) 527-3500 (W)  
H/M, Age: ■■■ years old  
6'0''/245 lbs.

**WITNESS OFFICER:** ■■■■■ ID # ■■■  
■■■■■  
■■■■■

**WITNESS OFFICER:** ■■■■■ ID # ■■■  
■■■■■  
■■■■■  
■■■■■

**CIVILIAN WITNESS:** ■■■■■ # ■■■  
■■■■■  
■■■■■  
■■■■■

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant ■■■■■ #5680 Date of Report: January 11, 2023

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## SUMMARY:

On October 5, 2022, Lieutenant Schmottlach requested that I review Body Worn Camera (BWC) footage associated with E22090025865. Per my BWC review, Officer Calderson #7298 conducted a traffic stop at 1400 Imperial on a vehicle with no plates. The driver, later identified as [REDACTED] [REDACTED], was cooperative. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find a small amount of narcotics and narcotics paraphernalia inside the vehicle. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation. Several inconsistencies were noted from my BWC review and the report written by Officer Calderson.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
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## ALLEGATIONS:

On October 5, 2022, Central Division Command staff notified Internal Affairs of an incident involving Officer Calderson. I reviewed reports associated with E22090025865, reviewed BWC footage, and determined the below allegations.

### **1. SEARCH**

Officer Calderson searched [REDACTED] vehicle.

### **2. PROCEDURE**

Officer Calderson violated Department Policy 9.28 by not accurately documenting the facts of the case in his arrest report of [REDACTED] [REDACTED].

### **3. PROCEDURE**

Officer Calderson failed to properly scan citation # [REDACTED] into NETRMS as required per 7.01.

### **4. PROCEDURE**

Officer Calderson failed to properly impound narcotic paraphernalia as required per procedure 3.02 and 3.15.

### **5. COURTESY**

Officer Calderson used profanity and was discourteous during the arrest of [REDACTED].

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## INVESTIGATION:

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with a traffic stop conducted by Officer Calderson #6583 that occurred on September 18, 2022. The event number associated with the stop was #E22090025865. Based on my preliminary BWC review, I determined there were possible administrative and legal issues pertaining to search, report documentation, and courtesy.

On November 2, 2022, I notified Officer Calderson via his command he was a subject officer pertaining to IA investigation 22-0516.

On November 2, 2022, I located two additional BWC files associated with the traffic stop. These belonged to Officer [REDACTED] # [REDACTED] and Officer [REDACTED] # [REDACTED]. I downloaded the BWC footage and attached them to the case file. I then proceeded to review Officer Calderson's BWC from #E22090025865. This file, titled "Calderson", was 54:05 in length. The following is a summary of my BWC review:

- (2:00): Officer Calderson activates his BWC and exits his patrol unit. Officer Calderson approaches a white vehicle and greets the driver, later identified as [REDACTED] (DOB [REDACTED]), and explains the reason for the stop. Officer Calderson explains that there are no plates on the car and asks [REDACTED] for his license. [REDACTED] attempts to explain what the status of his license is before Officer Calderson says, "is your license valid or suspended?" [REDACTED] proceeds to hand Officer Calderson an ID card. [REDACTED] is unable to provide insurance.
- (4:20): Officer Calderson asks [REDACTED] if there are any weapons in the car as he looks through [REDACTED] paperwork. [REDACTED] proceeds to smoke a cigarette while confirming the VIN. Following the VIN verification, Officer Calderson asks dispatch to check [REDACTED] license status. [REDACTED] become concerned about his license status and Officer Calderson says, "be cool".
- (8:34): Officer Calderson tells [REDACTED] if his license comes back suspended, he will probably just get a ticket. Officer Calderson then says, "if you know someone with a valid license, I may give you the courtesy of calling someone to drive the car, but if you act like a knucklehead, I'm going to treat you like a knucklehead." Then Officer Calderson tells [REDACTED] he can use his discretion in towing his car. Officer Calderson tells [REDACTED] he is going to get a ticket if his license is suspended. Officer Calderson then says he is going to make sure there are no guns, bombs, or knives in the car.
- (9:16): Officer Calderson asks [REDACTED] if there is anything he should not have in the car. [REDACTED] says there is nothing in his car. Officer Calderson tells [REDACTED] to be straight up with him and to be cool. Officer Calderson then tells [REDACTED] the only time to be cool is right now. [REDACTED] says that was kind of smooth, although he is not a 4<sup>th</sup> waiver. Officer Calderson tells [REDACTED] his license is suspended, and he is not a 4<sup>th</sup> waiver. Officer Calderson then asks [REDACTED] if he has

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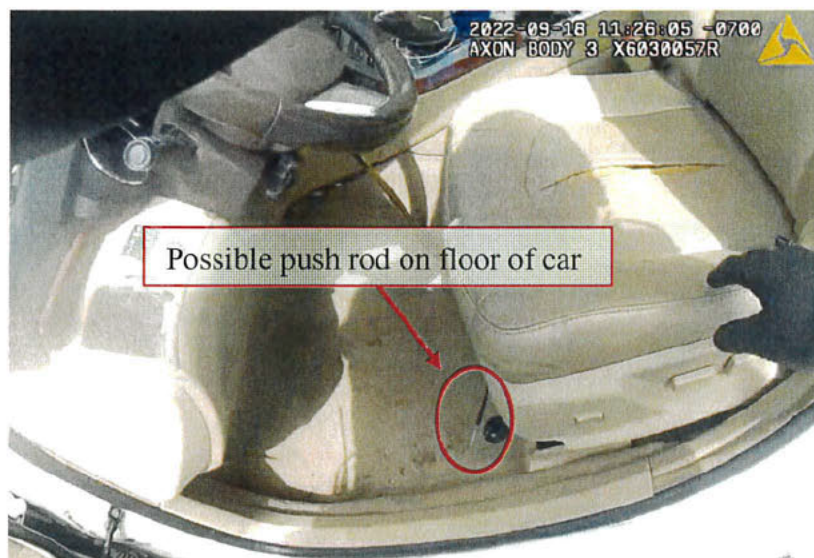
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anything on him and he is going to do a quick check. Officer Calderson then requests another unit.

- (11:11): Officer Calderson tells [REDACTED] he has to do a quick pat down to make sure he does not have any guns, bombs, or knives. [REDACTED] exits his vehicle and he pats down [REDACTED]. [REDACTED] is not placed in handcuffs. [REDACTED] sits on the front bumper of Officer Calderson's patrol unit. Officer [REDACTED] and Officer [REDACTED] arrive on scene.
- (12:17): Officer Calderson asks [REDACTED] if there is anything in the car he needs to know about. Officer Calderson then asks [REDACTED] if he has any problem with him checking. [REDACTED] says, "I have a problem with it because I (unintelligible). Officer Calderson then asks if there is going to be a little bit of rock in the car. Before [REDACTED] can answer, Officer Calderson says, "let me tell you something [REDACTED], I could give you a ticket and you could be on your way but if you lie to me I will just tow the car, and then I will just search it anyways". [REDACTED] then tells Officer Calderson he HAD a pipe in the car, but he sold it earlier. Officer Calderson asks [REDACTED] again if he has any crack in the car. [REDACTED] says, "no." Officer Calderson tells [REDACTED] to be straight up with him and he is going to go through it (referring to the car). [REDACTED] says, "I already know you are going to go through it."
- (12:57): Officer Calderson tells [REDACTED] he is going to get a dog to go through his car, and if he has to do that "it is going to waste his fucking time." Officer Calderson proceeds to return to [REDACTED] car and searches the driver's seat area. (See figure 1).

(Figure 1)



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- (13:18): Officer Calderson emerges from the car and asks [REDACTED] where his lighter is. [REDACTED] points to the door and says, "right there". Officer Calderson reaches into the driver's door compartment, finds a lighter and also removes a clear pen covering. See *figure 2*. Officer Calderson places the item on top of the car.

*Figure 2*



- (13:54): Officer Calderson returns to [REDACTED] car and reaches between the driver's seat and center console with his right hand. He removes a small clear baggie containing an off-white substance and says, "plain view". Per figure 3, the baggie was not in plain view. See *figure 3* and *figure 4*.

*Figure 3*



*Figure 4*



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- (14:14): Officer Calderson walks up to [REDACTED] and says, "[REDACTED], you lied to me. You have crack (unintelligible). Officer Calderson then places [REDACTED] in handcuffs and tells him to "be cool, man." Officer Calderson then says, "you better chill and not be disrespectful towards me...I will fucking take your ass to jail like that." Officer Calderson proceeds to light a cigarette for [REDACTED] and tells him not to disrespect him. He then asks [REDACTED] what else he has in the car.
- (15:34) Officer Calderson says this is not his first day of doing this shit...he has been doing this for 15 years. Officer Calderson goes back to the vehicle, opens the passenger door, and continues to search the passenger area. He finds additional paraphernalia (brillo pads). Officer Calderson asks Officer [REDACTED] to open the trunk from the door, but Officer [REDACTED] can't open it. Officer [REDACTED] steps away from the car and Officer Calderson goes back into the car. Officer Calderson then asks Officer [REDACTED] to reach for the pipe under the seat. Officer Calderson says his hands are too big to reach the pipe. Officer [REDACTED] proceeds to find the pipe and gives it to Officer Calderson. See figure 5.

Figure 5



- (20:30): Officer Calderson tells [REDACTED] he was in possession of a meth pipe, rock pipe, crack and meth. [REDACTED] interjects, then Officer Calderson says, "are you driving the car or am I driving the car?" [REDACTED] says, "I am". Officer Calderson says, "you are in possession then". Officer Calderson then tells [REDACTED], "I didn't say I was going to take your car...just be cool."
- (21:00): Officer Calderson asks [REDACTED] if that is going to be all of it. [REDACTED] responds, "yeah". Officer Calderson then tells [REDACTED] he is going to search him and he is not sure if he is going to transport him or not. Officer Calderson proceeds to search [REDACTED] while asking him how much he spent for the pipe. [REDACTED] said he traded the pipe for cigarettes. [REDACTED] is then placed in the back of Officer Calderson's patrol unit.

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- (25:13): Officer Calderson shows Officer [REDACTED] the difference between crack and meth and explains how the pipes are used to smoke it. A female shows up and asks if she can take the car. Officer Calderson said she can take the car if she has a valid license.
- (27:21): Officer Calderson tells [REDACTED] he is receiving a citation for having a suspended license and he was stopped because he did not have plates on the car. [REDACTED] then offers Officer Calderson information if he can make "this go away." Officer Calderson said he could not do anything, but the Narcotics Unit may be able to help after he writes the citation. Officer Calderson then tells [REDACTED] he is receiving a citation for possession of meth, crack, and a suspended license.
- (30:30): Officer Calderson tells [REDACTED] he could have gone to jail for driving on a suspended license, so he "better cut that shit out." He then said, "I'm a pretty cool guy as long as you have been behaving."
- (40:00): Officer Calderson mirandizes [REDACTED] and asks him specific questions about the pipe. During the questioning, Officer Calderson says, "the fact that you were not an asshole is the only reason why you are not going to jail."

