

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 1 of 7

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was detained without reason as he walked around a residential neighborhood early one morning. The complainant was looking for shelter and said that the officers had no right to question him.

The officers stated that they detained the complainant during a burglary abatement operation. The officers were surveilling a residential area during the early morning hours in response to community complaints about home burglaries and car break-ins. They followed and observed the complainant and another individual walking around the neighborhood. The individuals were looking into homes, cars, and garages using flashlights and appeared to be communicating through hand signals. The officers approached the complainant and told him to stop. They told the complainant that they wanted to ask him some questions and that he was not free to leave.

SFPD Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

The complainant was properly detained during a burglary abatement operation. The named officers were patrolling a neighborhood because of a recent increase in home burglaries and car break-ins. The officers observed the complainant shining a flashlight into homes and cars spanning several residential blocks. The complainant appeared to be communicating with an accomplice using hand signals. Based on these factors, the officers had reasonable suspicion to detain the complainant for questioning.

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: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 2 of 7

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated the two named officers should not have touched him or used force during the detention. The complainant told the officers that they did not have probable cause to stop or question him. The complainant said that, as he began to walk away, a third officer approached and punched him in the face, causing him to fall to the ground. The complainant then struggled with several officers on the ground. He admitted intentionally stabbing one officer multiple times during the struggle. The complainant explained that he was trying to escape because he believed the detention was illegal.

Both named officers denied using excessive force. The officers explained that they detained the complainant as he emerged from a pedestrian stairway onto a sidewalk. They told the complainant to stop, that he was not free to go, and that they wanted to ask him some questions. The complainant sat down on the stairs for a moment, then stood back up, told the officers they had no right to detain him, stepped off the stairs, and tried to walk past both officers. To prevent his escape, the officers grabbed onto the complainant's arms. Both officers felt the complainant tense his body and try to pull away. To prevent him from breaking free, the first officer used a leg-sweep maneuver to knock the complainant to the ground. In the process, the officer accidentally knocked over his partner, leaving him momentarily incapacitated.

The first officer bent over to restrain the complainant. The complainant was holding a utility knife in his right hand. The complainant lunged forward and tried to stab the officer in the head and neck area. The officer put up his hand in a defensive motion and was stabbed. The officer shouted that he had been stabbed. The officer then struck the complainant's head with his knee to distract the complainant from using his knife. The distraction allowed the officer to pin the complainant's elbow to the ground. However, the complainant continued struggling to use the knife.

The first officer noticed that his partner appeared to be stunned and not actively engaged. The officer's grip on the complainant then loosened, causing the officer to fear for his life. The officer began to reach for his firearm, while repeatedly ordering the complainant to drop the knife.

A third officer arrived to assist, which allowed the first officer to fully focus his attention on controlling the complainant's arm. The complainant's hand eventually opened, allowing the first officer to knock the knife out of reach. The officers then handcuffed the complainant with the assistance of arriving backup officers.

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 3 of 7

The officers stated that they were in fear for their lives because a knife is a deadly weapon. The officers considered using their firearms but stated that they chose to use personal body weapons, which is a lower level of force.

A subject-matter expert stated that the officers' actions were reasonable. Although the incident began as a burglary investigation, the situation elevated to an assault with a deadly weapon when the complainant stabbed an officer. Officers are trained that even small blades can cause fatal injuries and the complainant was near the officer's neck. The officers first attempted verbal persuasion, then escalated to physical control when the complainant tried to walk away. The officers began by grabbing his arms to stop his movement. When the complainant tried to pull away, the officers reasonably progressed to using a leg sweep maneuver. The subject-matter expert said that using a knee strike was also reasonable because the incident escalated to a life-threatening situation when the complainant stabbed an officer. The purpose of the knee strike was to distract and divert the complainant's attention away from using the knife. The knee strike was "a lesser level of force than the resistance he was actually incurring at the time."

Surveillance video showed the initial detention at the bottom of the stairway. Although the video was obstructed, the partial view indicated that only two officers were present during the initial detention when Officer #1 knocked the complainant to the ground and that the third officer arrived shortly thereafter.

Department General Order 5.01, Use of Force, authorizes officers to use force to accomplish a lawful purpose. Officers are trained to use levels of force that correlate to a suspect's actions or resistance. Officers may use physical control holds and personal body weapons when a person is physically evading being taken into custody or actively resisting. They may use deadly force when presented with life-threatening resistance that is likely to cause serious bodily injury or death.

The two named officers appropriately used force to prevent an escape and in self-defense. When physical contact began, the officers began with a low level of force, which was grabbing onto the complainant's arms. The complainant actively resisted when he tried to break free from their grip and the officers were justified in using physical maneuvers and control holds to overcome his resistance. Officer #1's use of a leg sweep maneuver was an appropriate tactical choice to gain leverage over the complainant when he tried to break free from their grasp. Although officers are trained to avoid physical contact with armed suspects, they were unaware of the complainant's knife at that point and made an appropriate tactical decision with the information available to them at the time.

In reaction to being stabbed, the second named officer used his knee as a personal body weapon for self-defense and to gain compliance. This technique was justified by the complainant's use of a knife, which was assaultive and life-threatening. The force used by the two named officers was justified because it was proportional to the complainant's resistance.

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 4 of 7

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

SUMMARY OF ALLEGATION #5: The officer failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant said that an officer grabbed his neck and punched him in the face without provocation, causing the complainant to fall to the ground. The officer then repeatedly punched him in the face, causing severe injuries. The complainant admitted stabbing an officer several times as he attempted to escape.

The named officer stated that he observed two officers in a struggle with the complainant at the bottom of the stairs and he ran down to assist by grabbing the complainant's legs. He then heard one officer yell that he had been stabbed and that the subject had a knife. The named officer saw the subject with a knife in his hand. One of the officers was losing his grip on the complainant's arm. The named officer then decided to strike the complainant in the face with a closed fist. The named officer said that he "struck (complainant) in the face approximately fifteen to twenty-five times with [his] closed right fist in order to gain compliance and affect an arrest of his person." He continued to strike the complainant as he gave commands to drop the knife. The named officer struck the complainant in the face because he believed the complainant "presented an imminent deadly threat" to himself and the other officers and because he did not want to use a firearm. The named officer said that he evaluated the need for force throughout the incident and stopped striking the complainant's face when another officer wrested the knife away.

The officer who used a leg sweep to knock the complainant to the ground did not see the named officer strike the complainant in the face. He was aware that a third officer had arrived to assist, but his attention was focused on the complainant's hand and the knife. Knowing that a third officer was present allowed him to make tactical decisions to avoid using his firearm.

The officer who fell heard his partner shout that he had been stabbed. He saw the named officer transition from holding the complainant's kicking legs to striking the complainant in the face consecutively eight to ten times. As he reengaged to help control the complainant's free arm, the named officer stopped punching the complainant. He believed the named officer stopped striking the complainant once the knife fell out of his hand.

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 5 of 7

A witness standing on a raised porch directly above the scuffle saw the complainant with something in his right hand make stabbing motions toward the officers. Another witness watched a portion of the struggle from a second-floor window. He saw the complainant fighting intensively against the officers.

In accordance with department policy in place at the time, the named officer and the two other involved officers were not equipped with body-worn cameras because they were assigned to a plainclothes unit. Uniformed officers wearing body-worn cameras arrived after the subject was handcuffed and do not show officers using force.

The officers called for medical services to assist the complainant, who was bleeding and visibly injured. The complainant and officers received medical treatment. Medical records obtained by DPA indicated that the complainant suffered a fractured orbital bone and swelling.

The subject-matter expert stated that the named officer adhered to his training throughout the incident. According to the expert, it was reasonable for the named officer to strike the complainant's face to distract him from using his knife. Officers are trained that a distraction strike interrupts a suspect's thought process and physical movement. In the subject-matter expert's opinion, it was reasonable for the named officer to continue striking the complainant in the face until he dropped the knife. In this situation, continuing to strike the complainant caused an interruption in his efforts to stab another officer. The subject-matter expert maintained that striking the complainant in the face was an appropriate level of force under DGO 5.01, given that the complainant had just stabbed someone and was still holding a knife. Officers are trained that they may continue using a force option until they accomplish compliance or restraint. Officers are trained to avoid grabbing or pinning down an individual armed with a knife and are instead taught to create distance and use force options appropriate for life-threatening situations. However, because the officers were already in close physical contact with the complainant when they discovered the knife, they needed to use different tactics and a higher level of force than they initially intended, which is why the named officer switched from holding the complainant's legs to striking him when the named officer learned about the knife.

Although the complainant admitted trying to stab the officers to escape, and a witness saw him make a stabbing motion, it was unclear how long the complainant continued to resist. The named officer said he stopped hitting the complainant when another officer confirmed that the complainant had lost control of the knife. It was unclear from the evidence whether it was reasonably necessary for the named officer to continue striking the complainant or whether he appropriately reassessed the need for force between strikes.

The DPA had insufficient evidence to make a definitive finding regarding the named officer's use of force. A contributing factor to the insufficient evidence determination was the lack of body-worn camera footage from the primary officers in this case. In the absence of body-worn camera footage, DPA relied primarily on surveillance footage, which was grainy and partially obscured, and the testimony of the

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 6 of 7

named officers and the complainant. The subject-matter expert analyzed the officers' use of force, but his testimony was also limited by the available evidence.

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

SAN FRANCISCO POLICE DEPARTMENT (SFPD)

SUMMARY OF ALLEGATION #6: The SFPD should authorize officers to wear and activate body-worn cameras during non-covert enforcement activity.

CATEGORY OF CONDUCT: POL

FINDING: PF

FINDINGS OF FACT: Three officers were involved in a detention that resulted in serious injuries for multiple officers and a suspect. Under policies in place at the time of the incident, the officers were exempt from wearing body-worn cameras because they were working in a plainclothes capacity. However, the officers were on crime abatement patrol and were not engaged in covert police activity. The complainant was detained by two officers who were wearing stars and immediately announced themselves as officers. The addition of body-worn cameras to their clothing and equipment would not have hindered their surveillance or enforcement activities and would have provided valuable evidence for the criminal investigation and this administrative investigation.

Department General Order 10.11, Body Worn Cameras, states that "Only members authorized by the Chief of Police and trained in the use of BWCs are allowed to wear Department-issued BWCs." Officers working plainclothes assignments were specifically exempted from wearing body-worn cameras in 2018 under Department Bulletin 18-256, reissued in 2020 as Department Bulletin 20-175.

In September 2021, Field Operations Bureau Order 21-02, Plainclothes and Undercover Policy, authorized plainclothes units to wear body-worn cameras and ordered that the cameras be activated when plainclothes officers engage in non-covert police action. Members assigned to plainclothes units must now keep their body-worn cameras in buffering mode and expose and activate their body-worn cameras when taking "police action." Taking "police action" is defined by detaining and/or arresting an individual who is suspected of committing a crime or interacting with a person after it is known that the member is an officer. Thus, such an authorization and order would not interfere with plainclothes officers' duties when engaging in non-covert police actions. DPA affirms SFPD's September 2021 decision to authorize and order plainclothes officers to wear body-worn cameras when engaged in non-covert police activity

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

COMPLAINT DATE: 04/15/21 COMPLETION DATE: 02/07/23 PAGE# 7 of 7

The use of body-worn cameras is an effective way to increase transparency and trust between the community and officers. Empirical studies have shown that the use of body-worn cameras improves behavior between citizens and officers, and leads to a marked decrease in citizen complaints, officer use of force, and assaults on police. SFPD's own body-worn camera policy similarly recognizes the effectiveness of body-worn cameras and its ability to "protect members from unjustified complaints of misconduct." (SFPD Department Bulletin 20-15).

