

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/21 **DATE OF COMPLETION:** 01/21/23 **PAGE# 1 of 6**

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer unlawfully detained her juvenile daughter.

The named officer stated he lawfully detained the complainant's juvenile daughter because she was walking with an individual who the officer had credible information was armed with a firearm, she ran from officers when officers ordered her and the individual to stop, and she posed a safety risk to officers as she ran towards officers who were in a struggle on the ground with an armed subject. Based on his training and experience he is aware that subjects who carry firearms will often have females or significant others carry weapons for them to elude police detection. Based on the totality of circumstances, the named officer had legal justification to detain the complainant's juvenile daughter.

Department records revealed that a police operation was instigated based on credible confidential information that the adult with the complainant's daughter took a concealed gun onto school grounds every day. Department records showed the complainant's juvenile daughter was detained and handcuffed by the named officer after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

Body-worn camera (BWC) footage showed the complainant's daughter was in the company of the target of the police operation. The footage showed the daughter ran when ordered to stop by officers and then ran towards officers as they struggled with the companion on the ground. The named officer took physical control of the complainant's juvenile daughter and placed her in handcuffs. In addition, the footage showed that other officers placed her companion in handcuffs and discovered a concealed firearm in his pant leg.

Department General Order 5.03 (Investigative Detentions) states in the relevant part that officers must have reasonable suspicion that a crime is or was about to occur and the person detained is reasonably connected to the crime.

The evidence supports that the named officer acted within Department policy and lawfully detained the complainant's juvenile daughter as she was in close physical proximity to her companion, who was arrested on a warrant and was also arrested for the concealed firearm on his person.

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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: U

FINDINGS OF FACT: The complainant and her daughter stated the named officer grabbed the complainant's daughter and slammed her into a wall or car when he detained her and placed her in handcuffs.

The named officer denied using any force on the complainant's juvenile daughter.

Department records indicate the complainant's juvenile daughter was detained and handcuffed after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

BWC footage showed the named officer calmly placed the complainant's juvenile daughter into handcuffs without incident. The footage showed the complainant's daughter as cooperative and did not show the named officer or any other officer used force on the daughter.

Department General Order 5.01 states in the relevant part that officers must use the lowest level of force necessary to achieve a lawful objective.

Evidence shows the named officer did not use any force on the complaint's daughter, as alleged. Therefore, the named officer did not violate Department policy.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer should not have placed her juvenile daughter into handcuffs upon her detention.

The named officer stated he placed the complainant's juvenile daughter in handcuffs because she was walking with an individual who he believed was armed with a firearm, she ran from officers when she and the individual were ordered to stop, and she posed a safety risk to officers as she ran towards officers that were in a struggle on the ground with an armed subject.

Department records indicate the complainant's juvenile daughter was detained and handcuffed after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

Body-worn camera (BWC) footage showed the complainant's daughter was in the company of the target of the police operation. The footage showed the daughter ran when ordered to stop by officers and then ran towards officers as they struggled with the companion on the ground. The named officer took physical control of the complainant's juvenile daughter and placed her in handcuffs. In addition, the footage showed that other officers placed her companion in handcuffs and discovered a concealed firearm in his pant leg.

The San Francisco Police Department Arrest and Control Manual allows officers to place a subject in handcuffs when they are being arrested for a felony offense when the subject is a violent misdemeanor, or anytime the arresting officer deems it necessary.

The named officer's discretion to place the complainant's juvenile daughter in handcuffs was justified per policy as he deemed it necessary based on her behaviors.

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

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SUMMARY OF ALLEGATION #4: The officer improperly touched a juvenile in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer inappropriately touched her juvenile daughter's breasts and waist area when he searched her body. In addition, she stated the named officer made her daughter uncomfortable when he stood over her, placing his genitals in her proximity.

The complainant's juvenile daughter stated the named officer touched her breasts when he searched her body. In addition, she stated he also made her feel uncomfortable by placing himself in a position where his genitals were too close for her comfort.

The named officer stated he did not search the complainant's juvenile daughter. He stated the only physical contact he made was grabbing her wrists and hands to place her into handcuffs. In addition, the named officer stated that the allegation that his genitals were too close to her was "utterly absurd and childish." He stated he did not conduct himself in an inappropriate manner.

Witness officers stated they did not see the named officer act inappropriately toward the complainant's juvenile daughter.

Department records indicate the complainant's juvenile daughter was detained and handcuffed after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

BWC footage showed the named officer calmly placed the complainant's juvenile daughter into handcuffs without incident. He did this by grabbing the daughter's wrists briefly to facilitate the handcuffing. The footage showed the complainant's daughter as cooperative. It did not show the named or any other officer pat searched or touched the complainant's juvenile daughter inappropriately or sexually. In addition, the footage did not show the named officer placed his body in any manner that could be construed as sexually inappropriate.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer acted inappropriately when he photographed her juvenile daughter without parental permission.

The complainant's juvenile daughter stated the named officer photographed her without consent.

The named officer stated he was not required to obtain parental consent to photograph the complainant's juvenile daughter. He stated he photographed her to document that she did not sustain injuries. In addition, he stated photographing detained subjects is an effective tool for future identification purposes.

Department records indicate the complainant's juvenile daughter was detained and handcuffed after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

BWC footage showed the named officer told the complainant's juvenile daughter that he was going to take her picture. The footage captured that the daughter consented.

Department policy does not prohibit officers from photographing subjects.

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

SUMMARY OF ALLEGATIONS #6-7: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated the named officers unlawfully searched her juvenile daughter's property.

The complainant's juvenile daughter stated when she was detained, her backpack was unlawfully searched by the named officers.

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The named officers denied searching the complainant's juvenile daughter's property.

Witness officers stated they did not observe any officer search the complainant's juvenile daughter's property.

Department records indicate the complainant's juvenile daughter was detained and handcuffed after her adult companion was lawfully stopped by the police and subsequently arrested for carrying a firearm.

Body-worn camera (BWC) footage showed the named officers asked their supervisor if there was probable cause to search the juvenile's backpack. The named officers' supervisor indicated that he "doubted" there was probable cause, and the property was subsequently not searched and set aside.

The evidence shows that the named officers did not search the property as alleged.

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

SUMMARY OF ALLEGATION #8: The complaint raises matters outside the DPA's jurisdiction.

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

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

SF Police Department - ISD
1245 Third Street
San Francisco, CA 94158

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SUMMARY OF ALLEGATIONS #1-3: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated she told the officers that the management of the Hostel/SRO changed the locks to her room without a court order. When she showed them mail and supporting documents to confirm her residency at the Hostel, the officers told her that she had to leave and escorted her off the property.

Named officer #1 stated that the hostel staff wanted the complainant to leave the hostel. He stated that based on the hostel's policy, the complainant was asked to leave the hostel, and she agreed. Named officer #1 stated that the complainant returned to the hostel, refused to leave, and was trespassing. He stated that management did not want to press charges against the complainant but wanted her to leave.

Named officer #2 stated that the hostel staff wanted the complainant removed from the hostel because the complainant was not a valid guest.

Named officer #3 stated the complainant was not escorted off the property but that she agreed to find a different place to stay for the evening. He stated that the complainant was trespassing because she did not have an agreement or consent from management to occupy the property.

California Penal Code 602 Section (o) states that refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession. The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested.

BWC footage showed that named officer #2 asked the complainant to leave the hostel and the complainant agreed. However, before leaving the complainant informed the officers that she would not be able to remove her belongings from the room and asked the officers to talk to the hostel staff and tell them that they could not remove her property without a court order.

A statement generated by a hostel staff member on the day of the incident documented that the complainant was trespassing, refused to leave, and police were called. The statement also documented.

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that everyone agreed to give the complainant time to find a place and pick up her personal belongings in the morning.

The evidence showed that the complainant was trespassing and when the officers asked the complainant to leave, she agreed.

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

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

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

FINDINGS OF FACT: The complainant stated the officers did not investigate her illegal eviction. Although she told the officers that the hostel staff illegally locked her out of her room and provided proof of residency, the officers did not tell the staff that the things they had done were illegal. Without her consent, the hostel staff took possession of her property, disposed of it, and changed the locks.

Named officer #1 denied the allegation. He stated that the complainant wanted them to determine if she was allowed to stay because she believed the hostel was an SRO. However, named officer #1 stated that the policy that was posted in the lobby said, "no stays past 14 days are allowed." He stated that based on the policy, the complainant was asked to leave, which she agreed.

Named officer #2 denied the allegation. He stated that the complainant wanted them to investigate why the staff changed the locks to the room where the complainant's belongings were. The complainant believed that action was illegal. Named officer #2 stated that they did not investigate the complainant's eviction, because that was a civil matter. He stated that they were investigating if she was trespassing.

Named officer # 3 stated that the hostel's policy said no stays longer than 14 days are allowed. He stated that the complainant had been at the hostel for longer than 14 days and the staff wanted her to leave.

BWC showed that the officers obtained a statement from the complainant regarding management locking her out, her claim to residency despite the 14-day policy, and her belief that the hostel was an SRO. The footage also showed the officers review the complainant's paperwork. The officers obtained a statement from the hostel staff. The officers told the complainant and the hostel staff that the changing of the locks was a civil matter. All parties agreed the complainant would leave that night and return in the morning to get her belongings.

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The evidence showed that the named officers conducted a thorough and proper investigation. They listened to both parties and came to a resolution; however, the officers were not required to investigate the eviction as it was a civil matter.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer told her officers had more important things to do and that responding to her call was a waste of their time.

The named officer stated he spoke to the complainant and attempted to explain to her that her incident was a civil matter. He acknowledged that he told the complainant that there was a lot of violent crime going on in the City, but he was not trying to disregard her situation as not important. He stated that he was trying to inform her of the staffing issues and the possibility of them having to break for an emergency type call for service since her issue was a civil one, and not one that allows for police action.

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

The body-worn camera footage showed the named officer informed the complainant that the issues she brought up were in the civil category. The named officer asked her if she was trying to spend another night there and she told him that she would leave for the night but not take her belongings. The named officer then told her that was all he wanted to know because there was a lot of violent crime going on outside and was not saying her situation was not an emergency but that there were only two units, and the unit that responded to her incident was one of them.

Although the complainant perceived the officer was being dismissive, there was not a law enforcement action that could be taken, as it was a civil matter. The evidence showed that the officer acknowledged that the complainant's issue mattered and that the officer's comments did not rise to the level of misconduct. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers yelled at her, told the staff that they could dispose of her property, and told the staff that they did not have to allow her back in the building.

Named Officer #1 stated that all parties agreed to a plan where the complainant would find a place to stay for the night and the complainant would request a citizen standby the following day to retrieve her items from the lobby. He stated that he did not tell management to throw out the complainant's property.

Named Officers # 2 and 3 denied the allegation, stating that they did not tell the management not to let the complainant inside the property nor did he give them permission to throw out her property.

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

The body-worn camera footage did not support the complainant's statement. The footage showed named officer #2 inform the management that the complainant was leaving but could not take her belongings. The manager told the officer that he would put her things outside. The complainant overheard and became upset, believing that management was going to throw her things away. Named Officer #2 told the complainant that he told management not to do that. The footage showed that the complainant was not present for the remainder of the conversation when the named officers informed the management that they were not taking sides and explained the complainant's claim to residency. The named officers had both parties agree to allow the complainant to do a standby the next day to get her belongings.

The witness statement corroborated the officers' statement.

The evidence showed that the officers obtained statements from both parties and did not take sides as they mediated the situation at hand. The evidence showed the complainant was not present for the officers' conversation with the management. The evidence showed that the officers did not yell at the complainant and did not give the management permission to dispose of her property.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS # 11-13: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated the officers lied and told her they would make a report.

Named officer # 1 stated that he did not tell the complainant that he would write a report.

Named officer # 2 stated that the management did not want to press charges for trespassing, and it was determined to be a civil matter. He said once the complainant left the building there was no criminal matter (trespassing) to document.

Named officer #3 stated that he did not tell the complainant that he would write a report.

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

Department of Emergency Management records documented the incident as a fight with no weapons. The hostel staff called 9-1-1 to report the complainant refused to leave and that the staff locked herself in the bathroom to feel safe. The officers responded and determined that it was civil matter regarding residency. The complainant was provided the CAD number and would request a civil standby to pick up her personal belongings the next day.

The body-worn camera footage showed the complainant asked several times for a report and it also showed that officers told the complainant multiple times that this was a civil matter and that their hands were tied but just wanted to resolve the conflict for the evening.

The evidence showed that the officers were not required to prepare an incident report as the incident became a civil matter regarding the complainant's residency. The complainant was not detained.

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

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

FINDINGS OF FACT: The complainant stated the officers did not provide her their badge numbers after she requested them. She stated that she had to call 311 the next day to obtain the information.

Named Officer #1 stated that he did not recall if the complainant asked for his badge and name but stated that he always provides both when requested.

Named officer #2 stated that if the complainant asked for his name or badge, then he provided an answer. He could not recall how he provided the information either written or verbally.

Named officer #3 stated he did not recall if the complainant asked for his name or badge number.

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

Department of Emergency Management records documented that the complainant was provided the CAD number for the incident. The CAD number would assist in identifying the responding officers.

While their body-worn cameras were activated, the complainant did not ask for the officers' names and star numbers. However, the officers deactivated their BWCs after they arranged for the complainant to return the next day with a standby to retrieve her belongings.

The evidence showed that the officers did not recall the complainant asking for their names and star numbers and BWC did not capture the complainant asking for the information. However, it was possible that the complainant may have requested the names and badge numbers after the officers deactivated their body-worn cameras.

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

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SUMMARY OF ALLEGATION #17: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was rude and dismissive when she spoke to him about her incident. The complainant stated the named officer refused to answer basic questions and refused to give her a card to write his information down.

The named officer stated the complainant came to the station to speak to a supervisor about a call for service. He explained that the responding officers escorted her from the premise because she was trespassing. The named officer said the complainant asked for his name and star number which he provided orally but he did not recall if she asked for a pen or paper. He said the body-worn camera showed she had both in her hands. The named officer described his demeanor as calm and helpful. He denied having a dismissive attitude towards the complainant during his interaction with her. He also denied raising his voice and being rude to the complainant.

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

The body-worn camera footage corroborated the named officer's statement. The footage showed the named officer answer the complainant's questions as best he could and explained what trespassing was and that the officers at the scene did not evict her. The footage showed the complainant was argumentative and did not understand the responding officers' role with regards to the hostel's claim of her trespassing. The footage showed that the complainant repeated her questions regarding trespassing. The named officer told her twice that she was not understanding that the hostel said she was trespassing and wanted her to leave. The complainant reacted to the named officer's comment by stepping back and telling the named officer that she was walking away because she was afraid.

