

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

COMPLAINT DATE: 04/06/22 COMPLETION DATE: 04/17/22 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

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

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

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

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

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

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

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

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

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

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

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

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

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

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-2: The officers did not properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated he told the named officers that he wanted two shopkeepers arrested for punching and kicking him, and for keeping him trapped inside their store. He was kicked in the head and momentarily lost consciousness. He stated that the surveillance video showed the shopkeepers had no reason to punch and kick him. However, the officers failed to make an arrest.

The named officers stated that they obtained statements from the complainant and both shopkeepers. One officer did not observe injuries to the complainant's face consistent with being kicked in the head. The named officers stated that the complainant alleged a battery and wanted the shopkeepers arrested, whereas the shopkeepers stated the complainant dealt drugs in the store, shoplifted, and trespassed. A second officer stated the shopkeepers wanted the complainant out of the store and did not want to press charges. The named officers said that surveillance footage showed the complainant shoplifting and conducting a drug deal in the store. They also stated that the shopkeepers punched and kicked the complainant many times but, without audio, they could not identify the aggressor. The officers determined that the surveillance footage did not fully support the complainant's version of events. Thus, they did not find probable cause to arrest the shopkeepers for battery.

The surveillance footage showed that the two shopkeepers attacked the complainant as he was standing at the checkout counter. The shopkeepers threw the complainant to the ground, dragged him, struck him, and kicked him all over his body.

Body-worn camera footage showed that one shopkeeper admitted beating the complainant, explaining that the complainant started it. The shopkeepers told the officers that the complainant conducted a drug deal in the store, shoplifted, and trespassed. The footage showed that the complainant had redness on and around his mouth and bumps on his forehead. The complainant complained of pain to his head and received medical treatment for that and other injuries. The officers allowed the complainant to complete a private person arrest form against one of the shopkeepers but did not take action to arrest or cite either shopkeeper.

Officers are required to obtain information on witnesses and suspects when investigating crimes. (Ex. L, DGO 1.03 Duties of Patrol Officers, Rule I.6)

The officers had information and evidence indicating that both shopkeepers attacked the complainant but obtained contact information from only one of the attackers, even though both shopkeepers were cooperative and remained at the scene. The officers therefore neglected their duty to thoroughly investigate the battery.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officers failed to arrest the shopkeepers who kicked and punched him.

The named officers stated that they did not have probable cause to arrest the shopkeepers for battery because the complainant's statement was not corroborated by the surveillance video footage. The named officers stated that the surveillance video footage did not have audio so they could not determine the aggressor.

Surveillance footage showed the doorway of the business being blocked by one of the shopkeepers, who suddenly struck the complainant in the face. The complainant fell to the ground, and two shopkeepers repeatedly punched and kicked the complainant as he lay in protective positions on the ground.

A battery is a "willful and unlawful use of force or violence" on another person (Penal Code 242).

The evidence showed there was ample evidence that a battery had occurred, and that the complainant requested a private person arrest.

Officers are required to receive private person arrests, even when the public offenses are committed outside the presence of the officer. (DGO 5.04.03) When asked to accept a private person arrest, officers are required to:

[D]etermine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate." (DGO 5.04.04(3))

The officers failed to cite or arrest the shopkeepers for committing a battery.

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 #5: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The incident report was not classified as a battery investigation and did not identify the second attacker or include his statement. Additionally, the complainant was listed as the only suspect and one of the attackers was listed as a witness. Consequently, the report was not forwarded to an investigations team for follow-up.

Department policies and procedures require officers to prepare factual and thorough incident reports, which is one of the most important duties of a professional police officer. Thorough investigations memorialized in well-prepared incident report are essential to follow-up investigations and eventual prosecution. Officers are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action. Failing to use the proper title of the incident or crime classification is an example of a common error which could undermine officer credibility and potential prosecution.

The evidence showed that the report was misclassified and failed to identify a battery suspect.

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 prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the traffic collision report reflected a lack of knowledge of bicycling laws and wrongly concluded that the complainant was at fault in the bicycle accident. The complainant also stated the report was inaccurate because he disagreed with the driver's statement in the Traffic Collision report.

The named officer denied the allegation, stating he has a working knowledge of the California Vehicle Code, CHP Collision Manual, and Department policy as it applies to traffic collisions. Pursuant to California Vehicle Code sec. 21200, when riding a bicycle, the rules of the road apply to bicyclists. The officer stated both parties were interviewed, as well as the passenger in the vehicle and an independent witness. The named officer stated at the conclusion of the on-scene investigation that he had not yet determined who the party at fault was. It was not until after viewing the video footage provided by the complainant that he determined the complainant was the party at fault. The officer determined the complainant made an unsafe lane change in violation of California Vehicle Code sec. 22107 CVC, based on the on-scene investigation, statements obtained from the parties and witnesses, and video footage provided by the complainant.

The named officer's partner stated that before viewing the video footage, he believed the named officer was going to conclude that he could not decide who the party-at-fault was. However, after viewing the video footage, the named officer determined that the complainant was the party at fault. The named officer's partner stated he believed it was well within reason to determine that the complainant was the party at fault for making an unsafe lane change.

Witness Officer #1 stated he interviewed the complainant and a witness. The complainant said he was biking westbound in the traffic lane and was struck from behind by a vehicle. Witness Officer #1 stated that the complainant was at fault for the collision. Witness Officer #1 stated if there were any confusion on the part of the complainant regarding the traffic sign, a reasonable person would have stopped, determined the safest route, and proceeded with caution. Witness Officer #1 stated that Witness #2 told the named officer that the complainant and the other involved party both stopped and/or hesitated before the traffic sign and orange barriers and that both parties continued at the same time, and the party driving then collided with the complainant and that the collision did not seem intentional. Witness Officer #1 stated a substantial amount of time was spent on-scene (almost an hour) to ensure a thorough and accurate investigation was completed.

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Witness Officer #2 stated he does not recall the details of the incident, but he did recall the investigation taking approximately one hour, indicating much thought was put into the investigation.

Witness #1 said she was seated in the front right passenger seat of Vehicle 2. Witness #1 said she observed the complainant on his bicycle crossing the intersection. Witness #1 said the car and bicycle crossed the intersection roughly simultaneously. The complainant began wobbling on his bicycle, almost as if he was unsure as to which lane to ride in. Witness #1 said the complainant stopped between the bicycle lane and lane #1 but was unsure if the complainant had his feet down on the pavement. The complainant then veered left, causing the bicycle to collide with the vehicle.

Witness #2 stated she was riding her bicycle eastbound and was stopping at the intersection when she observed the bicycle and the car crossing the intersection. Witness #2 said the complainant was riding his bicycle between the westbound lane #1 and the bicycle lane. Witness #2 described the bicycle as diagonal to the construction barrier between lanes #1 and the bicycle lane. Witness #2 said she heard the driver of the car honk at the complainant, and both the bicycle and the car began slowing down almost to a near stop. The bicycle and the car then began accelerating, and the collision occurred. Witness #2 stated that both parties traveled approximately two miles per hour before the collision.

The complainant provided a GoPro video that he says captured the collision. The video has no time stamp, just an elapsed time marker in the left-hand bottom corner. The video shows the complainant in a bike lane on the right side of a mixed-use neighborhood, with residential buildings on the right and some commercial buildings on the left. The rider is approaching an intersection with a stop sign. The rider approaches the vehicle, which is stopped behind an SUV at the stop sign. The rider passes the vehicle, then rides to and into the intersection, passing the SUV on the right side. A cyclist is in front of the rider, proceeding in the same direction. The rider enters the intersection without coming to a stop. The SUV turns left, and the cyclist in front of the rider in the collision enters the traffic lane on the other side of the intersection. In the middle of the involved intersection, the rider appears to begin to angle his bike toward the traffic lane. When he enters the crosswalk on the opposite side of the intersection, he is in the middle of the traffic lane, clearly not going into the protected bike lane. A horn sounds as the rider enters the crosswalk. There is captured noise, consistent with an impact. The camera becomes disoriented, there is a brief image of what appears to be a vehicle's front light cover on the left side of the rider, and the camera seems to fall to the street.

As the camera is close to the roadway, a sound consistent with a vehicle door closing occurs, and a woman's voice says, "Are you okay?" After a different female voice says, "Sir, are you okay?", a man's voice says, "Yeah." A male voice says, "He jumped in front of me. He jumped right in front of me. That's what the fuck he just did." After capturing various voices, the camera is raised to where it again captures the street, to the left of the orange jersey barriers, and standing in front of the camera is a white female adult wearing black stretch pants, a pink top, and with brown hair. Also in front of the camera are an African American male and female.

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The body-worn camera video evidence corroborates the facts and statements in the Traffic Collision Report. The video captures the complainant acknowledging there were two lanes, stating, "I was already in front of him, though." The complainant says, "I was stopped at the stop sign. I continued. It was just me. I merge over; then somebody hits me from behind." The audio captures the driver telling officers there is a scuff mark from the bicycle's handlebar on the right side of his vehicle near the side lamp, just above the right front tire. No damage to the bicycle is observed. The audio captures the driver telling an officer he was driving his vehicle when the cyclist veered in front of his vehicle.

Department records indicate that the named officer documented the incident in a Traffic Collision report, which accurately described the incident as seen on body-worn camera (BWC) footage.

As part of the San Francisco Police Academy training, officers receive a 40-hour Traffic Collision Investigation block of instruction. The 40-hour course covered principles of traffic collision investigation, which apply equally to collisions involving a vehicle and another vehicle or a vehicle and a pedestrian or bicyclist. Various sections of the California Vehicle Code and the CHP Collision Investigation Manual are discussed and reviewed.

The California Vehicle Code sec. 22107 states, "No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement."

The evidence shows officers conducted a thorough and diligent investigation. Based on the information learned from the investigation, the named officer correctly concluded that the complainant was at fault because he made an unsafe lane change when he veered into the roadway and caused the collision with the vehicle.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer was dismissive of the complainant's version of events. The complainant stated the officer was also rude and told the complainant that they only responded to the scene because someone had a complaint of an injury and pain.

The named officer described his demeanor toward the complainant as calm and impartial, with some moments of frustration brought about by the complainant's argumentative conduct. The officer stated that the complainant may have misinterpreted his responses because the complainant did not like that his responses differed from the complainant's opinions. The named officer had approximately three different interactions with the complainant. During the first interaction, the complainant asked what he should have done (i.e., after the collision) and whether he did the right thing. The officer stated he started to explain law enforcement's response to traffic collisions in general and told the complainant that they do not usually respond to traffic collisions unless there is a reported injury or complaint of pain. Before he could finish providing an answer, the complainant interrupted him with more questions and comments.