In this case, the DPA had insufficient evidence to make a definitive finding regarding one officer's use of force. A contributing factor to the insufficient evidence determination was the lack of body-worn camera footage from the primary officers in this case. In the absence of body-worn camera footage, the DPA relied primarily on surveillance footage, which was grainy and partially obscured, and the testimony of the named officers and the complainant. The plainclothes officers involved in this incident were wearing stars on their outermost garments and visibly equipped duty belts. Given these identifying elements and equipment, the addition of body-worn cameras would not have hindered the officers' police actions.

The DPA recommends that the SFPD policy or procedure be changed or modified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/21 **DATE OF COMPLETION:** 02/08/23 **PAGE# 1 of 5**

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

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

FINDINGS OF FACT: The complainant did not witness the incident but initially filed the DPA complaint on her relative's behalf. The complainant's relative is the co-complainant. The complainants stated that during a dispute over a minor vehicle collision the other driver pulled a knife on the co-complainant. The co-complainant wanted the other driver arrested and the officers refused.

Department General Order 5.04, Arrests of Private Persons, 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. DGO 5.04 states that bearing in mind the potential for bias by proxy, members should determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, the member should accept the private person's arrest and book or cite the individual as appropriate. If probable cause does not exist, the member should accept the arrest and then advise the individual that they are free to leave.

The named officers investigated the vehicle collision and the displaying of a knife and determined that no crime occurred. Named officer #1 obtained a statement from the co-complainant, while named officer #2 obtained a statement from the other driver. The co-complainant told named officer #1 that when he approached the other driver to exchange insurance information, the other driver denied hitting the complainant's vehicle and then pulled out a knife. The other driver told named officer #2 that he remained seated in his vehicle with the window at least halfway up when he displayed the knife in self-defense. The co-complainant confirmed the other driver's statement. After obtaining statements from the co-complainant and the other driver, the named officers identified and reviewed California Penal Code 417(a)(1), Brandishing a Weapon. They concluded that the other driver did not violate Penal Code section 417(a)(1).

Department records and body-worn camera footage showed that the co-complainant called 9-1-1 to report the incident. The named officers responded and conducted a thorough investigation. Based on statements obtained from the co-complainant and the other driver as well as a review of the applicable Penal Code section, the named officers determined that the display of the knife in this incident did not violate 417(a)(1) PC, Brandishing a Weapon. Records also showed that after the investigation was complete, the named officers facilitated the exchange of insurance information between the co-complainant and the other driver.

California Penal Code section 417(a) (1), Brandishing a Weapon, states that every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/21 DATE OF COMPLETION: 02/08/23 PAGE# 2 of 5

than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a deadly weapon other than a firearm in any fight or quarrel is guilty of a misdemeanor.

While DPA understands the complainant believed the other driver should have been arrested for pulling out a knife, the evidence showed that the named officers did not have probable cause to make the arrest based upon the circumstances here.

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

SUMMARY OF ALLEGATIONS #3-4: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The co-complainant believed the officers treated the other driver preferentially because he is of Hungarian decent and had a darker complexion than the other driver. The officers appeared to be more sympathetic to the other driver than the co-complainant, downplayed the other driver's display of the pocketknife, and refused to arrest him.

The officers denied treating the other driver preferentially. They conducted an investigation and based on the evidence, they determined no crime occurred. Additionally, the officers thought the co-complainant and the other driver were both Caucasian.

Body-worn camera captured the named officers' contact with the co-complainant and the other driver. The named officers conducted an impartial investigation and there was no evidence to suggest that the co-complainant was treated differently due to his race.

While DPA understands that the co-complainant believed he was treated differently due to his race, the evidence proved the officers conducted an impartial investigation.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/21 **DATE OF COMPLETION:** 02/08/23 **PAGE# 3 of 5**

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

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

FINDINGS OF FACT: The DPA reviewed the available evidence related to this incident as well as Department General Order 5.04 (“DGO 5.04”) and concluded that based on the requirements of DGO 5.04 the officer was required to write an incident report in order to document the complainant’s request to “press charges.”

The named officer explained that after he and his partner investigated the incident, he did not believe there was probable cause to arrest the other driver. The officer further stated that he would only write an incident report if there was sufficient probable cause to make an arrest for the commission of a crime or in the case the complainant specifically asked him to do so.

Department records reflected that the named officer responded to a dispute between two drivers who were involved in a non-injury vehicle collision that escalated when the co-complainant approached the other driver to exchange information and the other driver subsequently pulled a knife on the co-complainant. No incident report was written for this incident.

Body-worn camera showed that the co-complainant told the named officer that he wanted to press charges against the other driver for pulling a knife on him. The named officer acknowledged the co-complainant’s response and asked him if he was willing to go to court to which the co-complainant responded, “(He) pulled a knife out on me, sure.”

Department General Order 5.04, Arrests of Private Persons, 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. DGO 5.04 states that bearing in mind the potential for bias by proxy, members should determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, the member should accept the private person’s arrest and book or cite the individual as appropriate. If probable cause does not exist, the member should accept the arrest and then advise the 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/21 DATE OF COMPLETION: 02/08/23 PAGE# 4 of 5

The named officer acknowledged that the co-complainant told him that he wanted to press charges against the other driver. The named officer also acknowledged that he did not write an incident report, stating that he was not required to write an incident report because the co-complainant did not request a private person's arrest. DGO 5.04 required the named officer to ask the co-complainant if he wanted to make a private person's arrest as well as write an incident report documenting the incident.

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

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

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

FINDINGS OF FACT: The DPA reviewed the available evidence related to this incident as well as Department General Order 5.04 ("DGO 5.04") and concluded that based on the requirements of DGO 5.04 an incident report should have been written in order to document the complainant's request to "press charges."

The named officer stated that he was not aware the complainant wanted to press charges against the other involved party. He stated that he obtained the statement from the other involved party while his partner obtained a statement from the complainant.

Body-worn camera captured the complainant telling the named officer's partner that he wanted to press charges, but it was not clear the named officer heard that request.

Department General Order 5.04, Arrests of Private Persons, 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. DGO 5.04 states that bearing in mind the potential for bias by proxy, members should determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, the member should accept the private person's arrest and book or cite the individual as appropriate. If probable cause does not exist, the member should accept the arrest and then advise the 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 evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/21 **DATE OF COMPLETION:** 02/08/23 **PAGE# 5 of 5**

SUMMARY OF DPA-ADDED ALLEGATION #3: The officer failed to comply with Department General Order or Department Notice 20-094.

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

FINDINGS OF FACT: The DPA reviewed the available evidence related to this incident as well as Department Notice 20-094 (“DN 20-094”) and concluded that based on the requirements of DN 20-094 that states, if officers chose to wear a personal face covering, they were required to wear either a solid navy or black face mask.

The named officer acknowledged he was familiar with DN 20-094 and that he violated DN 20-094.

Body-worn camera captured the named officer wearing a multicolored stars and stripes mask.

DN 20-094 states in relevant part, “Members are encouraged and allowed to wear their own personal simple barrier style masks as long as they are either solid black or navy in color.”

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: 07/25/21 **DATE OF COMPLETION:** 04/20/22 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officers did not take any actions when he was assaulted.

The named officers stated that the complainant refused to cooperate with their questions on the allegations he had made. They stated the complainant refused to show any injuries, have his picture taken, or provide his details. The named officers stated they could not determine if a crime had occurred due to the complainant refusing to cooperate.

Body-worn camera footage showed the named officers asking the complainant about what had happened and for his details. The complainant is defensive and refuses to show any injuries or provide the details asked for by the named officers. The named officers speak to other parties involved but cannot determine that a crime took place.

SFPD records show the officers were dispatched to a report of an assault. The record shows that management at the location has had ongoing issues with the complainant and wrote an internal report about the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/21 **DATE OF COMPLETION:** 04/20/22 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officers did not utilize surveillance footage while investigating his allegations of assault.

The named officers stated that they tried to view the surveillance footage. The person at the front desk was unable to access the footage but provided a phone number for management. Management refused to attend the location to show the officers the footage, so the named officers could not view it.

Body-worn camera footage showed the officers making attempts to view the surveillance footage. The footage showed the named officers on the phone with management, but it does not record what management said.

SFPD police records do not mention the surveillance footage.

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

SUMMARY OF DPA-ADDED ALLEGATION #1-2: The officers failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: During the investigation, the named officers failed to activate their body-worn cameras as required by SFPD police. The named officers activated their cameras late.

The named officers admitted that they did not activate their body-worn cameras on the way to the incident. The named officers stated that they activated their cameras once they had located the persons involved and did not believe that anything of evidentiary value was lost due to their late activation. The officers also stated they believed that there were potential privacy concerns due to the location of the incident.

Body-worn camera footage starts when the named officers are already conversing with one of the parties involved.

SFPD records show that the named officers were dispatched to a report of an assault. No mention is made on the records of any privacy concerns.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/21 DATE OF COMPLETION: 04/20/22 PAGE# 3 of 3

Department General Order 10.11, as amended by Department Bulletin 20-175, states that when responding to calls for service with a potential for law enforcement activity or any mandatory recording circumstances, members shall begin recording by pressing the event button while en route and prior to arriving on scene.

Department Policy requires the named officers to activate en route to the scene, which the named officers did not do. The named officers stated there were potential privacy issues, but the records do not indicate that any privacy issues were present at the incident.

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: 12/10/21 **COMPLETION DATE:** 02/08/23 **PAGE# 1 of 4**

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

CATEGORY OF CONDUCT: **UA**

FINDING: **PC**

FINDINGS OF FACT: The complainants stated that they were making a transaction with a potential buyer of sports memorabilia when they were unlawfully detained and accused of stealing money from the potential buyer.

Named officer #1 stated the co-complainant was detained because there was reasonable suspicion to believe the complainants conspired to steal the buyer's money. Named officer #1 stated the complainants made inconsistent statements and sent suspicious text messages to each other. Named officer #1 also stated that the co-complainant acknowledged that the buyer handed him money, and then the money went missing when all three were together.

Named officer #2 corroborated named officer #1's statement.

The Department of Emergency Management records showed that the officers responded to a dispute regarding the transaction of sports memorabilia and lost money. The reporting party described the complainants as the subjects of the investigation.

Body-worn camera footage showed that the officers obtained statements from all involved parties. The buyer requested a private person's arrest and accused the complainants of stealing his money. The co-complainant acknowledged that the buyer handed him the money and then the money went missing. The complainant initially denied knowing the co-complainant. However, when the co-complainant showed the officers text messages that he received from the complainant related to the transaction with the buyer, the officers determined that the complainants conspired to steal the buyer's money. The officers handcuffed and then conducted a search of the complainants for the missing money. Believing that he would be taken to jail, the co-complainant initiated a deal with the buyer and the buyer withdrew his request for a private person's arrest. The amount in dispute made the potential criminal offense a wobbler, meaning it could be a felony (which would not require a private person's arrest) or a misdemeanor (which would require a private person's arrest). To facilitate the parties' wishes, named officer #2 spoke to his sergeant and obtained approval to release the complainants and issue them Certificates of Release.

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

COMPLAINT DATE: 12/10/21 COMPLETION DATE: 02/08/23 PAGE# 2 of 4

Department General Order 5.03 states that 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.

Based on the evidence, the named officers had reasonable suspicion to detain the complainants.

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

SUMMARY OF ALLEGATIONS #3-4: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: **UA**

FINDING: **PC**

FINDINGS OF FACT: The complainants stated they were unlawfully searched. Please note that the complainant initially withdrew this complaint and asked that it be re-opened less than sixty days from the Government Code section 3304 deadline.

The named officers stated that they conducted searched the complainants because they had probable cause that the complainants stole the buyer's money.