The evidence showed that the complainant may have perceived that the named officer was short with her; however, the body-worn camera footage did not support this interpretation. Objectively, the named officer was professional and any perceived dismissiveness did not rise to the level of misconduct. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #18: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer refused to review documents validating her tenancy and refused to disclose the names and star numbers of the officers citing privacy laws. The named officer told the complainant that he could not legally give out an officer's information.

The named officer stated that he did not look at the complainant's documents because it was a civil issue that would fall outside of an officer's legal authority to handle. The named officer stated that he did not want to unintentionally provide information that was not accurate due to the fact that he did not have all the information. Additionally, the complainant asked for the officers' names, which he stated there was no Department policy requiring anyone to provide information about another officer to the public. The officer stated that he did not have a duty to disclose the names of the officers and star numbers because it was not policy. The named officer stated that if the complainant asked him to file a complaint for her, he would have conducted research on all involved officers to investigate the complaint.

DGO 1.04 outlines responsibilities of sergeants regarding supervision, reports and records, notifications and radio contact.

The body-worn camera footage confirmed that the named officer did not review any paperwork, but he provided the name of one of the officers as he reviewed the CAD. The complainant voluntarily left before getting the rest of the officer names. The footage did not show the named officer citing any privacy laws or legal justification for not providing officer names.

The evidence showed that the tenancy was a civil matter and did not require law enforcement action, and the named officer did not refuse to provide the officers' names but that the complainant left before the named officer could provide the remaining officer names.

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

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SUMMARY OF DPA-ADDED ALLEGATIONS #1-3: The officers failed to activate their body-worn cameras as required.

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

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

Named Officer #1 stated he activated his body-worn camera in the elevator on his way to speak with the complainant. He admitted that he did not activate his camera enroute to the scene.

Named Officer #2 stated that he did not activate his body-worn camera enroute to this call and said he activated it in the elevator. He did not remember why he did not activate it while enroute but once he realized it was not activated, he immediately activated it in the elevator on the way to meet the complainant. The officer did state that he met with the front desk worker of the Hostel when he first arrived on scene.

Named Officer #3 stated he did not activate his body-worn camera enroute to the scene, but he did not believe the complainant would still be at the hostel when they arrived. He stated that after they spoke to the staff and learned that the complainant was still on the premises, he activated his body-worn camera.

The named officers' body-worn camera footage began in buffer mode on the elevator on their way to meet the complainant but did not capture the initial interaction with the hotel staff prior to contacting the complainant.

Department Bulletin 20-175 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording while enroute and prior to approaching the person, vehicle, location.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that SFPD used DNA from an individual's sexual assault kit to identify them in an unrelated crime.

Named Officer #1 stated that they were the lead investigator on this case. Named Officer #1 submitted a piece of evidence to SFPD's forensics lab for processing. Soon after, Named Officer #1 received a DNA hit from the crime lab for a possible suspect match. Named Officer #1 then obtained an arrest warrant for the suspect. After learning the match came from a victim's reference sample, Named Officer #1 wrote a search warrant to take a new DNA sample.

The DPA obtained a copy of the forensic report, Crime Lab procedures manual, arrest warrant, search warrant, chronological for this investigation. The forensic report identifies the suspect and the year of the sample; however, it did not show that the DNA matched the suspect's prior sexual assault case. The officer used the DNA match as an investigative lead and obtained an arrest warrant. After learning the DNA match came from a victim's reference sample, Named Officer #1 wrote a search warrant for a fresh DNA sample. Named Officer #1 wrote in the affidavit that the suspect's first DNA match came from an incident where she was a victim.

The evidence showed that the named officer did not violate any SFPD policy or procedures, in place at the time, regarding how the case was investigated.

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

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SUMMARY OF ALLEGATION #2: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that SFPD used the DNA from an individual's sexual assault kit to identify them in an unrelated crime.

Named Officer #1 stated that they were the lead investigator on this case. Named Officer #1 submitted a piece of evidence to SFPD's forensics lab for processing. Soon after, Named Officer #1 received a DNA hit from the crime lab for a possible suspect match. The named officer obtained an arrest warrant approximately one month later. After learning the match came from a victim's reference sample, Named Officer #1 wrote a search warrant to take a new DNA sample.

The DPA obtained a copy of the forensic report, Crime Lab procedures manual, arrest warrant, search warrant, chronological for this investigation. The forensic report identifies the suspect and the year of the sample; however, it did not show that the DNA matched the suspect's prior sexual assault case. The officer used the DNA match as an investigative lead and obtained an arrest warrant. After learning the DNA match came from a victim's reference sample, Named Officer #1 wrote a search warrant for a fresh DNA sample. Named Officer #1 wrote in the affidavit that the suspect's first DNA match came from an incident where she was a victim. The search warrant was reviewed and signed by a Superior Court judge.

The evidence showed that the named officer did not violate any SFPD policy or procedures, in place at the time, regarding how they went about identifying the suspect in the burglary case. Additionally, the named officer disclosed all information known to them when they drafted the arrest and search warrants.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that SFPD used DNA from an individual's sexual assault to identify them in an unrelated crime.

DPA obtained a witness officer's chronological of the investigation. The chronological showed the named officer's interaction with the witness officer in this case.

The evidence showed that the named officer had minimal involvement with the case with his involvement only being identifying an individual based on their name and picture.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: DPA investigated whether SFPD disclosed in their search warrant and arrest warrant that the suspect was a victim in an unrelated crime.

The named officer stated that they mentioned the CODIS database match in the arrest warrant and search warrant they drafted. The named officer stated that they were unaware the DNA match at the time came from an incident where the suspect was the victim in a sexual assault incident.

The DPA obtained copies of the forensic report, arrest warrant and search warrant in this case. The forensic report references a DNA match but doesn't specify that the DNA came from a victim. The arrest warrant included a cut and paste of the forensic report. The search warrant disclosed in bold letters that the prior match came from an incident where the suspect was a victim.

The evidence showed that the named officer was unaware of the original source of the DNA match when they wrote an arrest warrant. When they realized the source, they documented the information in their chronological of the investigation and disclosed it in their search warrant affidavit in bold letters. Therefore, Named Officer #1 did not misrepresent the truth in the arrest or search warrant.

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

SUMMARY OF ALLEGATION #4: The department conducted an improper search or seizure.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: The complainant stated that SFPD used DNA from an individual's sexual assault to identify them in an unrelated crime.

A witness officer submitted evidence to SFPD's forensics lab for processing. Shortly after, the SFPD forensics lab sent the witness officer a lab report showing a DNA match. It was later determined that the match came from a DNA sample of a sexual assault victim.

A witness stated that all DNA samples collected by SFPD were stored in a Quality Assurance (QA) database to detect contamination. The witness stated that the QA database does not identify the origin of the DNA sample in the search results. The witness also stated that the QA database does not identify whether the DNA came from a suspect, victim, consensual sex partner, or witness.

The DPA obtained the Forensic Biology Unit Operating Procedures which outlines how the SFPD maintained their QA Database. The document states that the QA database contains every profile analyzed since 2015 as well as lab staff, lab visitors, and other individuals required to enter the lab. The document states that the purpose of the QA database is to identify contamination by staff or other evidence samples. However, the document instructs lab staff to send any matches not due to contamination to investigators.

The DPA is compiling a Policy Failure report; to be released in Q3 2023.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant alleged that two people followed him in a car and one person later struck him in the face after an argument about stepping in wet cement. Named Officer #1 and Named Officer #2 responded to the scene to investigate. The complainant told them what had occurred and identified a license plate for a work truck involved in the altercation that was parked in front of Suspect #1's home. Named Officer #1 and Named Officer #2 then met with Suspect #1 who stated he did not know Suspect #2 and Suspect #2 had saved him when the complainant had attacked him. Suspect #1 then showed security footage to Named Officer #1. Named Officer #1 wrote in his incident report that this footage showed the complainant had instigated the altercation. The officer did not ensure that the footage was retained. The complainant stated this alleged footage was incomplete and the named officers failed to look up the truck's license plate.

Named Officer #1 and Named Officer #2 were interviewed by DPA. Named Officer #1 was the primary officer and described his investigation. He explained the possible ways an officer could collect video footage, such as, contacting a video retrieval officer, emailing the footage to his work email, or recording the footage with his department-issued cell phone. Named Officer #1 described meeting with Suspect #1 and watching his security footage. He tried to email the footage to his department email; however, the footage never arrived. He did not request a video retrieval officer to collect the footage and he did not record the footage with his department-issued cellphone. He admitted he likely should have recorded the footage with his department-issued cellphone but failed to think of it. Named Officer #2 was supporting Named Officer #1's investigation. He took the license plate information concerning the work truck parked in front of Suspect #1's home. He alleged he could not recall if he looked up any information about the truck. Also, Named Officer #2 was the only officer present when the complainant stated that Suspect #1 and Suspect #2 knew each other as Suspect #2 had exited Suspect #1's home. Named Officer #2 could not recall if he shared this evidence with anyone. Named Officer #1 confirmed Named Officer #2 was the only officer to review this evidence and he believed he would be the officer to look the information up. Also, Named Officer #1 confirmed he was never told that Suspect #2 had walked out of Suspect #1's home.

The DPA reviewed the incident report for this case. The report documented Named Officer #1's failure to collect the video evidence that Suspect #1 showed him. The report does not discuss the complainant's statement that Suspect #2 exited Suspect #1's home nor any information about the work truck parked in front of Suspect #1's home.

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The DPA reviewed Named Officer #1 and Named Officer #2's body-worn camera footage. Named Officer #1's footage showed his review of Suspect #1's video footage and his attempt to email it to himself. Named Officer #2's footage showed he was the only officer to note the complainant's information concerning the work truck parked in front of Suspect #1's home. The footage does not show Named Officer #2 ever looking up this vehicle's information. Additionally, Named Officer #2's footage showed he was the only officer present when the complainant informed him that Suspect #2 had exited Suspect #1's home.

San Francisco Police Department Bulletin 19-140, Booking Recording Device Evidence and Written Statements, states, in part, "Upon locating the presence of video and/or audio recording devices, members should exercise all means reasonably necessary to acquire this critical evidence. Members shall summon an on-duty video retrieval officer, if any are available. If members are unable to obtain the original surveillance video evidence at the scene, members may video record the surveillance footage with their department issued cell phone...Per the Report Writing Manual (DM-11), members are reminded that statements are a critical part of the investigative process. Statements provide the reporting party and/or suspect an opportunity to explain what happened from their perspective. Members are responsible for interviewing all involved parties (affording the Miranda Warning as appropriate) and including the written and/or recorded statements in the initial incident report and investigation."

Here, Suspect #1 and the complainant provided Named Officer #1 and Named Officer #2 with evidence they failed to appropriately collect. Named Officer #1 was shown video evidence of how the verbal altercation between the complainant and Suspect #1 may have begun. He was unable to collect the evidence at the scene and failed to video record the footage with his department-issued cellphone. Named Officer #2 was the only officer present when the complainant provided him a statement that Suspect #2 had walked out of Suspect #1's home. Named Officer #1 stated he was not told this information and Named Officer #2 could not recall if he provided him this information. This information directly refuted Suspect #1's contention that he did not know Suspect #2.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated there were several inaccuracies in the incident report drafted by Named Officer #1. Specifically, he alleged the named officers inaccurately described the suspect's vehicle, Suspect #1's address, his physical description of Suspect #2, and the crime alleged.

Named Officer #1 was interviewed. He acknowledged that he incorrectly listed Suspect #1's address. As to the complainant's description of the car and Suspect #2, he described his conversation with the complainant. He asked several questions concerning the vehicle the suspects had arrived in. At one point he asked the complainant if the vehicle was similar to a particular model of vehicle and the complainant agreed that it was. Named Officer #1 took this to mean that the suspects' vehicle was that particular model. Also, Named Officer #1 explained that the complainant did not tell him about certain aspects of Suspect #2's appearance and, therefore, listed those aspects as unknown in his report. Similarly, the crime the complainant was a victim of pertains to the level of injuries the complainant had suffered. Named Officer #1 stated he was unaware of the extent of the complainant's injuries at the time he drafted the incident report.

The incident report documenting this incident was analyzed. Named Officer #1 drafted the incident report. It inaccurately listed Suspect #1's address multiple times. It listed the suspects' vehicle as a particular make and model. It listed aspects of Suspect #2's appearance as unknown.

Named Officer #1's body-worn camera footage was analyzed. It shows that he was told and responded to Suspect #1's correct address. Also, it showed his conversation with the complainant. He asked the complainant if the vehicle was like a certain make and model and the complainant agreed that it was. Named Officer #1 and the complainant discuss the race, age, clothing, height and weight of Suspect #2. However, the aspects of Suspect #2 that were listed as unknown in the report were not discussed. Similarly, even though medics did arrive at the scene, the victim's potential injuries were not discussed in Named Officer #1's presence.

Peace Officer's Standards and Training Learning Domain 18, Investigative Report Writing, states, in part, "No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be: Factual, Accurate, Clear, Concise, Complete, and Timely." Named Officer #1 drafted the incident report to document this investigation. While the aspects of Suspect #2's appearance listed as unknown in the report were not discussed at the scene, the conversation between Named Officer #1 and the complainant about the suspects' vehicle is open to a potential misunderstanding

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and Named Officer #1 did not know the extent of the complainant's injuries, Suspect #1's home address was clearly and inaccurately listed within the incident report. Named Officer #1's body-worn camera footage showed he was aware of the correct address and yet he still listed the wrong address multiple times within his incident report.

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

SUMMARY OF ALLEGATION #4: The officer drafted an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged there were several inaccuracies within the incident report documenting his attack.

Named Officer #2 stated he did not draft the incident report and he did not assist Named Officer #1 with drafting the report.

Named Officer #1 confirmed he drafted the incident report and Named Officer #2 did not assist him with drafting the report.

The incident report listed Named Officer #1 as its author.

Peace Officer's Standards and Training Learning Domain 18, Investigative Report Writing, states, in part, "No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be: Factual, Accurate, Clear, Concise, Complete, and Timely." Here, Named Officer #1 was responsible for the inaccurate incident report while Named Officer #2 took no part in its drafting.

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

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SUMMARY OF ALLEGATION #5: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the Named Sergeant failed to conduct the investigation into the complainant's case with a sense of urgency, failed to arrest the suspects, failed to call in the witness for a photo lineup, failed to contact the District Attorney's Compensation Fund on the complainant's behalf, failed to change the status of the case from a battery to an aggravated battery resulting in serious injury, failed to inform the complainant when he went on disability leave and parental leave, and failed to assign another investigator to the case when the Named Sergeant went on leave.