Approximately ten minutes later, the named officer intervened in a back-and-forth interaction between the complainant and another officer, possibly regarding whether anyone would be cited. The officer stated he intended to provide a rational response and explanation to the complainant's repeated statements that he was in front of Party #2. The officer stated that he commented to the complainant that just because he was hit from behind was not dispositive of the situation. The officer stated he used his hands (phone and index cards) to demonstrate how a car ahead of/in front of another car could change lanes, collide with the second car, and be the party at fault. The complainant then shifted his argument and made several statements about the bicyclist in front of him doing the same thing and that "every single bike does it." The named officer stated the complainant sometimes interrupted him and spoke over him. The officer stated he raised his tone to get the complainant to stop arguing. The officer stated that realizing the conversation was becoming unproductive and escalating, he changed tones. He told the complainant that they were not trying to pick sides, that he was advocating for his side, that he was getting to the point of badgering them to argue his case, that they were trying to remain detached, and that he needed to give them space to do their job. The complainant said he understood.

Approximately 20 minutes later, the named officer and his partner were preparing to leave the scene. The named officer's partner provided the complainant with a Follow-Up form, and the named officer stood a few yards away. As his partner gave the Complainant the Follow-Up form, the complainant said "Thank

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you" to the officer's partner, looked in his direction, made a wave-type gesture toward him, and said, "Thank you, Officer."

The BWC footage shows the named officer telling the complainant that officers usually do not respond to traffic collisions unless there are injuries. The officer did not comment dismissively. Instead, he was informative and explained to the complainant the limits of officers' involvement and that they could not take sides in a dispute.

As stated by the complainant, the officer made a comment, but it was intended to be informative, not dismissive or rude. The comment does not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated he felt the officers did not understand basic bicycling laws, displayed a bias towards bicyclists, and wanted to place the fault of the collision on him immediately.

The named officers denied the allegations. The collision occurred a few feet west of the intersection of two streets when the northern sidewalk, west of the intersection, was under construction, altering the roadway, including the bike lane and sidewalk. There was a temporary sign with the image of a bicycle that said, "May use full lane." The sidewalk construction was part of a larger construction project of a building. The named officers stated they have a working knowledge of the California Vehicle Code, the California Streets and Highway Code, the CHP Collision Manual, and Department Policy related to traffic collisions. According to California Vehicle Code sec. 21200, when riding a bicycle, the rules of the road apply to the bicyclist. The named officers stated they spent approximately 45 minutes on-scene investigating and discussing the collision. The named officers also explained to the complainant that they have a duty to hear all parties' versions of events and discussed that obligation amongst themselves.

As part of the San Francisco Police Academy training, officers receive a forty-hour Traffic Collision Investigation block of instruction. The forty-hour course covered principles of traffic collision investigation, which apply equally to collisions involving a vehicle and another vehicle or a vehicle and a pedestrian or bicyclist. Various sections of the California Vehicle Code and the CHP Collision Investigation Manual are discussed and reviewed.

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BWC footage shows several discussions amongst the officers at the scene that occurred out of the complainant's presence. The BWC corroborates the named officers' statements. All parties and witnesses were interviewed at the scene.

BWC footage shows no overt indications of bias against bicyclists by the named officers. The named officers acted professionally and courteously toward the complainant. The complainant encountered officers on-scene who did not provide him with a complete agreement that he was absolved of any wrongdoing or that the other party was the party at fault. Instead of being open to the possibility of any other outcome, the complainant assumed that the fault involved in this dynamic was the officer's incompetence and not his lack of judgment or understanding and application of the law.

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 the officer was rude and asked the complainant inappropriate questions.

The Department of Emergency Management records showed that the complainant called 9-1-1 to report that he was being harassed by maintenance workers in his building. The named officer responded to the scene, spoke to the complainant, and a report was written.

Body-worn camera footage showed the named officer conducted a complete and thorough investigation regarding the report of harassment. The named officer asked the complainant appropriate follow-up questions consistent with completing a thorough incident report. The named officer acted professionally even when the complainant disagreed with the disposition of the call.

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

The evidence showed that the named officer remained courteous and professional. While the DPA understands that the complainant perceived the named officer's statements as inappropriate or rude, the officer's 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 #2: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he believed the investigation was one-sided because the named officer spoke to the property manager longer than the complainant.

Body-worn camera showed that the named officer spent most of the time with the complainant. Additionally, the department records and body-worn camera footage showed that the named officer conducted a complete and thorough investigation that included obtaining a statement from the complainant and property manager, observing the areas where the incident occurred, as well as reviewing the complainant's cell phone video footage.

Department General Order 1.03, Duties of Patrol Officers, requires officers to investigate reported crimes with reasonable diligence.

The evidence showed that the officer completed a fair and thorough investigation consistent with department policies and procedures.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he did not like how he was portrayed in the report. The complainant stated the report showed that the officer claimed he harassed the maintenance worker, which the complainant denied.

The incident report memorialized the named officer's investigation. The statements provided in the report were obtained by the named officer. The report did not indicate that the complainant harassed a maintenance worker.

Department Notice 20-134, Report Writing Responsibilities, clarifies member's responsibilities as it relates to the preparation of police reports. Preparing factual and thorough incident reports is one of the most important duties of a professional police officer. Additionally, the Report Writing Manual indicates that officers should interview each party and use as many direct quotes as possible.

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The evidence showed that the complainant perceived the statements documented in the incident report as the named officer's own opinions or observations; however, the named officer did not claim that the complainant constantly harassed the maintenance worker nor does the incident report reflect that.

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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: IE

FINDINGS OF FACT: The complainant stated that an officer came to her while she was filing a report at a police station and started yelling, "You are done! You are done!" along with profanities. The officer also made a back-and-forth gesture with his hand over his neck.

The named officer stated that the complainant came by the station to file a report. The complainant requested to speak with a supervisor and the person at the desk notified the sergeant. The named officer stated that the complainant was rude and argumentative. The employee proceeded to get information from the complainant for the report and explained how she could get a copy of the report if needed. The complainant became irate, and the named officer told the complainant that she was done filing the report. The complainant continued to yell in the lobby and complained that she could not hear the named officer. He stated that he walked to the front entrance to the station from the lobby and repeated his statement to the complainant. The complainant then demanded his name and star number and he complied. The complainant remained in the lobby area for a few minutes while writing and then left the station.

An on-duty sergeant stated that he did not recall nor observe the interaction with the complainant and the named officer. However, he did recall the complainant's elevated voice and mannerisms. The complainant was not communicating well with the person at the desk.

Surveillance footage from the lobby of the station showed the complainant talking with someone out of view. She appeared upset and animated. She later spoke with the named officer when he walked into the lobby. The complainant appeared upset throughout the encounter and the named officer gestured several times toward the door. The surveillance footage did not include audio therefore the DPA could not determine what the named officer or complainant was saying.

There was no body-worn camera footage as the interaction with the complainant did not trigger a required activation under DGO 10.11.

Department General Order (DGO) 2.01 mandates that officers shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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The named officer admitted that he told the complainant that she was done filing her report in response to her rude and argumentative demeanor. Because there was no body-worn camera footage, the DPA was unable to determine whether his comments rose to the level of misconduct.

DPA was unable to hear the tone or conversation between the named officer and the complainant on the district station surveillance footage and therefore could not determine whether the named officer complied with DGO 2.01.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer used profanity when speaking with her.

The named officer stated that he never used profanity when speaking with the complainant.

Surveillance footage from the lobby of the station showed the complainant talking with someone out of view. She appeared upset and animated. She would later speak with the named officer when the named officer walked into the lobby. While the complainant appeared upset throughout the encounter, she appeared to be satisfied when she left. The surveillance footage did not include audio.

There was no body-worn camera footage as most of the interaction occurred as the named officer was in the non-public area of the police station. DGO 10.11, Body Worn Cameras, makes an exception for officers in those areas.

The DPA was unable to hear the tone or conversation between the named officer and the complainant on the district station surveillance footage and therefore could not determine whether the named officer used profanity during the conversation with the complainant.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that her vehicle was illegally searched as it was not listed in the search warrant.

Department General Order (DGO) 5.16(I)(A) states, “Under the Fourth Amendment of the United States Constitution, the only legal means of obtaining evidence, excluding specific exceptions, is by search warrant. Search warrants are the most reliable means of preserving the admissibility in court of evidence seized during a criminal investigation. The San Francisco Police Department requires its members to conform themselves to the law in all aspects of their duties and particularly in obtaining evidence by means of searches and seizures.”

Police department and court records showed that a search warrant was signed by a magistrate for the complainant’s son, the complainant’s residence, two vehicles, and any vehicle found to be in his control regarding a shooting investigation. During the search warrant service, the complainant’s son was detained while in control of the complainant’s vehicle. The complainant’s vehicle was searched, and a loaded firearm was found inside. Once the complainant arrived on the scene, officers informed the complainant that they had a search warrant, provided the complainant with a copy, and released the vehicle to her.

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

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

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

COMPLAINT DATE: 07/26/22 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant that officers responding to a call for service in her building about a person brandishing a firearm did not conduct a thorough and complete investigation because they did not obtain a search warrant or enter the suspect's room to arrest him. She stated that the investigating officers knocked at the subject door and left when there was no response. With her complaint to DPA, the complainant provided surveillance footage which showed the subject pulling out a handgun and pointing it at the victim.

One officer stated that he conducted a full investigation by obtaining statements from the complainant and the desk clerk. He stated that the desk clerk could not retrieve the video surveillance and did not witness the subject brandishing the gun. He stated the complainant later emailed the surveillance footage, which was booked as evidence. He did not request a search warrant because, without video footage, the elements for obtaining the warrant were not met. In particular, the officer said he lacked specific knowledge regarding the suspect's location, which is needed to obtain a search warrant.

A second officer also explained the process for obtaining a search warrant. He stated that patrol officers conduct the initial investigation and prepare the report, which is then forwarded to the investigations bureau for further investigation. The investigations bureau can then apply for an arrest and/or a search warrant if necessary.

Department records and body-worn camera footage corroborated the officers' statements and showed that a thorough police report was prepared. The records also show that the investigations unit obtained and served a warrant later in the week, resulting in the suspect's arrest.

The Fourth Amendment requires officers, absent consent, or exigent circumstances, to obtain a warrant supported by probable cause before entering a person's residence to search or arrest them.

The officers completed a full initial investigation, attempted to enter the suspect's room with consent, and reasonably determined that they lacked sufficient information to obtain a warrant at that time. The desk clerk could not access the surveillance video while the named officers were on scene. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 07/21/22 COMPLETION DATE: 04/21/23 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 attempt to locate or investigate her report about missing people, leaving them in a potentially dangerous situation.

The named officer denied failing to properly investigate. The named officer stated the missing persons were located within two days of being reported missing. There is a record of multiple attempts made to locate the missing persons by the named officer and additional officers. The missing persons were located safe and well with the aid of other agencies.