Department records and body-worn camera footage documented that the officers had probable cause to arrest both the complainants for felony offenses. Both complainants were handcuffed after the officers' investigation, tending to show that both were under arrest at that time.

Department General Order 5.03 states that probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested. Under the Fourth Amendment, arrests must be supported by probable cause.

Based on the evidence, the officers determined that the complainants conspired to steal the buyer's money and subsequently placed them in handcuffs and conducted a search incident to arrest.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper based upon the evidence DPA was able to collect and analyze in the extremely narrow time frame available.

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

COMPLAINT DATE: 12/10/21 COMPLETION DATE: 02/08/23 PAGE# 3 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainants stated that the officers did not investigate properly. The complainant added that the officers had no authority to allow the co-complainant to initiate a deal with the buyer with sports memorabilia that belonged to him and not the co-complainant.

The named officers denied the allegation, stating that they obtained statements from all parties involved and reviewed the co-complainant's text messages to the complainant related to the incident.

Body-worn camera footage showed that the officers obtained statements from all parties involved, examined text messages between the complainants, and handcuffed them as they had probable cause to arrest them for a felony offense. The co-complainant then offered the buyer sports memorabilia to compensate him for the missing money instead of him pressing charges, and the buyer accepted. The evidence showed the officers had nothing to do with the offer that was made and had no idea that the sports memorabilia chosen allegedly belonged to the complainant. In addition, the complainant lied to the officers, said he did not know the co-complainant and said he was not into sports memorabilia. He did not claim that the co-complainant did not have the right to negotiate with the buyer regarding the missing money. The footage also showed that the officers consulted with a sergeant.

The complainants made inconsistent statements to the officers and the DPA.

Based on the information the officers had at the time, not only did they act properly but Department records demonstrated that a full investigation was completed and the officers consulted a supervisor.

Department General Order 1.03 states that it would be considered neglect of duty if officers failed to discover serious crimes committed in their areas which could have been discovered through exercise of reasonable diligence.

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: 12/10/21 **COMPLETION DATE:** 02/08/23 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

CATEGORY OF CONDUCT: **ND**

FINDING: **IE**

FINDINGS OF FACT: The co-complainant stated that he called the officer numerous times and the officers failed to return his calls.

The named officer denied the allegation, stating that he received a message from the co-complainant and returned his call, but there was no answer, and he did not leave a message. The officer stated that a superior officer informed him that the co-complainant had emailed him and asked the officer about the incident. The officer informed his superior officer that there was an incident report and provided him with a synopsis of the incident. He also told his superior officer that there were no pending criminal charges and that the incident evolved into a civil matter between the co-complainant and the buyer.

The Department has no policies or procedures concerning required timelines 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/21 **DATE OF COMPLETION:** 02/13/23 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force eight years ago when he tackled him for a traffic violation.

The named and witness officers stated they attempted to stop the complainant, who was driving recklessly and at excessive speeds. They stated the complainant failed to stop despite using the marked patrol vehicle's lights and sirens. They eventually located the complainant in his parked vehicle, at which time they gave lawful, verbal commands to the complainant to exit his vehicle and lie on the ground. The named and witness officers stated the complainant ignored the orders, which resulted in the named officer tackling the complainant to gain compliance. He stated he only resorted to the use of force after multiple attempts to gain verbal control failed. The named and witness officers stated the named officer did not use excessive force as he completed his goal of safely taking the complainant into custody without delay and preventing further flight. They stated the complainant did not complain of pain and was uninjured.

Department records indicate that the named officer observed the complainant drive recklessly. The record indicates that the complainant refused to stop after the named officer activated his lights and sirens. Once the complainant stopped, he refused the named officer's order to lie prone on the ground, despite being ordered to do so at gunpoint. The record also indicates that the named officer tackled the complainant to the ground and placed him in handcuffs. The complainant was arrested for reckless driving and evading the police.

Body-worn camera footage was unavailable at the time of this incident, as the incident occurred before the Department implemented such technology. Surveillance footage was not available.

Department General Order 5.01 (2014) states in the relevant part, "Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. Officers must frequently employ the use of force to effect and ensure public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely, and safely bring an arrestee under physical control. Officer may use force in the performance of their duties in the following circumstances. [t]o effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/21 DATE OF COMPLETION: 02/13/23 PAGE# 2 of 5

Evidence shows that the named officer used reasonable force only after the complainant failed to comply with multiple verbal commands to exit his vehicle.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force eight years ago when he forced him out of his vehicle at gunpoint.

The named and witness officers stated they attempted to stop the complainant, who was driving recklessly and at excessive speeds. They stated the complainant failed to stop despite using the marked patrol vehicle's lights and sirens. They stated they eventually located the complainant in his parked vehicle. They gave the complainant multiple lawful, verbal commands to exit his vehicle and lie on the ground. The named officer stated the complainant ignored their orders, causing him to point his firearm toward the complainant. He did so because the complainant continued to ignore lawful commands. Based on his training and experience, he believed those who drive recklessly and erratically to evade the police may be attempting to conceal illegal activity, active warrants, or weapons. In addition, he stated that stalling tactics indicated that a suspect might be formulating a plan of escape or assault officers.

Department records indicate that the named officer observed the complainant drive recklessly. The record indicates that the complainant refused to stop after the named officer activated his lights and sirens. Once the complaint stopped, he refused the named officer's order to lie prone on the ground, despite being ordered to do so at gunpoint. The record also indicates that the named officer tackled the complainant to the ground and placed him in handcuffs. The complainant was arrested for reckless driving and evading the police.

Body-worn camera footage was unavailable at the time of this incident, as the incident occurred before the Department implemented such technology. Surveillance footage was not available.

Department General Order 5.01 Use of Force (1995) states in the relevant part, "Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. Officers must frequently employ the use of force to effect and ensure public safety. It is not intended that any

suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean an officer is required to engage in

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/21 DATE OF COMPLETION: 02/13/23 PAGE# 3 of 5

prolonged hand-to hand combat with all its risks before resorting to the use of force that will more quickly, humanely, and safely bring an arrestee under physical control.” Officer may use force in the performance of their duties in the following circumstances... [t]o effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.”

Department General Order 5.02 Use of Firearms (1995) does not have any policy around the pointing of a firearm. The Order does state in the relevant parts, “nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when an officer reasonable believes it necessary for his/her own safety or the safety of others.”

Evidence shows that the named officer used reasonable force only after the complainant failed to comply with multiple verbal commands to exit his vehicle.

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

SUMMARY OF ALLEGATION #3: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force eight years ago when he stepped on his shoulder.

Multiple responding officers were interviewed and stated they did not recall the incident or denied doing so.

No witnesses were identified.

Body-worn camera footage was unavailable at the time of this incident, as the incident occurred before the Department implemented such technology.

Surveillance footage was not available.

There is insufficient evidence to identify the officer involved in the alleged misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/21 **DATE OF COMPLETION:** 02/13/23 **PAGE# 4 of 5**
reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #4: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated that an officer tackled him eight years ago and forced him out of his vehicle at gunpoint. He stated that after being handcuffed, the named officer failed to advise him of his Miranda rights before asking him questions.

Multiple responding officers were interviewed and stated they did not recall the incident or denied doing so.

No witnesses were identified.

Body-worn camera footage was unavailable at the time of this incident, as the incident occurred before the Department implemented such technology.

Surveillance footage was not available.

There is insufficient evidence to identify the officer involved in the alleged misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/21 **DATE OF COMPLETION:** 02/13/23 **PAGE# 5 of 5**

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force eight years ago when he tackled him for a traffic violation. He stated the named officer testified at trial and lied about the location of his vehicle at the time of the arrest. The officer testified the police vehicle was parked three cars away from the complainant's vehicle instead of next to his vehicle.

The named officer stated he did not misstate the truth. Regardless, the location of the patrol vehicle with the complainant's vehicle was irrelevant and would not have affected the outcome of the matter.

A witness officer stated he did not recall the location of the vehicles. However, he stated the placement of the vehicles had no bearing on the trial's outcome and would not have negated the fact that the complainant operated his vehicle in a highly reckless manner.

Other witness officers stated they did not recall the placement of the vehicles.

Department records indicate that the named officer observed the complainant drive recklessly. The record indicates that the complainant refused to stop after the named officer activated his lights and sirens. Once the complaint stopped, he refused the named officer's order to lie prone on the ground, despite being ordered to do so at gunpoint. The record also indicates that the named officer tackled the complainant to the ground and placed him in handcuffs. The complainant was arrested for reckless driving and evading the police.

Body-worn camera was unavailable at the time of this incident, as the incident occurred before the Department implemented such technology.

Surveillance footage was not available.

The evidence proves that although two people witnessed may have witnessed the same conduct or action, their perceptions of the conduct, or action can differ. Without independent supporting evidence such as video or another witness, DPA is unable to conclude that the named officer acted properly or improperly.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/22 **DATE OF COMPLETION:** 02/15/23 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department (SFPD) failed to appropriately investigate the death of her son's friend.

The named officer was not interviewed as he no longer works for the SFPD.

Department Bulletin (DB) 20-107, Case Assignments for Investigation, states, in part, "It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner. Therefore, the Investigations Bureau Lieutenants and the Station Investigation Team (SIT) Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an Investigator."

The named officer who was the Investigations Bureau Lieutenant at the time of this incident has left the SFPD.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/22 **DATE OF COMPLETION:** 02/15/23 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #2: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged the San Francisco Police Department (SFPD) failed to appropriately investigate the death of her son's friend.

The named officer stated he was trained to examine a body for signs of trauma or physical evidence that there was a disturbance at the scene. He was also trained to notify the Office of the Medical Examiner in every death investigation. If he believed a death was suspicious, he would contact a sergeant and a sergeant would contact the Homicide Unit. Every incident report detailing a death investigation would be forwarded to the homicide unit to review.

The named officer stated he interviewed the only present witness multiple times. He explained he did not find any signs of trauma on the body. He explained that he contacted a sergeant who determined the homicide unit should not be notified until the medical examiner had conducted their investigation. He explained he did learn an overdose had occurred at the incident's location in the recent past. This caused him to believe this location was where people would meet to do drugs. He stated that he believed the medical examiner's determination that the death had been drug related.

The named officer's body-worn camera (BWC) footage showed the officer interviewing the witness multiple times, collecting the identity of potential witnesses, and questioning others about an overdose that had recently occurred at the same location. It showed him calling the named sergeant to state his plan to notify the homicide unit, and then determining he would wait for the medical examiner before doing so. It showed the medical examiner investigation and their determination that the death had been drug related.

SFPD General Order (DGO) 6.05, Death Cases, provides the procedures for investigating death cases. It states, in part, that officers must determine the alleged deceased is not alive, not search nor move the body, contact the medical examiner, and act as a witness for the medical examiner's investigation. Additionally, it discusses the steps officers should take when a death is a homicide; however, the DGO notes these steps are if the death is an "obvious homicide."

Here, the named officer investigated the scene by collecting witness statements and examining the history of the scene's location. He contacted the named sergeant about contacting the Homicide Unit and the named sergeant advised him to wait for the medical examiner's opinion. When the medical examiner investigator arrived, they determined the death was drug related and the named officer agreed based on the evidence and due to the lack of any obvious signs of foul play.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/22 **DATE OF COMPLETION:** 02/15/23 **PAGE# 3 of 4**

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

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

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

FINDINGS OF FACT: The complainant stated the San Francisco Police Department (SFPD) failed to appropriately investigate the death of her son's friend.