The Named Sergeant explained the complainant's case is still open and he still had time to complete his investigation. He described his workload and the numerous investigations he is attempting to complete. He described the aspects of this case that had caused the investigation to take longer and kept him from feeling comfortable with drafting an arrest warrant. The Named Sergeant believed it was an important aspect of his investigation to collect a statement from Suspect #1 as he was a major party to the incident. He made numerous attempts to contact Suspect #1 and Suspect #1 evaded him. This did cause him to be suspicious of Suspect #1's part in the incident and came to believe that Suspect #2 was Suspect #1's son.

The Named Sergeant conducted a photo lineup with a photo of Suspect #1's son and five control photos. When the complainant was brought in to identify the suspect previously identified, it affected the strength of the criminal case and complainant's ability to identify his assailants in court.

As a result of his inability to speak with Suspect #1 and the complainant misidentification, the Named Sergeant felt he did not have probable cause necessary for a District Attorney to approve an arrest warrant. The Named Sergeant explained he still intends to call in the witness to conduct a photo lineup however his current primary goal is to conduct an interview with Suspect #1. The Named Sergeant described speaking with a representative from the District Attorney's Victim Compensation where he told them it was an ongoing investigation. He did not tell the representative about witness' statements concerning what they saw because he typically would not reveal evidence of that nature for an ongoing investigation. When asked about changing the case's status, he explained his investigation was into a battery with serious injury and the battery listed on the preliminary incident report was just a title based on what the drafting officer knew at the time.

The named sergeant claimed he told the complainant when he went on leave and stated he tries his best to inform people when he will be on leave. As to assigning other investigators to fill in when on leave, the named sergeant explained that is not typical. At the time he went on leave there was only one other

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Sergeant assigned to his unit. He stated he did return the complainant's calls and emails when he could or would reach out to him when he had an update for the case.

The Named Sergeant's Chronological of Investigation was reviewed. It showed the Named Sergeant's investigative steps, such as interviewing the complainant, interviewing the witness, his attempts to contact Suspect #1, the photo lineup and complainant's failure to identify a suspect, and speaking with a representative from the District Attorney's Victim Compensation Fund.

The Fourth Amendment of the Constitution requires that any arrest be based on probable cause. Probable cause can be established when the facts known by the officer would lead a reasonable person to believe the suspect has committed a crime. Also, the statute of limitations for felony crimes in California is three years. Additionally, the San Francisco Police Department's Bureau of Inspectors Investigations Manual provides guidelines for what evidence should be included prior to obtaining witness statements including, "[the] Victim's activities before and leading up to the incident...Exact events that occurred in order that they occurred." The Named Sergeant is attempting to contact Suspect #1 to determine the exact events as they occurred. The Named Sergeant is concerned a reasonable person would not conclude Suspect #1 or his son had committed a crime as the complainant failed to identify Suspect #1's son as his attacker. He still intends to conduct a photo lineup with the witness but hopes to interview Suspect #1 so he can achieve as complete of an understanding of what occurred as possible. Once he has completed these investigative steps, he intends to speak with the District Attorney about completing an arrest warrant.

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

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SUMMARY OF ALLEGATIONS #6-7: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CU

FINDING: IE

FINDINGS OF FACT: The complainant alleged he had phone calls with two SFPD supervisors. He alleged he had phone calls with them about his issues with the SFPD's investigation. He alleged he asked the Named Lieutenant why an investigative step had not been taken. The Named Lieutenant stated he was not going to answer the complainant's question and hung up on him. Also, the complainant alleged the Named Captain informed the complainant that it was the complainant who had tainted the investigation, had failed to positively identify the suspect, and had made other comments the complainant thought was inappropriate.

The Named Lieutenant described his phone call with the complainant. He stated the complainant was acting belligerent, demanding and irrational. He stated he attempted to explain to the complainant that the complainant failed to identify a suspect during his photo lineup and had instead identified a control photo. He described the complainant talking over his explanations. The Named Lieutenant explained he hung up on the complainant after his fourth or fifth time attempting to explain this issue with the photo lineup to the complainant.

The Named Captain described his call with the complainant. He stated their conversation began well, but the complainant quickly became extremely agitated. He explained that he did inform the complainant that the complainant had failed to appropriately identify the suspect in a photo lineup, and the complainant had tainted the investigation by speaking with the other eyewitness. The Named Captain stated he learned this information from the Named Sergeant. The Named Captain stated he was professional and respectful while speaking with the complainant.

San Francisco Police Department General Orders § 15, Telephone Courtesy, states, in part, "Members shall be courteous on the telephone." Here, the complainant alleged the Named Lieutenant and Named Captain acted inappropriately while speaking with him on the phone. Meanwhile, the Named Lieutenant and the Named Captain refute the allegations against them. Unfortunately, there is no independent written or recorded evidence of their phone conversations to either support or deny the complainant's allegations.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer grabbed her, threw her on the ground, and held her down with his knee.

The named officer denied throwing the complainant on the ground and holding her down with his knee. He stated that responded to a call regarding the complainant yelling at other customers, refusing to leave, and trying to attack the drug store staff. He stated that the store manager wanted the complainant removed from the store. He stated that he used no force on the complainant, that he only had control of her backpack, and that she threw herself down before he removed her from the store.

The named officer's partner stated that the complainant refused to leave the store and that the named officer used reasonable force to remove her. He stated that the complainant tripped and fell.

Department of Emergency Management records showed that drug store staff called 9-1-1 to report the complainant was yelling at other customers and refusing to leave the store. The drug store staff later called 9-1-1 to report that the complainant was trying to attack drug store staff. The complainant was described as a mentally unstable female in her seventies. The named officer and his partner were dispatched and responded to the drug store.

Body-worn camera footage showed the named officer removing an item from the complainant's arm after the store manager said the complainant did not pay for the item. The named officer then threw the item on the counter in front of the register. When the complainant tried to retrieve the item, the named officer grabbed the complainant's backpack and yanked her toward him. He pulled the complainant by her backpack and led her toward the exit doors. While walking toward the exit doors, the complainant tripped on her feet and fell on the floor. Her hat fell on the ground, and she landed between the security sensors. The named officer, still holding on to the complainant's backpack, used his other hand to pull the complainant up. Once the complainant got to her feet, the named officer pushed her outside. The named officer's partner caught the complainant and held her up.

Department General Order 5.01 is more restrictive than the constitutional standard and state law. Officers must strive to use the minimal amount of force necessary.

1. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer's underlying intent or motivation.
2. Factors for evaluating the use of force include but are not limited to:
 - a. The severity of the crime at issue;

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- b. Whether the suspect posed an immediate threat to the safety of the officers or others;
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
- d. Whether the use of force is proportional to the threat;
- e. The availability of other feasible, less intrusive force options;
- f. The officer's tactical conduct and decisions preceding the use of force;
- g. Whether the officer has reason to believe that the subject is mentally ill, has a physical, developmental or cognitive disability, is emotionally disturbed or is under the influence of alcohol or drugs;
- h. Whether there was an opportunity to warn about the use of force prior to force being used, and if so, was such a warning given;
- i. Whether there was any assessment by the officer of the subject's ability to cease resistance and/or comply with the officer's commands;
- j. Specialized knowledge, skills, or abilities of subjects;
- k. Prior contact;
- l. Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic and other hazards; and
- m. Whether the subject's escape could pose a future safety risk.

Based on the body-worn camera footage, the named officer used unnecessary force on the complainant. The complainant was small and elderly. The force used was quite harsh, and it is unlikely the complainant would have fallen had she not been being dragged by her backpack. The store asked that the complainant be removed for yelling, therefore no evidence indicated that a crime occurred, much less a severe crime. The woman vociferously objected, but was not a physical threat to the officers. Given that the officers clearly believed the complainant to be elderly and in an altered mental state, DGO 5.01, as it existed when this incident occurred, dictated a less severe force response.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: DPA's investigation found that the named officer violated Department General Order 2.01(9) when he reached down, picked up the complainant's hat that fell inside the drug store, and rudely tossed the hat out onto the sidewalk.

The named officer acknowledged that he picked up the complainant's hat and tossed it on the sidewalk. He stated that he did not think about handing the complainant her hat. He believed tossing the complainant's hat on the sidewalk was reasonable and denied any misconduct in the incident.

The named officer's partner stated that he did not witness the named officer tossing the complainant's hat on the sidewalk, but he was aware the hat was outside because the complainant picked it up from the ground and swung it at him. He stated that he believed there were better ways to return the complainant's hat; however, he did not believe that the named officer's behavior rose to the level of misconduct.

Body-worn camera footage confirmed that the named officer picked up the complainant's hat that had fallen off while she was inside the drugstore and tossed it on the sidewalk near the complainant.

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

Based on the named officer and his partner's statements, the named officer's actions reflected discredit upon the Department, and his conduct was unofficer-like.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant alleged she was the victim of a domestic violence attack. She called 911 and Named Officer #1 and Named Officer #2 responded to the scene. She confirmed the officers spoke with a witness at the scene and that there were security cameras in the area. After the incident, she spoke with a Named Sergeant who informed her he had been unable to get camera footage of the incident and that the responding officers had not documented the witness' contact information.

Named Officer #1 was interviewed by the DPA. He admitted he drafted the incident report documenting the complainant's call for service. He stated he did find and document a security camera that was in the area. However, he also wrote he and Named Officer #2 canvassed for witnesses and were unable to find any. He acknowledged a gentleman was present when he and Named Officer #2 arrived at the scene, but only Named Officer #2 interviewed the gentleman. Later in Named Officer #1's investigation, Named Officer #2 told him the gentleman did not provide any relevant information.

Named Officer #2 reviewed her body-worn camera (BWC) footage from the incident that showed her interviewing a potential witness. She stated she could not recall if she shared the witness' information with Named Officer #1 or why it was not included in his incident report. Also, she did not recall why she told Named Officer #1 the witness did not have any relevant information. She explained the witness had stated he did not want to become involved in the investigation at one point in her interview. Also, Named Officer #2 felt the investigation was strong enough based on the complainant's statements.

Named Officer #1's incident report was analyzed. It described his and Named Officer #2's response to the scene. It mentioned the officers were unable to locate any witnesses. It does not mention the gentleman Named Officer #2 interviewed.

Named Officer #2's BWC footage was analyzed. It showed Named Officer #2 speaking with a gentleman who witnessed the incident. He provided his contact information. He described seeing a suspect attack the complainant and how the suspect fled the scene. During his conversation with Named Officer #2, the gentleman did state he did not want to get involved with the incident, but he said that after already giving a statement and his contact information. He then provided additional details about the attack.

The SFPD Report Writing Manual states, in part, "Before beginning the narrative, consider every offense committed and every violation with which the suspect is being charged. Describe the offense, being careful to include all the elements of the crime. Include information from witnesses and accurately describe any physical evidence. To be complete, a narrative must include all known information about the incident, whether favorable to the prosecution or the defense. An accurate and comprehensive narrative,

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as applicable...Identify all involved persons and describe their actions prior to, during, and after the incident. List all statements...Include any statement or unsolicited comment of potential evidentiary value..."

Department General Order 1.03, Duties of Patrol Officers, states that an officer will be “considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence.”

Here, Named Officer #2 interviewed a gentleman whose statements supported the complainant’s allegations that she had been attacked, and he provided his contact information. Instead of sharing this information with the primary officer, she told Named Officer #1 that the gentleman did not have any relevant information.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged the incident report documenting her attack was inaccurate because it did not identify the witness who had been present. Named Officer #1 was responsible for drafting this report.

Named Officer #1 explained Named Officer #2 interviewed the gentleman who witnessed the incident and had told him the gentleman did not have any relevant information.

Named Officer #2’s BWC footage supported this statement as it recorded Named Officer #2 telling Named Officer #1 that the gentleman, she had interviewed did not have any relevant information.

The Peace Officer’s Standards and Training Learning Domain 18, Investigative Report Writing states, in part, “No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be: Factual, Accurate, Clear, Concise, Complete, and Timely.” Here, Named Officer #1’s report accurately documented the steps he took at the scene and the information he was provided.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged the Named Sergeant who was assigned to investigate the complainant's incident was not informed of the security cameras or witness that would have supported her allegations.

Named Officer #1 described his discovery of security cameras that possibly recorded the incident and provided an excuse for why he believed no witnesses had seen the incident occur.

Named Officer #2 also described their search for security footage and provided an explanation for why Named Officer #1 was unaware of any witnesses being present at the scene.

Named Officer #1's incident report accurately documented the location of a security camera that may have recorded the incident. However, the location was locked, and no employees were inside to allow the officers access to the footage.

The SFPD Bulletin 19-140, Booking Recording Device Evidence and Written Statements states, in part, "Upon locating the presence of video and/or audio recording devices, members should exercise all means reasonably necessary to acquire this critical evidence. Members shall summon an on-duty video retrieval officer, if any are available. If members are unable to obtain the original surveillance video evidence at the scene, members may video record the surveillance footage with their department issued cell phone...Per the Report Writing Manual (DM-11), members are reminded that statements are a critical part of the investigative process. Statements provide the reporting party and/or suspect an opportunity to explain what happened from their perspective. Members are responsible for interviewing all involved parties (affording the Miranda Warning as appropriate) and including the written and/or recorded statements in the initial incident report and investigation."

Here, Named Officer #1 discovered and attempted to retrieve the surveillance footage that potentially captured the incident; however, he was unable to and documented the camera's location so an investigator could access the footage later. Also, as stated above, Named Officer #1 was unaware there were any available witnesses to the incident due to Named Officer #2's misconduct.

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: 03/31/22 **COMPLETION DATE:** 01/25/23 **PAGE# 4 of 6**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged the Named Sergeant informed her he could not press charges against her attacker because he was unable to find security footage of the incident and because he was unable to contact any witnesses who may have seen the incident.

The Named Sergeant described his investigation. He stated the incident report did not list any witnesses and, when he spoke with the complainant, she did not identify any witnesses. When asked what steps he took to collect security footage of the incident, the Named Sergeant stated he called the location listed in Named Officer #1's report two times. Both times he left voicemails and never received a call back. To note, this location was a storage facility. The Named Sergeant explained he only called the facility instead of going in person because wanted to set a time for him to visit the location. In his experience, storage facilities are not regularly staffed. The Named Sergeant noted that the complainant's case is not closed.

The onsite management of the storage facility was interviewed as part of this investigation. He stated he did not receive any contacts from the SFPD concerning the complainant's incident.

The DPA reviewed the security footage for the camera that potentially captured this incident. The camera had been spray painted over and would not have captured any relevant evidence.

The DPA analyzed the Named Sergeant's Chronological of Investigation. It showed the phone number he called to contact the storage facility. This number matched the number listed for the storage facility online. The DPA called this number and left multiple messages for a call back without success. Here, the Named Sergeant had reasonable excuses for being unaware of any witnesses to the complainant's incidents as the gentleman who witnessed the incident had not been listed in Named Officer #1's report. As to his failure to collect the security footage of the incident, the phone number he had called appears to rarely, if ever, monitored by the storage facility. While he could have responded to the scene to attempt to collect the footage in person, the security camera had been sabotaged and the footage would have likely been irrelevant.

