

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 12/07/21 **COMPLETION DATE:** 12/30/22 **PAGE# 1 of 4**

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was delivering packages for a delivery company when the named officer cited her for double parking.

The named officer stated there was probable cause to issue the citation because he observed the complainant stop the delivery truck, which caused vehicles and public transit buses behind to have to pass into the oncoming lane of traffic. The officer stated the complainant stopped in the lane of traffic directly across from a bus stop used by three other transit lines which interfered with the buses that use the stop. He cited the complainant for impeding the flow of traffic, a violation of the vehicle code.

Body-worn camera footage showed that the complainant's delivery truck was double-parked.

DGO 9.01 states that the goals of the Department's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion. Members shall give priority to enforcing violations consistent with the mentioned goals. Also, members enforcing traffic and parking laws must use discretion.

California Vehicle Code section 22400(a) states: "No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic...[and] No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic."

The named officer observed the delivery truck stop in traffic. While the named officer could have used discretion and cited the complainant for CVC 22500 which is a parking violation and not a moving violation, he chose not to do so, which is appropriate so long as the choice is exercised without prejudice.

The DPA acknowledges that the complainant was frustrated by receiving a moving violation instead of a parking violation. The DPA also acknowledges that the officer could have issued a parking citation, which would have fairly placed the burden of the citation onto the delivery company that requires its drivers to double-park. However, the named officer's actions did comply with California law. 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 knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the officer cited her based on her race and gender.

The named officer denied the allegation, stating the complainant was cited because she doubled-parked a commercial truck that impeded traffic flow in a busy corridor.

Body-worn camera footage showed that the complainant was double-parked.

The DPA reviewed documentation and video records from multiple traffic stops made by the named officer. The named officer frequently issues citations for double-parking and impeding flow of traffic. There was no evidence indicating that the officer's actions were motivated by bias.

The evidence proves that the conduct alleged did not occur

SUMMARY OF ALLEGATION #3-6: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated the officers did not provide their names or star numbers.

Body-worn camera (BWC) footage showed that the named officers provided their names and star numbers to the complainant. The complainant said, "I want all of your cards." The BWC showed that one named officer offered his business card to the complainant, and she refused to accept it.

The evidence proves that the conduct alleged did not occur

SUMMARY OF ALLEGATION #7-8: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

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FINDING: PC

FINDINGS OF FACT: The complainant stated the officers were aggressive and yelled at her. One of the named officers told the complainant she was not listening to him.

Body-worn camera (BWC) footage showed one of the named officers made comments to a bystander. While the comments were unnecessary, they were directed at a bystander who was delaying the investigation and did not rise to the level of misconduct. The bystander was standing in the street and was told to move back numerous times. The other named officer is a supervisor who responded to the scene because the complainant refused to sign the citation. The supervisor tried to explain to the complainant that signing the citation was not an admission of guilt. The complainant continually talked over the officer. In response, the officer urged the complainant to hear him out and said, "You are not listening to me."

The comments did not rise to the level of misconduct. There was no indication the named officers acted in an aggressive manner.

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

SUMMARY OF ALLEGATION #9: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The complainant and co-complainant stated that the officer refused to provide his name and star number. The officer told the complainants that they could read his information from his uniform. The complainants told the officer that they could not read the information, but the officer still refused to say his name and star number.

The named officer stated he responded as a backup officer as there were multiple agitated groups on both sides of the street and a bystander was posing an officer safety issue to the primary officer. He walked up to the complainant and initially tried to talk to her, but she declined. The named officer stated he backed up and did not attempt further contact so as not to escalate the situation. The bystander moved into the scene and was yelling and screaming, inciting the complainant and other passersby. The named officer stated he tuned out what the bystander was saying as the bystander continued to engage. The named officer said the bystander called him by his name and tried to divert his attention by yelling, "What's your star number?" The named officer told the bystander he could come over to where he was, and he could get

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it. The officer said he intended to give the bystander his business card, but the bystander never responded and just continued to yell. The officer stated he was trying to de-escalate the situation and did not want to yell his information to a person who was escalating everything at the scene. He was focused on officer safety.

The body-worn camera (BWC) footage showed the bystander shouted the officer's name and asked for his badge number approximately three times and the complainant asked the officer once. The officer responded to the bystander that he could look at his badge number, pointing out it is on his uniform and that he could come over and read it. The officer bantered with the co-complainant during the incident, suggesting that he visit a nearby smoke shop.

San Francisco Police Department General Order 2.01 General Rules of Conduct, Rule 14, requires officers to promptly and politely provide their name, star number, and assignment when requested.

In this instance, the named officer should have provided his star number when requested by the bystander and the complainant.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated the named officers used excessive force during the apprehension and arrest of a subject on a motorcycle. He stated the named officers assaulted the subject while taking him into custody. The complainant stated the subject was transported to the hospital as a result of the excessive force.

Named Officer #1 stated he was informed that a motorcyclist ("subject") was traveling at a high rate of speed and violating traffic laws. He stated that after the subject stopped at an intersection, his partner (Named Officer #3) pulled their patrol vehicle in front of the motorcycle. He stated he began to exit his vehicle and ordered the subject to dismount his bike. However, the subject revved the engine and accelerated toward him, hitting the passenger door, which struck him, injuring his knee. He stated he was able to grab the subject and pull him to the ground. Officer #1 stated he struck the subject multiple times with his fist and his knees; however, the subject was wearing a Kevlar vest and a helmet. Officer #1 stated he used force because the subject was physically resisting and not responding to verbal commands to put his hands behind his back. He stated he could not handcuff the subject because he was using physically evasive movements by tucking his hands under his body.

Named Officer #2 stated he observed a motorcycle travel at a high rate of speed, failing to make complete stops at flashing red lights. He stated his patrol vehicle was behind the motorcycle when it stopped at an intersection. He then observed another patrol vehicle, occupied by Named officers #1 and #3, pull in front of the motorcycle from the intersecting street. He stated that Named Officer #1 exited his patrol vehicle on the passenger side and then heard the motorcycle rev its engine before accelerating toward Named Officer #1. From his vantage point, Officer #2 stated that the motorcycle appeared to push the passenger door, briefly pinning Officer #1 between the passenger door and the frame. Officer #2 exited his patrol vehicle and observed Officer #1 take the subject to the ground. He stated other officers arrived to assist as the subject appeared to resist. He stated he ordered the subject to stop resisting. He assisted with placing the subject into handcuffs using a Department approved technique by bending the subject's wrist to gain compliance. He stated it was necessary to do so to overcome resistance. Named Officer #2 denied bending the subject's thumb.

Named Officer #3 stated he became aware of a motorcyclist traveling at a high rate of speed, violating traffic laws. He stated he pulled his patrol vehicle in front of the motorcycle at an angle while it was stopped at a red light. He stated as his partner (Named Officer #1) began to exit the patrol vehicle from the passenger door and ordered the subject to get off the bike. He stated immediately after that, he heard a "thud." He stated that he was unable to see the motorcycle collide with the vehicle door as he was on the

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other side of the vehicle. Officer #3 stated he ran around the vehicle to assist Officer #1 and observed the subject resisting arrest. He issued verbal commands to stop resisting. He stated the subject was on his side, jamming his hands in his waistband. He gained control of the subject's feet and attempted to turn him onto his stomach to help other officers place his hands behind his back into handcuffs. Officer #3 stated he did not observe the actions of other officers and that his actions were reasonable and consistent with training.

Named Officer #4 stated he observed a motorcycle traveling at a high rate of speed. When he arrived at the location where the motorcycle was stopped, he observed other officers engaged with the subject. He assisted the other officers by attempting to remove the motorcycle helmet from the subject. However, unbeknownst to him, the helmet was strapped to the subject's head. Once he realized the helmet was strapped, he removed the strap and successfully removed the helmet. In addition, he assisted with placing the subject into handcuffs by pulling one arm behind his back. He stated his actions were consistent with his training and that any force used was reasonable.

Witness Officer #1 stated he observed a motorcycle traveling at a high rate of speed, failing to stop at flashing red lights. He stated when he arrived at the location where the motorcycle was stopped, he observed several officers in a physical struggle to place the subject under arrest. He stated he did not specifically see any officer use force on the subject.

A supervising Witness Officer (Witness Officer #2), who evaluated the named officers' use of force, stated the use of force was reasonable based on the named officers' statements, the incident report, and body-worn camera (BWC) footage.

Department records indicate that the named officers observed a subject on a motorcycle disregarding traffic laws while traveling at a high rate of speed. When the motorcycle stopped at an intersection, Named Officer #3 pulled his patrol vehicle in front of the motorcycle while his partner (Named Officer #1) exited the passenger door. As Officer #1 stood between the vehicle and the vehicle door, the subject on the motorcycle accelerated forward, hitting the patrol vehicle door, which hit Officer #1, causing injury to his knee. After the door hit Officer #1, the officer physically pulled the subject off the motorcycle onto the ground. The suspect actively resisted and ignored multiple commands to place his hands behind his back. Officer #1 conducted multiple punches and knee strikes to the subject's core in an attempt to gain compliance. When the other named officers arrived to assist, the subject continued to resist by refusing to comply with verbal commands by holding his hands under his body near his waistband. Named Officer #3 took control of the subject's feet to rotate him on his stomach while Named Officer #2 bent the subject's wrist to place him into handcuffs. Named Officer #4 controlled the subject's shoulder and attempted to remove his arm from underneath his body and place his hands behind his back. Another officer issued fist strikes to the subject's face, employed mastoid pressure points, and stepped on the subject's ankle to gain control of the subject's legs. The named officers eventually placed the subject in handcuffs. The subject

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complained of pain and was transported to the hospital, but shortly after that, he was discharged with sore ribs, legs, and arms and subsequently booked into jail.

The Use of Force Log shows the named officers reported using force on the subject.

The Use of Force Evaluation Form indicates that the force used by the named officers was reasonable.

Medical records document the subject did not suffer from serious injury and was medically cleared to be transported to the county jail.

Body-worn Camera (BWC) footage showed multiple officers on the ground in a struggle with the subject. Multiple officers ordered the subject to stop resisting. Witness Officer #1 struck the subject in the face with his fist through the opening of the motorcycle helmet. The suspect continuously said, "I'm not resisting," and "You're hurting me." Officers removed the subject's helmet and placed him into handcuffs. While in handcuffs, the subject was lying on his side, appearing to be compliant. One of the subject's legs slowly moved when Witness Officer #1 stood on his ankle, causing the complainant to cry out in pain. The subject complained of injuries and was subsequently placed in an ambulance.

