

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/22 **DATE OF COMPLETION:** 05/25/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-1/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: 05/04/22 **DATE OF COMPLETION:** 05/17/22 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer questioned her about a dog bite incident. She stated he banged loudly on her door, which frightened her. She stated that during her conversation with the named officer, he threatened to name her as the person responsible for a dog bite, even though she was not the dog's owner in question.

The named officer stated he was investigating a dog bite incident and spoke with the complainant because the dog bite victim informed him that the dog was in the complainant's house. He stated he initially knocked on the complainant's exterior gate and did not bang as alleged. He stated no one answered, but he knocked (not banged) again, whereby the complainant answered the door. He stated the complainant was uncooperative with his investigation. She shut the door, not allowing him to photograph her large dog, which he suspected was the dog involved in a dog bite incident. The named officer stated he told the complainant that he would list her as the responsible party because he believed that the dog inside her home was the dog involved in the dog bite incident. He stated he based his belief on the dog bite victim's statement just minutes prior that the dog owner and dog in question were in the complainant's residence.

A witness, who was on the phone with the complainant at the time of the interaction, stated he did not hear the named officer knock on the door and was only aware the named officer was at the door because the complainant told him so. The witness also stated that he heard the named officer threaten that he could take the complainant to court.

Department records indicate that a dog bite incident occurred at the complainant's residence, whereby two of her neighbors were bitten.

Body-worn camera footage showed the named officer knocking on the complainant's exterior gate in a normal manner; it did not show the named officer bang on the gate. The footage showed the complainant was unwilling to answer questions and initially refused to show her dogs to the named officer. Eventually, the complainant showed her dogs to the named officer. However, she shut the door when the named officer requested to photograph her dogs. The footage showed the named officer informing the complainant that he would report that she was the dog's owner in question because she was closing the

door and was being uncooperative with the investigation. The named officer immediately walked next door and spoke to the neighbors who the dog bit. The neighbors indicated that the dog in question was inside the complainant's residence. One of the neighbors indicated that the dog in question matched the description provided by the named officer.

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There is no evidence that the named officer pounded on the complainant's door. The named officer did not threaten the complainant when he told her he would name her as the responsible party; he attempted to interview the complainant about a dog bite incident as part of his investigation. The conduct of the named officer was not a violation of department policy as he was conducting an investigation which is his responsibility.

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 inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer refused to provide her with his supervisor's name.

The named officer stated he received a call from a person requesting his supervisor's name. He stated the person who called refused to provide their name, and he felt uncomfortable providing his supervisor's name to an unknown person. He stated a few minutes later, he provided his supervisor's name to a caller who identified herself but not with the name of the complainant.

There is no other evidence to corroborate or refute the complaints or the officer's account.

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

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DATE OF COMPLAINT: 04/25/22 **DATE OF COMPLETION:** 05/09/22 **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
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DATE OF COMPLAINT: 04/26/22 **DATE OF COMPLETION:** 05/25/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-1/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
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DATE OF COMPLAINT: 04/24/22 **DATE OF COMPLETION:** 05/05/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer inappropriately accessed a database or confidential information.

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

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

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DATE OF COMPLAINT: 04/20/22 **DATE OF COMPLETION:** 05/05/22 **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.

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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.

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DATE OF COMPLAINT: 04/07/22 **DATE OF COMPLETION:** 05/25/22 **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.

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DATE OF COMPLAINT: 04/15/22 **DATE OF COMPLETION:** 05/25/22 **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.

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DATE OF COMPLAINT: 04/14/22 **DATE OF COMPLETION:** 05/05/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The complaint raised matters not rationally within DPA jurisdiction.

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

FINDINGS OF FACT: The complaint raised matters not rationally within DPA jurisdiction.

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DATE OF COMPLAINT: 04/15/22 **DATE OF COMPLETION:** 05/25/22 **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
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DATE OF COMPLAINT: 04/13/2022 **DATE OF COMPLETION:** 05/04/22 **PAGE# 1 of 1**

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

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

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

Medford Police Department
219 South Ivy Street
Medford, OR, 97501
Email: police@cityofmedford.org

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DATE OF COMPLAINT: 04/11/22 **DATE OF COMPLETION:** 05/09/22 **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 an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 5/4/22.

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DATE OF COMPLAINT: 04/08/22 **DATE OF COMPLETION:** 05/25/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1: The officer failed to comply with Department General Order 7.04.

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

FINDINGS OF FACT: The complainant stated his child was temporarily removed from the mother's care due to a behavioral health crisis. He stated the named officer did not follow Department policy because he temporarily placed the child with the mother's relatives instead of himself, the child's father. He stated he was never contacted and only learned about the incident weeks later.

The named officer stated he placed the complainant's child with maternal relatives because the complainant was not present, and he could not obtain the complainant's contact information. In addition, he stated that although he conducted a computer inquiry on the complainant's name, he could not confirm his identity with the child's mother or any other party on the scene. The named officer also stated that during the investigation, he was in contact with a social worker who ultimately directed him to place the child with the maternal relatives. The named officer denied violating Department policy and stated that it was not his intention to deprive the complainant of his child but was merely doing his absolute best to provide the optimum solution for the child. The officer said he had the child's best interests in mind throughout the incident, given what tools and resources he had at his disposal.

Department records indicate that the complainant's child was removed from the mother's custody because she was placed on an involuntary mental health hold. The record also indicates that the child was given to the mother's relatives.

Body-worn camera (BWC) footage showed the officer speaking with an individual who indicated that CPS would be required to take custody of the child if the child could not be placed with a parent or responsible adult. The footage showed that a witness reluctantly provided the complainant's name to the named officer and indicated that the complainant had shared custody of the child. The named officer indicated he would try to contact the complainant and the maternal grandparents and sort things out at the hospital where the child was transported. The footage showed another officer speaking with a mother's relative on the phone, who was instructed to meet them at the hospital. Officers are prohibited, per Department policy, to activate their BWCs in a hospital, and therefore there are no recordings in the facility.

Department General Order 7.04 (Children of Arrested Parents) states in the relevant part that "If children are present, officers shall determine whether the non-arrested parent, an adult relative or other responsible adult (i.e., godparent, adult neighbor) is willing to take responsibility for the children."

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Department policy does not require officers to place a child of an arrested parent with the other parent. It only requires that the child be placed with a non-arrested parent, adult relative, or responsible adult. The policy does not require officers to prioritize placement with a non-arrested parent over the adult relative or responsible adult. Although it was unfortunate that the child was not placed with the complainant, the named officer did not violate Department policy when he placed the child with maternal relatives.

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

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DATE OF COMPLAINT: 04/04/22 **DATE OF COMPLETION:** 05/25/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to maintain required knowledge.

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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 03/28/22 **DATE OF COMPLETION:** 05/25/22 **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 anonymous complainant stated that an officer parked a police vehicle in front of a fire hydrant.

The complainant provided a photograph showing a police vehicle in front of a fire hydrant. The complainant did not provide any further evidence. The photo does not show if the vehicle is parked or if an officer is in the vehicle.

Department documents do not show which officer was responsible for the vehicle at the time of the alleged incident.

There is no further evidence, and the officer could not be identified.

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.

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DATE OF COMPLAINT: 03/24/22 **DATE OF COMPLETION:** 05/05/22 **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 that he motioned an officer in a vehicle to assist him with removing another vehicle blocking a handicapped parking space. He stated the officer rolled his eyes and continued driving.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results.

A surveillance camera that possibly captured the incident was located; however, the camera owner would not cooperate and provide DPA with any footage.

The identity of the alleged officer could not be established.

No witnesses were identified. There was insufficient information to either prove or disprove the 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.

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DATE OF COMPLAINT: 02/28/22 **DATE OF COMPLETION:** 05/05/25 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers prepared an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the named officers wrote an inaccurate police report which incorrectly attributed fault to his wife in a vehicle/pedestrian accident. It should be noted that the complainant was complaining about an incident that occurred in 2016.

The named officers stated they could not recall specifics of this incident as it occurred six years ago; however, they had a general recollection after reviewing the report. The named officers stated the report was accurate. Their findings were based on their training and the parties and witness statements indicating that the complainant's wife was not in a crosswalk when she was struck by a vehicle in violation of the California Vehicle Code. In addition, named officer #2 stated that six years had passed since the report was written. He opined that if there were any concerns about the report's accuracy, the complainant would have complained earlier.

Department records indicate that the named officers prepared a Traffic Collision Report concluding that the complainant's wife was the cause of an accident involving herself and a vehicle. The report documented that fault was based on involved parties and witness statements, and the location of where the collision occurred.

The body-worn camera footage was not available as the incident took place before the time the Department implemented such technology.

No video surveillance footage was located due to the time between the incident date and when the complaint was filed.

California Vehicle Code §21950 states in the relevant part, "No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of the vehicle that is so close as to constitute an immediate hazard."

The named officers found the complainant's wife at fault based on the parties and witness statements, as documented in the report. Based on those statements, the named officers determined that the complainant's wife was struck outside of a crosswalk or marked intersection, violating the California Vehicle Code. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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DATE OF COMPLAINT: 02/23/22 **DATE OF COMPLETION:** 05/25/22 **PAGE# 1 of 2**

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 he was issued a citation for assault. The complainant stated there was no independent evidence, and he should not have been given a citation.

The named officer stated the alleged victim stated the complainant had assaulted him. The named officer spoke to a witness who confirmed complainant had assaulted the alleged victim. The alleged victim requested a citizen's arrest of the complainant, which the officer accepted. The named officer issued the complainant a citation.

Department documents showed that the complainant was issued a citation for a misdemeanor elder abuse and battery. The documents show the named officer spoke to multiple parties involved and accepted a citizen's arrest request against the complainant for the charges listed above.

Body-worn camera footage showed the named officer speaking to all parties involved. The footage showed the alleged victim telling the named officer he had been assaulted by the complainant and requesting a citizen's arrest. The footage also showed the named officer speaking to a witness who confirmed the alleged victim's account, giving the officer probable cause to arrest or cite. The named officer then issues the complainant a citation.

Department General Order 5.06 Citation Release, Section I(A) states, "It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses."

Department General Order 5.04 Arrest By Private Persons, Section 5.04.04 (3), states in part, ..." If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate."

The evidence showed that a victim identified the complainant as the assailant, which provided probable cause to the officer. The victim requested that the officer accept a Citizen's Arrest. The officer accepted the Citizen's Arrest as required by Department policy and issued a citation.

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 failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officer failed to properly investigate the complainant's dog being bitten by another dog.

The named officer stated that he did investigate the report of a dog bite and completed all forms as per Department policy. The named officer stated he spoke to all parties involved and examined the dog's injuries and demeanor before deciding fault. The named officer stated that he did not believe the incident required any further action from police as per Department policy. The officer determined that the bite was provoked

Department records stated the named officer spoke to all parties involved. All required forms were completed, and the required agencies were informed.

Body-worn camera footage showed the named officer speaking to all parties about the incident and examining the dogs involved. The footage shows minor injuries to the complainant's dog. The footage showed the named officer explaining the procedures to the parties involved, including the complainant, and why no further action would be taken.

Photographs of the dogs showed minor injuries to one of the dog's ears.

Department General Order (DGO) 6.07 Dog Complaint, Section II(b) states, "any dog that bites any person or animal in the City and County of San Francisco, provided, however, that the person or animal bitten was not at the time either provoking or teasing the dog without cause." DGO 6.07 then outlines the required investigative steps, including photographing injuries, writing an incident report, and citing only if the dog bite was unprovoked.

The evidence shows that the named officer completed all the necessary investigative steps for the dog bite investigation and explained the process to all parties involved.

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

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DATE OF COMPLAINT: 02/18/21 **DATE OF COMPLETION:** 05/25/22 **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 officers fail to respond to calls for service regarding open air drug use and crime.

Police records showed that there were no open-air drug use calls for service near the complainant's address for weeks before and after the incident date.

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 be reasonably identified, or the officer has left the Department and therefore the investigation cannot be completed.

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DATE OF COMPLAINT: 02/14/22 **DATE OF COMPLETION:** 05/05/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated she asked the named officers for another officer's name and star number who was not in the immediate proximity. She stated the named officers did not provide the other officers' name and star number but instead told her that they would speak to him about his conduct.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established.

No witnesses were identified. There was insufficient information to either prove or disprove the 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.

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

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

FINDINGS OF FACT: The complainant stated she witnessed the named officer rudely speak to an unhoused person.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established.

No witnesses were identified. There was insufficient information to either prove or disprove the allegation. The identity of the alleged officer could not be established.

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DATE OF COMPLAINT: 02/1422 **DATE OF COMPLETION:** 05/09/22 **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 he asked the named officer to add his statement to a police report filed against him a few weeks prior by another party. The report alleged the complainant threatened the other party. The complainant stated that the named officer refused to take his statement.

The named officer stated he spoke with the complainant, who wanted his statement added to a previously filed police report. The named officer stated the case was transferred to another law enforcement agency with jurisdiction for investigation. The named officer stated he informed the complainant that he would need to follow up with the assigned detective for his case.

Department records indicate a party alleged the complainant made threats directed toward that person. In addition, records show a supplemental report containing a statement by the complainant was filed but authored at a later date by a different officer. The record also documents that the complainant was referred to the other law enforcement agency for follow-up.

The named officer did not violate Department policy by not filing a supplemental report containing the complainant's statement as it was already transferred to another law enforcement agency for investigation.

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

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DATE OF COMPLAINT: 02/07/22 **DATE OF COMPLETION:** 05/09/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove a City vehicle in a grossly negligent or reckless manner.

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

FINDINGS OF FACT: The complainant stated the named officer drove dangerously and ran a red light, almost causing a collision.

The named officer denied the allegation. The named officer stated that he would not drive in the stated manner and would only go through a red light when on an emergency call.

There is no other evidence, documentation or body-worn camera footage of this incident.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/30/22 **DATE OF COMPLETION** 05/05/22 **PAGE# 1 of 1**

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 stated that the named officer constantly targeted and harassed his business.

The named officer stated that he is not familiar with the complainant or his business and does not recall any interactions with him.

The Department records showed no police activity for the incident described by the complainant. The records also showed the officer's Unit History, a document that chronicles the officer's work history, proved that the officer had no interaction with the complainant or his business.

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

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

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

FINDINGS OF FACT: The complainant stated that officers constantly target and harass his business.

The DPA attempted to contact the complainant for additional information with negative results.

Officer identification polls were sent to nearby district stations where the incident occurred. The polls came back with negative results.

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.

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DATE OF COMPLAINT: 01/28/22 **DATE OF COMPLETION:** 05/03/22 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer seized property or money without justification.

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #3: The officer made a material false statement.

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she left her boyfriend's mother's house because she did not feel safe with her baby there. She said his mother tried to seduce her and her boyfriend, but she did not report this to the police. She also said the mother poisoned her and did not allow her to go out because the residence requires them to have an ID to go in and out; she lost her ID. The complainant stated that the named officer did not arrest the mother.