On November 3, 2022, I reviewed Officer Calderson's report from E22090025865. I also requested a copy of the citation written on that day to [REDACTED] [REDACTED]. Per SDPD [REDACTED] a copy of the citation was never scanned into NETRMS as required per Procedure 7.01.

The following discrepancies were found on Calderson's report:

- Report: Page 5: "[REDACTED] informed me he was not sure but believed his license might be suspended."

Per my BWC review starting at 2:30, Officer Calderson asks [REDACTED] if his license is valid or suspended. [REDACTED] said his license should have been re-instated because he went to jail. [REDACTED] never mentions that this license might be suspended.

- Report: Page 5: "While I waited for the cover unit to arrive, I asked what he was doing on the south curbline of 1400 Imperial Ave, because I saw him talking to people as he was illegally parked. [REDACTED] admitted he sold a crack pipe to someone. I asked [REDACTED] how much he got for the pipe and he made a different statement of trading the crack pipe for a pack of cigarettes."

Per my BWC review, this conversation occurred AFTER units arrived, when [REDACTED] was out of his car. [REDACTED] says he just sold a crack pipe at 12:47. There is no mention of trading it for a pack of cigarettes until 21:51 (This only occurred much later, which is a timing issue)

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- Report: Page 5: "[REDACTED] initially said he did not want the vehicle searched, but then said, Go ahead and search if you want, I have a pipe that's all."

Per my BWC review at 12:18, [REDACTED] tells Officer Calderson he has a problem with him checking his vehicle. [REDACTED] then says, "I already know you are going through it." At no time does [REDACTED] say, "Go ahead and search if you want, I have a pipe that's all."

- Page 5: "I asked [REDACTED] to be cool and to stay seated in the vehicle as I conducted a search of the vehicle. [REDACTED] replied, yes sir."

Per my BWC review this is not accurate. At 12:57 Officer Calderson tells [REDACTED] he is going to get a dog to go through his car, and if he has to do that "it is going to waste his fucking time." Officer Calderson proceeds to return to [REDACTED] car and searches the driver's seat area. [REDACTED] is NOT in his vehicle; he is sitting on the front of the patrol bumper.

- Page 6: "I informed him [REDACTED] he was under arrest for possession of a controlled substance."

Per my BWC review, Officer Calderson places [REDACTED] in handcuffs, but never says he is under arrest. At 14:23, Officer Calderson says, "be cool-I didn't say you were going to jail."

- Page 6: "I informed [REDACTED] he was under arrest for driving on a suspended license, possession of crack cocaine, possession of meth, possession of a meth pipe and crack pipe, and not having insurance for his vehicle."

Per my BWC review at 22:00, Officer Calderson never tells [REDACTED] he is under arrest, but does question him about how much money he got for the pipe. [REDACTED] says he traded the pipe for some cigarettes.

On November 3, 2022, I reviewed Officer [REDACTED] BWC associated with E22090025865. The following is a summary of my BWC review:

- (2:00): Officer [REDACTED] (passenger) and Officer [REDACTED] arrive on scene to assist Officer Calderson. As Officer [REDACTED] walks up to Officer Calderson's vehicle, [REDACTED] can be seen sitting on the front push bumper. [REDACTED] can be heard saying he has a problem with the search. Officer Calderson is leaning towards [REDACTED] and questioning him about what is in the car. See figure 6.

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Figure 6



- (3:39): Officer Calderson asks Officer [REDACTED] to complete a field interview on [REDACTED]. Approximately 40 seconds later, Officer Calderson returns and tells [REDACTED], "You lied to me, now turn around." As [REDACTED] is placed in handcuffs, he says, "bitch." It is unknown who he is talking to. Officer Calderson asks if the dope was dropped in his car, followed by, "hey I never said you were going to jail, dude." Officer Calderson then tells [REDACTED], "You better chill and not be disrespectful to me or I will fucking take your ass to jail like that." Officer Calderson puts a cigarette in [REDACTED] mouth per his request, lights it, and says, "Don't disrespect me like that, especially when I am being cool."
- (8:57): Officer Calderson asks Officer [REDACTED] to retrieve a pipe from under the driver's seat. Officer Calderson says his hand is too big. Officer Trujillo proceeds to find a glass pipe under the seat and hands it to Officer Calderson. Officer [REDACTED] then searches the rear seat area.

On November 3, 2022, I reviewed Officer [REDACTED] BWC associated with E22090025865. Officer [REDACTED] was working with Officer [REDACTED]. His BWC essentially captured what was documented above on Officer [REDACTED] BWC.

PERT clinician [REDACTED] [REDACTED] was not wearing a BWC and not required to do so as she is a county employee. I contacted Clinician [REDACTED] and she agreed to give a statement on November 8, 2022 at 0800.

On November 3, 2022 at 1449 hours, I interviewed Officer [REDACTED] in the Internal Affairs office. Detective Sergeant John Denny #6371 was also present for the interview. I admonished Officer [REDACTED] and he signed the admonishment form. See his statement below.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
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On November 7, 2022 at 0750 hours, I interviewed Officer [REDACTED] in the Internal Affairs office. I admonished Officer [REDACTED] and he signed the admonishment form. See his statement below.

On November 8, 2022 at 0805 hours, I interviewed PERT Clinician [REDACTED] in the Internal Affairs office. Detective Sergeant Wadhams #6925 assisted with the interview. Clinician [REDACTED] is employed by the County and is not a sworn police officer. She was not admonished, and I explained she could leave at any time. Clinician [REDACTED] agreed to answer my questions and was cooperative. See her statement below.

On November 8, 2022, I scheduled a subject interview with Officer Calderson via email for November 14, 2022. On November 12, 2022 I texted Officer Calderson to confirm our interview. Officer Calderson apologized and said he had issues with his Outlook e-mail and requested more time. I re-scheduled for November 21, 2022.

On November 21, 2022, Officer Calderson arrived in the Internal Affairs Office as planned. He did not have representation. I explained the case allegations and Officer Calderson requested more time to prepare. I re-scheduled Officer Calderson for November 28, 2022.

On November 28, 2022, I interviewed Officer Calderson in the Internal Affairs office. Detective Sergeant Denny #6371 assisted with the interview. I admonished Officer Calderson and he signed the admonishment form. See his statement below.

On December 1, 2022, I called Detective Sergeant [REDACTED] # [REDACTED] to confirm Officer Calderson's citation was sent to the City Attorney. According to Detective Sergeant [REDACTED], cite # [REDACTED] was sent to the City Attorney's office for prosecution. I later called the City Attorney's office and spoke with [REDACTED], who told me the case had been dismissed.

On January 4, 2023, I received a Complaint Request Evaluation (CRE) from [REDACTED] [REDACTED]. The CRE read in part, *"There is no indication you were preparing to transport this person or impound the vehicle. It does not appear he gave consent. A court would likely find that the pat down and search of the vehicle were not warranted, and the fruit from those searches would likely be suppressed. Therefore, drug charges will not be filed."*

**All interviews were audio recorded, unless otherwise noted, and the recordings will be maintained with the Internal Affairs file. The statements are "in essence" synopses of the interviews. (For exact and complete details of the interviews, refer to the audio recordings.)**

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## Witness Officer Interview: Officer [REDACTED], ID # [REDACTED]

On November 3, 2022 at 1449 hours, I interviewed Officer [REDACTED] in the Internal Affairs interview room. I read him the Witness Administrative Admonishment and ordered to him to answer my questions. Detective Sergeant John Denny #6371 was present during the interview. The following is an "in-essence" statement of the interview. (For exact and complete details of the interview, refer to the audio recording.)

Officer [REDACTED] said on September 18, 2022 he was working with Officer [REDACTED] in Central Division. At approximately 1120 hours, Officer [REDACTED] said he volunteered to assist Officer Calderson with a traffic stop at 1400 Imperial Avenue. When he arrived on scene, Officer [REDACTED] said Officer Calderson had the driver standing in front of his patrol car.

I asked Officer [REDACTED] if he overheard Officer Calderson ask [REDACTED] if he could search his car. Officer [REDACTED] said he did not. Officer [REDACTED] did recall Officer Calderson saying, "when I search your vehicle, what am I going to find?" Detective Sergeant Denny asked Officer [REDACTED] if he recalled Officer Calderson's statement independent of his BWC review. Officer [REDACTED] said his recollection was from his BWC, and he was not paying attention to Officer Calderson because of his bad reputation. Officer [REDACTED] said he was there to cover because of the bad area and the fact that Officer Calderson was a PERT unit. I asked Officer [REDACTED] if [REDACTED] ever gave Officer Calderson permission to search the car. Officer [REDACTED] said, "no".

I asked Officer [REDACTED] if he saw Officer Calderson search [REDACTED] vehicle and if so, what was the probable cause. Officer [REDACTED] confirmed he saw Officer Calderson search [REDACTED] vehicle, but he did not know what the probable cause was. Officer [REDACTED] said since he did not know the context of the search, he had no indication if it was illegal or not.

Officer [REDACTED] said Officer Calderson's demeanor towards [REDACTED] was "very aggressive, with a lot of cursing, and was unprofessional." I asked Officer [REDACTED] if he would consider Officer Calderson's behavior a good example to other trainees. Officer [REDACTED] said, "no." Officer [REDACTED] said the driver [REDACTED] was calm and appeared nervous.

The interview was concluded at 1500 hours.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
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## Witness Officer Interview: Officer [REDACTED], ID # [REDACTED]

On November 7, 2022 at 0750 hours, I interviewed Officer [REDACTED] in the Internal Affairs interview room. I read him the Witness Administrative Admonishment and ordered to him to answer my questions. The following is an "in-essence" statement of the interview. (For exact and complete details of the interview, refer to the audio recording.)

Officer [REDACTED] said he has been a Police Officer for 7 months including his training time. Officer [REDACTED] said he is currently assigned to Central Division. On September 18, 2022, Officer [REDACTED] said he was working with Officer [REDACTED]. At approximately 1120 hours, Officer [REDACTED] said he and Officer [REDACTED] responded to 1400 Imperial Avenue to assist Officer Calderson with a traffic stop. Officer [REDACTED] said his understanding of the stop was that Officer Calderson stopped the vehicle because it did not have any license plates. Officer [REDACTED] said Officer Calderson recognized drug paraphernalia in the vehicle (pipe) and detained the driver, later identified as [REDACTED]. Officer [REDACTED] said when he showed up, [REDACTED] was standing in front of Officer Calderson's patrol unit. I asked Officer [REDACTED] if he heard Officer Calderson ask [REDACTED] if he could search his car. Officer [REDACTED] said he recalled that Officer Calderson said he was going to tow it and he was going to look through the car. Officer [REDACTED] said [REDACTED] did not want the car towed so he motioned to just go through it.