Surveillance footage showed a subject on a motorcycle stopped at an intersection, closely followed by a marked patrol vehicle. The video then showed another marked patrol vehicle approaching the intersecting street, stopping at an angle in front of the motorcycle, blocking it from moving forward. When Named Officer #1 began to exit that vehicle on the passenger side, the subject on the motorcycle proceeded forward, appearing to strike the passenger door of the patrol vehicle. It is unclear if the vehicle door struck Officer #1. Officer #1 quickly pulled the subject off the motorcycle to the ground, striking him several times. The surveillance footage did not have audio and was taken from the top of a building, making it difficult to see every action taken.

Department General Order 5.01 (Use of Force) states in the relevant part that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, officers must use the minimum amount of force necessary to accomplish their lawful purpose.

The evidence shows that the named officers engaged in a struggle with the subject. However, based on the evidence, DPA is unable to conclude that the named officers acted properly or improperly.

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

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SUMMARY OF ALLEGATION #5: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated the named officer used excessive force during the apprehension and arrest of a subject on a motorcycle. He stated The named officer assaulted the subject by attempting to pull his helmet off while strapped to his chin, punching him in the face, and forcefully stepping on his ankle. The complainant stated the subject was transported to the hospital as a result of the excessive force.

The named officer stated he observed a motorcyclist traveling at a high rate of speed, violating traffic laws. He and his partner pulled their patrol vehicle behind the motorcycle when it stopped at an intersection. He stated another officer pulled their patrol vehicle in front of the motorcycle. When the passenger officer exited that vehicle, he heard the subject rev the motorcycle and then accelerate toward that officer. He stated at that time, he believed the motorcycle struck the officer. The named officer said the officer was able to move back and take the subject off the motorcycle to the ground. The named officer stated he ran to the officer to assist with placing the subject into custody. The subject resisted by tensing up and failed to comply with several verbal commands to stop resisting. He stated he punched the subject multiple times through the motorcycle helmet visor as he refused to move his hands from underneath his body toward his waistband. He stated he attempted to remove the motorcycle helmet; however, unbeknownst to him, it was still strapped to his head. The named officer stated he also applied mastoid pressure for pain compliance, which he said was ineffective. He stated that once the subject was placed in handcuffs and laying on his side, he was concerned that the subject moved his leg. The named officer admitted he stepped on the subject's ankle, with minimal pressure, to control his legs. The named officer explained he did not want to get kicked or allow getting kicked. The named officer stated he did not know if this technique was Department approved.

A supervising witness officer, who evaluated the named officers' use of force, stated the use of force was reasonable based on the named officer's statements, the incident report, and BWC footage. He said it appeared that the subject's legs were uncontrolled and when an officer steps on someone's leg, it's because they are trying to control their feet. He stated this is used primarily when the person was fighting with officers or they continued to kick. He stated he could not tell how much pressure The named officer put on the subject's ankle.

Department records indicate that The named officer observed a subject on a motorcycle disregarding traffic laws while traveling at a high rate of speed. When the motorcycle stopped at an intersection, another officer pulled his patrol vehicle in front of the motorcycle while his partner exited the passenger door. As he stood between the vehicle and the vehicle door, the subject on the motorcycle accelerated forward, hitting the patrol vehicle door, which hit the officer, causing injury to his knee. After the door

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struck the officer, he physically pulled the subject off the motorcycle onto the ground. The subject actively resisted and ignored multiple commands to place his hands behind his back. Multiple officers responded and struggled to place the subject into handcuffs as he refused to comply with verbal commands by holding his hands under his body near his waistband. The named officer issued multiple fist strikes to the subject's face, employed mastoid pressure points, and stepped on the subject's ankle to gain control of his legs. The named and other officers eventually placed the subject in handcuffs. The subject complained of pain and was transported to the hospital, but shortly after that was discharged with sore ribs, legs, and arms and subsequently booked into jail.

The Use of Force Log shows the named officer reported using force on the subject.

The Use of Force Evaluation Form, authored by the witness officer, indicates that the force used by the named officer was reasonable.

Body-worn camera (BWC) footage showed multiple officers on the ground in a struggle with the subject. Multiple officers ordered the subject to stop resisting. The named officer struck the subject in the face with his fist through the opening of the motorcycle helmet. The suspect continuously said, "I'm not resisting," and "You're hurting me." Officers removed the subject's helmet and placed him into handcuffs. While in handcuffs, the subject was lying on his side, appearing to be compliant. One of the subject's legs slowly moved when The named officer stood on the subject's other ankle (the ankle of the leg that did not move) and shifted most or all of his body weight onto the ankle, causing the subject to cry in pain. The subject complained of injuries and was subsequently placed in an ambulance.

Surveillance footage showed a subject on a motorcycle stopped at an intersection, closely followed by a marked patrol vehicle. The video then showed another marked patrol vehicle approaching the intersecting street, stopping at an angle in front of the motorcycle, blocking it from moving forward. When an officer began to exit that vehicle on the passenger side of that vehicle, the subject on the motorcycle proceeded forward, appearing to strike the passenger door of the patrol vehicle. It is unclear if the vehicle door struck that officer, who was very quickly able to pull the subject off the motorcycle to the ground, striking him several times. The surveillance footage did not have audio and was taken from the top of a building, making it difficult to see every action taken.

Department General Order 5.01 (Use of Force) states in the relevant part that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, officers must use the minimum amount of force necessary to accomplish their lawful purpose.

San Francisco Police Department Arrest and Control Manual do not specify stepping on a subject's ankle or leg as a technique for control.

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The named officer acted outside of Department Policy when he stepped on the subject's ankle, which was unnecessary and excessive. BWC footage does not show the subject resisting or kicking at the time the named officers stepped on his ankle with great force.

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

SUMMARY OF ALLEGATIONS #6-9: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officers lied in the police report and their testimony at trial by characterizing an officer being "pinned" by the subject's motorcycle.

Named Officer #1 stated as he approached a motorcycle stopped at an intersection, he heard the motorcycle engine rev and then accelerated towards him. He stated the motorcycle struck his patrol car door, which then struck his knee, pinning him between the car door and the vehicle's frame. He stated he suffered an injury from this incident that required him to take medical leave from work. He stated he did not lie when he used the word "pinned" because his knee was pinned when the door shut on his leg, even if it was for a millisecond. In addition, he stated he did not lie when he stated the motorcycle hit the door, causing the door to hit his knee.

Named Officer #2 stated he did not lie or intentionally misrepresent the truth when he made the statement that Named Officer #1 was "pinned" because, from his perspective, that is what he thought he observed. He also stated he did not lie when he said the motorcycle hit the patrol vehicle's door resulting in the door hitting Officer #1. He stated from his perspective, that is what he thought he observed, and in addition, he observed Officer #1 hold his leg, indicating pain.

Named Officer #3 stated he did not misrepresent the truth when he characterized Named Officer #1 as being "pinned" because, at that time, he thought the motorcycle directly struck Officer #1. In addition, he stated he did not lie when he said that the motorcycle hit the patrol vehicle door, striking Officer #1 and causing him to be injured.

Named Officer #4 stated he did not misrepresent the truth in court or the police report. He reported that Named Officer #1 was "pinned" because when he arrived on the scene, the motorcycle was on top of Officer #1, pinning him to the ground. He also stated he did not see the motorcycle strike the car or the door strike Officer #1. However, he stated he did not misrepresent the truth when he stated Officer #1 was injured because he observed Officer #1 in pain immediately after the incident.

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Department records indicate that the named officers observed a subject on a motorcycle disregarding traffic laws while traveling at a high rate of speed. When the motorcycle stopped at an intersection, Named Officer #3 pulled his patrol vehicle in front of the motorcycle while his partner (Named Officer #1) exited the passenger door. As Officer #1 stood between the vehicle and the vehicle door, the subject on the motorcycle accelerated forward, hitting the patrol vehicle door, which hit Officer #1, causing injury to his knee. After the door struck Officer #1, he physically pulled the subject off the motorcycle onto the ground. The suspect actively resisted and ignored multiple commands to place his hands behind his back. Named Officer #1 conducted multiple punches and knee strikes to the subject's core in an attempt to gain compliance. When the other named officers arrived to assist, the subject continued to resist by refusing to comply with verbal commands by holding his hands under his body near his waistband. Another officer took control of the subject's feet to rotate him on his stomach while Named Officer #2 bent the subject's wrist to place him into handcuffs. Named Officer #4 controlled the subject's shoulder and attempted to remove his arm from underneath his body and place his hands behind his back. Another officer issued fist strikes to the subject's face, employed mastoid pressure points, and stepped on the subject's ankle to gain control of his legs. The named officers eventually placed the subject in handcuffs. The subject complained of pain and was transported to the hospital, but shortly after that was discharged with sore ribs, legs, and arms and subsequently booked into jail.

Surveillance footage showed a subject on a motorcycle stopped at an intersection, closely followed by a marked patrol vehicle. The video then showed another marked patrol vehicle approaching the intersecting street and stopping at an angle in front of the motorcycle, blocking it from moving forward. When Named Officer #1 began to exit that vehicle on the passenger side, the subject on the motorcycle proceeded forward, appearing to strike the passenger door of the patrol vehicle. It is unclear if the vehicle door struck Officer #1. Officer #1 quickly pulled the subject off the motorcycle to the ground, striking him several times. The surveillance footage did not have audio and was taken from the top of a building, making the footage angle difficult to view closely.

Photographs provided by the San Francisco Police Department show a marked patrol vehicle with a dent in the passenger door consistent with damage from a collision with a motorcycle and a picture of Named Officer #1 in the emergency room with a reddened knee.

Evidence supports that the motorcycle collided with the patrol vehicle door, which likely hit Officer #1, as the redness to his knee is consistent with what reportedly occurred. The named officers' use of the word "pinned" is a matter of semantics, and there is no evidence that the named officers misrepresented the truth.

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 #10-11: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officers should have immediately initiated a traffic stop by activating their lights and sirens instead of pursuing a suspect on a motorcycle for several blocks. He stated that had the officers done so, and if the subject did violate traffic laws, the interaction would have ended in a mundane traffic citation, as opposed to officers using excessive force when taking the subject into custody.

The named officers stated they observed a motorcycle traveling at a high rate of speed and failing to stop at red flashing lights. They stated they did not activate the lights and siren because the motorcycle was traveling too fast and were not close enough to initiate a traffic stop safely.

Department records indicate the named officers pursued a motorcyclist traveling at a high rate of speed while violating multiple traffic laws. When the subject on the motorcycle stopped several blocks later at a red light, officers struggled with the subject and placed him under arrest.