The named sergeant stated he was the named officer's supervisor on the day of the incident. He confirmed he advised the named officer to wait for the medical examiner's opinion before contacting the homicide unit. He advised the named officer to wait on notifying the homicide unit until the medical examiner arrived because officers should have all the facts they could possibly collect and all the opinions on the case they could receive before contacting the homicide unit. The named sergeant detailed his training and experience concerning when the homicide unit should be notified of a death. He stated he was taught to investigate obvious signs concerning how the victim died, such as visible injuries, witness statements, video evidence, and other evidence that may point an investigation in a direction toward a conclusion this was not a natural death. He explained a preliminary death investigation heavily relies on the medical examiner's determination. He stated the medical examiner's opinion carries so much weight with the police officer's death investigations because of the training they undergo, not just concerning conducting death investigations, but also concerning human physiology.

San Francisco Police Department General Order (DGO) 6.05, Death Cases, provides the procedures for investigating death cases. It states, in part, that officers must determine the alleged deceased is not alive, not search nor move the body, contact the medical examiner, and act as a witness for the medical examiner's investigation. Additionally, it discusses the steps officers should take when a death is a homicide, however, the DGO notes these steps are if the death is a "obvious homicide." Here, the named sergeant advised the named officer to not contact the Homicide Unit because he felt the named officer needed the medical examiner's opinion before determining if the death was suspicious. The Medical examiner receives greater training on conducting death investigations and determining causes of death than SFPD patrol officers. The Medical examiner then determined the death had been drug related.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/22 **DATE OF COMPLETION:** 02/15/23 **PAGE# 4 of 4**

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

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

FINDINGS OF FACT: While investigating this case, the Department of Police Accountability determined the named officer had activated his body-worn camera (BWC) when he was already interviewing a witness at the scene.

The named officer stated he turned it on when he started speaking with the witness, but he did not recall any of the investigative steps taken prior to his activation.

The BWC footage from the scene showed the named officer had already begun questioning the witness prior to activating his BWC.

DGO 10.11, Body Worn Cameras, states, in part, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances... Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim... In any situation when the recording would be valuable for evidentiary purposes.”

Here, the named officer had already begun interviewing someone who was the sole witness to a recent death when he activated his BWC. As the named officer could not recall other investigative steps he had taken prior to activating his BWC, it cannot be determined if he had examined the deceased’s body, spoken with the medic who was on scene, or elicited other statements from the witness.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/22 DATE OF COMPLETION: 02/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 2/1/23.

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 2/1/23.

SUMMARY OF ALLEGATIONS #5-6: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 2/1/23.

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/1/23.

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

COMPLAINT DATE: 03/14/22 COMPLETION DATE: 02/08/23 PAGE# 1 of 5

SUMMARY OF ALLEGATIONS #1-9: The officers conducted an improper search and seizure.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated San Francisco Police Department (SFPD) officers inappropriately searched her home without a warrant, seized items that belonged to her, and placed a tracker on her vehicle.

Named Officer #1 was interviewed. He described multiple weeks of physical and electronic surveillance on Suspect #1. As a result of this surveillance, officers determined that Suspect #1 lived at the complainant's home and had full access to the home. According to Named Officer #1, Suspect #1 was under a full search condition as part of his parole. This allowed Named Officer #1 to search Suspect #1's residence, which he believed was complainant's home. After entering the home and conducting a protective sweep, evidence of criminal activity was discovered in plain view. When this evidence was discovered, the sweep was stopped, and the officers froze the scene while Named Officer #1 drafted a search warrant. The search of complainant's residence was completed after the search warrant was signed by a judge. When asked about the items the complainant alleged were illegally seized, Named Officer #1 explained these items were linked to the evidence of criminal activity that the officers discovered during their search. When asked about the tracker allegedly placed on the complainant's vehicle, Named Officer #1 explained the tracker was placed on Suspect #1's vehicle. The investigating officers determined the vehicle belonged to Suspect #1's after weeks of physical surveillance. Named Officer #1 stated the tracker was provided by the Northern California Regional Intelligence Center and authorized by a judge in the warrant.

Named Officer #2, Named Officer #3, Named Officer #4, Named Officer #5, Named Officer #6, Named Officer #7, and the Named Sergeant were sent questionnaires in connection with this investigation. They confirmed Suspect #1 was on parole with a full search condition and that he had been living at the complainant's residence.

The DPA requested the incident report, search warrant and affidavit, and body-worn camera footage connected with this search. The SFPD did not provide the documents under Welfare & Institutions Code §827 because there was a juvenile present during the search. The DPA filed a request for the evidence with the Superior Court. The request was partially approved 250 days into the statute of limitations. The judge ordered SFPD to provide the incident reports and body-worn camera footage but not the search warrant and affidavit.

The DPA requested documentation of Suspect #1's parole conditions. The SFPD provided the DPA with a statement that Officer #1 has a copy of the "parole leads sheet" for Suspect #1, and that the sheet contains "all pertinent information regarding the conditions of parole." However, SFPD would not

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

COMPLAINT DATE: 03/14/22 COMPLETION DATE: 02/08/23 PAGE# 2 of 5

provide this documentation because it “contains Confidential & Proprietary information and cannot be disseminated without the express permission of the CDCR.”

The Fourth Amendment of the Constitution protects individuals from unreasonable searches and seizures. A statutory condition of parole is that an individual’s person, residence, and possessions can be searched at any time of the day or night, with or without a warrant, and with or without a reason, by any parole agent or police officer. Here, Named Officer #1 alleged a reasonable explanation for his belief that Suspect #1 lived at the complainant’s address, why the evidence he seized was connected to criminal activity and why a tracker was placed on the complainant’s vehicle. However, DPA was unable to confirm his allegations because SFPD refused to provide DPA with documents that would substantiate Named Officer # 1’s assertions, such as documentation substantiating Suspect #1’s parole status, and the search warrant and affidavit authored by Named Officer #1. Therefore, the DPA cannot prove or disprove aspects of Named Officer #1’s explanation.

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

SUMMARY OF ALLEGATION #10: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she spoke with Named Officer #1 on the phone, and he made inappropriate comments while speaking with her.

Named Officer #1 denied speaking to the complainant in an unprofessional manner.

The DPA requested the officer’s body-worn camera videos. No video for Named Officer # 1 captured the alleged phone call.

SFPD General Order 2.01 § 15, Telephone Courtesy, states, in part, “Members shall be courteous on the telephone.” Here, there was no body-worn camera footage of Named Officer #1 speaking with the complainant on the phone. Therefore, we could not determine whether Named Officer #1 spoke inappropriately.

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

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

COMPLAINT DATE: 03/14/22 COMPLETION DATE: 02/08/23 PAGE# 3 of 5

SUMMARY OF ALLEGATION #11: The officer failed to take a required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged Named Officer #1 provided her a copy of the search warrant that authorized him to search her home. Due to edits that on the face of the document, the complainant felt the search warrant was faulty.

Named Officer #1 explained that the judge who signed the warrant made the edits to the document.

Screenshots of the search warrant cover sheet were provided to the DPA. It showed the search warrant had been signed by a Solano County judge. The section of the warrant that stated "San Francisco County" was crossed out and replaced with "Solano County".

The complainant's home is within Solano County and the warrant was signed by a Solano County judge. Therefore, the changes to the search warrant were proper.

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: 03/14/22 COMPLETION DATE: 02/08/23 PAGE# 4 of 5

SUMMARY OF ALLEGATION #12: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the SFPD was harassing her and Suspect #1.

Named Officer #1 denied that he was harassing the complainant or Suspect #1. He did not know the complainant prior to this encounter. Named Officer #1 explained that he has had numerous encounters with Suspect #1. He also explained he could not reveal why he was investigating Suspect #1 because it would compromise an ongoing investigation. Named Officer # 1 explained that Suspect # 1 was on parole with a search condition that permitted limitless searches of his person, residence, and vehicle. Named Officer #1 explained that Suspect #1 was not staying at the location listed on his parole documentation and that an investigation led to the complainant's house. Named Officer #1 also obtained a warrant to search the complainant's residence.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant alleged her mother responded to her home during the officers' search. She stated the officers were rude to her mother and acted toward her in an inappropriate manner.

The DPA reached out to the complainant's mother for an interview multiple times and she never returned the investigator's call.

The named officers and sergeant were all asked about this alleged interaction with the complainant's mother. They all denied witnessing any interactions like what the complainant described.

The DPA requested the officer's body-worn camera. None of the provided videos show officers speaking in a harsh or inappropriate manner.

SFPD General Order 2.01 § 14, Public Courtesy, states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language." Due to the delays receiving evidence in this investigation and the inability

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

COMPLAINT DATE: 03/14/22 COMPLETION DATE: 02/08/23 PAGE# 5 of 5

to interview key witnesses, the DPA was unable to determine if the interaction described by the complainant occurred and, if it had, which officer had the interaction.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/07/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was detained by officers for running a red light and having tinted windows. The complainant stated the traffic light was yellow when he ran it and that he was "trying to make the light before it turned red." He then turned into a lot to park his car. During the detention for the traffic violations, the complainant told officers he had a registered firearm in a backpack on the front passenger seat.

The named officers stated they detained the complainant for multiple vehicle code violations after they observed him driving a vehicle at a high rate of speed and failing to stop for a solid red light. The vehicle also had heavily tinted windows. The vehicle made a left turn at the light and parked in a parking lot. The officers pulled up behind the vehicle and contacted the complainant standing outside of his vehicle.

Body-worn camera footage showed the named officers approached the complainant, who was already parked and getting out of his car. The car had dark tinted windows. One officer told the complainant that he ran a red light and that he had tinted windows. The complainant told the officers that they were driving too slowly and that he passed them so that he could make the light. The complainant acknowledged the tinted windows and told the officers that he planned to take care of the tint when he was able to pay for it.

San Francisco Police Department General Order 5.03 permits officers to conduct an investigative detention when there is reasonable suspicion based on 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.

A preponderance of evidence showed that the named officers had reasonable suspicion to detain the complainant because they observed him run a red light, which is a violation of California Vehicle Code Section 21453. Additionally, officers observed that the vehicle had dark tinted windows which is a violation of California Vehicle Code Section 26708. Based on the observed vehicle code violations, the officers were permitted to detain the complainant and question him about the observed traffic violations.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/07/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 5

SUMMARY OF ALLEGATION #3: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer should not have handcuffed him.

The named officer stated that he handcuffed the complainant because the complainant told officers he had a firearm in his backpack, which was on the front passenger seat. The officer stated he handcuffed the complainant for everyone's safety.

Body-worn camera footage showed that the complainant was dressed in a security guard uniform with a "Private Security" patch. An officer asked the complainant if he was armed security and the complainant responded, "No." The named officer asked the complainant if he has any weapons and the complainant responded that there was a gun in the car in his backpack on the front passenger seat. The named officer then handcuffed the complainant.

An officer may handcuff a person during a detention if there is a reasonable belief that the person is armed. The officer handcuffed the complainant after learning that he had a firearm nearby.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers searched his vehicle and seized his firearm and that the officers' actions were improper. The complainant stated the named officers took his gun even though the gun was registered, and he had a firearm license.

The named officers stated that they learned about the complainant's gun while investigating vehicle code violations. The complainant told officers that he had a firearm in a backpack on the front seat. The officers searched the complainant's car and seized his firearm as evidence because it is illegal to possess a loaded firearm in a vehicle.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/07/22 COMPLETION DATE: 02/13/23 PAGE# 3 of 5

Body-worn camera footage showed that the complainant was dressed in a security guard uniform with a "Private Security" patch. The first named officer asked if the complainant was armed security and the complainant responded, "No." The named officer asked the complainant if he had any weapons and the complainant responded that there was a gun in the car in his backpack on the front passenger seat. A second named officer then searched the car and found a pistol in an open backpack on the front passenger seat of the vehicle. Paperwork was located in the backpack for the gun as well as three other guns. The first named officer asked the complainant if he had a concealed carry permit. The complainant responded, "No." The second officer apologized to the complainant for having to take his gun, and explaining confiscation was required under was California law.

