DALY CITY POLICE DEPARTMENT MEMORANDUM

TO Acting Chief of Police
Cameron Christensen

FROM Sergeant Matthew Ciucci #68

SUBJECT Administrative Investigation **24-07/Officer Smithmatungol #150**

BACKGROUND

On October 28, 2024, Administrative Directive 5918 was forwarded to me from Acting Chief of Police Christensen, requesting an administrative investigation be conducted on the following incident:

Request for Administrative Investigation:

DALY CITY POLICE DEPARTMENT
Memorandum

October 28, 2024

To: Chief of Police

From: Sgt. Karen Douglas #78

Subject: Request for Administrative Investigation – Officer Smithmatungol #150

On Friday, 10/25/2024, Off. Smithmatungol worked his normal B-graveyard shift, and was assigned to Beat 4. At the beginning of the shift, I assigned him two subpoenas in his beat: One for [redacted] *at* [redacted] *and the second for* [redacted] *at* [redacted] *The team was short that night and the shift was very busy with dozens of calls for service throughout the night, and several in-custody arrests.*

The following morning, Off. Smithmatungol handed me the two subpoenas as I was sitting in the sergeant's office. As he gave them to me he said, "I tried serving them, but they weren't home. I was out in Beat 1 most of the night." I didn't understand what he meant by the second sentence, but told him something along the lines of, "Thank you for at least attempting them. You were the only one who tried since it was so busy last night and I appreciate it." He said, "No problem."

I reviewed the subpoenas which showed the following:

[redacted]:
Time 2123 hrs.
Remarks: "No answer."

[redacted]
Time 2142 hrs.
Remarks: "No answer."

I did not recall hearing Off. Smithmatungol put himself on any subpoena attempts that night. This was out of character for him, since he routinely announces over the radio when he tries to serve them. I reviewed all of Off. Smithmatungol's calls for service that night and saw there were no subpoena attempts.

I recalled I was on a call for service (CAD DP24-48612) at the Westlake Ross with Off. Smithmatungol and Off. Chu around the time frame he said he served the subpoenas. I reviewed the details of that call for service:

DP24-48612, 405 Westlake Center:
Off. Smithmatungol arrived around 2105 hrs. and I arrived at 2114 hrs. Per CAD, we cleared the call at 2130 hrs.

I reviewed Flock for Vehicle 30's license plate (1532483), as well as Vehicle 30's Axon ALPR hits for the entire shift. There were 27 Flock reads and 1,378 Axon ALPR reads, but none from [redacted]

Summary of Flock and Axon Reads:

After clearing the Westlake call at 2130 hrs., Off. Smithmatungol exited the mall and made a left on John Daly Blvd, hitting the John Daly and Eastgate Flock at 2134 hrs. He turned south onto Hwy 35, and made a right onto Westridge Ave., and another right onto Skyline Dr. He traveled north on Skyline Dr., completed a U-turn at Roslyn Ct., and traveled back south on Skyline Dr., turning onto Westridge, and back onto northbound Hwy 35. He turned right on John Daly, hitting the John Daly and Lake Merced Flock at 2142 hrs. He made a right onto Poncetta Dr. at 2143 hrs., traveled west on S. Mayfair Ave. and made a right onto southbound Forest Grove Dr. He traveled south until he hit Belmar Ave., where he made a right, and then another right onto northbound Park Plaza Dr. He turned right onto John Daly, where he hit the John Daly and Poncetta Flock at 2147 hrs. He then responded to a call for service (CAD DP24-48619) in Beat 2, where he arrived at 2152 hrs.

End of summary

On Saturday, 10/26/2024 around 2100 hrs., I responded to [redacted] *As I knocked on the door, a large dog began barking inside.* [redacted] *was not home, but I spoke with her mother,* [redacted]. [redacted] *told me she arrived home around 1730 hrs. on Friday night, and did*

not leave the home until the following day. [redacted] explained her dog barks when he senses anyone outside, and also barks when anyone knocks on the door. No one knocked on her door Friday night, and her dog also did not bark.