Body-worn camera (BWC) does not show the named officers pursuing the subject on the motorcycle.

The California Vehicle Code and P.O.S.T. Training Materials state in part that officers may proceed through red lights and stop signs, exceed the speed limit, and violate other rules of the road if it can be "accomplished in a safe manner with due regard for the safety of others."

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. During the DPA's investigation, it was discovered that The named officer conducted a Supervisory Use of Force Evaluation and found a witness officer's use of force within Department policy when it was not.

The named officer stated when he conducted his Supervisory Use of Force Evaluation, he viewed BWC footage, spoke with the witness officer, and reviewed the incident report. The named officer stated that the witness officer's stepping on the subject's ankle was reasonable, given the circumstances.

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The Use of Force Log shows that the witness officer reported using force on the suspect.

The Supervisory Use of Force Evaluation Form, signed by the named officer, shows that the named officer reviewed the use of force log and the incident report. The report also showed that the witness officer's use of force was within policy.

Department General Order 1.06 (Duties of Superior Officers) states in the relevant part, "All superior officers shall guide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures."

Department General Order 5.01 states in the relevant part, "A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force." "When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable . . ." "If the supervisor determines that a member's use of force is unnecessary . . . the supervisor shall notify his/her superior officer."

The evidence showed that a subordinate officer used unnecessary and excessive force when he stepped on the subject's ankle, which should have resulted in a determination that the subordinate officer violated use of force policy and should have been reported up the chain of command. The named officer reviewed the body-worn camera footage, spoke with the witness officer, reviewed the incident report, and approved the Supervisory Use of Force Evaluation that stated that the subordinate officer's use of force was within policy, even though it appeared that the use of force was out of policy and should have been reported and dealt with as such.

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

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SUMMARY OF ALLEGATION #1: The officer failed to write an incident report

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: NF

FINDINGS OF FACT: The complainant stated that a random individual physically attacked him. However, when he called the district police station where the battery occurred, the officer who answered the phone refused to take the report.

Phone calls at the district police stations are not recorded.

DPA sent an Identification Poll to the station, which failed to identify any officer(s) who spoke to the complainant.

The complainant did not respond to requests for an interview to complete the investigation. As a result, DPA could not establish the identity of the alleged officer. However, police records indicate that the complainant visited the district police station, and an officer wrote an incident report regarding the assault.

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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SUMMARY OF ALLEGATION #2: The officer failed to promptly respond to the scene.

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: NF

FINDINGS OF FACT: The complainant stated that his father owns a business and was held hostage by a customer. He stated that officers failed to respond when his father called for police assistance.

The Department of Emergency Management records showed that the complainant and his father called to report that a customer refused to leave the business and accused the complainant's father of having a weapon. The dispatcher advised the complainant's father that there would be a delay in the police response. Officers did not immediately respond to the incident, and dispatchers determined the suspect was no longer present, so they downgraded the call priority from "B" to "C".

Department Bulletin 19-106, Clarifying Issues between Dispatch and Patrol states that Dispatch, in an effort to dispatch low priority calls for service, will attempt to dispatch "C" priority runs first to a foot beat or sector car officer and then to any available unit in order to have the assignment handled in a timely manner. In addition, Dispatchers use the following criteria as a guide to prioritizing "C" runs and officers should use these criteria when choosing pending "C" runs:

1. Residential burglary, stolen vehicle reports, recovered stolen report
2. All other report runs
3. All other report runs
4. Homeless related calls for service

The complainant did not respond to requests for an interview to complete the investigation. As a result, DPA could not establish the identity of the alleged officer.

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.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/17/22 COMPLETION DATE: 12/09/22 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant called DPA and filed an anonymous complaint. The complainant stated that the named officer approached him, asked him about an illegal narcotic, and searched him without consent. The complainant denied being involved with purchasing or selling an illegal narcotic.

Police records indicated that the complainant was arrested in a narcotics enforcement operation. The records also indicated that the complainant was asked if he had the illegal narcotic and said yes. The complainant sold the illegal narcotic to an undercover officer and provided his phone number for future contact. The complainant was then arrested for narcotics sales. The named officer searched the complainant incident to arrest and found and seized suspected narcotics in the complainant's clothing.

There was no body-worn camera footage of the purchase of the illegal narcotic; however, there was footage of the complainant's arrest. The footage captured the named officer searching the complainant and finding suspected narcotics in his clothing.

DPA's investigation determined that the named officer had probable cause to arrest the complainant and lawfully searched the complainant incident to the arrest.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/17/22 **COMPLETION DATE:** 12/09/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer failed to properly care for, process, or book property

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer seized his cash, which was his rent money. He stated that while counting the cash, the named officer dropped and lost a bill on the ground.

Department General Order 6.15, Property Processing, states that the member who first receives or takes property is responsible until the item is processed as property for identification and received at the district station or at the Property Control Section.

The named officer's body-worn camera footage showed the named officer counting the complainant's cash out loud and confirming the amount with the complainant.

Police records indicated that the named officer recorded the amount he counted out loud to the complainant on the property receipt. However, the complainant declined to sign the document.

DPA understands why the complainant may have been concerned about his seized cash. Still, the named officer counted the money on body-worn camera, and the named officer specifically asked the complainant if he recalled how much money he had on him to ensure that the count of funds was accurate.

The evidence proves that the conduct did not occur.

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1 to IAD

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/06/022 **COMPLETION DATE:** 12/19/22 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer refused to assist in the investigation of her stolen property. In addition, she said the named officer refused to collect evidence and have it fingerprinted.

The Department of Emergency Management records and incident report indicated that the complainant's property was stolen from her locked vehicle. The reporting officers obtained the complainant's statement and conducted a preliminary investigation. At that time the complainant refused to have her vehicle dusted for fingerprints. The reporting officers informed the complainant to contact the police if she had additional information. The complainant conducted her own investigation and found some of her property in a porta potty. The named officer and her partner responded for the follow up investigation at the porta potty.

The named officer stated that she explained to the complainant several times that she would not retrieve the soiled found property from the Porta Potty as it did not have evidentiary value. The named officer explained that because the evidence was soiled, she could not fingerprint it. The named officer stated that her partner photographed the evidence.

Body worn camera corroborated the named officer's statement. The evidence was inside the Porta Potty and soiled.

DGO 2.01 (5), Performing Duties, stated that members shall perform their duties promptly and according to Department policies and procedures.

Although the complainant did not understand why the found property could not be fingerprinted, the named officer took the required investigative steps to assist in the complainant's case. The named officer's actions complied with Department policy.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/06/022 **COMPLETION DATE:** 12/19/22 **PAGE# 2 of 3**

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer used uncivil language and spoke harshly about her as her children were nearby, inside the car with the window down.

The named officer acknowledged that she used profane language, explaining that she was expressing her frustration with the complainant to her partner. The named officer explained that the profanity was not directed at the complainant. The named officer stated that the complainant's children were sticking their heads in and out of the vehicle window throughout the incident and she was not aware that the complainant's children had their heads out when she was speaking to her partner because her back was to them. The named officer did not believe her actions or comments violated department policy as she was speaking with her partner and the use of profanity was not directed at the complainant.

Department General Order 2.01 (14), Public Courtesy, states that when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language."

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

Body-worn camera footage showed that the complainant's children had their heads out the car window when the named officer went toward the back of the complainant's vehicle to speak to her partner. The named officer subsequently used uncivil and profane language while speaking to her partner about the complainant.

Although the named officer did not direct the profane language toward the complainant, the complainant overheard her, and the complainant's children were within earshot of the conversation and heard the use of profanity. As such, the named officer's behavior brought discredit to the department. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/06/022 **COMPLETION DATE:** 12/19/22 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to activate a body worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not have her body-worn camera activated during the incident as she did not see a light indicating it was recording.

Department records confirmed that the officer activated her body-worn camera.

The evidence proves that the conduct alleged did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/19/22 **COMPLETION DATE:** 12/06/22 **PAGE# 1 of 5**

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that his nephew was driving his van when the nephew was pulled over for driving without a driver's license. An officer called and told him his vehicle would be towed. The complainant said he drove to his vehicle's location and arrived at the scene immediately. He asked for a sergeant to stay the tow. The complainant stated his vehicle was towed anyway.

The named officer, a supervisor, stated he received two phone calls from an officer at the scene. Two people were preventing a vehicle from being towed by sitting in the vehicle. The named officer stated the officer informed him the situation may escalate and requested the named officer respond to the scene. The named officer stated the complainant was calm at first when the named officer arrived but became upset when he was informed the vehicle would be towed. The named officer stated that he explained that the driver had never had a driver's license and was previously cited twice for the violation. The named officer stated a moratorium during the COVID-19 pandemic had given unlicensed drivers a reprieve. But at the time of the stop, the named officer stated the moratorium had already been rescinded. The named officer stated there was nothing lawfully he could have done to prevent the tow.

The CAD showed the vehicle was pulled over because of a report of a person brandishing a gun. The subjects were described as being in a white van with no license plate and the driver as a Latin or Black male. Officers stopped a white van with no license plates being driven by complainant's nephew. The vehicle was registered to complainant, who arrived shortly after the traffic stop began. The named officer appeared on the scene one hour and fifteen minutes after the incident started.

The incident report documented that the traffic stop was based on a 911 call about the bandishing of a firearm and resulted in a citation and vehicle tow due to the driver's inability to produce a valid driver's license because one had never been issued. The IR confirmed that the vehicle tow was approved by the named officer.

The body-worn camera (BWC) footage showed the named officer arriving at the scene. He was informed that the vehicle could not be towed because the subjects were sitting in it. The footage showed the named officer calmly explaining to both the driver and the complainant the reasons for the tow. The named officer sympathized with the complainant when the named officer stated he could do nothing at that point to cancel the tow. The subjects became upset but eventually left, and the vehicle was towed.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/19/22 COMPLETION DATE: 12/06/22 PAGE# 2 of 5

Police photos showed the van did not have a front or rear license plate. It also showed a replica firearm in the back of the van.

A misdemeanor citation was issued to the driver by a different officer for driving without a driver's license. It showed the registered owner was the complainant.

California Vehicle Code (CVC) 12500(a) states:

"A person may not drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those persons who are expressly exempted under this code."

Department General Order 9.06, D. states:

"CANCELING TOWS. In the event that the owner or operator of a vehicle which is being towed arrives after the tow truck has made the hookup, but before the towed vehicle has entered the flow of traffic, the vehicle shall be returned at no charge. The current city tow contract does not allow a drop charge to be levied by the tow company. This policy shall not apply in situations where a vehicle is being towed for investigative purposes, or is being towed because it was driven by an unlicensed driver or by a driver with a suspended or revoked driver license."