Officers may search a car to seize a weapon that they have reasonable cause to believe is inside the car and that is not legal to carry. (People v. Superior Court (Sanders) (1979) 99 Cal. App.3d 130, 135; People v. Delong (1970) 11 Cal.App.3d 786, 792).

Carrying a loaded firearm in a vehicle is a violation of California Penal Code Section 25400(a)(1). A registered firearm can only be transported within a motor vehicle locked in the vehicle's trunk or in a locked container. The complainant told the named officers he had a gun in his car that was in a backpack on the front passenger seat. This gave the officers probable cause to search the complainant's vehicle and to seize the gun and ammunition as evidence. A computer query confirmed the handgun was registered to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/07/22 COMPLETION DATE: 02/13/23 PAGE# 4 of 5

SUMMARY OF ALLEGATION #6: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer should not have issued him a citation because his firearm was registered. The complainant acknowledged in his interview that he had a gun in his vehicle and that his vehicle windows were tinted.

The named officer stated he issued a citation to the complainant for improperly carrying a loaded firearm in a vehicle, which is a misdemeanor criminal offense, and for having tinted windows.

The incident report documents that there was a fully loaded 10 round magazine that was inserted into the mag well of the pistol. There was one .45 caliber unfired cartridge loaded into the chamber of the pistol.

Records showed that the complainant was cited and released at the scene. Body-worn camera footage showed that the officer consulted with a sergeant before issuing the complainant a citation. He expressed that he did not want to issue the complainant a citation, but confirmed with the sergeant that he did not have discretion in the matter.

The named officer had cause to cite the complainant for improperly carrying a loaded firearm in a vehicle which is a violation of California Penal Code Section 25400(a)(1) and for having tinted windows which is a violation of California Vehicle Code Section CVC 26708. The officer used his discretion in not citing the complainant for speed and failure to stop at the red light.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/07/22 COMPLETION DATE: 02/13/23 PAGE# 5 of 5

SUMMARY OF ALLEGATIONS #7-8: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers intentionally delayed the return of his handgun that was seized.

The named officers stated the California Department of Justice is responsible for the release and return of firearms that are seized during an arrest. The seized firearm remained in evidence because there was no court disposition in the criminal case. Both officers stated that they spoke with the complainant on several occasions, trying to educate him on the process for having his gun released. The officers learned that the complainant was subsequently arrested for additional firearms offenses. The officers explained that the subsequent events have prevented the complainant from being able to retrieve the firearm seized in this incident.

The complainant was advised that due to these subsequent offenses, he would likely be unable to retrieve his firearm because he will not be able to pass the required background check that is conducted by the California Department of Justice

Records documented that the complainant's firearm was being held as evidence in the SFPD Property Unit, that the criminal cases involving the complainant remain pending, and that the complainant was involved in two subsequent firearm possession incidents.

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: 05/12/22 **DATE OF COMPLETION:** 02/13/23 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Proper Conduct

FINDINGS OF FACT: The complainant stated that her client was a victim of domestic violence and a violation of a restraining order. The complainant alleged that officers failed to investigate the incident properly.

The complainant's client was the victim of a restraining order violation, then domestic violence at a later time on the same date. The first case was assigned to the named officer for investigation. The second case was not assigned for investigation because it was sent directly to the District Attorney's Office.

The first incident involved a violation of a restraining order. The named officer assigned to investigate this incident stated that he called and left the victim a voicemail for her to contact him. He stated that he also sent her an email, but the email bounced back because victim's email address was incorrect. The officer said the victim never reached out, prompting him to request that the case be placed in open/inactive status.

The named officer's Chronological of the Investigation showed that only the first case was assigned to him, approximately one week after the occurrence of the incident. Upon being assigned, the named officer called the victim with assistance from a Spanish interpreter. He left the victim a voice message asking her to contact him back. The report also showed that the named officer attempted to send the victim an email, but the email could not be delivered because the electronic mail provider could not recognize the victim's email address. Department records also showed that the subject that violated the restraining order was located and arrested approximately one hour after the initial incident. That case has no chronological of investigation, as it was forwarded straight to the District Attorney.

DPA would encourage an assigned investigator to attempt more than one contact with an alleged domestic violence victim. While this does not rise to the level of misconduct, it is certainly not best practice.

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: 05/12/22 **DATE OF COMPLETION:** 02/13/23 **PAGE# 2 of 2**

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Insufficient Evidence

FINDINGS OF FACT: The complainant stated she called the investigating unit where her case was routed for investigation and left voice messages, but no one called her back. The complainant submitted a call log from her phone to support her claim. The call log shows she called the unit's main telephone number on three occasions.

The named officer stated he never knew the victim had an attorney. He said he had no duty to call the complainant. He added he did not receive any missed calls, and nothing was forwarded to his direct line.

A witness officer stated that a non-sworn employee oversaw phone calls and voice messages when the complainant called. The witness officer stated that the employee did not receive voice messages from the complainant. Certainly, the Special Victim's Unit should be returning calls from victims or their advocates. However, in this matter, it is not clear that the named officer was ever made aware of messages left with SVU. Additionally, the person responsible for the main line is not a sworn member of the San Francisco Police Department.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was forwarded 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: 05/27/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that when he was arrested, his vehicle was towed. However, after he was released from custody, the officer failed to release his vehicle from the impound.

Department General Order (DGO) 9.06(I)(A) states that it is the policy of the Department that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is needed for evidence. In addition, DGO 9.06 (IV)(A) states that before a vehicle that the Department has towed can be released, a Vehicle Release shall be completed and presented to the tow garage.

Department of Emergency Management (DEM) showed that an individual called 9-1-1 to report a burglary in progress. The location of the incident was a vacant home with multiple units under construction. The Reporting Party informed Dispatch that there were possibly four subjects breaking into the front window of the vacant home and were seen carrying items out of the house to a van parked in front of the home. Officers responded and contacted the complainant. The complainant was subsequently handcuffed and arrested for burglary.

Department records and body-worn camera footage showed that officers found the complainant standing next to his vehicle and a large kitchen appliance as they arrived on the scene. The complainant and his vehicle matched the descriptions provided by the witness. Officers detained the complainant and obtained a statement and video footage from a witness. An officer Mirandized the complainant, and the complainant acknowledged his rights before agreeing to talk to the officer. The complainant acknowledged that he assisted associates with moving a large kitchen appliance from a home. Based on the obtained statements and the complainant taking possession of the alleged stolen property, the complainant was arrested, and his vehicle was towed with a hold for burglary.

Tow records indicated that SFPD contacted the tow company once the case was closed to release the vehicle hold. It was also noted that the complainant's vehicle needed current registration and proof of insurance. The final notes showed that the vehicle hold was released, and the fees and storage costs were waived.

Based on the evidence, DPA determined that the named officer acted within 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: 05/27/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 4

SUMMARY OF ALLEGATION #2: The officer failed to Mirandize.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was not Mirandized.

California Penal Code section 836 states in relevant part that an officer may arrest a person without a warrant if the “officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.” The United States Supreme Court case *Miranda v. Arizona* requires police to tell people in custody about their Fifth Amendment protection against making self-incriminating statements and their right to an attorney before eliciting from them potentially incriminating statements through questioning and other interrogation techniques.

Body-Worn Camera (BWC) showed that shortly after being handcuffed, complainant initiated a conversation with the officer. Therefore, his statements were legally considered spontaneous utterances and did not require a *Miranda* admonition. Officers are only required to provide the admonition when they intend to elicit potentially incriminating statements from a person that is in custody. The BWC showed that the named officer *Mirandized* the complainant once they were at the district station because that is when he intended to question the complainant about the incident. The named officer also documented that he Mirandized the complainant in the Incident Report.

Based on the evidence, DPA determined that the named officer acted within 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: 05/27/22 COMPLETION DATE: 02/13/23 PAGE# 3 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer refused to tell him why he was arrested. He stated that the officer handcuffed him and told him that he would find out at the district station,

Body-Worn Camera (BWC) footage showed that officers informed the complainant that specific information regarding the arrest would be communicated to him at the district station. However, the complainant was aware that he was detained for burglary. BWC showed that the named officer informed the complainant that he was charged with burglary at the district station.

Based on the totality of evidence, DPA determined that the named officer acted within policy.

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

SUMMARY OF ALLEGATION #4: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that he asked for the officer's name and star number and was told that he would get that information once he was at the local district station.

Department General Order 2.01(14) states, PUBLIC COURTESY, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment."

Review of BWC footage did not show the complainant asking for the named officer's name or star number. The named officer was in full uniform and with the complainant for most of the detention, investigation, and the arrest. The complainant was updated as the investigation progressed. At no point did the footage show that the named officer refused to provide his name or star number. The evidence does not support the complainant's allegation that the named officer failed to provide his name and star number.

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

COMPLAINT DATE: 05/27/22 COMPLETION DATE: 02/13/23 PAGE# 4 of 4

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 06/16/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a dispute with a co-worker and his supervisor outside his workplace. The complainant and his supervisor both called the police. The complainant stated that the responding officers did not take his whistleblower complaint seriously and did not investigate a fire code violation at his workplace. The complainant stated that his supervisor filed a false report when he called 911 in retaliation for the complainant being a whistleblower.

Department of Emergency Management records showed that both parties called for police assistance. The supervisor requested assistance because the complainant was smoking cigarettes outside the entrance and filming people.

The first named officer explained that the complainant told him that he had argued with a co-worker during their lunchbreak and subsequently filed a civil rights complaint. The officer explained that it was a civil matter. The complainant then asserted that his supervisor had made a false criminal report. The complainant showed the officer cell phone video that had no audio and did not depict anything. The officer checked for police reports filed by the supervisor against the complainant and did not find anything.

The second officer took a statement from the supervisor, who called for police assistance because the complainant was trespassing. The supervisor explained that the complainant had been let go earlier in the day and was refusing to leave the property. The supervisor said that he had previously requested mediation for a workplace dispute involving the complainant and denied filing any police reports against the complainant.

Body-worn camera footage corroborated the named officers' statements. The complainant asked the officers to investigate his employer's compliance with California Division of Occupational Safety and Health rules (Cal OSHA). When the officers explained that no crime occurred and that the incident was a civil matter, the complainant walked away from the officers, refused the CAD number, and threw one officer's business card. The complainant asked the officers not to prepare an incident report and was adamant that he wanted no further police action unless the officers were investigating his workplace matter. The complainant's supervisor did not want the complainant cited for trespassing and did not request a report.

Department General Order 1.03, Duties of Patrol Officers, requires officers to investigate reports of crimes reported to them. Department General Order 5.04, Arrests by Private Persons, instructs officers to determine if probable cause exists to believe a crime was committed before accepting an arrest.

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

COMPLAINT DATE: 06/16/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 3

The officers investigated the trespassing report and interviewed the complainant to see if a crime had occurred. The evidence demonstrated that the officers appropriately handled the trespassing allegation and that no other crimes were reported.

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

SUMMARY OF ALLEGATION #3: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that, if the matter was civil and not criminal, the named officer should not have run his name through a database to check for criminal records. He stated that the officer placed his name into federal databases, which could allow the federal government to track his location and activity for his organization, which is an ongoing security risk for people in his profession.

The named officer stated that he conducted a records check because he was investigating a trespass and needed to determine if there were any active stay-away orders or restraining orders at the location.

Checking for stay-away orders was an appropriate investigative step for a trespassing investigation.

