

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/21 **DATE OF COMPLETION:** 04/26/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer made false accusations that he threatened to shoot up a hotel.

The named officer stated that the complainant was booked for making terrorist threats and informed witness officers who were watching him at a local hospital of this information. The named officer stated that he informed the witness officers of this information, so they had a better idea of who he was.

An incident report showed that the complainant threatened to get a gun and go to a corporate office.

Body-worn camera footage was consistent with the incident report and also showed the named officer telling two witness officers that the complainant had threatened to shoot up a hotel.

Two witness officers stated that the named officer informed them that the complainant had threatened to shoot up a hotel so they could get a better understanding of why he had been arrested.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer berated him at a hospital.

The named officer denied the allegation and stated he was professional when speaking with the complainant.

The DPA obtained the named officer's body-worn camera footage of the incident. The body-worn camera footage showed the named officer being calm and professional when speaking with the complainant.

Two witness officers stated that the named officer was calm and professional when speaking with the complainant.

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No other witnesses were identified.

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

SUMMARY OF DPA-ADDED ALLEGATIONS #1-3: The officers failed to comply with Department General Order 10.11

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

FINDINGS OF FACT: During the DPA's investigation, it was discovered that the named officers activated their body-worn cameras inside of a hospital and placed them inside their pockets while speaking to the complainant.

Named Officer #1 stated that he was the officer in charge on scene during the incident in question. Named Officer #1 stated that he responded to a local hospital after receiving a call from Named Officer #2 that the complainant wanted to file a complaint. Given the serious nature of the complaint and not wanting to cause a potential HIPAA violation, Named Officer #1 advised Named Officer #2 and Named Officer #3 to activate their cameras and to place them in their pockets just to obtain the audio of the conversation. Named Officer #1 stated that he just wanted Named Officer #2 and Named Officer #3 to use their body-worn cameras as audio recorders. Named Officer #1 stated that the complainant gave consent to record him and asked him to do so.

The DPA obtained the named officer's and two witness officers' body-worn camera footage of the incident. The body-worn camera footage is consistent with the statement he provided in his DPA interview.

Named Officer #2 and Named Officer #3 confirmed that the named officer gave them an order to activate their body-worn cameras inside of the hospital and place them into their pockets. They both confirmed that Named Officer #1 advised the complainant that he was being recorded and he consented to the recording.

The DPA spoke with a Subject Matter Expert from the department regarding the body-worn cameras. The Subject Matter Expert stated that officers are not trained on using their body-worn cameras as audio recorders. The Subject Matter Expert also stated that the removing of a body-worn camera and placed in a

pocket is not consistent with department policy, but it is also not prohibited. The Subject Matter Expert stated that are exceptions for recording inside of a hospital such as to obtain a statement but that they should not be recording someone's personal medical information.

Department General Order 10.11, "Body-Worn Cameras" does not address whether body-worn cameras can be used solely as audio recording devices. There did not appear to be any adverse effects due to the

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named officers' actions in this incident, and it served to prove that other allegations were unfounded. However, this practice creates a situation that is ripe for abuse.

The DPA is recommending that SFPD provide officers with specific examples explaining "When recording at a hospital would compromise patient confidentiality" and when recording with BWC is proper. Additionally, the SFPD should clearly limit SFPD members from removing their BWC to use them as audio recording devices.

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.

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SUMMARY OF ALLEGATIONS #1-4: The officers failed to take required action.

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

FINDINGS OF FACT: A man was sitting in his vehicle when somebody walked up to him, punched him in the face, and ran away. The man who was punched called 911 for police assistance. He also went to a nearby school where a children's summer camp was being held and yelled at staff and children because he thought the assailant was from the school. One of the parents who witnessed the man's actions at the summer camp called 911 reporting threats and harassment. He reported that the person walked into a school classroom cursing and threatening him, and others and that the man had been an ongoing problem in the school. The complainant's son was one of the attendees of the summer camp. She complained that the responding officers did not do anything to protect her son and the schoolchildren from the man. She stated that on several occasions, he was seen watching the children intently all day, and was caught attempting to pass a needle to one of them. The complainant stated that officers were called to the scene but refused to do anything. She also stated that the man had threatened her son with a knife. She stated that sheriff's deputies responded to the scene but were dismissive and did not do anything to the person.

Department records show the named officers were dispatched to the scene to investigate the incidents. They were designated as primary officers for the calls.

One of the named officers stated that he talked to the assault victim, who wanted the assailant arrested. The officer stated he talked to the caller/parent who said that the assault victim ran into a classroom occupied with children yelling that he was going to send everyone to jail. The officer also spoke with the head of the summer camp program who declined to make a private person arrest and instead asked for a case number so she could obtain a restraining order against the assault victim. As to the prior incidents where the assault victim allegedly harassed schoolchildren and made sexual comments, the head of the summer camp told the responding officers that that officers were called for the prior incidents and that the issue had settled because the assault victim had offered an apology. The officer recalled the caller/parent saying that the assault victim yelled racial and sexual slurs through a fence near the children, but he was not yelling directly at them. Another named officer recalled his partner talking to the head of the summer camp, who was not interested in filing charges and said that the sexual comments were not directed at the children. One of the named officers stated that the battery investigation did not address any sexual comments made to the children because it was unknown if the children actually heard the comments.

SUMMARY OF ALLEGATIONS #1-4: Continued.