The named officer's decision to approve the tow was based on evidence and complied with Department policies. The tow could not be cancelled since it was initiated because it was driven by an unlicensed driver.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/19/22 **COMPLETION DATE:** 12/06/22 **PAGE# 3 of 5**

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

CATEGORY OF CONDUCT: CU

FINDING: NS

FINDINGS OF FACT: The complainant stated he called the named officer on the phone several times after the incident, but the named officer never returned any of his calls.

The named officer stated he did not provide the complainant with his direct contact information. The officer recalled the complainant called the station at least once and that he spoke to the complainant for a few minutes. The officer said the complainant was frustrated and continued asking he was was contacted when the vehicle had to be towed. The named officer explained that the officers were likely confused with the policy change and would retrain the officers. The named officer stated he also apologized to the complainant for having gone to the scene.

Although the named officer stated he spoke to the complainant at least once, the complainant stated the named officer never returned his call. No physical evidence was found to corroborate which statements were true.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/19/22 **COMPLETION DATE:** 12/06/22 **PAGE# 4 of 5**

SUMMARY OF ADDED-ALLEGATION #1-2: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: A witness reported seeing a vehicle driven by a Latin or Black male, with an occupant brandishing a firearm, possibly a replica firearm, from a white 80's model Toyota van with no front license plate. He stated because of where he was located, he could not verify the vehicle's rear plate. The vehicle stopped was a white Mazda van with no front or rear license plates driven by the sole occupant, a Black male.

Named officer #1 stated the vehicle they stopped matched the description provided about the van and its driver. He added the vehicle in question was the only white van in the area where the incident was reported. Named officer #2 stated a captain broadcasted on the radio that he was right behind the vehicle in an unmarked vehicle. Named officer #2 stated they caught up to the captain and then stopped the van. Named officer #2 stated that, although a Toyota was reported, she was sure the Mazda they stopped was the right vehicle.

The CAD confirmed what the witness reported. The CAD showed multiple units responding and looking for the vehicle. The CAD confirmed one unit detained the Mazda van without any license plates driven by a Black male.

The CAD audio confirmed the description provided by the 911 caller, and the vehicle model changed as the search for the vehicle progressed. The driver's description was updated from a Latin male to a young Black male. The model of the van changed from Toyota to Mazda.

The photos showed the vehicle stopped was a white Mazda with no front or rear license plates. An airsoft gun was found in the back seat of the van. The photos showed the person stopped was a young, Black male.

Department General Order 5.03 Investigative Investigations 5.03.01 D states;

"Reasonable Suspicion to Detain - Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct."

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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The detained van sufficiently matched the description provided to dispatch and relayed to the officers of the vehicle containing the occupants that possibly brandished a firearm. Applicable law, and SFPD policies reflecting the law, do not require officer find a vehicle that exactly matches the description provided by the 911 caller before they can make a valid detention.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/28/22 **COMPLETION DATE:** 12/19/22 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: Insufficient Evidence

FINDINGS OF FACT: The named officer and her partner responded to a dog bite incident that occurred outside the house of the complainant's neighbor. The officers talked to the two victims and learned from them that the dog came out from the complainant's garage and attacked the victims without provocation. The victims suffered minor injuries in their lower extremities. Paramedics at the scene gave them medical attention. The officers knocked on the complainant's door and contacted her about the incident. The complainant told the officers it was her daughter's dog that bit the victims. She told them that her daughter and the dog were no longer in her house. The officers asked the complainant to call her daughter. They also asked her for her daughter's information. The complainant refused to call her daughter and or give out additional information. She told them she did not want to get involved. At one point, the named officer asked about the black van that was parked in front of the complainant's garage. The complainant said the vehicle belonged to her. According to the complainant, the named officer shook her head and appeared dismayed by her decision not to get involved and provide additional information. The complainant said the named officer later issued a parking citation to her vehicle. She believed the citation was retaliatory because the officer did not like her refusal to cooperate with her investigation.

The named officer recalled issuing a parking citation to the complainant's vehicle. She said she cited the car not because the complainant refused to cooperate and provide her daughter's information but because the car was parked on the sidewalk with insufficient space left on either side for anyone with a wheelchair or stroller to walk through. The officer said people had to go on the street to get on their way. The named officer stated she initially ignored it because she was focused on her investigation. However, her attention was brought to it because the victims stated they saw the dog's owner inside the vehicle. The named officer admitted that she did not issue citations to other cars illegally parked on the sidewalk. Additionally, the named officer stated she never issued any other parking citations during her entire shift.

A witness officer stated he did not see the named officer exhibit any gestures that she was frustrated or dismayed with the complainant. The officer said the named officer cited the vehicle because, among the cars illegally parked on the street, it was the one that was prominently blocking the sidewalk.

The DPA obtained a copy of the citation the complainant received from the named officer. The complainant's citation showed that the named officer cited the van for violation of Section 22500(f) of the California Vehicle Code.

The complainant alleged that the van was given a parking ticket because she refused to assist the officers with their investigation. However, though the complainant told the named officer that the car belonged to her, the officer ran a record check and discovered it was most likely registered to the dog's owner. The

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/28/22 **COMPLETION DATE:** 12/19/22 **PAGE# 1 of 4**

named officers discussed on body-worn camera footage with her partner that they would “get” the van for a parking citation as they could not “get” the owner for their target offense. Therefore, there is insufficient evidence to prove by a preponderance of the evidence that the ticketing was in retaliation to the complainant’s refusal to cooperate.

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

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: Improper Conduct

FINDINGS OF FACT: The complainant alleged that the named officer engaged in selective enforcement by not issuing parking citations to other vehicles illegally parked on the street.

The complainant alleged that the van was given a parking ticket because she refused to assist the officers with their investigation. However, though the complainant told the named officer that the van belonged to her, the officer ran a record check and discovered it was most likely registered to the dog’s owner. The named officers discussed on body-worn camera footage with her partner that they would “get” the van for a parking citation as they could not “get” the owner for their target offense. Therefore, there is insufficient evidence to prove by a preponderance of the evidence that the ticketing was in retaliation to the complainant’s refusal to cooperate.

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

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

The evidence proved that the named officer had singled out the black van. Screenshot photos from the body-worn camera videos of the incident revealed that other vehicles located a few meters from the complainant's car were illegally parked on the sidewalk, some in just as egregious a manner. The named officer admitted that the vehicles were illegally parked and that she did not issue parking citations to those other vehicles. Only the black van was issued a parking citation. The officer violated DGO 2.01. The questioned conduct not only casts discredit but is also prejudicial to the Department’s efficiency and discipline.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/28/22 **COMPLETION DATE:** 12/19/22 **PAGE# 1 of 4**

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

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: Improper Conduct

FINDINGS OF FACT: The complainant said she called the named officer after the incident to ask why she cited her vehicle. The complainant said the named officer kept interrupting her, was argumentative, and was irate that she questioned the citation. She explained that she thought the citation was unfair because the named officer did not issue citations to other cars illegally parked on the street. She told the named officer that she issued the citation because she refused to cooperate in her investigation. The complainant stated the named officer hung up on her while she was still talking.

The named officer said she explained to the complainant that she cited her vehicle because it was parked on the sidewalk. She admitted interrupting the complainant, saying it happened towards the end of the conversation because the complainant kept circling around the issue of why she cited her vehicle. She also admitted hanging up on the complainant, saying she did not have time and had other things to do at the time. She said she told the complainant that she could not be on the phone with her “forever.”

Department General Order 2.01, General Rules of Conduct, states, in part:

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

15. TELEPHONE COURTESY. When answering the telephone, members shall identify the station, bureau, or unit and give their rank and name. Members shall be courteous on the telephone."

The named officer violated DGO 2.01 by being discourteous to the complainant. She admitted interrupting the complainant and hanging up the phone because she lost patience and could not remain on the phone “forever.” The officer explained that she had things to do aside from the phone call, but there are far more professional ways to end a phone call. Her discourteous behavior casts discredit and is prejudicial to the efficiency and discipline of the Department.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the mafia was stalking him and sent the named officer to him, and the named officer accused the complainant of lying to law enforcement. The complainant also stated that the named officer was unlikely to be convicted because he was a criminal mafia operative.

The Department of Emergency Management records reflects that the complainant reported that while riding his scooter, a vehicle hit him and fled. The complainant described the suspect vehicle and driver. The complainant stated the driver got out of his vehicle but did not exchange information with the complainant. The driver left before officers arrived. The named officer and his partner responded and took a report.

The body-worn camera footage showed that officers obtained statements from the complainant and a witness that flagged down the named officer. The witness disputed what the complainant told the named officer about the vehicle collision, stating that she had been watching the complainant, and he was not hit by anyone. The named officer returned to the complainant to ask follow-up questions. He then discussed the evidence with his partner. The officers decided to take the complainant's report and informed the complainant that there were cameras in the area and that the incident would be investigated. The named officer did not accuse the complainant of lying.

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

Body-worn camera confirmed that the named officer questioned the validity of the vehicle accident and the complainant's statements after speaking to an independent witness; however, he never accused the complainant of lying.

The evidence proves that the conduct alleged did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/01/22 **COMPLETION DATE:** 12/09/22 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated there was a break-in at an apartment building he owns. He responded to the building and located the individual who had broken in. The individual refused to leave, and the complainant called 911. The complainant was told that police would respond when they could. He left before police arrived and stated that the police did not respond to his call.

Computer-aided dispatch reports showed that the complainant initially called 911 and reported he had been informed by his tenant that someone had broken the front door of the apartment building and started vandalizing the building. He requested the police to make a report. This call was initially labeled as priority B (vandalism) but was changed to priority C (report). The reports showed that the complainant called again approximately one hour and 20 minutes later and was advised of delay. Numerous units acknowledged the call pending other runs. One unit asked Dispatch to call the complainant back to see whether police were still needed and if so to file a report at the station. Dispatch was unable to reach the complainant or leave a message. Ultimately, the named officers responded to the scene and noted that they were unable to locate the reporting party.