On Sunday, 10/27/2024 around 1945 hrs., I met with [redacted], homeowner at [redacted]. The home is on the southwest corner of [redacted] and [redacted]. She had several video surveillance cameras on her home, and I reviewed the one that captured [redacted] for the time frame of 2130 to 2200 hrs. There was no patrol vehicle seen in the footage.

[redacted] is the homeowner [redacted] which is on the north side of the street and intersects with [redacted] sent me surveillance from his home's cameras between 2130 and 2200 hrs. The cameras offer an unobstructed view of all of [redacted]. There was no patrol vehicle seen in the footage.

While I did not do additional research regarding the subpoena on [redacted] there is no evidence showing he attempted that one either.

Based on the above information, I am requesting an Administrative Investigation into Officer Smithmatungol, for violation of Lexipol Policy 340 (Standards of Conduct) 340.5.9, Performance; and 340.5.10, Conduct.

Sgt. Karen Douglas, #78
Division B-2, Graveyard
Field Operations Bureau

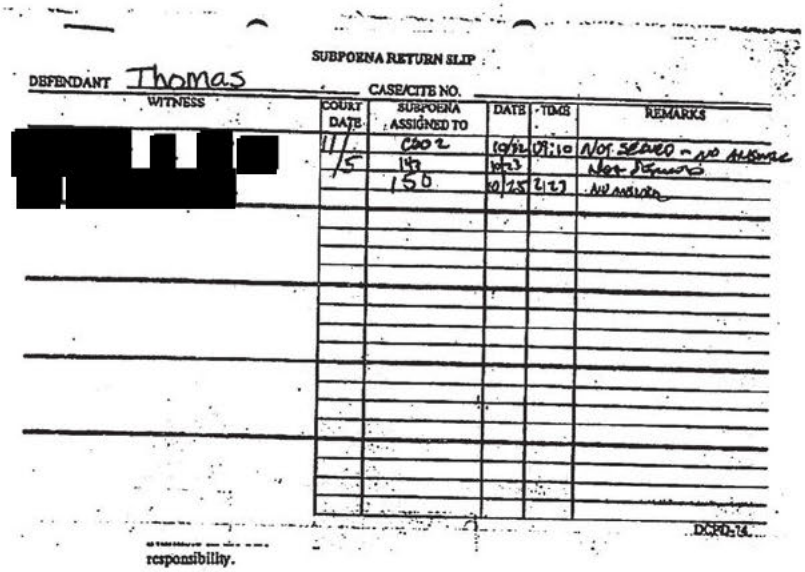
INVESTIGATION

- Reviewed request for an administrative investigation.
- Reviewed DCPD Administrative Directive 5918.
- Reviewed Axon BWC and Fleet Footage.
- Reviewed SMCO CAD.
- Reviewed AXON ALPR GPS Data.
- Reviewed Video Surveillance Footage.
- Interviewed Sergeant Douglas (Witness).
- Interviewed [redacted] (Witness).
- Interviewed [redacted] (Witness).
- Interviewed Officer Smithmatungol (Subject).

INVESTIGATION NARRATIVE:

After receiving the above memorandum, I began my investigation by conducting a review of the two subpoenas that had been assigned to Officer Smithmatungol:

Subpoena #1 was assigned to Officer Kevin Smithmatungol #150 on October 25, 2024. The subpoena was for witness [redacted], with an associated address of [redacted]., [redacted]. It listed an attempted service with a remark of "No Answer" at approximately 2123 hours.