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Department records showed that the head of the summer camp program provided the officers with information that the battery victim had recently been heckling schoolchildren, that the person made sexual comments but not directed toward the children, and that she did not want to press charges.

Body-worn camera footage showed one named officer taking statements from both parties and a female witness. The officer explained to them that the battery victim thought that his assailant was from the school, and so went to the school and yelled at the children. The officer told them he would prepare an incident report and give the school employee the report number so they could obtain a restraining order. The video further shows that the officer advised that if they signed a citizen's arrest form, the he would be cited for trespassing. He told them that obtaining a restraining order could lead to an arrest of the man, if he entered the school again or came close to the children. The video shows the head of the summer camp program saying that she did not want to sign a citizen's arrest form. She asked the officer for a case number and said that she planned to obtain a restraining order.

The same body-worn camera video showed a female witness saying that the man had previously apologized for his past behavior to a school attendant, who was "cool" with it.

The complainant did not respond to requests for an interview.

The evidence showed that the officers thoroughly investigated the incident. They talked to both parties and a witness and tried to identify and locate the assailant. The battery victim committed the crime of trespassing, a citable offense, but the officers had not observed the crime. Therefore, they were unable to issue a citation because the school representative declined to sign a citizen's arrest form. The officers advised her regarding a restraining order. Regarding the man brandishing a knife a few days earlier, the evidence showed that officers were called to the scene and a report was written. Evidence also showed that the man had apologized for his past behavior and the school accepted it. As such, it was reasonable for the officers not to investigate further into the man's past transgressions.

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

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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 that there was a guest that was being hostile towards guests at the store he works at. The complainant stated that they contacted SFPD. The named officer arrived on scene and failed to escort the individual out of the store. The complainant stated that the individual paid for his items and left. The named officer informed the complainant that, "this is the new way in San Francisco."

The named officer stated that he responded to a call for service regarding a disturbance at a retail store. When he arrived on scene, he could hear a guest who was yelling. The named officer asked the complainant what he wanted him to do, and he informed him he wanted him out of the store. The named officer said that the guest stated that he was being followed and stared at by the complainant and that was why he was upset. The named officer stated that the complainant did not want a citizen's arrest and did not state if there was any damage to any items inside the store. The named officer stated that his focus was on de-escalating the situation. The named officer stated that the individual was able to calm down and he stood on standby and watched the individual pay for his items and leave the store. The named officer stated that he told the complainant, "This is community policing nowadays." The named officer clarified that he meant that community policing has a heavy focus on de-escalation. He stated that he was able to successfully de-escalate the situation and it ultimately ended in a better outcome as opposed to grabbing the individual and taking him out of the store.

The DPA obtained the named officer's body-worn camera footage of the incident. The named officer's body-worn camera footage was consistent with his statement he provided to DPA.

No other witnesses were identified.

The complainant stated that he wanted the individual, who was acting hostile, removed from the store. The named officer came on scene, de-escalated the situation by calming the subject down, which led to the individual leaving the store in a civil manner.

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

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SUMMARY OF ALLEGATION #1: The officer improperly used physical control.

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

FINDINGS OF FACT: The complainant stated she was in a custody battle that turned violent after a court hearing. Police responded to the incident. The complainant stated the named officer placed her in tight handcuffs and twisted the complainant's wrists.

The named officer stated that he let the complainant know she was detained. The named officer then twisted her arm to apply the handcuffs. The named officer stated he placed two fingers between the handcuffs and the complainant's wrist to check for tightness. The named officer stated the complainant did not resist. The named officer stated the complainant did not make him aware by voice, sounds or actions that she was uncomfortable. The named officer stated all his actions were based on his training.

A witness officer stated he did not recall the complainant vocalizing or making any sounds to inform any officers within the vicinity of the incident about tight handcuffs. The witness officer also stated he did not see the complainant being handcuffed as he was focused on his task keeping other people at a distance from the complainant and other officers.

The body-worn camera (BWC) showed the named officer approached the complainant from the front as the named officer's partner came from behind of the complainant. The BWC showed the named officer spoke to the complainant first then pulled the complainant's right arm down and then back as the named officer's partner pulled down the complainant's left arm. The BWC showed the complainant complied with her arms being pulled down and back behind her. The BWC showed the complainant was agreeable and calm during the transaction. The BWC showed the named officer voluntarily loosened the complainant's handcuffs without prompt from the complainant. The BWC showed the complainant did not verbalize in words or sounds that she was in pain or felt discomfort from the time she was handcuffed until she was escorted to the police station.

Dispatch records showed the named officer responded to a "Priority A" Stabbing call. The CAD showed a male person with a knife running in the street and people yelling to call for the police. The CAD showed the progression of the incident that included the stabbing victim being taken to the hospital and a person in custody being escorted to the police station. The CAD did not identify the person escorted or a report of use of force.

The DPA reached out to the complainant and requested an interview with her 17-year-old child who was present when the complainant was handcuffed. The complainant did not reply to the requests.

The DPA requested a signed HIPAA form from the complainant. The complainant did not respond.

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The SFPD Medical Screening Form showed it was filled out the day of the incident. The form showed the complainant did not need immediate medical attention.

The BWC showed the named officer explained to the complainant what he was doing while he pulled the complainant's right arm down to be handcuffed. Officers did not twist the complainant's wrists beyond what was necessary to place her in handcuffs.

