

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/19 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF/W **DEPT. ACTION:**

FINDINGS OF FACT: The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/19 **DATE OF COMPLETION:** 03/28/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said the named officers failed to write an incident report documenting elder abuse. The complainant also said the named officers left to respond to a robbery but never returned.

SFPD records show the complainant called the emergency line and told the operator he wanted to make a report about an Adult Protective Service worker not following the law. The records showed the named officers responded to the call and when they arrived at the scene, they could not locate the complainant. The officers reported trying to call him but there was no answer.

DGO 2.01 states that, “while on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/19 **DATE OF COMPLETION:** 03/28/22 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3 - 4: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said the named officers failed to write an incident report documenting elder abuse.

Body Worn Camera footage shows the complainant telling the named officers that four Adult Protective Service (APS) employees were abusing him by refusing to supply him a social worker. The complainant then played a recording of the alleged abuse. In the recording, the complainant asked for the APS operator's name, and when the operator refused, complainant became verbally abusive and hung up. The complainant then played a second recording in which another APS operator refused to provide a name to the complainant. The named officers advised the complainant that APS did not refuse to provide him with a social worker. The complainant then told the officers he wanted a note documenting that the officers responded to his call of elder abuse and named officer #2 told him there will be a note on the computer. The complainant said, "Thanks. That is all I need."

DGO 2.01 states that, "while on duty, members shall make all required written reports of crimes or incidents requiring police attention."

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/19 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 **DATE OF COMPLETION:** 03/01/22 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant did not witness the incident. She filed the complaint based on the information she received from the co-complainant. DPA interviewed the co-complainant and he stated that he and a friend were sitting in his car and observed the named officer, in a marked patrol vehicle, pass by them twice. The co-complainant stated that the named officer, without justification, stopped his patrol vehicle, approached the co-complainant's car, and questioned the co-complainant about whether he legally owned his vehicle. The co-complainant stated that he advised the named officer that the car was registered to him, properly insured, and that he had the requisite documents in the car. The co-complainant also provided his identification to the officer.

The named officer denied detaining the co-complainant without reasonable suspicion, stating he patrolled the incident area because it was known to have stolen vehicles and he previously discovered stolen vehicles at that location. The named officer further stated that the co-complainant's vehicle was suspicious because the officer received information that the license plate belonged to a different model of car. Additionally, the car was parked in violation of the Vehicle Code because it was parked facing the wrong direction. The named officer ran the co-complainant's license plate twice, both times yielding a different make and model than what he observed. However, after speaking with the co-complainant, the named officer was able to verify the vehicle was, in fact, registered to the co-complainant, and that the plate did, in fact, belong to that vehicle. The named officer did not cite the co-complainant, only advised him about the reasons underlying the stop.

Department records showed that the named officer was patrolling the incident area and ran multiple license plates prior to detaining the complainant. The records also indicated that he shortly detained the co-complainant and his passenger.

There was no body-worn camera footage for this incident. DPA is prohibited from accessing CLETS information and therefore could not verify what information the named officer received.

The passenger declined multiple attempts by DPA to obtain his statement.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 **DATE OF COMPLETION:** 03/01/22 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #2: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** IE **DEPT. ACTION:**

FINDINGS OF FACT: The co-complainant stated that as the named officer approached his vehicle, his friend exited his vehicle because his friend's vehicle was illegally parked across the street. He and his friend believed the named officer was approaching them about his friend's vehicle. However, to their surprise the named officer used several profanities while demanding the complainant's friend get back into the complainant's vehicle. The co-complainant also stated that the named officer was hostile, intense, rude, and angry.

The named officer denied the allegation, stating he was not rude and did not recall using any profanity during the interaction with either the co-complainant or his friend.

There was no body-worn camera footage for this incident. The passenger declined multiple attempts by DPA to obtain his statement, and the co-complainant and named officer gave conflicting statements.

The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION #3: The officer detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF **FINDING:** IE **DEPT. ACTION:**

FINDINGS OF FACT: The co-complainant stated that when his friend exited his vehicle to move his own illegally parked vehicle, the named officer pointed his gun at his friend and told him to get back in the co-complainant's vehicle. The co-complainant stated that his friend raised his hands in the air and got back in the complainant's vehicle.

The named officer denied pointing his firearm at the complainant's friend. He emphasized that he was by himself investigating a possible stolen vehicle when he observed the co-complainant's friend exit the passenger side of the co-complainant's vehicle. The named officer stated that he exited his patrol vehicle, used his right hand to pull out his firearm and hold it down to his side, and raised his left hand to motion for the co-complainant's friend to get back into the co-complainant's vehicle. The named officer stated that his gun was neither in low ready nor pointed at the complainant or his friend.

There was no body-worn camera footage for this incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 DATE OF COMPLETION: 03/01/22 PAGE# 3 of 4

While the named officer explicitly described his actions and physically demonstrated for DPA what occurred, because this interaction was not recorded, DPA is unable to determine if the firearm was pointed, could have been perceived as being pointed at the friend, or otherwise used in any inappropriate manner. DPA acknowledges that the co-complainant and his friend might have felt afraid and threatened due to the named officer removing his firearm from its holster, regardless of the precise way in which the firearm was held. However, DPA also acknowledges that the named officer perceived a threat based on the co-complainant's friend's conduct. Based on the named officer's investigation of a possibly stolen vehicle with two passengers, his response was not out of policy if the firearm was indeed held only down at the named officer's side. The lack of body-worn camera footage rendered DPA unable to make a finding by a preponderance of the evidence.

The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION #4: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The co-complainant believed that when the named officer asked him if his car belonged to him that the named officer had a biased toward him because he was a young brown man driving a nice vehicle.

The named officer denied knowingly engaging in biased policing due to race, stating the co-complainant's race and appearance had nothing to do with why he stopped and approached the co-complainant's vehicle. The name officer reiterated that he stopped the co-complainant's vehicle only after he ran the license plate numerous times, which yielded returns not matching the make and model of the vehicle.

Department records showed that the named officer ran multiple license plate numbers prior to running the co-complainant's license plate, corroborating that he was checking multiple plates in the area to look for stolen vehicles.

Department General Order 5.17 states officers shall not consider actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation or gender identity in establishing either reasonable suspicion or probable cause except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 **DATE OF COMPLETION:** 03/01/22 **PAGE# 4 of 4**

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND **FINDING:** IC/S **DEPT. ACTION:**

FINDINGS OF FACT: During the investigation DPA found that the named officer failed to activate his body-worn camera as required.

The named officer acknowledged that he failed to activate his body-worn camera as required.

Department General Order 10.11 require members equipped with body-worn cameras to activate them to record detention and arrests. Furthermore, Department Bulletin 20-175 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording prior to approaching the person, vehicle, location.

There was no record of body-worn camera footage for this incident.

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to comply with DB 20-141, Stop Data Collection System (SDCS).

CATEGORY OF CONDUCT: ND **FINDING:** IC/S **DEPT. ACTION:**

FINDINGS OF FACT: SFPD Department Bulletin 20-141, Stop Data Collection System (SDCS), required members to submit through the SDCS web portal stop data for all stops, including detentions prior to end of their shift, unless exigent circumstances prevent entry, in which case officers shall enter data by the end of their next shift.

The named officer acknowledged that he stopped the co-complainant and his friend and was required to enter SDCS information. He also admitted that he did not enter SDCS information for the incident or delegate the task to another officer.

Department records indicated that there was no SDCS entry for this stop and the named officer was responsible for making sure that the entry for this incident was entered. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 **DATE OF COMPLETION:** 03/11/22 **PAGE# 1 of 5**

SUMMARY OF ALLEGATION #1: The officer failed to make an arrest.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he observed vagrants shoplifting in a local convenience store. He addressed the issue with the store manager who informed him that neither the store nor the City were enforcing laws against shoplifting. The complainant observed the named officer enter the store, and visibly upset, he approached the officer demanding him to arrest the shoplifters. He stated that the named officer declined to arrest the subjects, stating that he was not assigned to the jurisdiction, and it was not his responsibility to address the shoplifters.

The named officer stated that he was working an overtime assignment where he was required to maintain high visibility within the store to serve as a deterrent for potential crimes. He stated that the complainant abruptly approached him and yelled, repeatedly, and incoherently, for him to arrest an individual who may have been stealing and demanded for him to “do his job.” The named officer attempted to inquire with the complainant as to what exactly he observed and whether he observed the individual steal anything. The complainant was unresponsive to his questions but continued to yell and bounce around among topics. While the named officer informed the complainant that he was not typically assigned to the jurisdiction (as he was working an overtime assignment), he denied refusing to address the issue. In fact, to appease the complainant and diffuse the situation, the named officer stated that he briefly contacted the individual suspected of shoplifting, in the aisle. The named officer did not observe her commit any crime, or otherwise observe any behaviors consistent with criminal activity, such as shoplifting. He explained that he could not arrest anyone for shoplifting if they did not attempt to leave the store with unpaid items.

Surveillance footage showed the named officer interact with the complainant and approached the suspected shoplifter in the aisle. The footage also reflects that the suspected shoplifter thereafter entered the checkout line to purchase her items.

The named officer was correct in his assertion that he could not legally arrest an individual whom he did not observe commit a crime or attempt to leave the store with unpaid items.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department Bulletin 20-094 (Mandatory Use of Respirators and Masks).

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 **DATE OF COMPLETION:** 03/11/22 **PAGE# 2 of 5**

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer wore his mask inappropriately below his nose. The complainant stated he alerted the officer about his non-compliance with public health orders to which the officer defended his actions by asserting that COVID is not transmittable through the nose.

The named officer denied making the alleged comment and declared that he wore his mask appropriately. However, during one point in the interaction his mask fell below his nose. When the complainant brought that to his attention, he immediately corrected it.

The surveillance footage corroborated the named officer's assertion, as it showed the named officer making a hand gesture to correct the placement of his mask on his face.

Department Bulletin 20-094, **Updated Guidance for Mandatory Use of Respirators and Masks for Police Department Employees**, required officers to wear a mask when they provided services to the community.

While the officer's mask momentarily fell below his nose, the evidence reflected that he quickly corrected the issue upon notification.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 **DATE OF COMPLETION:** 03/11/22 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #3: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when the named officer declined to address the shoplifters, he inappropriately laughed at the complainant.

The named officer denied laughing at the complainant's concerns or otherwise behaving inappropriately. He stated that he takes all concerns brought to him seriously and tries his best to reach successful mediations in his encounters. The named officer hoped for a successful mediation in this incident, however due to the complainant's behavior, one did not occur.

The complainant made inconsistent statements. Additionally, a witness to the incident corroborated that while the complainant displayed inappropriate behavior, the officer acted in a polite and professional manner. Based on a preponderance of the evidence, the named officer more likely than not did not laugh at the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 **DATE OF COMPLETION:** 03/11/22 **PAGE#** 4 of 5

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate his body-worn camera as required.

CATEGORY OF CONDUCT: ND **FINDING:** IC/S **DEPT. ACTION:**

FINDINGS OF FACT: During the investigation, DPA found that the named officer failed to activate his body-worn camera footage while interacting with the complainant and the individual accused of shoplifting.