I asked Officer [REDACTED] if [REDACTED] ever denied permission to search his vehicle. Officer [REDACTED] said he never heard [REDACTED] say that. Officer [REDACTED] it was difficult to hear the conversation due to the street being noisy and [REDACTED] was mumbling his words. Officer [REDACTED] said he believed Officer Calderson searched the vehicle because of the drug paraphernalia that was seen on the dash. I asked Officer [REDACTED] if he assisted Officer Calderson with the search. Officer [REDACTED] said Officer Calderson was unable to reach under the driver's seat to retrieve a pipe because his hand was too big. Officer [REDACTED] said he was able to retrieve the pipe. He then gave the pipe to Officer Calderson as evidence. Officer [REDACTED] described the pipe as being a 3" pipe with residue and having a bulbous end.

I asked Officer [REDACTED] what Officer Calderson's demeanor towards [REDACTED] was. Officer [REDACTED] said he believed Officer Calderson was "fair and firm" with [REDACTED]. He remembered Officer Calderson used profanities but did not elaborate. Officer [REDACTED] said Officer Calderson is always respectful, nice, and cooperative with everyone he interacts with. I asked Officer [REDACTED] if he believed Officer Calderson was rude or discourteous to [REDACTED]. Officer Calderson said based on [REDACTED] behavior, he believed Officer Calderson's had the right mindset to communicate with him that way. Officer [REDACTED] said [REDACTED] was not hostile and cooperative. I asked Officer [REDACTED] if there was anything else he wanted to add. Officer [REDACTED] said Officer Calderson is the "go to guy" for the younger officers and is known as the "problem solver." He described Officer Calderson as being respectful and patient and he believed he took a different approach to [REDACTED] because of his prior contact with him.

The interview concluded at 0804 hours.

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## Civilian Witness Interview: PERT Clinician [REDACTED] ID # [REDACTED]

On November 8, 2022 at 0805 hours, I interviewed Clinician [REDACTED] in the Internal Affairs interview room. Detective Sergeant Jennifer Wadhams #6925 was also present during the interview. Clinician [REDACTED], who is employed by San Diego County as a PERT clinician, was not obligated to give a statement and is not bound by the same rules as applied to sworn SDPD personnel. Regardless, [REDACTED] agreed to give a statement pertaining to what she witnessed during the traffic stop with Officer Calderson on September 18, 2022. The following is an "in-essence" statement of the interview. (For exact and complete details of the interview, refer to the audio recording.)

Clinician [REDACTED] said she has been a PERT Clinician for 1 ½ years. Clinician [REDACTED] said she works with Officer Calderson every [REDACTED] as 520PT. Clinician [REDACTED] said on September 18, 2022 at approximately 1120 hours, Officer Calderson pulled over a vehicle at 14<sup>th</sup>/Imperial Avenue for not having any plates. Clinician [REDACTED] identified the driver as an African American male driver. Clinician [REDACTED] said due to all the pedestrian traffic in the area, she exited the patrol unit during the stop and stood by the open door. She could not hear the conversation between Officer Calderson and the driver who was later identified as [REDACTED]. Clinician [REDACTED] said during the stop, [REDACTED] exited his vehicle, walked back to Officer Calderson's patrol unit, and sat on the front bumper.

I asked Clinician [REDACTED] if she saw Officer Calderson search [REDACTED] vehicle. Clinician [REDACTED] saw Officer Calderson search [REDACTED] vehicle, but she didn't know why. I asked Clinician [REDACTED] what [REDACTED] attitude was like. Clinician [REDACTED] said [REDACTED] tone was elevated, but he was cooperative. Clinician [REDACTED] described the stop as "business as usual." I asked Clinician [REDACTED] if Officer Calderson's behavior to [REDACTED] was rude or discourteous. Clinician [REDACTED] said she did not recall Officer Calderson being rude or discourteous to [REDACTED] nor did she hear Officer Calderson use any profanities.

I asked Clinician [REDACTED] if there was anything she wanted to add to the investigation. Clinician [REDACTED] said she feels comfortable riding with Officer Calderson and she said he often shows compassion and is understanding when they are dealing with patients.

The interview was concluded at 0822 hours.

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**Subject Officer: Victor Calderson, ID #6583**

On November 28, 2022 at 1116 hours, I interviewed Officer Calderson in the Internal Affairs interview room. I read him the Administrative Admonishment and ordered to him to answer my questions. POA Attorney [REDACTED] was present as Officer Calderson's representative. Detective Sergeant John Denny #6371 was also present. The following is an "in-essence" statement of the interview. (For exact and complete details of the interview, refer to the audio recording.)

Officer Calderson said he has been a police officer for almost 15 years and is currently assigned to Central patrol. On September 18, 2022, Officer Calderson said he was working as a PERT Officer in Central Division. At approximately 1120 hours, Officer Calderson said he conducted a traffic stop on a vehicle in the area of 14<sup>th</sup>/Imperial Avenue. Officer Calderson said he initially saw a vehicle at 16<sup>th</sup>/Imperial Avenue with no front plates, and as the vehicle continued southbound, he noticed the vehicle had no rear plates. Officer Calderson said this was a violation of 5200 VC. Furthermore, Officer Calderson said the driver looked suspicious, was sweating profusely, and looking around. Officer Calderson said the vehicle then stopped on the south curb line of 1400 Imperial Avenue in the red zone.

I asked Officer Calderson who was driving the vehicle. Officer Calderson identified the driver as [REDACTED] from an identification card. Officer Calderson said as he was watching the car, he observed a male conduct a "hand to hand" transaction at the vehicle. Officer Calderson said the vehicle then conducted an illegal U-turn and started driving towards him. Officer Calderson said he made a U-turn and initiated a traffic stop on the north curb line of 1500 Imperial Avenue.

I asked Officer Calderson what his training was related to hand to hand (narcotics) transactions. Officer Calderson said he was a Narcotics Expert with the City of San Diego and he has testified over 30 times. Officer Calderson said he has also worked on Central Division's Crime Suppression Team for 3 years.

I asked Officer Calderson what the other subject looked like when he saw the hand-to-hand transaction through [REDACTED] passenger window. Officer Calderson described the other person as a black male and the transaction only took a second. Once the stop was made, Officer Calderson said he contacted [REDACTED], who appeared nervous. Officer Calderson said he asked [REDACTED] for his license and [REDACTED] said he thought his license was suspended. Officer Calderson said as [REDACTED] fumbled for his identification card, he could see "push rods" on [REDACTED] lap. Officer Calderson said he confirmed through dispatch that [REDACTED] license was suspended. At this time, Officer Calderson said he asked [REDACTED] to step out of the car.

Detective Sergeant Denny asked Officer [REDACTED] to expand about the "push-rod" which was seen on [REDACTED] lap. Officer Calderson said from his experience working that area, subjects often use long "sticks," or pen tubes, to push the crack into the pad. This was referred to as "flipping the pipe." Officer Calderson said from his observations of watching the hand-to-hand transactions, he believed there was evidence in the car, and that is why he removed him from his vehicle. Officer Calderson said he

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completed a quick pat down of [REDACTED] and walked him to the front bumper of his patrol unit. At this time, Officer Calderson said Officer [REDACTED] and Officer [REDACTED] arrived on scene to assist. Officer Calderson said [REDACTED] wanted to smoke a cigarette and asked him to retrieve a lighter from his car door.

I interrupted Officer Calderson and told him I was trying to stay on a timeline. I told Officer Calderson at 9:40 into the stop per his BWC, [REDACTED] license came back suspended. I asked him if he remembered this. Officer Calderson said he thought it was much sooner than 9 minutes into the stop but he did recall being notified by dispatch that [REDACTED] license was suspended.

I told Officer Calderson at 9:45 into the stop, he told [REDACTED] he was going to pat him down. Detective Sergeant Denny asked Officer Calderson what observations led him to believe that [REDACTED] needed to be patted down. Officer Calderson said [REDACTED] was nervous and users who are under the influence can often get violent, especially if they get triggered. Officer Calderson said these individuals can often use broken crack pipes as weapons.

Attorney [REDACTED] asked Officer Calderson if subjects suspected of selling narcotics carry firearms. Officer Calderson confirmed this.

I explained to Officer Calderson that per his BWC, [REDACTED] does not give permission to search his vehicle. I asked Officer Calderson on what legal ground he searched [REDACTED] vehicle.

Officer Calderson said he believed there was evidence of a crime in the car from the hand to hand transaction.

I asked Officer Calderson what specific evidence he had to formulate probable cause to search [REDACTED] car.

Officer Calderson said when [REDACTED] asked him to retrieve a lighter from his door, he found a crack pipe and placed it on top of the vehicle. Officer Calderson said he brought [REDACTED] his lighter, returned to the vehicle, and looked inside. Officer Calderson said he saw a baggie between the center console and the driver's seat which contained narcotics.

I told Officer Calderson instead of talking about the search itself, I wanted to know what probable cause he had to get into the car.

Officer Calderson said "11532", loitering for narcotics, in addition to the hand to hand, gave him enough (probable cause) to search [REDACTED] vehicle. I asked Officer Calderson to expand on the use of the push rods that he saw. Officer Calderson said the push rods were evidence of a "user" and he considered that "drug equipment."

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Detective Sergeant John Denny asked if [REDACTED] was under arrest for violating 11532. Officer Calderson said he was just detained.

Attorney [REDACTED] asked Officer Calderson how much time elapsed between the hand to hand and the traffic stop. Officer Calderson said, "within seconds." Attorney [REDACTED] confirmed with Officer Calderson that if [REDACTED] had bought drugs, it would not have been possible to use in that short amount of time. Officer Calderson confirmed this. Attorney [REDACTED] asked Officer Calderson if [REDACTED] could have tossed the drugs prior to the stop. Officer Calderson said, "no." Officer Calderson said he suspected [REDACTED] was buying drugs from the paraphernalia in the car and believed drugs were in the car.

I asked Officer Calderson if his search was considered a "PC" search. Officer Calderson said his search was based on probable cause and not based on [REDACTED] driving record. I then asked Officer Calderson why he felt as if he had to ask permission to search [REDACTED] car. Officer Calderson said he was just trying to be courteous. Officer Calderson said the area where [REDACTED] was stopped was the busiest narcotics area in San Diego.

Detective Sergeant Denny asked Officer Calderson if he saw what was in the hands of both subjects during the hand to hand transaction. Officer Calderson said he was too far away to see, but the transaction was very quick.

I asked Officer Calderson how he could see the baggy of narcotics between the center console and the driver's seat. Officer Calderson said in the small gap area between the seat and the center divider he could clearly see the bag, which was not captured on BWC, because it was on his stomach.

Detective Sergeant Denny asked Officer Calderson at what point he found the first crack pipe where the lighter was found. Officer Calderson said the crack pipe was next to the lighter which [REDACTED] asked him to retrieve. Officer Calderson said there was only one pipe in the door, and it was burnt on both sides. Officer Calderson said at this point [REDACTED] was under arrest. I asked Officer Calderson if this crack pipe was impounded. Officer Calderson said, "yes sir, I believe so."