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

SUMMARY OF ALLEGATION #2: The officer applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated the named officer should not have put her in handcuffs because she did not do anything.

The named officer stated he approached the complainant after reviewing a surveillance video of the stabbing. The named officer stated the quality of video footage was clear and it showed the complainant assaulting someone. The named officer stated the complainant was wearing the same clothing and very distinct shoes as that of the woman in the video. The named officer stated he introduced himself to the complainant, told her she was being detained, and then put the complainant in handcuffs.

The BWC showed the named officer approached the complainant, provided his name, stated to the complainant that he had identified her in a video, and that she was being detained for assault. The BWC showed the named officer then pulled the complainant's arms back before placing the handcuffs on the complainant's wrists.

The surveillance video showed the complainant and her husband followed a man into an alley. The video showed the complainant threw her phone at the man and then the complainant and her husband battered him. The video showed the man ran away past the view of the camera and the couple followed. The video clearly showed the face, clothing and shoes of the complainant.

The named officer reviewed a video that showed the complainant assaulting someone. The DPA reviewed the video and can confirm that the complainant threw her phone at a man. The named officer was justified in handcuffing the complainant.

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

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary and excessive force on her male children. The complainant stated two officers pushed her 17-year-old as he was standing next to her, and another officer twisted her 18-year-old son's arm.

One named officer stated the 17-year-old boy was within inches of the complainant when the complainant was handcuffed. The named officer stated the boy, who was as big as the named officer, quickly closed the gap between them. The named officer stated he put his hand on the boy's chest as he commanded the boy to get back. Another named officer stated he was not aware until his DPA interview that the boy was the complainant's minor son. This named officer stated he did not push the boy. The named officer stated his fingertips contacted the boy's chest as he commanded the boy to stay back. The named officer stated the move was not a push.

The BWC showed the interactions the named officers had with the complainant's sons. The BWC showed the 17-year-old boy coming towards the named officers. The BWC showed he appeared confused about the situation as his sister was crying in the background. The BWC showed both named officers placed their fingertips on the boy's chest as the boy came toward the named officers. The BWC showed the named officers did not push the 17-year-old boy but instead halted his forward trajectory as they gave commands to the boy to stay back. The BWC also showed the named officer grabbed the complainant's 18-year-old son's arm and placed it behind his back. The BWC showed the named officer performed the move to check the son's pockets for a knife, which the 18-year-old stated he had in his pocket.

The DPA reached out to the complainant requesting an interview with her 17-year-old son. The complainant did not respond.

The DPA reached out to the 18-year-old son for an interview. The 18-year-old son did not respond.

The evidence showed that there was minimal physical contact between officers and the complainant's children. Neither contact was a reportable use of force, and the officers were justified in their actions.

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

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SUMMARY OF ALLEGATION #6: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated the named officer did not arrest the person who stabbed her husband.

The named officer stated he knew before arriving at the scene that there was a stabbing reported. The named officer stated the suspect was still in the vicinity when the named officer arrived. The named officer stated the suspect stated he stabbed someone. The named officer stated the suspect was arrested.

The CAD showed the suspect was identified and taken to the hospital. He was placed under arrest at the hospital.

According to the incident report, the suspect was transported to the hospital for wounds related to the stabbing. The IR showed the suspect was arrested at the hospital.

The complainant stated that there was no arrest made because she did not witness it as it occurred. The DPA confirmed that the subject was arrested.

The evidence proves that the conduct alleged did not occur

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SUMMARY OF ALLEGATION #7: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated the named officer entered her home without consent or a warrant.

The named officer was unavailable for an interview because he was on medical leave.

The incident report showed police were called to investigate a fight about a custody battle involving an 11-year-old child. When police arrived, they learned that the 11-year-old was inside the complainant's residence.

Dispatch records showed that the named officer was checking to make sure a juvenile was safe.

The BWC showed the named officer introduced himself to the 18-year-old stepson of the stabbing victim. The named officer established the identity and connection of the 18-year-old to the 11-year-old inside the apartment. The named officer established that the 18-year-old lived at the apartment. The named officer verified through the 18-year-old that the 11-year-old was inside the residence. The BWC showed the 18-year-old walking the named officer to the complainant's home. The named officer told the 18-year-old he wanted to check that the 11-year-old inside the apartment was safe. The BWC showed the named officer asked the 18-year-old for permission to enter the home, which the 18-year-old granted.

The named officer asked for consent to enter a home to check on a minor child's safety. An adult resident of the apartment gave permission on video for the officer to enter.

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

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SUMMARY OF ALLEGATION #8: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated she asked for her heart pills as she sat at the police station for hours waiting to be processed. The complainant stated an officer would not provide medication until hours later. The complainant also stated another officer asked if the complainant wanted an ambulance. The complainant stated she declined.

The Medical Screening form showed the answers to all the questions under Observations and Questions were marked “No” including the question of whether the complainant was required to take prescription medication in the next four hours.

An ID Poll conducted did not produce results. The named officer could not be identified.

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

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

FINDINGS OF FACT: During the DPA investigation, it was discovered the named officer was not equipped with a BWC.

A BWC showed the named officer was in civilian clothes with his star visible but was not equipped with a body-worn camera.

DGO 10.11, Body Worn Cameras, states that SFPD officers are to be equipped with body-worn cameras; however, Department Bulletin 20-175 states:

“Plainclothes members working plainclothes assignments are exempt from this policy with the exception of the execution of search and arrest warrants.”