The named officer acknowledged that while he was equipped with his body-worn camera, he did not activate it at any time during the incident. The named officer stated that it did not appear to him that the interactions, as explained above, required activation. The named officer explained that tempers were high, various things were being thrown at him at different times, and that he was simply trying to figure out what occurred with a “potential” shoplifter, if anything. He had not determined a crime had been committed, and therefore, did not activate his camera. He further explained that he did not perceive the situation to be “hostile,” as enumerated in Department General Order (DGO) 10.11, Body-Worn Cameras. Rather, he perceived the situation to involve an elderly male who was loud, and rude, and portrayed behaviors consistent with undergoing a mental health episode, but not hostile.

The surveillance footage showed that the named officer spoke with both the complainant and the individual accused of shoplifting. The footage also showed the named officer follow the individual to the checkout line where it appeared they continued their conversation.

Department General Order 10.11, Section III C states, in part, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim; . . . 11. During any citizen encounter that becomes hostile . . . 13. Only in situations that serve a law enforcement purpose.”

Department Bulletin 20-175 clarifies that “Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed. . . When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene. . . For self-initiated activity, such as traffic stops, pedestrian stops and other law

enforcement activity, including Mental Health Evaluations, members shall begin recording prior to approaching the person, vehicle, location.”

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 DATE OF COMPLETION: 03/11/22 PAGE# 5 of 5

Through DPA's investigation, which included, witness interviews, the complainant's interview, and the officer interview, DPA determined that the complainant was quite angry and approached the officer already yelling and behaving in an irate manner. Additionally, the named officer approached the individual in the aisle with information that the individual may have knowledge of criminal activity as a suspect or witness. Thus, in compliance with DGO 10.11, the named officer should have activated his body-worn camera footage. Neither the complainant's mental status, nor the absence of documented criminal activity negated his duty to activate under Department policy.

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/21 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA **FINDING:** PF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that an individual was unlawfully detained while he was in a district police station parking lot taking photographs of police vehicles and the station.

Named officer #1 stated that he detained the individual after observing him walk behind the captain's unmarked car and crouched down out of view. Named officer #1 believed the individual was possibly trying to mess with the vehicle's license plates, steal something, or vandalize the police cars in the parking lot. He further stated that the week before this incident, a marked vehicle was vandalized by an unknown suspect. He stated that based on his training and experience, it looked like the individual was about to commit a crime, just committed a crime, or was in the process of trying to commit a crime.

Department General Order 5.03, Investigative Detentions, states in relevant part that an officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific, articulable facts to support their actions. Additionally, a detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation that would confirm or dispel the reasonable suspicion.

Body-worn camera footage captured the entire interaction between the named officers and the individual. The named officers articulated their reasonable suspicion to believe the individual possibly tampered with or vandalized unmarked and/or patrol cars in the parking lot. The superior officers that responded to the scene informed the named officers that the individual had the right to take photographs and trespassing was not an issue. However, the superior officers also confirmed that the named officers had the right to detain the individual to investigate auto tampering or vandalism. After officers reviewed surveillance footage and the unmarked and patrol cars were physically inspected for any evidence of tampering, the named officer issued the individual a Certificate of Release. However, this process took quite awhile because of the officers' general confusion over whether the individual had a right to be on police station property filming and taking photos.

Police records confirmed that a patrol vehicle was vandalized the week before the incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/21 DATE OF COMPLETION: 03/21/22 PAGE# 2 of 3

A Subject Matter Expert (SME) on First Amendment activity stated that there was no current policy regarding members of the public filming police stations or parking lots. However, he believed this incident was different because the individual was detained based on the basic laws of detention and arrest.

Police records document that a Certificate of Release was issued, and an incident report was generated.

The named officers investigated the possible vandalism and/or tampering of patrol cars until they dispelled their reasonable suspicion by reviewing surveillance footage and checking vehicles for tampering. The named officers complied with Department policy; however, this was a unique situation where many officers assisted and needed further guidance. There is no policy on how to handle these types of situations at the station and on its property.

The Department has two General Orders that deal with First Amendment issues. However, DPA could find no Order, Bulletin, Notice, or other materials that address the situation that the officers faced here: a person filming at, around, or potentially inside of a police station. Self-styled “First Amendment auditors” are increasingly more common in San Francisco and nationwide. The length of time the individual was detained, and the number of officers involved in this one incident revealed that it behooves the Department to provide some guidance to its members and to create a policy about how officers should deal with these situations. The existing DGOs are simply not applicable to this type of First Amendment activity.

The evidence proved that the alleged conduct occurred but was justified by Department policy or procedures; however, the DPA recommends that the policy or procedure be changed or modified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/21 **DATE OF COMPLETION:** 03/21/22 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #3-5: The officers displayed harassing behavior.

CATEGORY OF CONDUCT: Cuo **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers harassed an individual in the parking lot by repeatedly questioning him regarding what assistance he needed from the police.

The named officers denied any type of harassment and intimidation.

Body-worn camera footage showed that the named officers questioned the individual and the individual answered the questions. The named officers acted in a professional manner.

The individual's video footage captured him telling named officer #3 to be quiet and keep it down because she was not involved in the incident. A heated dialogue ensued in which the individual told named officer #3 she was dismissed and that she should let the "higher ups" handle the incident because she was not qualified. Named officer #3 told the individual to leave several times and he refused. He requested her name and star number and she provided them.

Based on the totality of circumstance, there was no harassment, unlawful violence, threats of violence, or annoyance of the individual. The named officers were investigating a possible crime, and it required asking the individual questions to get information. Department records established the officers treated individual with courtesy and respect throughout the incident and were patient. Named officer #3's conduct did not rise to the level of misconduct. The named officers followed policy as there was no profane, harsh, or uncivil language during the investigation.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 **DATE OF COMPLETION:** 03/06/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order (DGO) 8.03.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that there was no warning to get back or any formal dispersal orders by SFPD during a protest.

Department General Order (DGO) 8.03, Crowd Control, states that a primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly. Crowds shall not be dispersed or ordered to move unless there are reasonable and articulable facts justifying the order in accordance with law. However, to ensure that the participants can hear and understand the order to disperse, equipment appropriate to the size and noise of the crowd shall be used. The order of dispersal shall be given repeatedly over a period of time and, if necessary, from a variety of locations.

Department records showed that when the peaceful protest turned unruly, aggressive, and chaotic, lawful commands to move back well as dispersal orders were given to the crowd. The unruliness of the protesters and the formal dispersal orders were documented throughout the Computer Aided Dispatch (CAD) record, incident report, and were captured on various body-worn cameras.

Members that were interviewed confirmed that they heard dispersal orders given to the crowd over a loudspeaker, in addition to their personal commands to the crowd to get back.

Police records and body-worn camera confirmed that formal dispersal orders were given as well as lawful commands to move back. It is also possible that in the chaos, the complainant did not hear the initial verbal commands as opposed to the later commands given over loudspeaker.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 **DATE OF COMPLETION:** 03/06/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #1: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: **UF** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated officers pushed protesters, used their batons and yelled at protesters to get back. She stated that while walking backwards and following orders, an officer pushed a protestor who subsequently collided into the complainant, causing the complainant to fall to the ground and hit her head. As a result of the fall, the complainant sustained a concussion.

The named officer stated that protesters became hostile and surrounded officers. He stated that individuals in the crowd appeared to be dressed in all black, armed with weapons described as frozen water bottles and bottles filled with a foreign substance. The named officer stated that protesters were in very close proximity, like within feet of other officers that were on the scrimmage line. The protesters chanted and yelled at the officers throughout the incident. The named officer stated that due to the totality of the situation, and the crowd being aggressive, it was not feasible or safe to utilize any de-escalation tactics. He further stated that he gave lawful commands, which were ignored by the protesters. He stated that the individual in front of the complainant, along with the other protesters in the crowd, were aggressive and made body charges toward the officers on the scrimmage line. He acknowledged that he used a two-hand push against an aggressive individual not following his order to get back. The named officer stated that he used reasonable force and his actions were within policy.

DPA interviewed a Subject Matter Expert (SME). After review of all the evidence, he affirmed that the officer's actions were within policy. He stated that there was a scrimmage line, officers pushed protesters back and gave commands throughout. There were two individuals arrested. The protestor that went to the ground appeared to be aggressive and non-cooperative with the commands that were given by numerous officers. Once the complainant fell, she was pulled back out of the way.

Department records indicated that officers reported their use of force and a supervisor conducted use of force evaluations. The incident report was very detailed and documented the levels of resistance, the number of arrests, the level of force used, and the force options that were used.

Body-worn camera footage showed the named officer use a two-hand push against an individual that was in front of the complainant. The complainant fell to the ground and was subsequently surrounded and pulled up by other officers and individuals in the crowd for her safety.

Department General Order (DGO) 5.01 states that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search, or to overcome resistance or to

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 DATE OF COMPLETION: 03/06/22 PAGE# 3 of 3

prevent escape. DGO 5.01 also states that when a subject is exhibiting active resistance (described as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or restrained in custody), possible force options include use of personal body weapons to gain advantage over the subject, pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

DPA interviewed the named officer, a witness officer, and a Subject Matter Expert regarding this matter. Additionally, body-worn camera (BWC) footage showed that the named officer used a two (2) hand shove to back the protesters up. After lawful orders were given for protesters to back up, BWC did not show definitively whether the amount of force that was used was more than what is outlined in Department General Order (DGO) 5.01 by a preponderance of evidence. DPA was unable to make a determination that there was excessive force, or even that any contact to the complainant was intentional. The video evidence showed that no officer directly applied force to the complainant. However, it was not clear from the video precisely how the complainant ended up on the ground. The force used against the individual in front of the complainant was enough for the protestor to back into or fall into the complainant, which likely made the complainant fall and suffer a serious injury. For that reason, the footage also does not definitively show that the Use of Force (UOF) was within policy.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 DATE OF COMPLETION: 03/29/22 PAGE# 1 of 4

SUMMARY OF ALLEGATION #1: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the named officer stole his property when he booked the complainant's property as evidence even though it was not associated with a crime. The complainant requested the release of his property.

The named officer denied the allegation, stating that the complainant was arrested on outstanding warrants and pursuant to the arrest, certain property items were removed from his vehicle and booked for safekeeping. The officer further stated he booked the property under the property for safekeeping classification.

Police records and body-worn camera footage showed that the complainant was lawfully arrested on an outstanding warrant, the complainant asked the named officer to remove his property from his vehicle so the property would not get stolen, certain property items (of high value) were booked as property for safekeeping on behalf of the complainant, the complainant was issued a property receipt, and the complainant's vehicle was lawfully towed.

Department General Order 9.06, Vehicle Tows, stated that when towing a vehicle, officers shall inventory the contents of the vehicle. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.

Department General Order 6.15 outlines procedures for processing of property for identification which includes evidence and non-evidence. Non-evidence is divided into two categories: Found Property and Property for Safekeeping.

While DPA understands the complainant believed the named officer booked his property as evidence, the DPA investigation revealed that the complainant's property was not booked as evidence and that the named officer properly classified the property removed from the complainant's vehicle as non-evidence, property for safekeeping.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 **DATE OF COMPLETION:** 03/29/22 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 6.15.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer stole his property and booked it as evidence even though the property was not associated with a crime. The complainant requested the release of his property.