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: 06/16/22 COMPLETION DATE: 02/13/23 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers failed to prepare an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant told the officers about his whistleblower rights, showed them video evidence of an argument with his co-worker, and reported Cal OSHA violations. The complainant said that the officers should have prepared a report about the Cal OSHA violations to send to the appropriate agencies.

The named officers stated that an incident report was not written because the incident was a civil matter regarding an employment dispute.

Body-worn camera footage showed the officers informing the complainant that they had no jurisdiction to investigate or enforce electrical code and Cal OSHA violations.

The officers did not have a duty to take a report regarding worksite violations because the issues were civil and outside their jurisdiction.

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: 07/26/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: Two officers were present for a civil standby involving the complainant and his ex-girlfriend. The complainant stated that afterward, the officers lied and told a group of individuals outside the complainant's apartment building that smoking marijuana on the sidewalk was illegal and threatened to arrest them. The complainant acknowledged that he did not witness the incident, which he learned about afterward from talking the group of people who were threatened.

Department General Order 2.01 requires officers to treat the public with courtesy and respect.

The named officer stated that, following the civil standby, he waited outside with the complainant's ex-girlfriend until her taxicab arrived. While they waited, he observed an individual smoking marijuana on a sidewalk approximately 10-15 feet away. The officer advised the individual that it was illegal to smoke marijuana in public and warned that he would issue a citation unless the individual stopped smoking.

The named officer's partner observed a man standing nearby rolling a small paper of unknown material approximately 10 feet away from them. The complainant's ex-girlfriend was unresponsive to multiple requests for an interview.

Body-worn camera footage recorded the civil standby and officers waiting outside with the complainant's ex-girlfriend. In the background, an individual could be seen leaning against a building approximately 15 feet away. The sidewalk was otherwise empty when the footage ended. The officer's conversation with the individual was not recorded because the civil standby had ended.

Consuming marijuana in public is an infraction that can result in a citation and a \$100 fine (Health and Safety Code §§ 11362.3(a)(1), 11362.4 (a); Penal Code 853.5(a)).

The evidence showed that the officer did not misrepresent the truth or threaten to arrest a group of people. The officer warned one person that his activity was illegal, which was appropriate.

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: 07/27/22

COMPLETION DATE: 02/13/23

PAGE# 1 of 4

SUMMARY OF ALLEGATIONS #1-3: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said he reported to the named officers his former partner assaulted him, and the named officers laughed at the complainant. The complainant believed the named officers laughed at him because he was a male reporting an assault.

The named officers do not recall anyone laughing; no one laughed while on the scene or at the complainant.

Department General Orders 2.01 (General Rules of Conduct) states when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

Body-worn cameras showed the named officers did not laugh during the incident or at the complainant when the complainant reported the assault. Body-worn cameras showed the complainant was the only person heard laughing at his own comments during the incident.

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

SUMMARY OF ALLEGATIONS #4-6: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officers laughed at him when the complainant reported he was the victim of an assault by his former partner. The complainant believed the named officers reacted like this because the complainant is a male, and the named officers did not believe males could be a victim of assault. The complainant said none of the officers would listen to him because he is a male.

The named officers said there was no biased policing or discrimination during this incident. The named officers said the complainant spoke inappropriately and used obscenities directed toward the officers. Body-worn cameras documented the named officers did not knowingly engage in biased policing or discrimination during this incident. The footage showed the complainant was the only person making

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

COMPLAINT DATE: 07/27/22

COMPLETION DATE: 02/13/23

PAGE# 2 of 4

statements about being a male and discriminating while speaking with the named officers. The complainant's statements regarding gender were biased and discriminatory.

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

SUMMARY OF ALLEGATIONS #7-9: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers did not investigate that his former partner assaulted him. The complainant stated he reported to the named officers he was a victim of assaults by his former partner and tried to press charges.

The named officers said the complainant initially failed to disclose an allegation of assault to officers. The complainant only claimed his former partner assaulted him after the named officers informed the complainant of the mental health detention. The named officers believed the complainant made the claim out of retaliation because the police were called on the complainant to address his mental state and behavior. However, officers did initiate an investigation and interviewed the former partner about the allegation. The complainant did not request to press charges regarding the assault, and the named officers had no probable cause to make an arrest.

Body-worn camera footage showed that the complainant did not mention any assault during the initial interactions and interviews with the named officers. The complainant only made this claim after officers decided to place the complainant under mental health detention. The footage also captured the complainant informing officers that he did not wish to press charges for the assault.

Department General Order 5.04 (Arrests by Private Person) states the responsibilities of the responding member bearing in mind the potential for bias by proxy, determine if reasonable suspicion exists to justify detaining the subject pending further investigation.

The named officers did not violate department policy by not investigating the assault on the complainant. Department records showed the complainant's former partner called for police assistance due to the complainant's mental state and behavior. Body-worn cameras documented the complainant stating his former partner assaulted him only after the named officers informed the complainant of the mental health detention. The evidence showed the named officers initiated action by investigating the complainant's claim. However, the complainant did not request to press charges, and the named officers had no probable cause to make an arrest.

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

COMPLAINT DATE: 07/27/22

COMPLETION DATE: 02/13/23

PAGE# 3 of 4

Department records showed at a later date, the complainant called the police reporting his former partner assaulted him. Different officers arrived at the location, met with the complainant, and then completed an incident report regarding the assault.

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

SUMMARY OF ALLEGATIONS #10-12: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant said the named officers detained him based on statements from his former partner, a licensed therapist, and there was no cause for a mental health detention because he was not a danger to himself.

The complainant's former partner reported the complainant's actions and mental status to the named officers. The description of the complainant's erratic behavior included trying to lock the former partner in the bathroom to prevent her from leaving the apartment, violent behavior, and failing to take his psychiatric medication.

The named officers described talking to the former partner, who reported the complainant's erratic behavior. When the officers spoke with the complainant, he exhibited behaviors that indicated he was in a mental health crisis. Officer #2 stated that he became concerned as he saw the complainant looking at the kitchen knives on several occasions. Based on the complainant's former partner's statements, the complainant's actions, and behavior, Officer #2 determined the complainant was a danger to others due to a mental health condition.

Department General Order 6.14 (Psychological Evaluations of Adults) states officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare & Institutions Code only when the officer believes that, as a result of mental illness, an individual is a danger to himself/herself, or a danger to others, or gravely disabled. Furthermore, officers shall detain if an individual has not committed a crime but is, as a result of a mental disorder, a danger to himself/herself, a danger to others, or gravely disabled detain the individual for psychiatric evaluation and treatment.

The named officers did not violate department policy by detaining the complainant for a mental health detention. Department records showed the complainant's former partner called for police assistance due to the complainant's mental state and behavior.

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

COMPLAINT DATE: 07/27/22

COMPLETION DATE: 02/13/23

PAGE# 4 of 4

The body-worn cameras documented the named officers initiated action by investigating the complainant's mental state and behavior. However, the named officers determined the complainant was not taking his medication as directed and was dangerous to others. In addition, the body-worn cameras documented the complainant's former partner's statements, the complainant's actions, and behavior which contributed to one of the named officers determining the complainant was a danger to himself.

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: 08/03/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant flagged down the named officers regarding a payment dispute at a small market. The complainant had changed his mind about a beverage purchase and wanted a refund. The store owner said that he was unable to process refunds to the complainant's benefits card and offered the complainant exchange credit. The complainant said that the named officers should have helped him obtain a refund rather than siding with the merchant.

Neither officer recalled the incident. One officer explained that disagreement over a refund was a civil dispute that did not require police action.

Department General Order 2.01, General Rules of Conduct, requires officers to devote their time to preventing crime and enforcing criminal laws and ordinances. Officers are not required or instructed to resolve civil disputes.

The officers had no duty to take enforcement action in this matter.

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: 08/03/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated he asked the named officers for their badge numbers and said they mumbled something and left.

Neither officer recalled the incident. Both officers explained that they always respond with their names and star numbers upon request.

Department General Order 2.01, Rule 14, Public courtesy, requires officers to provide their name and star number upon request.

The officers did not recall the incident and the complainant stated that both officers mumbled something when he requested their information.

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

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

COMPLAINT DATE: 08/12/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer used handcuffs improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant is a doctor working at a hospital. She stated that the named officer brought an arrested individual to the hospital for medical treatment. The complainant said her patient was handcuffed to a gurney despite the patient being cooperative and behaving appropriately throughout their medical stay.

The named officer admitted he handcuffed the patient to the gurney as it was standard practice for anyone in custody while at a hospital. The named officer did not recall if he informed the patient or doctor why handcuffs were used.

The body-worn camera showed the interaction between the named officer and the complainant's patient before their hospitalization. The patient was apprehended after fleeing from officers and was provided with the reason for the arrest. Additionally, the patient told the named officer that they were scared because they had an outstanding warrant. The named officer removed the patient's handcuffs while in the ambulance as the patient was strapped to the gurney by paramedics. The patient inquired about the status of another suspect, and the named officer provided the information that he had available. Lastly, while in the ambulance, a paramedic asked the named officer about the facts of the incident to ascertain the patient's medical needs, and the named officer provided the information. The patient, who was on the gurney, was alert and in close proximity during this exchange.

DGO 5.09 Absentia Booking and Prisoner Security I A 2(a) states that an officer transporting an arrestee to San Francisco General Hospital (SFGH) is responsible for the arrestee until that arrestee is admitted by the "physician-in-charge." Furthermore, DGO 5.09.1 D states, "officers shall take reasonable steps to ensure that prisoners are under control and that the attending staff is protected from potential prisoner violence. Handcuffs or other restraints may be used when a prisoner exhibits a propensity for violence or escape. The use of restraints shall be determined by the prisoner's demeanor and/or action."

The evidence shows that the patient had the propensity because the fled from police officers after 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: 08/12/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was concerned that the named officer never entered her patient's room even though her patient was in the room for hours. Instead, the officer sat outside the patient's room on his smartphone. Per the complainant, the named officer could see the patient because the room's walls were made of glass. Throughout the patient's stay, the complainant asked the named officer to talk to the patient. Specifically, the patient wanted to know why they were arrested and what happened to the other person arrested at the scene. The named officer declined to speak to complainant's patient and stated he had already talked to the patient and answered their questions. Upon completing the patient's medical evaluation, the complainant again asked the named officer if he would see the patient. The named officer again declined. The complainant then offered answers to the patient's questions if the named member would share them.

The named officer stated that he did enter the patient's hospital room; however, he could not recall the number of times this occurred. Furthermore, the named officer stated that he remained outside the patient's room as it was his responsibility to ensure that the patient did not escape his custody. Additionally, the named officer reported not being distracted while outside the patient's room. Regarding the named officer not speaking to the complainant's patient, when requested, the named officer stated that he did so because he had previously answered the patient's questions several times.

The body-worn camera showed the interaction between the named officer and the complainant's patient before their hospitalization. The patient was apprehended after fleeing from officers and was provided with the reason for their arrest. Additionally, the patient told the named officer that they were scared because they had an outstanding warrant. The named officer removed the patient's handcuffs while in the ambulance because the patient was strapped to the gurney by paramedics. The patient inquired about the status of another suspect, and the named officer provided the information that he had available. Lastly, while in the ambulance, a paramedic asked the named member about the facts of the incident to ascertain the patient's medical needs, and the named member provided an explanation. The patient, who was on the gurney, was alert and in close proximity during this exchange.

DGO 5.09 Absentia Booking and Prisoner Security I E1 states:" (a) Officers should station themselves outside the treatment room unless the attending medical staff requests to remain with the prisoner. (b) For less extensive treatment, officers shall decide, after consultation with the attending medical staff, whether it is reasonable to accompany prisoners into the treatment rooms or to station themselves outside. (c)

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

COMPLAINT DATE: 08/12/22 COMPLETION DATE: 02/13/23 PAGE# 3 of 3

Officers shall take reasonable steps to maintain visual contact with prisoners. If the treatment room has more than one exit door, an officer shall be positioned at each exit to prevent escape."