Department records show that the named officer interviewed both the complainant and the boyfriend during the incident. The complainant said she did not want to be around the boyfriend and wanted her older daughter to pick her up. During the interview, the complainant told the named officer that after she told the boyfriend she wanted to leave, the boyfriend threatened to throw her down the stairs and kill

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everyone. The boyfriend then threw the baby on the bed with force. She also told the police that he had previously punched, kicked, and choked her. The named officer then arrested the boyfriend.

The body-worn camera shows the complainant told the named officer that the boyfriend threw the baby on the bed, poisoned her, assaulted her, and didn't let her out of the building. The complainant showed an officer the bruises on her body. However, she did not mention any injuries or crimes the boyfriend's mother committed during the interviews.

The evidence collected proves that the complainant did not mention any crimes committed by the boyfriend's mother to the officers. Therefore, no actions were taken against the mother by the police.

The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 01/26/22 **DATE OF COMPLETION:** 05/03/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant submitted an online complaint alleging that the named officer parked his patrol vehicle on the pedestrian walkway, forcing him to walk onto the street, which endangered his safety. He said the officer subsequently pulled over someone he knew and found out his name. The complainant failed to participate in the investigation or provide any other evidence.

Department records indicate that the named officer issued a citation at the location and time the complainant stated.

Body-worn camera footage shows that the named officer was the driver of the vehicle when he pulled over someone at the location. However, the footage showed that at no point did the officer park on the pedestrian walkway blocking anyone from crossing.

The evidence collected proves that although the named officer was indeed at the location issuing a citation, he did not park his patrol vehicle on the pedestrian walkway during the interaction.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/22 **DATE OF COMPLETION:** 05/25/22 **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 allegedly called the non-emergency number to report an incident in San Francisco that he reported to an outside agency and was subsequently transferred to the district police station where the incident occurred. The complainant stated that the officer that answered the phone acted as if he could not hear the complainant and hung up, refusing to take the complainant's report.

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

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

An inquiry was made to the district station where the alleged call took place, but the officer's identity 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.

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

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

FINDINGS OF FACT: The complainant stated that when he repeatedly called the district police station back to file the report, the officer yelled at him, was rude, and hung up on him several times.

An inquiry was made to the district station where the alleged call took place, but the officer's identity 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: 01/03/22 **DATE OF COMPLETION:** 05/25/22 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said he visited the city with his girlfriend when his rental car was burglarized. He called the police, and the named officer attended the scene. The complainant told the officer he suspected a lady on crutches who appeared homeless as she kept staring at them. The complainant said the named officer's partner went across the street and talked to a few people. However, when taking the report from the complainant, the named officer did not finish the list of the stolen items, did not go to other businesses or the school nearby to ask for security camera footage, and just left. He felt that the officer did not do his job.

The named officer confirmed that the complainant had told him about the lady watching him from a distance. However, the complainant said he did not observe the lady or anyone break into the vehicle. The complainant also could not provide any description or direction of travel for the lady. The officer said his partner canvassed the area for witnesses but could not find anyone who saw the burglary. The officer said he looked at the school's exterior directly in front of the complainant's vehicle to check for cameras, dusted the vehicle for latent fingerprints, and wrote a police report with the stolen items. The officer said the cameras that the complainant pointed out do not face the street where the vehicle was parked. There was nothing else that he could have done at the scene.

The witness officer was the partner of the named officer, who stated that he canvassed the area for video surveillance and searched for potential witnesses with negative results. He stated that the suspect was no longer on the scene when they arrived, and the camera on the school's exterior did not point at the area where the victim's vehicle was parked. He also confirmed that the named officer dusted the exterior of the complainant's vehicle for latent prints.

Department records indicate that six value items, such as backpacks, suitcases, and laptops, were stolen and written in the police report. It states that the named officer dusted the vehicle but could not locate any latent fingerprints suitable for lifting. The witness officer canvassed the area for surveillance cameras and witnesses with negative results.

The body-worn camera footage shows that the named officer interviewed the complainant upon arrival, took pictures of the broken windows, then went into details about the high-value stolen items, including asking about the serial number of the laptop and suitcases. The officer provided a form for the complainant to obtain financial help for the loss, dusted the vehicle for fingerprints, and advised the complainant to call the rental company. The footage also captured that the witness officer went across the street to look for surveillance cameras and spoke to potential witnesses with negative results. The footage

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 01/03/22 DATE OF COMPLETION: 05/25/22 PAGE# 2 of 3

shows no cameras at the school facing the complainant's vehicle. The footage confirmed that the complainant told officers that he did not see the actual burglary, and the lady was already gone when the officers arrived.

The witness, the complainant's girlfriend, stated that she saw a homeless woman staring at them but did not see her burglarizing the vehicle. She also stated that the officer made little to no effort to report all of their stolen belongings, ask people walking on the street, or retrieve vital camera footage from multiple angles of the street.

The evidence proves that the named officer interviewed the victim, dusted the vehicle for latent fingerprints, wrote a report that included all the stolen items of value, and provided additional resources to the complainant. At the same time, the partner searched the area for surveillance cameras and witnesses. The named officer and witness officer did all the investigative steps they could during their first call for service. No department policy requires officers to write down every stolen item from a burglary.

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

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

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

FINDINGS OF FACT: The complainant stated that he felt disrespected by the named officer because when the complainant called 9-1-1 a second time and the named officer came back, the officer was mad. The officer started acting like he was looking around for the camera at the school and said, "I'm not going to walk around and act like I am investigating and look for things that are not there." The complainant then told the officer that he had done a horrible job, and the officer went on to tell the complainant to apply for police force in his hometown and show him how it should be done correctly.

The named officer explained that he had done what he could the first time he was on the scene. He confirmed he said something like he was not going to walk around and act like he was investigating and look for things that were not there. He said it was in response to when the complainant and his girlfriend scoffed at him and said he did not care or want to do his job. The officer also confirmed saying and encouraging the complainant to become a police officer so he could conduct investigations to his personal standard if he did not want to continue settling for the status quo. The named officer said he did not feel like he disrespected the complainant, but rather, he felt disrespected by the complainant's sense of entitlement and unrealistic expectations.

The witness officer did not hear the conversation between the complainant and the named officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/22 DATE OF COMPLETION: 05/25/22 PAGE# 3 of 3

Department records did not capture the conversation between the complainant and the officer but captured all the investigative steps the officer took to look for the burglary suspect.

Body-worn camera footage captured that the first time the named officer came on the scene, he asked the complainant if there was anything else they could do for the couple, and they did not respond. The second time the named officer came on the scene, he walked to the surroundings and inside the school entrance, but the school was locked. The officer walked back to the complainant, and the complainant said he felt like there was a lot more that could be done. The named officer then explained to the complainant the investigation process and said, "I am not going to insult your intelligence and act like I keep walking around in a circle to find a ghost." He continued that they had gotten the essential information, looked for cameras and witnesses, asked about missing items, and forwarded the report to their investigation team.

Furthermore, the footage captured that the named officer said to the complainant multiple times that he felt sorry that this was happening to them on their first day arriving in the city. The complainant responded that he felt more could be done. The officer then advised the complainant to apply to the police force where he came from to learn how police investigations are conducted.

The evidence collected proves that although the named officer did say that he did not want to act like he was walking around to find a ghost and told the complainant to apply for police force in his hometown, he did not say this disrespectfully but as a response to the complainant's feedback of his police effort. These comments may be inadvisable, but the conduct does not rise to a disciplinary level.

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: 12/20/21 **DATE OF COMPLETION:** 05/03/22 **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 that the named officer banged on his door for 15 minutes, failed to identify himself, and ripped a sign off his door.

The DPA obtained the named officer's body-worn camera footage of the incident. The footage showed the named officer knocking gently on the door for two minutes. There was no sign on the complainant's door. The complainant never responded to the knocking on his door and never asked for any identification.

The named officer's body-worn camera footage showed that there was no merit to the complainant's allegation.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/21 **DATE OF COMPLETION:** 05/25/22 **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, a resident of a single residence occupancy hotel (“SRO”), stated that several of the SRO’s employees illegally entered her unit and stole her personal belongings. A few weeks after the occurrence, the complainant reported the burglary to the police. She stated that officers responded to the scene but failed to properly investigate as they simply spoke to her, did not enter her unit to investigate further, and never followed up with her regarding the burglary.

The evidence reflected that the complainant reported the burglary to police several weeks after the occurrence. The named officers responded to the scene and met with the complainant, who was waiting outside the building. The named officers interviewed the complainant, documented the items that were stolen in a police report, and provided her with a case number and follow-up form at her request.

Body-worn camera footage evidence suggested that the complainant reported the incident to police to obtain documentation she could submit for assistance in relocating to a different residence. During the officers’ investigation, the footage captured the complainant *repeatedly* asking whether she would receive documentation for the stated purpose. An actual investigation into the incident did not seem to be the complainant’s primary motive or interest in calling police at that time.

Nonetheless, the evidence reflected that the responding officers conducted a proper investigation. Additionally, the officers’ failure to enter the unit was proper because the incident occurred weeks prior and the likelihood of finding available evidence was slim. Moreover, the responding officers did not have a duty to independently follow-up with the complainant as their duties were fulfilled when they conducted the preliminary investigation.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/21 **DATE OF COMPLETION:** 05/25/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that, roughly a year after she reported the burglary, she went to the police station and spoke with the named officer regarding the status of her case. She stated that the named officer told her he would either investigate or look into the status of the case and follow-up.

The named officer stated that he has no recollection of ever speaking with the complainant nor was he familiar with the underlying incident report.

Although the named officer was not responsible for investigating or assigning this case for follow-up investigation, as a Sergeant who worked in the burglary unit, he opined that it did not appear there was sufficient evidence to investigate the complainant's burglary case further.

Officers had already responded to the scene and prepared an incident report. The decision whether to move forward with any additional investigation did not lie with the named officer, but rather, the Station's Investigation Team's discretion based on the availability of evidence and other factors.

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

SUMMARY OF ALLEGATION #4: 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: 12/03/21 **DATE OF COMPLETION:** 05/03/22 **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 an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 4/14/22.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/21 **DATE OF COMPLETION:** 05/25/22 **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 complainants (a married couple) stated that they previously experienced several issues with neighboring business owners, including, but not limited to, disputes over playing loud music. They stated that the disputes had recently ceased; however, they received an unexpected and inappropriate phone call from the named officer inquiring whether they would be willing to meet with the neighboring business owners. The complainants declined the meeting out of fear of being mistreated by the police due to the neighboring business owners' alleged ties with the San Francisco Police Department. They stated that the named officer then threatened their business's pending permits or licensure if they did not cease bothering the neighboring business owners.

Department records confirmed various disputes between the complainants and neighboring business owners in which the Department was called.

The named officer, one of the district station's permit officers, confirmed contacting the complainants. He stated that he called on behalf of a Captain to facilitate a meeting to mediate the issues amongst the complainant, the neighboring business owners, an entertainment commission representative, the captain, and himself.

The named officer denied telling the complainant that he would revoke his licensure or pending permits; however, he did tell him that a particular permit does not permit loud music and the entertainment commission could cite him for violating the permit. He denied threatening the complainants in any way and maintained that he did not engage in any inappropriate behavior during the interaction. Additionally, the named officer is not aware of any connection between the neighboring owners and the Department and he, himself, is unfamiliar with the neighboring business owners other than reviewing past incident reports related to the occurrences. The named officer stated that it was both appropriate for him to contact the complainant regarding the issues and to do so telephonically.

The evidence reflected that the named officer called the complainants in the course of his duties and was not harassment; additionally, mentioning the permit was related to the officer's job as a permit officer.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/21 **DATE OF COMPLETION:** 05/25/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: 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: 11/10/21 **DATE OF COMPLETION:** 05/25/22 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer did not allow her to drive down the street where she lived, causing her emotional distress. The complainant stated that while interacting with the named officer in this escalated state, he accusingly asked her what was wrong with her, threatened to call an ambulance to take her away, and continued to mockingly interrupt her every time she attempted to speak.

The named officer stated that he was performing traffic control duties while a television show was being filmed on the complainant's street. He stated that he blocked the street off to multiple residents and let drivers through when the film crew advised him that it was ok to do so. When the complainant approached, filming was taking place and he could not allow her through. He stated that he explained she would have to be patient at which point the complainant became very irate and said she was suffering from a nervous breakdown because he would not allow her onto the street. The named officer offered to get her medical attention and she refused. The named officer characterized his demeanor as professional and did not believe he was disrespectful. He stated that the complainant approached his car in a very aggressive manner and started yelling at him.

The CAD showed that the named officer was present on Administrative Detail at the location on the date and time specified by the complainant.

Body-worn camera footage showed what appeared to be an interaction between the parties *after* the initial encounter. The named officer was sitting in the driver's seat while the complainant was standing at the window. The named officer could be heard asking the complainant why she was cursing at him, and the complainant explaining that she was very stressed. The complainant was in an agitated state and the named officer could be heard stating that she was behaving unprofessionally, yelling, jumping up and coming towards him. The complainant could be seen walking away after which time the officer provided a narrative of the encounter for the camera.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/21 **DATE OF COMPLETION:** 05/25/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she attempted to take a photo of the named officer's badge number, but he did not allow her to do so and that she asked the named officer several times for his badge number before she heard him clearly state it.

The named officer stated that he did not remember the complainant attempting to take a photo of his badge. He stated that he provided his star number and name to the complainant and saw her write it down on her phone.

The CAD showed that the named officer was present on Administrative Detail at the location on the date and time specified by the complainant.

Body-worn camera footage showed what appeared to be an interaction between the parties *after* the initial encounter. The named officer was sitting in the driver's seat while the complainant was standing at the window. The named officer could be heard asking the complainant why she was cursing at him, and the complainant explaining that she was very stressed. The complainant was in an agitated state and the named officer could be heard stating that she was behaving unprofessionally, yelling, jumping up and coming towards him. The complainant could be seen walking away after which time the officer provided a narrative of the encounter for the camera.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/21 **DATE OF COMPLETION:** 05/03/22 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-5: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated the named officers harassed and bullied him by trying to force him to sign a citation. He stated he refused to sign the citation and was arrested and transported to jail.

The named officers stated the complainant was arrested for a misdemeanor assault. They stated Department Policy permits officers to release a person for a misdemeanor by signing a citation to promise to appear in court.

Named officers #1-3 stated they did not ask the complainant to sign a citation and indicated they did not harass or bully the complainant at any time.

Named officers #4 and #5 stated they asked the complainant to sign the citation as it was only a promise to appear in court and that he could be released without going to jail. They stated they explained to the complainant that he was not admitting guilt but promising to appear in court. The named officers denied bullying or harassing the complainant at any time.