The named officer stated that the complainant did not contact him regarding the release of the property removed from the complainant's vehicle. He further stated that he was not authorized to release the property to the complainant, but the investigating officer was authorized to release it.

The investigating officer confirmed the named officer was not authorized to release the complainant's seized property.

Police records showed that the complainant's seized property was booked as non-evidence.

The complainant made an online complaint that included a brief summary of the complaint. DPA attempted to obtain a statement from the complainant; however, he did not respond to DPA's request for additional information.

Department General Order (DGO) 6.15 states that when returning property at the District Station, property may be returned to its owner if it is not contraband and cannot be connected to a crime. Certain evidence connected to a robbery, or a purse snatch may be returned if keeping it causes a substantial inconvenience to the owner. This evidence may include driver licenses, passports, identification cards, credit cards, money, keys, or similar articles. Additionally, officers are directed to always consult their lieutenant and get his/her approval before returning any property. The decision to release the property must be based on the facts in the case, the advice of the Investigations Bureau, the jeopardy to prosecution, and the real and urgent need of the owner.

In accordance with DGO 6.15, the named officer booked the complainant's seized property as non-evidence and would not have released the seized property to the complainant, if asked.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 **DATE OF COMPLETION:** 03/29/22 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 6.15.

CATEGORY OF CONDUCT: ND **FINDING:** PF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer stole his property and booked it as evidence even though the property was not associated with a crime. The complainant requested the release of his property.

The named officer was the assigned investigator that established the probable cause that connected the complainant's van to a burglary case. She stated the complainant never contacted her regarding the release of the property removed from his vehicle. She confirmed that during the complainant's arrest, officers removed property from the complainant's vehicle for safekeeping. She also confirmed that it would be her decision whether to release the complainant's property to him. However, before releasing the property to the complainant, she would need to either prove the property was not associated with a crime or the complainant could prove he was the rightful owner of the property. She was not aware of any laws or Department policies that placed time restrictions on how long property could be held for safekeeping.

The DPA interviewed a Subject Matter Expert (SME) on the booking, storage, and release of property. The SME explained that all booked property except found property needed the approval of the investigating officer before its release. She stated that the investigating officer should practice due diligence and make an assessment as to whether the booked property was legitimately owned by the individual requesting the property and was not evidence associated with a crime. However, there also was no time limit which restricts how long booked property can be held as property for safekeeping.

Department General Order (DGO) 6.15 states that when returning property at the District Station, property may be returned to its owner if it is not contraband and cannot be connected to a crime. Certain evidence connected to a robbery, or a purse snatch may be returned if keeping it causes a substantial inconvenience to the owner. This evidence may include driver licenses, passports, identification cards, credit cards, money, keys, or similar articles. Additionally, officers are directed to always consult their lieutenant and get his/her approval before returning any property. The decision to release the property must be based on the facts in the case, the advice of the Investigations Bureau, the jeopardy to prosecution, and the real and urgent need of the owner.

Although DGO 6.15 is the only DGO that deals with the release of property, it does not specifically address the issues in this case. Furthermore, DGO 6.15 (Processing Property) has not been updated since

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 DATE OF COMPLETION: 03/29/22 PAGE# 4 of 4

July of 1994. Based on the officer and subject matter expert interviews there is no Department General Order which directs officers to make a timely determination as to whether seized property is associated with a crime or if the property can be returned to the legitimate owner.

The evidence proves that the alleged conduct occurred but was justified by Department policy or procedures; however, the SFPD or DPA recommends that the policy or procedure be changed or modified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/21 DATE OF COMPLETION: 03/17/22 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The complainant and co-complainant worked together to report a suspected sexual assault of a minor that occurred at a coffee shop. They stated the named officer pressured the co-complainant to reveal the complainant's name, even though the co-complainant told officers that the complainant wanted to remain anonymous. The complainants did not respond to multiple requests for a DPA interview.

The named officer stated he and his partner were assisting the Special Victims Unit by retrieving video footage of an anonymously reported suspicious act involving a juvenile at a coffee shop. While he was at the coffee shop, he was approached by the manager and the co-complainant, who also worked at the coffee shop. The employees said they had witnessed an unlawful physical contact between a man and a juvenile. They described the involved individuals, provided the name of the student, and described what they had seen. The named officer did not recall if the co-complainant told the officers how she knew the name of the student. The named officer did not recall asking the witnesses for the source of their information. The named officer denied raising his voice or threatening the co-complainant about providing more information. He also denied saying that there would be consequences for failing to identify the complainant. The named officer stated the complainant's daughter readily supplied answers to investigative questions and expressed no reluctance to do so. The named officer stated that he turned off his body-worn camera (BWC) during the contact with the witnesses per SFPD Department Bulletin 19-175 regarding maintaining privacy in sexual assault matters. The named officer stated what occurred after he turned off his BWC was documented in his incident report.

Dispatch records revealed that a school employee and a social worker relayed that an anonymous caller reported a student was groped at a coffee shop. The reporting parties later called back to say that they spoke to the student, and she denied being groped.

BWC footage of the interaction between the officers and co-complainant showed that the named officer behaved in a professional and nonthreatening manner. When the officers were speaking with the coffee shop manager about the surveillance footage, the co-complainant interjected to inform the officers that the complainant was the anonymous reporting party and that she had worked with the complainant to identify

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/21 DATE OF COMPLETION: 03/17/22 PAGE# 2 of 2

SUMMARY OF ALLEGATION #1: Continued.

the potential victim using school records. The officers were not interrogating the co-complainant when she volunteered this information, and their follow-up questions were relevant and appropriate.

The officers had a duty to investigate when they learned of the co-complainant's involvement in the incident. Their questions were part of an investigation and did not constitute harassment or coercion.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/2021 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 4**

SUMMARY OF ALLEGATIONS #1-2: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA **FINDING:** TF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officers illegally searched her.

Named officer #1 stated she had reasonable suspicion to believe that the complainant could have been carrying a weapon to possibly harm her, other officers, and the public. The complainant did not threaten to harm named officer #1, but she believed the complainant was dangerous because the complainant was not answering a lot of the questions the officers were asking her and the complainant seemed to be in a highly agitated state, possibly under the influence of narcotics or alcohol, or in an altered mental state. Named officer #1 also heard a broadcast from Dispatch and an officer at the scene that the complainant had a weapon, at least at one point. The complainant was not free to leave during the pat search for the complainant's well-being as well as for the others in the area. Named officer #1 stated they were trying to assist the complainant in any way they could but to safely do that the pat search was needed.

Named officer #2 stated that he assisted in searching the complainant by holding the complainant's arms on top of head and away from her body while named officer #1 conducted the cursory pat search. He did not believe the complainant was detained. He explained that it was a confusing situation because they did not know if the complainant was a victim or suspect. The complainant called the police but was uncooperative.

Department General Order 5.03.02 (E) states that a pat search allows officers to safely pursue their investigation without fear of violence, not to discover evidence of a crime. Two conditions must be met before a pat search is permitted:

1. The underlying detention must be legal.
2. The officer must be able to point to specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger.

The Computer Aided Dispatch ("CAD") summary showed that the named officers responded to a call of a person with a knife. The complainant was screaming that some individuals were there and that she was going to kill them. She then refused to answer questions from the Dispatcher. The CAD also documented that the Dispatcher could hear a male voice in fear. The male said the complainant had a knife. The CAD

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/2021 DATE OF COMPLETION: 03/21/22 PAGE# 2 of 4

documented the complainant screaming to send the police and that the complainant sounded like she was in an altered mental state.

Body-worn camera (“BWC”) footage showed named officer #1 ask the complainant if she had been pat searched and if she had a weapon. Named officer #1 informed the complainant that they were going to pat search her real quick. Named officers #1 and #2 performed the pat search on the complainant. Named officer #2 held the complainant’s arms up while named officer #1 pat searched the complainant to make sure she did not have any weapons on her.

Generally, a pat search must be incident to a lawful detention. There is at least one unpublished case wherein a consensual encounter resulted in information that the person had a knife. In that case, a pat search was permitted to recover a weapon. Here, the officers did not articulate well why they felt a detention was lawful, though they articulated why they believed the pat search was lawful. They offered valid reasons for a pat search incident to a lawful detention, such as the complainant had a knife when they arrived, she was permitted to re-enter and exit her RV, in which there was at least one knife, and likely more as the vehicle was her home. Furthermore, she had told Dispatch that she would kill the person(s) she had called the police about. The issue is that the officers did not have, nor did they claim to have, reasonable suspicion that the complainant was involved in criminal activity, justifying her detention. Thus, the officers were not able to adequately articulate why the complainant was detained, though the searching officer admitted that she was detained during the pat search. Objectively, given the complainant’s threats to kill people, and the way she continued to yell at and insult officers, as well as the knowledge that she had access to at least one knife, there was an adequate basis to briefly detain her and pat her down for weapons.

The DPA finds that the named officers’ lack of training resulted in the unlawful pat search. The named officers did not have the training to properly access under what circumstances a pat search is permissible when a traditional detention is not involved (i.e., a consensual encounter, or a potential victim that may be armed).

The evidence proves that the alleged conduct resulted from inadequate or inappropriate training.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/2021 **DATE OF COMPLETION:** 03/21/22 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #3: The officer failed to prepare an incident report.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was not given a report for her call.

Department General Order 2.01(25) states that while on duty, members shall make required written reports of crimes or incidents requiring police attention.

The named officer confirmed that the complainant informed him that she wanted to make a report. He stated that when he asked her what happened for the report, she told him that they already knew what happened. The complainant then told him that someone knocked on her door and then left. The named officer stated he needed more information like a description, the time, the direction they left, but she became uncooperative. He stated that he could not prepare an incident report because the complainant was uncooperative and would not provide the information he needed to prepare a report.

The Computer Aided Dispatch (“CAD”) summary showed that the complainant called the police to report that someone randomly person knocked on the door and she was going to kill them with a knife. The complainant then requested no further police action, at that moment.

BWC footage confirmed that the complainant informed officers several times that she wanted to file a report; however, she never provided enough information for a report to be prepared. The named officer approached the complainant and asked her to give him the full story. The complainant told him that she already did, and when he asked if she would give it to him again, she said no.

The named officer’s behavior was proper and within policy. The complainant refused to tell the named officer what happened; therefore, he was unable to prepare a police report.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/2021 **DATE OF COMPLETION:** 03/21/22 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #4: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer harassed and antagonized her.

The named officer denied the allegations stating that he repeated the same questions to the complainant to communicate clearly not to harass or antagonize her. He stated that the complainant was verbally combative during the incident, and she appeared in an altered mental state.

Body-worn camera (“BWC”) footage showed that the named officer’s behavior was exemplary. The named officer was verbally attacked by the complainant; however, he remained professional and polite during the entire incident.

