

## NARRATIVE

On today's date at about 0600hrs., I reviewed a letter from the San Francisco Arts Commission requesting passing calls at Justin Herman Plaza. The content of the letter expressed concern of "a recent escalation of violence" in general, and as a result of homeless and mentally challenged individuals attacking artists and stealing merchandise.

At about 0630hrs., 3B11A/Ofc. Chiu #848 and Yee #2118 met me at Justin Herman Plaza and conducted a walk through. (R/W1) David S. approached us and identified himself as an artist and frequent vendor. For purposes of this report, and to assist in personal safety and anonymity, (R/W1) will be referred to as "David. S." David S. expressed concern for the safety of himself as well as the other artists/vendors, as there was an unknown African American male vendor, later identified as (D1) Cage, who had made comments about bringing his gun to Justin Herman Plaza to protect himself. David S. said that on or about November 2012, an unknown vendor was attacked by a homeless person (which was mentioned in the SF Arts Commission Letter), and after that incident, Cage said he was going to carry his gun for protection. David S. said that he had a good rapport with other vendors and in conversations, was told that Cage had been in a verbal altercation with an unknown vendor when Cage put his right hand up to the person's head, simulating a gun. David S. said that Cage had said aloud that he carried a gun in his camera case. David S. said that there is a "lottery" for vending spaces, and Cage often ranted and raved about the lottery being a set up for him to have a bad booth location because he is African American. David S. said that the lottery is held in an open forum, and there is no obvious way the lottery can be compromised. David S. said that the other vendors were afraid of Cage, and that's why they never called police. David S. and one of the unknown male vendors said that Cage was at Justin Herman Plaza this morning to participate in the lottery, but that his booth (#3 at the corner of Market/Steuart) was not set up yet, and they had not seen him since. I asked David S. and the unknown vendor if they, or anyone, had seen Cage with a firearm. David S. and the unknown vendor both replied, "No." David S. said that he did not want to see anyone get hurt, so Cage's actions and comments (from November 2012 until current) regarding possession of a firearm had to be addressed. The unknown vendor said that he did not want to, "Stick around and have him (Cage) see me talking to you (police)." The unknown vendor left towards the Ferry Building. David S. described Cage as a dark complected African American male, about 50 years old, 5'7", medium build, wearing a blue Hawaiian shirt.

It should be noted that about two unknown male vendors approached me while speaking with David S., and asked if I was at Justin Herman Plaza to talk with Cage, as they were afraid of him. They said that Cage was belligerent, often yelled at other vendors from close proximity/in their face, initiated unprovoked verbal confrontations, and Cage often said that he carried a gun. The two vendors said they did not want to provide personal information, for fear of retaliation from Cage, as he was already unreasonable. During these interviews, I noticed that nearby vendors did not look in our direction or make eye contact, as if they did not want to be involved.

I told David S. that Officers Chiu, Yee, and I would remain in the area in case Cage returned to his booth. I then noticed a man matching Cage's description (only person wearing a blue Hawaiian shirt) walking with a woman eastbound towards booth #3 on the north side of Market St., both were carrying white coffee type cups, the male had a camera slung across his left shoulder. I asked David S. if the man in the Hawaiian shirt was Cage, and David S. said, "Yes! That's him!"

Cage simultaneously approached Ofc. Chiu as Ofc. Chiu walked towards him, and asked Chiu if everything was alright and if police needed to speak with him. Ofc. Chiu told Cage that we did need to speak with him, and Cage walked over towards Ofc. Yee and I, where he stopped in between us. The female, later verbally identified herself as Cage's wife Isabel, followed Cage and stopped about three feet away from him. Cage raised his voice and asked the following numerous questions in rapid succession, without allowing officers to respond, "What did I do? Why are you arresting me? I want to know my charges, what's going on? Why am I being harrassed? Who called on me? What is this about?" Officers Chiu, Yee, and myself made continuous efforts to explain the above questions regarding the legal detention pending an investigation of Cage possibly carrying a concealed firearm, but Cage's voice got louder and louder as he talked over us and repeated the above questions several times.

San Francisco Police Department  
**INCIDENT REPORT**

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Cage's voice and constant pacing, accompanied by voluntarily turning around and putting his hands behind his back as if he were handcuffed, caused passerby's to stop and look in our direction, as well as approach us to see and hear what was going on. I asked Cage to lower his voice because he was causing unnecessary attention to himself. In a low voice, Isabel made efforts to have Cage lower his voice, but he would not. Ofc. Chiu asked Cage if he had identification on his person, and Cage said, "Yes, it's in my back pocket, you can search that." Cage handed his camera to Isabel, and Ofc. Yee conducted a pat-search of Cage's waistband area and pockets prior to Cage obtaining his California ID. I told Cage that he was not handcuffed, was not detained at gun point, and our voices were loud enough for only him to hear. At this point, Cage was sweating from his forehead, and while turning his head back and forth as if he were addressing a crowd, said in a loud voice, "I'm surrounded by a bunch of cops! What did I do? Why am I being harrassed? Who called you?" I told Cage that he originally stepped in between Officers Chiu, Yee, and I on his own. Ofc. Chiu was standing behind me running a computer check of Cage, and Ofc. Yee was standing to the side of Cage, clearly not "surrounded." I told Cage that he was detained pending the above mentioned conversation with David S. and Cage replied, "You can't detain me because someone said I have a gun, I know the law the same as you, I know my rights." I told Cage that it was our legal obligation to investigate the possibility of someone having a firearm concealed on their person. Cage insisted that this was not a legal detention, but spontaneously stated, "Note that I gave you permission to search me, my car, and my house!" Isabel responded, "Yeah, note that!" Cage said, "If this is a legal detention, then I can call on anyone down here and say they got a gun like they did me! Next time, I'm gonna call and say someone has a gun!" I told Cage that it is illegal (148.5 (a) PC) and would be a public and officer safety concern if he called in a false report of a person with a gun. Cage said that someone called in a false report to police about him having a gun, so he can make a false call as well. Cage said that when he calls in the false report of a person with a gun, no one would know it would be him calling, because the call would be anonymous. Again, I tried to explain to Cage that no one called police about him, but we were notified in person, on today's date about his actions.

A computer check of Cage revealed no California arrest history or registered firearms, with a California ID only, no driver's license issued and no vehicles registered under Cage's name.

After an approximately 10 minute detention per CAD, Ofc. Yee issued (E1) 849(b) P.C. form to Cage, which I later booked at Co. B.

I gave David S. a Department issued business card with a case number. I told David S. to provide my business card information to anyone who wanted to speak with me regarding Cage, or other concerns at Justin Herman Plaza.

It should be noted that this detention was conducted within the location of a surveillance camera in the breezeway of Sacramento Alley, northeast of the Hyatt.