Priority C designation for calls for service is used for incidents where a delay in police response will generally not adversely affect the outcome of the call for service. The evidence shows that this call was assigned Priority C, that the complainant was advised there was a delay, that dispatch attempted to call the complainant back, and that the named officers did eventually respond. While DPA understands the complainant was frustrated that police did not arrive quickly to take his report, there was no misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 **DATE OF COMPLETION:** 12/19/22 **PAGE# 1 of 6**

SUMMARY OF ALLEGATION #1: The officer's discourteous behavior or statements were related to ethnicity or race.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated her husband was wearing a shirt bearing the name of a foreign country. The complainant thought this triggered the named officer to state the officer's family was also from the same foreign country. The complainant stated where her husband was from had nothing to do with the situation.

The named officer stated complainant's husband wore a shirt with the name of a foreign country on the front. The officer stated he made a comment that the named officer's family was also from the same country. The officer stated when the husband started becoming angry and yelled, the officer used it to calm the husband down. The officer stated his comment was not intended to bring race or national origin into the conversation but to build a rapport with the husband. The officer stated that sometimes comfort and safety come from those of the same background, and his purpose was to find a connection with the husband. The named officer acknowledged the husband did not respond the way he thought the husband would.

The witness officer stated he was behind the named officer when the named officer made the comment. He said the named officer was trying to tell the husband they were from the same place. The witness officer said he believed the comment was to let the husband know the citation had nothing to do with the husband's race but that they are just following their training and the laws.

The dispatch report (CAD) showed two units responded to a "Priority A Assault/Battery" call. The CAD showed the named officer was the second unit to arrive on the scene. The CAD showed that two people were in a verbal argument because of a traffic incident, that one was trying to run away, and the husband wanted to press charges. The CAD showed the bicyclist's information was run through the system.

The BWC showed the husband became more upset when he realized he was also going to receive a citation. The BWC showed the husband walked away and dared the named officer to place him in handcuffs. The named officer yelled for him to calm down and not act like a child. The BWC showed the named officer stated that his family was also from the same foreign country and that the husband need not talk to him like the named officer was a piece of garbage. The named officer stated he understood the husband was upset but did not need to go the "race-way."

Department General Order 5.17, Bias-Free Policing Policy states, in part:

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 DATE OF COMPLETION: 12/19/22 PAGE# 2 of 6

"A guiding principle of the San Francisco Police Department is its commitment to treating all people with dignity, fairness and respect. It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased."

"B. BIASED POLICING. When providing law enforcement services or enforcement, bias policing occurs 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."

Department Notice 20-125 states, in part:

"Members are expected to have a working knowledge of all directives as applicable to their respective assignment and comply with their provisions, per DGO 3.01.12. Members shall obey all written orders, policies, and procedures of the Department, per DGO 2.01, Rule 10."

The evidence showed, and the named officer acknowledged, that he made the comment. Although ill-advised, the officer's comment did not prove any bias and did not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer was rude and rolled his eyes during the interaction with her husband.

The named officer stated that he did not act passive-aggressively or rudely. He stated he did not roll his eyes during the interaction with her husband.

A witness officer at the incident also stated that he did not witness any officer roll their eyes.

The BWC did not capture the named officer rolling his eyes during the nearly fifty minutes of interaction with the subjects.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 DATE OF COMPLETION: 12/19/22 PAGE# 3 of 6

The evidence does not support the complainant's grievance that the named officer rolled his eyes during the interaction.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated the officer did not sign the citation.

The named officer stated he could not recall if he or someone else handed the citation to the complainant's husband to sign. But as a documenting and investigating officer, he stated, it was his responsibility to check all the citations. The named officer acknowledged that he failed to review the citation before handing the husband the copy.

The CAD showed the caller (the complainant's husband) stated his vehicle was hit by a bicycle lock by a bicyclist and wanted to press charges against the bicyclist. The CAD showed both subjects were in a verbal argument. The evidence showed the bicyclist's information was run through the system.

The Body Worn Camera (BWC) showed both parties wanted to file charges against each other. The BWC showed the witness officer wrote the citation for the husband, but the named officer handed it to the husband.

The Incident Report (IR) showed that both parties accepted the signed Citizen's Arrest forms. The IR showed another officer completed the citation, and the named officer provided the copy to both parties. The IR showed the named officer made a mistake on the husband's citation but corrected the error in the original citation.

There were two citations issued for the incident. It showed the named officer signed both citations with his signature and badge number. It also showed the husband did not sign the citation.

The evidence showed the named officer signed both citations and that the husband didn't sign the citation. The evidence showed the complainant's claim was incorrect.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 **DATE OF COMPLETION:** 12/19/22 **PAGE# 4 of 6**
SUMMARY OF ALLEGATION #4: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer knowingly engaged in biased policing.

The named officer stated that the husband was upset when he arrived. He said the husband was passive/non-compliant but was never physically combative. The other party was calm, non-threatening, and did not require the Use of Force. The officer stated that neither party was placed in handcuffs but committed misdemeanor crimes, and both received citations.

The witness officer stated the officers did not treat anybody differently because of their race. He stated the husband was rude and would not follow directions. The officer stated he and the named officer explained why the officers could not legally do what the husband was asking. The witness officer stated the husband would not accept the answer.

The CAD showed the bicyclist's information was run through the system.

The BWC showed that the named officer interviewed the complainant's husband. The husband alleged that the other party had damaged his vehicle. The officer also interviewed the other party, who claimed the husband had damaged his bicycle. The named officer checked the vehicle and bicycle and found evidence of the damage described by the respective owners. The officer also interviewed an independent witness who stated that the husband was the aggressor in the incident.

The BWC showed the named officer was bothered by the husband's race-related comments. In the named officer's BWC, the officer is heard informing others that the husband has already mentioned the color of the husband's skin. The BWC showed the husband became more upset when told the husband would be issued a citation. The husband then asked the named officer if the other involved party would have already been handcuffed if they were not White. The BWC showed the named officer stated the husband's statement was ignorant.

Police photos showed that there was damage caused to both parties property.

The two citation forms showed the named officer issued both parties a citation. It showed that the husband had one code violation and the other person two code violations.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 DATE OF COMPLETION: 12/19/22 PAGE# 5 of 6

The evidence did not support the complainant's claim the named officer was biased toward her husband. The officer interviewed both parties, examined the damage caused in the incident, and interviewed an independent witness. Both parties wanted to press charges for the damage caused to their property, and each was issued a citation.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated the officer yelled, raised his voice, and made inappropriate comments to her husband related to being childish.

The named officer stated he raised his voice to the level of the husband's not to be discourteous but to control the situation and to gain compliance. He stated it was a de-escalation tactic that he had been trained on and currently teaches. He stated the tactic worked; the situation eventually calmed down after he raised his voice.

The witness officer stated he recalled the named officer tried to get control of the situation as the husband acted like the husband was in charge. The witness officer stated the husband was rude and would not listen. He stated the husband raised his voice, and the named officer raised his. The witness officer stated he believed the named officer was trying to let the husband know who was in charge at the scene.

The BWC footage showed the named officer's voice started as conversational but then changed to shouting as the husband commented about race and walked away while the named officer spoke. It showed the officer raise his voice above the husband's as they exchanged words and continued the verbal altercation as the husband walked away. The comments made by the officer included, "the ignorance of your statement is getting under my skin, and I suggest you don't say dumb things." Also, "Can you control yourself as an adult, or do you want to act like a child?" The officer also said the husband was "acting immature" and should "stand up like an adult." The video showed the officer explaining to the husband he could be placed in handcuffs, but the officer chose not to do it. The footage also showed the officer arguing with the complainant in a raised voice as the officer stated he was not threatening her husband. After the heated exchange, the named officer eventually walked away with the witness officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/22 DATE OF COMPLETION: 12/19/22 PAGE# 6 of 6
Department General Order (DGO) 2.01, General Rules of Conduct, Rule 14 states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The evidence showed that the husband was argumentative and commented about race. However, the BWC footage showed that the named officer lost his temper and professionalism in response to the husband's comment. The named officer may believe he was employing de-escalation tactics, however, his comments were belittling and inappropriate.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/21/22 **COMPLETION DATE:** 12/01/22 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The named officer responded to a homeless complaint call and saw the complainant's tent pitched on a sidewalk. After talking to the complainant and his wife, the officer issued the complainant a citation for blocking the sidewalk. The complainant alleged that the citation was inappropriate because there was still enough space for people to pass, including those in a wheelchair.

The named officer stated that the tent was obstructing the sidewalk, impeding the safe movement of pedestrians and people in wheelchairs.

The named officer's Body Worn Camera (BWC) shows the sidewalk was approximately nine feet wide, of which the tent blocked more than half.

Officers are justified in issuing a citation if they observe probable cause that a crime has occurred.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/21/22 **COMPLETION DATE:** 12/01/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer singled him out for a citation, making the issuance of the citation discriminatory. He said the officer did not cite others in the immediate area who also had tents on the sidewalk.

The officer stated that he had observed no other tents blocking the sidewalk in the area where the contact occurred.

The officer's body worn camera footage does not show any other tents near the complainant's location.

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

SUMMARY OF ALLEGATION #3: The officer acted or spoke inappropriately

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officer harassed him for two days, threatened him with arrest if he did not sign a citation, and refused to call a supervisor to the scene.

The officer stated he encountered the complainant twice. During the first encounter, he advised the complainant about his tent blocking the sidewalk. The officer stated the second encounter was when he issued a citation for the violation. The officer stated he advised the complainant that a supervisor would support the officer's position on the situation. The officer said the complainant's wife replied that she did not need to see a supervisor.

Footage from the named officer's body worn camera shows the officer advised the complainant to move his tent, and then issuing a citation. The contact did not constitute harassment. The video also shows the officer offered to call a supervisor to the scene.

Finally, it is lawful for an officer to detain or arrest a person who refuses to sign a citation.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/21/22 COMPLETION DATE: 12/01/22 PAGE# 3 of 3

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/28/22 **COMPLETION DATE:** 12/09/22 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer did not take a complete statement from her, did not ask follow-up questions, and spent more time talking to the other subjects of the incident.

Body-worn camera footage showed that upon arriving on scene, the named officer immediately contacted the complainant to obtain her statement. The complainant made a clear, concise statement of the crime she alleged was committed by a female subject. The complainant said she was punched in the chest by the subject and felt dizzy immediately after. She said she wanted the subject arrested. The named officer visually checked the complainant for injuries and requested medics to address the internal pain she stated she was feeling. The named officer noted some redness to the complainant's chest. The named officer then obtained statements from the subject and a witness, who said the complainant had been stalking the involved witness, who in turn denied any relationship with the complainant. The witness and subject said no one hit the complainant. The named officer asked the witness if he had access to surveillance cameras and he stated that he did not.

