Incident Report: Filed by Patrolman LeRoy Takahashi

San Francisco Police Department

Friday, October 5, 2012

At approximately 4:49 p.m. on October 5, 2012, Patrolwoman Sarah Foster and I received a call from our dispatcher, advising us to proceed to the corner of California Street and Van Ness Avenue, where a trolley had apparently run over a man, causing “grievous injury or death.” Patrolwoman Foster and I proceeded to the aforesaid corner, where we observed a city ambulance crew placing the body of a Caucasian male, approximately fifty years of age, into an emergency vehicle. A trolley was parked on the siding, just beyond the site of the alleged incident.

A woman approached us in an agitated state and identified herself as Daphne Jones, 3 Clark Street, Oakland, age twenty-seven. She reported that she had thrown a trolley switch beside the track and diverted the trolley onto the siding where the alleged accident had occurred. We inquired as to why she had acted in such a manner, and she indicated that it was in order to save the lives of five other persons who were standing on the main track. We instructed her to remain in our vehicle while we conducted a surveillance of the area and interviewed other witnesses.

After speaking with several eyewitnesses, we determined that Ms. Jones’s account of the incident was accurate. Upon checking with SFPD HQ, we were informed that no apparent crime had occurred, as Ms. Jones’s conduct appeared to meet Exception 3 to Section 192, Manslaughter: “Killing another person when you kill to protect yourself *or another* from being killed or suffering great bodily injury does not constitute manslaughter, either voluntary or involuntary.” We advised Ms. Jones that she might be contacted by the district attorney’s office, but for now she was free to go. She was still quite agitated, so we drove her to her home and notified our dispatcher at approximately 7:15 p.m.

Source: *The Trolley Problem-Or-Would You Throw the Fat Guy Off the Bridge: A Philosophical Conundrum*. (pages 10-11). 2013. Cathcart, Thomas. New York, Workman Publishing.