Department General Order 2.01(9) states that any breach of peace, neglect of duty, misconduct, or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

The evidence showed the officer followed his training and was not in violation of Department policy.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/21 **DATE OF COMPLETION:** 03/23/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: **UF** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was informed by her adult son about the incident but did not witness it. Her son said he got on a bus and accidentally hit and broke the window with his bicycle. The son got off the bus and saw some police who told him to get on the ground, but he did not comply. The police then shot the son in the leg with a bean bag gun, arrested the son for a warrant, and took him to the hospital.

The complainant's son was interviewed as a witness in this case. He stated that he had a few alcohol shots right before the incident. He said he put his bicycle on the bicycle rack in front of the Muni bus and somehow broke the window. He later said he might have boarded the bus with his bicycle but did not remember the details. He said the bus driver then called the police on him. He got off the bus and crossed the street to get some McDonald's and was shot at by the police.

The named officer stated the complainant's son was the suspect of a Muni bus vandalism call. The Muni bus driver told officers that the suspect was agitated because his bike got stuck on the Muni bus. The suspect got off the bus and deliberately broke the rear glass door. Before attending the vandalism call, the officer said he responded to another call where a subject was carrying two knives and yelling at passersby. The description of the knife call suspect matched with the description for the vandalism call. He believed the complainant's son was armed with knives, shortly before the encounter.

The named officer said the Muni driver positively identified the complainant's son as the person who damaged the Muni bus. The named officer and his partner stopped their patrol vehicle across the street from the subject. The named officer then carried his non-lethal Extended Range Impact Weapon (ERIW) with him while getting out of the vehicle. He also requested additional resources before approaching the subject. The officer identified himself as a police officer, gave multiple verbal commands for the subject to drop his belongings, stop progressing. However, the complainant's son did not fully comply with the orders, continued yelling aggressively, walked towards the officers while holding and shaking his bag and bicycle up high, and even took a bladed stance signaling he wanted to fight during the interaction. The officer said due to the subject's continuous assaultive behavior and failure to comply with the officer's orders, he fired three bean bag shots below the subject's waistline. The subject finally complied, dropped all his belongings, and lay on the ground on his own.

The witness officer was the lethal cover officer and the driver of the patrol vehicle. He confirmed discussing with the named officer before locating the subject that the vandalism subject could be the same person as the suspect with two knives. The witness officer stated that he stopped the patrol car across the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/21 DATE OF COMPLETION: 03/23/22 PAGE# 2 of 3

street on purpose to allow more time and distance to create a buffer zone. They tried to communicate with the complainant's son by giving verbal commands. However, the subject was not complying and continued to walk towards the officers. He stated that there was no opportunity for them to build rapport with the subject, but they did utilize different ways to de-escalate the situation. The witness officer stated that using the ERIW was also one of the many ways to de-escalate a situation.

Department records show the named and witness officers responded to a subject with two knives before the vandalism call. Both calls show very similar subject descriptions and matched the complainant's son's description. Other department records indicate that force was used to perform a lawful detention, overcome the subject's resistance in self-defense, and gain compliance with lawful orders. The records also show that medics checked on the complainant's son, and he was sent to the hospital for further evaluation.

San Francisco Municipal Transportation Agency (SFMTA) provided the bus surveillance video that shows the complainant's son bringing his bicycle onto the bus and leaning it against the rear bus door. When the door opened, his bicycle got stuck. He finally got the bicycle out, got off the bus, kicked and broke the door window from the outside, and fled with his bicycle.

Body-worn camera footage shows the Muni bus driver positively identifying the subject to the named officer as the person who had smashed the window of the Muni bus. The witness officer stopped his patrol vehicle at some distance from where they located the subject. The named officer carried his ERIW with him, got out of his vehicle, and used the radio to request resources. The subject was carrying a bag and walking with his bicycle while yelling loudly in the street. He then walked across the street towards the officers. The named officer told him to stop and drop the bag and bicycle. The subject did not comply but continued to walk and yell. The officer warned him twice if he did not comply, he would fire his ERIW. The subject yelled back, raised his bag and bicycle, and shook them as he continued to walk. The named officer repositioned himself and backed up a few steps. The officer then fired the first shot simultaneously as the subject threw his property on the ground and continued to advance. The subject then turned around and took a bladed stance while the named officer told him to get on the ground multiple times. The subject shouted obscenities and continued to refuse to get on the ground. The named officer then fired the second shot. The officer then told him to lay on the ground, or he would shoot him again. The subject repositioned himself, took off his jacket, raised his hands, and walked towards the officers. The named officer then fired the last shot, and the subject eventually complied and got on the ground without further resistance. As the officers searched the subject, the named officer found two knives on the complainant.

The body-worn camera footage shows that the subject was then checked for injuries while on scene and was later sent to the hospital for further evaluation.

Department General Order 5.01 states that when a subject is aggressive or combative or attempting to

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/21 DATE OF COMPLETION: 03/23/22 PAGE# 3 of 3

assault the officer or another person verbally or physically, officers are allowed to use devices or techniques to ultimately gain control of the situation.

The evidence proves that the named officer and his partner utilized various ways to de-escalate the situation per department policy. These include creating time and distance to create buffer zone, requesting additional resources, engaging in conversations with the subject, engaging with the subject, and repositioning themselves in response to the subject's actions. The evidence shows that the subject showed little or no compliance towards the named officer's continuous verbal commands, continued yelling and cursing, and assaultive behavior, such as a bladed stance, at various points, which led to the firing of ERIW shots. It was justified for the named officer to use the ERIW to gain control of the situation.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/21 **DATE OF COMPLETION:** 03/04/22 **PAGE# 1 of 4**

SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that over the span of a few days, officers unlawfully placed her on involuntary psychiatric holds requiring medical evaluations.

Department records confirm that named officer #1 and numerous other officers responded to a call-for-service at the complainant's residence resulting in her transportation to a hospital for a medical evaluation. The following day a few hours after her release, named officer #2 responded to a second call-for-service and placed her on another psychiatric hold.

Named officer #1 recalled encountering the complainant while responding to a potential domestic violence incident. Upon arrival and following an initial investigation, named officer #1 determined that a crime had not been committed and deemed the complainant in need of a psychiatric detention. The officer determined that the complainant was in crisis, had also ingested drugs, and posed a danger to herself. The named officer explained that the complainant screamed intermittently and unintelligibly, that she made inappropriate sexual advances, that she attempted to harm herself by hitting her head on a wall, and that she urinated in a hallway when speaking with officers. Moreover, her boyfriend stated that the complainant was experiencing mental trauma and had ingested extensive amounts of drugs.

A sergeant and several other officers who were on the scene of the detention agreed that from their observations, the complainant was a danger to herself.

Body-worn camera footage showed the complainant intermittently screaming that she was being raped while seated alone on a carpet, disrobing, acting inappropriately toward her own body and toward officers, and making sexual advances toward the officers detaining her. At the conclusion of the first incident, paramedics arrived, subdued the complainant, and transported her to a hospital.

The following day, named officer #2 responded to a call-for-service at the complainant's residence regarding the complainant breaking windows. Named officer #2 stated that he had probable cause to place her on a psychiatric detention as she exhibited irrational behavior

Body-worn camera footage showed the complainant intermittently yelling, and apparently drifting in and out of consciousness. Additionally, the complainant did not appropriately respond to the evaluative questions posed by the officers.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/21 **DATE OF COMPLETION:** 03/04/22 **PAGE# 2 of 4**

Per Department General Order 6.14, Psychological Evaluation of Adults, and W & I Code § 5150, a police officer may, upon probable cause, take a person into custody for a psychiatric evaluation when the person, as a result of a mental health disorder, is a danger to others, himself/herself, or gravely disabled.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: **UF** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officers cornered and restrained her unnecessarily.

Both officers maintained that they did not use unnecessary or excessive force against the complainant and that they used minimal restraints for her own safety and to prevent her from harming herself until medics arrived.

Named officer #1 explained that as the complainant exited her apartment, she walked toward him and put her hands towards his face in what appeared to be an attempt to kiss him. Named officer #1 moved her away from him and walked her to the end of a hallway at the base of an ascending staircase. Named officer #1 stated he seated her by the staircase, where her erratic behavior continued to escalate, including abusing herself, committing lewd acts, and raising her hands toward officers. The complainant stood up after being told to remain seated and named officer #1 placed her in handcuffs. The officer stated that the handcuffs prevented the complainant from injuring herself or others. Additionally, both named officers denied any other use of force, stating that they used their hands to shield the complainant from banging her head into a wall and to restrain her during an attempt to drink her own urine, after she had relieved herself on a carpet.

Body-worn camera footage showed the complainant attempted to embrace named officer #1, who held her hands and directed her to sit by a staircase, where named officers #1 and #2 remained with her, initially leaving her unrestrained. The footage showed the officers attempting to verbally calm her, using minimal restraint, and showed the complainant standing up and physically re-engaging the officers. The officers placed her in handcuffs with her full cooperation and without further incident. The officers remained with the complainant until medics arrived. The complainant at no time indicated that she was in pain. There was no indication that the officers engaged in unnecessary or excessive force. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/21 **DATE OF COMPLETION:** 03/04/22 **PAGE# 3 of 4**

SUMMARY OF ALLEGATIONS #5-7: The officers failed to provide medical treatment.

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that while she was being restrained, she informed the officers that she could not breathe; however, the officers continued to restrain her and failed to provide her necessary medical treatment.

The named officers stated that the complainant was not being restrained in a manner that would have hindered breathing. When the complainant stated she could not breathe, an officer had already summoned an ambulance. The officers took action in response to the complainant's statement, even though she did not appear to be having any trouble breathing and continued to scream and speak. To ensure that paramedics arrived as soon as possible, one officer informed dispatch that the complainant had complained of not being able to breathe. They stated they continued restraining her movement because she had displayed unstable behavior, including attempting to strike her head against a wall.

Body-worn camera footage showed that there were no restraints on or near the complainant's neck, or any other areas that would obviously restrict a person's ability to breathe. One named officer informed Dispatch that the complainant had complained about having trouble breathing and to ask for a rapid deployment of an ambulance. The footage showed the complainant seated on a carpeted hallway, and that officers used minimal force to keep her in a position that would prevent her from harming herself.

The evidence proves that the alleged misconduct did not occur.

SUMMARY OF ALLEGATIONS #8-10: The officers behaved or spoke inappropriately

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers tormented, openly mocked, and antagonized her.

The named officers denied such actions. The officers stated that all officers on scene conducted themselves professionally, acted appropriately, remained calm, and attempted to calm her down as to prevent her from harming herself.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/21 **DATE OF COMPLETION:** 03/04/22 **PAGE# 4 of 4**

Body-worn camera footage reflects that the officers conducted themselves professionally and within policy throughout the interaction with the complainant. The officers remained calm and attempted to prevent the complainant from harming herself.

The evidence proves that the alleged misconduct did not occur.

SUMMARY OF ALLEGATION #11: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers who responded to the second call-for-service several hours after her release from the hospital also acted inappropriately as they tormented her until she lost consciousness.

The named officer stated that he did observe the complainant drift in and out of consciousness. However, the named officer stated that neither he nor any other responding officer tormented her in any manner; neither physical nor mental, and that he acted appropriately towards the complainant for the duration of the incident.