Department General Order 1.03 requires officers to investigate and write reports on any crime reported to them. DPA's investigation found that the named officer conducted a complete and impartial investigation. The officer obtained the necessary facts and information relevant to the alleged battery and asked questions sufficient to determine the circumstances surrounding the incident and to determine the existence of probable cause for an arrest.

The evidence proves that the officer's conduct was justified, lawful, and proper.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/28/22 **COMPLETION DATE:** 12/09/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that despite signing a private person arrest form to arrest the subject who punched her, the officer did not arrest the subject.

The incident report indicated that the named officer accepted a private person arrest statement signed by the complainant. However, the subject was not taken into custody because of conflicting statements and the lack of independent evidence and witnesses.

Body-worn camera footage showed the complainant expressing her side of the story. She reported that the subject punched her without reason. The subject stated the complainant came to her fiancé's residence unannounced and refused to leave despite being asked to leave several times. The subject denied punching the complainant, and there was no independent evidence or witnesses to corroborate the complainant's version of events. The named officer accepted the complainant's private person arrest and form and explained why she not going to arrest the subject since there was no probable cause to do so.

Department General Order 5.04 establishes policies regarding a member's obligation to receive a subject arrested by a private person and procedures regarding the arrest or release of the subject. Without probable cause, officer are instructed to accept the arrest, and then advise the arrested individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report.

The investigation showed that the named officer conducted a complete and thorough investigation. The named officer determined that probable cause for a custodial arrest did not exist due to the conflicting statements and lack of independent evidence. Accordingly, the named officer accepted the Citizen's Arrest signed by the complainant, explained the outcome of the investigation to all parties, and documented it in the department records.

The evidence proves that the officer's conduct was justified, lawful, and proper.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/28/22 **COMPLETION DATE:** 12/09/22 **PAGE# 3 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the incident report did not include the injuries she sustained, including a bruise to her chest, lightheadedness, and elevated blood pressure.

The body-worn camera footage shows the named officer asking the complainant about her injuries. The complainant initially stated that she was hit in her chest over her heart and felt dizzy. The complainant later stated that her chest was red and that she felt pain. The body-worn camera footage also shows the complainant was treated by medics. The footage does not show the complainant telling the named officer she had elevated blood pressure.

Department records showed that the complainant's reported injuries were organ damage and dizziness. The records showed that the complainant was treated by medics and later transported to UCSF. The named officer indicated that she did not observe visible injuries to the complainant's chest.

The Department's Report Writing Manual establishes standards and outlines procedures for completing the Incident Report. For example, officers are instructed that when writing the incident report narrative, they should explain what they saw or heard at the scene, advise the person providing the statement to include any information that may be applicable, and describe the actions during the investigation.

The evidence showed that the named officer's observations and the complainant's stated injuries were accurately reflected in the incident report. The investigation showed that her immediate injury report to the named officer was the pain she felt in her heart and dizziness. The named officer accurately reported the nature and extent of the injuries and body part(s) affected.

The evidence proves that the officer's conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/22 **DATE OF COMPLETION:** 12/15/22 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she observed, from her second-story window, the named officer treating two individuals with disrespect. She stated she opened her window and asked the named officer to be more respectful, prompting the officer to tell her to shut her window and go inside. She asked the named officer again to be more respectful, and he told her to go inside and “eat a cheeseburger.” She stated she found this offensive as she is overweight.

The named officer stated he did not recall an interaction with the complainant or comment on a cheeseburger.

The witness officers stated they did not observe the named officer interact with the complainant.

Department records document that, at the time and location of the incident, the named officer and his partners assisted the Department of Public Works with cleaning a street.

Body-worn camera (BWC) footage did not show the named officer interacting with the complainant. However, the named officer was not required under Department Policy to activate his BWC when he initially arrived on the scene as he was there to meet with a city employee. As required, the named officer activated his BWC when another person became hostile; however, this was not the interaction with the complainant.

When he arrived on the scene, the named officer did not activate his Body-worn camera (BWC) because he was dispatched to meet with city employees. In this situation, Department Policy does not require officers to activate their BWCs. However, as required, the named officer activated his BWC when he encountered a hostile member of the public (not the complainant). The BWC footage did not capture an interaction between the named officer and the complainant; however, it is possible that an interaction occurred when the named officer’s BWC was not activated.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect . . .”

No other evidence was found to confirm or refute the complainant’s or the officer’s account of the incident. The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/22 **DATE OF COMPLETION:** 12/15/22 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: DPA discovered during its investigation that the named officer did not activate his body-worn camera (BWC) as required by Department General Order 10.11.

The named officer stated he did not activate his BWC because the call for service did not meet the criteria of mandatory activation under Department General Order 10.11. He stated he did not feel that the encounter was hostile. He also stated BWC was in buffering mode and was prepared to activate it if the incident had become one that would have met the listed criteria in DGO 10.11.

Department records document that the named officer and his partners assisted the Department of Public Works with cleaning a street.

BWC footage of the named officer's partners captured the named officer interacting with a hostile woman who refused to leave the area where the Department was helping Public Works clear.

Department General Order 10.11 states in the relevant part that officers shall activate their BWCs "during an encounter with a member of the public that becomes hostile."

Although the named officer was not required to activate his BWC when he was initially called to assist another city agency, he was required to activate it under DGO 10.11 when he encountered the woman who became hostile. His partners, who were also on the scene, activated their BWC for the interaction with the hostile woman.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/22 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said he called the unit within the Department to follow up on a previously reported burglary and spoke with the named officer. The complainant said the named officer was speaking in an aggressive and hostile manner during the call. The complainant said his spouse then spoke to the named officer. They spoke over each other, and the named officer hung up the phone.

The named officer recalled speaking to the complainant and the complainant's spouse but did not remember the details of their conversation or how the call ended. The named officer said he had answered a large number of calls since. The named officer recalled speaking to the complainant's spouse and said she yelled at the named officer during their phone call. The named officer said he is always professional and courteous to everyone on the phone.

The complainant's wife declined to be independently interviewed.

DPA could not confirm or refute the complainant's or the named officer's differing accounts of the telephone conversation.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/22 PAGE# 2 of 4

SUMMARY OF ALLEGATION #2: The officer failed to provide his name or star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said when he called the unit within the Department to follow up on a previously reported burglary, the named officer identified himself, but the complainant did not note his name at that time. The complainant said during the end of the first phone call, they were speaking over each other and asked the named officer for his name, but the named officer failed to provide his name and hung up the phone.

The complainant stated he called back the unit. The complainant said the named officer identified himself when answering the phone and then provided his star number when asked by the complainant during their second phone call.

The named officer does not recall the complainant asking for his name and star number but stated he never withheld or failed to provide that information when asked by anyone.

Department General Order 2.01.14 (General Rules of Conduct) states that when requested, members shall promptly and politely provide their name, star number, and assignment.

The complainant stated the named officer provided his name both times when answering the phone at the unit and provided his star number later when asked by the complainant.

The evidence proves that the conduct alleged did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/22 PAGE# 3 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant said he called a unit within the Department to follow up on a previously reported burglary multiple times and left messages throughout the month after the incident. The complainant stated that he was referred to the named officer, and the officer should have returned the complainant's phone calls.

The named officer said he answered the phone and received numerous messages regarding various cases. A few weeks later, the named officer was aware of the missed calls after the complainant advised him. The named officer recalled speaking with the complainant and the complainant's spouse to discuss the details of the burglary.

The Department has no policies or procedures concerning required timescales to respond to messages from the public.

No evidence was found to confirm or refute the complainant's or the named officer's differing accounts of the situation.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/22 PAGE# 4 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer failed to investigate the burglary.

Department records indicate officers responded the same day to the incident after the complainant reported the burglary. The officers initiated action by investigating and documenting the incident.

The named officer stated that he reviewed the burglary case, but it did not meet the Department requirements for the assignment of an investigator. He explained the complaint's case was of minimal loss and low solvability due to a lack of video evidence. The named officer said he did follow up with the complainant and property manager while reviewing the case with a supervisor.

Department Bulletin 20-107 (Case Assignment for Investigation) states, "the Department must manage its resources in a reasonable, effective, and efficient manner. When assigning cases for investigation, staffing levels and various factors should be considered. Unassigned cases will be administratively filed as Open/Inactive and may be activated at the discretion of the Lieutenant when new information is presented related to the list of factors. The investigation Bureau, or SIT Lieutenant, and their commanding officer, retains the discretion to assign any case for investigation if they believe an investigation is warranted."

The named officer did not violate Department policy by not investigating and assigning the complainant's burglary, as the incident did not meet the criteria for assignment due to various considered factors such as the low chance of solvability and low staffing level. The named officer said the unit could not justify the amount of staffing needed or the use of their limited resources for the complainant's case.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/2022 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer was rude and dismissive when she called police to report she was not missing. She reported that her landlord falsely reported her missing so he could illegally enter her apartment for a "welfare check." She stated that the named officer told her anyone could report a person as missing. She stated the named officer transferred her call to the "Legal Department," where she left a message, but no one returned her call. She stated the named officer transferred her to that department because he knew no one would call her back. She stated the named officer refused to take a police report on the false missing person allegation.

The named officer stated he returned a phone call to the complainant, who wanted to discuss an issue she had with her building manager. He stated he was not rude or dismissive when he spoke with the complainant and attempted to explain that the matter between her and her landlord appeared more civil and recommended that she contact the Tenants Union or legal counsel. He told her that if she felt the matter was criminal, she would need to physically come to the police station and file a counter report or have an officer dispatched to her home. The named officer stated he transferred the call to police dispatch so they could gather her information and send an officer to her home so she could have a police report filed. He stated that was the last contact he had with the complainant.

Department records indicate that the complainant's building manager filed a missing person's report concerning the complainant.

Department General Order 2.01 states in the relevant part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language."

No evidence was found to confirm or refute the complainant's or the officer's account of the phone call.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/2022 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated her landlord made a false police report that she was missing so he could unlawfully enter her apartment. She stated she requested a police report about the false police report made by her landlord, but the named officer refused.

The named officer stated he returned a phone call to the complainant, who wanted to discuss an issue she had with her building manager. He attempted to explain that the matter between her and her landlord appeared more civil and recommended that she contact the Tenants Union or legal counsel. He told her that if she felt the matter was criminal, she would need to physically come to the police station and file a counter report or have an officer dispatched to her home. The named officer stated he transferred the call to police dispatch so they could gather her information and send an officer to her home so she could have a police report filed. He stated that was the last contact he had with the complainant.

Department records indicate that the complainant's building manager filed a missing person's report concerning the complainant.