SUBPOENA RETURN SLIP

DEFENDANT Thomas

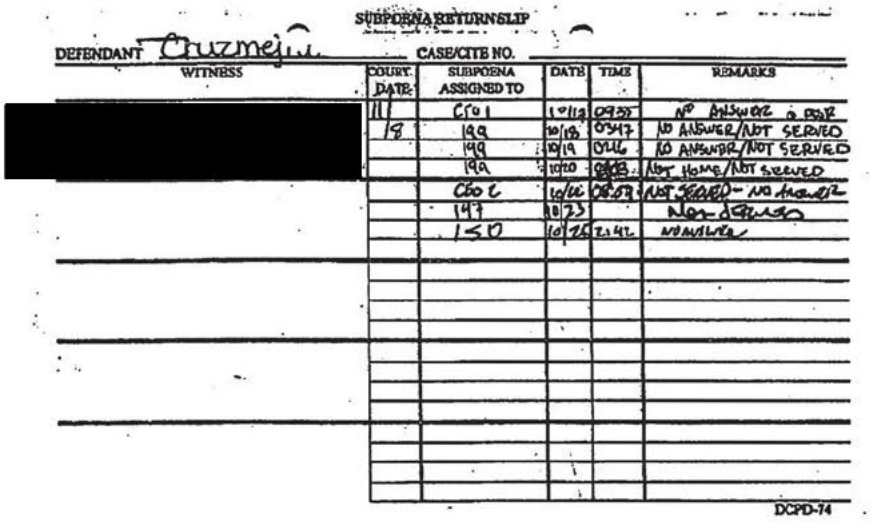
CASE/CITE NO.

WITNESS	COURT DATE	SUBPOENA ASSIGNED TO	DATE	TIME	REMARKS
[redacted]	11/5	C602	10/22	09:10	NOT SERVED - NO ANSWER
		149	10/23		Not Served
		150	10/25	21:23	NO ANSWER

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responsibility.

Subpoena #2 was assigned to Officer Kevin Smithmatungol #150 on October 25, 2024. The subpoena was for witness [redacted], with an associated address of [redacted]. It listed an attempted service with a remark of "No Answer" at approximately 2142 hours.



SUBPOENA RETURN SLIP

DEFENDANT Cruzmejia

CASE/CITE NO.

WITNESS	COURT DATE	SUBPOENA ASSIGNED TO	DATE	TIME	REMARKS
[redacted]	11/	C601	10/13	0935	NO ANSWER 0 DAR
	18	149	10/18	0947	NO ANSWER/NOT SERVED
		149	10/19	0946	NO ANSWER/NOT SERVED
		149	10/20	[redacted]	NOT HOME/NOT SERVED
		C601	10/22	0859	NOT SERVED - NO ANSWER
		149	10/23		Non-Service
		150	10/25	2142	NO ANSWER

DCPD-74

I conducted an audit of Officer Smithmatungol's CAD history for the night of October 25, 2024. At the time of the above incident, Officer Smithmatungol was assigned to the B-Graveyard patrol shift, with a work schedule of Friday-Sunday, 1900-0730 hours.

CAD History Review

The two subpoenas indicated service was attempted on October 25, 2024, at 2123 and 2142 hours. I conducted a search of Officer Smithmatungol's CAD history to create a timeline for his shift. I wanted to establish where he was during the time he stated he was attempting to serve the subpoenas.

- 20:59 hours: Conducts a traffic stop at 892 John Daly Blvd. (DP24-48611)
  - 21:04 hours: Cleared the call and goes 10-8.

- 21:05 hours: Dispatched to a Shoplifter at Westlake Shopping Center. (DP24-48612)
  - 21:05 hours: Arrives onscene.
  - 21:30 hours: Cleared the call and goes 10-8.

- 21:46 hours: Dispatched to a Suspicious Person on Mission St. (DP24-48619)
  - 21:52 hours: Arrives onscene.
  - 22:02 hours: Cleared from the call and goes 10-8.

- 22:05 hours: Conducts a traffic stop at 2300 Junipero Serra Blvd. (DP24-48621)
  - 22:17 hours: Cleared the call and goes 10-8.

- 22:19 hours: Conducts a traffic stop at Park Plaza Dr./Southgate Ave. (DP24-48622)
  - 22:23 hours: Cleared the call and goes 10-8.

- 22:25 hours: Dispatched to Suspicious Vehicle at Evergreen Ave. (DP24-48624)
  - 22:29 hours: Arrives on scene.
  - 22:30 hours: Cleared the call and goes 10-8.