I proceeded to show Officer Calderson the evidence photos he took and I asked him to show me which pipe he found in the door. Officer Calderson could not recall which pipe was found in the door. I asked him how many pipes were impounded. Officer Calderson said one meth pipe and two crack pipes. I asked Officer Calderson if there was a picture of the second crack pipe. Officer Calderson said, "no sir." I then asked where it was. Officer Calderson said there was a small chance it was left on the roof of [REDACTED] car.

I asked Officer Calderson if he returned to [REDACTED] vehicle to complete a search after placing [REDACTED] in handcuffs. Officer Calderson confirmed this and said he needed assistance from Officer [REDACTED] to retrieve a meth pipe under the driver's seat because his hands were too big. Officer Calderson said he then found a baggy of meth by the rear seat and a second crack pipe on the floorboard.

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I showed Officer Calderson the photographs he took from the scene. The photos included two clear baggies containing narcotics and two pipes: a green meth pipe and a clear rock pipe. Officer Calderson looked at the photographs I showed him, and he could not identify which pipe he found in the back seat.

I asked Officer Calderson what the final disposition of [REDACTED] was. Officer Calderson said [REDACTED] was released with a misdemeanor citation and his vehicle was not towed. Officer Calderson said a licensed driver (presumably [REDACTED] girlfriend) took the vehicle.

I asked Officer Calderson if he was familiar with SDPD's courtesy policy, section 9.20. Officer Calderson said he is now. I then asked Officer Calderson if [REDACTED] was cooperative during his investigation. Officer Calderson said [REDACTED] was initially "amped up" and evasive. Officer Calderson said he cursed while speaking to [REDACTED] to "check" him and calm him down "like a street guy." Officer Calderson said this tactic worked and [REDACTED] eventually settled down.

I told Officer Calderson at 12:57 into the stop, his BWC showed him talking to [REDACTED], saying, "I am going to get a dog to go through your car, and if I have to do that, it is going to waste my fucking time." I asked Officer Calderson if he thought that was appropriate. Officer Calderson said no.

I told Officer Calderson at 14:50 into the stop, his BWC showed him arresting [REDACTED]. [REDACTED] says "Bitch", but it is not clear who it is addressed to. Officer Calderson responded by saying, "You better chill, you better not be disrespectful to me, I will fucking take your ass to jail like that." I asked Officer Calderson if he thought that his statement was rude and discourteous. Officer Calderson said he did not think his statement was rude at the time and his verbiage was used to get [REDACTED] "back in check."

I told Officer Calderson at 15:34 into the stop, he could be heard telling [REDACTED] "this is not my first day of doing this shit....I have been doing this for 15 years now." I asked Officer Calderson if he thought this was appropriate. Officer Calderson said he thought it was appropriate at the time of the stop but now he does not.

I then read Officer Calderson Policy 9.28 – reports policy. I told Officer Calderson his report did not match his BWC timeline and was inaccurate. I asked him to give me an explanation for the following discrepancies:

I read Officer Calderson his report from page 5: "[REDACTED] informed me he was not sure but believed his license might be suspended." At 2:30, Officer Calderson's BWC showed [REDACTED] telling Officer Calderson his license should have been re-instated because he went to jail and [REDACTED] never said his license was suspended. I asked Officer Calderson to explain this discrepancy.

Officer Calderson said [REDACTED] was mumbling and went into a rant about being arrested and he thought at one point he heard [REDACTED] say his license might suspended.

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Attorney [REDACTED] asked Officer Calderson if his general understanding of the conversation was that [REDACTED] license was suspended. Officer Calderson said yes, and that his report reflected generally what [REDACTED] was trying to say.

I read Officer Calderson his report from page 5, "While I waited for the cover unit to arrive, I asked what he was doing on the south curb line of 1400 Imperial Avenue, because I saw him talking to people as he was illegally parked. [REDACTED] admitted he sold a crack pipe to someone. I asked [REDACTED] how much he got for the pipe and he made a different statement of trading the crack pipe for a pack of cigarettes." Per my BWC review, I told Officer Calderson this conversation occurred AFTER Officer [REDACTED] and Officer [REDACTED] arrived, [REDACTED] mentioned selling a crack pipe at 12:47, and there is no mention of trading a pipe for cigarettes until 21:51 into the contact. I told Officer Calderson his report does not match the timing of events per his BWC and I asked him to explain the discrepancy.

Officer Calderson said he thought this happened later and he should have reviewed his BWC better. Officer Calderson said he did not recall reviewing his BWC prior to writing his report.

I read Officer Calderson his report from page 5, "[REDACTED] initially said he did not want the vehicle searched, but then said, go ahead and search if you want, I have a pipe – that's all. Per my BWC review, [REDACTED] told Officer Calderson he had a problem with him checking the vehicle and said, "I already know you are going through it." I asked Officer Calderson to explain this discrepancy.

Officer Calderson said he "summarized" [REDACTED] statement and he viewed his statement as giving him consent. Detective Sergeant Denny asked Officer Calderson if [REDACTED] ever gave him consent to search his car. Officer Calderson responded, "I don't think he gave me actual consent." Officer Calderson said [REDACTED] earlier had asked him to retrieve a lighter from his car door. Officer Calderson said that's when he found the crack pipe and placed it on top of his car. Officer Calderson said at this point [REDACTED] was under arrest, but he wanted to ask his permission to search his vehicle anyways.

Detective Sergeant Denny asked Officer Calderson if finding the crack pipe in the door gave him PC to search the rest of the car. Officer Calderson said he based his search of the car on the hand-to-hand transaction he saw prior to making the stop. Detective Sergeant Denny asked Officer Calderson the same question again. Officer Calderson said possession of the pipe alone is an arrestable offense, and if the person is to be transported, he would have to do an inventory search.

Attorney [REDACTED] asked Officer Calderson if finding the crack pipe contributed to the totality leading to the probable cause. Officer Calderson said it did. Officer Calderson said finding the pipe made him think there was definitely dope in the car.

I told Officer Calderson his citation [REDACTED] was initially not found by records and per a records supervisor the citation was not properly scanned as required under traffic enforcement procedure 7.01. I asked Officer Calderson if he scanned his citation into NETRMS. Officer Calderson said he was being

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helped by another officer and he did not wish to identify who helped him. Officer Calderson said he was not going to blame the other officer and it was his responsibility to scan his citation into NETRMS.

I asked Officer Calderson if he impounded or photographed the pen "push rods" that he saw in the car. Officer Calderson said he didn't think so. I asked Officer Calderson why not. Officer Calderson said it was drug equipment, and that was something he can articulate on his own. I then asked Officer Calderson if he photographed or impounded the pipe that he found in the door. Officer Calderson said he remembered putting it on the roof, but never retrieved it. Officer Calderson said the pipe was the same color as the roof so he may have missed it.

I asked [REDACTED] if he had any follow up questions prior to ending the interview. [REDACTED] asked Officer Calderson if he intentionally put information that was incorrect in his report. Officer Calderson said he would never do that. [REDACTED] asked Officer Calderson if he wrote the report to the best of his recollection. Officer Calderson said he did. Officer Calderson said in hindsight, reviewing his BWC would help him write more accurate reports.

The interview was concluded at 1223 hours.

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## CONCLUSIONS:

### 1. SEARCH – SUSTAINED

Officer Victor Calderson #6583 searched [REDACTED] vehicle.

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with E22090025865. Per my BWC review, Officer Calderson # [REDACTED] conducted a traffic stop at 1400 Imperial on a vehicle with no plates. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find narcotics and narcotic paraphernalia in the car. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation. Several inconsistencies were noted from my BWC review and the report written by Officer Calderson, among them searching [REDACTED] vehicle.

### **San Diego Police Department Policy 9.03, OBEDIENCE TO LAWS POLICY, dated 7/10/2015:**

Members shall obey all federal, state, county, and municipal laws. If any member is arrested, charged, indicted, or is knowingly under investigation for a criminal offense, excluding traffic infractions and parking violations, that member shall immediately report the incident to his or her supervisor or the Watch Commander, in person or by telephone. To report the incident, the member must actually speak with the supervisor or Watch Commander. Text messages and voice messages are not acceptable.

### **US Constitution, Amendment IV:**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

There are several circumstances where officers have the legal authority to conduct a search of a person's vehicle. Searches are permissible when the subject has been placed under arrest, when the officer has secured a warrant authorizing the search, when the subject has a Fourth Amendment waiver, or when the subject gives the officer their consent.

Per my BWC review, Officer Calderson asked [REDACTED] to exit his vehicle approximately 11 minutes following the initial stop. Officer Calderson proceeded to pat [REDACTED] down and then walked him to the front of his vehicle. During this time, Officer Calderson asked [REDACTED] if he had any problem with him checking his vehicle. [REDACTED] said, "I have a problem with it because I (unintelligible). Officer Calderson then asked if there is going to be a little bit of rock in the car. Before [REDACTED] could answer, Officer Calderson said, "let me tell you something [REDACTED], I could give you a ticket and you could be on your

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way but if you lie to me, I will just tow the car, and then I will just search it anyways". [REDACTED] then told Officer Calderson he HAD a pipe in the car, but he sold it earlier. Officer Calderson asked [REDACTED] again if he has any crack in the car. [REDACTED] says, "no". Officer Calderson told [REDACTED] to be straight up with him and he is going to go through it (referring to car). [REDACTED] said, "I already know you are going to go through it."

When comparing my BWC review to Officer Calderson's investigation, I found several inconsistencies. See procedure conclusion 9.28 below for details. These inconsistencies gave concern to the validity and legality of searching [REDACTED] vehicle. After a thorough analysis of the facts (based on BWC review and search/seizure law), I determined Officer Calderson's search was not within Department Policy and Procedure. The following aspects of the stop were evaluated to form this conclusion:

Officer Calderson's reasoning to stop [REDACTED] while driving his vehicle was based on 5200 (VC) – No front/rear license plates. Additionally, Officer Calderson said he observed [REDACTED] parked in a red zone while conducting a possible hand-to-hand narcotics transaction. Although it could not be verified if [REDACTED] was parked in the red zone or not, Officer Calderson's BWC did verify that there were no rear plates on the vehicle. Probable Cause to stop [REDACTED] vehicle was legally met based on this vehicle code violation.

During Officer Calderson's interview, I asked him on what legal ground he used to search [REDACTED] vehicle. Officer Calderson said his search was based on Probable Cause and NOT on [REDACTED] driving record (driving on a suspended license). When asked what his specific Probable Cause was, Officer Calderson said while [REDACTED] was parked in the red zone along Imperial Avenue, he saw another black male approach [REDACTED] passenger door and complete what he described as a "hand to hand transaction which lasted only a second." When asked if he saw any contraband exchanged, Officer Calderson said he was too far away to see, but based on his experience working in the area, he believed it was a narcotics transaction. Furthermore, Officer Calderson said he saw "push rods" on [REDACTED] lap during the traffic stop. When asked to explain what a "push rod" was, Officer Calderson said it is a pen tube commonly used to push crack into the pad. Officer Calderson also added that once [REDACTED] was out of his vehicle, he asked Officer Calderson to retrieve a lighter so he could smoke a cigarette. According to Officer Calderson, a crack pipe, with burnt ends on both sides, was found next to the lighter. Summarized, this criteria led Officer Calderson to believe there was further evidence of narcotics inside the vehicle, thus establishing his Probable Cause to search the car.

