



OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

# **Alleged Improper Dismissal of Criminal Citations, U.S. Park Police**

**This is a revised version of the report prepared for public release.**

## **I. EXECUTIVE SUMMARY**

We investigated allegations that a senior U.S. Park Police (USPP) official asked the United States Attorney's Office to dismiss criminal citations (tickets) issued to Presidio Trust employees and contractors at the request of Presidio Trust officials.

We found that a Presidio Trust official asked a senior USPP official to request the dismissal of several tickets stemming from two separate incidents that occurred at the Presidio and that the senior USPP official's decisions to request the dismissals were, in part, influenced by these requests. In addition, while we found that the senior USPP official had the discretion to request that the tickets be dismissed and that there was no USPP General Order or U.S. Department of the Interior policy about the process or authority for dismissing tickets, the senior USPP official appeared to deviate from past USPP practices at the Presidio when requesting the dismissals.

## **II. BACKGROUND**

The allegations were associated with two separate incidents involving Presidio Trust employees and contract employees in which a senior U.S. Park Police official requested that the United States Attorney's Office (USAO) dismiss several USPP tickets.

The Presidio Trust is the wholly owned Government corporation responsible for managing the Presidio of San Francisco, a national historic landmark. As part of managing the Presidio, the trust entered into a number of agreements with the USPP for law enforcement services.

### **A. The 2017 Incident**

In summer 2017, trust employees brought their own alcohol into a Presidio recreation facility, which is prohibited. When the recreation facility manager asked them to leave the premises, the trust employees refused to leave. The recreation facility manager then called the USPP, which has exclusive law enforcement authority at the Presidio.

Upon arrival, USPP officers asked the trust employees to leave the recreation facility, but eventually the officers had to physically remove one of the trust employees. Outside of the building, the same trust employee became disorderly, and USPP officers arrested the employee and issued the employee three tickets. Additionally, the USPP officers issued multiple tickets to three other trust employees who were involved in the incident.

### **B. The 2019 Incident**

In early 2019, USPP officers were notified of an alarm at another Presidio recreation facility. Upon arriving at the scene, a USPP officer confronted three individuals outside the building where the alarm was triggered. The USPP officer requested identification from the three individuals. One of the individuals provided a Presidio recreation facility nametag but not any Government-issued identification. The other two individuals refused to comply, claiming that they did not hear the alarm and that they worked at the recreation facility. The USPP officer explained to them that while there was no audible alarm sounding, the alarm had indeed been

triggered, which the USPP officer then radioed and confirmed with the USPP dispatch. The USPP officer also detected the smell of alcohol when speaking with the individuals.

The individual who provided a recreation facility nametag eventually provided a driver's license. One of the other individuals became agitated and continued to refuse to identify himself. The USPP officer detained the individual and placed them in handcuffs in the back of the patrol car until the USPP officer's supervising officer arrived. Ultimately, the USPP officer issued tickets to the two individuals who refused to provide Government-issued identification upon request.

### **C. Past USPP Practice in Dismissing Tickets**

There is no USPP General Order or U.S. Department of the Interior policy that provides authority or identifies a process for dismissing tickets.

The former chief of police told us that the USPP and the Department did not have any written policy for dismissing tickets. Instead, the former chief of police explained that discussions about dismissing a ticket would typically involve the arresting officer or the supervisor, and the prosecuting office.

The Special Assistant United States Attorney (SAUSA) who primarily handles USPP criminal cases and tickets occurring at the Presidio told us that they typically dismissed tickets in petty offense cases only after considering if probable cause existed for the tickets, along with discussing the charges with the USPP court liaison officer, and possibly the charging officer if the SAUSA had questions about the "factual scenario." The SAUSA told us it was "certainly not in the normal course . . . for me to talk to [senior USPP officials] about specific CVB [Central Violations Bureau] citations."