SFPD records showed that the missing persons were located within two days of being reported missing. The documents also show SFPD officers, including the named officer, making attempts to locate the missing persons. The named officer is also shown to have contacted other agencies to establish the location of all the people involved.

Body Camera footage showed that SFPD officers made several attempts to locate the missing persons. The footage also showed officers locating the missing persons and making sure they were taken to a place of safety.

The evidence showed the named officer properly investigated the missing persons report and successfully located the missing persons.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the named officer was rude to her on a phone call before hanging up abruptly.

The named officer denied being rude to the complainant and stated that the phone line went dead during the call. The named officer believed the complainant had hung up.

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SFPD records from the date of the phone call show the named officer detailed the phone call and noted that the line went dead during the call.

There is not enough evidence to determine who ended the call and no independent evidence to support the allegation of rudeness by the named officer.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer failed to remove juveniles from a potentially dangerous situation and from a person in whose company they were not supposed to be.

The named officer stated that he spoke to all parties involved at the scene. The named officer stated that the juveniles were safe and in good condition when he saw them. The juveniles told the named officer that they were happy to stay in their current location with the person they were with. The juveniles had been dropped off there by their legal guardian. The named officer stated that from his observations, and the court orders he saw, he had no legal authority to remove the juveniles to the custody of the complainant. Body Camera footage shows the named officer speaking to all parties involved. The complainant can be heard admitting she does not have legal guardianship of the juveniles and that an order was pending. The juveniles state they are happy where they are and appear in good health. The named officer reviews legal documents held by the complainant and the other party and determines that the juveniles can stay where they are.

Documents provided by the complainant show that the juveniles had restricted visitation with the person they were with. However, the documents are for a civil proceeding and the juvenile's legal guardian at the time had dropped the children at the location of her own accord. The named officer had no cause to remove the children.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: IO-1

FINDING: Referral

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

SFPD Internal Affairs Division
1245 3rd Street
San Francisco CA 94158

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

COMPLAINT DATE: 08/09/22 COMPLETION DATE: 04/25/23 PAGE# 1 of 11

SUMMARY OF ALLEGATION #1: The officer failed to properly search an arrestee or detainee.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed that the named officer was the arresting officer of the suspect found with the gun.

The named officer confirmed that he was the arresting officer of the suspect, and he was responsible for conducting an "Arrest Search." The named officer admitted that he did not thoroughly search the individual before placing the suspect in a patrol vehicle.

A security guard who helped the named officer detain the suspect stated that he thought the named officer did not conduct a thorough search. He said he told the named officer that the suspect was reaching for something at the waistline at the time of the arrest.

Two witness officers described how the suspect was later found with a cell phone at the police station.

A Sheriff's deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

Body-worn camera footage showed the named officer patting the suspect's pockets and removing items from the suspect's pockets. However, the officer did not check or search the suspect's waistband or groin area, legs, feet, neckline, and hoodie area.

Jail security camera footage showed the deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. 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."

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

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Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 4, page 23 states, "DUTIES OF THE ARRESTING OFFICER. At the time of arrest, the arresting officer shall conduct a field arrest search of the arrestee. The search shall at least include a thorough pat down to make sure that the arrestee does not have any weapon that could harm him/her or others."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 28, states, "ALL PERSONS SUBJECTED TO CUSTODIAL ARREST WILL BE SEARCHED. Common places of concealment for weapons included but is not limited to:... Groin area."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 30, states, "All person searches should be consistent, thorough, and purposeful. Consistency is maintained by searching with the same pattern from one side of the subject's body to the other. The search pattern for cursory searches is the minimum suggestion. Dependent upon the information available and the clothing of the subject, the listed pattern may be extended or lessened while maintaining consistency. Thoroughness is a product of self-control. If you find one weapon, do not assume that there are not more. Re-search the area a weapon was removed from, then continue with your pattern. If you found one then it is even more important to look for additional weapons. Purposeful means that you remember why you are searching. There are times when a person search is conducted to evidence or fruits of a crime. The majority of searches are conducted for weapons. Unfortunately, a great many of the searches you conduct, although lawful, may not disclose weapons. It is easy to become complacent over time. "

The evidence shows that the named officer failed to conduct a thorough arrest search.

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**

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SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly search an arrestee or detainee.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed that the named officers were the transporting officers who took the suspect from the crime scene to the Police Station.

Officer #1 confirmed that he and Officer #2 transported the suspect from the crime scene to the Poice Station. Officer #1 stated he did not see an officer search the suspect and assumed another officer had done the search. Officer #1 admitted he did not search the suspect and did not ask anyone if the suspect had been searched.

Officer # 2 confirmed that he and Officer #1 transported the suspect from the crime scene to the Poice Station. He said he asked the arresting officer if he had searched the suspect. The arresting officer said yes. Officer #2 admitted he did not search the suspect and admitted he should have searched before transporting the prisoner.

Body-worn camera footage showed that the named officers did not conduct a search of the suspect before transporting him to the Police Station.

Two witness officers described how the suspect was later found with a cell phone at the Police Station.

A Sheriff's Deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

Jail security camera footage showed the deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

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Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 4, page 23 states, "TRANSFERRING CUSTODY. Officers shall personally conduct a thorough pat-down search before assuming custody of a prisoner, e.g., transporting to the district station, booking, transferring to the County Jail, processing, or transporting to a medical facility."

The evidence shows that the named officers failed to conduct a transport search. 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 failed to properly search an arrestee or detainee.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed that the named officer was the booking search officer when the suspect was booked into the Police Station.

The named officer confirmed that he was responsible for conducting the booking search when the suspect was booked into the Police Station. He described the booking search in which he took the suspect's belt off and went through the suspect's pockets.

Body-worn camera footage corroborated the named officer's account of the search.

Two witness officers described how the suspect was later found with a cell phone at the Police Station. A Sheriff's Deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

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Jail security camera footage showed the Deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 4, page 23 states, "Custodial searches are designed to ensure that arrestees do not bring weapons or contraband into a detention facility (see Penal Code Section 4030). The policies regarding these types of searches do not apply to the myriad of other searches performed by officers outside of a detention facility" Also, it states, "TYPES OF CUSTODIAL SEARCHES. Booking Search: Pat-downs, metal detector scans, and thorough clothing searches."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 30, states, "All person searches should be consistent, thorough, and purposeful. Consistency is maintained by searching with the same pattern from one side of the subject's body to the other. The search pattern for cursory searches is the minimum suggestion. Dependent upon the information available and the clothing of the subject, the listed pattern may be extended or lessened while maintaining consistency. Thoroughness is a product of self-control. If you find one weapon, do not assume that there are not more. Re-search the area a weapon was removed from, then continue with your pattern. If you found one then it is even more important to look for additional weapons. Purposeful means that you remember why you are searching. There are times when a person search is conducted to evidence or fruits of a crime. The majority of searches are conducted for weapons. Unfortunately, a great many of the searches you conduct, although lawful, may not disclose weapons. It is easy to become complacent over time. "

The evidence shows the named officer failed to do a thorough booking search.

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 #5: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed that the named officer was the Station Keeper when the suspect was booked into the Police Station.

The named officer said he did not know if the arresting officer or the transporting officers had conducted searches on the suspect. He said the arresting and booking officers were responsible for searching prisoners brought to the Station. He described watching the booking officer remove the suspect's belt and check the suspect's pockets, which at the time, he was satisfied with the level of search. He also explained how the suspect was placed briefly into a cell to allow the suspect to use the toilet facility. The officer reiterated that the Station Keeper role is not a supervisor role and that other officers are responsible for searching prisoners.

Body-worn camera footage showed that the named officer allowed the suspect to be briefly placed into a holding cell.

Two witness officers described how the suspect was later found with a cell phone at the Police Station.

A Sheriff's deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

Jail security camera footage showed the Deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. 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."

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Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 1, page 6 states, "The Station Keeper shall perform the booking process and shall be responsible for the custody of prisoners at the district station." Also, "The Station Keeper is charged with the custody and care of prisoners... Officers shall comply with the orders and directions of the Station Keeper as they relate to the booking process."

The Department Booking and Detention Manual 2008, section 4, page 23 states, "Custodial searches are designed to ensure that arrestees do not bring weapons or contraband into a detention facility (see Penal Code Section 4030). The policies regarding these types of searches do not apply to the myriad of other searches performed by officers outside of a detention facility." It goes on to state, "DUTIES OF THE STATION KEEPER. The Station Keeper shall ensure that prisoners are appropriately searched before they are placed into holding cells."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 30, states, "All person searches should be consistent, thorough, and purposeful. Consistency is maintained by searching with the same pattern from one side of the subject's body to the other. The search pattern for cursory searches is the minimum suggestion. Dependent upon the information available and the clothing of the subject, the listed pattern may be extended or lessened while maintaining consistency. Thoroughness is a product of self-control. If you find one weapon, do not assume that there are not more. Re-search the area a weapon was removed from, then continue with your pattern. If you found one then it is even more important to look for additional weapons. Purposeful means that you remember why you are searching. There are times when a person search is conducted to evidence or fruits of a crime. The majority of searches are conducted for weapons. Unfortunately, a great many of the searches you conduct, although lawful, may not disclose weapons. It is easy to become complacent over time. "

The named officer opined that he is not a supervisor and that the arresting or booking officer is responsible for searching prisoners. He is incorrect. The Booking and Detention Manual clearly states that the Station Keeper is responsible for the custody and care of prisoners. Officers shall comply with Station Keeper orders related to the booking procedure. Furthermore, the Station Keeper is responsible for ensuring prisoners are appropriately searched before they are placed in holding cells. The named officer failed to ensure a thorough search of the suspect before he was placed in a cell.

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 #6: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed that the named officer was the Station Keeper when the suspect was released for transport to the County Jail.

The named officer confirmed he was the Station Keeper when the suspect was released for transport to the County Jail. He explained the suspect was on the bench when he took over as Station Keeper. He placed him in a cell for about 30 to 45 minutes while transport to the Jail was being arranged. He stated that when officers arrived for the transport, the suspect voluntarily took a cell phone from his pocket and handed it to officers. The named officer said he took the phone and left the area to log the cell phone in the suspect's property log. He did not see any officer search the suspect but assumed it was done while he was absent. The suspect was then transported to the Jail.

A Sheriff's deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

Jail security camera footage showed the Deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 1, page 6 states, "The Station Keeper shall perform the booking process and shall be responsible for the custody of prisoners at the district station."

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Also, "The Station Keeper is charged with the custody and care of prisoners... Officers shall comply with the orders and directions of the Station Keeper as they relate to the booking process."