When asked if Officer Calderson photographed or impounded the push rods, he said. "no". When asked why, Officer Calderson said he considered the push rods as narcotics equipment and his articulation of the push rods was sufficient.

When asked to describe the crack pipe found in the door of [REDACTED] vehicle, Officer Calderson said it was a glass pipe with burn marks on both sides. Per my BWC review, when Officer Calderson reached into [REDACTED] car door and retrieved the lighter, he also retrieved a writing pen, NOT a glass pipe. When

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the BWC video is slowed down, it is evident the object is a pen bottom, missing the ink cartridge. There were no burn marks on the pen. See figure 7 below:

Figure 7



Although I saw a pen-like item on the floorboard of [REDACTED] vehicle during my BWC review, I did not see a pushrod on [REDACTED] lap when I reviewed Officer Calderson's BWC. Due to the fact that the pushrod was never impounded or photographed and because there were several inconsistencies with Officer Calderson's report, this factual "steppingstone" leading from reasonable suspicion to probable cause was not met.

During his interview, Officer Calderson said he found a crack pipe next to [REDACTED] lighter. Officer Calderson said based on this, he arrested [REDACTED]. Furthermore, Officer Calderson told Detective Sergeant Denny that there was only one pipe in the door, and it was burnt on both ends. Officer Calderson said this pipe was later impounded. My investigation later showed the item retrieved from [REDACTED] door was a pen, not a meth pipe. Additionally, no burnt marks could be seen on the pen during my BWC review. When I later questioned Officer Calderson about impounding the "crack pipe" found in the door, he remembered placing it on the roof of [REDACTED] car but may have missed it since it was the same color as the roof. I later verified that Officer Calderson placed the pen bottom (which he said he believed to be a pipe) on top of [REDACTED] car.

According to Officer [REDACTED] statement, [REDACTED] said he did not want the car towed so he motioned with his hands towards Officer Calderson to just go through it. This subjective gesture could be

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interpreted in many different ways, and from my BWC review clearly did not meet the definition of giving consent to search.

During this incident, it was determined that [REDACTED] was NOT a 4<sup>th</sup> waiver and DID NOT give consent to search his vehicle. Although he was driving on a suspended license, Officer Calderson said he searched [REDACTED] vehicle based on Probable Cause and NOT because of his license status. When looking at the individual elements of Probable Cause which led to the search, several of these elements lack foundation, were not investigated properly, or simply were not accurate.

The first issue with establishing Probable Cause is that although Officer Calderson claimed to have seen a hand-to-hand transaction, he later said he was too far away to see if anything was passed between [REDACTED] and the other unknown subject. Although this establishes reasonable suspicion, it is not Probable Cause.

The second issue are the push rods which Officer Calderson said were on [REDACTED] lap during the stop. This was not seen on Officer Calderson's BWC when he was talking with [REDACTED]. Additionally, the push rods were never photographed or impounded as evidence.

The third issue is that the crack pipe found in the driver's side door was actually a pen. Unfortunately, this was not photographed or impounded. Absent factual evidence of the pushrod being on [REDACTED] lap and the fact that the crack pipe found in the door was actually a pen, I determined there was not Probable Cause to search [REDACTED] vehicle.

Furthermore, per the CRE prepared by City Attorney [REDACTED] [REDACTED] on January 4, 2023, consent to search did not appear to be given by [REDACTED] and a pat down and subsequent search of [REDACTED] vehicle would not be warranted by a court. Based on these factors, the City Attorney's Office declined to prosecute for new drug charges associated with the case.

Based on the totality of my investigation and recommendations from the City Attorney's Office to drop charges, this allegation is **SUSTAINED**.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

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## 2. PROCEDURE - SUSTAINED

Officer Calderson violated Department Policy 9.28 by not accurately documenting the facts of the case in his arrest report of [REDACTED] [REDACTED]

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with E22090025865. Per my BWC review, Officer Calderson #7298 conducted a traffic stop at 1400 Imperial on a vehicle with no plates. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find narcotics and narcotic paraphernalia in the car. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation. Several inconsistencies were noted from my BWC review and the report written by Officer Calderson, among them were concerns that Officer Calderson's report was not accurate and did not match his BWC.

### San Diego Police Department Policy 9.28 states:

Members shall submit all necessary reports on time and in accordance with established Department Procedures. Reports submitted by members shall be truthful and no member shall knowingly enter, or cause to be entered, any inaccurate, false or improper information.

During my investigation, I found several inaccuracies between Officer Calderson's BWC and report 22-040434. The most notable discrepancies were addressed during Officer Calderson's interview.

The first discrepancy was noted from Officer Calderson's report on page 5. I quoted Officer Calderson the following from his report: "[REDACTED] informed me he was not sure but believed his license might be suspended."

I then explained to Officer Calderson per my BWC review at 2:30, Officer Calderson's BWC showed [REDACTED] telling Officer Calderson his license should have been re-instated because he went to jail and [REDACTED] never said his license was suspended. I asked Officer Calderson to explain this discrepancy.

Officer Calderson said [REDACTED] was mumbling and went into a rant about being arrested and he thought at one point he heard [REDACTED] say his license might suspended. After conferring with his attorney, Officer Calderson said his report generally reflected what [REDACTED] was trying to say.

Regardless of Officer Calderson's assumption of what [REDACTED] was trying to say, his statement on page 5 in his report is not accurate.

The second discrepancy was noted from Officer Calderson's report on page 5. I quoted Officer Calderson the following from his report: "While I waited for the cover unit to arrive, I asked what he was doing on the south curb line of 1400 Imperial Avenue, because I saw him talking to people as he was illegally

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

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*parked. [REDACTED] admitted he sold a crack pipe to someone. I asked [REDACTED] how much he got for the pipe, and he made a different statement of trading the crack pipe for a pack of cigarettes."*

Officer Calderson said he thought this happened later and he should have reviewed his BWC better. Officer Calderson said he did not recall reviewing his BWC prior to writing his report and later admitted that in hindsight, this would have helped him write a more accurate report.

The third discrepancy was noted from Officer Calderson's report on page 5. I quoted Officer Calderson the following from his report: "[REDACTED] initially said he did not want the vehicle searched, but then said, go ahead and search if you want, I have a pipe – that's all."

I then explained to Officer Calderson per my BWC review, [REDACTED] told Officer Calderson he had a problem with him checking the vehicle and said, "I already know you are going through it." I asked Officer Calderson to explain this discrepancy.

Officer Calderson said he "summarized" [REDACTED]'s statement and he viewed his statement as giving him consent. Detective Sergeant Denny asked Officer Calderson if [REDACTED] ever gave him consent to search his car. Officer Calderson responded, "I don't think he gave me actual consent."

Officer Calderson had the opportunity to view his BWC to refresh his recollection of the stop prior to writing his report. Although Officer Calderson said there was no intent to put information in his report that was incorrect, my investigation showed his report was inaccurate and did not match his BWC. Based on these facts, this allegation is **SUSTAINED**.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023



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## 3. PROCEDURE - SUSTAINED

Officer Calderson failed to properly scan citation # [REDACTED] into NETRMS as required per 7.01.

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with E22090025865. Per my BWC review, Officer Calderson #7298 conducted a traffic stop at 1400 Imperial on a vehicle with no plates. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find narcotics and narcotic paraphernalia in the car. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation.

### San Diego Police Department Policy 7.01 (9)(B)(5)(3) states:

The original citation (white copy) shall be scanned into the Case Report, and attached as an attachment, along with any additional documentation required for the arrest, i.e. a driver's license printout, impound receipt, evidence receipt, etc. This will create a copy of the citation, with an original signature of the arrestee, if the original copy is misplaced, misfiled, lost, or destroyed, etc.

During my investigation, I was unable to locate cite # [REDACTED]. According to [REDACTED] (records supervisor), the citation was not uploaded properly into NETRMS as required per policy 7.01(9)(B)(5)(3). [REDACTED] was eventually able to locate the citation and forwarded me a copy for my records.

During Officer Calderson's interview, I asked him if he scanned his citation into NETRMS. Officer Calderson said he was being helped by another officer during the investigation and did not wish to identify him. Officer Calderson said it was his responsibility to scan his ticket into NETRMS and he was not going to blame the other officer.

From my investigation, it was determined Officer Calderson was responsible to scan his citation per policy 7.01 (9)(B)(5)(3). Officer Calderson failed to properly scan and attach cite # [REDACTED] into NETRMS.

This allegation is **SUSTAINED**.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

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## 4. PROCEDURE - SUSTAINED

Officer Calderson failed to properly impound narcotic paraphernalia as required per policy 3.02 and 3.15.

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with E22090025865. Per my BWC review, Officer Calderson #7298 conducted a traffic stop at 1400 Imperial on a vehicle with no plates. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find narcotics and narcotic paraphernalia in the car. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation. Several inconsistencies were noted from my BWC review and the report written by Officer Calderson, including narcotics paraphernalia that was not impounded.

### San Diego Police Department Investigations Procedure 3.02 (V)(A) states:

All property discovered, gathered, or received in the course of performing Departmental duties that is determined to be of some evidentiary or monetary value shall be impounded and physically deposited in the Property Room by the end of shift.

### San Diego Police Department Investigations Procedure 3.15 (IV)(B) states:

All narcotics, prescription drugs, and any related drug paraphernalia gathered or received during the course of Department duties shall be impounded in the EvidenceOnQ database.

During my interview with Officer Calderson, he stated, "as [REDACTED] fumbled for his identification card, I could see 'push rods' on [REDACTED] lap." I later asked Officer Calderson if these 'push rods' were considered as evidence and used to bolster his probable cause to search the vehicle. Officer Calderson stated, "the push rods were evidence of a 'user' and I considered that (push rods) drug equipment".

Officer Calderson additionally told me during his interview that he found a crack pipe in [REDACTED] vehicle (later determined to be a pen). Detective Sergeant John Denny asked Officer Calderson at what point he found the first crack pipe where the lighter was found. Officer Calderson told Detective Sergeant Denny the crack pipe was next to the lighter which [REDACTED] asked him to retrieve. Officer Calderson then stated, "there was only one pipe in the door, and it was burnt on both sides." He later told me he placed this pipe on top of [REDACTED] vehicle.

I asked Officer Calderson if he impounded or photographed the pen "push rods" that he saw in the car. Officer Calderson said he didn't think so. I asked Officer Calderson why not. Officer Calderson said it was drug equipment, and that was something he can articulate on his own. I then asked Officer Calderson if he photographed or impounded the pipe that he found in the door. Officer Calderson said he remembered putting it on the roof, but never retrieved it. Officer Calderson said the pipe was the same color as the roof so he may have missed it.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

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To eliminate any misunderstanding, I proceeded to show Officer Calderson the evidence photos he took and I asked him to show me which pipe he found in the door. Officer Calderson could not recall which pipe was found in the door. I asked him how many pipes were impounded. Officer Calderson said one meth pipe and two crack pipes. I asked Officer Calderson if there was a picture of the second crack pipe. Officer Calderson said, "no sir." I then asked where it was. Officer Calderson said there was a small chance it was left on the roof of [REDACTED] car.