Body-worn camera footage showed that the named officer had answered the patient's question several times at the arrest scene and in the ambulance during the journey to the hospital. The named officer admits to not answering the patient's questions in the treatment room because he had already answered the same questions multiple times. Department policy showed that when the officer waited outside the treatment room and viewed the patient through the glass windows, he followed the policy correctly.

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: 08/15/22 **DATE OF COMPLETION:** 02/13/23 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer misrepresented the truth in a report about a traffic collision that involved the complainant.

The named officer stated that he was unable to determine which party was at fault. The named officer stated that there were no independent witnesses or surveillance footage. The named officer believed he completed the report accurately with the evidence available.

The body-worn camera footage showed the named officer and other officers talking to the complainant, the other driver, and witnesses on scene. The witnesses told officers they did not see the initial incident and so could not assist in providing evidence about who was at fault for the collision. The complainant and the other party involved were interviewed and both gave conflicting versions of events. Both told officers that they had a green light when they were struck. The named officer expressed to other officers that there were no independent witnesses and there was no way to determine who was at fault.

The report in question stated that there was no surveillance footage of the incident and no way to determine cause of the incident. The statements of both parties were accurately written in the report.

The report was an accurate representation of what was shown on the body-worn camera footage.

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: 08/17/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant walked into a convenience store to shop. The complainant stated that the named officer was staring at him, which he perceived as threatening. The complainant told the officer that he should not follow him too closely, and the named officer replied, "It's a free country and I can stand where I feel like standing." The complainant asked for the named officer's star. The officer provided his star number but added, "Can't you see? I don't think you'll be able to remember that." The complainant believed that the named officer's demeanor was rude and arrogant.

Department General Order (DGO) 2.09 states that officers are required to treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

The named officer was assigned to an overtime shift at the convenience store. He did not remember the incident or speaking with anyone matching the complainant's description.

The DPA acknowledges the complainant's perception of the interaction. However, there was a lack of independent evidence to substantiate the allegation.

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

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

COMPLAINT DATE: 09/01/22 COMPLETION DATE: 02/13/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer tried to prevent paramedics from accessing them. Paramedics attempted to give the complainant a chair to sit on but were blocked by the police rushing past them. No one identified themselves to the complainant.

The named officer responded to the call for service, and his involvement in the call was as the Primary Officer. The named officer stated that law enforcement and paramedics simultaneously arrived at the complainant's residence. The officer stated that he identified himself before entering the complainant's room and did not recall blocking paramedics from providing a chair to the complainant. The officer further noted that he did not prevent paramedics from rendering aid to the complainant.

The body-worn camera footage showed that the named officer knocked on the complainant's door and identified himself before he entered the room. Officers and paramedics were in the hallway outside of the complainant's door. The officer attempted to guide the complainant to the paramedics entering their room. The officer stated that he needed to ensure that the complainant, who was holding onto their abdomen, didn't have the weapon used to inflict themselves. The named officer then attempted to guide the complainant to the paramedics but stopped once they informed the officer that they were hurting them. While the paramedics rendered aid to the complainant, the named officer moved to a different part of the residence to do a cursory search for the weapon. Upon leaving the complainant's room, the named officer stepped over the complainant as they were in a narrow hallway leading to the exit of their door.

The video footage showed that the officer identified himself before entering the room, did not hinder paramedics from gaining access to the complainant, and did not stop paramedics from offering a chair to sit on. The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

COMPLAINT DATE: 09/01/22 COMPLETION DATE: 02/13/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer detained a person for a mental health evaluation without justification.

The named officer stated that he did detain the complainant as the complainant had stabbed themselves with a pair of scissors in the abdomen and was a danger to themselves.

The Department of Emergency Management (DEM) records showed that a call was made regarding a resident needing medical treatment due to self-harm. Per the caller, the complainant admitted to self-harm but made no statements regarding suicide. Additionally, the caller attempted to enter the complainant's room but was unsuccessful, as the complainant would not allow them to enter. It was also noted that the complainant made a separate earlier call to DEM but did not provide them with their complete information.

Department records and body-worn camera footage confirmed that the complainant was a danger to others and met the criteria for a Psychological Evaluation. In particular, the footage recorded when the officer told the complainant he wanted to make sure they would not hurt anyone, the complainant replied they would not hurt anyone except themselves.

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

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

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

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

COMPLAINT DATE: 09/01/22 COMPLETION DATE: 02/13/23 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer forcibly tried to get them into a chair. The complainant stated they were grabbed, pushed, and dragged.

The named officer stated that both officers and paramedics arrived outside the complainant's building together, were escorted inside by staff, and arrived simultaneously at the complainant's room. The named officer admitted touching the complainant on the shoulder to look for the object that was lodged into them. The reason for doing so was to ensure that the scene was safe for paramedics and firefighters. The named officer denied preventing paramedics from rendering aid to the complainant. The named officer did not recall the complainant expressing that he was hurting them.

The body-worn camera footage showed that the named officer spoke with a staff member at the complainant's residence. The staff member informed the officer that the complainant had stabbed themselves and proceeded to escort both officers and paramedics to the complainant's room. The named officer was the first person to enter the complainant's room. He attempted to check the area of the wound that the complainant was holding. The named officer guided the complainant towards him as the paramedics were directly behind him. The complainant told the officer to "stop" because he was hurting them. The named officer immediately stopped, moved away from the complainant, and walked further into their room to scan and look for other potential weapons. While paramedics were assessing the complainant, the named officer radioed in a status update to which the complainant became angry at the officer. The named officer then offered to leave and said he just wanted to ensure they wouldn't hurt anybody. The complainant confirmed that they wouldn't hurt anyone but themselves. The named officer then explained that he would be walking past the complainant, who was on the floor, so the paramedics could continue providing medical aid.

The named officer made physical contact with the complainant; however, the contact that was made appeared to help the complainant move closer to the paramedics behind him. Once the complainant responded negatively to the named officer's presence, the named officer proceeded to leave the complainant's space. The evidence process that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/22 DATE OF COMPLETION: 02/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Proper Conduct

FINDINGS OF FACT: The complainant stated that a homeless person broke into the apartment building he owns and stole items from the elevator room. The complainant said that on the date of the burglary, two tenants called 911, but no officer responded. The tenants later contacted the complainant. When he arrived at his property, one of the tenants pointed out the suspect, who was standing outside. The complainant said the incident was the fifth burglary to occur in his building, and no officer has responded to investigate.

As officers responded to the burglary call, they were redirected by Dispatch to an emergency battery call, in which a physical attack was ongoing. The officers added that dispatchers eventually canceled the burglary call at the caller's request because he needed to leave his location. The officers stated they eventually responded to the complainant's address concerning another call about a possible burglary suspect loitering outside the building. On their way to that call, they were again preempted to take a higher priority call for service. The officers stated that after the higher priority call, they responded to the complainant's address and saw a white male standing outside the front entrance of the building. They reported asking the man's name and why he was there. The man said he was waiting for a friend. The officers stated they asked Dispatch to call the reporting party for more information. The call went to voicemail. The officers stated they released the person due to a lack of additional information about the suspect from the caller.

Department and DEM records corroborated that the named officers were dispatched to the burglary call but were redirected to respond to an A-priority call regarding a battery in progress. Dispatch eventually canceled the burglary call because the caller was no longer available to meet the officers.

Department records revealed that the same tenant called 911 again and reported seeing a possible burglary suspect loitering outside the building. The caller was apprehensive that the person might again break into the building. The named officers were dispatched to the call but again preempted to respond to an A-priority robbery.

After completing the robbery call, the officers responded to the complainant's building regarding the potential suspect loitering on the premises. Department records showed the officers had dispatch call the reporting party after they arrived, but the call went to voicemail, and there was no one at the scene to

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/22 DATE OF COMPLETION: 02/13/23 PAGE# 2 of 2

identify a man outside as the burglary suspect. The officers eventually cleared the call after conducting a record check on a white male who was at the scene.

Footage from the officers' body-worn cameras showed that the officers did encounter a man outside the complainant's building, spoke to him, and tried to obtain more information from the reporting party. The footage showed that the officers released the man after a brief discussion with him about what he was doing at the location. The officer did not have any legal basis to take any further action with the man at that time.

DGO 1.03, Duties of Patrol Officers, states in part:

8. RESPONDING TO CALLS

- a. Respond promptly to assigned calls, regardless of the area of assignment. Acknowledge assigned calls by radio, not by telephone.
- b. When in the immediate vicinity of a serious incident, respond and render assistance to the unit assigned.
- c. When out of service on a lower priority incident and directed by Communications Divisions to take a more urgent assignment, acknowledge and respond to the more urgent assignment.

The evidence showed that the named officers were twice redirected from the complainant's burglary call to take higher priority calls. The officers' decision to take the higher-priority calls was proper, according to Department regulations.

The evidence proves that the act alleged in the complaint occurred. However, the alleged act was justified, lawful, and proper.

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

COMPLAINT DATE: 09/12/22 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant was driving northbound on a busy street when he saw the officer's vehicle drifting towards the line on the traffic lane and the complainant's vehicle without signaling. When the complainant was alongside the officer's vehicle at the stop light, he saw the officer had their cell phone on the steering wheel while continuing to text. After the light turned green, the complainant saw the officer continue texting while driving.

Department General Orders 2.01 (General Rules of Conduct) states, "Members shall take proper care of all Department property entrusted to them and shall be personally liable for its loss or damage due to negligence. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner."

The complainant provided the officer's vehicle number and a description of the officer. Department records confirmed the vehicle was allocated to the District Station where the incident occurred. However, the records show that the vehicle was not assigned to an officer on the day of the incident. Attempts to identify the officer described by the complainant were unsuccessful.

No findings are made if the officer cannot reasonably be identified.

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

COMPLAINT DATE: 09/13/22 COMPLETION DATE: 02/14/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported to the named officer that the suspect stole her phone. She said the named officer arrived on the scene, let the suspect leave, and did not detain the suspect.

The named officer stated he responded to the incident after hearing shouting and commotion. The officer notified Dispatch and interviewed everyone involved. He said the complainant alleged that her phone was stolen but observed that the complainant possessed her phone in her hand. The complainant was upset and agitated when the named officer tried to ascertain information about the incident and responded with a barrage of name-calling directed at the named officer. The officer said he offered to write a police report, but the complainant declined. The complainant continued to be verbally combative towards the named officer and did not request to make a Citizen's Arrest.

An independent witness said he reported to the named officer that the alleged suspect was not the aggressor and did not try to take the complainant's phone. He said the named officer tried to help and interview the complainant, but she was belligerent while cursing at everyone in the area. The witness heard the complainant's request to press charges against the suspect with the named officer. The witness said the alleged suspect voluntarily stayed on the scene and did not try to leave when the named officer arrived. He said the complainant did not allow the named officer to explain due to her demeanor.

Department records, including an incident report, indicated that when the named officer approached the complainant after hearing a loud commotion in the area, he saw the complainant holding her phone in her hand. The officer attempted to obtain more information from the complainant. However, she was unwilling to elaborate on what happened.

Body-worn camera (BWC) footage showed that the complainant had her phone in her hand and tried to show officers the video of the alleged suspect.