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: 03/31/22 COMPLETION DATE: 01/25/23 PAGE# 5 of 6

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: While investigating this incident, the DPA found that Named Officer #1 activated his BWC late.

Named Officer #1 explained he forgot to activate his BWC when he first arrived at the scene.

Named Officer #1's BWC was reviewed. It showed he activated his BWC midway through his interview with the complainant.

SFPD General Order (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 member of the public may have knowledge of criminal activity as a suspect, witness, or victim... In any situation when the recording would be valuable for evidentiary purposes."

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

COMPLAINT DATE: 03/31/22 COMPLETION DATE: 01/25/23 PAGE# 6 of 6

Here, Named Officer #1's BWC was deactivated as he was speaking with the complainant, a crime victim. During his DPA interview, Named Officer #1 acknowledged that his BWC should have been activated during this portion of his investigation.

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

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

COMPLAINT DATE: 04/11/22 COMPLETION DATE: 01/24/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant, a witness to an incident in a nail salon, reported that a male subject entered a nail salon, had an odd demeanor, but otherwise did not seem to bother the patrons or staff in the nail salon. At one point, a security alarm was activated, and the male subject attempted to turn it off, by removing it. Officers responded on-scene and immediately began to yell at the male subject. After the male subject was detained, the named officer said in a condescending tone that officers get fired because they arrest civilians. The complainant indicated that it did not appear that an investigation was conducted since the male subject was placed in handcuffs as soon as officers responded.

The evidence showed that the male subject was initially not compliant with the officer's commands, and the named officer used verbal commands to gain compliance of the male subject, which proved successful. The male subject was placed in handcuffs while the investigation of the incident took place.

The body-worn camera footage showed the named officer looking around the nail salon to try to get the attention of the employees, who continued to provide nail services to their customers. In that effort, the named officer made a statement about needing the attention and cooperation of the witnesses for statements, because inappropriately arresting or detaining civilians can have consequences related to officer misconduct. After the officer made that statement, he was able to proceed with the investigation by interviewing the relevant witnesses.

Department General Order 2.01 outlines the general rules of conduct for officers. Based on the evidence received, the named officer behaved or spoke in a manner consistent with Department General Order 2.01. Although the complainant may have perceived the statement to be inappropriate, the officer's statement may have been taken out of context. The named officer was correct in advising that there needed to be a legal basis to conduct a detention of a person. The statement did not constitute misconduct.

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: 04/11/22 COMPLETION DATE: 01/24/23 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The officer made a discourteous statement or act related to ethnicity.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she heard the named officer call the male subject the “N” word prior to detaining him.

The body-worn camera footage was reviewed, and the evidence does not support the complainant’s version of events. The body-worn camera footage showed that the named officer properly used verbal commands to gain compliance from the male subject. Once compliance was obtained, the named officer removed the male subject and placed him outside where he apologized for yelling and explained that the officers needed the subject to comply with their verbal commands. The body-worn camera footage showed that the named officer remained courteous and professional toward the male subject and did not call him by any racially derogatory term.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 04/11/22 COMPLETION DATE: 01/24/23 PAGE# 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1 The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The named officer stated that he and his partner responded to a call that began as a burglary and was upgraded to a robbery. Another officer responded as backup. The named officer was the primary investigating officer and had limited interaction with the male detainee. However, he directed the backup officer to pat search the detainee. The named officer based this decision solely on the nature of the call and had no recollection of whether he believed the detainee was armed and dangerous.

Department General Order 5.03 established policies and procedures regarding investigative detentions. Members may conduct a pat search for weapons when the officer has specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of the pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger.

The investigation showed that the officer instructed the back-up officer to conduct a pat search and did not have specific and articulable facts causing him to believe the suspect was armed in dangerous. The investigation showed that the named primary investigating officer requested a pat search be conducted because of the nature of the call was for a robbery and a lot of times suspects have weapons on them. This justification, without more, was in direct violation of *In re Jeremiah S.* (2019) 41 Cal.App.5th 299.

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

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

COMPLAINT DATE: 04/22/22 COMPLETION DATE: 01/24/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he did not receive a copy of his traffic citation by mail because the officer recorded his address inaccurately.

The named officer denied recording the complainant's address inaccurately. The officer stated that he included the address as it appeared on the complainant's driver license and had no reason to believe it was an inaccurate address. The complainant did not tell him it was an inaccurate address.

The traffic collision report prepared by the named officer contained the address from the complainant's driver license. The citation sent to the complainant also bore the address from the complainant's driver license.

Footage from the named officer's body-worn camera showed the interaction between the complainant and the officer. There was no mention by the complainant that the address on his driver's license was outdated or inaccurate.

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: 04/22/22 COMPLETION DATE: 01/24/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the officer had “an attitude” that made the complainant think the officer was racially biased and acted as if complainant had caused the traffic collision.

The officer denied that race played any role in his actions. He denied knowing the race of the complainant prior to the encounter, and he denied saying or doing anything that indicated the complainant was at fault.

The traffic collision report prepared by the named officer accurately recorded the information provided to the officer at the scene. Footage from the body-worn camera of the officer, which recorded the incident involving the complainant, confirmed that the statements of the complainant were recorded accurately and did not contain evidence indicating bias on the part of the officer.

The evidence proves that the alleged action did not occur.

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

COMPLAINT DATE: 04/28/22 COMPLETION DATE: 01/25/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant called the police to assist in a dispute with their neighbor in which they felt unsafe. They alleged that the responding officer acted aggressively and offensively toward them, worsening the situation.

The named officer stated that the complainant was visibly upset when they arrived on the scene of the dispute. They said the complainant spoke to them in a loud, high-pitched voice. They told the complainant to talk to them in a calm voice so they could resolve the matter. The officer said they separated both parties and attempted to mediate the situation.

The responding officer that provided backup at the scene arrived after the alleged interaction. The complainant did express their disappointment at the named officer's behavior to the backup officer.

The named officer located a witness to corroborate their demeanor with the complainant, but that witness later became unavailable to provide information.

The body-worn camera footage from the incident did not capture the initial interaction that the complainant alleged occurred.

Department General Order 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."

The insufficient body-worn camera footage and the lack of additional information from a witness made DPA unable to come to a determination by a preponderance of the evidence.

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

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

COMPLAINT DATE: 04/28/22 COMPLETION DATE: 01/25/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, DPA found that both named officers failed to activate their body-worn camera as required.

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

Both named officers activated their body-worn camera after arriving at the scene of the dispute and speaking to involved parties.

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: 05/05/22 COMPLETION DATE: 01/30/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not investigate her assault case.

The named officer stated the incident was investigated; however, the complainant was not available to the investigation team at crucial points in the investigation. The lack of communication and evidence resulted in an inability to bring charges against the suspects. The case was put on inactive status due to the lack of investigative leads.

Department records document that the complainant initially provided another person's phone number as her main contact number. The person who had control of the phone refused to give officers the complainant's actual phone number but said they would pass along messages. It took several attempts to reach the complainant. The complainant was asked to provide contact information for a witness and the complainant did not do so. The named officer never received a response to messages left at the phone number of a witness identified by the complainant. Department records showed that multiple attempts were made to contact the complainant. An email to the complainant advised her to contact the station when she had new information. Evidence showed that the complainant was advised the case was placed on inactive status due to lack of witness availability and surveillance video.

According to SFPD policy, investigators have discretion in determining which cases are assigned for further investigation and submission to the District Attorney's Office for charging. The evidence proves that the named officer investigated the complainant's assault case to the extent possible.

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: 05/05/22 COMPLETION DATE: 01/30/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated her assault case was not investigated because she had too many criminal restraining orders. The complainant provided no evidence to support the allegation.

The named officer stated that he treated the complainant with respect and investigated the incident to the fullest of the Department's ability with the information provided.

Department records show the named officer made adequate efforts to investigate the complainant's assault case. The investigation was inactive due to lack of evidence and investigative leads. The existence of any restraining orders against the complainant was not indicated to be a factor in the 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: 05/05/22 COMPLETION DATE: 01/30/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not return her phone calls.

The named officer stated that the complainant's phone calls were returned. Multiple messages were left for the complainant and an email was sent to the complainant advising the complainant of the status of the investigation.

Contemporaneous Department records show that eleven attempts were made to contact the complainant over a period of six days. The named officer spoke with a person who answered on two occasions. That person told the officer the phone number provided by the complainant did not belong to the complainant and refused to provide the complainant's number. The named officer left messages for the complainant to call him. The named officer was able to speak with the complainant on one occasion. During this call, the complainant provided the named officer with her cell phone number so the officer could contact her directly. The named officer subsequently called the complainant's cell phone six times on various dates and was unable to leave a message because the mailbox was full. On two other occasions, the named officer left voicemail messages for the complainant. The named officer did not receive a response. An email was then sent to the complainant advising the investigation was inactive and encouraging the complainant to contact the department with any new information or leads.

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: 05/10/22

COMPLETION DATE: 01/24/23

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was driving his relative's vehicle when the named officer stopped him. The named officer requested his identification and the complainant denied having any. The complainant told the officer to run the license plate to confirm the vehicle was registered to his relative. The complainant heard the radio dispatcher confirm the complainant's relative was the vehicle's registered owner. The officer then looked behind the complainant's chair and noticed a driver license. The officer bent down and picked it up without consent to search the complainant's vehicle.

Department of Emergency Management records showed that the named officer conducted a traffic stop of the complainant's vehicle. The named officer then conducted a record check of the complainant's name. The complainant's vehicle was towed, and the complainant was subsequently booked in a county jail.

Body-worn camera footage showed that the named officer approach the complainant's vehicle and explained that the complainant was stopped for making an improper turn maneuver. When the officer requested the complainant's driver license, the complainant denied having a valid identification card on him and denied that the vehicle was registered to him. The complainant was driving a convertible with the top down, which enabled the named officer to peer into the vehicle and locate, in plain view, an identification card in the rear driver side seating area of the vehicle. Initially, the complainant was not forthcoming about his identity, but soon after confirmed that the identification card and vehicle belonged to him.

The Fourth Amendment establishes that individuals have a right to be secure in their persons, and effects, against unreasonable searches and seizures. However, objects that fall in the "plain view" of an officer who has a right to be in the position to have that view are subject to seizure without a warrant. Additionally, drivers are required to provide their true names during traffic stops.

The evidence showed the identification card was in plain view and the complainant denied having identification, which rendered the search and seizure permissible. 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: 05/10/22

COMPLETION DATE: 01/24/23

PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant asked the officer to call his relative, the registered vehicle owner, to pick up the vehicle; however, the officer refused because the complainant lied. The complainant stated that officer should have released the vehicle to his relative instead of towing it.

Department records showed that the complainant's driving privilege was suspended or revoked for driving under the influence.

Department Notice 20-076 is the policy that allows flexibility around vehicle tows under specific tow authority. Although some rules that required towing were relaxed, the charges related to the complainant's vehicle's tow were not relaxed and therefore required the officer to tow the vehicle.

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: 05/06/22

COMPLETION DATE: 01/24/23

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 called for police assistance after being robbed at a store where he worked. Two officers arrived, but they told the complainant that the business' property fell within another agency's jurisdiction. The officers contacted the Department of Emergency Management (DEM) to request that an outside agency handle the call. The complainant felt that the officers were inappropriate because they were unengaged and passive.

DEM records showed that the complainant reported being robbed by a suspect who was holding a hatchet. The suspect stole a tip jar that contained less than ten dollars. The officers met with the complainant and contacted DEM regarding their jurisdiction to investigate. DEM informed the officers that an outside agency would respond to investigate and take a report. DEM was later informed by the outside agency that the incident location was actually within SFPD's jurisdiction. A second SFPD unit was then sent to investigate and prepare an incident report.

The body-worn camera footage showed that the officers took a statement from the complainant and canvassed the area for the subject. The complainant told the named officer that the incident occurred on transit property, which led the officers to discuss whether the incident was within their jurisdiction. The named officer asked the complainant to pull up the surveillance footage so that he could review it and also asked whether he would be able to identify the subject if he saw him again. While waiting to review the surveillance footage, the officers called their patrol supervisor to provide an update and to ask whether the outside agency should handle the case. The named officer informed his supervisor that the incident occurred in a business on transit property and involved a hatchet-wielding robbery subject that fled on foot. The supervisor agreed that an outside agency could handle the call and DEM confirmed that they were sending the other agency. The officer informed the complainant that the outside agency would respond and continue with the investigation and report. The complainant stated that he would have the surveillance footage ready by that time.

Department General Order 1.03, Duties of Patrol Officers, requires officers to investigate crimes reported to them. The investigation showed that the named officers promptly responded to the call-for-service, obtained the complainant's statement, verified that there were no injuries, searched for the subject, and requested to review video evidence on the scene in compliance with Department policy. Although the named officer thought the location of the incident fell outside SFPD jurisdiction, he obtained guidance from his supervisor and communicated with DEM. The named officers obtained confirmation that the outside agency would handle the call, which relieved them of their duties and cleared them to be assigned to the next call-for-service.

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

COMPLAINT DATE: 05/06/22

COMPLETION DATE: 01/24/23

PAGE# 2 of 3

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide thier names or star numbers.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers left without providing their star numbers or business cards.

Body-worn camera footage showed that the named officers did not provide their star numbers or business cards because the complainant did not request their names, star number, nor business cards.

Department General Order 2.01, Rule 14, Public Courtesy instructs officers to promptly and politely provide their name, star number, and assignment when requested.

The investigation showed that the named officers were not required to provide their names, star numbers, or business cards because the complainant did not request the information.

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: 05/06/22 COMPLETION DATE: 01/24/23 PAGE# 3 of 3

SUMMARY OF ALLEGATION #5: This complaint raises matters outside of the DPA's jurisdiction.

CATEGORY OF CONDUCT: IO-1

FINDING: Partial IO-1 to DEM

FINDINGS OF FACT: The evidence proves that the alleged conduct did not involve a sworn member of the Department or that the complaint raised issues not within the scope of DPA or IAD. Referral to other agency allegations are not counted as complaints against sworn members of the Department.

This complaint has been referred to:
Department of Emergency Management
1011 Turk St
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/22 **DATE OF COMPLETION:** 01/25/23 **PAGE# 1 of 5**

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she was the victim of domestic violence, and the named officer responded to the reported incident and spoke to her. She stated that the named officer was rude and insensitive, made her feel like he did not believe her, and incorrectly wrote down her date of birth on a report and refused to correct it.