My investigation showed that Officer Calderson impounded 2 pipes. In his report, Officer Calderson lists a glass crack pipe and a meth pipe on page 3 in his report. A second crack pipe was never impounded.

Based on Officer Calderson's statement that the push rods and 'crack' pipe were found and used to articulate Probable Cause to search [REDACTED] vehicle, both items should have been impounded per San Diego Police Department Procedure 3.02 (V)(A) and 3.15 (IV)(B). Officer Calderson could not provide a satisfactory explanation of why this did not happen, and as such, this allegation is **SUSTAINED**.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023



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## 5. COURTESY - SUSTAINED

Officer Calderson used profanity and was discourteous during the arrest of [REDACTED]

On October 5, 2022, Lieutenant Schmottlach requested that I review BWC associated with E22090025865. Per my BWC review, Officer Calderson #7298 conducted a traffic stop at 1400 Imperial on a vehicle with no plates. Officer Calderson proceeded to search [REDACTED] vehicle and proceeded to find narcotics and narcotic paraphernalia in the car. Officer Calderson later released the vehicle to a family friend and issued [REDACTED] a misdemeanor citation. Several concerns were noted from my BWC review and the report written by Officer Calderson, among them courtesy issues and the use of profanities.

### Department Policy 9.20, Courtesy Policy, revised March 27, 2015, states:

Members shall be courteous to all persons. Members shall be tactful in the performance of their duties, shall control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussion even in the face of extreme provocation. Except when necessary to establish control during a violent or dangerous situation, no member shall use coarse, profane or violent language. Members shall not use insolent language or gestures in the performance of his or her duties. Members shall not make derogatory comments about or express any prejudice concerning race, religion, politics, national origin, gender (to include gender identity and gender expression), sexual orientation, or similar personal characteristics.

During the course of my investigation, I reviewed all of the available BWC footage. I watched BWC video associated with the incident and interviewed subjects that witnessed [REDACTED] detention. During his interview, I asked Officer Calderson if he was familiar SDPD's courtesy policy, section 9.20. Officer Calderson said he is now. I then asked Officer Calderson if [REDACTED] was cooperative during his investigation. Officer Calderson said [REDACTED] was initially "amped up" and evasive. Additionally, Officer Calderson said he cursed while speaking to [REDACTED] to "check" him and calm him down "like a street guy." Officer Calderson said this tactic worked and [REDACTED] eventually settled down.

During my interview with Officer Calderson, I told him he can be heard saying to [REDACTED], "I am going to get a dog to go through your car, and if I have to do that, it is going to waste my fucking time." When I asked Officer Calderson if he thought that was appropriate, he said no. I also told Officer Calderson he could be heard on BWC telling [REDACTED], "You better chill, you better not be disrespectful to me, I will fucking take your ass to jail like that." Officer Calderson said he did not think his statement was rude at the time and his verbiage was used to get [REDACTED] "back in check". I also told Officer Calderson he could be heard saying to [REDACTED], "this is not my first day of doing this shit... I have been doing this for 15 years now." Officer Calderson told me thought his statement was appropriate at the time of the stop but now in hindsight he does not.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

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During my interview with Officer [REDACTED], he said Officer Calderson's demeanor towards [REDACTED] was "very aggressive, with a lot of cursing, and was unprofessional." I asked Officer [REDACTED] if he would consider Officer Calderson's behavior a good example to other trainees, as he had just been promoted to an FTO (Field Training Officer). Officer [REDACTED] said, "no". I also asked Officer [REDACTED] what the demeanor of [REDACTED] was. Officer [REDACTED] said the [REDACTED] was calm but appeared nervous.

Officer Calderson did not treat [REDACTED] with respect and was unprofessional. Although Officer Calderson reasoned that he used profanity to control the contact, per policy profanity can only be used when necessary to establish control during a violent or dangerous situation. Per my BWC review, this was not a violent or dangerous situation. This allegation is **SUSTAINED**.

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023



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## DOCUMENTATION:

The results of this investigation are based on the following items:

1. Audio Files of Officer [REDACTED], Officer Calderson, Officer Trujillo, and PERT clinician [REDACTED].
2. Body Worn Camera footage (BWC) from Officer [REDACTED], Officer Calderson, and Officer [REDACTED].  
(No BWC from PERT)
3. Narcotic photos (Evidence)
4. Citation # [REDACTED]
5. HR Data sheet
6. Arrest Report/Call for Service
7. BWC report from Axon
8. Complaint Request Evaluation from City Attorney's Office, dated January 4, 2023.

**CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.**

LT. [REDACTED]	ID # 5680
DATE 1/11/23	

Reporting Officer: William Miles, Sergeant ID: 5473 Division Internal Affairs  
Approved by: Dan Sayasane, Lieutenant Date of Report: January 11, 2023

# Call For Service

Event ID: E22090025865

Event Created: 9/18/2022 11:13:59

AM

## Call For Service

Event ID E22090025865  
Event Created 9/18/2022 11:13:59 AM  
Dispatcher [REDACTED]  
Call Source OFFICER  
Received 9/18/2022 11:13:59 AM  
Dispatched 9/18/2022 11:13:59 AM  
Arrived 9/18/2022 11:14:00 AM  
Cleared 9/18/2022 3:12:38 PM  
Location 14TH ST/IMPERIAL AVE,  
City, State, Zip SAN DIEGO, CA 92113  
Beat 1521  
Grid  
Jurisdiction East Village - San Diego  
Map  
X Coordinate  
Y Coordinate  
Longitude -117.151882  
Latitude 32.706284

Reporting Party  
Address 14TH ST/IMPERIAL AVE,  
City, State, Zip SAN DIEGO, CA 92113  
Phone  
Call type TRAFFIC STOP/NO LICENSE  
Event Type TRAFFIC STOP/NO LICENSE  
Reported Offense  
Verified Offense  
Tow Company  
Vehicle  
Vehicle License  
Disposition default  
Priority  
Classification  
Agency SDPD - San Diego Police Dept  
Cases 22040434

### Officers

SD6583 - CALDERSON, VICTOR



Notes 9/18/2022 11:13:59 6583 Field Event  
9/18/2022 11:13:59 6583 WHT CADI  
9/18/2022 11:14:00 6583 \*\* LOI search completed at 09/18/22 11:14:00  
9/18/2022 11:18:44 6583 \*\* PER search completed at 09/18/22 11:18:44  
9/18/2022 11:20:17 6583 \*\* PER search completed at 09/18/22 11:20:17  
9/18/2022 11:20:41 6583 \*\* PER search completed at 09/18/22 11:20:41  
9/18/2022 11:22:37 6583 510PT1 -- NONU  
9/18/2022 11:22:54 6583 510PT1 -- 1300 IMPERIAL NCL  
9/18/2022 11:23:06 6583 \*\* LOI search completed at 09/18/22 11:23:06  
9/18/2022 11:43:04 6583 11350(a)HS (crack possession), 11377(a)HS (meth poss), 11364.1(a)HS (meth and crack pipe), 14601.1(a)HS, 16028(a)HS  
9/18/2022 11:43:04 6583 \*\* Case number 22040434 has been assigned to event E22090025865  
9/18/2022 11:55:52 6583 \*\* PER search completed at 09/18/22 11:55:52  
9/18/2022 12:09:37 6583 510PT1 -- ENRT TO 22ND/COMMERCIAL  
9/18/2022 12:09:44 6583 \*\* LOI search completed at 09/18/22 12:09:44  
9/18/2022 12:51:25 6583 \*\* Event held for 600 minutes and unit 510PT1  
9/18/2022 15:12:38 6583 \*\* Event E22090025865 closed.





# San Diego Police Dept Arrest/Juvenile Contact Report

Case No. **22040434**CAD Event No.: **E22090025865**Case Disposition: **Arrest**Primary Victim: **State of California**Report No. **22040434.1**

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**1**☒ **ARREST REPORT**  
☐ **JUVENILE CONTACT REPORT**WARRANT: ☐ LOCAL ☐ OUT**GENERAL CASE INFORMATION**

Primary Charge: <b>11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)</b>	
Special Studies:	Related Cases:
Location, City, State, ZIP: <b>14th St/Imperial Ave., SAN DIEGO, CA 92113</b>	
Occurred On: <b>09/18/2022 11:20:00 (Sunday)</b>	
Jurisdiction:	Beat: <b>521</b>
Call Source: <b>OFFICER</b>	(and Between):
Means:	Motives:

**VICTIM/S****IBR/UCR OFFENSE/S**

Offense Description: <b>11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)</b>	Level: <b>M</b>	Against: <b>SO</b>	Completed? <b>Yes</b>	Counts	Using:
Location Type: <b>13 - Highway/Road/Alley</b>	Hate/Bias: <b>88 - None (no bias) (mutually exclusive)</b>			Domestic Violence: <b>No</b>	
Criminal Activity: <b>P - Possessing/Concealing</b>	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:	Targets:			
Offense Description: <b>11377 (A) - HS - POSSESS CONTROLLED SUBSTANCE (M)</b>	Level: <b>M</b>	Against: <b>SO</b>	Completed? <b>Yes</b>	Counts	Using:
Location Type: <b>13 - Highway/Road/Alley</b>	Hate/Bias: <b>88 - None (no bias) (mutually exclusive)</b>			Domestic Violence: <b>No</b>	
Criminal Activity: <b>P - Possessing/Concealing</b>	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:	Targets:			
Offense Description: <b>11350 (A) - HS - POSS NARCOTIC CONTROLLED SUBS (M)</b>	Level: <b>M</b>	Against: <b>SO</b>	Completed? <b>Yes</b>	Counts	Using:
Location Type: <b>13 - Highway/Road/Alley</b>	Hate/Bias: <b>88 - None (no bias) (mutually exclusive)</b>			Domestic Violence: <b>No</b>	
Criminal Activity: <b>P - Possessing/Concealing</b>	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:	Targets:			
Offense Description: <b>14601.1 (A) - VC - DRVG WHILE LIC SUSP OR REVOKED:OTHER REASONS (M)</b>	Level: <b>M</b>	Against:	Completed? <b>Yes</b>	Counts	Using:
Location Type: <b>13 - Highway/Road/Alley</b>	Hate/Bias: <b>88 - None (no bias) (mutually exclusive)</b>			Domestic Violence: <b>No</b>	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:	Targets:			
Offense Description: <b>16028 (A) - VC - FAIL TO PROVE FIN RESPONSIBILITY:PEACE OFCR REQUEST (I)</b>	Level: <b>I</b>	Against:	Completed? <b>Yes</b>	Counts	Using:
Location Type: <b>13 - Highway/Road/Alley</b>	Hate/Bias: <b>88 - None (no bias) (mutually exclusive)</b>			Domestic Violence: <b>No</b>	
Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:	
Weapons/Force:	Tools:	Targets:			