Department records indicate that the named officers responded to the complainant's residence because the complainant threatened a person with a hammer discovered on the complainant's waistband. The victim reported that the complainant brandished the hammer in her direction. The victim requested a citizen's arrest, which the officers accepted. The complainant was arrested for a misdemeanor assault and issued a citation that he refused to sign. The officers explained to the complainant that signing the citation was not an admission of guilt, and if he refused to sign the citation, they were required to take him to jail. The complainant ultimately refused to sign the citation and was subsequently arrested and transported to jail.

Body-worn camera footage showed the complainant removing a hammer from his waistband upon being ordered by officers. The footage showed the victim tell officers that the complainant brandished a hammer and requested a citizen's arrest. The footage also showed the complainant admitting that he removed the hammer from his waistband but only held it by his side. Named officers #4 and #5 informed the complainant they were citing him for a misdemeanor assault. They explained that he was not admitting

guilt by signing the citation but only promising to appear in court. The complainant refused to sign the citation after the officers explained to him multiple times that he was not admitting guilt. Named officer

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 10/29/21 DATE OF COMPLETION: 05/03/22 PAGE# 2 of 4

#4 read the back of the citation to the complainant, which states that signing the citation was not an admission of guilt, but only a promise to appear in court. The officers also explained that they would have to take him to jail if he refused to sign the citation. The complainant continued to refuse to sign the citation, resulting in the officers taking him into custody.

Department General Order 5.04 (Arrests by Private Persons) states in relevant part that an arrest by private persons may be made if a misdemeanor or felony has been committed in the presence of a private person.

Department General Order 5.06 (Citation Release) states in the relevant part that if a person is arrested for a misdemeanor offense, they shall be subject to custodial arrest rather than citation release when the person refuses to sign the citation.

Penal Code §417(a)(1) states in the relevant part that anyone who draws or exhibits a deadly weapon in a threatening manner is guilty of a misdemeanor.

The complainant was given ample opportunity to sign the citation. However, due to his continued refusal, the officers were required to take him into custody and transport him to jail. The evidence showed that the officers did not bully or harass the complainant to sign the citation; they only explained to the complaint the consequences of refusing to sign the citation professionally.

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

SUMMARY OF ALLEGATION #6: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant said the named officer bullied him to sign a citation, which he refused. He stated because he would not sign the citation, he was arrested and taken to jail.

The named officer is no longer with the San Francisco Police Department.

SUMMARY OF ALLEGATIONS #7-11: The officers knowingly engaged in biased policing or discrimination.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/21 DATE OF COMPLETION: 05/03/22 PAGE# 3 of 4

FINDINGS OF FACT: The complainant, who is African American, stated that during his interaction with the named officers, they engaged in biased policing based on his race, sexual orientation, religious beliefs, and disability.

The named officers denied engaging in biased policing. They stated they were aware that the complainant was African American. However, they were unaware of his sexual orientation, religious beliefs, and disability. They stated they only interacted with the complainant because they responded to a 911 call that reported the complainant threatened a person with a hammer. In addition, the named officers stated they did not engage in biased policing but treated him as they would treat anyone they came into contact with.

Department records indicate that the named officers responded to the complainant's residence because the complainant threatened a person with a hammer, which was discovered on his waistband. The victim reported that the complainant brandished the hammer in her direction. The record indicates that the victim requested a citizen's arrest, which the officers accepted. The complainant was arrested for a misdemeanor assault and issued a citation that he refused to sign. The officers explained to the complainant that signing the citation was not an admission of guilt, and if he refused to sign the citation, they were required to take him to jail. The complainant ultimately refused to sign the citation and was subsequently arrested and transported to jail.

Body-worn camera footage showed that officers #4 and #5 patiently explained to the complainant multiple times that they would not have to take him to jail if he signed the citation. At no time did BWC footage show the complainant discuss his race, disability, religion, or sexual preference with the officers. At no time did the named officers mention or discuss the complainant's race, disability, religion, or sexual preference.

Department General Order 5.17 (Bias-Free Policing Policy) states in the relevant part that biased policing is "when law enforcement inappropriately considers characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, disability or affiliation with any non-criminal group."

The evidence does not support the complainant's allegation that the named officers treated him in a biased manner. The officers interacted with the complainant due to a 911 call where the complainant used a hammer in a threatening manner. Even the complainant admitted possessing the hammer. The named officers only encouraged the complainant to sign the citation to his benefit to avoid being taken to jail.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/21 **DATE OF COMPLETION:** 05/03/22 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #12: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant, who is African American, stated that during his interaction with the named officers, they engaged in biased policing based on his race, sexual orientation, religious beliefs, and disability.

The named officer is no longer with the San Francisco Police Department.

SUMMARY OF ALLEGATION #13-15: 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 the DPA's jurisdiction. This complaint was partially 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: 10/28/21 **DATE OF COMPLETION:** 05/05/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-4: The officers conducted an improper search and seizure.

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

FINDINGS OF FACT: The complainant stated that the officers entered and searched her home for her daughter's boyfriend after they had arrested him even though he did not live there.

All named officers confirmed that the complainant's daughter's boyfriend had four active felony arrest warrants at the time of the incident. Named officers #2-4 confirmed that the boyfriend was on Post Release Community Supervision (PRCS)/probation, which authorized officers to conduct searches on his person, vehicle, and property without a search warrant even after an arrest. The officers also pointed out that they obtained a search warrant for the boyfriend's cell phone locations before the arrest, which indicated that he lived in the complainant's residence for weeks before the search.

Department records show active felony warrants for the boyfriend. Named officer #2 obtained two search warrants signed by San Francisco Superior Court Judges to search the boyfriend's social media account and cell phone records in order to locate the boyfriend's whereabouts. The records show that the boyfriend's cell phone signals indicated that he was spending a considerable amount of time at complainant's residence for at least two weeks before the search. Additional surveillance was conducted to confirm that the boyfriend resided at the complainant's address. The record reveals that named officer #2 contacted an SF Deputy Probation officer to confirm that the boyfriend was on PRCS and was subject to warrantless search conditions. Officers arrested the boyfriend after he was seen leaving the complainant's residence and conducted a search of the complainant's premises for evidence using the warrantless PRCS search conditions.

Body-worn camera footage confirmed that the named officers searched the complainant's residence after the boyfriend was arrested nearby.

The DPA contacted the SF Deputy Probation officer as a witness, who confirmed that the boyfriend was on PRCS, which means that he had a warrantless search condition. This condition subjects the boyfriend to a search of his person, residence, or any property without a warrant day or night by the agent of the supervising county, any peace officer, or law enforcement officer.

The evidence collected proves that the boyfriend resided at the complainant's residence before the arrest and search, and that he was on probation, which authorized officers to conduct a warrantless search of his residence without a warrant. 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: 10/27/21 **DATE OF COMPLETION:** 05/03/22 **PAGE#** 1 of 2

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 she was driving a vehicle and was pulled over by the named officer. The complainant said that the officer issued her a traffic citation for running a red light when she did not run a red light. The complainant provided dashcam footage from the incident; however, it omitted footage of her vehicle passing through the specific location of the violation.

The named officer said he observed the complainant's vehicle pass through an intersection and a red circular traffic signal. He stated that he issued the complainant a citation for not stopping at a marked limit line when facing against a red circular traffic signal in violation of Section 21453(a) of the California Vehicle Code (CVC).

A witness officer stated that he was partnered with the named officer and observed the complainant's vehicle cross an intersection when a traffic light displayed a solid red light. He stated that he pulled the complainant's vehicle over for running the red light, and the named officer issued the complainant a citation for the violating CVC section 21453. He added that the complainant was seen before a judge and found guilty of the traffic violation.

Department records showed that the complainant received a citation from the named officer for a violating CVC section 21453.

Body-worn camera footage for this incident showed that a witness officer told the complainant that she was pulled over for running a red light at a specific location. Body-worn camera footage showed that the named officer issued the complainant a citation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #2: The officer drove a city vehicle in a grossly negligent or reckless manner.

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

FINDINGS OF FACT: The complainant stated that the named officer drove through a red light without an activated siren or overhead light before conducting a traffic stop on her vehicle. The complainant provided footage taken from the rear of her vehicle during the incident. The rear camera footage was taken at night, from a distance, while her vehicle was moving, and it does not show the traffic signal from the direction the named officer's vehicle was proceeding. It is unclear if the named officer's vehicle passed through a solid red light.

The named officer stated that he was driving the patrol vehicle during this incident and pulled the complainant's vehicle over after observing a traffic violation. He stated that he does not recall if he went through a red light without activating the vehicle's overhead light or siren before pulling the complainant over. He said it is common for him to activate his forward-facing red light or siren to provide a suitable warning to others and allow them to yield the right of way. He stated that officers could disobey traffic signals to conduct traffic stops as CVC section 21055 exempts officers.

A witness officer stated that he did not recall if the named officer drove through a red light without an activated siren or overhead light during this incident.

CVC section 21055(a) states the driver of an authorized emergency vehicle is exempt from certain traffic violations, including CVC section 21453(a), "If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law..."

Even if the officer did go through the red light, he was in immediate pursuit of an actual or suspected violation of the law.

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

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SUMMARY OF ALLEGATIONS #1-3: The officers seized property or money without justification.

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

FINDINGS OF FACT: The complainant stated the named officer stopped the complainant, accused him of stealing a wallet, and then arrested him. The complainant stated the named officer searched him and found two wallets. The complainant stated one wallet was his and it had over \$1000 cash in it. He stated the other wallet was the one he found and there was no cash inside. The complainant stated the named officer took the \$1000 and gave it to the person who accused the complainant of stealing.

The named officer stated money and two wallets were found on the complainant's person. The named officer stated the seized wallet matched the description of the stolen wallet. The named officer stated the complainant first said he had no money on him. When money was found on the complainant, he then told the named officer the money belonged to him. The named officer stated both the stolen wallet and cash were seized as evidence.

The Incident Report explained that the complainant provided conflicting stories about the money. It also stated that the money was concealed in a pair of shorts underneath the complainant's outer cargo pants. In the incident report, reporting officer explained that the cash was seized, photographed and booked as evidence because the officer could not specifically identify it as belonging to the complainant.

The body worn camera footage from the officers showed the victim provided the description and the contents of his wallet. The BWC also depicted the reporting officer watching surveillance video from the store that showed that the alleged victim likely left his wallet at a cash register counter and complainant can be seen reaching into an area where the wallet may have been. Additional suspicion was raised when the complainant gave conflicting stories about the cash found on him. Finally, the BWC showed the contents of one of the wallets seized from complainant matched the information provided by the victim.

The photo evidence taken by SFPD showed an identification and other cards not in the complainant's name. The Property Receipt showed an out-of-country ID, debit cards in the name of a person not matching the complainant, a hotel key and less than \$1000 in U.S. currency.

The named officer was justified in seizing the property and money from the complainant. The evidence showed the contents of the wallet did not belong to the complaint. The name on the cards and the identification did not match the complainant's identity. The report showed the money was seized as evidence.

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

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SUMMARY OF ALLEGATIONS #4-5: The officer improperly arrested a person.

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

FINDINGS OF FACT: The complainant disputes there was cause to arrest him. He stated the named officer told him there was a warrant out for his arrest.

The named officer stated the detention turned into an arrest when the records check revealed two warrants out for the complainant's arrest.

The incident report explained that the named officer requested a records check on the complainant from dispatch after detaining him and obtaining his identification. The query revealed that complainant had two outstanding warrants from two different California counties. This information was confirmed by the CAD, which shows that officers queried the complainant's name.

The Incident Report explained that the initial detention of complainant to investigation the theft of the wallet evolved into arrest when his outstanding warrants were discovered. The warrants led to a search incident to arrest and officers discovered a wallet that did not appear to belong to complainant, but rather to the individual to alerted officials that his wallet was taken earlier. The named officer stated he saw a person outside of the store that matched the description of the person seen in the surveillance video in the area where the individual's wallet disappeared.

The BWC showed the named officers detained the complainant, provided him information on the detention, and placed the complainant in handcuffs. The BWC showed the named officer stated to the complainant that there were two warrants out for the complainant's arrest, which formed the basis for his arrest and the search of complainant's belongings.

The evidence showed the named officer had probable cause to arrest the complainant for two warrants and during a search incident to that arrest, officers discovered potential evidence of theft.

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

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to comply with Department General Order 5.01.

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

FINDINGS OF FACT: The complainant stated she was out drinking at a bar, became drunk, and did not recall what happened during the rest of the evening. She then woke up in a hospital and found a Police "Release Form" in her purse. The complainant alleged the named officers assaulted her after throwing her out of a bar.

Named Officer 1 denied using any force against the complainant and stated that he was a backup officer at the scene. Named Officers 2 and 3 stated that they had a report that the complainant had assaulted two bystanders. On their arrival at the scene, the complainant attempted to strike Officer 2 with her fist. Both officers used takedown and control methods to restrain the complainant, who they stated was behaving erratically. The officers stated that they reported the use of force to a sergeant as policy requires.

Body-worn camera footage showed the named officers approaching the complainant outside on the sidewalk. She is heard verbally abusing a bystander as she aggressively walks toward him. The named officers take the complainant by the arm, and the complainant is seen striking out at named officer 2 with her fist. The named officers take the complainant to the ground and restrain her. The complainant can be seen and heard actively resisting the officers. The officers are not seen using any strikes or weapons against the complainant. The complainant is then restrained by medics who provide aid.

Department documents show that police were called to a female acting aggressively and assaulting members of the public. The documents show that officers detained the complainant and used force. The use of force is documented and reviewed by a supervising officer.

Department General Order 5.01 Use of Force policy states: "Officers may use reasonable force options in the performance of their duties in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order. 6. To prevent a person from injuring himself/herself."

The body-worn camera footage corroborates the named officers' accounts. The use of force used was in self-defense and to effect a lawful arrest and detention. The use of force is proportionate and reasonable to the threat. The officers restrained the complainant on the floor using the minimum force necessary. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4-6: The officers improperly touched an adult in a sexual manner.

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

FINDINGS OF FACT: The complainant stated that she was out drinking at a bar, became drunk, and did not recall what happened during the rest of the evening. She then woke up in a hospital and found a Police "Release Form" in her purse. The complainant stated that the next day after the incident occurred, she discovered bruises on her body, including between her legs. The complainant stated that she believed officers had sexually assaulted her while restraining her.

The named officers all stated that they did not sexually assault the complainant and did not see any other officer or person who sexually assaulted the complainant.

The body-camera footage showed the named officers restraining the complainant on the floor after she attempted to assault one of the officers. The footage covers police interaction with the complainant from their first contact with her to her being driven away in an ambulance by medics. At no point does any officer do any action that can be taken as sexual assault. The officers are seen making every effort to maintain the complainant's dignity while protecting themselves, members of the public, and the complainant from harm.