The named officer stated that he responded to the complainant's residence regarding a call for a domestic dispute. He stated that he met with the complainant, informed her she was a victim of domestic violence, and he took a statement from her. He stated he asked clarifying questions, the complainant jumped from topic to topic and her statements did not make sense. He stated he was calm and courteous when speaking with the complainant and treated her with courtesy and respect. He said the complainant's allegation regarding him writing down her date of birth and refusing to correct it is incorrect. He said it is not common for officers to release reports on scene and he did not allow the complainant to review the report.

Body-worn camera (BWC) footage for the incident showed that the named officer responded to the complainant's residence and spoke with the complainant regarding a domestic violence related incident. The named officer took a statement from the complainant and asked clarifying questions. BWC footage showed that the named officer advised the complainant that her story was jumping around and not making a lot of sense to him. BWC footage showed that the complainant made a statement regarding police not believing her and the named officer told the complainant that he was trying to understand the incident better as he was not there and that it was not that he does not believe her. BWC footage did not show the complainant advise the named officer that he had documented her date of birth incorrectly.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/22 **DATE OF COMPLETION:** 01/25/23 **PAGE# 2 of 5**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was arrested, and the named officer failed to mirandize her during the incident.

The named officer stated that he responded to the complainant's residence regarding a call for a domestic dispute. He stated that the complainant alleged that she was the victim of a crime, he obtained a statement from the complainant and the other involved party and later determined that both involved parties were victims and suspects of domestic violence. The named officer stated that he is trained to mirandize an individual when conducting an interrogation. He stated that he did not mirandize the complainant during this incident as she alleged that she was the victim of a crime, he does not mirandize victims, and felt that her initial statement was enough for his investigation.

Body-worn camera (BWC) footage for the incident showed that the named officer responded to a residence and spoke with the complainant who stated that she had been in a physical fight and her boyfriend who struck her. BWC footage showed that another officer took photographs of the complainant's injuries that she alleged resulted from the fight. BWC footage showed the named officer spoke with the complainant and her boyfriend regarding the incident and complainant was later handcuffed and told she was being placed under arrest.

The United States Supreme Court case *Miranda v. Arizona* requires police to tell people in custody prior to interrogation their Fifth Amendment protection against self-incriminating statements and their right to an attorney.

The evidence showed the complainant was not interrogated when placed under arrest, and therefore the named officer was not required to provide the complainant with a Miranda warning

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:** 01/25/23 **PAGE# 3 of 5**

SUMMARY OF ALLEGATION #3: The officer failed to property care for, process or book property.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that she was arrested, and her personal belongings were taken from her and not returned when she was released from jail.

The named officer stated he took the complainant's property when she was placed under arrest. He stated he was responsible for the property, and he placed the items in a patrol vehicle and planned on inventorying them so they would be with the complainant when she was released from jail. He stated the property was left inside of the patrol vehicle and when he was informed the property was left there, it was decided that another officer would deliver the items to the complainant because a cell phone was involved, and he knew the complainant would be home. He stated that another officer delivered the items to the complainant once she was released from jail.

A supplemental incident report documented that the named officer inadvertently left the complainant's property in the back of a patrol vehicle. The report documented that the property was returned to the complainant at her residence.

Body-worn camera (BWC) footage for the incident showed that the named officer took the complainant's property after advising her she was being arrested. BWC footage showed that the named officer placed the complainant's property in a patrol vehicle. BWC footage later showed an officer deliver the property to the complainant at her residence.

Department General Order 6.15 Property Processing states in relevant part, "The member who first receives or takes property is responsible for it until the item is processed as property for identification is received at the district station or at the Property Control Section." It further states, "When taking or receiving Property for identification from a person (including an arrestee), complete a Property Receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report."

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: 05/12/22 DATE OF COMPLETION: 01/25/23 PAGE# 4 of 5

SUMMARY OF ALLEGATIONS #4-5: The officers failed to property care for, or monitor, a person in custody.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was the victim of domestic violence and was arrested. She stated that the named officers transported her in the same vehicle as her abuser which frightened her as she could hear him breathing aggressively.

The named officers stated that they transported the complainant and two males to jail in a patrol wagon. They stated the patrol wagon had separate compartments for males and females and does not have any windows or portholes. They stated that they complied with Department General Order 5.18 Prisoner Handling and Transportation when transporting the complainant during this incident as the complainant was transported in a separate compartment from the males. Additionally, the named officers stated the complainant did not make any complaint about being afraid during the time of transport.

Department records showed that the named officers transported one female and two males to jail.

Body-worn camera footage for this incident showed the named officers drive a department wagon from a station to a jail.

Department General Order 5.18 Prisoner Handling and Transportation states in relevant part, "Female prisoners shall not be transported in the same compartment of a police vehicle with male prisoners."

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:** 01/25/23 **PAGE# 5 of 5**

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/SFSO

FINDINGS OF FACT

SUMMARY OF ALLEGATION #: The complaint raises matters outside the DPA's jurisdiction. This complaint was partially referred to:

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

SUMMARY OF ALLEGATION #: 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 partially referred to:

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer made false statements and disseminated confidential information to the property manager of her building. The complainant declined numerous requests for additional details. Consequently, DPA could not establish the identity of the alleged officer or clarify the nature of the false or confidential information.

No finding outcomes occur when an officer cannot be reasonably identified.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 05/16/22 COMPLETION DATE: 01/24/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said airline personnel falsely accused them of being intoxicated and forcibly removed them from a flight. They alleged that the attending officers failed to act against the airline personnel that assaulted them during their deplaning.

Named officer #1 stated that they were the first to respond to a call for service for a passenger removed from an airline flight due to intoxication. Upon arrival, named officer #1 learned that airline employees removed two separate unrelated individuals from the flight, one of whom was the complainant. While attempting to speak to the complainant, the other unrelated deplaned individual began interfering with the officer's investigation. Named officer #1 managed to determine that the complainant was not intoxicated but had a medical emergency and required immediate transport to a hospital. During their brief contact, named officer #1 stated the complainant did not report that they were assaulted and forcibly removed from their flight.

Named officer #2 stated that they were also one of the first to respond to a call for service for an intoxicated passenger removed from an airline flight. The officer stated they assisted named officer #1 by trying to prevent the other deplaned individual from interfering. Named officer #2 said that the complainant required immediate medical attention, and they personally had no interaction with the complainant.

DPA obtained the incident reports for the complainant and the unrelated individual that was removed from the flight. The incident report showed that the other unrelated deplaned individual was intoxicated and attempted to interfere with the attending officer's interaction with the complainant. It also showed that the complainant had a medical emergency, requiring an ambulance to immediately bring them to a hospital. The documents show that the complainant was not detained and did not report any crime to the officers on the scene.

The evidence showed that the named officers did not receive a request for assistance from the complainant. They had limited interaction with the complainant due to interference from the other deplaned individual and the complainant's sudden medical emergency. The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with Department General Order 5.04.

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CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officers did not issue a private person's arrest for the airline employees that deplaned her when she requested one.

Named officer #1 stated the complainant did not request a private person's arrest from them during their brief interaction.

Named officer #2 stated that they did not speak with the complainant during the incident.

The Department records show the complainant did not report any crime, nor request a private person's arrest to the officers before being transported to the hospital.

Department General Order 5.04, Arrest by Private Persons, states that arrests by a private person may be made if a misdemeanor or felony was committed in the presence of the private person. A private person may arrest for public offenses not committed in the member's presence, and the member is required to receive a person so arrested.

According to the evidence, the named officers had limited time with the complainant and were not asked for a private person's arrest to be issued.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-1/SMCSO

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

San Mateo County Sheriff's Office
Investigations Bureau - S.F.I.A.
400 County Center
Redwood City, CA 94063

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COMPLAINT DATE: 05/25/22 COMPLETION DATE: 01/30/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer illegally searched her residence with a fake search warrant. She stated that the warrant was for her son and that her son does not live at her residence. The complainant submitted housing related documents with her complaint that list her name on them. The complainant did not respond to multiple attempts for an interview for clarification.

The named officer stated he drafted a search warrant for the complainant's residence, which was signed by a judge, refuting complainant's allegations that the search warrant was false. He stated that the complainant's son was in possession of narcotics and small denominations of currency which was the basis of the search warrant, and a records check showed that the complainant's son's registered address was the complainant's residence. The named officer also stated that he observed the complainant's son in front of her residence for an extended period and the complainant's son possessed keys to the residence.

The DPA obtained the warrant sealing order which lists the complainant's son and her residence as the subjects of the warrant, signed by a San Francisco Superior Court judge.

Body-worn camera footage showed the named officer and other officers serving the search warrant at the complainant's residence.

The named officer had a search warrant signed by a judge. Therefore, the search of the residence was justified.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated in her online complaint that her residence was searched and “torn up” by police. The complainant also stated she was not home when the search was conducted, and her residence was left open and unsecured by officers after the search concluded. The complainant did not respond to multiple attempts for an interview for clarification.

The named officer stated he was the supervising officer on scene during the service and execution of the search warrant at the complainant’s residence. He stated that during the search, items were moved and searched but no property was damaged. The named officer stated that when conducting a search warrant, officers attempt to be as respectful of the property as possible and that officers are not required to straighten up a residence after the search. He stated he witnessed another officer lock and secure the front door and security gate of the residence after the search concluded and to his knowledge all windows were secured. He stated that he spoke on the phone with the complainant who gave him verbal permission to give the house keys to the complainant’s neighbor.

Body-worn camera (BWC) footage showed officers conduct a thorough search of the residence. BWC footage showed officers moving and going through items and not always placing them back in their original locations. BWC footage did not show any officers damage property. BWC footage showed that the named officer closed and secured the back door and locked the security gate to the yard area of the residence prior to leaving. BWC footage showed that an officer locked and secured the front door and front security gate after the search was concluded. BWC footage showed that the named officer spoke on the phone with the complainant, she gave verbal permission to the named officer to provide the house keys to her neighbor, and the keys were then handed to the neighbor.

Department records reflected that a sealed search warrant was signed by a judge which authorized the search of the residence.

There was no failure to supervise as the search was conducted reasonably and items were not damaged. Contrary to the complainant’s statements, officers secured the home after the search, which is clear on BWC. The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated he called for police assistance because he was rear-ended, and the other party was uncooperative with the exchange of information. The complainant stated the officers were unprofessional and impolite when he stepped out of his car to take photos of the other car. Officer #1 yelled at him and told him to "Shut Up" and to stay in his car, while Officer #2 also yelled at him and rushed toward him when he provided his insurance information.

Department of Emergency Management records showed that the officers were dispatched handle a fight over the exchange of information following a non-injury collision. They were not assigned to investigate the collision.

Body-worn camera footage showed that the officers were primarily focused on abating a fight between the complainant and the collision victim. The collision victim was irate when the officers arrived. He was yelling and pacing outside of his car. Officer #1 took the lead in trying to calm the complainant while Officer #2 began filling out an information card. As this was happening, the complainant got out of his car without warning and approached the victim while shouting and pointing. The complainant's actions appeared to further enrage the victim and increase the likelihood of a physical altercation. Officer #1 shouted at the complainant to get back into his car. The complainant did not comply until Officer #2 stepped between the complainant and victim and again ordered the complainant to get back inside his car.

Officer # 1 said he approached the collision victim, who was outside and yelling, and tried to de-escalate the situation by building rapport and speaking calmly. At one point, the complainant stepped out of his vehicle and yelled at the other driver telling him that he could not drive or something to that effect. Officer #1 told the complainant to get back into his vehicle, but he did not listen and continued to yell at the other driver. Officer #1 acknowledged he told the complainant to "Shut up" and get back into his vehicle. Officer #1 said it may have appeared to be a harsh approach, but he intended to quickly eliminate any escalation of the situation and prevent using force. Officer #1 said his swift and aggressive response was an attempt to eliminate any potential danger and keep everyone unharmed. Officer #1 said the complainant appeared to be continuing to provoke the other driver using language that he interpreted as inherently likely to provoke an immediate violent action, violating 415 (3) PC. Officer #1 said he yelled to de-escalate the situation that was potentially becoming volatile again. He stated the complainant made no indication that he was attempting to take photos when he stepped out of the vehicle and only appeared to provoke the other driver with his words.

Officer #2's statement was consistent with Officer #1. He added that the other involved driver was highly agitated and angry from the moment of their arrival. To maintain control of the scene and facilitate the

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exchange of information, he asked the complainant to get back into his vehicle multiple times, but he did not comply immediately. The officer raised his voice to gain compliance.

Department General Order 2.01, General Rules of Conduct, instructs officers to treat the public with courtesy and respect and not to use harsh, profane, or uncivil language. However, an officer's public courtesy obligations must be balanced with the need to maintain control of volatile situations. When the complainant approached the collision victim while shouting and pointing, it was reasonable for the officer to adjust his communication technique to accommodate the complainant's aggressive behavior. Department General Order 5.01, Use of Force Policy and Proper Control of a Person, authorizes officers to use low-level force, including verbal commands, when encountering non-compliant and assaultive subjects.

The scene was volatile, and the complainant escalated the situation by approaching the collision victim in an aggressive manner. Because the complainant requested police protection and was initially confined to his car, it was reasonable for the officers to focus their attention on controlling the collision victim. Officer #1's surprised reaction to the complainant suddenly confronting the collision victim was reasonable and did not rise to the level of misconduct.

The evidence showed the named officers were professional and used de-escalation techniques; however, to gain control of a volatile situation, they used a more aggressive tone to gain compliance. The officers' actions did not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not get the other driver's insurance policy number and his name.

Department General Order 9.02, Vehicle Accidents, instructs officers that for non-injury collisions, to assure the proper exchange of the Collision Information Form and, if necessary, assist each party in completing them.

The named officer stated he facilitated the exchange of information between the parties and believed that he completed an information card for the complainant. The collision victim said that his insurance had just lapsed, therefore he was unable to provide his policy number. The named officer told the driver that he needed to update his policy as soon as possible and he stated that he would. The officer stated he did include the driver's insurance company for the policy that just lapsed in case there was some sort of grace period for the lapsed insurance.

A copy of the complainant's Collision Information Card showed that the driver's name was not listed; however, the insurance company, the vehicle description, and the driver's address and driver's license number were on the Collision Information Card. Body-worn camera footage showed that the complainant aggressively approached the collision victim while the named officer was in the middle of trying to de-escalate the situation and gather insurance information. The complainant was initially non-compliant with orders to back up and return to his car.

The officer was required to facilitate the exchange of information between the parties, but he took it upon himself to get the information from the collision victim and complete the information card for the complainant. In the middle of his efforts, the complainant escalated an already tense situation by approaching the victim in an agitated state. In the ensuing moments, the named officer failed to include the driver's name on the information card; however, that mistake was clerical and did not rise to the level of misconduct. In addition, his mistake did not interfere with the complainant's ability to file an insurance claim. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer failed to provide his name and badge number and told him it was on the Collision Information Card. The complainant also believed the badge number was different from the one he saw on the officer.