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By <b>[REDACTED]</b>
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned <b>[REDACTED]</b>	Reviewed Date <b>09/19/2022 16:17:35</b>



# San Diego Police Dept Arrest/Juvenile Contact Report

Case No. **22040434**CAD Event No.: **E22090025865**Case Disposition: **Arrest**Primary Victim: **State of California**Report No. **22040434.1****2**  
Page 2 of 8**ARRESTEE/S****Arrestee #1**

Name: [REDACTED]		County Residence: <b>R - Resident</b>		Interpreter Language:	
Name Type: First: Middle: Last: Suffix:					
Home Address, City, State, ZIP:			Res. Country: <b>US</b>		Place of Birth:
Race: <b>B</b>	Sex: <b>M</b>	Date of Birth / Age:	Height: <b>5' 6"</b>	Weight: <b>200</b>	Hair Color: <b>BAL</b>
Eye Color: <b>BRO</b>		Facial Hair: <b>09 - Unshaven/Stubble</b>		Complexion: <b>DBR - Dark Brown</b>	
Hair Style: <b>A - Afro/Natural</b>		Hair Length: <b>X - Shaved</b>		Teeth: <b>3 - Missing</b>	
Employment Status: <b>U - Unemployed</b>		Occupation/Grade:		Suspected User: <b>Yes</b>	
Employer/School:		Employer Address, City, State, ZIP:			
CONTACT INFORMATION:					
Type:		Number/Address:			
IDENTIFICATION:					
Type: <b>CI - California ID</b>		Number:		State: <b>CA</b>	
Country:		SCARS, MARKS, TATTOOS, ODDITIES:			
Attire: <b>Black shirt, jeans, work boots</b>		Suspect Actions:			
ARREST INFORMATION					
Arrest Type: <b>O - Probable Cause Arrest - New Case</b>		LE Disposition: <b>3 - Misdemeanor (Adult Only)</b>		JUS 750 Type: <b>1 - Cited</b>	
Citation No.:		Booking No.:			
Arrested For:					
<b>11377 (A) - HS - POSSESS CONTROLLED SUBSTANCE (M)</b>				Level: <b>M</b>	Completed: <b>Yes</b>
<b>11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)</b>				<b>M</b>	<b>Yes</b>
<b>14601.1 (A) - VC - DRVG WHILE LIC SUSP OR REVOKED:OTHER REASONS (M)</b>				<b>M</b>	<b>Yes</b>
<b>16028 (A) - VC - FAIL TO PROVE FIN RESPONSIBILITY:PEACE OFCR REQUEST (I)</b>				<b>I</b>	<b>Yes</b>
<b>11350 (A) - HS - POSS NARCOTIC CONTROLLED SUBS (M)</b>				<b>M</b>	<b>Yes</b>
Arrested By: <b>SD6583 - CALDERSON, VICTOR</b>		Arrest Date and Time: <b>09/18/2022 11:46:23</b>		Arrest Location, City, State, ZIP: <b>1300 Imperial Avenue, San Diego, CA 92101</b>	
Arrest Assisted By:		Transported By:		Beat: <b>521</b>	
Miranda Read: <b>Yes</b>		Admonished By: <b>SD6583 - CALDERSON, VICTOR</b>		Miranda Response: <b>Yes and Yes</b>	
Jail Billing Code: <b>SDPD</b>		Booked Location:			
Armed With: <b>01 - Unarmed</b>		Use of Force to effect Arrest:			
JUVENILES					
Adult Present:		Person Notified:		Juvenile Disposition:	
Detention Name:		Parents Notified By:			
Notification Method:		Date and Time Notified:		Juvenile Released To:	
RELEASE INFORMATION					
Released Location: <b>On scene</b>		Released On: <b>09/18/2022 12:00:59</b>		Released By: <b>SD6583 - CALDERSON, VICTOR</b>	
Release Reason: <b>02 - Cite and Release</b>					

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>		Division / Organization <b>Central Patrol (Central)</b>		Reviewed By [REDACTED]	
Report Date <b>9/19/2022 9:46:42 AM</b>		Detective Assigned [REDACTED]		Reviewed Date <b>09/19/2022 16:17:35</b>	





# San Diego Police Dept Arrest/Juvenile Contact Report

Case No. **22040434**CAD Event No.: **E22090025865**Case Disposition: **Arrest**Primary Victim: **State of California**Report No. **22040434.1****3**

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**SUSPECT/S (Not Yet Arrested)**  
**WITNESSES****OTHER ENTITIES****PROPERTY****Property Item #1.000 - Large lock like substances**

Derivative No.: <b>0</b>	Property Category: <b>1903 - Drug - Cocaine - Crack</b>		
Status: <b>N - None (Use for Suspected Drug)</b>	Count: <b>2</b>	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: <b>09/18/2022</b>		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type: <b>A - "Crack" Cocaine</b>	Drug Quantity:		
Search Warrant:			
Notes:			

**Property Item #2.000 - Baggie with crystalline substance**

Derivative No.: <b>0</b>	Property Category: <b>1900 - Drug - Amphetamine/Methamphetamine</b>		
Status: <b>N - None (Use for Suspected Drug)</b>	Count: <b>1</b>	Value: <b>\$20.00</b>	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: <b>09/18/2022</b>		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type: <b>L - Amphetamines/Methamphetamine</b>	Drug Quantity:		
Search Warrant:			
Notes:			

**Property Item #3.000 - Glass crack pipe and meth pipe**

Derivative No.: <b>0</b>	Property Category: <b>1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.</b>		
Status: <b>ES - Evidence (Seized)</b>	Count: <b>2</b>	Value: <b>\$10.00</b>	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: <b>09/18/2022</b>		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

**REPORT NARRATIVE****Synopsis:**

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By <b>[REDACTED]</b>
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned <b>[REDACTED]</b>	Reviewed Date <b>09/19/2022 16:17:35</b>



# San Diego Police Dept Arrest/Juvenile Contact Report

Case No. 22040434

CAD Event No.: E22090025865

Case Disposition: Arrest

Primary Victim: State of California

Report No. 22040434.1

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On 09-18-2022 at 1146 hours, I arrested [REDACTED] (DOB: [REDACTED]) for 14601.1(a)VC-Driving with a suspended license w/priors, 16028(a)VC-Driving without insurance, 11350(a)HS-Possession of a controlled substance (crack or cocaine-base), 11377(a)HS-Possession of a controlled substance (methamphetamines), and for 11364.1(a)HS-Possession of drug paraphernalia, at 1300 Imperial Avenue, in San Diego.

[REDACTED] was issued Misdemeanor Citation # [REDACTED] and released with his written promise to appear.

I allowed a licensed driver to take the vehicle and legally park it on the street.

All narcotics found were impounded at Central Division (see evidence below for details).

A RIPA was submitted for the incident.

Origin:

On 09-18-2022 at 1135 hours, while in full uniform, in a marked San Diego Police Patrol vehicle, PERT Clinician [REDACTED] # [REDACTED] and I were on proactive enforcement in the East Village area of San Diego.

Investigation:

As we were in the area of 16th Avenue (facing southbound) and Imperial Avenue, I noticed a white Cadillac sedan directly in front of me, across the street (facing northbound) had no front plate on the vehicle, and when the vehicle turned westbound on Imperial Avenue, I noticed it had no rear plate as well, a violation of 5200(a) VC-No plates on a vehicle/required in California.

I drove around the block and located the vehicle at 14th Avenue, illegally parked in the red zone on the south curblane of 1400 Imperial Avenue. I stopped my patrol vehicle at 13th and Imperial Avenue and waited for the vehicle to move. As I waited, I saw several people approach the vehicle and from my training and experience, I believed there could have been a narcotics transaction taking place. I witnessed a male approach the vehicle, and quickly walk away from it. The vehicle did a U-turn from the curb and from an improper position and began heading westbound on Imperial Avenue. As the vehicle was traveling westbound on Imperial Ave and did a U-turn and I initiated a traffic stop using my overhead emergency lights. The vehicle yielded at 1300 Imperial Avenue on the north curblane.

I contacted the driver and solo occupant, later identified as [REDACTED] (DOB: [REDACTED]) CDL # [REDACTED] through the driver's side opened window.

I informed [REDACTED] why I pulled him over (for no front or rear plates), and he informed me he just purchased the vehicle on 09-09-2022, but had not received DMV information on the vehicle yet. I asked [REDACTED] if he had his insurance, any forms from the prior registration and his Driver's License.

Reporting Officer SD6583 - CALDERSON, VICTOR	Division / Organization Central Patrol (Central)	Reviewed By [REDACTED]
Report Date 9/19/2022 9:46:42 AM	Detective Assigned [REDACTED]	Reviewed Date 09/19/2022 16:17:35



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████ informed me he was not sure but believed his license might be suspended. I informed █████ if he's driving with a suspended license, he could be arrested because it is a misdemeanor, if he has had prior suspensions. █████ started to get nervous and fidgeting around inside the vehicle and I informed he needed to "relax" because I have not received information whether or not his license is or isn't suspended.

As I spoke to █████ I could see he had pen parts separated on his lap, especially the long ink tube from the pen.

From my training and experience as a Certified Narcotics Expert for the City of San Diego, due to the location, and from the multiple prior arrests I've made in the area, I know many subjects in the area use the pen long ink tubes as push rods for crack (cocaine-base) pipes, to smoke controlled substances, namely crack cocaine.

████ informed me he did not have insurance with him and said his girlfriend might have it on her phone, but he could not provide proof of insurance. I could see █████ hands were shaking and he was fumbling for his ID and paperwork, and appeared nervous.

Since █████ only had a California ID, I conducted a records check of his ID # █████ (which is the same number as a CDL) and records check revealed his license was suspended with priors.

I asked █████ to step out of the vehicle and informed him again he could be arrested for driving with a suspended license. I conducted a pat-down of █████ for any possible weapons, and asked him to sit on the bumper of the patrol vehicle.

I requested a unit to assist and Officers █████ #████ and █████ #████ responded to assist from nearby.

While I waited for the cover unit to arrive, I asked what he was doing on the south curblin of 1400 Imperial Avenue, because I saw him talking to people as he was illegally parked. █████ admitted he sold a crack pipe to someone. I asked █████ how much he got for the pipe and he made a different statement of trading the crack pipe for a pack of cigarettes. I asked █████ to be honest with me and asked him if he had anything illegal in the vehicle, per his admitted prior statement of having a crack pipe (drug paraphernalia) and he told me he had a pipe in the car. I asked █████ "A crack pipe or meth pipe?" █████ replied, "crack-pipe sir." █████ initially said he did not want the vehicle searched, but then said, "Go ahead and search if you want, I have a pipe that's all."

I asked █████ to be "cool" and to stay seated in the vehicle as I conducted a search of the vehicle. █████ replied, "Yes sir."