Department documents do not mention any sexual assault being seen or reported.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF DPA ADDED ALLEGATION #1: The officer engaged in unwarranted action.

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

FINDINGS OF FACT: Body-worn camera footage showed the named officer placed a spit mask on the complainant.

The named officer stated that she was not aware of any Department policy on using or issuing spit masks. The officer stated that she was trained to use spit masks in previous employment outside the Department. She stated she had a spit mask on her utility belt, which she had obtained from paramedics at an earlier date. The officer said she used the spit mask as the detained person was spitting blood at other officers and members of the public. She said she did not believe it was forbidden for spit masks to be used.

Body-camera footage showed the named officer placing a spit mask on the complainant, who can be seen and heard spitting.

The Department Legal office confirmed no policy governing the training, use, or issuance of spit masks exists. As there is no policy covering spit masks, the named officer's use of a spit mask was neither in nor out of policy. However, DPA recommends that policy and training be created to guide officers in the use of spit masks.

The evidence proves that the alleged conduct occurred, but no policy exists to cover these actions; however, the DPA recommends that the policy or procedure be created.

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

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

FINDINGS OF FACT: The complainant stated that he was shopping inside a store when he observed a uniformed officer talking to another shopper. The complainant stated the officer had a face mask but was not wearing it properly; specifically, that it was barely covering his mouth and not covering his nose at all.

The named officer stated that he was working an overtime assignment at the store providing safety and security. He stated that he was wearing a face mask in compliance with Department policies.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he approached the officer and advised that the mask mandate was for the entire city. The complainant stated the officer sarcastically replied that he was wearing a mask. The complainant observed that the mask was not covering the officer's nose, to which the officer replied that he had asthma and could not breathe with his mask on.

The named officer stated that he recalled a man walking up to him asking whether he knew the face mask policy. He stated he answered in the affirmative. He denied telling the man that he had asthma or could not breathe with his face mask on.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant owns a multi-unit building. He got into an argument with squatters in his building, who called the police. The complainant told the responding officers that the individuals were squatters. The officers left the scene without taking action against the squatters.

Department records showed that the named officers responded to investigate a possible battery incident involving a glass bottle between a landlord and tenant. The named officers investigated and found no evidence of squatting. It appeared that the individuals had lived at the residence for several months and the officers characterized the issue as a civil matter regarding overdue rent. The named officers informed the complainant that they could not evict the tenants, explained the eviction process, and provided with appropriate resources. The named officers found no evidence of the tenants committing a crime.

Body-worn camera footage showed the complainant informing officers that he was in the middle of evicting his tenants. The officers explained that they could not get involved because the evictions were civil matters and acknowledged the complainant's frustrations.

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

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SUMMARY OF ALLEGATIONS #4-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that officers asked permission to enter his backyard to investigate the scene of the battery but failed to inform him of his right to deny them entry. He stated that the officers only informed him that he had a right to deny them access after he opened the side door and began leading them to the backyard.

The officers stated that they entered the complainant's backyard with his consent to observe the scene of the battery incident and advised the complainant that he was not required to let them into his backyard.

Body-worn camera footage showed that the complainant offered to show the officers his backyard before they even asked. The officers said that they wanted to enter the backyard to search for weapons, such as the glass bottle described in the call-for-service. The footage showed that the officers asked permission and the complainant consented. As the complainant opened a door leading to the backyard, multiple officers informed the complainant that he was not required to grant them access.

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

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SUMMARY OF ALLEGATION #7: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that the named officer pointed what appeared to be a large rifle towards him.

The evidence reflects that the named officer was equipped with an Extended Range Impact Weapon (ERIW) while on scene.

The named officer denied pointing his extended range impact weapon (ERIW) towards or at the complainant or using it in an inappropriate manner.

Body-worn camera footage showed that the named officer held an ERIW pointed in a low-ready position towards the ground and not at the complainant. Additionally, the footage reflects that the complainant asked the named officer what he was holding and why he had the weapon. The named officer explained to him what the ERIW is and that he was required by bring it to calls-for-services involving a weapon.

Department policy states that an ERIW or similar weapon may be used on armed subjects.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATION #8: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer inappropriately shined his flashlight in the complainant's face and on his body.

The named officer denied pointing the flashlight in his face but confirmed that he shined the light on his knees.

The body-worn camera footage captures the officers speaking with the complainant outside his residence on a dark street at nighttime. The named officer activated his flashlight and pointed it towards the complainant's lower body. The complainant asked the named officer to move the flashlight away from his face. The named officer responded that the flashlight was shining on his knees. The officers explained that they just wanted to be able to see him as the street conditions were very dark. The footage did not capture the named officer pointing the flashlight in the complainant's face.

It was appropriate for the officers to shine the flashlight towards the lower half of the complainant's body on the dark street.

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

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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 as she was boarding a MUNI bus, a male blew smoke into her face, chased her onto the bus, and verbally threatened her. She stated the named officers arrived on scene and failed to adequately address the issues. While the male apologized to her for blowing smoke in her face, the officers did not address the alleged assault.

Department records reflect that the bus driver reported an incident to police involving a physical fight between a male and female in which one person spit on a child. The driver reported that the female, later identified as the complainant, appeared to be the aggressor. The complainant similarly reported the incident to the police, but she implicated the male.

Department records confirmed that several officers, including the named officers and two sergeants, responded to the scene regarding a physical fight. Upon arrival, the named officers spoke with the bus driver (reporting party) who clarified that it was a verbal (not physical) altercation. The named officers thereafter spoke with the involved parties who informed them of their respective accounts of what occurred. Each party implicated the other. The complainant told the officers that as she was boarding the bus she did not see the male and his family but felt a lot of cigarette smoke into her mouth; she felt uncomfortable and spat on herself. The male was unmasked and not social distancing; the male told her to come out of the bus and that he was going to beat her up. The male, however, told the officers that the complainant spat on his child on purpose and that he wanted her to apologize.

The records reflected that named officer #1 believed that de-escalation tactics in this specific incident would be useful in promoting a mutual understanding between all parties involved because physical injuries did not exist and, while the parties appeared upset with each other, they were amenable to speaking with the police. His stated goal was to speak with both parties, discuss the incident with them, reaffirm what they observed, but adding in the possibilities where misunderstandings may have occurred.

Body-worn camera footage reflected that the officers responded to the scene, spoke with both parties, and attempted to de-escalate and mediate the situation. In doing so, named officer #1 specifically asked the male to apologize to the woman for blowing smoke in her face. Although most of the conversation being discussed involved the male blowing smoke, the officer, had, in fact, verbally admonished the male for making threats towards the complainant. Additionally, the evidence reflected that the officers did not take official enforcement action against either party and that neither party explicitly requested that the officers do so. The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officer prepared an incomplete or inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the named officer generated an inaccurate incident report as the report incorrectly stated that she spat on the male's child.

The named officer authored the incident report for this occurrence. The incident report narrative documented the investigative steps taken by the officers on scene, including a summary of the respective parties' statements of what occurred. The report included the male's accusation that the complainant intentionally spat on his child and documented the complainant's denial.

Body-worn camera footage captured the conversations the officers conducted with the respective parties. The report accurately summarized what each party told the officers, as reflected in the footage. Additionally, the incident report narrative was neutrally written, capturing both sides of the occurrence, and did not explicitly blame the complainant for spitting on a child. The report characterized the incident as a misunderstanding between the two parties amenable to de-escalation.

Department policy dictates that officers are responsible for preparing incident reports that are complete and accurate when memorializing incidents. Inherent in this duty, officers are required to describe in the report what each party said.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer threatened to file a police report against her.

The evidence reflected that the named officer attempted to de-escalate and mediate the situation by having the complainant and the male apologize to each other as initially agreed upon by both parties. The evidence reflected that the complainant ultimately decided that because she did not spit on the child, she

would not apologize to the child, but only to his father. In doing so, she also attempted to recount the incident and how he blew smoke into her face. The named officer attempted to explain to the complainant why he felt it would make more sense to apologize to the child than to the male and that a true apology would not be stated with the added justifications. At that time, the body-worn camera footage captured the named officer appearing frustrated that the complainant would not apologize to the child and informing

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her that he could not force her to do so, but that he was going to write a report. The officers explained to the complainant that everything each party told them would be documented in the report.

The footage did not capture the named officer *threatening* to write a report against the complainant or engaging in threatening, intimidating, or harassing behavior. Moreover, considering the available footage, the incident report narrative is neutrally written, capturing both sides of the incident as perceived by each party.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to her suggesting that even though she belonged to a vulnerable population, they did not care about her contracting COVID from the male's smoke, and only cared about the risk posed to the child by her saliva.

Body-worn camera footage captured conversations between the complainant and the named officer regarding COVID concerns, during which the named officer inferred that the situation was different for the child and asked whether she was a child.

While the named officer did make a comment distinguishing the actions taken against her and the ones against the child, the named officer's comment does not rise to the level of misconduct as it was neither uncivil nor profane. Moreover, the officer did not portray himself as not caring about the complainant as he spent ample time trying to mediate the situation to come to an amicable solution for all parties, including reiterating to the complainant that they knew she did not spit on the child on purpose.

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

SUMMARY OF ALLEGATION #6: The officer engaged in other unequal treatment.

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

FINDINGS OF FACT: The complainant stated the officer engaged in biased and unequal treatment towards her. She stated the officers responded to the scene, immediately spoke with the male in an overly

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friendly manner and quickly believed his account. She stated the named officer accused her of spitting on the child, as suggested by the male, despite her repeated attempts to tell the named officer what occurred. Moreover, because the male was concerned about his son contracting COVID, the complainant stated that the officers asked her to show proof of vaccination status at the male's request. However, she stated that the officers failed to do the same for her despite the male blowing smoke in her face.

Body-worn camera footage reflected that upon arrival, the named officer briefly spoke with the male who was standing closer in proximity outside the bus, while the complainant remained inside the bus. The named officer identified each party and spoke with the bus driver about what occurred. The officers then separated and spoke with each party. The named officer spoke with the male and repeatedly suggested to him that the complainant's actions in spitting on his child was likely an accident and not intentional. The named officer also informed the male that his actions scared the complainant and was inappropriate. On more than one occasion, the named officer characterized the complainant's actions in spitting on the child as a mistake and made explicit comments to her that he knew she was a nice person and that she would not spit on a child intentionally. The named officer also attempted to explain to the complainant what the male perceived and why he was also so upset.

The footage also reflected that when the complainant requested to see the male's vaccination status, the named officer initially appeared hesitant, distinguishing the risks of smoke versus saliva making direct contact with a person. However, after the complainant explained that she belonged to a vulnerable population, the named officer agreed to view the male's vaccination status. The male had already left the scene. The incident report reflected, however, that thereafter, the named officer contacted the male who came to the station to show proof of vaccination, which the officer noted for the complainant in the incident report.

While the complainant was only privy to the conversations between herself and the officers when they attempted to explain to her why the male was upset, viewing the incident in its totality, the named officer did not engage in unequal treatment during the incident.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #7: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officers inappropriately requested that she exit the MUNI bus, placing her near the male of whom she was afraid. Additionally, she stated that the officer repeatedly demanded that she apologize to the male for spitting on the child, an act she did not do. She explained that she refused countless times, but based on the officer's continued pressures, she felt required to listen to his orders.

The body-worn camera footage captured that when the named officer arrived on scene the male and his family were outside the bus, while the complainant was inside near the entrance. The named officer assessed the scene and identified the parties. He thereafter instructed the male and his family to stand back and speak with his partner. The bus driver indicated that unless he was needed, he would like to leave the scene. The named officer asked the complainant to exit the bus which she voluntarily did. The officers ensured that distance remained between the two parties while they investigated what occurred. Moreover, as the incident progressed, several additional officers responded to the scene, including two sergeants, in the event something occurred.

The evidence reflected that the named officer did not force the complainant to apologize to the male. The named officer strongly encouraged each party to apologize to the other. When the complainant ultimately refused to apologize to the child, both the named officer and the complainant engaged in a debate. The named officer ultimately told the complainant that he could not force her to apologize and ceased his efforts.

The named officer used his discretion in handling the situation by having the parties apologize to each other. Additionally, asking the complainant to exit the bus to speak with the officers was proper as they ensured distance between the two parties and trained officers were on scene in the event something occurred.

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 comply with Department General Order 10.11

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

FINDINGS OF FACT: The complainant stated it appeared to her that the named officer de-activated his body-worn camera several times during their interaction.

The evidence reflected that the named officer's body-worn camera was on and captured the entire incident.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer drove a City vehicle in a grossly negligent or reckless manner.

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

FINDINGS OF FACT: The complainant stated that she was driving on the left of a one-way street, and there were several police cars behind her at a crime scene. A police car then made a sharp U-turn from the freeway and drove towards her car, facing the wrong direction of traffic. She said the police car was driving fast without a siren and swerved into another lane to avoid her. The complainant said she felt like she was put at grave risk and that the officer was recklessly driving and had extreme lack of regard for public safety.

The named officer stated he responded as backup to an emergency regarding a stolen vehicle auto-recovery call with an occupant sleeping inside the vehicle. Since the occupant was asleep, the named officer decided not to turn on his siren but used his emergency lights to signal other drivers on the road. He explained that he took the shortest route to the call, which put him in the opposite direction of traffic. He said he planned to park in front of the stolen vehicle to block it head-on. He said he was driving at around five mph and saw the complainant's car coming. He made visual contact with her and gestured for her to stop, which she did. He was then able to go around it safely.

The witness officer was on the passenger side of the patrol vehicle. He stated that the named officer was using the patrol vehicle as a tactical tool to block the parked stolen vehicle from the front to prevent it from escaping. Also, he confirmed that the named officer did give the other driver hand signals to stop and heard him say, "stop-stop-stop" when the other car was approaching. He denied that it was an emergency swerve.

Department records confirm an occupied stolen vehicle at the location where the driver was asleep. Backup officers were requested to respond to the scene.

The named officer's body-worn camera was on at the time of the incident. However, due to the camera's location on the officer's chest, it does not capture the road or vehicles. Instead, it captures building, road signs, and trees due to the angle. However, the footage does show that the named officer made a sharp right U-turn after exiting the freeway. The footage also shows the named officer pulled the patrol vehicle quickly to the left, and then an incoming car was driving closely on the right side. No contacts were made

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between the two cars.

Department General Order 5.05 Emergency Response and Pursuit Driving states, "it is the policy of the San Francisco Police Department that officers respond to emergency calls expeditiously." Besides, their training material states that when conducting high-risk vehicle stops, officers shall utilize vehicle positioning by using them as tactical tools to prevent escape and as cover.

California Vehicle Code section 21806 states, "Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the surrounding traffic shall...(a)(1) yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed."

California Vehicle Code section 21055(a) states that an authorized emergency vehicle driver is exempt from certain traffic violations, "If the vehicle is being driven in response to an emergency call..."