## **III. RESULTS OF INVESTIGATION**

### **A. Facts**

#### *1. The Senior USPP Official Requested Dismissal of the 2017 Incident Tickets*

As noted above, in the summer of 2017, USPP officers issued multiple tickets to four trust employees in response to a disturbance at a Presidio recreation facility.

In fall 2017, the Presidio Trust official submitted complaints against the USPP officers involved in the 2017 Incident to a USPP manager alleging the USPP officers used excessive force. The USPP subsequently initiated an internal investigation and concluded that the allegations were "not sustained" and that the use of force during the incident was reasonable.

USPP investigators determined during the investigation, however, that the tickets the USPP issued related to the incident had not been submitted to the Central Violations Bureau (CVB) due to an administrative oversight. Upon this realization, the USPP then submitted the tickets to the CVB—nearly 6 months after the incident and less than 60 days after the Presidio Trust official filed the excessive force complaints.

On an agenda for a spring 2018 Presidio Trust internal meeting, the Presidio Trust official noted that they planned to ask the USPP to drop the 2017 Incident charges. The next morning, the Presidio Trust official sent an email to the senior USPP official with the subject line “Per our discussion re charges,” which listed the names and ticket numbers of the trust employees who were cited in the 2017 Incident.

The Presidio Trust official confirmed calling and asking the senior USPP official to dismiss the 2017 Incident tickets. The Presidio Trust official explained that the delayed processing of the tickets created an appearance of retaliation against the trust employees because they believed that the tickets had been dismissed and were revived only after they provided statements supporting their excessive force complaints against the USPP officers.

Later that afternoon, at the senior USPP official’s direction, a USPP manager sent an email to the SAUSA requesting dismissal of the tickets issued to trust employees. In response, the SAUSA said that they would dismiss these citations at the USPP’s request. The SAUSA told us that they believed the untimely processing of the tickets through CVB caused “prejudice” to the case.

The USPP officer who made the arrest and issued tickets in the 2017 Incident told us that their USPP superiors or the USAO never consulted the USPP officer about the incident. The senior USPP official told us that the USPP manager and a USPP supervisor both disagreed with the decision to request dismissal of the tickets, but the senior USPP official nonetheless directed the USPP manager to request that the USAO do so. The USPP manager confirmed this discussion.

The senior USPP official initially said that the Presidio Trust official did not expressly ask them to dismiss the tickets. In a follow-up interview, the senior USPP official clarified that although they believed the Presidio Trust official did not ask them outright to dismiss the tickets, the Presidio Trust official had made it clear that they did not want the case to move forward in court.

## *2. The Senior USPP Official Requested Dismissal of the 2019 Incident Tickets*

As noted above, in early 2019, a USPP officer responded to an alarm at a Presidio recreation facility. The USPP officer confronted three employees outside the main building, requested that they provide identification—which they refused to provide—and ultimately issued tickets to two of the individuals for failing to provide Government-issued identification upon a police officer’s request.

The next morning, the Presidio Trust official forwarded an email to the senior USPP official that contained a summary of the incident from the perspective of a recreation facility supervisor who was not present during the incident. In the forwarded email to the senior USPP official, the Presidio Trust official wrote, “I would like to discuss this with you ASAP. I will call you.”

During an OIG interview, the senior USPP official relayed the recreation facility supervisor’s interpretation of the incident, while acknowledging that the supervisor was not present during the incident. When asked if they spoke with the USPP manager or the primary USPP officer who

issued the tickets to seek their side of the story to assess the veracity of the recreation facility supervisor's statements, the senior USPP official admitted that they had not done so.

When we showed the USPP officer the recreation facility supervisor's email summary of the incident, the USPP officer cited multiple inaccuracies in the supervisor's representation. The USPP officer also expressed frustration that they were never asked to articulate or justify their reasoning for issuing the tickets.

We also confirmed that, unlike the 2017 Incident, the tickets were timely submitted to the CVB.