- 22:30 hours: Dispatched to a 273.5PC call on Hillside Blvd. (DP24-48625)
  - 02:18 hours: Cleared from the call and goes 10-8.

It appears Officer Smithmatungol traveled "call-to-call" until he became dedicated to a domestic violence investigation on [redacted]. I reviewed the subpoenas in question and noted he attempted to serve Subpoena #1 at [redacted]. at **2123 hours**. Based upon my review of Officer Smithmatungol's CAD log this would have been impossible. At 2123 hours he was still assisting on a shoplifting call at the Ross Store located in Westlake Shopping Center. He would

have been available (free from a call for service) at **2142 hours** when he attempted to serve Subpoena #2 at [redacted]
At no time in his CAD history from October 25, 2024, or October 26, 2024, did Officer Smithmatungol generate a call for service at [redacted]. or [redacted] I know it to be standard practice for officers to generate a call for service whenever they attempt a subpoena service; however, Officer Smithmatungol did not do so for either subpoena attempt.

Axon BWC Review

I conducted a review of the Axon Body Worn Camera footage from the shoplifting investigation conducted by Officer Smithmatungol (DP24-48612).

The video begins on 10-25-2024 at 21:08:25 hours, with Officer Smithmatungol arriving at the Ross Dress for Less Store, located in the Westlake Shopping Center. Officer Smithmatungol remains on scene until 21:30:15 hours. This video confirmed Officer Smithmatungol was at the Ross Store during the time he reported to be serving a subpoena at [redacted] **(2123 hours).**

I conducted an audit of all Body Worn Camera footage and Vehicle Fleet footage recorded by Officer Smithmatungol on October 25, 2024. Due to Officer Smithmatungol working a Graveyard shift, my audit included his BWC footage from the early morning hours of Saturday, October 26, 2024. The audit range was from 10/25/2024 at 20:16:01 hours (first recorded video from his shift) until 10/26/2024 at 06:06:15 hours (last recorded video from his shift). The audit included 40 videos captured during the above timeframe.

I reviewed the footage from all 40 recordings and discovered none of the videos documented a subpoena service attempt by Officer Smithmatungol. This was confirmed by comparing the GPS map associated to each video and the known target addresses of [redacted] and [redacted] I have included a copy of this evidence item report as an attachment to this investigation.