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer pointed his finger very close to her face and told her repeatedly that he was the cop that was going to help her. She described the named officer as verbally combative and aggressive, and said he expressed disbelief at her version of events.

Department General Order 2.01(14) states, PUBLIC COURTESY, “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. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.”

The named officer has separated from SFPD and was not available to provide a statement.

Police records and body-worn camera showed that the named officer was professional toward the complainant and treated her with courtesy and respect. Body-worn camera showed that the complainant's interpretation of the officer's actions was a misunderstanding. The officer was pointing at something asking for clarification but was not pointing at or in the complainant's face. The footage also showed that the officer did become mildly frustrated with the complainant, but that behavior did not rise to the level of misconduct.

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

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SUMMARY OF ALLEGATION #2: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that the named officer grabbed her and pushed her into the wall.

Department General Order 5.01 (III)(A)(4) states in relevant part that officers may use reasonable force options in the performance of their duties when it is in defense of others or in self-defense.

A witness, the complainant's relative, stated that she observed the complainant lightly brush the named officer as the complainant walked by him on the stairs. The named officer subsequently pinned the complainant against the wall with his chest and shoved her into a cabinet.

The named officer has separated from SFPD and was not available to provide a statement.

The incident report documented that the named officer attempted to walk past the complainant, but the complainant attempted to stop him by placing her left arm in front of his and slightly pushed him back. In order to avoid the complainant from pushing him down the stairs, he quickly grabbed both her arms with his arms and held her back, so she would not push him. He then quickly let go of the complainant and walked upstairs to talk to witnesses in the residence.

Body-worn camera footage supported the named officer's statement in the incident report.

The preponderance of the evidence showed that the named officer's use of force complied with Department policy.

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

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SUMMARY OF ALLEGATION #3: The officer failed to provide his or her name or star number.

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

FINDINGS OF FACT: The complainant stated that the named officer did not provide her with his name and badge number when she requested that he do so.

Department General Order 2.01(14) states, PUBLIC COURTESY, “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. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.”

The named officer has separated from SFPD and was not available to provide a statement.

Body-worn camera showed the complainant was yelling at the named officer to give her his name and badge number. The named officer waited for the complainant to calm down before writing down the information and handing it to her.

The named officer provided the complainant his name and badge number. His delay was warranted based on the complainant’s attitude and demeanor.

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

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SUMMARY OF ALLEGATIONS #4-9: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officers did not leave her residence when she ordered them to do so.

A witness, the complainant's relative, stated that officers did not leave immediately when the complainant requested them to, but they left several minutes later. The witness understood that with the number of officers in the residence, it was understandable that it would take a little time for all of the officers to exit the residence.

Named officer #1 separated from SFPD prior to the DPA being able to obtain his statement.

The other named officers stated that they responded as backup units and entered the residence when they either saw or heard named officer #1 speaking to the complainant through the open front door of the residence. The officers stated that they heard the complainant yelling at them to leave the residence; however, named officer #2 remained inside the residence until named officer #1 completed his investigation, the complainant's father gave named officers #3-5 permission to stay inside the residence, while named officer #6 exited the residence when the complainant ordered her to do so.

Police records and body-worn camera reflected that the complainant called 9-1-1 to report a crime and the named officers were dispatched and responded to the call for service. Named officer #1 was the primary officer who made the initial contact with the complainant and led the investigation. At some point during the investigation, the complainant yelled at all the officers to leave; however, named officer #1 continued his investigation in an attempt to determine if a crime had been committed. To de-escalate the interaction between himself and the complainant, named officer #1 exited the residence, and the other named officers followed.

DGO 1.03(2)(3) states, "NEGLECT OF DUTY. (Officers will) Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

Department General Order 2.01(9) states in relevant part, MISCONDUCT. "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."

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The named officers complied with Department policy when they delayed exiting the residence after the complainant yelled at them to do so before the investigation was concluded and named officer #1 was safe.

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

SUMMARY OF ALLEGATION #10: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer failed to investigate her report that her neighbor tampered with her lights and the officer failed to write an incident report.

DGO 1.03(2)(3) states, "NEGLECT OF DUTY. (Officers will) Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

The named officer has separated from SFPD prior to the DPA being able to obtain his statement.

Police records and body-worn camera reflected that the named officer conducted a thorough investigation and wrote a report that documented the incident.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the named officer aggressively told the complainant that he needed to leave the bank without explaining why. The complainant also acknowledged that the bank manager told him to leave and subsequently directed the named officer to handle the complainant.

PC 602(o) defines a willful trespass as refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession.

The named officer stated that the bank manager asked him to remove the complainant from the bank.

The bank manager confirmed the named officer's statement, adding that the complainant was not a customer of the bank, and that the complainant scared the bank's customers with his antics. As a result, he asked the complainant to leave the bank, and when the complainant refused, he requested the named officer's assistance.

Police records showed that the complainant called 911 to report that he was being kicked out of the bank.

Body-worn camera showed the named officer, and two sergeants speak to the complainant. The sergeants were professional toward the complainant and allowed him to make a statement. After the complainant spoke, one of the sergeants told the complainant that the bank manager wanted him to leave, and the complainant voluntarily left.