Body-worn camera footage does not reflect officers tormenting her, either mentally or physically until she lost consciousness or otherwise. The officers remained calm and professional during their interaction with the complainant.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

King-American Ambulance Company
2570 Bush St.
San Francisco, CA 94115

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/21 **DATE OF COMPLETION:** 03/24/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officers who responded to the call were all male. The complainant stated the location of the incident was a transitional housing for abused women; therefore, the officers who responded should have been female.

One named officer stated he spoke to the caller upon arriving at the scene. The named officer stated the caller wanted assistance in removing a resident from the building. The named officer stated the information that was provided by the caller was that the facility was for transitional housing. The caller did not specify that the facility was all-female housing. The named officer stated he had never responded to the location previously.

The second named officer was on medical leave and unavailable for an interview.

The witness stated she called the police to request assistance in removing a resident. She stated the officers who arrived were both male.

Dispatch records showed the location of the facility. The CAD provided a description of the subject and her clothing and that the subject was refusing to leave the location. The CAD did not specify the type of housing.

The BWCs showed the officers who responded to the scene were both male. The BWCs showed the subject to be removed and the caller were both female.

While the SFPD does have policies regarding female officers conducting searches on female detainees, there is no policy regarding responses to all-female housing. Even if there was a policy barring male officers from all-female housing, the reporting party in this incident never informed the named officers that they were responding to all-female housing.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the subject was her neighbor at an all-female transitional safehouse. The complainant stated the subject was in mental distress when officers removed the woman from her home. Additionally, the complainant stated the named officers should not have prevented the subject from returning to her apartment. The complainant stated she heard the commotion. The complainant stated she did not see the incident because she was instructed to quarantine in her room.

One named officer stated they responded to the scene to remove an individual, per the caller's request. The named officer stated they were informed the facility had terminated the subject's contract for not following the program rules, destroying property, and smoking in her room. The officer stated he observed paperwork thrown around the scene and a large bulletin board torn from the wall. The officer stated the subject was escorted out of the property. The officer stated the subject walked off the property independently and was not physically removed. The second named officer was on medical leave and unavailable for an interview.

The reporting party stated she was an employee of the facility. She stated the subject had not abided by the facility's rules and asked the subject to leave but the subject would not. She then called police for assistance. She stated it was the company's policy that once a resident had been asked to leave, they cannot come back. She stated the named officers did not forcibly remove the subject and the officers acted properly.

Body-worn camera showed the reporting party provided the named officers with reasons for the removal. She also provided the officers with removal paperwork. The BWC showed the named officers spoke to the subject through a closed door, continually asking the complainant to open the apartment door and informing the subject what they would do if the subject did not comply. The reporting party eventually opened the subject's apartment door with a key. The BWC showed the named officer attempted to reason with the subject and explained the named officers' presence. The BWC showed the subject was eventually coaxed out of her apartment and exited the building on her own.

Dispatch records showed the named officers tried to meet with the subject. The subject refused to open the door and that someone was trying to get the key. The CAD showed the named officer trying to get the subject out, but the subject was not compliant. The CAD showed the subject was finally escorted out after about 45 minutes. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/21 **DATE OF COMPLETION:** 03/06/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-6: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: From a distance, the complainant observed a man playing with a whip in public. She watched as officers arrived to investigate. The complainant stated that, instead of taking action, the officers watched a whipcracking demonstration and then fist bumped the individual. The complainant stated that the officer's actions demonstrated gender bias and that they should have stopped the whipcracking so that women would feel safe walking on the street.

The named officers denied that gender played a factor in their decision-making or influenced their actions. They stated they had a consensual encounter with two men who were testing a whip they had made and determined there was no safety or criminal issue.

No witnesses came forward. The complainant provided surveillance video of the incident. The video was inconclusive as to the officers' actions or conversation, as there was no sound and the video was shot from a great distance. The video showed that the area was sparsely populated.

Department General Order 5.17 states officers shall not consider actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in establishing either reasonable suspicion or probable cause except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group.

No evidence indicated that the officers' actions were influenced by gender.

The investigation proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/21 **DATE OF COMPLETION:** 03/06/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #7: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant observed several police officers investigating a man using a whip, who was obstructing pedestrian paths. Instead of taking action, the officers watched the man give a whipcracking demonstration. One officer fist bumped the man with the whip.

The named officer responded as backup to a call-for-service regarding a mentally disturbed person with a whip on the street. The caller expressed concern for passing pedestrians. The named officer said that a small group of people were practicing their whipcracking skills and that they were not threatening anyone or blocking pedestrian access in the area. The named officer stated he had a consensual encounter with one of the subjects, speaking to him in Spanish. The named officer and his partner contacted the subjects, who said they were testing a whip they had made. The named officer determined the subjects were not engaged in criminal activity, nor did they pose a threat to the public. The named officer acknowledged that he “fist bumped” one of the subjects as an act of community engagement. The named officer described the subject as kind, respectful and cooperative with officers. The named officer stated that the subjects were advised to be careful with the whip in case of people walking by.

The complainant provided a surveillance video of the incident. The video was inconclusive as to the officers’ actions or conversation, as there was no sound and the video was shot from a great distance. The video showed that the area was sparsely populated.

The officer acknowledged the alleged behavior, but the action complained of was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/21 DATE OF COMPLETION: 03/24/22 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainant called the police to report a sexual assault that had occurred the previous day at a friend's apartment building. The complainant stated that the responding officers failed to properly investigate the incident because they did not ask him any questions about the incident, nor did they go to his friend's residence to retrieve pertinent evidence, such as footage that may have captured an image of the suspect's vehicle.

The named officers said they responded to the incident and elaborated on their investigate steps. The officers interviewed the complainant at a location other than where the alleged assault took place. The complainant provided his friend's phone number and the address of the residence where the alleged the assault took place. The complainant described the suspect but could not identify him. The officers went to the incident location and called the witness but could not get in touch with him. The officers noted that, because it was around 3:00 am, they were unable to gain access to the building for further investigation. The officers did not recall the complainant informing them about potential video evidence or whether he mentioned the suspect's vehicle. One named officer explained that if the complainant had informed him of this information, he would have noted it in the report for follow-up. The officers contacted the Department of Corrections and the Special Victims Unit (SVU) to notify them of the incident while on scene and provided the complainant with the requisite follow-up forms. The named officers stated that, due to the lack of available evidence at the time, their preliminary investigation and duties were fulfilled, and the case was forwarded to SVU for further investigation and follow-up.

Department records reflect that the named officers met with the complainant to take his sexual assault report. The officers interviewed the complainant regarding the assault and attempted to contact his friend but were not able to make immediate contact. The case was then forwarded to SVU. Additionally, the SVU Assignment Officer stated that she attempted to contact the complainant through several methods, unsuccessfully.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO1/IAD **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was referred to:

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/21 **DATE OF COMPLETION:** 03/28/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer was aggressive with him after a traffic collision but spoke to the other driver like they were friends. He believed the named officer made him at fault for the traffic collision because the complainant is Arabic.

The named officer denied he was biased toward the complainant. He obtained statements from the complainant and the other driver, determined that there were no witnesses or cameras in the area that captured the collision, and discussed the evidence with his partner before concluding the complainant was at fault for the traffic collision. He based his decision that the complainant was at fault on the statements provided by the complainant and the other party, not because of the complainant's ethnicity. He stated that the complainant made inconsistent statements regarding the traffic collision.

Body-worn camera (BWC) showed that the complainant and the named officer had an intense exchange; however, the BWC also corroborated the named officer's statement regarding his investigation of the traffic collision and the inconsistent statements made by the complainant regarding the traffic collision. The named officer did not make any comment regarding the complainant's race. Nothing the named officer did or said during his contact with the complainant would rise to the level of misconduct.

Department General Order 5.17, Bias-Free Policing Policy, provides guidance to officers to prevent the perceptions of bias policing such as being courteous and professional, answer questions the person may have regarding the stop, provide name, star number, and assignment, and provide written information regarding the filing of a commendation or complaint that includes the SFPD's and the DPA's website addresses.

The complainant believed the named officer based his decision to make him at fault for the traffic because of his race; however, the preponderance of the evidence showed the decision was based on the complainant's inconsistent statements. Nevertheless, DPA encourages officers to be cognizant of the perceptions of bias policing by community members and use the guidelines provided in DGO 5.17 to prevent those perceptions.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/21 **DATE OF COMPLETION:** 03/28/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was not at fault for a traffic collision; therefore, the traffic collision report was inaccurate. He provided a supplemental statement to the traffic collision report that accurately reflected what happened and proved he was not at fault.

The named officer denied the allegation. He stated that his traffic collision report reflected what the complainant and other party told him. He acknowledged that the merge lane was part of the parking lane, which was not reflected in the diagram sketch. However, the sketch was not exact or to scale. The named officer stated that with all evidence considered, he felt the traffic collision report was accurate and he did not feel that any changes need to be made.

The supplemental statement that the complainant wrote did not reference the parking lane but provided another version of what happened in the traffic collision.

Body-worn camera (BWC) captured the complainant change his statements several times during the investigation. The BWC confirmed that the statement given by the complainant at the scene was accurately reflected in the traffic collision report.

The traffic collision report, the supplemental statement, and BWC show the inconsistent statements the complainant made about the traffic collision, while the BWC corroborated the named officer's statement that he documented what the complainant told him. The named officer's failure to include the parking lane in the diagram would not have changed his decision regarding who was at fault.

The evidence proves that the alleged conduct occurred; however, the conduct did not rise to level of misconduct. The conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/21 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said he was threatened in a public park by a person he described as “alcoholic and violent.” He said that the same individual frequently harasses him. The complainant stated that the named officer saw what happened but did nothing.

The named officer stated that he observed the complainant in an argument with another person. He said the dispute caught his attention because the complainant was screaming at another man. The officer saw the complainant standing while the other man walked slowly toward him, stopping about 20 feet from the complainant. The named officer contacted the complainant to ask what had happened and for information to prepare an incident report. He determined that no crime had occurred. The named officer prepared a report documenting both sides of the story and his determination that there was no probable cause for an arrest. A second officer interviewed the other party, who explained that the complainant instigated an argument by calling him names.

Body-worn camera (BWC) video showed the named officer spoke with the complainant and explained that he was gathering information to prepare an incident report. The complainant was argumentative and appeared upset with the named officer when questioned about what had happened. The named officer gave the complainant a form containing the incident report number. The complainant insisted that the officer witnessed the threat and was ignoring it by not handcuffing the man immediately. The officer told the complainant that he did not see what happened initially because he was dealing with another incident.

The evidence showed that the named officer took appropriate investigative steps by interviewing the complainant, obtaining the statement of the other party to the dispute, and preparing a report.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/21 **DATE OF COMPLETION:** 03/21/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the named officer interrupted his phone conversation with a 911-operator. He stated the officer downgraded the incident, saying that there was no problem and that he was the one who had issues. He stated that the officer believed it was his fault and made conscious efforts to make it appear that the other party did nothing to him.

The named officer described his contact with the complainant as challenging. He stated that the complainant, who was agitated, kept changing the topic and had trouble answering questions. He stated that he tried to get the complainant focused and calm. He stated that his actions were a form of de-escalation.