The named officer was not responsible for writing a police report for the complainant as he returned her phone call and was not on a call for service. The officer transferred the complainant to police dispatch to facilitate service.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/02/22 COMPLETION DATE: 12/09/2022 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated she called a district police station requesting to file a police report. She stated the person she spoke with on the phone was rude.

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 findings are made if the officer cannot reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/22 **DATE OF COMPLETION:** 12/13/22 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-2: 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 cited his vehicle to harass him.

The named officers stated that members of the public called to complain about the complainant's vehicle. They attended the location of the vehicle and placed a citation on the vehicle for parking violations. The named officers did not interact with the complainant. The named officers stated they were not aware of ever interacting with the complainant prior to this incident. The named officers denied harassing the complainant.

SFPD documents show that members of the public reported the complainant's vehicle was parked illegally. The named officers were dispatched to the location due to this 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: 08/04/22 **DATE OF COMPLETION:** 12/13/22 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

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

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

The named officer stated that the vehicle was in violation of San Francisco traffic code, prompting him to cite the vehicle. The named officer did not believe that there was any SFMTA signage in the area related to the traffic code that had been violated. The named officer stated he had not received training on this specific traffic violation.

SFPD detail that the named officer was called to the location due to reports of the vehicle being parked illegally. The documents show the vehicle was in violation of traffic codes.

San Francisco Traffic Code section 7.2.54, Large Vehicle Parking Restrictions, states: "To Park a vehicle over twenty-two feet in length or seven feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobile homes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice. This section shall be operative on March 31, 2013."

Images of the street show that no SFMTA signage related to this traffic code is posted.

As there was no signage, the vehicle was not in breach of the traffic code and the citation should not have been issued.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 08/10/22 COMPLETION DATE: 12/09/22 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she made a call for service regarding someone who temporarily stayed at her residence and refused to leave. She stated that an officer came to her residence, spoke to the individual, and failed to take any action. She stated she made additional calls back to dispatch regarding the issue and there was no police response.

The named officer stated that he responded to the complainant's residence. The complainant said an individual she allowed to stay with her was refusing to leave and asked that he be removed. The named officer stated that he spoke to the individual to determine if he had tenancy rights or not. The individual showed the named officer his property and clothing inside the residence and provided dated photos and documentation over thirty days old that showed he was affiliated with the address. The named officer said he did not order the individual to leave or arrest him for trespassing as it appeared he may have established tenancy rights and it would be illegal to force him out. He said there was sufficient evidence that showed the individual likely resided at the residence for the required time to establish tenancy. He said he attempted to explain the situation to the complainant and provide her with resources, but she screamed hysterically at him and refused to listen. The named officer stated that he was later advised by dispatch that the complainant was continuously calling back and he approved a temporary disregard on her follow-up calls for service regarding the issue as the station was short staffed and there was nothing more that police could do.

Department records showed the named officer advised dispatch that the individual showed dated photos indicating that he had been in the residence for over thirty days and may have tenancy rights. Department records showed that the complainant made multiple follow-up calls for service and the named officer advised dispatch to put a temporary disregard on the calls unless the complainant reported something else.

Body-worn camera (BWC) footage for the incident showed that the named officer responded to the complainant's residence and the complainant advised him that an individual who had been at her residence a few days would not leave. BWC footage showed that the named officer spoke with the individual who stated that he lived at the residence and had been living there for over two months. The named officer asked the individual if he had any postmarked mail addressed to the residence and the individual provided photographs on his phone that he claimed were taken at the residence more than a month prior. BWC footage showed that the named officer reviewed the photographs, compared them with the residence and confirmed that they were taken at the residence. BWC footage showed that the individual told the named officer that his clothes and property were at the residence and the complainant

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COMPLAINT DATE: 08/10/22 COMPLETION DATE: 12/09/22 PAGE# 2 of 2

stated that the situation was a conspiracy. The named officer told the individual that he wasn't going to remove him from the residence as it appeared he may have tenancy rights. BWC footage showed that the named officer told the complainant that based on the photographs he observed the individual may have tenancy rights. He attempted to speak further with the complainant regarding the situation and she yelled and shouted at him before he left the scene.

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

FINDINGS OF FACT: The complainant stated that she made a call for service because an individual who temporarily stayed at her residence refused to leave. She stated that the named officer responded to her residence and handled her call improperly because he was biased against her due to her race.

The named officer responded to the residence and handled the call appropriately. The named officer stated that the complainant's race did not factor into any of his decision making or actions he took during this incident and the investigation was based upon the law.

Body-worn camera (BWC) footage showed no evidence of biased policing on the named officer's part.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the named officer laughed and snickered at him. He said the named officer also told him not to tell the officers how to do their job.

The named officer stated he and other officers were called to a grocery store, where staff reported that the complainant was on the premises. They had a restraining order against the complainant. When officers arrived, store employees stated the complainant had left and jumped over a nearby fence into private premises. The officer described going to the fence and speaking with two unknown males behind the fence.

The named officer stated he did not recall making a comment, laughing, or snickering at the complainant. He said his profession is high-stress, demands constant vigilance, and sometimes chooses to cope by using laughter and humor. Nevertheless, the named officer said he treated the complainant courteously, per DGO 2.01, Rule 14. He heard the complainant's statement and repeated it to ensure the complainant knew the named officer understood.

Witness officers stated the complainant's demeanor was aggressive and standoffish when they arrived. They stated the complainant did not provide insight into the complainant's problems with the business. One witness officer stated the complainant tried to dictate what the officers needed to do.

The dispatch report (CAD) showed the named officer responded to a "Priority A Restraining Order Violation" call. The CAD showed the named officer's unit was first on the scene. The CAD provided a first name, a description of the subject, and the person's clothing.

The body-worn camera (BWC) footage showed officers talking to someone from behind a large fence. At least two male voices could be heard. The BWC showed the named officer laughing while talking to another officer at the scene. The BWC showed the verbal interaction between the subject and showed the named officer did not make the alleged comment about officers and their jobs.

The evidence showed the named officer laughed while talking to another officer about the situation. Although ill-advised, the officer's actions did not rise to the level of misconduct. The evidence fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated he wanted to file a report, but the named officer did not create one.

The named officer stated he was not the investigating officer. He stated he was the backup unit and the first unit was tasked to handle the incident. Nevertheless, the named officer stated he received a phone message from the complainant after the incident. He called back several times, but the complainant did not answer.

Three witness officers stated they were unaware the complainant wanted to file a report for the incident. One witness officer stated he heard the complainant state the business made false accusations about him but did not recall the complainant stating he needed a report.

The CAD showed the officer's unit was the second to arrive on the scene. The CAD showed the business requested the CAD number for their documentation while officers were still on the scene. The CAD showed the complainant did not get the CAD number until ten minutes after the end of the incident. The CAD showed that the complainant called dispatch and was then provided a contact number for a follow-up.

The BWC showed the named officer did not directly communicate with the complainant. The BWC showed the named officer was in the periphery at all times in a support capacity. At no time on any of the attending officer's BWC does the complainant request an officer create an incident report.

The evidence does not support the complainant's complaint against the named officer.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: A complainant stated he contacted the named officer at the station and sent the named officer two letters of complaint. The complainant stated the named officer never responded. The complainant also stated that because he has filed numerous reports, he is now blacklisted with the SFPD.

The named officer stated he had no knowledge of the complainant's letter. He searched his work email inbox and deleted emails and community-related emails as far back as early 2022. The named officer stated he searched using the complainant's and business's names with negative results. The named officer also stated he did not know the complainant was "blacklisted."

The complainant did not provide a copy of the letters he sent to the named officer. No evidence exists to give credence to or discount the complainant's claim.

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

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DATE OF COMPLAINT: 08/18/22 DATE OF COMPLETION: 12/09/2022 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer misused found, seized, or recovered property for personal use.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer took his vehicle for personal use. The complainant was not able to access or see his vehicle. The complainant alleged the named officer planned to hold the car for an extended time to make it too expensive to retrieve from the tow yard and force an auction sale. The complainant said his vehicle was not located in the tow yard and could not be found.

The named officer stated he authorized the towing of the complainant's vehicle because it had evidentiary value concerning a serious crime. The officer stated the vehicle was towed to the CSI lot, where it was processed. The officer stated he spoke with the complainant and informed him that the vehicle storage fees were waived because he was a victim of crime and removed the police hold on the vehicle. However, Auto Return would not release the vehicle to the complainant as the complainant could not provide proof of ownership. The officer stated that about a month after the vehicle was seized, he was advised that the complainant had taken control of his vehicle after showing proof of ownership to Auto Return.

Department records indicate that the named officer approved the tow of the complainant's vehicle for evidence processing for crimes committed and for evidence contained inside. The Department and Auto Return records show that the vehicle was stored at the CSI lot, where it remained until it was released to the complainant about a month later.

Department General Order 9.06 (Vehicle Tows) states that a vehicle with a "hold" placed on it cannot be released until the "hold" has been removed by the appropriate investigative section. Officers may place a "hold" on a vehicle whenever the Department needs to retain the vehicle for investigative purposes. Whenever a hold is placed on a vehicle, an incident or accident report shall be completed explaining the reasons for the hold. In addition, Department Bulletin 20-165 (Towing Vehicles for CSI Processing) states that the vehicle shall be towed to the City & County's tow yard location and tow holds are to be placed for and authorized by an investigative unit

Department records showed that the named officer did not violate Department policy by taking the complainant's vehicle for personal use. The complainant's vehicle was towed for involvement in a crime and evidence processing. Another officer escorted the tow truck towing the complainant's vehicle to the City & County's tow yard. The complainant's vehicle was parked and secured inside the tow yard. The

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named officer initiated action by placing a hold and having the complainant's vehicle processed for evidence by a unit within the Department while actively investigating the incident involving the complainant. However, later, the complainant took possession of his property and vehicle from the City & County's tow yard after the unit within the Department completed processing the vehicle for evidence.

The evidence does not support the complainant's allegations that the named officer took the complainant's vehicle for personal use. This incident was handled based on Department General Orders and Department Bulletins.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to and did not allow the complainant to access or see his towed vehicle. He wanted to obtain his vehicle and property from his vehicle. The complainant said he spoke with the officer, who offered to take out the property from the vehicle and hand it back to the complainant. However, the complainant said he did not believe the officer and declined the offer.