California Vehicle Code section 21055(b) states that the driver of an authorized emergency vehicle is exempt from certain traffic violations, "If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians."

The evidence proves that although the named officer was driving close to the complainant's vehicle in an opposite direction, he responded to an emergency nearby and attempted to use his vehicle as a tactical tool. Furthermore, the named officer used his emergency lights to warn drivers on the road. He could not use his siren as it would wake the suspect, gestured to the complainant to stop, and drove around it to prevent a collision. The officer complied with department policy and the California Vehicle Code.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer unnecessarily grabbed her during the incident. She stated she wanted to see and comfort her boyfriend, who had a panic attack.

Department records show that officers were called to investigate an assault incident in which the complainant's boyfriend had assaulted an elderly adult following a traffic collision. When the officers, including the named officer, arrived on the scene, multiple witnesses identified the complainant's boyfriend as the assailant, and the named officer detained and handcuffed the boyfriend. A witness also described the complainant reaching into a vehicle and taking the car keys before leaving the collision scene. In the incident report, officers, including the named officer, wrote that the complainant returned to the scene. When the named officer spoke to her, she was uncooperative and continued to try and approach her boyfriend, who was detained and being treated by paramedics. The incident report records that the complainant consistently interfered with paramedics as they tried to treat the boyfriend. In a supplemental report attached to the incident report, the named officer wrote the following, "At one point, I grabbed [the complainant] by both her right arm (bicep area) by both hands and walked her away from the paramedics. [The complainant] did not claim to have any injury as a result of me moving her. It was determined that [the boyfriend] needed to be transported to the hospital, so he was placed in an ambulance. I noticed that [the complainant] attempted to also gain entry into the ambulance so I shielded her with my body. It appeared that [the complainant] was going to attempt to go around me. I grabbed [the complainant] by her right arm (bicep area) and walked her onto the southwest corner..... Again, [the complainant] did not complain of any pain as a result of me moving her."

Body-worn camera footage corroborated the incident report. The footage showed that the complainant was uncooperative with officers, refusing to comply with the officers' request for information. The footage showed that the named officer initially allowed the complainant to talk with and comfort her boyfriend before the boyfriend was arrested. Several officers, including the named officer, explained to the complainant that the boyfriend was detained and told the complainant she could not be present with her boyfriend at that time. The complainant consistently ignored these requests and approached and interfered with officers and paramedics. The footage showed that paramedics placed the boyfriend on a gurney with the officer's assistance. The named officer had to walk around the gurney where the

complainant had inserted herself between paramedics, taking hold of the complainant's right arm and moving her several feet away from the gurney. The footage later shows the named officer having to

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remove the complainant as she attempted to get into the ambulance's rear. The footage shows that the named officer tried to communicate verbally, which the complainant ignored. The named officer then used the minimum force to prevent the complainant from interfering with officers and paramedics treating her boyfriend.

Department General Order 5.01 Use of Force Section VI B 1 states, in part, "When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance."

The evidence shows that the complainant was uncooperative and failed to comply with the named officer's order. The named officer attempted to use verbal communication, which the complainant ignored. The named officer used a physical control hold consistent with Department training to gain compliance.

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 or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that he went to a local police station to file an additional statement in connection with a previously filed incident report and the named officer escalated the situation emotionally and accused him of trying to file a “bogus” new report.

The named officer stated that she was on duty but did not recall interacting with the complainant on the day specified.

Department records showed that on the day specified the complainant filed a report with a Police Services Aide regarding a suspicious occurrence.

This Aide stated that at the end of her shift the named officer relieved her post at the front counter, and she did not witness the contact between the complainant and the named officer.

This complainant has a documented history of frequent complaints (of a similar nature) that lacked merit. DPA has taken this record into account when assessing the complainant's credibility in this matter.

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

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

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

FINDINGS OF FACT: The complainant stated that he attempted to file an additional statement in connection with a previously filed incident report, but the named officer would not allow him to do so.

The named officer stated that she was on duty but did not recall interacting with the complainant on the day specified.

Department records showed that on the day specified the complainant filed a report with a Police Services Aide regarding a suspicious occurrence.

This Aide stated that at the end of her shift the named officer relieved her post at the front counter, and she did not witness the contact between the complainant and the named officer. The Aide further stated that

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during her interaction with the complainant he did not ask her about prior incidents or cases, and he did not ask to make a second counter report at the time she was working.

This complainant has a documented history of frequent complaints (of a similar nature) that lacked merit. DPA has taken this record into account when assessing the complainant's credibility in this matter.

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

SUMMARY OF ALLEGATION #3: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer retaliated against him for having filed an earlier report with DPA against her.

The named officer denied ever having taken action against the complainant for filing a DPA complaint.

This complainant has a documented history of filing complaints (of a similar nature) with DPA that lacked merit. DPA has taken this record into account when assessing the complainant's credibility in this matter.

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

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 while he was attempting to complete a task in the station lobby the named officer came out, stood over him, and demand that he leave the station.

The named officer stated that she was on duty but did not recall interacting with the complainant on the day specified. She further stated that due to a medical condition during that time for safety reasons she would not have come out to the lobby to interact with others.

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This complainant has a documented history of frequent complaints (of a similar nature) that lacked merit. DPA has taken this record into account when assessing the complainant's credibility in this matter.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer misheard a conversation between him and his friend, the co-complainant, regarding the purchase of tickets for an event. The named officer assumed that they were going to scalp tickets which was not true. The complainant stated that the named officer was physically aggressive in posture and falsely accused him of a crime.

The co-complainant stated he and the complainant decided to go to the event at the last minute but the tickets at the box office were not affordable. He saw the complainant having a conversation with the named officer and they seemed to be involved a verbal dispute that appeared to be a misunderstanding. When the co-complainant told the complainant to leave with him, the named officer trailed behind them and claimed she knew who they were and if they did not leave, she would arrest them. The co-complainant himself did not hear the named officer accuse them of being scalpers.

The named officer stated that she was assigned to enforce laws against the scalping of tickets near the box office. The named officer was standing behind the complainant when she overheard the complainant and co-complainant bargaining for lower price tickets. The named officer had previous contacts with the co-complainant and advised him that he could not sell tickets especially in front of the box office. The co-complainant was very cooperative and understanding. The named officer told the complainant that he could not buy tickets in front of the box office and the complainant responded by yelling, calling her dumb and telling her she could not do her job.

The witness officer stated that he did not hear the conversation at the box office because he was in another area. He said the named officer advised him that the scalper, African American male, was trying to sell tickets in the area. The witness officer stated he did not hear the named officer tell the African American male, "I know who you are. If you don't leave right now you will be arrested." The witness officer said the named officer did not tell him where she knew the African American male from because he already knows the African American male as a scalper in the area.

DGO 2.01 (9), General Rules of Conduct, states that a 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.

By a preponderance of the evidence, the named officer's assignment was to make sure there was no scalping in the area. The named officer's interaction with the complainants were in accordance with her

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duties. The witness officer's statement and the co-complainant's statements corroborated that there was some interaction regarding allegation of scalping, but no threat to arrest was made.

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

SUMMARY OF ALLEGATION #2: 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 focused her attention on his friend, the co-complainant, who is a Black male and accused him of scalping tickets.

The co-complainant is Black and the complainant is Caucasian. The co-complainant said he was the only Black person of about 15,000 people trying to enter the event. He was embarrassed and insulted by the named officer's accusation that he was scalping tickets.

DGO 5.17, Bias-Free Policing Policy states the San Francisco Police Department's commitment to just, transparent and bias-free policing and reinforces existing policies and procedures that serve to assure the public that the SFPD is providing services and enforcing laws in an equitable manner. It also clarifies the limited circumstances in which members can consider race, color, ethnicity, national origin, religion, age, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status when making law enforcement decisions.

The named officer denied the allegation. The named officer stated she had prior contact with the co-complainant but on that day, she advised him, and he was cooperative and understanding. The named officer stated that there was no other reason for contacting the co-complainant than the prior contact on that date to tell him not to scalp tickets in front of the ticket booth.

The witness officer corroborated the named officer's statement and stated that he and the named officer were familiar with the co-complainant scalping tickets.

A preponderance of the evidence showed that the named officer did not violate the DGO as she and the witness officer were familiar with the co-complainant from working at the venue for the past six years. The evidence proved that the conduct alleged did not occur.

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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 refused to provide him with her star number because when the complainant asked the named officer for her star number, she pointed to her name tag.

DGO 2.01 (14), General Rules of Conduct, states that when requested, members shall promptly and politely provide their name, star number and assignment.

The named officer denied the allegation stating that when the complainant asked for her star number, she provided the information as the complainant was yelling over her.

The witness officer corroborated the named officer's statement.

DPA records showed that the complainant provided the named officer's first initial and last name but not her star number.

Based on the totality of circumstances, the named officer provided the complainant her star upon request, and it was more likely than not that she provided her name and star as the complainant spoke over her. The named officer's 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 #1: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant was the victim of an assault and reported the incident to police two days after the incident. The complainant stated the named officer did not pursue the investigation or make an arrest, and that the officer should have been able to identify the suspect and a witness from surveillance footage.

The named officer stated he pursued the case in the appropriate manner given the available evidence. He canvassed multiple possible crime scenes, attempted to obtain video surveillance evidence, re-interviewed the complainant for additional information, developed a possible suspect, conducted a photographic lineup, and interviewed and attempted to interview potential witnesses and suspects. The named officer stated that the evidence did not amount to probable cause to arrest a suspect and that the investigation remained open.

Department records showed the named officer attempted to locate video surveillance that may have captured the assault against the complainant. It was noted the complainant initially reported an inaccurate crime scene location. That area was canvassed for surveillance cameras by the responding officers on scene and by the named officer with negative results. The complainant then notified the named officer he was mistaken about the location and provided a different location. The named officer promptly canvassed the other location described by the complainant. The named officer was able to identify a potential suspect and conducted a photographic lineup. The complainant was unable to identify the individual who attacked him in the lineup. Department records also revealed the named officer interviewed and/or attempted to interview several individuals. Records also showed the complainant declined to sign a medical authorization form so that the named officer could obtain his medical records related to the incident.

A preponderance of the evidence shows the named officer conducted a thorough and proper investigation. 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 behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer did not return his phone calls. The complainant further stated that the officer asked the complainant to sign a medical authorization so the officer could obtain his medical records from the hospital where he was treated so he could send the records to the District Attorney to review the case. When the complainant refused to sign the authorization, the named officer told the complainant he could not force him to sign the document, the interview was over, and said good-bye. The complainant stated he felt the named officer was "victim blaming" him from the start because complainant admitted he had been drinking at a bar and was drunk at the time of the attack.

The named officer stated he was unaware of any phone calls or communications from the complainant. The officer acknowledged that when the complainant refused to sign the HIPAA authorization form, he told the complainant the interview was over and said good-bye to him. The named officer explained that he asked for the medical records release at the end of the interview as he had no further questions to ask of the complainant at that time. The complainant asked about the release and the named officer explained why he was requesting it and further stated that he did not want to influence the complainant's consent. When the complainant declined to sign the HIPAA release, the named officer specifically responded to the complainant, "No problem." The named officer stated that as part of the investigation, due to the nature of the complainant's statement, he was required to explore the level of his intoxication and its impact on his memory and behavior as it was highly relevant exculpatory evidence. At no time did he blame the victim for the incident. The named officer stated his demeanor was professional toward the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him for no reason.

The named officer stated he responded to a call of a person with a gun. He stated Dispatch provided a physical description of the person. The named officer stated when he arrived at the location, he noticed a person who matched the description was yelling and appeared agitated. The named officer stated he detained the complainant because the complainant matched the description provided by dispatch for a person that possibly had a gun. The named officer stated the complainant began to resist as the complainant was being walked to the patrol car.

The dispatch report (CAD) showed a report of a person with a possible gun. The CAD showed the description of the suspect was provided.

The Incident Report (IR) showed the type of incident listed was for a mental health detention. The IR showed the complainant was screaming and was extremely agitated and pacing back and forth. The IR showed that the complainant stated he wanted to harm others and challenged another officer to shoot the complainant in the head. The IR showed that based on the statements, the complainant was placed in a 5150 hold for posing a danger to himself and others.

The body worn camera (BWC) showed the complainant was yelling, threatening harm and challenging the officers to shoot him. The BWC showed the named officer placed the complainant in handcuffs ten minutes after arriving at the scene. The BWC showed the complainant continued to scream and taunt.

The complainant was detained because he fit the description and was at the location as stated in the CAD. Additionally, he was detained because the complainant threatened harm to himself and others.

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 the named officer placed tight handcuffs on his wrists and believes he now has nerve damage.

The named officer stated he conducted a check by placing the tip of his finger on the inside of the handcuff to make sure there was room. He stated the complainant tensed up. The named officer stated he had to double lock the handcuffs. The named officer stated the complainant did not inform him of tight handcuffs.

The BWC showed the named officer asked the complainant several times to stop tensing up. The BWC showed the complainant was escorted out and sat down on the ground. The complainant never said anything about the handcuffs being tight.

The DPA sent the complainant a HIPAA request form for consent to review his medical records. The complainant never responded.

The visual evidence and the named officer's response did not support the complainant's account of the incident. The evidence showed the officer was calm, professional and did not use force on the complaint. Additionally, the complainant did not sign the request to view his medical record for the damage to his wrists.

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 displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated the officer knows him because the officer is always present when the complainant gets detained or arrested. Since the officer was always around, the complainant believed that the officer was harassing him.

The named officer stated the day of the incident was the first time the named officer had encountered the complainant. The named officer stated he had been to the location of the incident approximately three to five times prior to the incident. The named officer stated the complainant was not present in those occasions and the complainant was not the reason for responding to the location.

The DPA reviewed another complaint that was brought by the complainant. The named officer was not involved.

There is no evidence to support the complainant's claim of threat, intimidation, or harassment by the named officer.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers conducted an improper search and seizure.

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

FINDINGS OF FACT: The complainant stated that she was sleeping in her apartment when she heard a banging on the door. She looked out the window and saw ten men in plainclothes outside her building. She then heard them break the door down. The men identified themselves as police officers, then took her downstairs and put her in the back of a vehicle while searching inside her residence. When she was able to get back into the house, she said the house was destroyed. The officers had pulled out all the drawers, and her possessions were everywhere.

All four named officers stated that they were serving a search warrant as part of a firearm investigation conducted at the complainant's residence related to another subject.

Department records indicate that a judge signed a felony search warrant a day before the officers searched the complainant's residence for a firearm and DNA sample. The records also indicate that the named officers and the Alcohol, Tobacco, and Firearm (ATF) agents were present for the search. A copy of the search warrant was obtained, corroborating the other department records.

Body-worn camera footage shows that the officers had a copy of the search warrant before entering the complainant's residence. It also shows that although the officers were in plain clothes, some were wearing vests, caps, or jackets with the SFPD logo.