BWC footage contained no evidence of the named officer interrupting a phone call. The officer did not diminish or ignore the incident. In contrast, the video showed that the officer made efforts to obtain relevant information about the incident from the complainant, informed him that he was preparing a report, and provided him with follow-up information. The officer appropriately raised his voice in response to being repeatedly interrupted, which is a form of verbal control.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/21 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was crossing the street when she was hit by a vehicle. She stated she fell to ground and fractured her hip and knees. The complainant stated the named officer arrived at the scene, kept her at the location for one hour yet did not investigate the collision. The complainant stated the named officer did not question the driver and released him instead.

The named officer stated she responded to a call described as a vehicle vs. pedestrian collision. The named officer stated that when she arrived at the scene, the complainant was on the ground in the crosswalk while a vehicle was stopped a few feet away. The named officer stated she followed the process for conducting investigations. She spoke with the complainant, asked the complainant what had occurred, and inquired about her injuries. The named officer stated she spoke with the driver of the vehicle and witnesses who were still present at the scene. The named officer stated she examined the damage to the vehicle and to the injured parties, attempted to locate videos and called for emergency medical services (EMS). She stated her findings were based on the investigation and the evidence or lack thereof.

Body-worn camera showed the complainant was lying on her left side on the road and a vehicle stopped a few feet away from her. The named officer spoke to the complainant, asked about her well-being, and inquired if the complainant was injured. The BWCs showed the complainant was conscious and responded to the named officer's questions. The named officer's BWC showed the complainant stated she was hit on one side of her body then stated it was on the other side. The BWCs showed officers interviewed the driver, witnesses, and the complainant. The named officer was professional and used a compassionate tone when speaking with the complainant.

Dispatch records indicated that the incident involved an injury vehicle accident, and a person was lying on the ground but conscious. The CAD noted that there was no one pinned and that everyone appeared alert. The CAD showed the complainant stated pain to her right leg and that EMS was present at the scene. The CAD showed the complainant was then transported to the hospital.

The incident report showed the driver of the vehicle was interviewed and stated to the officers his vehicle did not strike the complainant. The report showed a witness was identified and interviewed. The witness stated he did not see contact between the vehicle and the complainant. The named officer attempted to obtain the complainant's identifying information, but she refused and became belligerent.

There were three evidence photos taken during the night of the incident. It showed the scene of the incident with the complainant on the street and the complainant when she was in the ambulance.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/21 **DATE OF COMPLETION:** 03/28/22 **PAGE# 2 of 2**

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department General Order or Department Bulletin.

CATEGORY OF CONDUCT: **ND** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: During the course of the investigation, it was discovered that the named officer was not wearing her mask as mandated by Department Bulletin (DB) 20-094.

The named officer stated she understood the mandate instructed officers to always wear a mask or respirator in the workplace and while engaging with the community. However, there was also confusion about the mask mandate as the city had dropped the mask mandate for the month preceding the incident.

The BWC showed the named officer was not wearing a mask. It showed the named officer was outdoors during the incident.

San Francisco Department of Human Resources guidance had previously lifted the city's mask mandate for approximately one month before this incident. During that period, city employees were not required to wear masks when outdoors. The mask mandate was reinstated five days before this incident. It is unclear whether the named officer was aware of the mask mandate at the time.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/21 **DATE OF COMPLETION:** 03/24/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officer behaved and spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant received notification that the house that he was renting had been broken into. He called a district police station to inquire about the incident and received return phone calls from multiple officers, including one of the responding officers. The complainant stated that when he asked each officer what had occurred on his property, the officers became confrontational and inappropriately refused to give information about the incident.

The named officer who responded to the incident stated that the complainant was extremely upset and angry on the phone. A lawyer had informed the complainant that the property might have been burglarized and that there were other ongoing issues with the homeowner. The named officer advised the complainant that the house was vacant and did not look lived in. The complainant demanded additional information but refused to give his own identifying information. Hence, the officer refused to give him details of the incident. The officer stated that the complainant became angry and talked about issues he had with the owner of the property. The officer stated he advised the complainant that the issues with his landlord were civil matters. He stated that he was professional to the complainant.

A lieutenant who also returned the complainant's phone call stated that the complainant demanded detailed information about the incident. When he asked for the complainant's name, personal information, and proof of residency, the complainant became irate and refused to give the requested information. The named lieutenant recalled the complainant raising his voice. The named lieutenant stated he explained to the complainant that he cannot give him information via telephone if he cannot provide proof of right to receive such information.

Information gathered by officers during an investigation is confidential. It was reasonable for the named officer withhold information from the complainant since he was unable to verify his identity and right to receive such information.

No witnesses were identified. There was no audio recording of the telephone contact.

The evidence proves that the alleged neglect did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

CATEGORY OF CONDUCT: COU **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officer lied when he said that he had been on the complainant's property many times in the past.

The owner stated that officers were called to investigate break-ins three or four times.

The named officer stated that he had been to the property for several past incidents. He stated that neighbors reported the complained of incident and several past incidents on the property. Body-worn camera footage corroborated that the officer was familiar with the property. The video revealed he was aware the complainant had vacated the property, that he had searched it several times before, had taken multiple reports, and that people had been in and out of the property.

The evidence proves that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #4-11: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: CUO **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officers entered and searched the property without cause.

Body-worn camera videos of the incident showed that the unit was vacant, and that the property owner asked the officers to enter the property to look for a burglary suspect.

The officers had the owner's permission to enter the premises. The evidence proves that the act alleged in the complaint occurred. However, such an act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/21 **DATE OF COMPLETION:** 03/21/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was arguing with individuals on the street because they were moving a barrier in front of her residence without permission. The complainant became fearful and attempted to catch the attention of two officers parked nearby. She believed the officers observed the argument, heard her requests for help, and chose to remain their vehicle rather than assist her. She approached the officers' patrol vehicle and asked why they did not help her. One officer apologized and informed her that he did not observe the incident.

The named officers confirmed they were in the area on the date and time of the incident. The named officers had just responded to a call-for-service in the area and were temporarily parked. Neither officer recalled observing an argument. However, the officers stated that, as they were leaving the area, a woman approached their vehicle, screaming at them for an unknown reason. From within their vehicle, the officers attempted to determine why the woman was screaming and whether they could assist her. In response to their questions, the woman commented something to the effect of "you guys don't do anything, anyways," and walked away.

Additional evidence does not exist to determine whether the officers observed any criminal behavior, an argument, or otherwise had a duty to act.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/21 **DATE OF COMPLETION:** 03/21/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant also stated that when she attempted to wave down officers for assistance during an argument outside her building, an officer smirked at her and chuckled.

Both officers denied behaving inappropriately. The officers said they were approached by a woman in the area, but that they conducted themselves in a professional manner during the interaction.

No witnesses were identified.

The evidence fails to prove or disprove that the alleged conduct occurred

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer misused police authority.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that, over the course of a year, officers routinely took enforcement action against him based on the accusations of a confidential informant who repeatedly attempted to frame him for crimes and acts he did not commit.

DPA located records for numerous incidents involving the complainant. On several occasions, the complainant was either arrested or detained for psychiatric evaluation by different officers. Many of the incidents were reported to the police by an individual who was protected from the complainant by a restraining order. The records demonstrated that the officers had objective legal justification for detaining and arresting the complainant on each occasion. Additionally, there was no indication that officers used a confidential informant or that officers misused their authority.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 **DATE OF COMPLETION:** 03/03/22 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer detained a person without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that officers abruptly and unlawfully detained him pursuant to a false report made to the police by a case manager (“reporting party”) at the building where he resided.

Department records reflect that the named officer detained the complainant pursuant to a call-for-service generated by the reporting party. The call-for-service involved a neighbor dispute between the complainant and another tenant, during which the complainant took out a sledgehammer. The named officer also noted in the records that they were familiar with both the building and the complainant because they are the district station’s public housing officers. Before responding to the scene, the named officer had knowledge of the complainant’s history of violence, including a recent violent incident involving a different tenant. Due to the nature of the call-for-service – an alleged wielding of a sledgehammer – and the named officer’s stated knowledge of the complainant’s history of violence, the named officer detained the complainant and handcuffed him.

The evidence reflected that the officers did, thereafter, determine that the reporting party was mistaken and that the described dispute had not occurred that day. The reporting party was watching surveillance footage of the dispute, which had occurred a day prior. After the officers ensured that the report was based on stale video evidence, they released the complainant and issued him a Certificate of Release documenting the detention.

An officer may detain a person, without a warrant, if the officer has reasonable suspicion that a crime has been, or is being, committed. Based on the officer’s personal knowledge of the complainant’s history of violence and information provided to the officer prior to responding to the scene, it was appropriate for the officer to detain the complainant in handcuffs in order to safely investigate the incident. Once the officer learned that the reporting party was mistaken and that the crime had actually occurred the previous day, she immediately released him.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 **DATE OF COMPLETION:** 03/03/22 **PAGE# 2 of 6**

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: **UF** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officers used excessive force. He said that several officers surrounded him on a balcony with their guns pointed at him and aggressively handcuffed him. He informed the officers that the handcuffs caused him pain; however, they failed to address his concerns.

The evidence reflected that the named officers' actions were both justified and within Department policy. Body-worn camera footage showed that one named officer held her firearm pointed downwards when initially approaching the complainant. However, after a quick assessment of the scene which revealed the complainant standing alone on the balcony, she immediately holstered her weapon. Additionally, the weapon was never pointed towards the complainant. Both named officers approached the complainant and immediately placed him in handcuffs without incident. There was no indication of excessive force. When the complainant voiced that the handcuffs were causing him pain, one named officer adjusted the handcuffs.

The officers were justified in both initially having a gun drawn and in quickly placing the complainant into handcuffs due to the complainant's documented history of violence and the nature of the call-for-service. There was no evidence of unnecessary or excessive force.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 **DATE OF COMPLETION:** 03/03/22 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #4-5: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers unlawfully searched him.

Department records one named officer pat-searched the complainant for weapons due to the nature of the call—a battery with a sledgehammer. Body-worn camera footage showed that upon making contact, the named officer seized a knife from the complainant’s back side. A second named officer pat-searched the complainant for additional weapons.

Officers are permitted to conduct a brief pat-search for weapons when reasonable suspicion exists that the detainee is armed and dangerous. The officers believed the complainant to be armed and dangerous based on a report that he was wielding a sledgehammer, seeing a knife tucked into his waistband, and his known history of violence.

Due to the nature of the call as well as the documented history involving violence and weapons, reasonable suspicion existed to believe the complainant was armed and dangerous.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to Mirandize.

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers detained and searched him without reading him his Miranda rights.

Officers are required to provide a Miranda admonition to suspects undergoing custodial interrogation.

While the evidence is clear in that the complainant was in police custody, he was not under interrogation.

The evidence proves that the alleged neglect of duty did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 **DATE OF COMPLETION:** 03/03/22 **PAGE# 4 of 6**

SUMMARY OF ALLEGATIONS #8-9: The officers failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers failed to address the fact the reporting party made a false police report about him other than simply speaking with him on the phone.

The officers determined that the reporting party was mistakenly watching video surveillance footage of the complainant from a prior date.