The Department Booking and Detention Manual 2008, section 4, page 23 states, " Custodial searches are designed to ensure that arrestees do not bring weapons or contraband into a detention facility (see Penal Code Section 4030). The policies regarding these types of searches do not apply to the myriad of other searches performed by officers outside of a detention facility." It goes on to state, "DUTIES OF THE STATION KEEPER. The Station Keeper shall ensure that prisoners are appropriately searched before they are placed into holding cells."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 30, states, "All person searches should be consistent, thorough, and purposeful. Consistency is maintained by searching with the same pattern from one side of the subject's body to the other. The search pattern for cursory searches is the minimum suggestion. Dependent upon the information available and the clothing of the subject, the listed pattern may be extended or lessened while maintaining consistency. Thoroughness is a product of self-control. If you find one weapon, do not assume that there are not more. Re-search the area a weapon was removed from, then continue with your pattern. If you found one then it is even more important to look for additional weapons. Purposeful means that you remember why you are searching. There are times when a person search is conducted to evidence or fruits of a crime. The majority of searches are conducted for weapons. Unfortunately, a great many of the searches you conduct, although lawful, may not disclose weapons. It is easy to become complacent over time. "

The Station Keeper is responsible for prisoners at the district station, is charged with the care of prisoners, and can order or direct officers in booking process-related matters. The evidence showed that the named officer knew the suspect had not been thoroughly searched when the suspect voluntarily handed over the cell phone. After this discovery, the named officer failed to ensure the prisoner was thoroughly searched.

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
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SUMMARY OF ALLEGATIONS #7-8: The officers failed to properly search an arrestee or detainee.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: An anonymous online complaint stated that officers had failed to search an arrested person properly. The suspect was found to have a firearm only after going through a County Jail metal detector.

Department records showed the named officers were transporting officers from the Police Station to the City Jail.

Named Officer #1 confirmed that he and Named Officer #2 were transporting officers from the Police Station to the City Jail. He described going to the cell at the Police Station and the suspect handing over a cell phone. He said he handed the cell phone to the Station Keeper and then did a cursory search by checking the suspect's pockets. He admitted he should have conducted a full arrest search, and checking pockets is inappropriate for a transport search. Officer #1 said that when they arrived at the City Jail, Officer #2 searched the suspect before handing him to Deputies that work at the Jail.

Named Officer #2 confirmed that he and Named Officer #1 were transporting officers from the Police Station to the City Jail. He was not present when Officer #1 searched the suspect at the Police Station. He described searching the suspect after arriving in the outside triage area of the City Jail. He stated his search comprised of a pat search and the use of a metal detecting wand. Officer #2 admitted his search was inadequate and did not search appropriately due to complacency.

Security Footage from the outside triage area of the City Jail corroborated Officer #2's account of the search.

A Sheriff's deputy said he put the suspect through a body scan machine at the County Jail. He discovered the suspect had a handgun hidden in the front of their underpants.

Jail security camera footage showed the Deputy using the body scan machine on the suspect and discovering the handgun.

Photographs showed the image of the handgun on the body scan monitor, which depicts the gun hidden in the front of the suspect's underpants. A photograph of the handgun shows that it was a black pistol.

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Department General Order 1.03 Duties of Police Officers, section I(A)(3) states, "NEGLECT OF DUTY. Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

Department General Order 1.03 Duties of Police Officers, section I(A)(10) states, "PRISONER SECURITY. Be responsible for the security of prisoners in their custody."

The Department Booking and Detention Manual 2008, section 4, page 23 states, "TRANSFERRING CUSTODY. Officers shall personally conduct a thorough pat-down search before assuming custody of a prisoner, e.g., transporting to the district station, booking, transferring to the County Jail, processing, or transporting to a medical facility."

The Department Arrest and Control Manual 2000, Chapter III Person Search, page 30, states, "All person searches should be consistent, thorough, and purposeful. Consistency is maintained by searching with the same pattern from one side of the subject's body to the other. The search pattern for cursory searches is the minimum suggestion. Dependent upon the information available and the clothing of the subject, the listed pattern may be extended or lessened while maintaining consistency. Thoroughness is a product of self-control. If you find one weapon, do not assume that there are not more. Re-search the area a weapon was removed from, then continue with your pattern. If you found one then it is even more important to look for additional weapons. Purposeful means that you remember why you are searching. There are times when a person search is conducted to evidence or fruits of a crime. The majority of searches are conducted for weapons. Unfortunately, a great many of the searches you conduct, although lawful, may not disclose weapons. It is easy to become complacent over time. "

The evidence shows that the named officers failed to conduct a transport search.

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
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COMPLAINT DATE: 08/09/22

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he observed individuals promoting hate speech and confronted them. He stated that one of the individuals bumped into him which he believed constituted a battery. He reported the incident, the named officer responded to the scene, took his statement and spoke with a witness. The complainant informed the named officer that he wanted to press charges against the individual who bumped him. The complainant said that a witness advised the named officer that the other individual struck the complainant first. He said the named officer would not issue the individual a citation for battery, claiming there was no cause to do so.

The named officer stated he responded to a call for service regarding a battery. He reviewed video footage of the alleged incident which showed arguing and incidental contact between the parties but nothing that met the elements of a battery. He stated that he spoke with the complainant, members of the other group and an independent witness. The complainant alleged a person in the group had attacked him. He stated that the witness, who was watching from across the street, stated that the complainant approached a group. Members of the group got in his way to keep the complainant away, there was some incidental contact and bumping but no punches or shoving took place. The named officer stated that a battery is when a person commits a willful use of force or violence on another person, and in this case that didn't occur. He stated that based on all statements taken and viewing the video footage, the incident did not meet the elements of a battery, and probable cause did not exist to issue a citation for battery.

Department records showed the named officer was dispatched to a call for service regarding a possible assault and battery.

Body-worn camera (BWC) footage for this incident showed the named officer respond to the scene of the incident and viewed video footage with another officer. The named officer spoke with the complainant, members of the other party, and a witness. BWC footage showed that the complainant said he wanted to press charges for battery. BWC footage showed that the complainant said he was grabbed and assaulted. He commented that he was circling the group and they kept getting in his way. Members of the group stated that the complainant pushed and shoved into them, and they attempted to block the complainant from pushing one of the members of the group. A witness stated that the complainant was bantering with the group, a member of the group kind of bumped into the complainant, the complainant bumped into them, the group circled around to keep the complainant back from one group member, and he did not see any hands get raised.

Penal Code Section 242 states "A battery is any willful and unlawful use of force or violence upon the person of another."

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COMPLAINT DATE: 08/09/22

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Department General Order 5.04 states in the relevant part, “If probable cause exists such that an arrest should be made, accept the private person’s arrest and book or cite the individual as appropriate...”

The evidence did not establish that there was probable cause for a battery.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that that a group was using a microphone violating noise ordinances and that one of the individuals bumped into him. He stated that he reported the incident, the named officer responded to the scene, refused to gauge the noise level, and failed to provide him with any follow-up documentation for the incident.

The named officer stated that the Department does not provide any sort of tool or instrument to gauge or measure noise levels. He stated that in his opinion the noise being made during this incident was not excessive and in violation of any city noise ordinances he was aware of. He stated that he spoke with the group using the microphone and asked them to turn down the speaker and they complied. He stated that he took what action he could regarding the issue. The named officer stated that he did not provide the complainant with a follow-up form during this incident because there was no incident report written. He stated that he only provides follow-up forms with computer-aided dispatch numbers for certain situations and did not feel this incident required one.

Department records showed the named officer was dispatched to a call for service regarding a possible assault and battery. There was no record of an incident report.

Body-worn camera (BWC) footage for this incident showed that the named officer spoke with group members who had the microphone, requested that they turn the volume down and the individual stated that he would let the group know. BWC footage did not show the complainant request a follow-up form from the named officer.

San Francisco Police Department follow-up forms provide an area to list a case number. There was no case number generated for this incident.

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 misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that an individual bumped into him which he believed constituted a battery. He reported the incident, the named officer responded to the scene, took his statement, and spoke with a witness. He stated that a witness advised the named officer that the other individual struck the complainant first. He said the named officer misrepresented the witness' statement and lied to him by stating there was no cause to issue a citation for battery.

The named officer refuted the complainant's allegation. The named officer stated he spoke to a witness regarding the incident and the witness described the interaction involving the complainant and the other party as bumping and did not describe it as willful pushing, shoving, or punching. The named officer did not recall any discussion between him and the complainant regarding issuing the other party a citation. The named officer stated that a battery is when a person commits a willful use of force or violence on another person, and in this case that didn't occur. He stated that based on all statements taken and the video footage probable cause did not exist to issue a citation for battery.

Department records showed the named officer was dispatched to a call for service regarding a possible assault and battery.

Body-worn camera (BWC) footage for this incident showed the named officer viewed video footage, spoke with the complainant, other officers, members of the other party, and a witness. BWC footage showed the complainant stated that he wanted to press charges against an individual for battery. A witness stated that the complainant was bantering with the group, a member of the group kind of bumped into the complainant, the complainant bumped into them, the group went around in circles to keep the complainant back from one group member, he did not see any hands get raised, and it stayed at a low tone. BWC footage showed the named officer and another officer speak about how there was no merit to the battery allegation.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer asked the complainant for his contact information, and he provided it. The complainant stated that the named officer said he was going to have the complainant's phone number blocked by the San Francisco Police Department which he found inappropriate.

The named officer stated that he did not get the complainant's phone number during this incident. He stated that the complainant's allegation is untrue.

Body-worn camera footage for this incident did not show the named officer obtain the complainant's phone number or tell him that he was going to have the complainant's phone number blocked.

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

SUMMARY OF ALLEGATION #5: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated he observed individuals promoting hate speech, confronted them, and one of the individuals bumped into him which he believed constituted a battery. He reported the incident and the named officer responded to the scene, took his statement, and spoke with a witness. He informed the named officer that he wanted to press charges against the individual who bumped him. He stated that an officer on scene told him that they would not be issuing the other party a citation, but they would document the case. The complainant said he called a police station and was informed that there was no incident report written for this incident.

The named officer stated he responded to a call for service regarding a battery. He stated that he was the primary investigating officer for this incident. He reviewed video footage of the incident which showed arguing and incidental contact between the parties but nothing that met the elements of a battery. He stated that he spoke with the complainant, members of the other group and a witness. He said the complainant said he wanted someone arrested but that it had been explained that he did not have grounds to do so, and he wanted the group to leave the area. He also stated that another officer told him that the complainant wanted to press charges. He stated that it sounded like the complainant had been told there wasn't probable cause for the battery, so he no longer wanted to press charges. The named officer stated

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that based on his understanding of Department General Order 5.04, Arrests by Private Persons, he is required to write an incident report if an individual wants to press charges. He stated that he did not write an incident report for this incident as no crime had occurred. He stated that he felt that he complied with DGO 5.04 during this incident.

Department records showed the named officer was dispatched to a call for service regarding a possible assault and battery.