Department General Order 5.04 (Arrest By Private Person) states the following responsibilities of the Responding Member:

“Bearing in mind the potential for bias by proxy, determine if reasonable suspicion exists to justify detaining the subject pending further investigation. If reasonable suspicion does not exist, the subject is free to leave. Furthermore, bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause

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

COMPLAINT DATE: 09/13/22 COMPLETION DATE: 02/14/23 PAGE# 2 of 3

exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate. If probable cause does not exist, accept the arrest and advise the individual that they are free to leave."

Evidence proves that the named officer did not have reasonable suspicion to detain the suspect or probable cause to arrest due to the complainant possessing her phone, witness statements, and the complainant's unwillingness to elaborate further on what happened.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: A few minutes after the phone incident, the complainant called 9-1-1 to report that a group of men had assaulted her. She said the named officer arrived on the scene, let the suspects leave, and then left.

The named officer said he attempted to establish rapport with the complainant, but she declined to talk to him. The officer tried to interview the complainant, but due to the lack of information, the complainant's demeanor, and her refusal to answer questions, the named officer could not obtain information and establish probable cause to make an arrest.

A witness officer stated that he observed the complainant from a distance on the phone with dispatch, and a big group of men did not surround her.

Department records, including an incident report, documented that the complainant reported multiple suspects assaulted her. The officers, including the named officer, initiated action by attempting to investigate the incident. However, other records showed that the suspects were not at the scene when the officers arrived and had difficulty ascertaining information from the complainant because she was yelling and was uncooperative.

Department General Order 5.04 (Arrest By Private Person) states the following responsibilities of the Responding Member:

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

COMPLAINT DATE: 09/13/22 COMPLETION DATE: 02/14/23 PAGE# 3 of 3

“Bearing in mind the potential for bias by proxy, determine if reasonable suspicion exists to justify detaining the subject pending further investigation. If reasonable suspicion does not exist, the subject is free to leave. Furthermore, bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person’s arrest and book or cite the individual as appropriate. If probable cause does not exist, accept the arrest and advise the individual that they are free to leave.”

Body-worn camera footage showed the named officer and other officers speaking with the complainant. The complainant said she was assaulted and showed the officers pictures of one suspect. The complainant did not request a Citizen’s Arrest with any of the officers, including the named officer. She also did not point out any suspects still on the scene and informed officers that the suspects had already fled the scene before police arrival.

The evidence showed that the officers did not make an arrest because they did not see any suspects on the scene surrounding or assaulting the complainant. Furthermore, the named officer could not obtain information from the complainant and establish probable cause on a suspect.

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: 09/01/22 COMPLETION DATE: 02/14/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was the victim of an apartment break-in and identity theft. The complainant tried to report the incident four different times. However, each time he went to a district station, no officer was available to take his report. Although a Cadet offered to take the report, the complainant wanted an officer to take the report.

Department Bulletin 21-087, Requests for Service, states that writing incident reports is a primary function of patrol officers. However, there is no requirement that all reports be prepared by sworn officers. To manage police resources, the Department may use Police Service Aides to take reports and perform other administrative aspects of criminal investigative work efficiently and effectively.

Department records showed that the complainant filed has a history of filing impersonation reports. In this matter, the complainant acknowledged that he refused an offer for a Police Service Aide to take his report because he wanted to be helped by an officer.

Although the complainant would have preferred to work with an officer to make his report, it was appropriate for SFPD to assign a Police Service Aide to assist the complainant.

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

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

COMPLAINT DATE: 09/01/22 COMPLETION DATE: 02/14/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The Police Department failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated SFPD did not take his case seriously. No one followed-up or arranged to visit his apartment to look for evidence.

Department records and body-worn camera footage showed that the complainant reported his belief that an unknown person hacked his email account, which could potentially provide access to his personal information, including financial and social media accounts. Department records also showed that the case was referred to the SVU-Financial Crimes Unit; however, the case was not assigned for follow-up investigation.

Department Notice 20-107, Assignment for Investigation, states in part:

It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner. Therefore, the Investigations Bureau Lieutenants and the Station Investigation Team (SIT) Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an Investigator.

The Bulletin also outlines factors to consider before assigning cases for further investigation, including staffing levels, the crime's severity, solvability, and the presence or lack of physical evidence. The Department must manage its resources reasonably and effectively. Unassigned inactive cases remain open and investigations may be activated if new information is presented.

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

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

COMPLAINT DATE: 10/06/22 **COMPLETION DATE:** 02/14/23 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer compromised an official investigation.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer was assigned to investigate an assault he reported to the police. The officer said the officer could not be present when a photo lineup was to be conducted because he had a conflict of interest and that another investigator would be conducting the photo lineup. The complainant stated the named officer compromised the investigation because he was at the police station and lingered around the room when another investigator conducted the photo lineup. The complainant stated that the named officer was not in the room during the photo lineup; however, he said that his presence at the station and his lingering near the room compromised the investigation and resulted in no one being arrested.

The named officer stated he was assigned to investigate the complainant's assault and arranged a photo lineup conducted by another investigator not affiliated with the investigation. He stated it is a "best practice" that the assigned investigator should not be the same person conducting the lineup procedure with a witness. He stated that instead, another investigator who does not know the suspect's identity should be the person conducting the lineup procedure. He stated this technique is commonly known as "blind administration."

The named officer stated he was present at the station when the complainant appeared for the photo lineup as he wanted to thank the complainant for his time and be available to answer any questions he may have. He stated he was not in the room when the photo lineup procedure occurred and did not linger near the room. The officer stated he waited in the parking lot area of the station until the other investigator notified him that the lineup was completed. He said that when the complainant was leaving, the complainant pointed his finger at him and said something similar to "It was the guy in the picture I sent you." The named officer stated he discontinued the investigation because of victim/witness identification and credibility issues. He stated his presence at the station did not contribute to the reason why the investigation was discontinued.

The witness officer who conducted the photo lineup stated the named officer asked him to conduct the photo lineup because he did not know the suspect's identity. He stated the named officer did not participate in the photo lineup as he remained outside and was never in the room with himself and the complainant. He stated the named officer did not linger near the room, nor did he conduct himself in a manner that would compromise the investigation.

Department records indicate that the named officer was assigned to investigate the complainant's assault and that the witness officer conducted the photo lineup for the named officer. In addition, the records

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

COMPLAINT DATE: 10/06/22 COMPLETION DATE: 02/14/23 PAGE# 2 of 2

document that the investigation was closed due to the complainant's credibility and suspect identification issues.

Department Bulletin 20-093 (Photo Lineup and Live Lineup Guidelines) states in the relevant part that the investigator conducting the identification procedure shall use "blind administration," where the administering investigator conducting the lineup procedure does not know the identity of the suspect.

The named officer complied with Department policy when he asked another investigator to conduct his photo lineup. He did not violate Department policy by his mere presence at the police station when another investigator conducted the photo lineup in another room.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/22 **COMPLETION DATE:** 02/14/23 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer attempted to run him over as he walked across the street. He also asserted that the police vehicle began to speed up and the vehicle had no sirens on. The complainant was unable to get the vehicle number or take a picture. Additionally, the complainant provided a timeframe of one year.

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

The identity of the alleged officer could not be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not be reasonably identified, or the officer has left the Department and therefore the investigation cannot be completed.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer attempted to run him over as he walked across the street. He also asserted that the police vehicle began to speed up and the vehicle had no sirens on. The complainant was unable to get the vehicle number or take a picture. Additionally, the complainant provided a timeframe of one year.

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

The identity of the alleged officer could not be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not be

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/22 COMPLETION DATE: 02/14/23 PAGE# 2 of 2

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

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

COMPLAINT DATE: 11/07/22 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers failed to write an incident report about his neighbors throwing items against his front door.

The complainant failed to provide further information. The date and time of the incident were not provided. The complainant also could not provide names or star numbers of the officers involved. The complainant failed to respond to requests for further information.

Without further evidence the allegation can not be investigated.

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: 12/12/23 **COMPLETION DATE:** 02/16/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an unknown officer was rude and impatient. The officer ordered his friend, who was picking him up at the airport, to move her car even though the complainant was within eyesight and walking distance. The only description provided by the complainant was that the officer was female.

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

DPA obtained video surveillance footage. However, the footage quality was poor and could not help identify the officer involved in the incident.

The identity of the alleged officer could not be established.

No findings are made if the officer cannot reasonably be identified.

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

COMPLAINT DATE: 12/26/22 **COMPLETION DATE:** 02/16/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/SFDA

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

San Francisco District Attorney's Office
Attn: Operations Manager
350 Rhode Island Street
San Francisco, CA 94103

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

COMPLAINT DATE: 12/27/22 **COMPLETION DATE:** 02/16/23 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated he became upset and “cussed out” a female officer taking his report regarding fraudulent activity. He said he became frustrated because she kept asking him the same questions. The complainant stated the named officer, standing nearby, raised his voice and told him not to speak to her in that manner. The complainant stated the named officer scared him because he raised his voice and had a gun on his hip.

The named officer stated he observed the complainant behind bulletproof glass from a distance of 25 feet away, screaming at officers sitting at the police station’s front desk. He said the complainant was demonstrating pre-assaultive behavior, which caused him to tell the complainant not to speak to the officers in such a manner. He stated he did not scream or yell, but he spoke with the volume necessary to clearly communicate with the complainant on the other side of the bulletproof glass. He said the complainant calmed down once he was addressed. The named officer stated he acted appropriately and within Department policy.

The witness officer stated she observed the complainant screaming at the officer sitting at the police station’s front desk. She could not hear the exact words because the complainant was standing behind bulletproof glass. The witness officer stated the named officer spoke loudly to get the complainant to stop screaming. She said the named officer told the complainant, “Don’t talk to her like that.” She stated the named officer acted appropriately to gain control of the situation.

Department records indicate that the complainant responded to the district police station to make a report of fraud.

Body-worn camera footage was unavailable as activation was not required for this incident.

DPA obtained the district police station surveillance footage. However, the footage did not contain audio or images of the officers involved.

Department General Order 2.01 states in the relevant part that officers “shall treat members of the public with courtesy and respect and not use harsh, profane or uncivil language.”

The complainant admitted that he yelled and “cussed out” an officer sitting at the front desk at the police station. The complainant never alleged that the named officer used profane or uncivil language, only raised his voice. Based on the evidence and given the circumstances, the named officer acted

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

COMPLAINT DATE: 12/27/22 COMPLETION DATE: 02/16/23 PAGE# 2 of 2

appropriately to de-escalate the situation and did not violate Department policy when he raised his voice to caution the complainant.

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: 01/01/23 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

COMPLAINT DATE: 01/15/23 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/DEM

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

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

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

COMPLAINT DATE: 01/17/23 COMPLETION DATE: 02/28/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated his roommate assaulted him and threw his laptop out of his window. He stated the named and other officers arrived and issued his roommate a citation. The complainant stated that shortly after the officers left the scene, he called and asked them to return because he had recovered his laptop in the neighbor's yard and wanted to file a police report. The complainant stated the named officer acted unprofessional when she told him, "I have better things to do."

Department records indicate that the named officer responded to the complainant's residence regarding a report of an assault and theft of a laptop.

Body-worn camera footage showed the named officer meeting with the complainant, who indicated his displeasure that she did not remain on the scene while he looked for his laptop. The named officer responded, "Do you think we have nothing else better to do? I had to go to another call."

Department General Order 2.01 states in the relevant part that officers "shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language."

The comment made by the named officer did not involve harsh, profane or uncivil language. Although the named officer could have expressed herself better, her conduct does not rise to the level where discipline would be warranted, which requires that misconduct be proven by a preponderance of the evidence.

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

COMPLAINT DATE: 01/23/23 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 01/25/23 COMPLETION DATE: 02/14/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 02/01/22 COMPLETION DATE: 02/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 02/02/23 COMPLETION DATE: 02/16/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/IAD

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

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