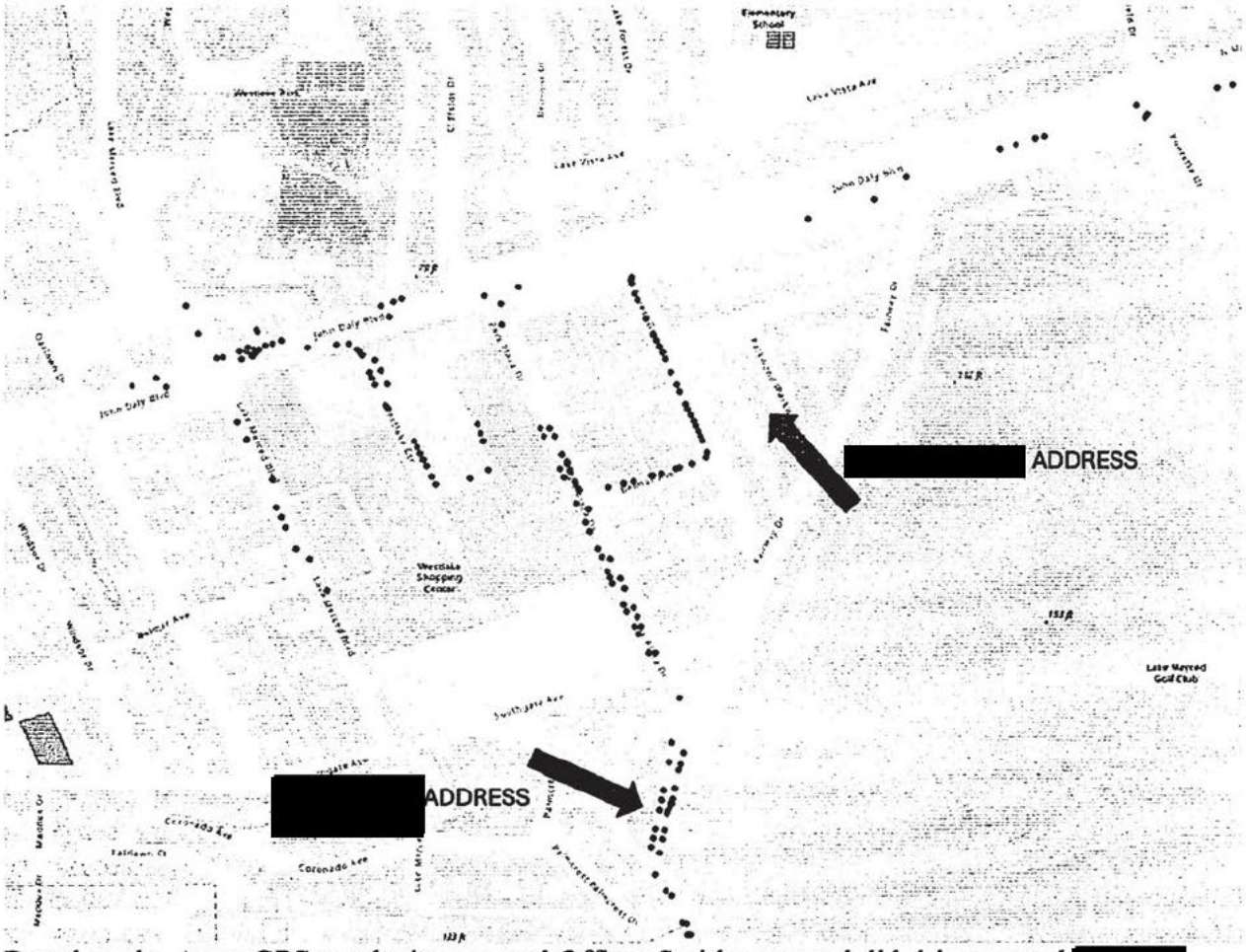
GPS and ALPR Data Review

During my review of the Body Worn Camera Footage, I was able to clearly see Officer Smithmatungol was operating Daly City Police Department vehicle #30. This identification was made by observing the white vinyl vehicle identification number affixed to the driver's side fender.

On December 10, 2024, I met with Technical Services Administrative Assistant Trent Waterman and asked him to inquire about the GPS data recorded by vehicle #30 on October 25, 2024. I am aware this GPS data is recorded through the Versaterm CAD system and is retained by San Mateo County Communications Dispatch. Waterman made an inquiry to County

Communications and learned the Versaterm GPS mapping software was inoperable on vehicle #30 during the timeframe in question. As a result, no data was able to be recovered from the Versaterm GPS system.

I then reviewed Vehicle 30's Axon Automated License Plate Reader (ALPR) data from Officer Smithmatungol's entire shift. As vehicle #30 drove through Daly City, its Axon fleet camera was capturing photos of license plates as it traveled along the roadway. Each time a license plate was captured by the camera, it generated a digital photograph that has an associated GPS location documenting where the photo was taken. These photos are time stamped with the exact time the ALPR photo was captured. I met with Waterman who was able to overlay these GPS data points and create a map of where Officer Smithmatungol's vehicle drove throughout the night. It was immediately apparent **his patrol vehicle never traveled on [redacted] during his 12.5-hour shift**. He also never traveled on [redacted], which are the only two streets that intersect [redacted]



Based on the Axon GPS results it appeared Officer Smithmatungol did drive passed [redacted] on two occasions during his shift. On October 25, 2024, at approximately 2053 hours, he drove passed [redacted] and continued northbound. It does not appear that he stopped to serve a subpoena based upon the continuous ALPR photo reads collected by his police vehicle's Axon ALPR system.