The evidence collected proves that a judge signed a valid search warrant before the search happened, and it authorized the search of the complainant's residence for firearms and other wanted information.

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

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SUMMARY OF ALLEGATIONS #5-8: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that she kept asking the officers for the warrant, but the police officers would not show it to her or provide a copy.

Named officer #1 stated that he was at the back of the house and did not know if the complainant had requested the search warrant. However, he stated that officers are not required to show the occupant of the residence the search warrant before entering the residence because these are potentially dangerous situations. Named officer #2 stated that the complainant did request to see the warrant and was provided one after the premise was secured. Named officer #3 stated that he saw the complainant have a copy of the warrant during the incident and explained that according to case law, officers would ordinarily show the occupants a copy of the warrant after the premises had been secured. Named officer #4 said he explained to the complainant that they would give her a copy after the house was cleared.

No Department records state that officers must show occupants of the residence a search warrant before securing entry to the premises.

Body-worn camera footage shows that several officers knocked on the door and announced that they were police with a search warrant. Named officer #3 explained to the complainant that he would provide the warrant to her but did not need to show it before entry. The footage also captured that several officers provided a copy of the search warrant to the complainant at different times during the incident.

No witnesses came forward.

People v. Calabrese (2002) 101 Cal.App.4th 79,85 states that, "after securing the premises, officers will ordinarily show the occupants a copy of the warrant." This is not, however, required under California law. Officers at the scene are not even required to possess a copy of the warrant. Still, displaying a copy is considered a "highly desirable" practice as it demonstrates to the occupant that there is color of authority for the search, and that he is not entitled to oppose it by force.

The evidence proves that the officers provided the search warrant to the complainant at different times during the incident; however, it was not required for the officers to provide a copy before entering residence to conduct search warrants. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #9-11: The officers detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant complained that officers detained her, brought her downstairs to the back of a vehicle, handcuffed her, and did not allow her inside the premises during the search.

Named officer #1 stated that the complainant was detained because she was in violation of Penal Code section 148(a)(1) as she was not cooperative and was extremely argumentative during the incident. Named officer #2 confirmed that the complainant was detained during the search and that she was uncooperative upon his arrival. Named officer #3 said that the complainant was detained because she was in the target residence of the search, and there was probable cause to believe that firearms would be located inside the premise.

Department records indicate an active felony search warrant showing probable cause to believe that officers would find a firearm at the location. The records also show that an automatic rifle and large amounts of ammunition were found in the complainant's residence during the search.

Body-worn camera footage shows that the complainant refused to open the door immediately upon officers' arrival. It took the complainant almost two minutes to go back inside the house as she requested to put a mask back on until the ATF agents decided to break the door down. The footage also shows that the complainant continued shouting, talking over officers, insisting on seeing a warrant, and returning to the house while the search was being conducted.

The evidence proves that the officers had probable cause to search the residence and reasonable suspicion to believe that the complainant had illegal firearms. The footage shows the complainant appeared uncooperative and resistive that she obstructed officers from performing the search, which also provides reasonable suspicion for the officers to detain her.

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

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SUMMARY OF ALLEGATION #12: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that one of the officers was rude. He took the phone from her hand and put it in his pocket.

Named officer #1 stated that he took the complainant's phone when she was placed into handcuffs, so it would not be damaged. He said he gave the phone to another officer, who returned it to the complainant at the end of the search.

Department records did not capture the taking of the complainant's cell phone.

Body-worn camera footage captured that when the complainant was placed into handcuffs, she had her phone in her hand. The named officer took the phone to handcuff the complainant. The phone was returned to the complainant after the search was completed.

The evidence proves that the officer took away her phone before handcuffing her but did not seize the phone as evidence. The complainant was detained, and the phone returned to her shortly afterward.

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

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SUMMARY OF ALLEGATION #13: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that her sister arrived and tried to help her while she was detained. The named officer told her sister to get off the sidewalk, tried to grab her phone, and threatened to arrest her sister.

The named officer stated that a female claiming to be the complainant's sister arrived on the scene and began to interfere with their investigation. However, he did not attempt to take any phones. The officer explained that the female was at an active scene and was interfering with an ongoing investigation. The officer said he did warn the female to stop interfering, or she could be arrested.

Body-worn camera footage captured a female who claimed to be the complainant's sister arriving on the scene after the complainant had been detained. The sister asked the officer why the complainant was detained and repeatedly asked the officer to show her the warrant. The officer refused and began to unholster a pair of handcuffs. The female then walked away. The footage did not capture any officers trying to grab the complainant's phone or threaten to arrest her.

The evidence shows that although the officer did speak with the complainant's sister, he did not try to grab her phone away or threaten to arrest her.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/21 **DATE OF COMPLETION:** 05/02/22 **PAGE# 6 of 6**

SUMMARY OF ALLEGATIONS #14-17: The officers failed to display his or her name or star number.

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

FINDINGS OF FACT: The complainant stated that the officers on scene did not give her their names and badge number. The complainant said her sister also asked for the officers' names and badge numbers.

The named officers stated that they either did not recall or did not elieve anyone asked for their names or badge numbers and, therefore, did not provide them.

Body-worn camera footage did not capture anyone asking for the officers' names and star numbers.

The evidence proves that no one on the scene asked for the named officers' names and star numbers.

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: NA **FINDING:** IO-1/ATF **DEPT. ACTION:**

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

Bureau of Alcohol, Tobacco, Firearms and Explosives
The Office of Professional Responsibility and Security Operations
Internal Affairs Division
Attn: Duty Agent
99 New York Ave., NE
Washington, DC 20226

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/22 **DATE OF COMPLETION:** 05/15/22 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged that unknown police officers have been harassing him for the past ten years. The complainant described this harassment as strange encounters and conversations with non-police personnel he assumed were undercover police officers. The complainant acknowledged he had no evidence of the incidents involving police when he made the complaint but stated he would provide evidence later. The complainant failed to do so despite multiple requests.

Department records showed no match of any police contact with the complainant.

The complainant failed to provide any evidence that the strange occurrences resulted from police activity.

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: 08/24/21 **DATE OF COMPLETION:** 05/15/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant called for police assistance because her neighbor flashed a gun at her through a window. The complainant stated officers failed to properly investigate her call. She stated officers did not contact and interview the neighbor who had brandished and threatened her with a firearm.

Named Officer #1 stated he responded to a call of a person with a gun. He identified himself as the officer-in-charge. He conducted the initial interview with the complainant. After finding out where the suspect could be located, he told other officers on scene to look for and attempt to contact him. He stated he wanted to obtain all available information. He spoke with the suspect and the officers. The suspect was detained to conduct an interview. Another officer on scene conducted a search of the suspect's home. They walked the area looking for other witnesses, checked the security cameras and forwarded the report to the station investigation team for further investigation.

Named Officer #2 stated his role in the incident was to support the officers in charge of the investigation. He responded to the scene because the caller stated there was a subject with a gun. He stated he detained the suspect who matched the description provided by dispatch and, upon contact, the suspect admitted his involvement. The suspect's residence was searched, and the suspect was issued a Certificate of Release pending further investigation.

Named Officer #3 stated that he was not the investigating officer and that his role during the incident was to assist his partner who was the primary officer on the call. He stated that he repeatedly advised the complainant that they would go to the suspect's house to investigate the incident further, but that she did not believe them. The incident was investigated, and the suspect was released from the scene.

The incident report showed that the named officers responded to a call-for-service at the complainant's residence regarding a person with a gun. Named Officer #1 interviewed the complainant and the suspect, and another officer conducted a search of the suspect's home with the suspect's permission. This search yielded negative results. The incident report documented that the security video would not show the incident and that numerous neighbors came by while the officers were on scene and raised questions about the complainant's credibility.

The body-worn camera footage showed the named officers arrived on scene and spoke with the complainant, her daughter, the neighbor, and his two witnesses. 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: 08/24/21 DATE OF COMPLETION: 05/15/22 PAGE# 2 of 3

SUMMARY OF ALLEGATION #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that officers failed to properly investigate her call regarding a neighbor with a gun. She stated that officers did not contact and interview the neighbor who had brandished and threatened her with a firearm.

The incident report documented that the named officer was one of several who responded to a call-for-service at the complainant's residence resulting in an interview of the complainant and the other involved party (neighbor). The incident report showed that the neighbor flagged down the named officer and that the named officer spoke with the neighbor and a related party, obtained permission from the neighbor to search his residence for the firearm, searched the premises with negative results, and issued a Certificate of Release form to the neighbor.

Body-worn camera footage was consistent with the incident report.

The named officer is no longer with the Department and separated before DPA was able to conduct an interview.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/21 DATE OF COMPLETION: 05/15/22 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she called the police again the next day due to an ongoing dispute with her neighbor. She stated that she believed her neighbor was throwing things at her windows and firing shots into the air. The complainant stated that officers responded to her residence but failed to take action. She stated the officer should have spoken with her neighbor or otherwise protected her.

Named Officer #1 stated that he responded to the complainant's residence to investigate a subject who was throwing rocks at her windows and who had flashed a gun at her the previous day. He had responded to the complainant's residence the previous day. He was the contact officer who spoke with the complainant. He did not see any damage or broken windows from rocks being thrown or any casings where the neighbor allegedly shot a gun. He stated that he tried to ask questions regarding the incident and the complainant became confrontational with him. He found no evidence or witnesses on scene to substantiate the complainant's statements and stated there was no follow up investigation.

Named Officer #2 stated that he responded to a call of a person brandishing a firearm and throwing rocks at the complainant's window. He stated that he had encountered the complainant and subject during a call-for-service the previous day. He observed Named Officer #1 speaking with the complainant, but that he did not speak with her himself. He documented that Named Officer #1 observed no damage to the window and no evidence of a gun being fired.

The CAD and body-worn camera footage were consistent with the officers' accounts.

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: 08/23/21 **DATE OF COMPLETION:** 05/15/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated that he was involved in an auto accident. It looked like the other motorist was using drugs inside her vehicle prior to the officers arriving on scene. The complainant stated that he relayed this information to the named officers, but they failed to place her under arrest.

Named Officer #1 stated that he responded to a non-injury traffic collision. Named Officer #1 stated that the complainant told him that the other involved party was “smoking dope,” but did not state that he wanted to press charges. Named Officer #1 inspected the other involved party’s vehicle and did not see any drugs or drug paraphernalia. He also stated that the other involved party did not appear to be under the influence.

Named Officer #2 stated that he vaguely remembered the complainant making a comment about the other involved party in the accident using narcotics prior to officers arriving on scene but stated that he was running records checks in their vehicle at the time. Named Officer #2 stated that Named Officer #1 addressed this matter and was the one speaking with both parties at the time.

The DPA obtained the named officers’ body-worn camera footage of the incident. The body-worn camera footage showed the complainant informing Named Officer #1 multiple times that the other party involved in the accident was “smoking dope.” The footage showed Named Officer #1 speaking to the other party about the allegation. Named Officer #1 informed the complainant that he is willing to take a citizen’s arrest from the complainant. The complainant decided not to pursue it. Named Officer #1’s body-worn camera footage also showed him looking into the other party’s vehicle after he is informed by the complainant that the other party was using narcotics. The body-worn camera footage also showed Named Officer #1 helping park the other party’s vehicle. At no point when Named Officer #1 looked into the vehicle or when he was inside the vehicle, did he state that he saw any narcotics.

The evidence showed that the complainant decided not to make a citizen’s arrest against the other party at the time of the incident. Additionally, Named Officer #1 makes no mention of seeing any drugs or drug paraphernalia while inside the other party’s vehicle.

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: 08/21/21 **DATE OF COMPLETION:** 05/12/22 **PAGE# 1 of 1**

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 his motorcycle was stolen from in front of his residence. The complainant contacted the police and officers responded to the scene. The complainant stated he pointed out security cameras that may have captured the incident. The complainant stated one of the officers said that she would look into it. The complainant stated the named officers failed to follow up regarding the surveillance camera footage.

Named Officer #1 and Named Officer #2 stated they responded to an incident involving a stolen motorcycle. When they arrived on scene, they stated they took a report for the complainant, entered the vehicle information into the SVS database, as required, and searched the area for the vehicle. Named Officer #1 and Named Officer #2 stated the case was forwarded to their station's investigation team pursuant to their internal policies and procedures. Both named officers stated it was not their responsibility to follow-up regarding the surveillance camera footage because that was required of the station's investigations team if an investigator was assigned. Named Officer #2 stated the complainant did not request that she do any follow-up regarding the security camera footage when they spoke.

The DPA obtained the incident report related to the incident. The incident report showed that the report was forwarded to the unit responsible for entering stolen vehicle information into the state database. There was no indication that the complainant's case was assigned to an investigator.

The DPA also obtained the named officers' body-worn camera footage of the incident. The body-worn camera footage does not show Named Officer #2 advising that she was going to follow-up regarding the surveillance camera footage. The footage shows the complainant mentioning that there are surveillance cameras that may have captured the incident. Named Officer #2 advises the complainant that they don't have access to the tapes, but the footage should be available for investigators.

The evidence showed that the named officers did not tell the complainant they would obtain the surveillance-camera footage themselves. Patrol officers are generally responsible for conducting a preliminary investigation and writing an incident report. If an investigator is assigned to follow up on the case, they are responsible for tracking down surveillance footage. The complainant's case does not appear to have been assigned to an investigator, and the DPA was unable to determine who was responsible for assigning the case.

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: 08/19/21 **DATE OF COMPLETION:** 05/24/22 **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 the named officer denied a public records request for surveillance footage that captured an incident where the complainant was assaulted. Additionally, the complainant requested that an alert be issued to the public showing the suspect that assaulted him and that request was rejected as well.

Department General Order (DGO) 3.16.01 was drafted to comply with the Public Records Act, California Government Code Section 6254, et seq., the San Francisco Sunshine Ordinance, Administrative Code, Chapter 67, and other applicable state and local laws. SFPD is required to release information unless release would endanger citizens, law enforcement personnel or a law enforcement investigation, or constitute an unnecessary invasion of privacy. Thus, arrest, accident and incident reports must be released unless the disclosure would cause the dangers mentioned in the law. In all cases, the burden is on the Department to justify nondisclosure.

The named officer was assigned the email sent by the complainant regarding his public records request. In the email the complainant questioned the status of the investigation. The named officer was not the investigator assigned to the complainant's case, did not have any knowledge of the incident, or the status of the investigation. The named officer reached out to complainant via email to get additional information. After working with the assigned investigator, it was determined that SFPD would not release the requested records. The named officer communicated with the complainant and advised him that his request for the records was denied per California Government Code Section 6254(f).

Police records and email correspondence provided by the complainant showed that SFPD declined to release records related to the complainant's open investigation under California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by intelligence information or security procedures of, and investigatory or security files compiled by local police agencies. SFPD was unable to provide the complainant with the video surveillance he sought, as disclosure of information may endanger the successful completion of the investigation.