According to the senior USPP official, later in the day, after receiving the Presidio Trust official's email containing the recreation facility supervisor's representation of the 2019 Incident, the senior USPP official had a discussion with the USPP manager about where the USPP "fell short" in handling the 2019 Incident. The senior USPP official stated that because the employee was wearing a Presidio recreation facility shirt, the officer could assume the person worked at the recreation facility, thus obviating the need for the individual to produce Government-issued identification upon the USPP officer's request. The senior USPP official confirmed during the OIG interview that the USPP manager disagreed with this reasoning.

An NPS Visitor and Resource Protection executive stated that they did not agree with the argument that a Presidio recreation facility shirt could represent sufficient identification to a USPP officer, thus allowing the individual to refuse an officer's request for identification.

The senior USPP official also asserted that the USPP officer should have called a supervisor to the scene—rather than demand the employee's Government-issued identification—after the recreation facility employee told the USPP officer that the officer should know who they were without identification because "you were here just last week." When asked if the senior USPP official was essentially telling USPP officers to call a supervisor when a trust employee fails to obey a lawful order, the senior USPP official stated, "So I think discretion being the better part of valor in this case, yes. Absolutely."

In spring 2019, the two ticketed individuals attended a pretrial meeting at the Federal courthouse. According to the SAUSA, the individuals thought the citations had been dismissed after their bosses met with the USPP. The SAUSA told the two individuals that they were not aware of a meeting and never received a request from USPP to have the tickets dismissed. The SAUSA said they offered the two individuals community service hours to resolve the tickets, but the individuals declined to accept because, the SAUSA believed, "they wanted to go back to their bosses and kind of get confirmation of this meeting that happened and if there was any decision or request to have them dismissed."

On the evening of the pretrial meeting, a Presidio Trust employee sent the Presidio Trust official an email summarizing the meeting. The Presidio Trust official forwarded the email to the senior USPP official the next morning, writing, "Please read and I will call you today. This relates to the citing of our [recreation facility] staff where you acknowledged that your staff had not acted appropriately. I would have expected you all to handle this differently and am very disappointed."

The senior USPP official immediately forwarded the Presidio Trust official's email to another USPP official, who recalled discussing the 2019 Incident tickets with the senior USPP official and telling them "Just do your due diligence and come back to me. Let's talk about it. And whatever your decision . . . if I vote it to be reasonable after you've talked to command staff, Presidio Trust staff, and the AUSA out there, I'll support you. Whatever you need to do." The former official told us that the senior USPP official came back to them before talking to the AUSA and told the former official that they decided to request the tickets be dismissed. The former official said that they again told the senior USPP official to reach out to the AUSA to get their perspective before the senior USPP official made the decision to dismiss the tickets.

Later that month the Presidio Trust official sent an email to the senior USPP official stating, "[J]ust wanted to make sure that you have called the US Attorney's Office to get the charges dismissed against the [recreation facility] employees. Their next court date is [redacted] so I need to hear back from you by [redacted] so we can let them know."

The next day, the senior USPP official texted the SAUSA requesting a telephone conversation. Later that afternoon, the senior USPP official called the SAUSA and directly requested dismissal of the tickets. The senior USPP official then followed up the phone call with an email to the SAUSA confirming the request to dismiss the tickets. The SAUSA responded that they received the email and would dismiss the citations.

According to the SAUSA, after reading the USPP officer's incident report they "thought that there was at least enough to move forward with the case," which was why the SAUSA offered the subjects community service instead of initially dismissing it. The SAUSA told us, "I certainly wasn't going to dismiss" the tickets on the day of the pretrial meeting, but then got a call from the senior USPP official requesting the tickets be dismissed. The SAUSA explained that when they are told the agency "wants this to go away," they say, "okay."

The senior USPP official acknowledged that the Presidio Trust official had asked to dismiss the 2019 Incident tickets. The senior USPP official told us, however, that they had already made the decision to request dismissal of the tickets.