The named officer stated that he wrote his name and badge number on the information exchange card. He said if the complainant asked for his name and badge number separately, he would have provided the information and had not reason to withhold that information from anyone.

Department General Order 2.01, Rule 14, Public Courtesy instructs officers to promptly and politely provide their name, star number, and assignment when requested.

Body-worn camera footage documented that the officer provided the card with his information and also verbally provided the information as requested. The footage also showed that the complainant asked the named officer's partner if that was the correct badge number and he confirmed that it was correct at which point the named officer returned to show the complainant his badge in case he wanted to write it on a separate paper.

The named officer complied with the department rule and provided his name and badge number on the card and verbally.

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

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SUMMARY OF ALLEGATION #5: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer was racist against him and showed favoritism toward the other driver because they were the same ethnicity. He stated that the other driver did not have current insurance and was not cited. The complainant was not allowed to take pictures of the collision.

The named officer denied siding with the collision victim. He stated that his actions at the scene were unrelated to the complainant's race. He stated the complainant got out of his car, argued with the other driver, and did not tell him that he wanted to take pictures. When the complainant's companion later got out of the complainant's car, she informed the officer that she wanted to take pictures and there was no issue. The officer agreed that he was required to ensure the driver had current insurance. However, the violation is an infraction, and because the insurance recently lapsed and there are grace periods, he chose to use discretion and not cite the other driver. He said he advised the other driver just like any other traffic violation.

Department General Order 5.17, Bias-Free Policing Policy, instructs officers to be transparent and provide services and enforce laws in an equitable manner. Department General Order 9.01, Traffic Enforcement, allows officers to use discretion when enforcing traffic laws.

Body-worn camera footage showed that the named officer treated both parties fairly. The collision victim was initially irate, and it was appropriate for the officer to spend time trying to develop rapport to calm him down. The complainant then escalated the situation by aggressively approaching the collision victim.

The named officer appropriately adjusted his communication style to control the situation. Although he raised his voice and ordered the complainant to get back inside his car, this different treatment was reasonable as a reasonable tactic for gaining compliance. The named officer was there to facilitate the exchange of information. Although the complainant's perception was that the named officer was favoring the other driver, the officer was trying to keep the scene calm and building rapport with the angry driver to keep the scene calm. The evidence proved that the officer's conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she was verbally and physically assaulted after a man purposely hit her parked vehicle. The complaint stated the man should have been handcuffed and taken to jail, but the named officer released him instead.

The named officer stated he was dispatched to the location because of a report that a man crashed into the complainant's vehicle and then assaulted the complainant. The named officer stated all the information he knew at the time of his arrival was included in the dispatch report (CAD). The named officer stated both parties were present at the scene and that both appeared agitated but were cooperative. The named officer stated he conducted a thorough and impartial investigation that included interviews of the complainant, suspect and witnesses, and review of videos. The named officer stated he did not place the man in handcuffs or in the back of the police vehicle because the criminal offense committed was a battery, which is a citable offense pursuant to California Penal Code § 853.6. Because the man provided identification and cooperated with the issuance of a citation, per SFPD Department Policy, he was required to cite and then release the man.

A witness stated he did not witness the interaction between the complainant and the man. The witness stated he saw what happened because his house camera captured the incident. The witness stated the video captured the man hitting the complainant and the man hitting the complainant's car. He stated he provided the video footage to the named officer who, the witness stated, seemed disinterested in the vehicle collision. The witness stated the man should have been put in handcuffs for the battery and the collision but was instead released.

The dispatch report (CAD) showed a Priority A Assault/Battery Vehicle Accident/No Injury was reported by the complainant. The CAD showed an older male hit a parked vehicle then punched the complainant in the face. The CAD showed an ambulance was refused. The CAD showed several officers responded to the scene including the named officer. The CAD showed an arrest was made.

The Incident Report (IR) confirmed that the complainant signed the Citizen's Arrest form, and that the named officer placed the man under arrest for battery, thereafter, citing and releasing him.

The BWC showed the named officer interviewed all parties and reviewed video recordings of the incident. The BWC showed the named officer identified the moment the complainant was assaulted. It also showed the named officer stated he could not determine, based on the video, if the vehicle collision

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was intentional or accidental. The BWC showed the named officer explained this to the complainant. The BWC showed the named officer mandated the suspect to take a DMV driving re-examination on a regular basis since the man could not recall pieces of the event that had just occurred. The BWC showed the man provided unclear and non-committal answers to the named officer.

Court records showed the man was booked on a battery charge. It showed the District Attorney filed a case against the suspect and the case is currently making its way through the San Francisco Superior Court.

California Penal Code 853.6(i) states:

“Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease, in which case the arresting officer may release the person, except as provided in subdivision (a), or the arresting officer shall indicate, on a form to be established by the officer’s employing law enforcement agency, which of the following was a reason for the nonrelease:

- (1) The person arrested was so intoxicated that they could have been a danger to themselves or to others.
- (2) The person arrested required medical examination or medical care or was otherwise unable to care for their own safety.
- (3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
- (4) There were one or more outstanding arrest warrants for the person.
- (5) The person could not provide satisfactory evidence of personal identification.
- (6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
- (7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
- (8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- (9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.
- (10) (A) The person was subject to Section 1270.1.

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(B) The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.”

Department General Order (DGO) 5.06, I. POLICY states:

“A. GENERAL. It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offences.

D. DECISION TO CITE. When receiving an arrest from a private person, the decision to cite or book the suspect shall be made on the basis of eligibility, not the arresting person’s preference.”

Department General Order (DGO) 5.06, II. PROCEDURES, in part, states:

“A. CITING AT THE SCENE. If a person is eligible for citation release, cite and release him/her at the location of arrest.”

Department Bulletin A 18-107, in part, states:

“California Vehicle Code § 21061 permits an officer to issue a Notice of Department of Motor Vehicle Re-Examination to a driver who cannot safely operate a vehicle because of the driver's mental or physical condition. Evidence of incapacity is defined as "**serious physical injury or illness or mental impairment or disorientation**, which is apparent to the traffic officer."

This "Notice" requesting a DMV re-examination may be issued when an officer determines any of the following:

- The driver lacks the mental or physical capacity to safely operate a vehicle.
- The driver is incapable of operating a motor vehicle safely and/or without danger of risk of injury.
- The driver demonstrates an inability to safely operate a vehicle due to a lack of knowledge and/or skill.”

Evidence showed the suspect was arrested and cited. The named officer was justified when he did not place handcuffs or transport the suspect to jail because it did not meet the criteria or exceptions stated in

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California laws or SFPD policies. The named officer also required the suspect to submit to a regular driver retesting with the Department of Motor Vehicles (DMV) as an extra precaution for failing to recall specifics about the vehicle collision.

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

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

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

FINDINGS OF FACT: The complainant stated the man who assaulted her was set free because he was an older, rich, white male.

The named officer stated he was saddened and profoundly offended by the complainant's statement. He stated both the complainant and the suspect were treated with dignity and respect at all times by all officers on scene. The named officer stated his decision was based on the totality of his investigation rooted in evidence, current state laws and policies as well as officer safety circumstances. The named officer added that, at the time of the investigation, the complainant appeared very happy with the investigation and outcome. The named officer stated the complainant did not express any concerns of bias. The named officer stated he will give the complainant the benefit of the doubt for her lack of knowledge of current laws and policies.

The BWC showed the named officer interviewed all parties. The BWC showed the named officer did not speak or act differently towards any individual, including towards other officers at the scene.

The evidence did not support the complainant's claim of bias. The evidence showed the officer followed all applicable state laws and Department policies.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer behaved in an inappropriate manner during a MUNI train collision investigation. He stated that the officer “sneered” at him and might have called him a derogatory name. The complainant refused to provide additional details regarding the perceived inappropriate conduct.

Body-worn camera footage capturing the entire incident disproved the complainant’s statement. The named officer behaved in a professional manner and had very limited contact with train passengers, mostly from a distance. No derogatory statements were recorded.

A preponderance of the evidence showed that the named officer did not speak or behave inappropriately.

The evidence proved that the officer’s conduct was lawful and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said that, during a train collision investigation, the named officers treated passengers differently based on race. He said that the named officers disregarded his safety and only assisted persons of color.

Body-worn camera footage showed that the named officers did not speak or act differently toward any individual. One officer entered the front of the train and asked everyone as a group if they were ok. One officer advised passengers in a crosswalk to wait for the signal to change. There was no evidence of biased behavior or disparate treatment.

The evidence proved that the officer’s conduct was lawful and proper.

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SUMMARY OF ALLEGATIONS #1-4: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that 15 children attacked her and her family with water balloons. She stated the officers that responded to the scene disbursed the group of children and did not arrest anyone. She stated the officers should have used force on the children and placed them all under arrest.

The named officers stated they did not place anyone under arrest at the time the incident occurred because they were dealing with a group of 15 – 20 confrontational individuals. To make any attempt to detain or arrest anyone could have created officer safety issues since there were only four officers on the scene. The officers stated they chose to de-escalate the situation and that arrests could potentially be made later after conducting a follow-up investigation. In addition, the officers stated that the complainant did not cooperate with their investigation.

Department records indicate that the officers responded to a call for service regarding a report of juveniles throwing water balloons. It states that the reporting parties encouraged the officers to use weapons and force as an option against the crowd. In addition, the reporting parties refused to provide identifying information or specifics about what crimes occurred for the officers to make a police report and conduct a follow-up investigation.

Body-worn camera footage showed the named officers attempting to de-escalate a situation where a large number of people were engaged in a verbal altercation with the complainant and her family regarding water balloons. The footage showed the complainant in an extremely upset state, reporting that she and her family members were assaulted with water balloons by a large group of children. The complainant questioned why the officers didn't use force or place all the children under arrest. Named officer #1 explained to the complainant that if the officers went hands-on with anyone in the crowd, it could turn violent. The proper course of action would be to document the incident and have it investigated, which could lead to arrest warrants. The footage showed the named officers explained to the complainant that they could write a police report but would need to obtain identifying information from the complainant and her family members. The complainant and her family became uncooperative and refused to provide identification or further information regarding the incident. The footage showed the complainant told the officers she did not want a police report, and she asked the officers to leave.

The named officers acted within Department policy by de-escalating a situation that could have turned violent. In addition, the named officers were unable to collect specific information from the complainant about the assault due to her lack of cooperation which hindered the officers' ability to conduct a follow-up investigation that could lead to arrests at a later time.

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

SUMMARY OF ALLEGATIONS #4-8: The officers knowingly engaged in biased policing.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that 15 children attacked her and her family with water balloons. She stated the officers that responded to the scene disbursed the group of children and did not arrest anyone. She said the officers should have used force on the children and placed them all under arrest. She also stated her cousin believed the officers did not arrest anyone because of her racial background.

The named officers stated they did not base their decision to place anyone under arrest due to race. The officers stated they did not place anyone under arrest when the incident occurred because they were dealing with a group of 15-20 confrontational individuals. Making any attempt to detain or arrest anyone could have created officer safety issues since only four officers were on the scene. The officers stated they chose to de-escalate the situation and that arrests could potentially be made later after conducting a follow-up investigation. In addition, the officers stated that the complainant did not cooperate with their investigation.

Department records indicate that the officers responded to a call for service regarding a report of juveniles throwing water balloons. It states that the reporting parties encouraged the officers to use weapons and force as an option against the crowd. In addition, the reporting parties refused to provide identifying information or specifics about what crimes occurred for the officers to make a police report and conduct a follow-up investigation.

Body-worn camera footage showed the named officers attempting to de-escalate a situation where a large number of people were engaged in a verbal altercation with the complainant and her family regarding water balloons. The footage showed the complainant in an extremely upset state, reporting that she and her family members were assaulted with water balloons by a large group of children. The complainant questioned why the officers didn't use force or place all the children under arrest. Named officer #1 explained to the complainant that if the officers went hands-on with anyone in the crowd, it could turn violent. The proper course of action would be to document the incident and have it investigated, which could lead to arrest warrants. The footage showed the named officers explained to the complainant that they could write a police report but would need to obtain identifying information from the complainant and her family members. The complainant and her family became uncooperative and refused to provide identification or further information regarding the incident. The footage showed the complainant told the officers she did not want a report, and she asked the officers to leave.

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The complainant did not provide any basis for the allegation other than that her cousin believed they were biased based on her race. DPA made several attempts to interview the cousin with negative results.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-2: The officers were inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers took an unreasonable amount of time to react when they saw the complainant being chased and yelling for help. The complainant stated that the named officers stopped their patrol vehicle approximately 50 yards away after he flagged them down. The officers stayed in their vehicle for at least a minute until they exited their vehicle.

Department of Emergency Management records showed that the named officers were responding to a different call immediately prior to contacting the complainant.

Body-worn camera footage captured the named officers driving in their patrol vehicle for 16 seconds before they stopped their vehicle. The named officers exited their patrol vehicle 15 seconds later and contacted the complainant. The complainant told the named officers that he was being chased by the suspect who had been wandering in and out of traffic. The complainant told the officers that he wanted the suspect arrested because he believed the suspect was going to hit him. The officers accepted a private person arrest for the assault, searched for the suspect, detained him, and cited him.

The incident report documented the officer's investigative steps taken after being flagged down by the complainant. Furthermore, it also showed that the suspect was cited for two violations prior to being released.

Department General Order 1.03 outlines the duties and responsibilities of officers assigned patrol duties. An officer who fails to make written reports on crimes observed or brought to their attention that have not been previously reported could be faulted with inattention to duty.

The investigation showed that the named officers' response time to the complainant's signal for them to stop and help aligned with department policy. The evidence showed that the named officers complied with the duties and responsibilities of officers assigned patrol duties, and in accordance with the policies involving arrests by private persons. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The named officer said that although she saw him being chased, they did not respond immediately, because they thought that they could have been playing tag.

Body-worn camera showed at the end of the investigation, the complainant complained about feeling as if the officers abdicated their duties because they didn't have an immediate reaction to him being chased by the suspect. In response, the named officer explained that they did not hear the complainant calling out for help because that the patrol vehicle has ballistic proof windows. The named officer gave an example of seeing two people running down the street as if they were playing tag. The complainant took offense to the statement, for which the named officer apologized.

Department General Order 2.01 outlines the general rules for officer conduct. Although, the complainant perceived the named officer's statement as egregious, the statement was made in reference to the difficulty of being able to hear through ballistic proof windows. The example, although ill-considered, does not rise to the level of misconduct. The statement appears to have been taken out of context and was not made with malicious intent.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 911 and reported that her daughter was attempting to commit suicide. The complainant's daughter, who lives on the first floor of complainant's house, came upstairs, and locked herself in a room. Her daughter made threats to harm and kill herself. The complainant alleged that the named officer refused, when asked, to take her daughter to a youth shelter for mental health assistance or intervention, resulting in her daughter hurting herself.