A preponderance of the evidence proved that the complainant was trespassing, and the named officer lawfully ordered him to leave.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/21 **DATE OF COMPLETION:** 04/19/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #2-3: The officers behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers were aggressive, rude, and they harassed him.

Department General Order 2.01 states that 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

Named officer #1 denied the allegation, stating he was not rude, and he did not harass the complainant.

An ID poll at the local police station failed to identify the officer and sergeants that responded to the bank.

Body-worn camera confirmed the officers that did interact with the complainant were professional toward the complainant. The named officers de-escalated the situation, utilized time to calm the situation down, and the complainant voluntarily left the bank.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/21 **DATE OF COMPLETION:** 04/20/22 **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 the named officer improperly parked his patrol vehicle on the sidewalk blocking pedestrian traffic and curb ramps.

The named officer confirmed that he parked his vehicle on the sidewalk. He explained that he and his partner were responding to an emergency call-for-service regarding an ongoing altercation between two individuals where threats of physical violence were made. After resolving the incident, they immediately responded to a second call-for-service in the same area regarding a woman requiring medical assistance.

The named officer cited Department policy and stated that due to the nature of the call, he parked as he did because he was obtaining the best tactical position for officer safety and the performance of his duties. The policy also requires officers, in such exigent or emergency situations, to move their department vehicles from positions which obstruct disabled person parking access as soon as the immediate reason for doing so has ceased. Accordingly, the named officer explained that once he had attended to both calls, he immediately moved the emergency vehicle.

Department records confirmed that the named officer responded to two emergency calls-for-service near the reported area, of which one involved involving an active threat against a transit operator.

Under the California Vehicle Code, the named officer was permitted to temporarily park on the sidewalk while responding to the two emergency calls-for-service.

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: 10/12/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1 & 2: The officers spoke or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he attempted to check on officers on duty at a shelter. He then drove away from the scene. An officer then drove up alongside him and told him something like "slow the fuck down" or "watch your fucking speed." He got into a verbal confrontation with the officer and was then pulled over. The officer issued a ticket and slammed the door on the complainant with his leg outside the vehicle. The complainant said the officer's partner witnessed the incident but did not do anything about it. The complainant does not know the officers' names but provided the named officers' badge numbers and descriptions. The complainant could not provide a copy of the citation upon request.

Named officer #1 stated in an interview that he was not on duty at the time of the incident and did not have a partner. Named officer #2 said she was not on scene at the location the complainant described and did not see the complainant. Her partner was also not named officer #1.

Department records indicate no incidents or citations occurred at the location at the time of the incident. Other records also indicate that named officer #1 was not on duty at the time of the incident while named officer #2 was not at the location.

No witnesses were identified.

The evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he is disabled and had a service dog with him. He said an SRO hotel staffer would not let him bring the dog inside the hotel to live with him. He then had an altercation with the staff and called the non-emergency number so officers could escort him in. He left the scene before the officers arrived. The officers then called him back and explained to him that it was up to the people of the hotel to decide whether they would allow him to bring a service animal in.

Staff at the SRO hotel failed to participate in the investigation.

Named officer #1 stated that he did not recall responding to this call for service. The officer did not recall conversing with the complainant but stated he knew that individuals using a service animal of any species could bring that animal into all public housing, including an SRO.

Named officer #2 stated that he did not speak or recall his partner speaking with the complainant because he canceled the call for service.

Department records indicate no incidents at the location around the incident time the complainant provided.

No non-emergency call records could be located to corroborate the complainant's account.

No witnesses came forward.

On the balance of probabilities, the evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he told the officer on the phone that the officer was incorrect about the law around service animals. The complainant said the officer's tone was very condescending and rude, making the complainant feel small and wrong about the law.

Named officer #1 stated that he did not recall responding to this call for service or conversing with the complainant.

Named officer #2 denied speaking or recalling his partner speaking with the complainant.

Department records indicate no incidents at the location around the incident time. No records of any calls can be located.

No witnesses came forward.

On the balance of probabilities, the evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/21 **DATE OF COMPLETION:** 04/29/22 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly care for, process, or book property.

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

FINDINGS OF FACT: The complainant stated that the named officers mishandled her property causing her personal items, such as her wallet, to be stolen.

Department records indicated that the two named officers were responding to a call-for-service regarding the complainant and her property blocking a public sidewalk. Body-worn camera footage reflects that the complainant had large piles of items obstructing the sidewalk, including chairs, a couch, and dressers. The officers called the Department of Public Works (DPW) to handle the sidewalk obstruction by taking the complainant's large items to storage. The footage reflects that one named officer repeatedly suggested to the complainant that she retrieve her personal items to avoid having them put into storage with the rest of her larger items. The officer spoke with DPW workers to ensure that they only collected items not authorized to be on the sidewalk. The footage, in large part, also documents the officers standing by while DPW removed the larger items obstructing the sidewalk.

The named officers stated that they observed items scattered on the sidewalk upon their arrival, including a large amount of furniture and trash. The officers also noted that the sidewalk appeared impassible to any type of foot traffic or persons in wheelchairs. Per policy, the named officers stated they summoned the Department of Public Works (DPW) to remove the prohibited belongings. The officers cited several policies stating that living structures and encampments cannot make the sidewalk impassible or impede traffic, and that an individual is prohibited from maliciously or willfully obstructing the free movement of any person on any street, sidewalk, passageway, or other public space, such that a person using a wheelchair would be unable to pass. The officers stated that they informed the complainant that DPW would be responding to remove the items not authorized to be on the sidewalk and encouraged her to gather her personal belongings. The named officers noted that they took no enforcement action, were not involved in the actual discharge of property, and remained present only to provide standby support for DPW workers as they removed the complainant's items.