Body-worn camera (BWC) footage for this incident showed the named officer respond to the scene of the incident and viewed video footage with another officer. The named officer spoke with the complainant, members of the other party, and a witness. BWC footage showed that the complainant told the named officer that he wanted to press charges against an individual but apparently didn't have grounds to do so. BWC footage showed other officers on scene inform the named officer that the complainant wanted to press charges. BWC footage showed the named officer tell a supervising officer that the complainant wanted to press charges and they advised the complainant that there was nothing to press charges for.

Department General Order 5.04 states in the relevant part, "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." In addition, it states, "If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

The complainant expressed his desire to press charges during this incident and the named officer was advised by other officers on scene that the complainant wanted to press charges. Although the named officer did not arrest or cite the subject because he found that there was no probable cause that a crime occurred, the named officer was obligated under Department General Order 5.04 to write a report to document the incident. The named officer violated Department policy by not writing a report.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that that a group was using a microphone violating noise ordinances. He stated that he reported the incident and the named officer, a supervising officer, responded to the scene and refused to gauge the noise level.

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The named officer stated that it is true that he did not take any action regarding the noise being made during this incident. He stated that this incident took place during the daytime and a decibel reading must be obtained to substantiate a noise violation. He stated that the San Francisco Police Department does not have any tools or equipment to measure noise for compliance purposes.

San Francisco Municipal Code Section 49 states in part that “The operation of any such set, instrument, phonograph, juke box, broadcasting equipment, machine, or device between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of 50 feet from the property line of the property from whence the sound is emitted, shall be *prima facie* evidence of a violation of this Section 49.”

San Francisco Municipal Code Section 2909 states in part, “Public Property Noise Limits. No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.”

Dispatch records showed that this incident took place during daytime hours.

It is unclear if the noise level during this incident was in compliance with the local noise limit. The named officer did not have a tool to measure the decibel level.

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

SUMMARY OF ALLEGATION #7: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he observed individuals promoting hate speech and confronted them. He stated that an individual bumped into him, he reported the incident and officers responded to the scene. He said he told an officer on scene that he was personally offended by the individuals and wanted to commit violence against them as a result of their words. He stated that he requested a supervising officer to the scene when officers were failing to do their jobs and the named officer responded and spoke to him. He stated that the named officer stayed on scene in the area for approximately an hour which he thought was unprofessional.

The named officer stated that he remained on scene for a time to help keep the peace because the complainant was getting volatile.

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Department records showed a call for service regarding a possible assault and battery.

BWC footage showed the named officer initially responded to the scene and was informed by another officer that the complainant and a group were each claiming that they had been pushed by one another but there was no evidence of a battery. BWC footage showed the named officer speak with the complainant and standby for a time on scene. The named officer responded to the scene a second time and was advised by an officer that the complainant was getting very close to other individuals' faces. The named officer spoke with the complainant and stood by on scene. The footage showed a member of the group using a microphone on the sidewalk. The complainant stayed nearby the group and shouted at times. BWC footage showed the named officer stayed on scene until the group and the complainant left the area.

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 unwarranted action.

CATEGORY OF CONDUCT: Unwarranted Action

FINDING: Proper Conduct

FINDINGS OF FACT: The complainant stated that an unknown person repeatedly struck her in the head and stabbed her in the forearm while she was walking on the street. When asked how the incident happened, the complainant later confessed that it was her who actually did it, and there was no suspect at all. She said she made up such a story because of mental health issues. The complainant alleged that the named officer that responded to the incident kept insinuating that it was her boyfriend who stabbed her even though she had already told him that it was not him who did it.

The named officer denied the allegation.

Multiple witness officers that were on scene stated that they were not present when the named officer took the complainant's statement.

Department records show the attack on the complainant was an A-priority stabbing incident that happened on a street corner. The complainant reported getting assaulted and slashed by a knife on the wrist and the suspect leaving the scene.

The incident report drafted by the named officer stated that the complainant told him that she was walking towards the store to retrieve her cell phone when somebody struck her multiple times in the face with an unknown object. The incident report stated that her boyfriend arrived on scene and was questioned by officers after they noticed blood on his jacket and a wound on his left hand that was wrapped in gauze. The complainant's boyfriend denied being present when she was stabbed and was not responsible for hurting her. The named officer, after identifying DEM records that suggested witnesses called in a domestic violence incident to 911, where the complainant and her boyfriend matched the given descriptions, attempted to ask the complainant standard SFPD domestic violence questions. While the complainant may have perceived these questions to be an insinuation, the named officer would have been derelict in his duty to investigate had he not attempted to gather further information given the evidence he had.

The named officer's body-worn camera of the incident shows that he took the complainant's statement at the hospital in the presence of her partner. Nothing in the video shows the named officer accusing or insinuating that her boyfriend was the suspect. The named officer patiently talked to the complainant and was very detailed in his interview.

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

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

CATEGORY OF CONDUCT: Conduct Unbecoming an Officer

FINDING: Unfounded

FINDINGS OF FACT: The complainant stated that the named officer insinuated and pressured her to identify her boyfriend as the suspect who had attacked her. She said that her boyfriend is African American, and the officer did it because of her boyfriend's race.

The named officer denied the allegation.

Witness officers that were questioned stated that they did not witness the interaction.

Body-worn camera footage of the incident never showed the named officer's conduct being racially motivated. The footage never showed the officer pressuring the complainant to identify her boyfriend as the suspect. The named officer asked relevant questions based on the evidence, not based upon race.

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

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SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that his relative did not deserve to be arrested. The complainant believed the officer abused their authority and "trumped-up charges" (which were preventing officers from doing their duties).

The named officer was assigned to a fixed post at an event center to ensure the security of staff and attendees. The named officer stated he received a call for service regarding two intoxicated guests who were aggressive with security at the event. The named officer expressed that the complainant's relative was agitated and belligerent to officers and medical staff attempting to render aid to a friend of the complainant's relative. The complainant's relative continued interfering with the medical staff's efforts to treat his friend. The named officer repeatedly advised the complainant's relative that he would be placed under arrest if he continued to interfere. The complainant's relative replied that the named officer wouldn't want to know what would happen if he were arrested. The named officer took this as a threat and ultimately arrested the complainant's relative for PC sec. 148(a)(1), which prohibits interfering with emergency medical technicians in performing their duties. The complainant's relative was also charged for threatening the officer.

Body-worn camera footage showed that the complainant's relative repeatedly told officers and medical staff that his friend was fine and just needed water. Medical staff attempted to explain that his friend needed medical attention. Officers allowed the complainant's relative to care for and tend to his friend as a means of de-escalation for some time. The named officer gave the complainant's relative the option to allow the medical staff to assess his friend, or he would be arrested for interfering with an officer. The complainant's relative then confronted the officer and repeatedly told him to arrest him. Another member tried to reason with the complainant's relative; however, he continued to yell in their face. The named officer then placed the complainant's relative under arrest.

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 prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant believed the officer abused their practices and made false charges in an incident report.

The named officer stated that the incident report summarizes what occurred, to the best of his recollection, when it was written. It contained all the details the named officer felt were necessary to demonstrate probable cause for the arrest charges and comply with department policies.

Body-worn camera footage was requested and viewed to compare the accuracy of the incident report the named officer wrote. The named officer, the event staff, and the medical staff at the event center expressed that the complainant's relative was inebriated. Due to his volatile behavior, he was charged with PC sec. 647(f). The complainant's relative told the named officer, "... lock me up and watch what happens. You don't want to see what happens... be careful". The named officer considered this a threat and ultimately arrested the complainant's relative for PC sec. 422. Additionally, due to the complainant's relative preventing the medical staff and officers from assessing his friend, the complainant's relative was charged with PC sec. 148(a)(1), which prohibits interfering with emergency medical technicians in performing their duties.

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 officer failed to provide the complainant's relative a meal while in a district station holding cell.

Department records were requested to identify the Station Keeper who was assigned on the date and time of the incident. The named member was identified, and their body-worn camera was requested. Upon viewing their body-worn camera footage, it revealed that the complainant's relative's treatment fell within the department's requirement pertaining to the duty of the Station.

The records showed the complainant's relative was transported to County Jail within six hours of being brought to the district station. While there, the complainant's relative was able to make a phone call.

The Booking and Detention Manual has no meal requirements for prisoners held at police stations.

Department Station Keeper on Duty (Title 15, Section 1027) states that, "A Station Keeper shall be on duty to ensure compliance with the provisions of this manual and other applicable Department policies and procedures whenever a prisoner is held in a district station holding cell."

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to initiate or process a personnel complaint.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant requested to file a complaint with officers. The officers took the complaint; however, the complainant believed that the officers did not file the report. The complainant confronted Named Officer #1 after he witnessed the officer not following through on a foot pursuit or radio for assistance with the pursuit. The complainant wanted to file a complaint against Named Officer #1 and demanded to speak to their supervisor. Named Officer #1 attempted to explain that he was the highest-ranking on-duty officer at the time and offered to take the complaint. The complainant declined the offer and made the complaint to Named Officer #2.

Named Officer #1 stated that he offered to take the complaint himself. The complainant told Named Officer #1 that he could not receive a complaint about himself and the complainant demanded again to speak to Named Officer #1's supervisor. On the date of the complaint, Named Officer #1's duties placed him as the highest-ranking officer on duty. Named Officer #2 completed the complaint and faxed it to the DPA.

Body-worn footage was requested for this complaint. The footage showed that the complainant did not want Named Officer #1 to take his complaint

Department General Order 2.04.03(A)(2) states if the complaint is against an officer, prepare a DPA Complaint Form (SFPD/DPA 293). If the complainant is present, allow the complainant the option to personally complete the form or to have an officer prepare the form for them. If the complainant requests that an officer complete the form, write only what the complainant states on this form and allow the complainant to review the form and make any corrections. Provide the complainant a copy. If the complaint is received by telephone, read the complainant's statement to the complainant as it is written on the form to assure accuracy. In either case, tell the complainant that the complaint will be referred to the DPA for investigation.

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: PC

FINDINGS OF FACT: The complainant stated that the named officer did not make an effort to follow through on a foot pursuit of a suspect that eventually got away. The complainant saw the named officer chasing a suspect and did not call out on the radio to assist with the pursuit. The complainant remarked to the named officer about his failure to follow through on the foot pursuit. The named officer told the complainant that he "wasn't going to chase someone while wearing my gear." The named officer then offered to make a complaint against himself should the complainant feel it was needed. The complainant refused to allow the officer to make the complaint as he believed the officer was not allowed to do so.

The named officer stated that the suspect committed a minor infraction, littering. The suspect ran away when the named officer attempted to call the suspect back to pick up the thrown food item. The named officer's rank on the date of the complaint was Night Captain. He purposefully never announced over the radio his brief demands for the suspect to stop nor the action of the suspect running away from him. As an experienced Night Captain, he knew officers would immediately drop their current assignments and come to his aid expeditiously. The named officer did not want officers to break off their assignments or respond to assist in apprehending this suspect for a minor incident. Additionally, the suspect already demonstrated that he was willing to risk his health, safety, and well-being for a trivial crime, littering. The multiple risks of such a pursuit - including risk to officers, the suspect, and bystanders, greatly outweighed the reward of capturing a suspect who, at worst, only committed a minor infraction, littering.