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By ████████████████████
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned ████████████████████	Reviewed Date <b>09/19/2022 16:17:35</b>





# San Diego Police Dept Arrest/Juvenile Contact Report

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I opened the door of the driver's side and as I looked at the driver's area, I could see there were pen parts on the seat and the floorboard of the driver's area. As I looked down the right side of the driver's seat, left of the center console, I could see a clear baggie with two large rock-like substances. I pulled out the baggie, I could see two-off white rock-like substances I believed to be crack (cocaine). I stopped my search, walked back towards [REDACTED] and placed handcuffs on him. I informed him he was under arrest for possession of a controlled substance. I asked him if there was inside the vehicle and he told me, I got some pipes.

I informed [REDACTED] he would probably be transported to Headquarters for processing, and could be released with a citation from there, but if he behaved, I could allow a licensed driver to park his vehicle, which means I might not tow it.

I conducted a search of the vehicle, now incident to arrest. During a search of the area around the driver's seat and console, I could feel a glass pipe, with a bulbous end stuck deep on the side of the seat. I asked Officer [REDACTED] if his hands were smaller if he could reach and he was able to pull out a glass bulbous pipe. I inspected the pipe and could see it was a translucent greenish color, had burn marks and shards and chunks of a crystalline substance inside, which I believed to be methamphetamine.

I opened the left rear door of the vehicle and immediately saw a glass crack (cocaine-base) pipe underneath the driver's seat. I inspected the pipe and I could see burn marks, burn copper wool inside, and white residue inside it, which I believed to be crack (cocaine-base).

I checked underneath the driver's seat and found a clear baggie with crystalline substance inside, more than enough for personal use. From my training and experience I believed the substance to be methamphetamine.

I informed [REDACTED] he was under arrest for driving with a suspended license, possession of crack cocaine, possession of meth, possession of a meth pipe and crack pipe, and not having insurance for his vehicle. I informed [REDACTED] I would be placing him in the back of my patrol vehicle, to transport, but before doing that I would search his person. [REDACTED] made an unsolicited statement of, "the crack isn't mine, some guy dropped it in my car, but the meth yes, that's mine.

I conducted a search of [REDACTED] and no narcotics or contraband were located on his person.

I placed [REDACTED] in the back of my patrol vehicle, and informed [REDACTED] he could still could be arrested for the above listed items.

While on scene, a female approached us and asked if she could drive the vehicle so it would not be towed. I told her as long as [REDACTED] was ok with that, and that she had a valid license, I could do him a favor and not tow the vehicle. She showed me her license and I conducted a records check of her license and it was valid, so I told her to wait until I completed my search of the vehicle, and I could release the vehicle to her per [REDACTED] request.

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By [REDACTED] - [REDACTED]
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned [REDACTED] - [REDACTED]	Reviewed Date <b>09/19/2022 16:17:35</b>



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I admonished [REDACTED] of his Miranda Rights, per my PD-145. [REDACTED] answered, "Yes," to questions one and two and gave me a short statement.

[REDACTED] told me the meth (baggie) and two pipes (crack pipe and meth pipe) were his, but said the guy he traded the crack pipe for dropped the baggie of crack and claimed it was not his.

[REDACTED] was cooperative throughout the contact so I informed him he would receive a Misdemeanor Citation for the several misdemeanors for possession of controlled substances, possession of drug paraphernalia, driving with a suspended license and for not having insurance, and be released with his written promise to appear in court.

I issued Misdemeanor Citation # [REDACTED] to [REDACTED] and released him with his written promise to appear.

I released the vehicle to the female with the valid license.

## Evidence:

While at Central Division I took digital photos of all narcotics found.

I impounded the following at Central Division:

- (1) Baggie containing (2) large rock-like substances on Barcode #11402906.
- (1) Baggie containing crystalline substance on Barcode #11402907.
- (2) Glass pipes, a crack pipe and meth pipe on Barcode #11402908.
- (1) Photo CD on Barcode #11402994.

A RIPA was submitted for the incident.

## Training and Experience:

I am a peace officer employed by the San Diego Police Department and have been so employed for over 14 years. During my career I have investigated illicit controlled substance trafficking in San Diego and surrounding areas. I have had formal training and experience in controlled substance investigations and I am familiar with the manner in which controlled substances, including methamphetamine, cocaine, heroin, and marijuana, among others, are packaged, marketed, and consumed. I have received training in the identification of all types of controlled substances by sight and odor, including methamphetamine, cocaine, heroin, and marijuana, among others. I have made or assisted in an excess of over (1000) felony arrests for violation involving controlled substances including possession, transportation, and sales. I have assisted and participated in over (500) arrests of people in possession or under the influence of methamphetamine, cocaine, heroin, and marijuana, among other controlled substances, by other officers. I have made in excess of over (400) arrests for persons under the influence of controlled

Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By [REDACTED]
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned [REDACTED]	Reviewed Date <b>09/19/2022 16:17:35</b>



# San Diego Police Dept Arrest/Juvenile Contact Report

Case No. **22040434**

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Primary Victim: **State of California**

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substances. I have made in excess of over (500) arrests of persons under the influence of alcohol/controlled substances. I have made over (400) arrests of persons in possession of marijuana. I have testified in court as a Narcotic Expert over 30 times, in the fields of methamphetamines, GHB (Gamma-Hydroxy Butyrate) cocaine-base and other controlled substances. In the course of my employment, I have become familiar with the ordinary meaning of controlled substance slang and jargon, and I am familiar with the manners and techniques of traffickers in a variety of controlled substances as practiced locally.

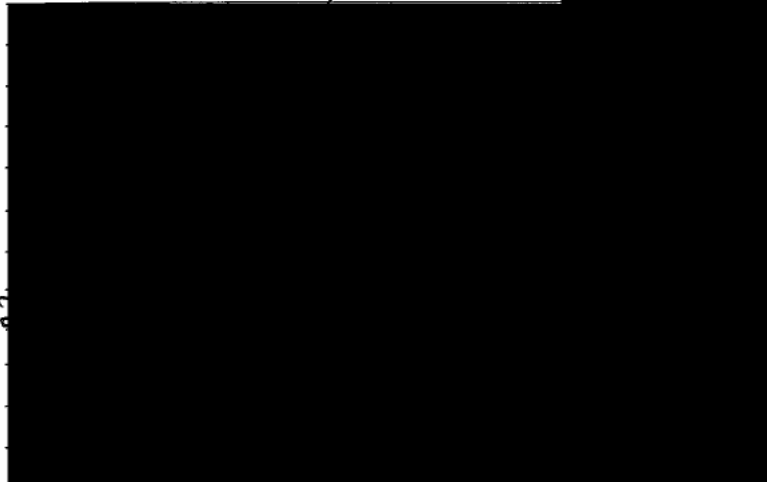
Reporting Officer <b>SD6583 - CALDERSON, VICTOR</b>	Division / Organization <b>Central Patrol (Central)</b>	Reviewed By <b>[REDACTED] - [REDACTED] [REDACTED]</b>
Report Date <b>9/19/2022 9:46:42 AM</b>	Detective Assigned <b>[REDACTED] - [REDACTED] [REDACTED]</b>	Reviewed Date <b>09/19/2022 16:17:35</b>



**SAN DIEGO POLICE DEPARTMENT**  
**NOTICE TO APPEAR**

☒ MISDEMEANOR  
☒ Traffic ☐ Nontraffic

COURT COPY



Correctable Violation (Veh. Code, § 40610) ☐ Booking Required ☐ Misdemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11350(a) HS	POSS OF A CONTROLLED SUB.	M
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11377(a) HS	POSS OF A CONTROLLED SUB	M
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11364.1(c) HS	POSS. OF DRUG PARAPHERNALIA	M
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14601.1(c) VC	SUSPENDED DL	M

Speed Approx. 5200 (VC) NO PLATES P.F./Max Spd. 5200 Veh. 1 Safe N Radar N

COMMENTS: (Weather, Road & Traffic Conditions)  
☒ COLLISION W E  
 CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT  
 Location of Violation(s)  
at 1300 IMPERIAL AVE.  
☒ CITY OF SAN DIEGO, CA ☐ OTHER

☐ Violations not committed in my presence, declared on information and belief.  
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.  
CAIDARSON, Alex 6583 Central/1st 521  
 Arresting or Citing Officer I.D. No. Command/Shift Beat



WHERE  
WHEN

<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600	<input checked="" type="checkbox"/> MISDEMEANOR ARRAIGNMENT DEPT. 330 W. BROADWAY (1st Union St) SAN DIEGO, CA 92101 (619) 450-5400
<input type="checkbox"/> SAN DIEGO TRAFFIC COURT 8950 CLAIRMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 694-1800 NIGHT COURT-CONTACT COURT FOR INFO	<input type="checkbox"/> SOUTH BAY COURT 500 3rd AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325 S. MELROSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION	<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 456-4100 INFORMATION

E# 22090025865

☐ BWC

SDPD VEH. - PKD - ROLLING - STOPPED ON  
 DIR. - N E S W - LANE 1 2 3 4 5 OTHER  
 SDPD VEH. NO. YR. MAKE  
 DATE CALIB. 20 30 40 50 60 70 80  
 BY  
 STOPPED BY RED LITE SIREN HORN HAND  
 DEF. VEH. - PKD - ROLLING - STOPPED ON  
 DIR. - N E S W - LANE 1 2 3 4 5 OTHER  
 STOPPED AT  
 DRIVER - OUT OF CAR IN CAR  
 MR LR PASSENGERS: SOLO RF MF RR  
 DISTANCE OBSERVED



Report generated by:

User MILES, WILLIAM (5473)  
Username wmiles@pd.sandiego.gov  
Department San Diego Police Dept. - CA  
Local Timezone America/Los\_Angeles  
Generated on Dec 5, 2022 10:51 AM

Evidence ID	ID	Title	Evidence Group	Owner	Uploaded by	Uploaded on	Recorded on	Duration	Category	Status	File Type	Source	Shared To	Shared From
3dc3720665f e4038b626f2 45b0b7668a	E220900258 65	1300 imperial		[REDACTED]	[REDACTED]	18 Sep 2022 16:02:34	18 Sep 2022 11:24:10	23m 11s	Citation - Infrac ion or Vehicle Impound	Active	video	axonbody3	San Diego Office of the City Attorney	-
0e85dc28d76 34c8bacda25 a2e6d20757	E220900258 65	Axon Body 3 Video 2022-09-18 1124 X6030179R		[REDACTED]	[REDACTED]	18 Sep 2022 14:57:40	18 Sep 2022 11:24 08	15m 7s	Citation - Infrac ion or Vehicle Impound	Active	video	axonbody3	San Diego Office of the City Attorney	-
6ecb4e38401 5469e941e38 69852cca13	22090025865	[REDACTED] Tstop Arrest		calderson, alex (6583)	calderson, alex (6583)	18 Sep 2022 16:53 54	18 Sep 2022 11:14:15	54m 5s	Arrest - Misdemeanor - No Case,Citation - Infraction or Vehicle Impound	Active	video	axonbody3	San Diego Office of the City Attorney	-