The officers were authorized in their decision to contact DPW to have the prohibited items removed. The officers did not mishandle or otherwise cause the complainant's items to be stolen.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/21 **DATE OF COMPLETION:** 04/29/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest her if she did not move her property.

The officers denied making such comments or harassing, threatening, or intimidating the complainant in any way.

Body-worn camera footage shows that one officer cautioned the complainant that if she continued to obstruct the streets with her belongings, someone would likely call the police again requiring them to respond. The footage does not show the officers threatening to arrest her or otherwise harassing or intimidating her in any way.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/21 **DATE OF COMPLETION:** 04/29/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department Bulletin 20-094 (Updated Guidance for Mandatory Use of Respirators and Masks for Police Department Employees).

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

FINDINGS OF FACT: The complainant stated in a voice message that he had just left Police headquarters and observed that several San Francisco Police Department employees, including an officer, failed to wear protective masks inside a police station as required by public health orders. The complainant did not specify the time he observed the officer's neglect of duty. The complainant did not respond to DPA requests for further evidence.

Intermittent surveillance footage showed the named officer properly wearing a face mask in the hours before the complaint was made. Additionally, while the footage showed a uniformed employee not wearing a mask, DPA did not have jurisdiction over the that employee, as he was not a sworn officer. The DPA referred that allegation to the Department Internal Affairs Division.

The named officer was recorded properly wearing a mask on the incident date. Although the footage was intermittent, there was no indication that the officer removed his mask.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: **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: 11/16/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 3**

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 cited him for battery, but he did not batter anyone.

Department General Order 5.04, Private Person Arrest, states that arrests by private persons may be made in the following circumstances (see Penal Code 837 for further):

1. A public offense either attempted or committed in the presence of the private person.
2. A misdemeanor or felony committed in the presence of the private person.
3. A felony has been committed and the private person has reasonable cause to believe the subject committed the felony.
4. A private person may arrest for public offenses not committed in the member's presence, and the member is required to receive a person so arrested.

Department records confirmed that the named officer issued a citation to the complainant based on a signed Citizen's Arrest Form.

Body-worn footage documented that the named officer investigated the reported battery and found probable cause to arrest the complainant based on a witness statement. The reporting party requested to press charges against the complainant and subsequently signed the Citizen's Arrest form.

DPA's investigation showed that the named officer lawfully cited the complainant and complied with Department policy.

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: 11/16/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that the named officer placed him on a mental health evaluation.

Department General Order 6.14, Psychological Evaluation of Adults, and Welfare & Institutions Code §5150, state that 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.

Department records and body-worn camera footage confirmed that the complainant was a danger to others and met the criteria for a Psychological Evaluation.

DPA's investigation showed that the named officer lawfully detained the complainant and complied with policy.

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: 11/16/21 **DATE OF COMPLETION:** 04/04/22 **PAGE# 3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the officers made belittling and inappropriate comments to him.

Department General Order 2.01, General Rules of Conduct, states that 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.

Body-worn camera footage contradicted the complainant's statement. The named officers conducted themselves professionally and within policy throughout the interaction with the complainant. The named officers attempted to gain rapport with the complainant by talking and laughing with him at times. The footage did not show officers make belittling or inappropriate comments.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the named officer took possession of the complainant's cellphone and place it in a bag. The complainant stated that when he was released from the hospital, he noticed that his cellphone screen edges were cracked.

Body-worn camera footage showed that the named officer found the complainant's cellphone on the sidewalk and picked it up. The named officer then attempted to place the cellphone in the complainant's pocket but the gurney preventing from placing it in the complainant's pocket. The named officer subsequently placed the cellphone in a bag. The named officer did not drop or tamper with the complainant's cellphone.

The preponderance of the evidence showed that the named officer did not damage the complainant's cellphone. The complainant's cellphone was already on the ground and could have fallen when he was placed on the gurney.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/22 **DATE OF COMPLETION:** 04/29/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant had just gotten off a bus when a woman asked him for food. He went inside a liquor store and bought her some food. At some point, the woman hit him with a hammer. His neighbor saw him bleeding and called 911. The named officer responded to investigate. The complainant told the named officer that he wanted to press charges against the suspect. However, an officer later fraudulently indicated in the incident report that the complainant did not want to press charges against the suspect.

The named officer's body-camera video confirmed that the complainant told the named officer that he wanted to press charges against persons involved in the hammer attack.

Department records showed that the named officer investigated the incident and wrote an incident report. The report showed that the named officer took the complainant's statement and checked for cameras that might have captured the assault. The officer also asked the complainant for information about the suspect and documented the complainant's statement. There was no involvement apparent in the report of any other officer taking or altering the complainant's statement.

The incident report statement prepared by the named officer accurately reflected what the complainant communicated at the scene.

The evidence proved that no one fraudulently changed the complainant's statement about pressing charges against the suspect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/22 **DATE OF COMPLETION:** 04/29/22 **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 the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 4/13/22.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/22 **DATE OF COMPLETION:** 04/20/22 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, a taxi driver, stated that he drove to a business to queue for potential customers. He observed the named officer's department vehicle parked in the taxi stand. He said he asked the named officer to move the vehicle out of the taxi stand so he could wait for potential customers. The named officer replied that the business had requested that he park in that location, and he did not move his vehicle out of the taxi stand.