Body-worn camera footage was requested; however, that request was not fulfilled due to the named officer not wearing a body-worn camera.

Department General Order 5.05(I)(C)(1) states that the policy of the San Francisco Police Department is to safely apprehend a fleeing violator without unnecessarily endangering the public and/or officers. Additionally, Department General Order 5.05(I)(C)(2) states that when it becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others, the officer shall not initiate a pursuit or, if the pursuit is already in progress, the officer shall terminate the pursuit. 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 their body-worn camera.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: DPA found that the named officer failed to activate his body-worn camera as required during the investigation.

Department General Order 10.11 requires 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.

However, the named officer was acting up to the rank of “Captain.” Captains are not issued with body-worn cameras. The named officer stated that because he was Night Captain for that shift, he was not wearing a body-worn camera.

No policy covers the situation whereby a Lieutenant acting up to the rank of Captain must continue to wear a body-worn camera (because they are still a Lieutenant) or not (because they are technically a Captain at the time.)

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 ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that she was walking in a crosswalk when the named officer almost ran her over and then pulled in front of her and blocked her right-of-way at the corner.

The named officer denied the allegation, stating she noticed the complainant in the intersection but denied pulling up in front of her.

There were no witnesses. DPA could not confirm or refute the differing accounts of what happened.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant told the officer that she almost hit her in the intersection. The complainant stated that the named officer laughed at her and then inched up her car to intimidate her.

The named officer denied the allegation. The named officer said the complainant screamed and waved her arms in the air so the named officer would not get in her way, even though the named officer's car was stopped before the complainant entered the crosswalk. The named officer said she waved her left hand to indicate that it was safe to cross the intersection, and the complainant walked in the crosswalk in front of her patrol vehicle. The officer stated she would never use her vehicle to intimidate anyone.

There were no witnesses. DPA could not confirm or refute the differing accounts of what happened.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that he was pulled over for a traffic stop, and that he did not pull over immediately because there was no safe place to pull over. The complainant stated that he tried to explain that to the named officer, but the named officer escalated the situation and would not listen.

The named officer stated that he attempted to de-escalate the situation by giving the complainant multiple orders to pull over, which the complainant ignored. The named officer stated that he told the complainant why he was detained, but the complainant was upset and did not appear to understand the law.

Body-worn camera (“BWC”) footage showed that the named officer attempted to pull the complainant over for approximately 4 minutes before the complainant stopped his vehicle in a parking lot. BWC footage showed that the named officer instructed the complainant multiple times over the loudspeaker to slow down and pull over, but the complainant continued driving. The named officer explained to the complainant that according to CA law, he is required to pull over to the right when an officer is behind him with red lights and sirens activated. The complainant stated that he knew the named officer was behind him and he heard the named officer on the loudspeaker, but there was no place to pull over because of the bike lanes. The named officer told the complainant that he needed to pull over regardless of the bike lanes. BWC footage showed that the named officer was calm, professional and courteous during his conversation with the complainant.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was unnecessarily detained in handcuffs.

The named officer stated that he detained the complainant in handcuffs for his safety because he was by himself with no backup officers, the complainant had failed to yield to his lights and sirens for several minutes, the complainant had failed to comply with his instructions over the loudspeaker, the named officer was unable to run the complainant's license plate because it was obstructed, and the named officer did not know if there were other occupants of the vehicle. The named officer stated that he did not know if the reason the complainant failed to yield was because he was under the influence or he had warrants or weapons, which are common reasons that people fail to yield. The named officer stated that he wanted to make sure that the complainant was in custody with no avenue for him to escape or flee.

Body-worn camera ("BWC") footage showed that the named officer attempted to pull the complainant over for approximately 4 minutes before the complainant stopped his vehicle in a parking lot. The named officer instructed the complainant multiple times over the loudspeaker to slow down and pull over, but the complainant continued driving. When the complainant stopped his vehicle, the named officer initiated a "Code 33" on the radio and ordered the complainant to get out of his vehicle and put his hands on his head. The complainant failed to comply and asked the named officer what he meant. The named officer again ordered the complainant to get out of his vehicle and put his hands on his head. The complainant got out of his vehicle and the named officer handcuffed him and placed him in the back of a patrol car with the door open. BWC footage confirmed that the named officer was by himself and that backup officers did not arrive until after the named officer had handcuffed the complainant.

The SFPD Arrest and Control Manual states that the "primary purpose of handcuffing is to minimize: Attack on officer or others; Prisoner escape; Destruction or concealment of evidence or contraband; Self-inflicted injury by the subject; Combat between prisoners."

For the reasons articulated by the named officer above, it was reasonable for the named officer to temporarily detain the complainant in handcuffs. The evidence showed that the complainant repeatedly failed to comply with the named officer's lawful orders and that the named officer was justified in handcuffing the complainant for safety reasons.

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

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 understood why he was cited for an unsafe lane change, but he should not have been cited for evading a police officer because he was looking for a safe place to pull over.

The named officer stated that he observed the complainant swerve in front of another vehicle on the freeway, which was the reason he initiated the traffic stop. The named officer stated that the complainant failed to yield to lights and sirens for several minutes and failed to pull over despite multiple instructions to do so via loudspeaker. The named officer stated that he could have arrested and cited the complainant for a misdemeanor “evading” violation, but he instead decided to cite the complainant for a failure to yield to emergency vehicles violation, which was an infraction. The named officer also stated that he could have cited the complainant for reckless driving and for failure to yield to a red traffic light, but he did not want to “punish” the complainant with so many violations.

Body-worn camera (“BWC”) footage showed that the named officer attempted to pull the complainant over for approximately 4 minutes before the complainant stopped his vehicle in a parking lot. The named officer instructed the complainant multiple times over the loudspeaker to slow down and pull over, but the complainant continued driving. BWC footage showed that the complainant stated that he knew the named officer was behind him and he heard the named officer on the loudspeaker, but there was no place to pull over because of the bike lanes. The named officer considered citing the complainant for a misdemeanor violation, but ultimately decided to cite the complainant for infractions only.

Department records indicated that the named officer cited the complainant for violating California Vehicle Code Sections 22107 (unsafe lane change) and 21806 (failure to yield to an emergency vehicle). Both violations are infractions. The complainant was not cited for evading a police officer.

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: 10/03/22 **COMPLETION DATE:** 04/24/23 **PAGE# 4 of 5**

SUMMARY OF ALLEGATIONS #4-5: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer took photos of him without his permission as he sat in the back of the patrol car.

Named officer #1 stated that he did not take a photo of the complainant.

Named officer #2 stated that he took a photo of the officer who was speaking to the complainant. Named officer #2 stated that a few days after the incident, he realized that the complainant was in the photo, so he deleted the photo. Named officer #2 stated that the Department encourages supervisors to take photos of officers in the field, and that his intent was to take a photo of the officer and not the complainant. Named officer #2 stated that he did not ask the complainant for permission to take his photo.

Body-worn camera (“BWC”) footage showed that named officer #1 took out his cell phone and held it up as the complainant sat in the back seat of the patrol car talking with another officer. At the same time, named officer #1 laughed, and named officer #2 said, “Long lost brothers.” Body-worn camera (“BWC”) footage showed that as the complainant talked with another officer, named officer #2 stated to other officers, “It’s like twins there.”

There was insufficient evidence to establish whether named officer #1 took a photo of the complainant. The evidence established that named officer #2 did take a photo of the complainant. However, there was insufficient evidence to establish that named officer #2’s actions constituted sustainable misconduct (e.g., evidence that named officer #2 took the photo because of inappropriate intent or even on purpose, evidence that named officer #2 disseminated or shared the photo, or evidence that the conduct caused harm to the complainant or others).

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

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

COMPLAINT DATE: 10/03/22 COMPLETION DATE: 04/24/23 PAGE# 5 of 5

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with the Department's Stop Data Collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: DPA's investigation found that the named officer failed to submit stop data for this incident prior to the end of his shift, in violation of Department Bulletin 21-062.

The named officer acknowledged that he did not submit stop data for this traffic stop because it "slipped [his] mind." The named officer stated that he only submitted the stop data after receiving notice of the DPA complaint.

Department Bulletin 21-062, Stop Data Collection System (SDCS) Update, states, in part, "[A]ll members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops." Further, "Members shall enter all stop data into SDCS prior to the end of their shift, unless exigent circumstances prevent entry, in which case officers shall enter data by the end of their next shift."

Here, the named officer failed to enter stop data for the traffic stop prior to the end of his shift as required.

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

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

COMPLAINT DATE: 10/07/22 COMPLETION DATE: 04/28/23 PAGE# 1 of 3

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 conducted an improper search and threatened to tow her vehicle even though it was parked legally.

The named officer stated he searched the complainant's vehicle because the occupant, who was in the driver's seat, was on Federal Probation with a full search condition.

The named officer's body-worn camera showed that the complainant's vehicle was approached while parked on the street at a metered location. The complainant was in the passenger seat while another person stepped out from the driver's seat. The person seated in the driver's seat was subsequently detained and searched. The complainant took issue with the named officer searching through her vehicle. She expressed frustration when asked to exit the vehicle while the named officer searched the side where she was sitting. The complainant recorded the encounter as well.

The DPA confirmed with the US Probation Office that the detainee who was in the driver's seat was on Federal Supervised Release, which stated the following, "You must submit your person, residence, office, vehicle, electronic devices, and their data (including cell phones, computers, and electronic storage media), or any property under your control to a search. Such a search must be conducted by a United States Probation Officer or any federal, state, or local law enforcement officer at any time, with or without suspicion. Failure to submit to such a search may be grounds for revocation. You must warn any residents that the premises may be subject to searches." Since the probationer was seated in the driver's seat, he exhibited control over the vehicle, and the search was appropriate based on the driver seat occupant's Federal Probation search conditions.

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: 10/07/22 COMPLETION DATE: 04/28/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer was rude, threatening, and hostile toward her while conducting a search of her vehicle.

The named officer admitted to speaking to the complainant to explain the situation. However, the named officer stated that the complainant was uncooperative and refused to listen. Additionally, the named officer reported that he was not attempting to make the complainant feel unsafe, nor did he try to intimidate her.

The named officer's body-worn camera showed that the named officer instructed the complainant to exit her vehicle as the officer searched her car. The officer told the complainant that he could "...make this really hard or really easy." Additionally, as the complainant recorded the search/exchange on her phone, the officer stated, "... congratulations; you've got a phone with a camera on. You think I'm scared of your camera? I've got a camera on you right now. Do you think any of this bothers me?".