The named officer stated that the complainant's daughter appeared frustrated and upset but calm enough to answer questions. In her conversation with the complainant's daughter, the latter told her that she had gone upstairs to watch television, but the complainant had removed the television. The officer stated that the complainant's daughter refused to return downstairs. The named officer did not observe any injuries on the daughter. She said the daughter gave short, but clear and concise responses to her questions. She said the daughter was not a danger to herself or others, was not suicidal, and showed no signs of distress. The officer stated that the complainant's daughter did not meet the criteria for mental health evaluation pursuant to Welfare and Institutions Code section 5150.

Five witness officers that also responded to the incident corroborated the named officer's observations of the complainant's daughter.

DPA also obtained body-worn camera footage of the incident. The BWC footage was consistent with the statements the named officer and witness officers provided to DPA and supported the named officer's findings and observations regarding the complainant's daughter.

Department General Order 7.02, Psychological Evaluation of Juveniles, states in part, "It is the policy of the San Francisco Police Department that officers respond in a helpful manner to juveniles whom they believe to be in acute psychological distress. Pursuant to section 5585.50 of the Welfare and Institutions Code, an officer may take a minor for psychiatric evaluation when the minor, as a result of mental disorder, is a danger to others, is a danger to himself/herself, or is gravely disabled, and authorization for voluntary treatment is not available."

The evidence showed that the named officer took proper action based on the evidence that was presented to her at the time.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant went to move her car on a street sweeping day and discovered that it was damaged from a collision. The driver who had crashed into her parked car was still on the scene and it appeared that he had also crashed into three other parked cars. The complainant called to report a possible drunk driver. The complainant stated the officer did not take appropriate action against the unlicensed, reckless, and possibly drunk driver.

The Department of Emergency Management records showed that the driver was the first person to report the collision. He called 911 to say that he had accidentally damaged multiple parked cars and that he would wait for officers to arrive. The complainant then called to report a possible drunk driver, describing him as being flushed and having slurred speech. The named officer and her partner responded to investigate a possible drunk driver.

Body-worn camera footage documented the officer's investigation and actions. The driver said that he was not injured and explained that he accidentally hit four parked cars while making a turn. The driver spoke a language other than English. His speech was clear, and he was calm and communicative. The named officer advised dispatch that there was no merit to the driver being drunk. The officer met with the complainant and other victims. She explained to the victims that the driver sideswiped their parked cars because he lost control of his car on a turn. The complainant asked if the driver was intoxicated. The officer responded that she had evaluated the driver's demeanor, speech, and gait and determined that there was no sign of intoxication. The officer then calmly facilitated the exchange of information between the parties by filling out multiple information cards. She explained to the victims that the form would be incomplete because the driver was unlicensed but that he did have insurance. None of the involved parties reported an injury. None of the involved parties requested a citation or arrest.

The named officer stated that she was not required to prepare a collision report because there were no injuries or signs of intoxication. The officer stayed on scene to facilitate the exchange of information. The driver explained that he lost control when he made a turn. He did not possess a California driver license. She did not know if the driver had a valid driver's license from another country and did not have any means to verify or confirm his out-of-country status. She stated that she did not cite the driver for misdemeanor reckless driving or unlicensed driving because the alleged violations were not committed in her presence nor in the presence of any involved party or witness who would be able to make a private person arrest.

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Department General Order 9.02, Vehicle Accidents, does not require investigation or reporting for non-injury collisions. Department General Order 9.01, Traffic Enforcement, allows officers to exercise discretion when issuing citations. There is no policy requiring officers to cite unlicensed drivers.

Once the officer determined there were no injuries, she was under no obligation to issue a citation or further investigate the collisions. Body-worn camera footage corroborated the officer's assessment of the driver, who showed no outward signs of intoxication. Officers are trained to independently evaluate witness statements to avoid engaging in bias by proxy. Here the driver was accused of having slurred speech and a flushed appearance. However, video evidence showed that the driver was clearly communicating in another language and that he was standing and walking in a normal manner.

The decision to cite the driver was within the officer's discretion. It was appropriate for her to decide against issuing a citation.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer was dismissive and minimized the incident. The officer told the complainant that the driver had no driver license, and that insurance would handle that issue. The complainant said another person whose car was also hit asked the officer if the driver was under the influence. Her response was, "No, ma'am. We are trained to identify when someone is under the influence." The complainant said that the officer downplayed the incident as an insurance issue. The complainant wanted the officer to cite the driver but felt uncomfortable telling her. After the complainant mentioned that the driver had no license, the officer cut her off fast, and the complainant did not want to seem disrespectful.

The officer denied acting inappropriately or being dismissive. She took time to explain the process and traffic collision policy and ensured that all the victims were provided with the driver's information. The officer stated that she did not explain to the victims why the driver was not cited because no one asked her about that issue. She stated she was calm and professional and answered the victims' questions and addressed their concerns.

Body-worn camera footage showed that the officer was patient, professional, and polite with all parties throughout the contact. She ensured that all five parties received information cards. She was straightforward, neutral, and answered everyone's questions.

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Department General Order 2.01, General Rule of Conduct, requires officers to treat the public with courtesy and respect.

DPA acknowledges that the complainant may have expected different information or a different outcome. However, the named officer behaved in a professional and straightforward manner and complied with Department policy.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was riding an electric scooter, got into an accident, and was injured. The named officer witnessed the accident, and the complainant was later transported to the hospital in an ambulance. The complainant said the named officer issued him a citation for operating a motor vehicle while under the influence of alcohol. He said he had been drinking and was under the influence of alcohol when he was riding the electric scooter; however, the named officer cited him for the inappropriate California Vehicle Code (CVC) section. He stated the named officer should have cited him for the more applicable CVC violation that pertains specifically to operating a motorized scooter while under the influence of alcohol or drugs.

The named officer stated that while on patrol he saw the complainant ride an electric scooter at a high rate of speed and collide into a vehicle that was stopped at a traffic signal. He spoke with the complainant to see if he was okay and noticed a strong odor of an alcoholic beverage emanate from him. The complainant spoke with slow and slurred speech and stated that he had been drinking. He performed only one of the Standardized Field Sobriety Tests (SFST) as the complainant was injured and in an ambulance. He said that based on the above observations and the results of the SFST he believed sufficient probable cause existed to arrest the complainant for driving under the influence (DUI) of alcohol. He said based on his understanding of CVC it does not matter if a person is operating a scooter as opposed to a driving a car when intoxicated as both fall within the parameters of driving under the influence. He said he was not aware of CVC Section 21221.5 which pertains to operating a motorized scooter while under the influence of alcohol as there are numerous California codes and sections, and it is very difficult to know them all. He said he issued the complainant a citation for what he believed was the most applicable at the time. He stated that officers provide the District Attorney's Office with charging suggestions, and they then determine the ultimate decision on whether to keep, add or amend the charges to what they believe is most applicable.

Body-worn camera (BWC) footage showed that the complainant was riding an electric scooter and collided into the rear of a vehicle that was stopped at a traffic signal at an intersection. The named officer spoke with the complainant who appeared intoxicated and stated that he had had alcohol that day. BWC footage showed that the named officer conducted what appeared to be a field sobriety test and later issued the complainant a citation.

Department records reflected that the named officer issued the complainant a citation in part for CVC Section 23152 (a) which pertains to driving under the influence. CVC Section 23152 (a) states, "It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle."

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California Vehicle Code Section 670 defines a “vehicle” as, “...a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.”

A Subject Matter Expert stated that officers have the discretion to cite for either CVC violation as an electric scooter is a vehicle by CVC definition. The charges can be amended later by a prosecutor. The expert stated that he would have cited the same CVC as the named officer where an intoxicated person operated a scooter at an unsafe speed in a roadway and collided with a vehicle injuring themselves.

Based on the totality of the circumstances it was reasonable for the named officer to cite the complainant for driving under the influence under the chosen CVC Sections pertaining to DUI. The complainant was driving an electric scooter, which by CVC definition is a vehicle, and the named officer had probable cause to believe the complainant was under the influence of alcohol beverages. The District Attorney’s Office determines the ultimate charging decision and if charges need to be amended.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he attempted to report a series of incidents that began in 2016. The incidents centered around being stalked and terrorized by unknown persons who hacked his phone. The complainant was also reported to have been injected with chemicals by these unknown persons.

Department records showed that an incident report was completed in 2016 by a civilian employee. However, no other records could be found of the complainant reporting the ongoing incidents to police officers.

An officer identification poll was sent to the district station where the most recent incident occurred. No officer could be identified.

The identity of the alleged officer could not be established based on the information provided by the complainant.

No findings are made if the officer cannot reasonably be identified or the officer has left the Department and is, therefore, no longer subject to discipline.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant reported that he recently tried to file additional reports to an officer regarding the hacking of his phone and exposure to chemicals, but they failed to take his report.

The complainant could not provide information that would aid in identifying the officer, such as the date the report was made, a name, or other descriptive details.

An officer identification poll was sent to the district station where the most recent incident occurred. No officer could be identified.

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No finding occurs when the complainant fails to provide additional requested evidence. No findings are made if the officer cannot reasonably be identified or the officer has left the Department and is, therefore, no longer subject to discipline.

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

CATEGORY OF CONDUCT: Referral

FINDING: IO1/IAD

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he called the police non-emergency number to report break-ins and burglaries at a complex that his company manages, but that officers have not responded to these calls-for-service.

Department records showed three calls-for-service at the subject address within the two months preceding the complaint. The first call-for-service reported a vehicle burglary and was assigned a “C” priority. The Computer Aided Dispatch record for this call showed that different police units acknowledged the call, but noted they were conducting runs. Ultimately, approximately 11 hours later, a police unit did respond on scene.

The second call-for-service was to report that a garage had been broken into and two vehicles had been boosted or stripped. It was assigned a “C” priority. The Computer Aided Dispatch record for this call showed that different police units acknowledged the call, but noted they were conducting runs. Ultimately, approximately 21 hours later a police unit did respond on scene.

The third call-for-service was assigned a “C” priority as it reported a burglary that had occurred one month earlier. The Computer Aided Dispatch record for this call showed that different police units acknowledged the call, but noted they were conducting runs. Ultimately, approximately 17 hours later, a police unit did respond on scene, but they were unable to locate the reporting party as there was no answer on call back.

Department General Order 1.03 (DGO 1.03) outlines the duties and responsibilities of officers assigned patrol duties. According to DGO 1.03 I. Policy #8, Responding to Calls, “Officers are required to respond promptly to calls they are assigned. When they are in the immediate vicinity of a serious incident officers are to respond and render assistance to the unit assigned. Lastly, when officers are out of service on a lower priority incident and directed by the Department of Emergency Management to take a more urgent assignment, officers are required to acknowledge and respond to the more urgent assignment.”

Priority C designation for calls-for-service is used for incidents where a delay in police response will generally not adversely affect the outcome of the call-for-service. The evidence shows that all three calls regarding the subject property were assigned Priority C and that officers did eventually respond to the

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scene. While DPA understands the complainant was frustrated that police did not arrive quickly, officers did respond to the calls-for-service.

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

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COMPLAINT DATE: 08/12/22 COMPLETION DATE: 01/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that police closed the street they reside on due to an event. They said officers had been granting residents access after showing proof they lived on that street. They alleged that the named officer improperly refused them to access even after they presented the named officer with proof of residency. The complainant stated that the named officer told them to take an alternate path.

DPA obtained the Department's operational orders for the event. The operational orders showed that officers assigned to the event were to control vehicle and pedestrian traffic on the street. Officers were also directed to close off the street if it was necessary to safeguard the event.

The named officer's actions were consistent with the operational orders established for the event.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments to the complainant's front seat passenger about what was on the complainant's cell phone.

The named officer admitted that he made the inappropriate comments because the complainant had been abusive to him. The named officer admitted that he should not have made the comments and stated he regretted his actions.

SFPD documents showed that the named officer attended an incident involving the complainant.

Body camera footage showed the named officer making the inappropriate comments to the complainant's passenger.

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

By the officer's own admittance, he spoke inappropriately to the complainant's passenger. The officer's statement brings the discredit upon the Department.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was detained by the named officer because the named officer was abusing his power and there was not a legitimate reason to detain him. The complainant admitted that he was driving in a San Francisco Muni bus lane.

The named officer stated that he pulled alongside the complainant and advised him that he was driving in a bus lane and needed to move out of that lane as he was violating traffic codes. The named officer stated that complainant refused to move and became abusive. The named officer stated he gave the complainant several warnings before finally stopping the complainant. The named officer stated that the complainant believed he could drive in the bus lane.

SFPD documents show the complainant was stopped and detained for driving in a Muni bus lane in violation with traffic codes.

Body camera footage showed the named officer issuing the complainant a citation for the traffic violation.

The complainant admitted to being in the bus lane which is a violation of traffic code. The named officer was justified to detain the complainant in order to issue a citation.

DGO 9.01 states:

ENFORCEMENT. Officer shall act on moving violations in any of the following circumstances:

a. After witnessing a violation

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was issued a citation by the named officer without cause. The complainant admitted that he was driving in a San Francisco Muni bus lane.

The named officer stated that he pulled alongside the complainant and advised him that he was driving in a bus lane and needed to move out of that lane as he was violating traffic codes. The named officer stated that complainant refused to move and became abusive. The named officer stated he gave the complainant several warnings before finally stopping the complainant. The named officer stated that the complainant believed he could drive in the bus lane.

SFPD documents show the complainant was stop issued a citation for driving in a Muni bus lane in violation with traffic codes.

Body camera footage showed the named officer issuing the complainant a citation for the traffic violation.

San Francisco Traffic code states:

SEC. 7.2.72. DRIVING IN TRANSIT-ONLY AREA.

To operate a vehicle or any portion of a vehicle within the area of any street designated in Division II as a transit-only area, except that public transit vehicles and taxicabs, vehicles preparing to make a turn, and vehicles entering into or exiting from a stopped position at the curb may be driven within a transit-only area.

The complainant admitted to driving in a transit only area. The named officer had cause to issue the citation to the complainant.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer is accused of failing to activate his body-worn camera as required by department policy.

The named officer stated that he did not activate his body-worn camera as required. The named officer stated he thought he had turned on his camera but on returning to his station he found that he had not activated it. The named officer followed policy by informing his supervision of his failure to activate the camera.

SFPD records show the named officer did not activate his body-worn camera. SFPD documents also show the named officer did inform his supervision of the failure to activate.

SFPD DB 20-175 states: Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed.