The named officer stated that he was working in an overtime unit at a business and parked his assigned vehicle in the taxi stand area. He said he parked in that location because the management of the business requests that officers working overtime assignments park their vehicles where customers are loading and unloading. He stated that he spoke with the complainant, who told him that he was not supposed to park in that location. He said he attempted to explain to the complainant that the business' management requested him to park in that location for the general safety of their customers. He stated that the complainant never asked him to move his vehicle out of the taxi stand, and he did not refuse to move it.

Department records showed that the named officer was assigned to an overtime assignment at a business.

The DPA attempted to speak with the involved business' security management regarding parking direction they provided the named officer, but they were uncooperative.

There were no other witnesses or surveillance footage 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: 01/28/22 **DATE OF COMPLETION:** 04/20/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant, a taxi driver, stated that he spoke with the named officer and asked him to move his vehicle out of a taxi stand. He stated that the named officer acted rude and condescending during their interaction.

The named officer stated he was professional during his brief interaction with the complainant. He said he treated the complainant with courtesy and respect and respectfully answered the complainant's questions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that an officer pulled him over for a traffic violation and ignored violations by other drivers around them.

The named officer stated that he did not see any other violations committed by other drivers. The named officer also stated that he could only deal with one driver at a time, so even if another driver had committed a driving violation, he could only pull over one driver.

Body-worn camera footage does not show the complainant's violation or any other driver committing driving violations.

No witnesses or other video footage was located.

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

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer issued him a traffic citation. The complainant stated the named officer lied about why he was issuing the citation.

The named officer stated he observed the complainant's vehicle stop mid-block in lane 1, signal right, and block other traffic. The complainant's vehicle then continued to impede traffic in lanes 1 and 2 as it made its way to lane 3, contrary to 22400(a) of the California Vehicle Code [CVC].

A copy of the citation showed the named officer cited the complainant for violating Section 22400(a) of the California Vehicle Code.

Body-worn camera footage showed the named officer providing the reason for giving the citation to the complainant. This is the same reasoning the named officer gave in the interview and is recorded on the citation. The footage starts after the alleged traffic violation, so it does not capture if or what the violations were. The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude in how he spoke to the complainant while issuing a citation.

The named officer stated that he asked the complainant pertinent questions about the traffic citation.

The body camera footage showed the named officer talking to the complainant. The footage showed the officer asking the complainant for his information and explaining what violations he had committed. The complainant is heard objecting to the reasons for the citation. The named officer lets the complainant give his objections before explaining the traffic violations.

No witnesses or other video footage was located.

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

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer issued him a citation without cause.

The named officer explained that he saw the complainant committing two traffic violations, and that is why he pulled the complainant over and gave him a citation.

A copy of the citation showed the named officer cited the complainants for violation Section 22400(a) of the CVC.

The body camera footage starts after the alleged traffic violation, so it does not capture if or what the violations were.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant believed that someone had entered her home and subsequently called 911. She later realized that there was no one in her home, but still wanted the crime investigated and a report written. The complainant stated that the officers did not respond.

Police records and body-worn camera footage confirmed that officers responded to the complainant's home, rang the doorbell, and left voicemail messages, but the complainant did not answer her phone or her door.

Department General Order 1.03, Duties of Patrol Officers, states that officers are to respond promptly to assigned calls, regardless of the area of assignment. When in the immediate vicinity of a serious incident, respond and render assistance to the unit assigned.

Based on the nature of the incident, the named officers were required to respond to the call for service to complete the report the complainant requested. The named officers did their due diligence by attempting to contact the complainant. The complainant requested police service, but she did not answer her phone nor her door when they responded. DPA's investigation showed that the officers complied with policy.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated they saw a police vehicle make an illegal left turn. The complainant stated the inappropriate action caused a vehicle backup of more than one block. The complainant stated other vehicles honked at the police vehicle to alert them of the traffic jam. Additionally, the complainant stated a non-police vehicle followed the police vehicle when it made the illegal left turn, and the officer did not enforce the illegal turn. The complainant stated the officer's action was an abuse of police privileges and found it upsetting.

Two videos were provided by the complainant. One video showed an SUV-type police vehicle was waiting to make a left turn. It showed the vehicle was waiting for the oncoming traffic to ease before making a left turn. The video showed the vehicle's left turn signal was on and that the traffic light was green for the police vehicle, but the officer did not activate lights and sirens. The video also showed a no left turn sign next to the stop light.

An ID Poll was conducted. It did not produce any results.

The DPA was able to locate a vehicle identification number from the video and was able to track the vehicle to a particular station. A Vehicle Sign In/Out for the station did not include the vehicle identified in the video.

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: 02/14/22 **DATE OF COMPLETION:** 04/04/22 **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 the DPA's jurisdiction. This complaint was referred 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: 02/14/22 **DATE OF COMPLETION:** 04/19/22 **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 filed a complaint with the DPA electronically. In the complainant's written statement, he stated police are corrupt and racist. There were no specific details about any SFPD officers in the complaint.

The DPA contacted the complainant via email and phone on several occasions and was unable to ask him specific questions about his complaint.