DPA attempted to contact the complainant for clarification and additional information; however, we were unsuccessful.

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: 08/16/21 **DATE OF COMPLETION:** 05/24/22 **PAGE#** 1 of 4

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 that the named officer arrested her relative on a charge he was already on probation for committing.

The named officer stated that he arrested the complainant's relative pursuant to an arrest warrant signed by a judge.

Police records and body-worn camera footage corroborated the named officer's statement. The named officer obtained the arrest warrant for a new offense committed by the complainant's relative while he was on probation. In addition, the complainant's relative was found to have a prohibited item. Records further showed that the named officer verified the warrant before arresting the complainant's relative.

DGO 6.18, Warrant Arrests, states in relevant part, that whenever a person is detained as the subject of a warrant (whether traffic or non-traffic, foreign or local) the detaining officer shall personally contact the Warrant Section and verify that the warrant is valid before acting on the directions of the warrant. When a warrant has been verified and the identity of the subject is confirmed, the subject shall be taken into custody.

The evidence showed that the named officer verified both the identity of the arrestee and validity of the warrant; therefore, the arrest was affected in accordance 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: 08/16/21 DATE OF COMPLETION: 05/24/22 PAGE# 2 of 4

SUMMARY OF ALLEGATIONS #2-5: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that officers entered her residence while she was not at home and conducted an unlawful search of her residence.

The named officer relied on objectively reasonable facts that the complainant's relative resided at the complainant's address and exercised the relative's valid search condition to search the home. (*People v. Tidalgo* (1981) 123 Cal.App.3d 301, 306.) The named officer stated that he was able to determine that the complainant's relative was linked to the complainant's address through DMV records, confirmed by information obtained by a search warrant that tracked the complainant's relative's cellphone communication with cellphone towers. The search was conducted pursuant to a probation condition and no search warrant was necessary.

Police records and body-worn camera footage corroborated named officer #1's statement. While on probation, the complainant's relative was found with a prohibited item. The complainant's relative was subsequently linked to the complainant's residence and the named officer exercised the complainant's relative's probation search condition. BWC showed the named officers knocked on the complainant's front door and when no one responded, one officer entered the residence through an open window, then opened the front door for the other officers to enter the residence. Officers focused the search to the area of the residence where the complainant's relative slept, which was indicated by the discovery of the complainant's relative's personal papers.

Department Notice 21-012, Entering Residences: Houses, Apartments, Hotels, including SRO Hotels, states in relevant part, that when entering an individual's residence, members shall comply with the Constitutional mandates of search and seizure law. "Under the Constitution, law enforcement officers may enter a residence only if one or more of the following conditions are present prior to entry: ...
WARRANTLESS SEARCH CONDITION: Members have an objective reasonable basis for believing that a resident has a search condition as a condition of his/her active parole or probation. Two basic requirements: (1) members must confirm the search condition prior to conducting the search; and (2) the search must be conducted for a legitimate law enforcement purpose - the search must not be arbitrary, capricious, or harassing."

The evidence proved that the arrest warrant was validated, the complainant's relative had a valid warrantless search condition, and the officer possessed objectively reasonable facts that the relative lived at that address; thus, the named officers acted within Department policy.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/21 DATE OF COMPLETION: 05/24/22 PAGE# 3 of 4

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

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant visited the district police station and requested a copy of the search warrant. However, the named officer never provided the complainant with a copy of the warrant.

The named officer acknowledged that he conducted the search of the complainant's residence; however, the search was conducted pursuant to a probation condition and no search warrant was necessary. Therefore, no search existed that could be provided to the complainant.

Police records corroborated the named officer's statement.

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: 08/16/21 DATE OF COMPLETION: 05/24/22 PAGE# 4 of 4

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

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

FINDINGS OF FACT: The complainant stated that when she spoke with the named officer at the district police station, he told her in a whispering tone that officers found “crack” in her home. The complainant was offended by the comment.

The named officer acknowledged that he made the statement about finding narcotics in her couch; however, he informed the complainant of suspected cocaine in her home because he noticed toys intended for little children in the home and was concerned that they could be exposed to the lethal drug. Additionally, the named officer stated that he whispered the information to the complainant as they were in the public lobby of the police station, and he wanted to be sensitive to the complainant’s privacy.

Body-worn camera footage showed that the named officer found small white wrappers commonly associated with cocaine in the complainant’s home.

The named officer found a white substance that in his experience appeared potentially to be cocaine in the complainant’s home. The named officer attempted to sensitively alert the complainant of the presence of cocaine in her home due to the possible occupancy of and danger to little children if they were living in the home.

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: 08/13/2021 **DATE OF COMPLETION:** 05/15/22 **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 that very shortly after being physically attacked by two individuals who stole his camera, he saw a patrol vehicle nearby. When the complainant approached the patrol vehicle, both officers rolled up their windows and the driver drove through the intersection. When the officers stopped and spoke to the complainant, they did not take his complaint seriously and did not look for the attackers. The complainant also stated that neither officer broadcast the incident or any related information on the radio.

The named officers denied that they did not take the complainant's report of being robbed seriously. Named officer #1 stated that he and named officer #2 gathered information from the complainant, broadcast preliminary information to units that a robbery occurred, advised units to respond to the incident location, and further informed dispatch that the stolen item was a large camera.

Named officer #2 corroborated named officer #1's statement. Named officer #2 was driving the patrol vehicle when they were approached by the complainant. Named officer #2 stopped the vehicle to speak to the complainant and after briefly speaking with the complainant, he made a U-turn to park the vehicle. Officers exited the vehicle and searched for and located surveillance footage of the incident. After reviewing the footage, named officer #2 broadcast a detailed description of the robbery suspects.

Police records and body-worn camera footage corroborated the respective statements of the named officers. When the named officers were flagged down in their vehicle by the complainant, they stopped, exited the vehicle, and interviewed the complainant. They searched for and located security camera footage of the robbery, obtained a copy of the footage, broadcast the description of the suspects, and offered to call an ambulance for the complainant, which he refused.

The officers' statements, police records and BWC footage were all consistent in showing that the officers responding appropriately to the complainant's initial approach as well as conducting an appropriate investigation of the scene.

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: 08/13/2021 **DATE OF COMPLETION:** 05/15/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant believed the named officer was dismissive and judgmental. The complainant stated that the named officer said under his breath that the complainant was just probably in the area to buy drugs. The complainant further stated that the officer later apologized to the complainant for believing that he was just in the area to obtain drugs.

The named officer denied the allegation, stating he was courteous and respectful to the complainant and believed he built a positive rapport with the complainant. The named officer was not aware of any other officer making such a comment.

The witness officer stated that the named officer was very courteous to the complainant and the complainant was grateful to both he and the named officer at the time of the incident.

Police records and body-worn camera corroborates the named officer's statement. There was no reference to the complainant being suspected of being in the area to purchase drugs and at no time was either officer shown or heard commenting that the complainant was in the area to buy drugs, nor was any officer shown to have apologized to the complainant for believing that he was just in the area to buy drugs.

The complainant made inconsistent statements.

The evidence showed that the named officer behaved appropriately and professionally toward the complainant.

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: 08/12/2021 **DATE OF COMPLETION:** 05/15/22 **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 the named officer refused to accept new evidence that he brought personally to the station in 2021 to be added to a previous incident report created in 2020 as well as an update regarding ongoing physical and violent attacks against him.

The named officer stated that he did not recall the incident.

Police records indicated that the complainant reported a theft by an unknown suspect in 2020. The complainant waited three days to report the crime to the police. There was no supplemental report with additional evidence. There was no police record or BWC of this incident because it was not a call for service, and it occurred in a district station. This report did not detain any violent attacks, which were the basis of the additional evidence complainant wanted to report.

The complainant made inconsistent statements in his initial complaint, and he failed to provide further information when DPA requested it. DPA could not verify the complainant's 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 be reasonably identified, or the officer has left the Department and therefore the investigation cannot be completed.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/21 **DATE OF COMPLETION:** 05/24/22 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS #1-3: The officers detained a person at gunpoint without justification.

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

FINDINGS OF FACT: The complainants stated that officers pointed guns at them for no reason.

Department General Order 5.01(VI)(G)(1)(d) states, “The pointing of a firearm at a person is a seizure and requires legal justification. No officer shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If an officer points a firearm at a person, the officer shall, if feasible, safe and when appropriate, advise the subject the reason why the officer(s) pointed the firearm.”

Police Department records and body-worn camera footage showed that officers responded to a call regarding a possible kidnapping and hit and run accident involving a large truck. As a result of this call, the complainants were pulled over, and officers conducted a felony stop. Officers from multiple district police stations responded to the scene to assist with the investigation. The complainants were in the front passenger area of the truck and their relative was in the back cargo area of the truck. One officer gave commands for each individual to exit the truck while the backup officers had their guns drawn and pointed toward the vehicle in what appeared to be a low ready position, until the complainants and their relative were safely handcuffed and there was no longer the potential for a threat. Named officer #1 explained to the co-complainant the reason for the detention and why officers had their weapons drawn. The officers removed and detained the complainants and their relative consistent with Department training and Department policy for high-risk traffic stops. DPA notes that DGO 5.01 changed after this incident.

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: 08/06/21 **DATE OF COMPLETION:** 05/24/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The co-complainant stated that officers roughed him up, snatched his hat, pulled his hair, and flicked his hat off.

Body-worn camera (BWC) footage showed the co-complainant complied with named officer #1's commands and was placed in handcuffs with no issues. Named officer #2 then placed the co-complainant in the back of the patrol vehicle. When the co-complainant told named officer #1 that he was roughed up, named officer #1 denied the allegation, and the two subsequently laughed together. The co-complainant sat handcuffed, and he immediately asked for officer's names and went on to say he was hurt and embarrassed and asked if he could get paid.

The complainant made inconsistent statements.

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

SUMMARY OF ALLEGATION #6: The officer failed to provide required information.

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

FINDINGS OF FACT: The co-complainant stated that the officer refused to give him the names of the officers on scene that had their weapons drawn. Instead, the named officer told him that all the officers were wearing BWC, and he could get the names from the BWC.

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."

Body-worn camera (BWC) footage showed that when the co-complainant asked the named officer for everyone's name that had their weapon drawn, the named officer initially told the co-complainant that he could have his and the incident report number, but then told the co-complainant that he would give him everyone's name. The named officer then provided the co-complainant his name, email, star number, and phone number.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/21 DATE OF COMPLETION: 05/24/22 PAGE# 3 of 3

The named officer complied with Department policy when he provided the co-complainant his name, star number, email, and contact information. It is unknown if the co-complainant contacted the named officer to get the names of the officers that had their weapons drawn. To provide accurate information to the co-complainant, the named officer would have needed to review the incident 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: 08/06/21 **DATE OF COMPLETION:** 05/24/22 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer did not respond to emails regarding a case and did not handle the case adequately. As a result, she believed there was no sense of urgency and no progress in her financial crimes case. She further stated that the named officer told her that he would forward the case to an outside jurisdiction, but the outside jurisdiction had no record of her case.

The named officer prepared a detailed chronology of his investigation. He reviewed the incident report, obtained statements from the complainant and her partner, followed up on the complainant's leads, and requested assistance from an outside jurisdiction to investigate the possible suspect.

Police records showed that the named officer was reassigned to another unit and the complainant's case was reassigned to a new investigator, but the investigation was ongoing. The outside jurisdiction's investigation had negative results. SFPD asked the outside jurisdiction to take over the case since the crime occurred in their jurisdiction; however, SFPD was told it was highly unlikely. The case is still open and pending.

Documents provided by the complainant showed that the complainant emailed the named officer 17 times over four months. The named officer responded to every email. The named officer also informed the complainant and her partner that he was reassigned to another unit but provided them with the results of the outside jurisdiction's investigation. The named officer also provided the complainant and her partner with the contact information for the outside jurisdiction investigators that assisted him.

Unit Order 17-06, Special Victims Unit, states that it is the responsibility of the investigator once assigned a case to ensure that their case is appropriately and thoroughly investigated in a timely manner. The investigator also shall document all investigative steps without delay in the case file chronological.

The named officer appropriately and thoroughly investigated the case, but unfortunately, the investigation resulted in negative results. The case was reassigned to another officer and is still open and pending until new leads are discovered.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/21 **DATE OF COMPLETION:** 05/15/22 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she was assaulted, called 911, and waited for police to arrive on scene. The complainant stated that after waiting for a period of time, she decided instead to go to a police station to file the report there. The complainant stated that she waited in the lobby until the named officer came out. She stated that the named officer was impatient and acted like he did not care about her situation.

The named officer stated that he spoke with the complainant in a district station lobby on two occasions. He prepared an incident report and told the complainant that, because the assault took place in a different district, follow-up would be conducted by officers in the original district. The individual requested a complaint form which the named officer provided. The named officer stated he did not believe his demeanor was irritated and short. He stated that he cared about the individual's issue, spoke to her on two occasions and assisted in providing services.

Records indicated that complainant went to a district station approximately twenty minutes after a unit was assigned to respond to the complainant's call for emergency service and that an incident report was prepared.

Body-worn camera footage showed that the named officer interacted with the complainant in the station lobby. He explained that it had been very busy in both stations and that they would take a police report there. He did not behave disrespectfully and his behavior did not rise to a level unbecoming an officer.

The evidence proves that the alleged misconduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/21 **DATE OF COMPLETION:** 05/15/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that after her visit to the first police station where she filed the police report, she called the other station in which the assault had taken place. She stated that she called several times, and was continually placed on hold and then disconnected.

An officer identification poll was sent to the relevant district station. The poll came back with negative results.

The identity of the alleged officer could not reasonably be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/21 **DATE OF COMPLETION:** 05/24/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant stated that a court judgment granted her a restraining order, which included an order to recover her vehicle from an individual whom the complainant believed had possession of the vehicle. The complainant requested and received multiple civil standby services from SFPD. However, SFPD did not take steps to seize the vehicle or initiate an investigation into where the vehicle is located.

A witness officer stated that he was assigned by his supervisor to travel to the restrained party's house, to locate and to recover the complainant's vehicle. The officer completed the assignment by speaking to the restrained party at her residence and inspecting the resident's garage. This officer confirmed that the complainant's vehicle was not in the garage.

Body-worn camera footage confirmed that the witness officer contacted the restrained party and requested and received permission to conduct a visual search of the restrained party's garage for the vehicle and the complainant's vehicle was not in the garage.

Department General Order 2.01(52), Serving Subpoenas, Summons or Papers in Civil Actions, states, "Members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute."