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

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COMPLAINT DATE: 09/19/22 COMPLETION DATE: 01/26/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she filed an emergency protective order (EPO) against her husband, who was residing in her home. She said she expected the EPO to be served that day or within the following few days. She stated she was at home during that period, and no one came to her door to attempt service.

The incident report indicates that the complainant reported that her husband was verbally abusive and threatened her with violence. In addition, the report indicates that the report taker was granted an EPO from the court by phone.

The EPO Service Log maintained at the police station documents three attempts to serve the EPO at the complainant's address during the period of time the complainant stated that no attempts were made.

Body-worn camera (BWC) footage showed officers made three separate attempts to serve the EPO at the complainant's residence. All attempts were unsuccessful, as no one answered the door.

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: 09/19/22 COMPLETION DATE: 01/26/23 PAGE# 2 of 3

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated she called the police station to inquire about the service of an EPO that was to be served on her husband at her residence. She stated the named officer lied when he told her that officers made multiple attempts to serve her husband at her residence because she had been home, and no one had come to her door to attempt service.

The named officer stated he spoke with the complainant and informed her that there appeared to be unsuccessful attempts to serve the EPO based on what he saw on the EPO Service Log. He stated he did not lie to the complainant.

The incident report indicates that the complainant reported that her husband was verbally abusive and threatened her with violence. In addition, the report indicates that the report taker was granted an EPO from the court by phone.

The EPO Service Log maintained at the police station documents three attempts to serve the EPO at the complainant's address during the period of time the complainant stated that no attempts were made.

Body-worn camera (BWC) footage showed officers made three separate attempts to serve the EPO at the complainant's residence. All attempts were unsuccessful, as no one answered the door.

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: 09/19/22 COMPLETION DATE: 01/26/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated she called the police station to inquire about the service of an EPO that was to be served on her husband at her residence. She stated the named officer was accusatory and rude. She stated the named officer then told her he would call her back, which he never did.

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

The incident report indicates that the complainant reported that her husband was verbally abusive and threatened her with violence. In addition, the report indicates that the report taker was granted an EPO from the court by phone.

The EPO Service Log maintained at the police station documents three attempts to serve the EPO at the complainant's address during the period of time the complainant stated that no attempts were made.

Body-worn camera (BWC) footage was unavailable as the contact was conducted over the phone.

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

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

COMPLAINT DATE: 09/15/22 COMPLETION DATE: 01/25/23 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 stated that an officer driving a patrol vehicle sped behind her while she was on her bicycle, nearly hit her, and proceeded to tailgate other bicyclists.

Department records failed to identify the officer who was assigned to the patrol vehicle.

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

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

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

COMPLAINT DATE: 09/30/22 COMPLETION DATE: 01/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated an officer activates his siren for no reason during the late and early morning hours to terrorize and unnecessarily wake up people in the neighborhood.

The complainant failed to respond to numerous request to provide more information, such as the incident's time, date, location, or a name or description of the officer.

No finding outcomes occur when an officer cannot be reasonably identified.

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

COMPLAINT DATE: 09/30/22 COMPLETION DATE: 01/25/23 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 officers from his neighborhood police station sit in parked cars and play with their sirens to terrorize the neighborhood. He stated that he had started filming these occurrences.

The complainant failed to provide the referenced video or photo documentation to DPA.

No finding outcomes occur when an officer cannot be reasonably identified.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he called his neighborhood police station regarding their use of patrol car sirens and the named officer hung up on him twice.

The named officer stated that he did not recall the alleged interaction with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/22 DATE OF COMPLETION: 01/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant called the police to report a noise disturbance and littering associated with a vehicle parked outside her residence. The complainant stated that officers responded several times but did not do anything. The complainant did not want to complain about specific officers but about SFPD in general.

DPA attempted to reach the complainant for further information needed to proceed with the investigation, but the complainant was not responsive.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/22 **DATE OF COMPLETION:** 01/11/23 **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**

DATE OF COMPLAINT: 10/18/22 DATE OF COMPLETION: 01/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that she attempted to contact the named officer and he did not answer or return any of her calls and she has not been able to speak to him about local issues.

The named officer stated that he has spoken to the complainant. The named officer stated he spoke to her over the phone and other people witnessed the call. The named officer also stated he is aware of the ongoing problems in the complainant's neighborhood and actions have been taken to address them.

An independent witness stated that she heard the named officer speaking to the complainant. The witness stated that the named officer was professional and courteous to the complainant.

There was no SFPD documents related to this allegation.

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

Both the named officer and an independent witness confirm that the named officer has spoken to the complainant.

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: 10/20/22 COMPLETION DATE: 01/11/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant called the non-emergency line to report criminal activity at their apartment building. The complainant alleged that the officer who answered the phone refused to take their complaint or information.

An identification poll was conducted with negative results.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant alleged that the officer they spoke to on the phone abruptly hung up on them when they called.

An identification poll was conducted with negative results.

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

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

COMPLAINT DATE: 10/13/22 **COMPLETION DATE:** 01/23/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: No Finding

FINDINGS OF FACT: The complainant stated that he went to a district police station to report an abandoned vehicle he found double-parked on the street. He spoke with an officer, who refused to take his report. The complainant provided the name of the officer along with a physical description.

DPA reached out to the personnel division at SFPD. The personnel division was unable to locate any officer who currently or formerly worked for the San Francisco Police Department with the name provided by the complainant. DPA also submitted an officer ID poll to the district station in question that produced negative results.

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

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: No Finding

FINDINGS OF FACT: The complainant stated he asked a specific officer for a citizen complaint form, but the officer refused to get him one.

DPA reached out to the personnel division at SFPD. The personnel division was unable to locate any officer who currently or formerly worked for the San Francisco Police Department with the name provided by the complainant. DPA also submitted an officer ID poll to the district station in question that produced negative results.

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

COMPLAINT DATE: 11/02/22 **COMPLETION DATE:** 01/23/23 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said the named officer lectured her about the appropriate use of the vehicle's horn in a condescending manner, and treated her as though the complainant was a child. The complainant honked her vehicle's horn while waiting for a parking spot.

The named officer said he was drawn to the complainant in her vehicle after she arrived on the scene, honking her horn excessively. The officer was concerned about an emergency and exited his vehicle to assist. The officer approached the complainant's vehicle after she parked and inquired why she was honking the vehicle's horn. The named officer said he did not treat the complainant like she was a child. He said his goal was to respond, render assistance if needed, and educate the complainant regarding the road rules. The officer listened to the complainant and let her explain why she committed traffic violations. The named officer advised that the complainant is not exempt from traffic violations because she was trying to park in a parking spot that was unavailable, nor does that give the complainant the right to block traffic. The officer said he briefly educated the complainant regarding the violations to understand better road safety and the proper use of a horn. The named officer gave a verbal warning to the complainant.

Department General Order 2.01 General Rules of Conduct states members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

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

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

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

COMPLAINT DATE: 11/02/22 **COMPLETION DATE:** 01/23/23 **PAGE# 2 of 3**

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant felt the named officer's purpose was to intimidate the complainant because no one was harmed by the complainant honking the vehicle's horn. The complainant honked the vehicle's horn while waiting for a parking spot.

The named officer was drawn to the complainant in her vehicle after she arrived on the scene honking the vehicle's horn excessively. The officer was concerned about an emergency and exited his vehicle to assist. After parking, the officer approached the complainant's vehicle and inquired why she was honking the horn. The named officer said his purpose was not to intimidate the complainant. The officer explained to the complainant that honking the vehicle's horn was used for emergencies only. The officer said he briefly educated the complainant politely and professionally about the traffic violations the named officer witnessed the complainant committing.

Department General Order 2.01 General Rules of Conduct states members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

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

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

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

COMPLAINT DATE: 11/02/22 **COMPLETION DATE:** 01/23/23 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 2.01

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the officer was parked in front of a fire hydrant getting lunch.

The named officer said there were no emergent calls for service, and his assigned partner went inside a business to get their food for lunch.

Department General Order [DGO] 2.01 General Rules of Conduct states members shall take care of all Department property entrusted to them and shall be personally liable for its loss or damage due to negligence. In addition, DGO 2.01 states members shall use and operate Department vehicles and equipment in a prudent manner.

California Vehicle Code section [CVC] 22514 states no person shall stop, park, or leave standing any vehicle within 15 feet of a Fire Hydrant except as follows: if the vehicle is attended by a licensed driver who is seated in the front seat and who can immediately move such vehicle in case of necessity.

The named officer was seated in the front seat of the patrol vehicle while waiting for his assigned partner to return with their food for lunch. As such, the officer complied with CVC sec. 22514.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/22 **DATE OF COMPLETION:** 01/11/23 **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 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: 11/04/22

COMPLETION DATE: 01/11/23

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: Referral

FINDING: IO1/IAD

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/22 **DATE OF COMPLETION:** 01/10/23 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: An anonymous complainant said they called the police due to ongoing noise issues with a neighbor. The complainant said the hotel manager also contacted the police because the complainant knocked at that same neighbor's door. When the officer arrived, the officer tried to break into the complainant's room using the room key provided by the hotel manager. She said she knew this because she saw the officer through the peephole on her apartment door. The complainant could not provide the incident date, the hotel's name or address, a name or description of the officers involved, or the name and description of the hotel manager.

A dispatch report (CAD) query did not produce any record or information about the incident described by the complainant. A search of Department records was also negative.

The complainant did not respond to further attempts to contact them to try and discover further information to aid the investigation.

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

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

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

FINDINGS OF FACT: The complainant stated an officer said to the hotel manager that they did not have to extend the complainant's stay at the hotel. The complainant could not provide the incident date, the hotel's name or address, a name or description of the officers involved, or the name and description of the hotel manager.

A dispatch report (CAD) query did not produce any record or information about the incident described by the complainant. A search of Department records was also negative. The complainant did not respond to further attempts to contact them to try and discover further information to aid the investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/22 DATE OF COMPLETION: 01/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 1/17/23.

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

COMPLAINT DATE: 11/10/22 COMPLETION DATE: 01/24/23 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: 11/18/22 COMPLETION DATE: 01/11/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/22 **DATE OF COMPLETION:** 01/10/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of onlookers.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The DPA received an online complaint in which the complainant stated he was filming a construction site when unknown officers pulled over and slapped his phone out of his hand. The complainant did not provide the date of this occurrence and did not provide any identifying information for the unknown officers.

DPA attempted to reach the complainant for further information, but the complainant was not responsive.

DPA queried the complainant's name and the alleged location of the incident with negative results.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the unknown officers blocked him from walking away and tried to interrogate him. The complainant did not provide the date of this occurrence and did not provide any identifying information for the unknown officers.

DPA attempted to reach the complainant for further information, but the complainant was not responsive.

DPA queried the complainant's name and the alleged location of the incident with negative results.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/22 **DATE OF COMPLETION:** 01/18/23 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she was in the park minding her own business when the named officers approached her, told her someone had complained about her, and arrested her without cause.

Body-worn camera footage showed that the reporting party identified the complainant as the person who charged at her with an object, swung the object at her and threatened to kill her. The reporting party told the named officers that she felt threatened and wanted the complainant arrested. The named officers located a cane among the complainant's property, which the reporting party identified as the object the complainant had swung at her.

Department records indicated that the complainant was arrested and booked for violating California Penal Code sections 422 and 245(a)(1) (criminal threats and assault with a deadly weapon).

Penal Code section 422 states in relevant part, "(a) Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement . . . is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison."

Penal Code section 245(a)(1) states in relevant part, "(a)(1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment."

Based upon the reporting party's statement to police that the complainant swung a cane at her and threatened to kill her, the officers had probable cause to arrest 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: 11/24/22 **COMPLETION DATE:** 01/10/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/SFBOS

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

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

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

COMPLAINT DATE: 11/30/22 COMPLETION DATE: 01/10/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 12/01/22 COMPLETION DATE: 01/10/23 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: 12/01/22 COMPLETION DATE: 01/10/23 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: 12/06/22 COMPLETION DATE: 01/23/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant submitted an online complaint form stating that he witnessed a motorcycle failing to make a complete stop at a stop sign. A patrol vehicle was present and did not attempt to make a traffic stop.

Department records identified the vehicle number the complainant provided, and the assigned police station was found. However, an identification poll of a member using the patrol vehicle was returned with negative results.

The DPA attempted to reach the complainant for additional information, such as a description of the officer driving the vehicle. The complainant declined to provide further assistance.

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: 12/08/22 COMPLETION DATE: 01/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer is attempting to harass and intimate him by hacking his phone, computer, and email.

Department records showed that the named officer is no longer with the department.

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

SUMMARY OF ALLEGATION #2: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated an officer is retaliating against him for reporting police misconduct by hacking his phone, computer, and email.

Department records showed that the named officer is no longer with the department.

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: 12/12/22 **DATE OF COMPLETION:** 01/10/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the named officer falsified a police report to cover up another officer's misconduct.

The named officer is no longer with the San Francisco Police Department and is not subject to discipline.

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: 12/12/22 COMPLETION DATE: 01/10/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IO-2

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

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

COMPLAINT DATE: 12/13/22 COMPLETION DATE: 01/10/23 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: 12/17/22 COMPLETION DATE: 01/10/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

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: 12/17/22 COMPLETION DATE: 01/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NFW

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

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

COMPLAINT DATE: 12/15/22 COMPLETION DATE: 01/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint has previously been referred to the Bart Police Department.

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

COMPLAINT DATE: 12/21/22 **COMPLETION DATE:** 01/21/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

San Jose Police Department – Internal Affairs Division
777 North 1st Street
San Jose, CA 95112

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

COMPLAINT DATE: 12/27/22 COMPLETION DATE: 01/10/23 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/22 **DATE OF COMPLETION:** 01/21/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: **Withdrawal**

FINDINGS OF FACT: The complainant alleged that the officer wrote a search warrant that contained false statements.

The complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 01/07/23 COMPLETION DATE: 01/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

FINDINGS OF FACT: The complainant withdrew the complaint.

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

COMPLAINT DATE: 01/09/23 COMPLETION DATE: 01/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO1

FINDINGS OF FACT: The complainant raises matters outside the DPA's jurisdiction.

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

COMPLAINT DATE: 01/05/23

COMPLETION DATE: 01/27/23

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: 01/12/23

COMPLETION DATE: 01/21/23

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: The complainant raises matters not rationally within DPA's jurisdiction.

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

COMPLAINT DATE: 01/13/23 COMPLETION DATE: 01/30/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 01/15/23 COMPLETION DATE: 01/30/23 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: 12/28/22 **COMPLETION DATE:** 01/21/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/23 DATE OF COMPLETION: 01/24/23 PAGE# 1 of 1

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

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: 01/26/23

COMPLETION DATE: 01/27/23

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: The complainant is upset at authorities' inability to solve the Zodiac Killer case. The complaint raised matters that were nor rationally within DPA jurisdiction.