The named officer stated that the complainant could not provide proof of ownership when the vehicle was seized. Vehicle checks showed that the vehicle was in someone else's name. Although the complainant claimed he was the owner and the property inside the vehicle belonged to him, there was no way the officer could verify this statement at the time. The officer said that after the vehicle was towed, he spoke to the complainant and offered to retrieve the complainant's property from the vehicle. The officer said the complainant declined, said he had the ownership paperwork and would go and retrieve the vehicle. The officer said he later found out the complainant was prevented from picking up the vehicle as the complainant was unable to prove ownership. About a month later, the complainant did provide proof of ownership and took possession of the vehicle and property inside.

Department records indicate that the complainant was prevented from obtaining belongings from his vehicle because the complainant could not provide documentation or proof of ownership. The complainant's vehicle was towed and had a hold for evidence processing. Property from the vehicle can be released if it is not potential evidence or belongs to the owner. Other officers, including the named officer,

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checked the computer database, but the complainant was not the owner, and no documents were submitted to show ownership. The named officer only had the complainant's verbal statement declaring ownership of the vehicle.

Department General Order 9.06 (Vehicle Tows) states, "...before a vehicle that has been towed by the Department can be released, a Vehicle Release should be completed and presented to the tow garage. Any hold placed on a towed vehicle must be removed prior to the issuance of a Vehicle Release. Ensure that the person claiming the vehicle is the registered owner of the vehicle or a person authorized by the registered owner."

Department records showed that the named officer responded as required by Department General Order 9.06. The named officer offered to retrieve and deliver property from the identified vehicle belonging to him, but the complainant declined the named officer's offer. The named officer removed the hold on the complainant's vehicle, completed a vehicle release, and waived tow fees due to the complainant's involvement with the incident.

The named officer did not violate Department policy by not allowing the complainant to access property from the vehicle at the scene of the incident because the complainant did not provide documentation or proof of ownership. However, later, the complainant submitted documentation and proof of ownership and took possession of his property and vehicle from the City & County's tow yard.

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

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

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

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

Auto Return
450 7th Street
San Francisco, CA 94103

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COMPLAINT DATE: 08/19/2022

COMPLETION DATE: 12/20/2022 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers failed to arrest her neighbor for violating a restraining order and making threats.

The named officers stated that they responded to the complainant's home on three separate occasions on the night of the incident. While en route to the first visit, one of the named officers conducted a computer query on the individual alleged to be the subject of a restraining order with negative results. They located the complainant in the building lobby where she advised that she had not seen the neighbor outside her room, but that she had smelled his hair and knew he was outside. The complainant showed the named officers recent court paperwork, but no indication that the order had been granted. The named officers advised her to follow up with the court and departed. The officers returned a second time to the building for an unrelated incident during which time they saw both the complainant and the neighbor but did not observe any interaction between the two and never witnessed any threats. While en route to the third visit one of the named officers conducted a computer records' check on the complainant and located a valid restraining order against the neighbor. The named officers stated they did not arrest the neighbor because he was permitted to be inside the building and there was no evidence of a violation or crime.

Department records showed that the named officers responded to the complainant's building several times on one evening, conducted the computer queries as described and attempted unsuccessfully to speak with the neighbor.

Body-worn camera footage was consistent with the named officers' accounts.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that officers failed to take a report for a break-in at her home.

Department records showed that the named officers responded to the complainant's building three times on one evening and prepared an incident report during the last visit, memorializing the complainant's statement that she believed a neighbor had violated a restraining order by standing outside her door and had broken into her room on an unknown day and taken a remote control. The report noted that the complainant was provided with a follow-up form and case number.

The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 08/26/22 **DATE OF COMPLETION:** 12/02/22 **PAGE# 1 of 1**

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 she called the non-emergency number but there was no answer, so she then called 911 to report that someone had stolen her identity. She stated that she called in the morning, but no officers showed up to help her.

The named officers stated that they responded to the reporting party's address later that day, but the front door to the multi-unit building was locked. They called the reporting party, but there was no answer.

The Computer-Aided Dispatch record showed that the complainant made a call for service for fraud which was designated as a "C" priority call. Department Bulletin 19-106, Clarifying Issues between Dispatch and Patrol states that Dispatch, in an effort to dispatch low priority calls for service, will attempt to dispatch "C" priority runs first to a foot beat or sector car officer and then to any available unit in order to have the assignment handled in a timely manner. In addition, Dispatchers use the following criteria as a guide to prioritizing "C" runs and officers should use these criteria when choosing pending "C" runs:

1. Residential burglary, stolen vehicle reports, recovered stolen report
2. All other report runs
3. All other report runs
4. Homeless related calls for service

The named officers were dispatched and responded to the complainant's address. The record showed that the complainant did not answer the call back and the call for service was closed as she was noted to be gone on arrival.

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

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DATE OF COMPLAINT: 09/08/22 **DATE OF COMPLETION:** 12/09/22 **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 a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 11/30/22.

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DATE OF COMPLAINT: 09/15/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the unknown officers drove through stop signs and red traffic lights without activating their emergency lights or sirens.

DPA attempted to identify the unknown officers via the Daily Equipment Sign-Out Sheet, but SFPD was unable to locate the requested document. DPA also attempted to identify the unknown officers by polling the local district station with negative results.

DPA searched for active surveillance cameras in the area of the incident 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: Policy or procedure complaint.

CATEGORY OF CONDUCT: POL

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 12/8/22.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/01/22 **COMPLETION DATE:** 12/20/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated she called the police to file a report about a hit and run that injured her dog, but one was not generated.

Inquiries at the local police station failed to identify any officers, and the complainant declined further contact to provide more information, such as the incident's time, date, location, or a name or description of the officer.

Efforts to identify the officer were unsuccessful.

No finding outcomes occur when a complainant does not provide additional requested evidence and when an officer cannot be reasonably identified.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/24/22 **COMPLETION DATE:** 12/20/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he tried to flag down a police officer who was driving past in a police vehicle. The officer slowed down and then sped off without speaking to the complainant. The complainant was unable to provide a description of the officer. The complainant did not see the license plate or the vehicle number.

SFPD records did not show what, if any, police vehicle was in that area at that time.

An ID poll was sent to the district station. The ID poll did not determine the identity of any officers involved in this incident.

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

CATEGORY OF CONDUCT: IO-1

FINDING: Referral/DEM

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 09/28/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

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

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DATE OF COMPLAINT: 09/29/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to follow-up with the complainant and failed to further investigate his report of suspicious phone calls.

Department records indicated that the named officer met with the complainant and documented the incident in a courtesy report even though the conduct complainant described is not indicative of any crime. The officer had no duty to follow up because no crime had occurred.

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 complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he went into a police station and spoke to a Community Police Services Aide (PSA) and an officer to report vandalism to his vehicle. The complainant alleged that the PSA and the officer failed to write an incident report.

Department records indicated that the PSA completed an incident report regarding the vehicle vandalism.

Although the identity of the alleged officer could not be established, the evidence proves that the alleged conduct did not occur.

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COMPLAINT DATE: 10/20/22

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that an officer sped through a traffic light in a patrol vehicle and spoke to him from the vehicle.

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

Department records showed that the named officer was assigned to the department vehicle.

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

FINDINGS OF FACT: The complainant stated that he was riding his bicycle. He crossed a street and the named officer approached in a patrol vehicle and spoke to him. He stated that the named officer rudely warned him multiple times about the crossing the street. The complaint was filed online, and the complainant did not respond to multiple requests for additional information.

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

Department records showed that the named officer was assigned to the department vehicle.

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

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SUMMARY OF ALLEGATION #1: Policy or procedure complaint.

CATEGORY OF CONDUCT: PP

FINDING: NF

FINDINGS OF FACT: The complainant submitted a complaint that generally referred to body-worn camera footage not being released.

Details regarding the incident, which could aid in identifying the referenced incident, were not included in the complaint, and the complainant was not available to provide further information.

No findings are made if the complainant did not provide additional requested evidence, or the officer could not reasonably be identified.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/31/22

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

CATEGORY OF CONDUCT:

FINDING: IO/2

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Proper Conduct

FINDINGS OF FACT: The complainant was stopped at an intersection when a vehicle hit the back portion of her car. The complainant called for police assistance when she perceived the other driver had become aggressive. The named officers responded to investigate the incident. One of them contacted the complainant, who wanted to press charges against the other driver and have him arrested. She signed a Citizen's Arrest form for it to happen. The complainant said the officer told her that the other driver would be arrested and taken to jail. However, the officers never arrested the person.

Department General Order 5.06, Citation Release, states, in part, that 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.

The evidence showed that the other driver violated section 12500A of the California Vehicle Code – a misdemeanor violation. The officers issued him a citation for the violation and released him at the scene. According to DGO 5.06, the officers needed only to cite him for the violation unless conditions existed to make an arrest.

The DPA obtained the named officers' body-worn camera footage of the incident. The body-worn camera footage of the incident did not show any misdemeanor exceptions that would have allowed the officers to arrest the driver. In addition, the BWC footage did not contain any statements to the complainant that they would arrest the person and take him to jail.

The evidence proves that the acts alleged in the complaint occurred. However, such acts were justified, lawful, and proper.

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

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: Proper Conduct

FINDINGS OF FACT:

The complainant stated that the officer bumped fists with the other driver as if they were friends. The complainant stated the officer also told her that unlicensed drivers could buy cars and allowed another person to drive the vehicle away from the scene.

Body-worn camera footage showed that the officer fist-bumped an uninvolved person who happened to be in the area, not the other driver. The footage also revealed that the officer indeed told the complainant that an unlicensed driver could buy a car. It was truthful, and part of his explanation to the complainant that a person can obtain insurance or buy a vehicle without needing a driver's license. Additionally, the Vehicle Code and Department Policy allowed the officer to permit a licensed driver to drive the car away from the scene.

The evidence proves that the acts alleged in the complaint occurred. However, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

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

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

311 Customer Service Center
1 South Van Ness
Second Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 11/16/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

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

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

San Francisco Police Department – Special Investigations Division
850 Bryant St, Room 525
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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: 11/22/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

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

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

U.S. Park Police – San Francisco Field Office
1217 Ralston Avenue
San Francisco, CA 94129

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 11/24/22 COMPLETION DATE: 01/10/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFBOS

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

San Francisco Board of Supervisors
Attention: Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall Room #244
San Francisco, CA 94102-4689

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/22 **DATE OF COMPLETION:** 12/09/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFDA

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

San Francisco District Attorney's Office
Chief of Victim Services
350 Rhode Island Street
San Francisco, CA 94103

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 12/09/22 **COMPLETION DATE:** 12/20/22 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1 to City of Sacramento Office of Public Safety Accountability

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

City of Sacramento
Office of Public Safety Accountability
913 I Street, Historic City Hall, 3rd Floor
Sacramento, CA 95814