Body-worn camera footage showed that one named officer spoke with the reporting party on the phone and sternly admonished him for mistakenly reporting a battery in progress. The named officer's admonishment was a reasonable response to the reporting party's actions. There was no evidence that the reporting party acted knowingly or maliciously. The officers collected surveillance footage of an altercation that took place on a previous date that matched the reporting party's description of events. The officers documented the incident and the mistaken report in an incident report.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #10: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: **UA** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that despite his objections, officers unlawfully entered his home several times on the date of incident.

Body-worn camera footage reflected that the named officer went near the complainant's unit and peered her head in to determine if anyone, such as a potential victim, was inside. Thereafter, at the conclusion of the incident, the named officer informed the complainant that she was going to place the knife seized during the pat-search inside his unit, to which he did not object. The named officer entered the unit, placed the knife down, and quickly exited.

Considering the nature of the call involving a potential victim of a sledgehammer beating, it was reasonable for the officer to glance inside the apartment. It was also reasonable for the officer to return the

knife to the complainant's apartment, given that she had the complainant's implicit consent to return his property.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 DATE OF COMPLETION: 03/03/22 PAGE# 5 of 6

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #11: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the named officer prepared an inaccurate police report. He stated that she falsely characterized him as aggressive and violent, including when she described the physical encounter captured in the surveillance footage. He stated that the only time he has ever been aggressive or violent is when acting in self-defense, which was the case in the underlying incident captured by said footage.

The named officer in the incident report referenced the complainant's history of violence, including when she described his actions from the surveillance footage, which stated: "[t]he video shows [complainant] attacking [male] unprovoked. The altercation lasts approximately 3 minutes and ends with [complainant] pulling a 6ft metal pole out from his home and swinging it at [male] multiple times. [The male] has to hold up a rolling shopping cart to stop from being struck with the pole."

Surveillance footage showed that the complainant was the aggressor in a fight he instigated with a man in a hallway. The complainant followed the man, yelled into his face, and chased him with a large metal pole. The footage showed the complainant repeatedly instigate physical contact, follow the male, and block his access to exit points.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/21 **DATE OF COMPLETION:** 03/03/22 **PAGE#** 6 of 6

SUMMARY OF ALLEGATIONS #12-13: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant believed that the officers treated him unfairly based on his race.

There was no evidence or indication that the named officers took any action or treated the complainant unfairly based on his race. The officers acted on a report made by a third party. When they discovered that the incident had occurred on a prior date, they immediately released the complainant. They properly prepared a report, supported by clear surveillance video, documenting that the complainant attacked a person on a previous date.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/21 **DATE OF COMPLETION:** 03/25/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer deceived her into helping police look for missing children, only to be arrested by the named officer.

The named officer stated he was involved in a Child Concealment – Depriving Lawful Custody case, whereby Child Protective Services contacted the police regarding three children being kept from their lawful custodian by an unauthorized male. The complainant was the biological mother of the three children. The officer stated he did not arrest the complainant but was involved in the decision to have her arrested. The named officer refuted the allegation that he deceived the complainant. He said the complainant was arrested with probable cause as she was evasive and refused to cooperate in locating the children and was found in the vicinity of the missing children.

A witness officer stated that the complainant was uncooperative in the investigation to locate the children.

Body-worn camera footage showed the named officer making numerous calls to the complainant over three hours. The named officer repeatedly asked the complainant to assist in locating the children. The officer asked the complainant numerous times to contact the persons with the children and tell them to contact police officers. The footage captured the complainant, over the phone, admitting to having spoken to the children and the persons with the children. The named officer told the complainant that she was at risk of being arrested as an accomplice if she did not assist the police. At no point in the footage does the named officer promise that the complainant will not be arrested. The footage also showed other officers locating the complainant within the vicinity of the missing children.

SFPD records indicate that the police contacted the complainant and the named officer specifically due to her involvement in a Child Concealment, Depriving Lawful Custody case. The records show that the complainant was the children's biological mother but did not have custody of the children, which the Child Protective Services were managing. The children had been picked up from school by an unauthorized male. The complainant was asked to assist in locating the children but claimed that she was not aware of the children's current location. The complainant was eventually located in the vicinity of the children. The complainant was also found to have contacted the children and another suspect while the police were actively trying to locate them. The named officer was one of the investigating officers and contacted the complainant to require her assistance. During the investigation, it became apparent to the officer that the complainant was a potential suspect in the case, and the named officer and supervisor decided to arrest the complainant. Another officer carried out the actual arrest.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/21 DATE OF COMPLETION: 03/25/22 PAGE# 2 of 2

Based on the complainant's actions, and the fact she was found in the vicinity of the missing children, there was sufficient probable cause to make an arrest. The evidence showed that the named officer did not deceive the complainant. In fact, he warned her that she could be arrested if she failed to assist in the investigation into the missing children. Finally, the named officer was not the arresting officer.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/21 **DATE OF COMPLETION:** 03/09/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant, in an online complaint, stated that unidentified SFPD officers were harassing him at the place he was staying in another Bay Area city. The complainant declined to be interviewed twice for more evidence and failed to respond to several communications by the DPA requesting necessary information.

Department records showed no active or recent contacts by SFPD officers with the complainant.

The complainant failed to provide additional evidence necessary to identify involved officers or investigate the complaint.

SUMMARY OF ALLEGATION #2: The officer conducted an Improper Search or Seizure of a Person, Property, Vehicle, or Location

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant, in an online complaint, stated that unidentified SFPD officer(s) were improperly monitoring his cell phone. The complainant declined to be interviewed twice for more evidence and failed to respond to several communications by the DPA requesting necessary information.

Department records showed no active or recent contacts by SFPD officers with the complainant.

The complainant failed to provide additional evidence necessary to identify involved officers or investigate the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/21 **DATE OF COMPLETION:** 03/24/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she was with her daughter at the park and saw a full-size police car driving on a walking path next to the children's playground at 5-10 mph. The patrol car did not have any sirens or emergency lights on, and she did not hear any emergencies in the park. The complainant stated it is unsafe for the officer to drive on the path as many children use it. She spoke with the officer, and he said it was okay as he was looking for a dog and was driving slowly.

The named officer confirmed that he was driving the patrol vehicle on the path used by service vehicles and as a pedestrian walkway. He explained he was informed by a civilian that her dog had run off in the area and, therefore, provided a service by searching for the dog. He said he was driving at a slow speed and frequently stopped to talk to dog walkers if they had seen a missing dog. The named officer pointed out that the road was specifically categorized as "service vehicles only." He said that to reach out to the most people, driving on that path was the best way to give them the best chance of finding the dog.

The officer provided two photos of the park that said "Service Vehicles Only" on the park entrance, matching images from Google Maps.

No Department records had recorded the missing dog or any emergencies in the area.

No witnesses were identified.

Both the complainant's and officer's accounts match each other. The evidence gathered showed that the officer drove slowly on a "Service Vehicles Only" path while searching for a lost dog and did not violate any California Vehicle Codes or Department policies.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officers spoke or behaved inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she had a verbal confrontation with an auto technician over loud music emitting from his mobile technician vehicle. She said the officer asked her what happened but would not let her talk.

The named officer said he received the 911 call from the technician saying he was working with a customer, and the neighbor kept coming out and harassing him. The officer arrived on the scene and spoke with both parties, who continued talking over one another. He attempted several times to mediate. However, they continued to talk over each other.

Department records indicate that the technician was the reportee who alleged that a customer's neighbor harassed him.

Body-worn camera footage shows that the named officer went up to the complainant and asked her what happened. The complainant proceeded to tell him about what happened earlier. The officer did not interrupt, but the technician did, and the two parties started to talk over each other. The officer had to signal the two to a "time-out" to stop them from talking over each other.

No witnesses came forward.

The evidence collected proves that the officer interviewed and listened to the complainant. However, the evidence did show the officer attempting to stop both parties from talking because they continued to talk over one another.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the technician played loud music outside of her house, disrupting people and causing stress. She said the officer acknowledged the ordinance against loud music. However, the officer did not stop the technician and said it was okay to play the music. The complainant said the officer told people that illegal behavior was okay.

The officer stated that upon arrival, the technician told him that he was working on a vehicle, and the complainant came out of her home, started taking photos or recording him, and harassed him. The officer said he did not hear any music from the technician's van or his person when he arrived. The complainant told him the technician was playing loud music and asked him to turn it down. She took a picture of his license plate but did not provide any videos as evidence. The officer said due to conflicting statements and the fact that he did not hear any music, he determined there was a lack of probable cause and criminal activity to cite the technician. However, he did admonish the technician and let him leave the scene to de-escalate the argument. The officer denied telling the complainant that illegal behavior was okay but told her that there was a lack of evidence and a decibel meter was not used. He informed her that the technician could play music within reason, and she had the right to complain to the auto company regarding the technician's alleged behavior.

Department records indicate that the technician was the original 911 caller and that both parties had conflicting statements. The officer advised both parties of the noise ordinance and advised the resident to contact the auto company. It also shows that the officer could not prove criminal activity while on scene.

Body-worn camera footage shows no loud music being played when the officer arrived. The named officer confirmed a noise ordinance, but he explained that the issue had been resolved as the complainant asked the other party to turn it down, and he did. The officer further explained that the complainant had the right to call the auto company to complain.

The complainant provided a video of her conversation with the technician before the officer came. It shows that while the parties were arguing, the technician played music from his van.

No witnesses came forward.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/21 DATE OF COMPLETION: 03/24/22 PAGE# 3 of 3

The SF Department of Public Health's Good Neighbor Policy on Noise Enforcement states that "when citizens have complaints about any sound, whether it is covered by a specific law or not, all agencies that regulate noise in SF advise people to attempt to discuss the issue directly with the person or entity

producing the sound in order to try and achieve a solution."

The evidence proves that although the van was playing music before the officer came, the officer could no longer hear it when he arrived. It was within Department policy that the officer advised the complainant to discuss directly with the person or the company he works for to turn the music down.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/21 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer issued him a parking citation out of spite. The complainant also provided a photo to show the position of his cited vehicle.

Department General Order 9.01 sets policies and procedures regarding traffic enforcement, including moving and parking violations. The goals of the Department's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion. Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.

The DPA's investigation revealed that the named officer reported a traffic hazard and issued a citation related to a red zone violation. As supported by the photo of the complainant's vehicle provided by the complainant, the complainant's vehicle was parked between two red curbs and primarily blocked any vehicle from entering or exit the roadway of which it blocked. Furthermore, a scene diagram showed that there are no parking signs and tow away signs in the area where the complainant's vehicle was parked.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/21 **DATE OF COMPLETION:** 03/29/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant reported that a neighbor attacked him with a baseball bat. He stated the investigating officers made him wait too long for medical transport to a nearby hospital for treatment.

Records and body-worn camera footage revealed that an ambulance arrived shortly after the named officers contacted the complainant inside his apartment building. When the medics arrived, the officers left the complainant in their care. The medics assessed the complainant, placed him in a wheelchair, and escorted him out of the building and onto a gurney inside an ambulance. The named officers took photos of the complainant's injuries, and the complainant was subsequently transported from the scene to a nearby hospital for further medical treatment. The officers remained at the scene and continued investigating the reported assault by searching for video evidence and interviewing witnesses.