The second time Officer Smithmatungol traveled on [redacted] was at approximately 2218 hours, when he turned onto northbound [redacted], from westbound [redacted]. At approximately 22:19:29 hours, he conducted an enforcement stop almost directly across the street from [redacted] (DP24-48622). The ALPR data shows him conduct his stop and then continue traveling northbound on [redacted] after he releases the driver with a warning. Based upon the ALPR data and the BWC footage I reviewed, it would be impossible for Officer Smithmatungol to attempt a subpoena service immediately before or after conducting his car stop.

Nest Doorbell Camera Review

I had Sergeant Douglas provide me with a copy of the Nest camera video footage from [redacted] Sergeant Douglas had obtained the video from homeowner [redacted] The video is from the front of [redacted] home and faces south. The camera has a clear view of [redacted] and the entire roadway leading to the residence. The video captures from 2130 to 2200 hours on October 25, 2024. Upon reviewing the video, I noticed a police vehicle never traveled to [redacted] during the above time frame.

On January 30, 2025, at approximately 1345 hours, I traveled to [redacted] and met with [redacted] in person. [redacted] provided the following statement:

[redacted]

Statement of [redacted] summarized and BWC recorded:

[redacted] recalled meeting with Sergeant Douglas on October 27, 2024, when he provided her with Nest video surveillance footage from his residence. In approximately 2020, [redacted] installed his home surveillance system by himself. On a scale of 1-10, [redacted] would rate his familiarity with the video surveillance system at approximately a "six…seven." He uses the system on a daily basis, by reviewing it constantly. The date and timestamps on the video are controlled through the web-based Nest application and they cannot be manipulated by the user. This level of control ensures the timestamps are true and accurate. [redacted] video only saves for 30 days on his cloud-based storage system. [redacted] had no further videos from the night of October 25, 2024.

End of Statement

At the conclusion of my review of the digital evidence in this investigation, I noted the following facts:

- Officer Smithmatungol never generated a call for service for either subpoena service attempt.
- Officer Smithmatungol never activated his BWC for either subpoena service attempt.

- Based on the Axon video footage noted above, Officer Smithmatungol was not at [redacted] Drive on October 25, 2024, at 2123 hours, as he had documented on his subpoena form. At that exact date/time there is Body Worn Camera video of him handling a call for service at Ross Dress for Less located in the Westlake Shopping Center (DP24-48612).
- Based on the video surveillance footage I reviewed from [redacted], Officer Smithmatungol never drove to [redacted] Dr. on October 25, 2024, between 2130 and 2200 hours.
- Based on the vehicle GPS data I reviewed, Officer Smithmatungol never traveled on [redacted] Drive, [redacted] Drive or [redacted] Avenue during his entire 12.5-hour shift.
- Based on the vehicle GPS data I reviewed, it was clear Officer Smithmatungol was not at [redacted] Drive on October 25, 2024, at 2142 hours, as he had documented on his subpoena form. At that exact date/time there is ALPR data of him traveling eastbound on John Daly Blvd.
- Based on the vehicle GPS data I reviewed, it appears Officer Smithmatungol never stopped his vehicle in front of [redacted] Drive long enough to attempt a Subpoena Service.

WITNESS INTERVIEWS:

On Thursday, January 30, 2024, at approximately 1326 hours, I traveled to [redacted] Dr. and attempted contact at the residence. As I knocked on the front door, I immediately heard a large breed dog aggressively bark from inside the residence. After waiting several seconds, I pressed the doorbell and could hear an audible chime emanate from inside the residence. The dog continued to bark until the garage door opened and a subject named [redacted] exited informing me he had a "very unhappy German Shepherd." I introduced myself and he agreed to speak with me.

[redacted]

Statement of [redacted] summarized and BWC recorded:

[redacted] recalled that on October 26, 2024, Sergeant Douglas traveled to his home and inquired about an attempted subpoena service the night before. [redacted] confirmed that he and his family were home on October 25, 2024 (during the day and night) and no one came to their home. He explained that his German Shepherd named "Bear" is extremely protective of the residence and barks uncontrollably whenever someone knocks on the front door or rings their doorbell. No one attempted contact at their home on October 25, 2024.