



San Diego City Attorney Mara W. Elliott

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City Prevails in SDPD Discrimination Case *Jury rejects allegations made by probationary trainee*

A Superior Court jury today found for the City of San Diego in a lawsuit filed by a former San Diego Police Department probationary trainee, Matthew Francois. The jury determined that Francois' claims of racial discrimination and retaliation were without merit, upholding SDPD's decision to dismiss him. Francois was seeking \$200,000 from the City in lost wages, plus up to \$100,000 in other damages.

Testimony and evidence showed that Francois was dismissed because he underperformed during his one-year probationary period and resisted counseling by his supervisors.

Despite receiving almost a full year of intensive training, Francois did not demonstrate an understanding of police policies and protocol and failed probation when his supervisors determined he was not "a competent, independently functioning police officer."

Evidence showed that Francois:

- cited and released a 15-year old girl who had shoplifted vodka and a pregnancy test, and who gave him a fake name, in violation of SDPD policy designed to protect at-risk youth and potential human trafficking victims;
- conducted an unsafe vehicle search with a passenger still in the car, putting himself and his colleague in danger, in violation of SDPD policy;
- released a suspect who physically assaulted a Nordstrom employee and should have been charged with felony robbery, in violation of SDPD policy;
- was reprimanded for calling SDPD personnel vulgar names; and
- parked in residential neighborhoods late at night hoping to write tickets to drivers rolling through stop signs. He told another officer he preferred this activity because it would lead to court appearances and the overtime pay he needed to purchase a Mercedes-Benz.

"Frivolous lawsuits like this one drain precious taxpayer resources from things that are important to our residents, like parks, streets, and public safety," City Attorney Mara W. Elliott said. **"I am pleased that the jury held the plaintiff accountable for his own conduct."**

In his complaint, Francois alleged he was dismissed in retaliation for his speaking out against department discrimination and assisting Sgt. Arthur Scott in his own unsuccessful discrimination lawsuit against the SDPD.

On the witness stand, however, Francois acknowledged under oath that he had never complained to his supervisors about discrimination, and that he did not assist Scott in preparing his lawsuit.

Francois and Scott did exchange text messages in the months before Francois' dismissal. In one, prior to his having any performance issues, Francois implied he would sue the SDPD for discrimination. Later, after his suit was filed, he texted a friend saying he hoped to win enough money to purchase a home in Coronado.

In the Scott lawsuit, a jury found no fault with SDPD. The trial court awarded more than \$51,000 in costs to the City.

The City was defended by Deputy City Attorney Laura DePoister, assisted by second-chair Deputy City Attorney Erin Kilcoyne and investigator Jeffrey Dean.

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