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San Francisco loses last appeal in suit over police trainee's arrest and treatment

By Bob Egelko | February 28, 2018 | Updated: February 28, 2018 5:49pm

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Photo: SFPD

IMAGE 1 OF 5
A San Francisco Police Department insignia.

San Francisco lost a state Supreme Court appeal Wednesday and will have to pay \$575,000 in damages, and \$2 million in attorney's fees, to a former police trainee who was arrested at gunpoint while jogging in Golden Gate Park and was fired two days later.



The court unanimously denied review of an appellate ruling that had upheld a jury verdict that Bret Cornell's fellow officers had falsely arrested him, and further violated his rights by branding him as a wrongdoer, ending any prospects of future police work.

Cornell, then a recent police academy graduate, was jogging on a park path one morning in July 2010 while off-duty, wearing civilian clothes. Two officers drove up, toward an area where they had made drug arrests, and thought Cornell, whom they didn't recognize, looked worried and was trying to run away from them, so they called for backup assistance.

Cornell said he was walking down a trail when he heard a man shout, "I will shoot you," turned to see a dark figure holding a gun, and sprinted away before tripping and falling down a hill, the appeals court said. It was only then that he realized his four pursuers were police officers, who handcuffed and searched him and found his police identification. He told them he was an officer, but they took him to the police station in handcuffs.

The officers refused to tell him why he was being arrested, and one officer, David Brandt, accused Cornell of trying to "work the system," the court said. At the station, he was chained to a bench while officers chuckled about his being a field officer trainee, with comments like "another one bites the dust."

Later, at a hospital, where Cornell was taken after feeling ill, Brandt planted a hidden recorder near Cornell, which turned up nothing incriminating, the court said.



Police released Cornell after nearly six hours in custody but issued him a citation for resisting or delaying an officer in the course of his duties. No charges were filed, but the citation automatically led to his firing two days later.

In a November ruling, the First District Court of Appeal upheld the jury's 2013 verdict that police had wrongfully arrested Cornell and caused him financial harm by violating his rights.

"The man had nothing in his hands, made no furtive movements ... was speaking to no one," gave no indication he was hiding anything and disobeyed no orders, Justice Jon Streeter said in the 3-0 ruling.

"Officer Brandt chased down and trained a weapon on a running man about whom he knew virtually nothing, except that this was someone who had the temerity to try to elude capture," Streeter said. And he said the evidence suggested that the officers had acted "spitefully" in issuing a "baseless" citation that they knew, or should have known, would end Cornell's chances of a police career.

After the state's high court rejected the city's appeal Wednesday, Cornell's lawyer, Michael Haddad, said he was "glad that Bret's ordeal is finally over." He said Cornell "has moved out of state and he's moving on with his life," and declined to elaborate.

City Attorney Dennis Herrera's office did not immediately respond to a request for comment.

The case is Cornell vs. San Francisco, S246152.

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