Department General Order 2.01, General Rules of Conduct, Rule 14 regarding public courtesy states that, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The DPA requested an interview with the complainant to better understand, from her perspective, how the officer was rude, threatening, and hostile towards her, as the body-worn camera did not capture those actions. The complainant did not follow up on requests for an interview and clarification around those details.

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

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

COMPLAINT DATE: 10/07/22 COMPLETION DATE: 04/28/23 PAGE# 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with the Department's Stop Data Collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The officer failed to collect traffic stop data as required under DB 21-062, Stop Data Collection System (SDCS) Implementation.

The department bulletin requires officers to submit stop data through the SDCS web portal on all stops, including pedestrian, bicycle, and vehicle stops.

The officer stated that he believed that the information was submitted; however, after searching the SDCS database revealed no entry, the officer made a new entry into the system.

Department records show that the officer did not collect and submit stop data as required.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/22 **DATE OF COMPLETION:** 04/24/23 **PAGE#** 1 of 3

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

CATEGORY OF CONDUCT: Unwarranted Action

FINDING: Proper Conduct

FINDINGS OF FACT: The complainant stated the named officer illegally towed his motorhome and his scooter.

The officer stated that he towed the vehicle because its registration had been expired for over six months. He said he towed the scooter because it was illegally parked on the sidewalk.

Body-worn camera videos of the incident show that the vehicle's registration was more than six months expired, and the scooter was parked entirely on the sidewalk. Before the named officer initiated the tow, he repeatedly knocked on the vehicle, asking any occupant to come out and talk to him, but no one appeared to speak with him.

Photos obtained during the investigation from the complaint show that the complainant renewed the vehicle's registration in order for him to claim it back from impound.

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

SUMMARY OF ALLEGATION #2: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: Unwarranted Action

FINDING: Unfounded

FINDINGS OF FACT: The complainant alleged that the named officer forcibly opened his vehicle's door and messed up his personal belongings that were inside.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/22 DATE OF COMPLETION: 04/24/23 PAGE# 2 of 3

The named officer denied the allegation, stating that he could not enter the vehicle because the door was locked.

The named officer's body-worn camera footage showed that the named officer never entered the vehicle or forced open the door. The named officer said he never had contact with the car again after it was towed from the scene. Additionally, evidence obtained from the impound company did not support the complainant's claim of somebody breaking into his vehicle.

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

SUMMARY OF ALLEGATION #3: The officer seized property or money without justification.

CATEGORY OF CONDUCT: Unwarranted Action

FINDING: Unfounded

FINDINGS OF FACT: The complainant stated that the named officer took his belongings from his vehicle that he had saved and collected.

The named officer denied the allegation, stating that he never entered the vehicle.

The named officer's body-worn camera footage showed that the vehicle's door was locked. The named officer attempted to enter through the driver's side window but could not and had difficulty climbing up the window. He was never inside the vehicle at any time during the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/22 **DATE OF COMPLETION:** 04/24/23 **PAGE#** 3 of 3

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Policy Failure

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that the named officer failed to write an incident report.

The named officer acknowledged that he was aware Traffic Administration would place a hold on the vehicle, and he did not write an incident report. He stated that the hold was automatic and that he confirmed the hold from the emergency operator he was in contact with at the time. He said that in similar situations, he knew there was always a hold placed on the vehicle for Traffic Administration. The named officer said he had never written an incident report regarding a hold for Traffic Administration concerning expired registration and had never been trained to in this situation.

DGO 9.06, Vehicle Tows, states in part:

F. VEHICLE HOLDS. A vehicle "hold" may be placed on a towed vehicle under certain circumstances. A vehicle with a "hold" placed on it cannot be released until the "hold" has been removed by the appropriate investigative section. For example, a "Hold for Robbery" can only be removed by the Robbery Section.

...

3. REPORTS. Whenever a hold is placed on a vehicle, an incident or accident report shall be completed explaining the reasons for the hold.

The tow slip shows a hold was placed on the complainant's vehicle for Traffic Administration.

San Francisco Police Department's DGO 9.06, Vehicle Tows, should be updated and is unclear on at least one key point. DGO 9.06(III)(F)(3) provides, "REPORTS. Whenever a hold is placed on a vehicle, an incident or accident report shall be completed explaining the reasons for the hold." However, the DGO does not specify *who* is responsible for writing an incident report. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated the Department policy or procedure.

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

COMPLAINT DATE: 10/14/22 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers aggressively approached him, grabbed him, threw him into a chair, and strapped him down. The complainant could not recall the incident date, but stated that the incident occurred at night, within a year of this complaint.

Based on the limited information provided, DPA could locate no record of the incident or any involved officers.

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

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers acknowledged he committed no crime but detained him anyway.

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

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

COMPLAINT DATE: 10/24/22 COMPLETION DATE: 04/06/23 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was arrested for no reason and that she was falsely accused of damaging a car.

Department records showed the complainant had a history of vandalism. Officers investigated the vehicle damage. Body-worn camera footage showed that the named officer spoke with witnesses, evaluated the location and the complainant's access to the car, and examined the damage. Witnesses said the complainant announced she was going to drop a hammer onto her neighbor's car through her window, then saw her throw the hammer. There was an ongoing dispute between neighbors and the complainant throwing the hammer during one of their fights. The officers observed the car damage and found the hammer.

The officers appropriately accepted the private person arrest for misdemeanor vandalism. Although misdemeanor offenses generally lead to citation and release, officers may place an individual under custodial arrest if there is a reasonable likelihood that the offense will continue. Due to the complainant's history of vandalism and the ongoing neighbor dispute, it was reasonable for the officers to conclude that the offense would continue.

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: 10/24/22 COMPLETION DATE: 04/06/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer laughed at her when she was arrested.

The named officer rode in an ambulance with the complainant following her arrest. Body-worn camera footage showed that the named officer laughed in conversation with a paramedic during the transport. The conversation was unrelated to 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: 10/24/22 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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 was rude and was shouting at her instead of talking and asking her to move her vehicle.

The named officer denied the allegations and stated she was professional with the complainant and advised her on why she needed the complainant to move her vehicle.

Body-worn camera footage showed that the named officer responded to a call from a neighbor about a complainant blocking her car in their shared driveway. The named officer spoke to all parties involved in the incident. The named officer did not shout out the complainant. Instead, she explained why she was there and why the complainant needed to move her vehicle. The complainant admitted to the named officer that she was blocking the neighbor's car. The named officer was not rude during her interaction with the complainant.

SFPD Incident Report reflects that the named officer has been to this location before and the neighbor has a restraining order against 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: 04/11/22 COMPLETION DATE: 04/05/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant's client was arrested in connection with a non-residential burglary investigation. The complainant described the named officer's interaction with the arrested person as discourteous and unprofessional. The officer repeatedly insulted and belittled the arrestee and mocked his first name. The officer also made rude comments and asked inappropriate questions.

The named officer acknowledged that he behaved rudely, but denied that he intended to deride, mock, or belittle the arrestee. The officer excused his behavior as a reaction to the arrestee's poor attitude and a result of exhaustion.

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and to refrain from using harsh, profane, or uncivil language. Conduct that reflects discredit upon the Department is unofficer-like conduct subject to disciplinary action.

Body-worn camera footage depicted the officer behaving in a rude, disrespectful, and unprofessional manner. The officer mocked the arrestee's first name. The officer told the arrested person that he was intentionally being unkind. He said, "You're causing us work. I'm not going to be nice to you right now." He called the arrestee a "lying mother," a "poser," and "stupid."

The officer's behavior brought discredit onto the Police Department.

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

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

COMPLAINT DATE: 04/11/22 COMPLETION DATE: 04/05/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that his client spoke with a heavy accent but his answers to the named officer's questions were clear and intelligible. The complainant said that the officer showed his anti-Asian bias by feigning confusion over the arrestee's name and by repeatedly questioning if he was affiliated with a gang.

The officer denied that racial bias influenced his actions. Although he admitted behaving disrespectfully, he stated that his poor behavior was not based on race or any other bias.

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

It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased...Police action that is biased is illegal and violates these rights. Biased policing is unsafe, unjust, and ineffective. It also alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts.

Department records and body-worn camera footage showed that the named officer assisted investigating officers by asking the arrested person questions about his identity. Although the officer made offensive statements related to the arrested person's name, there was insufficient evidence to determine that the officer knowingly behaved in a manner driven by racial bias.

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

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

COMPLAINT DATE: 11/07/22 COMPLETION DATE: 04/24/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant left the Department of Police Accountability a brief voice message stating that he was in the hospital and that officers abused and injured him. The complainant was unreachable for additional information.

The named officers stated that they responded to a call for service regarding an aggravated assault and located an injured taxi driver who said he had been assaulted by his passenger. The named officers said the complainant's identification was found in the taxi and the victim identified the complainant as the suspect.

A short while later, the named officers responded to a separate call regarding a naked suspect who was attempting to break down the door of a nearby business. They believed it possible that this was the same suspect involved in the assault. Named Officer #1 and Named Officer #2 stated that they located the complainant and detained him because he matched the description of the suspect who had assaulted the cab driver and the naked suspect who had attempted to break down the store's door. The named officers stated that the complainant appeared to be in an altered mental state during the detention and they used force because he was not complying with their orders, attempted to walk away, and he tried to kick at officers. The named officers said they applied physical control holds, used a leg sweep to safely bring the complainant to the ground, and held his legs in place. The named officers stated that the complainant was uninjured by their force and had abrasions on his legs prior to their contact. The named officers stated that they complied with Department General Order 5.01, Use of Force, during this incident and used the least amount of force possible to conduct a lawful arrest, overcome resistance, prevent escape, and prevent the complainant from injuring himself or others.

Dispatch records showed that the named officers were dispatched to a call for service regarding an assault and battery as well as a separate call for service regarding a naked man attempting to break into a business. Department records showed that an incident report was authored for this incident which corroborated the named officers' statements regarding their use of force. The report documented that the complainant was arrested and placed on a mental health detention.

Body-worn camera (BWC) footage for this incident shows Named Officer #1 and Named Officer #2 located the complainant, who was naked on a sidewalk. They called out to the complainant, and he continued walking, then stopped and the named officers placed him in handcuffs. Shortly thereafter, the complainant lurched forward and tried to pull away from the officers while handcuffed. BWC footage

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

COMPLAINT DATE: 11/07/22 COMPLETION DATE: 04/24/23 PAGE# 2 of 3

showed the complainant made numerous nonsensical statements while struggling. BWC footage showed the named officers held onto the complainant's arms and guided him in a controlled manner to the ground, where he landed on his knees. The complainant made no complaint of pain, and no injuries were visible on the footage. Named Officer #2 can be heard stating that the complainant had injuries to his knees when they first encountered him. The complainant was taken from the scene to the hospital in an ambulance.

A Supervisory Use of Force Evaluation was completed for this incident, stating that the reasons for the force were to overcome resistance or to prevent escape, to gain compliance with a lawful order, and to prevent a person from injuring himself. The evaluation determined that the use of force was within department policy.