The evidence proves that the alleged neglect of duty did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/21 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer issued him parking citations on two occasions. The complainant admitted that he was parked illegally in front of his store; however, on one occasion, the named officer yelled at him and told him, "I will nail you."

The named officer stated he did not recall interacting with the complainant.

Department records indicate that the named officer issued the complainant two citations for parking illegally.

The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer issued him parking citations on two occasions. The complainant admitted that he was parked illegally in front of his store on both occasions. He stated that the named officer threatened him by following him in his vehicle for one half of a block on a different date.

The named officer stated that he did not follow the complainant, nor did he act in a threatening or harassing manner.

Department records indicate that the named officer issued the complainant two citations for parking illegally.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/21 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** IE **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was told by the named officer he could double park while entering a business. The complainant returned to his vehicle to find the named officer had placed a parking ticket on his vehicle.

The complainant did not provide a copy of the citation, failed to provide sufficient information to locate and obtain a copy of the citation, and failed to participate in the investigation further.

The named officer denied the allegation and stated he did not tell the complainant he could double park. The officer stated the complainant was parked, blocking traffic flow.

No further witnesses were identified.

There is insufficient information to refute or rebut the complainant's or the officer's accounts.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/21 **DATE OF COMPLETION:** 03/29/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/21 **DATE OF COMPLETION:** 03/14/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 3/9/22.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/21 **DATE OF COMPLETION:** 03/24/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officer failed to take a required action.

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she called the SFPD every day for months to speak with the chief of police. She stated she needed assistance with an issue where she was being harassed. She spoke with the named officer. She believed the named officer did not pass her messages to the chief of police. The complainant explained she spoke with the named officer numerous times. Additionally, she alleged the named officer stated he would call her back and he had not called her back within one week.

The named officer stated the complainant informed him she wanted the chief of police to assist her with a civil issue. He stated he informed the complainant the SFPD cannot assist her with civil issues. The named officer stated he contacted a legal service to assist the complainant. Also, the named officer confirmed she had filed a police report concerning the harassment incident and advised her to file other police reports if the harassment continued. The named officer explained the complainant's reports would be assigned to SFPD investigators. He denied that he did not call the complainant back although he could not recall when he had called her. The named officer confirmed they had spoken multiple times.

The named officer's phone records showed he did not answer or receive any calls from the complainant during the time the complainant alleged he had not called her back.

San Francisco Department General Order (DGO) 2.01 § 14, Public Courtesy, states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language." DGO 2.01 § 15, Telephone Courtesy, states, "When answering the telephone, members shall identify the station, bureau, or unit and give their rank and name. Members shall be courteous on the telephone."

The named officer and the complainant agree that she informed him about her civil and criminal issues. The named officer explained the complainant's civil issue was outside the San Francisco Police Department's jurisdiction. He attempted to assist her by contacting a legal service on her behalf and spoke with her multiple times. As to the complainant's criminal complaint, the named officer directed her to continue contacting the SFPD if the harassment continued. The named officer denied not calling the complainant back. However, both he and the complainant had confirmed they had spoken multiple times, and SFPD DGOs provide no guidelines concerning when an officer is required to call a citizen back.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/21 **DATE OF COMPLETION:** 03/14/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 3/9/22.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/21 **DATE OF COMPLETION:** 03/24/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO **FINDING:** IE **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she was at work and noticed a parked police vehicle blocking the loading dock area of the property. She stated that she spoke with the named officer, pointed out other parking locations, and asked him to relocate the vehicle to not block the loading dock. She stated that the named officer refused to move the vehicle and said he would relocate the vehicle if another vehicle needed to access the loading dock. She stated that a coworker later approached the named officer to speak with him and the officer relocated the vehicle. She said the named officer was rude, uncooperative, and had a bad attitude during this incident.

The named officer stated he and his partner were assigned to a fixed post near a department store. He parked his patrol vehicle in a driveway to a loading dock due to limited parking in the area. The complainant approached and asked him to relocate the patrol vehicle off the property. The named officer advised the complainant of the assignment and told the complainant he would not leave the vehicle unattended if deliveries were to be made. He said he called his supervisor to try to resolve the matter, but his supervisor was busy, and at that point, the complainant walked away. The officer said he moved the patrol vehicle once a legal parking space became available. The officer could not recall his demeanor during the incident but said he treated the complainant with respect and tried to resolve the matter by getting permission until a parking space opened.

A witness officer said he was partnered with the named officer during this incident and that they were assigned to patrol an area for an event at the request of local merchants. The named officer parked their patrol vehicle near a loading dock due to limited parking in the area. He said a person spoke to the named officer about how the patrol vehicle was parked. He said that the named officer explained their assignment, that he believed the location they were parked provided the best vantage point of the nearby streets, and moved the patrol vehicle after the incident as the person asked him to. He said the named officer took the time to explain why they were parked at that location and treated the person with courtesy and respect.

There is no body-worn camera footage for this incident.

There is insufficient evidence to confirm or refute the complainant's or the officer's account of the incident.

The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/21 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated officers failed to investigate a 2016 intentional hit and run incident. The complainant failed to provide further information and failed to participate in the investigation.

No records of the incident were located.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer behaved or spoke inappropriately

CATEGORY OF CONDUCT: CUO **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated an officer focused on questioning him instead of pursuing an offender. The complainant failed to provide further information when asked.

No records of the incident were located.

SUMMARY OF ALLEGATION #3: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated officers failed to arrest the offender in an intentional hit and run. The complainant failed to provide further information when asked.

No records of the incident were located.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/21 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he told hospital staff that he was the victim of domestic violence but received no help. He also was not given an opportunity to report the domestic violence to an officer, because an officer was never present.

Department records showed no calls for police service as described by the complainant.

The complainant failed to provide further information and did not participate further in the investigation.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/22 **DATE OF COMPLETION:** 03/26/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: **ND** **FINDING:** **NF** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer was driving irresponsibly when he pulled in front of the complainant with insufficient distance between their respective vehicles and stopped over the limit lines and into the intersection.

Police records showed that the vehicle number provided by the complainant was out of service at the time of the incident. The identity of the alleged officer could not be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/22 **DATE OF COMPLETION:** 03/02/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated another driver attempted to merge in front of her quickly, and she sped up to prevent the other driver from doing so. The other driver became upset, tailgated, and honked their horn. The complainant drove to a police station, the other driver followed, and they spoke with the named officer. She said that her vehicle was not damaged and was not hit. The complainant was unaware if the other vehicle sustained any damage. She said the other driver was yelling at the station, and she did not want to exchange information with her but was ready to if necessary. The complainant said the named officer told her that the other driver did not want to pursue the incident further or exchange information. She said she did not ask the named officer to make a report. She said the named officer failed to take down information for her or the other driver, and he should have done so despite neither of them wanting to exchange information.

Department records showed that a case number was not generated for this incident.

Body-worn camera footage captured this incident and showed that the named officer spoke with the complainant and the other driver regarding the traffic incident. The footage showed that the complainant stated there was no new damage to her vehicle, and she did not think the vehicles hit each other. The footage showed the other driver thought her vehicle was damaged, but she decided she did not want to exchange information with the complainant. Body-worn camera footage showed that neither party appeared injured or stated that they were injured.

Department General Order 9.02 (Vehicle Accidents) states, in relevant part, it is the policy of the San Francisco Police Department to investigate and report the following types of vehicle accidents: vehicle accidents resulting in death or injury; all hit and run vehicle accidents resulting in death, injury or property damage; all runaway vehicle accidents resulting in death, injury or property damage; all vehicle accidents involving a city-owned vehicle or damage to a city-owned property; all school bus accidents, all vehicle accidents involving an arrest. Members need not investigate or report non-injury (property damage) vehicle accidents that do not include any of the above-listed criteria.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/22 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that police officers stopped her. The complainant stated the officer was called due to parking issues but chose to harass her.

The complainant did not provide any further information.

No records could be found that matched the information given by the complainant.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 **DATE OF COMPLETION:** 03/29/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/22 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officers looked at her cards for too long when booking her in after being arrested.

The complainant failed to provide any further information.

Body-worn camera footage showed the named officers searching the complainant post-arrest. The officers collate and process the complainant's property, detailing on property forms what had been taken from the complainant. The property is then placed in envelopes.

Department Manual 12, Booking and Detention Manual states: "HANDLING AND PACKAGING. When booking property, you are responsible for the safe and proper packaging of the item. Ensure that fragile items are protected from breakage. Detailed procedures for collecting and preserving physical evidence are found in JIG0 6.02, Physical Evidence. ENVELOPE. Place the item (except money) in a Property for Identification Envelope with a copy of SFPD 315. List the item(s) it contains on the face of the envelope, seal it, write your initials and star number over the edge of the flap, and seal it with transparent tape."

The video footage shows that the named officers complied with the department's policies and procedures.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/22 **DATE OF COMPLETION:** 03/24/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: **ND** **FINDING:** **PC** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he reported to the named officer that he was assaulted and threatened by another party. He stated the named officer watched a video of the alleged assault and took his statement for a police report. Upon receiving the report, the complainant stated that the named officer characterized him as the “villain.”

Department records document that the named officer authored a police report containing statements from both the complainant and the other party. The complainant is listed as the “reporting party” and not the “suspect.”

The incident report contains statements from the complainant and statements from the other party. The other party’s statements make accusations against the complainant, but those accusations are attributed to the other party. Nothing in the incident report would indicate the named officer characterized the complainant as a “villain”, as alleged by the complainant.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/22 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: **ND** **FINDING:** **NF** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged the named officer does not support their fellow officers and needlessly puts their lives at risk with foolish policies.

The DPA reached out to the complainant for additional information about their complaint. The complainant never responded.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/22 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** **IO-1/IAD** **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

SFPD Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/17/22 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO **FINDING:** NF/W **DEPT. ACTION:**

FINDINGS OF FACT: The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/22 **DATE OF COMPLETION:** 03/11/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-1/SFSO **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/22 **DATE OF COMPLETION:** 03/24/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he received a parking citation without cause. He stated that another vehicle parked in the same area and did not receive a citation.

The DPA attempted to obtain additional information from the complainant, such as a copy of the citation, the citation number, or the cited vehicle's license plate to try and identify an officer. However, the complainant failed to provide this information.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/28/22 **DATE OF COMPLETION:** 03/02/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** **IO-1/DEM** **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

Division of Emergency Communications
Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/22 **DATE OF COMPLETION:** 03/28/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he called 9-1-1 to report individuals camping and blocking the sidewalk and a driveway. However, no officer responded to his call for service.

Department records showed no calls for police service as described by the complainant.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/22 **DATE OF COMPLETION:** 03/21/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-1/CBP **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

U.S. Customs and Border Protection
555 Battery Street
San Francisco, CA 94111

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/22 **DATE OF COMPLETION:** 03/24/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** **IO-2** **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/22 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** **IO-1/DEM** **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

Division of Emergency Communications
Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/22 **DATE OF COMPLETION:** 03/28/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** **IO-1** **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

San Francisco City College Police
C/O Chief of Police
Cloud Hall 119
50 Frida Kahlo Way
San Francisco, 94112