No relevant documents were found relating to the complainant.

The DPA provided a 10-Day Letter to the complainant requesting a response. The complainant failed to respond with further needed 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: 02/18/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 1**

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

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

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

Marin County Sheriffs Office
Secretary of Professional Standards
1600 Los Gatos Dr. #200
San Rafael, CA 94903

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/22 **DATE OF COMPLETION:** 04/20/22 **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 the named officer was rude and shouted at him when he tried to obtain directions. The complainant failed to participate in the investigation further.

The named officer denied the allegation and stated he did not remember the incident. The named officer stated he gave out instructions to several people that day due to road closures. The named officer admitted to speaking loudly but stated this was to overcome loud noises from fireworks in the background.

There is no other evidence available in this case.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/22 **DATE OF COMPLETION:** 04/04/22 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer dissuaded her from filing a police report.

Department records indicate the named officer filed a police report at the complainant's request.

Body-worn camera footage showed the named officer willingly offering to write the complainant a police report documenting the complainant's dispute with her neighbor. The footage showed the named officer patiently explaining to the complainant multiple times that the allegation against her neighbor was a civil matter and did not rise to the level of criminal behavior. In addition, the footage showed the named officer referring the complainant to community resources.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: 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 the DPA's jurisdiction. This complaint was partially 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: 03/12/22 **DATE OF COMPLETION:** 04/04/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-1/IAD **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: 03/10/22 **DATE OF COMPLETION:** 04/08/22 **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 4/7/22.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/22 **DATE OF COMPLETION:** 04/20/22 **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 his friend was suicidal, and the named officer failed to place her on an involuntary mental health hold.

Department records indicate that the named officer responded to the complainant's friend's residence regarding a report of a possible suicide attempt.

Body-worn camera footage showed the named officer speak with the complainant's friend. She did not appear emotionally distressed, nor did she indicate any intention of harming herself or others.

Welfare and Institutions Code §5150 permits officers to place a person on an involuntary mental health hold if they are a danger to themselves or others. The named officer acted appropriately because there was no evidence showing the complainant posed any threat to herself or others.

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

SUMMARY OF ALLEGATION #2: The officer behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the named officer was rude when he pounded on his door and told him to "open up." In addition, he stated the officer took an aggressive stance while at his door and told him to stop calling 9-1-1.

Department records indicate that the named officer responded to the complainant's friend's residence regarding a report of a possible suicide attempt.

Body-worn camera footage showed the named and other officers acting professionally when they approached the complainant's door and announced they were the police. Body-worn camera footage did not show any officer taking any aggressive stance toward the complainant or telling him to stop calling 911. 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: 03/25/22 **DATE OF COMPLETION:** 04/20/22 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant had an altercation with her ex-husband and his sister in her apartment unit. A neighbor heard the commotion and called police. Officers responded to the scene to investigate. The complainant alleged that the officers failed to conduct a proper investigation by failing to take her statement.

Department records indicated that the named officers were present in the apartment and took a statement from the various people involved, including the complainant, and prepared an incident report.

Body Worn Camera footage showed that the named officers made every attempt to interview the complainant, repeatedly explaining to her that they wished to get her to tell them what happened in a linear fashion so they would have a clear picture of the incident. One named officer interviewed the complainant regarding what her alleged assailants did to her, asked if she had been struck, what she meant by being bullied, why her ex-boyfriend was in a place from which he had been restrained.

The evidence showed that the officers took the complainant's statement and memorialized it on an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/22 **DATE OF COMPLETION:** 04/20/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she called 911 twice because someone had entered her house almost every day after she lost her house keys. The unknown individual had rearranged her things, used her clothes, and left a note on her table. The complainant stated no officers responded to investigate the incidents.

Department records showed that the named officers were dispatched and responded to the complainant's apartment regarding her calls-for-service.

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

SUMMARY OF ALLEGATION #: 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 partially referred to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/22 **DATE OF COMPLETION:** 04/20/22 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he tried to make a report at a station, but the officer there refused to provide the complainant with a form to complete.

The complainant did not provide any further information or evidence on his complaint. The complainant also failed to include the date and time or the name and description of the officer.

No evidence could be found, and the officer identified with the limited information provided 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: 03/28/22 **DATE OF COMPLETION:** 04/20/22 **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 he was being harassed by officers. However, the complainant did not provide any further details or evidence in relation to his allegation.

No officer or evidence could be found related to this allegation.

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: 04/01/22 **DATE OF COMPLETION:** 04/20/22 **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:

South San Francisco Police Department
33 Arroyo Dr C
South San Francisco, CA 94080

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/22 **DATE OF COMPLETION:** 04/29/22 **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: 04/04/22 **DATE OF COMPLETION:** 04/19/22 **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 the DPA's jurisdiction. This complaint was referred 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: 03/14/22 **DATE OF COMPLETION:** 04/19/22 **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: 04/07/22 **DATE OF COMPLETION:** 04/12/22 **PAGE# 1 of 1**

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

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: 04/11/22 **DATE OF COMPLETION:** 04/20/22 **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 Sheriff's Department
25 Van Ness Avenue Suite 350
San Francisco CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/22 **DATE OF COMPLETION:** 04/19/22 **PAGE# 1 of 1**

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

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

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

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

CATEGORY OF CONDUCT: **ND** **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: 04/18/22 **DATE OF COMPLETION:** 04/19/22 **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.