The USPP manager told us that they asked the senior USPP official not to direct them to request that the SAUSA dismiss the 2019 Incident tickets—as the senior USPP official had done with the 2017 Incident tickets—because the USPP manager believed the tickets should be handled through the court system. The USPP manager said, "I told [the senior USPP official] pointblank, 'Do not ask me to have these tickets dismissed. I will not do it. . . . You could charge me for not obeying a direct order, whatever you need to do, but this is the second time this has happened. You need to let the courts run its course.' And [the senior USPP official] never asked me. Apparently, [they] did it [themselves] this time."

The USPP manager further detailed their assessment of the senior USPP official's decision to request dismissal of the 2019 Incident tickets, stating:

The tickets were submitted timely. There's no . . . administrative reason to dismiss these. And my biggest issue is you've now taken somebody who felt entitled to not give us what we needed to do our jobs, which is just presenting ID, and you're . . . basically reinforcing that what [they] did was okay. So you're telling [them] that [they] can do it again; and my biggest fear is that if it happens again, then it's gonna escalate. "I don't have to give you my ID 'cause last time proved I didn't have to do it. I'm not gonna do it again." And my biggest concern is it's gonna end up leading to a use of force that isn't necessary and nobody needs.

### *3. The Senior USPP Official Believed that the USPP Is Subordinate to the Presidio Trust Leadership*

In the OIG interview, the senior USPP official told us that they believed that the USPP is subordinate to the Presidio Trust leadership in the same way USPP is subordinate to a park superintendent. In contrast, the former chief of police told us that the USPP are not subordinate to Presidio Trust leadership or park superintendents, because USPP have a centralized command structure. The NPS Visitor and Resource Protection executive further clarified to us that the USPP does not need to take direction from the trust leadership, but rather they need to work together given the many political influences and concerns at the Presidio.

## **B. Analysis**

As noted above, while there is no USPP General Order or Department policy that provides authority or identifies a process for dismissing tickets, the practice—as outlined by the former chief of police and the SAUSA—typically involved the SAUSA's assessment of the underlying probable cause and a discussion between the SAUSA and the citing officer, supervisor, or court liaison. The senior USPP official noted the lack of specific policy for dismissing tickets and told us, "we make discretionary decisions all the time."

### *1. The 2017 Incident*

The Presidio Trust official told us that they asked the senior USPP official to request dismissal of the 2017 Incident tickets. The senior USPP official appeared to deviate from the established practice for dismissing tickets by inserting themselves into the process and directing a USPP manager to request their dismissal.

We found, however, that the USPP's failure to timely submit the tickets to the CVB caused prejudice to the case. Additionally, there was an appearance of retaliation against the subjects, as the tickets were not submitted to CVB until after the subjects filed claims of excessive force against the USPP officers involved in the incident. We believe these two factors provided support for the senior USPP official's use of discretion to request that the tickets be dismissed.

### *2. The 2019 Incident*

Similar to the 2017 Incident tickets, the Presidio Trust official acknowledged asking the senior USPP official to dismiss the tickets, and the senior USPP official appeared to deviate from the

USPP practice for dismissing tickets by not seeking input from the issuing officer or the officer's supervisor and personally requesting the SAUSA to dismiss the tickets.

Dissimilar to the 2017 Incident tickets, however, where an administrative oversight created prejudice to the case and an appearance of retaliation, the evidence indicates that the 2019 Incident tickets were processed in a timely manner. Accordingly, we found that the senior USPP official's use of discretion to request dismissal of the 2019 Incident tickets appeared to have been, in part, influenced by the Presidio Trust official's request to do so.

#### **IV. SUBJECT**

Senior USPP Official.

#### **V. DISPOSITION**

We will provide this report to the Deputy Director, Exercising the Authority of the Director of the NPS, for any actions deemed necessary.