Although the above DGO states that officers shall not serve or assist in serving documents in a civil action, or render any assistance in such a case, in this instance failure to relinquish the vehicle would have been a crime because such action would have violated a court order. However, since the vehicle was not in the restrained person's possession, the officer conducted the assigned 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: 04/23/21 **DATE OF COMPLETION:** 05/12/22 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant is the attorney representing a nightclub owner. He alleged the named officer accused that the club's hip-hop music "brought in the wrong crowd, a crowd that we don't want." However, he had not heard the comment himself but was told by the owner.

The named officer denied making the alleged statement. He clarified that he was telling the club owner that his third-party promotor/DJ of hip-hop music was overbooking the venue and overselling alcohol. That resulted in intoxicated crowds fighting in the club, which eventually spilled out into the street for officers to deal. The large, intoxicated crowd was a significant burden on the city's resources, officers were getting injured, and the community filed complaints. The issue was with safety, not with hip-hop.

There was no audio recording of the officer making the alleged comments.

The department records did not capture the alleged statement. However, documents gathered during the investigation commemorate numerous incidents inside and outside the vicinity of the nightclub, including public intoxication, fights or disputes, persons screaming for help, noise nuisance, etc.

The DPA interviewed the club owner, who said that the named officer told him in several meetings that he was bringing the wrong crowd and recommended that the owner change the music format. The officer also said he could not tell the owner what to do for his music format because that was the owner's business decision. The owner provided the name of a witness who was present when the named officer made the alleged comments.

The witness confirmed he attended the meeting with the owner and the named officer. He said that he did not recall any discussion of hip-hop music in the meeting. He also said he did not recall any potentially racist comments made by the named officer and confirmed that their community had requested additional police patrol in the area.

The evidence collected proves that although the named officer mentioned hip-hop music, he clarified that it was the club's third-party hip-hop DJ overbooking the venue and overselling alcohol that caused problems inside and outside the club, not the hip hop music.

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: 04/23/21 **DATE OF COMPLETION:** 05/12/22 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #2: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated the named officer directed a series of incidents to occur to intimidate the nightclub and directed his subordinate to submit false reports of criminal activities in the nightclub area to the SF Entertainment Commission (EC) and Alcohol Beverage Control (ABC). These unsolicited police activities have caused monetary damage to the club and have kept patrons away.

The named officer denied directing or taking any police action to intimidate the club or directing his subordinate to submit a false report to the EC and ABC. He stated law enforcement intervention and reports were generated when officers observed incidents due to a complaint or a call for service. He stated he only recalled attending the nightclub area for a shooting incident and a noise complaint from a neighbor.

The witness officer who was the subordinate has retired and is no longer subject to department investigation.

The club owner described several police actions at the nightclub and the submission of false reports to revoke their liquor license, which he believed was directed by the named officer.

Department records indicate that there were about 50 incidents that happened inside or outside the club's vicinity during the two years the complainant complained about alleged misconduct. Most of the incidents were reported by members of the public dialing 911. Only a small percentage of the calls were generated by officers patrolling the area.

In a letter written by the named officer provided by the club owner, the named officer stated that the nightclub had been the site of club violence such as shootings, aggravated assaults, riots, public intoxication, and other crimes. The police department worked with the community and the club owner to improve safety issues. He also stated that the owner had shown limited regard for public safety by selling alcohol to intoxicated individuals, possessing sparklers, having its security guards out of uniforms and without proper credentials, providing no workers compensations for his employees, etc.

Another witness who worked at the Community Benefit District stated that the nightclub had the most disorder incidents in the area, varying from intoxicated and disorderly people to violent assaults and party buses. He said their organization had always asked for as much police patrol in the area as possible. He also stated he supported police and the communities efforts to resolve the disorder associated with the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/21 **DATE OF COMPLETION:** 05/12/22 **PAGE# 3 of 4**
nightclub.

The evidence proves that the nightclub was involved in numerous public safety incidents reported by civilians and the community, resulting in police interventions. The evidence also shows that the named officer did not misuse his authority to conduct police activities to intimidate the club.

The evidence proves that the conduct alleged did not occur

SUMMARY OF ALLEGATION #3: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the named officer's comment regarding the club's Hip-hop music and police actions under his direction regarding the nightclub was racist against the African American community.

The named officer stated that his comment had nothing to do with the race of those in attendance and denied directing any police actions to intimidate the nightclub or African Americans attending the facility.

There was no audio recording of the officer making the alleged comments.

The club owner stated that the named officer told him in several meetings that his music format brought a crowd they did not want and described several unsolicited police activities.

A witness who attended the meeting said he did not recall any potentially racist comments made by the named officer and confirmed that their community had requested additional police patrol in the area.

Another witness who worked at the Community Benefit District stated that the nightclub had the most disorder incidents in the area, varying from intoxicated and disorderly people to violent assaults and party buses. He said their organization had always asked for as much police patrol in the area as possible. He also stated he supported police and the communities efforts to resolve the disorder associated with the nightclub.

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/23/21 DATE OF COMPLETION: 05/12/22 PAGE# 4 of 4

The department records did not capture the alleged statement. However, documents gathered during the investigation commemorate numerous incidents inside and outside the vicinity of the nightclub, including public intoxication, fights or disputes, persons screaming for help, noise nuisance, etc. Department records indicate that there were about 50 incidents that happened inside or outside the club's vicinity during the two years the complainant complained about alleged misconduct. Most of the incidents were reported by members of the public dialing 911. Only a small percentage of the calls were generated by officers patrolling the area.

The evidence proves that the conduct alleged did not occur

SUMMARY OF ALLEGATION #4: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #5: The officer misused police authority.

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/20 **DATE OF COMPLETION:** 05/03/22 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/20 **DATE OF COMPLETION:** 05/03/22 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #4: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that he was having a confrontation with an employee of the management company of his residence after the employee finished some maintenance work. The employee then took out his phone and started videotaping the complainant because he said he felt threatened. The complainant called to file a police report regarding the employee recording him. The officer who answered the phone refused to classify the report as criminal eavesdropping as requested by the complainant. The complainant stated that the named officer, who is a supervisor, did not look closely at the report or notice the discrepancies between the classification and the incident.

The named officer confirmed reviewing the incident report and stated that the original classification was accurate because the complainant described an incident about which he was uncomfortable, but that did not merit a criminal act. The named officer disagreed that the report should be titled criminal eavesdropping. The title does not exist in the report writing system, and the complainant did not describe such an incident. He clarified that an incident would be considered criminal eavesdropping if an individual used a device to record a private conversation to which they would not usually be privy. The named officer stated that the complainant described a scenario in which the employee did not secretly record a confidential conversation but instead used a cell phone to record another citizen in a verbal argument, which is not a criminal act. The named officer stated that he reviewed the incident report in its entirety, then reviewed and researched the penal codebook, signed, and approved the report. He stated that there were no discrepancies between the classification and the incident.

Department records showed that the incident was initially classified as a "suspicious occurrence" and changed in a supplemental report to "eavesdropping devices – sale or use" at the complainant's request.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/20 **DATE OF COMPLETION:** 05/03/22 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that he subsequently went to the police station to have the report classification changed, and an officer he spoke with was very forceful, told him he had the law wrong, and initially refused to change the classification, but ultimately relented.

The named officer confirmed that he met with the complainant and discussed the classification listed on the incident report. He stated that the complainant requested the classification be changed. He explained that he disagreed with his interpretation of the penal code but ultimately agreed to change the report's title according to the complainant's request. The named officer stated that he didn't believe that the specific circumstances of the complainant's case met the elements of the penal code section regarding eavesdropping and suspected that the complainant had misinterpreted the definition of "confidential communication." He stated that he believed he was courteous and polite throughout his interaction with the complainant and would not characterize himself as "forceful." Although he disagreed with the complainant's interpretation of the law, he agreed to change the report title per the complainant's request.

Department records showed that the incident was initially classified as a "suspicious occurrence" and changed in a supplemental report to "eavesdropping devices – sale or use" at the complainant's request.

Body-worn camera footage showed that the named officer calmly and professionally explained the law and how he believed the complainant had misinterpreted it.

The evidence collected shows that although the named officer disagreed with the complainant's interpretation, he explained the situation without being forceful and agreed to change the classification as requested by the complainant.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/20 **DATE OF COMPLETION:** 05/03/22 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #6: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** Partial 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: 01/18/20 **DATE OF COMPLETION:** 05/11/22 **PAGE# 1 of 6**

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant was stopped at the VIP area of a music festival for not having the appropriate credentials. The complainant stated that officers used unnecessary force when they took him to the ground and struck him in the head.

One of the named officers stated that he saw the complainant struggling against another officer. The size differential between the complainant and that officer was great enough that he feared for the officer's safety and went to assist him. The named officer used a leg sweep to take the complainant to the ground.

The other named officer said he was standing near the VIP area when he saw the complainant resisting several officers and went to assist. While struggling with the complainant on the ground, he felt the complainant reach up to his duty belt where his weapons were holstered. To prevent the complainant from seizing his firearm, OC spray, or baton, he delivered knee strikes to the complainant's head.

Department records indicate that the complainant was resisting and refusing to comply with officers' commands. The records confirm that the named officers used force on the complainant and reported it in compliance with department policy. The documents state that the complainant received medical treatment for the injuries he sustained.

Body worn camera footage of this portion of the incident was unavailable because the named officer neglected to turn on their camera, and the other officer's camera fell off during his struggle with the complainant.

Witnesses to the incident provided differing accounts. Witnesses who were attending the festival with the complainant stated that officers needlessly used force on the complainant, while he was complying with their commands. They stated the officers ran toward complainant and immediately resorted to force without first speaking to the complainant. In contrast, a security employee in the VIP area stated that the complainant was abusive and aggressive, he tried to enter the VIP area without credentials, and she called for police to assistance when complainant resisted her and her colleagues. Finally, an independent witness did not witness the interaction with police but did observe the complainant shouting at security and being belligerent.

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 01/18/20 **DATE OF COMPLETION:** 05/11/22 **PAGE# 2 of 6**

informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

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

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

FINDINGS OF FACT: The complainant stated that after he was arrested, the named officer removed a gold necklace the complainant was wearing. After he posted bail and was released, his property was returned to him with the exception of the necklace.

The named officer denied seeing or processing any of the complainant's property. He stated that he believed that other officers searched the complainant and booked his property. He further stated that, as the sergeant on the scene, one of the members of his squad would have conducted the search.

Body-worn camera shows other officers searched the complainant incident to his arrest. The named officer is present but does not appear to take part in the search. The named officer's body camera was not activated during this incident.

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

SUMMARY OF ALLEGATION #4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him without cause.

The named officer stated that he was standing near the festival's VIP area when he saw the complainant resisting several officers who were trying to place his arms behind his back, so he went to assist. He attempted to grab the complainant and take him to the ground. While struggling with the complainant on the ground, he felt the complainant reach up to his duty belt where his weapons were holstered. To prevent the complainant from seizing his firearm, OC spray, or baton, he delivered knee strikes to the complainant's head. The officer stated that in the course of this struggle he sustained injuries including bleeding, bruising, and swelling,

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 01/18/20 DATE OF COMPLETION: 05/11/22 PAGE# 3 of 6

Department documents show that the complainant was arrested for resisting an executive officer, delaying or obstructing a police officer, and battery of a police officer. The records document that officers believed that the complainant was being aggressive and actively resisting police officers.

Witnesses to the incident provided differing accounts. Witnesses who were attending the festival with the complainant stated that officers needlessly used force on the complainant, while he was complying with their commands. They stated the officers ran toward complainant and immediately resorted to force without first speaking to the complainant. In contrast, a security employee in the VIP area stated that the complainant was abusive and aggressive, he tried to enter the VIP area without credentials, and she called for police to assistance when complainant resisted her and her colleagues. Finally, an independent witness did not witness the interaction with police but did observe the complainant shouting at security and being belligerent.

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the named officer used profanity towards him during the incident.

The named officer admitted using inappropriate language towards the complainant during the incident.

Body-worn camera footage shows the complainant and the named officer arguing. The named officer calls the complainant a "little bitch."

Department General Order 2.01 Rule 12, "Public Courtesy," states, "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."

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/20 **DATE OF COMPLETION:** 05/11/22 **PAGE# 4 of 6**

informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

SUMMARY OF ALLEGATION #6: The officer failed to properly review or approve a Department report.

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

FINDINGS OF FACT: After the officers used reportable force to subdue the complainant, the named officer, a Lieutenant, failed to fully and accurately complete the Supervisory Use of Force Evaluation Form.

The named officer admitted that the form was incomplete. He stated that the form has many check boxes, and it is easy to miss one. The named officer noted that, to combat this problem, the Department plans to introduce a new electronic form that will prevent officers from moving to the next page of the form if a field has been left incomplete. The named officer stated that usually, if the supervisor misses an error on the form, the Legal or the Early Intervention System unit catches it, they will return the form for completion. In this instance that did not occur. The named officer stated that the form is a data collection form.

Department records show that part of the Supervisory Use of Force Evaluation Form for this incident was not completed, and the named officer failed to add his signature at the bottom of the form.

Department Bulletin 18-171, "Updated Supervisory Use of Force Evaluation Form," provides: "Once the supervisor has completed the Supervisory Use of Force Evaluation Form (SFPD 575B), it must be signed by the completing supervisor, reviewing supervisor and submitted to the on-duty platoon commander by the end of watch. The platoon commander shall review the Supervisory Use of Force Evaluation Form, Use of Force Log as well as the incident report before forwarding it to their captain for approval."

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/20 **DATE OF COMPLETION:** 05/11/22 **PAGE# 5 of 6**

SUMMARY OF ALLEGATIONS #7-8: The officers failed to activate a body-worn camera as required

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

FINDINGS OF FACT: The two named officers failed to activate their body-worn cameras during the incident leading up to the complainant's arrest.

One of the named officers stated that his body-worn camera fell off during his struggle with the complainant. The other named officer stated that as he ran to assist a fellow officer who was struggling with the much larger complainant, he forgot to activate his camera. His camera then was dislodged during his subsequent struggle with the complainant.

Department documents reveal that the named officers were involved in arresting a male who was resisting officers and being verbally abusive. The documents indicate that the officers did not activate their BWCs. The records also state that the officers' cameras fell off while trying to restrain the complainant.

Section C of Department General Order 10.11 sets forth the circumstances under which officers are required to activate their body-worn cameras. These include detention and arrest; use of force; and any encounter with a member of the public that becomes hostile.

DPA could not complete its findings in this investigation. DPA became aware of this incident through the complainant several months after it actually occurred. Shortly after beginning its investigation, DPA was informed that this incident was already investigated by SFPD's internal affairs department, thereby depriving DPA of jurisdiction to issue its findings in this case.

SUMMARY OF ALLEGATION #9: The officer seized property or money without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer took a gold necklace from him and informed him that he would never see it again.

This complaint raises issues outside DPA's jurisdiction. The complaint has been forwarded to:

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/20 DATE OF COMPLETION: 05/11/22 PAGE# 6 of 6

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