Department General Order (DGO) 5.01 states in relevant part that officers may use reasonable force options to perform their duties to effect a lawful arrest, detention, or search, overcome resistance or prevent escape, gain compliance with a lawful order, and to prevent a person from injuring themselves. Additionally, DGO 5.01 states, in part, that physical controls, such as control holds and takedowns are designed to gain compliance of, and/or control over, uncooperative or resistant subjects.

The named officers used reasonable force options during this incident to control the complainant and guide him to the ground when he was actively resisting and attempting to pull away.

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: 11/07/22 COMPLETION DATE: 04/24/23 PAGE# 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 20-141.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer stated that he was the officer responsible for the initial detention and contact with the complainant during this incident. He stated that he did not recall if he submitted stop data after this incident.

Department records showed that there was no stop data entry made by the named officer for this incident.

Body-worn camera footage for this incident showed that the named officer approached the complainant and handcuffed him.

Department Bulletin 20-141 Stop Data Collection System (SDCS), states in part: "all members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops. For purposes of this policy, a stop is defined as: 1. Any detention, by a peace officer of a person..."

It also states in part: "...the member responsible for the initial detention or contact shall enter the stop data, even if they are different from the final investigating officer."

The Department Bulletin also explains that "SDCS entries are required when a stop is initiated based on information developed by the member's own observation, the direction/and/or information from another member, DEM (Dispatch), or members of the public."

The evidence proves that the named officer initiated the detention and failed to enter stop data as required.

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: 11/17/22 **COMPLETION DATE:** 04/21/23 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: Neglect of Duty

FINDING: Unfounded

FINDINGS OF FACT: The complainant's daughter visited her grandmother in Arizona. When it was time for her to come home, the complainant said the grandmother refused to return her. The complainant then went to a district police station to file a missing person report concerning her daughter. The complainant alleged that the named officer failed to investigate the case.

The named officer stated that he recalled contacting the complainant at the station when the latter filed a report about her missing child. He remembered her repeatedly using the word "kidnap" and making several statements that did not make sense. The officer said the complainant failed to answer vital questions about the kidnapping. After talking to her, he recalled temporarily leaving her in the lobby to start his investigation. When he returned, the complainant had already left. He then entered the child's information into the missing persons' database and discovered that the child was never kidnapped. He said the child was with her legal guardian in Arizona. He contacted the Family Children's Services (FCS) and the Williams Police Department in Arizona and confirmed the information he had gathered about the child.

A witness officer stated that the named officer was patient and empathetic to the complainant, who appeared to be in an altered mental state and was not clear on the information she provided. He said the named officer did his best to listen and provide the complainant with the services needed. He said the named officer eventually determined that the complainant's daughter was not missing but was with her grandparents in Arizona, who was her legal guardian.

The incident report shows the complainant stated that on an unknown date and time, she took her minor daughter to the San Francisco International Airport and watched her board a flight to an unknown destination. The named officer asked for specific details of the event, but she could not provide him with relevant information. When asked for basic information about her child, the complainant was unclear in her answers, saying that she did not know, did not understand herself, and was not thinking clearly. The report shows the named officer contacted Family and Children's Services (FCS) in Arizona, who told him that the complainant was suffering from a mental health condition and had made similar allegations in the past. FCS provided him with the phone number of the child's maternal grandmother. He called the number several times but failed to get hold of the person. The named officer tried to check if the child was in any juvenile facility and ensured that the child's information was entered into the missing persons' database. As he continued his investigation, the named officer found out that the child lived with her grandparents. The named officer contacted the grandparents, who confirmed that they were the child's.

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

COMPLAINT DATE: 11/17/22 COMPLETION DATE: 04/21/23 PAGE# 2 of 2

legal custodians, that the child was safe, and that the complainant had previously made similar allegations accusing them of kidnapping the child. The named officer contacted the local law enforcement agency where the child lived and confirmed that the grandparents had legal custody of the child. He then concluded his investigation that the child never went missing but had been with her legal guardians in Arizona.

The named officer's body-worn camera footage of the incident was consistent with the incident report he created.

Court documents show that the Superior Court of Arizona appointed the child's grandparents as her permanent legal guardian.

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

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

COMPLAINT DATE: 11/22/22 **COMPLETION DATE:** 04/15/23 **PAGE# 1 of 4**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was assaulted by three transients living in an RV with mace spray and a glass bottle outside the property he managed. He said he sustained various lacerations on his head. However, the police acted like they could not determine how the incident occurred. He said the officer did not want to help him, did not investigate the incident and overlooked the evidence because he did not allow the officers to take pictures of his injuries.

Both named officers stated that they observed the complainant, who appeared to have been pepper sprayed and was bleeding on the face. The complainant told Named Officer #1 that the two subjects in the box truck struck him with an unknown object. He described the suspects as a heavy-set male and a female with blonde hair. However, the only male suspect in the area was skinny-build, and the female had purple hair. Both officers said these two individuals alleged the complainant regularly harassed them late at night. In this incident, they alleged the complainant banged on her truck early in the morning. She warned him to leave multiple times, but he failed, remaining aggressive toward them, so she maced him. She denied striking the complainant with anything other than the spray. The officers could not locate any cameras or witnesses on the scene. Officer #2 spoke with medics, who said that while there was glass on the complainant's shoulder, there was no other trauma signifying a bottle strike.

The named officers did not believe that the complainant was randomly attacked during the early morning hours. The officers said the complainant was heavily intoxicated and omitted details of the incident, such as him banging on the box truck and calling out the other party. The officers believed the complainant instigated the incident and the other party maced him in self-defense. In addition, the named officers stated that they could not determine how the complainant obtained the cut on his face, although there were pieces of broken glass on the ground. The officers said they offered the complainant as many resources as possible to help aid an arrest. Officer #2 stated that based on both parties' statements and the complainant's unwillingness to provide further details, he did not believe that probable cause to arrest existed at the time.

Department records indicate that the complainant stated that he was attacked by two suspects who struck him in the face with an unknown object and pepper sprayed him. The report states that the complainant was uncooperative, had an alcoholic beverage odor on his breath, and refused to allow the officer to take a photo of his injuries for the investigation. It states that when Named Officer #1 offered to help, the complainant said, "I'll take care of it. It's not a problem". It also recorded that the other party told the officers she was sleeping in the box truck when the complainant banged on the truck.

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Body-worn camera footage captured that the complainant had slurred and had slow speech when the officers interviewed him. The officers interviewed the complainant, and the other parties, spoke to a potential witness, looked at evidence on the ground, and security camera footage. The complainant refused to have photos of his injuries taken. The footage also captured that Named Officer #1 offered to help him and was eager to help.

The evidence proves that the officers on the scene interviewed both parties involved, looked for potential witnesses, security camera footage, and evidence on the scene. However, based on the statements, the lack of witnesses, and security camera footage, the officers could not establish probable cause to believe that an assault happened on the complainant. The evidence proves that the alleged conduct occurred. However, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant later added that he wanted to complain about the officer for writing an inaccurate police report and that the officers failed to identify the foyer as the incident location.

The named officer stated that the complainant told him the incident happened near the box truck instead of the foyer.

The witness officer stated that the location of the incident was determined based on both parties' statements on the scene.

Department records indicate that the incident happened near the box truck based on statements from both parties.

Body-worn camera footage shows that the complainant told the officer he was attacked by the box truck. Although there was broken glass on the floor inside the foyer, the officers could not determine whether the incident happened inside the foyer based on both parties' statements and the lack of security camera footage.

The evidence collected proves that the incident report was an accurate summary of the incident. The

report reflects what was captured on the body-worn camera. 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 comply with the Department's Stop Data Collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: S/IC

FINDINGS OF FACT: The Department could not provide any Stop Data matching this incident to the DPA.

The named officer confirmed that he detained the party who allegedly assaulted the complainant. However, he does not remember submitting any Stop Data regarding the incident.

The Department record indicates that the named officer was the detaining officer.

The body-worn camera shows that the named officer approached the complainant with another officer and interviewed the suspects.

Department Bulletin 21-062 Stop Data Collection System states, "all members shall submit data for all stops" and "a stop is defined as 1. Any detention, by a peace officer of a person,... The member responsible for the initial detention or contact shall enter the stop data."

The evidence proves that the named officer initiated the detention. However, he failed to enter Stop Data as required. He failed to review and familiarize himself with the training materials as required. 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 #5: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he went to the station to try and the incident investigated. An officer told him there was nothing the police could do since the complainant was heard on the body-worn camera that he would take care of it. The complainant could not recall the name or star number of this officer.

An ID poll was sent out to the station with negative results.

The DPA was unable to identify the officer who spoke with the complainant based on the information provided by the complainant. Thus, the officer could not reasonably be identified.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the same officer at the station had an attitude toward the complainant. The complainant said that he took this attitude to mean that the officer believed black men could not be victims when he was a victim in the incident. The complainant could not recall the name or star number of this officer.

An ID poll was sent out with negative results.

The DPA was unable to identify the officer who spoke with the complainant based on the information provided by the complainant. Thus, the officer could not reasonably be identified.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that she has a restraining order against her neighbor and that the named officers failed to arrest the neighbor for violating the restraining order.

A review of the named officer's body-worn camera footage showed that the complainant provided the restraining order to the officer; however, the named officer could not verify if the restraining order was served when running it in the system. The named officer inquired how the neighbor violated the restraining order. The complainant stated that the neighbor constantly walked past her door to throw things into the garbage. The neighbors share a common walkway path between their apartments. The named officer then spoke to the neighbor to notify them about the terms of the restraining order.

DGO 6.09.04(R)(1)(a) states:

“If a complainant states that a restraining order has been issued, members shall verify its existence and proof of service. A restraining order is verified when the complainant shows a copy of the order that has been officially stamped by the court that issued the order or when the order is on file with the Department. To determine whether the Department has the restraining order on file, members shall run a query on the alleged violator through CLETS or with DEM to determine the specific terms and status of the order.”

Additionally, DGO 6.09.04(R)(1)(c) states:

“If the existence of a restraining order is confirmed, but a member cannot verify proof of service or proof of notice, members shall notify the suspect of the restraining order and describe its terms. If a copy of the restraining order is available, and it is practical to do so, members shall serve the suspect at the scene of reported domestic violence involving the parties. If neither case, members shall warn the suspect that failure to comply with the order will result in arrest.”

A copy of both the complainant's Civil Harassment Restraining Order After Hearing and Proof of Service was requested and showed that the dates that they were filed, certified, and served occurred after the date for the call for service.

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 officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant alleged that she has a restraining order against her neighbor and that the named officers failed to arrest the neighbor for violating the restraining order.

A request was made for the named officer's body-worn camera footage; however, the footage was deleted due to SFPD's deletion policy regarding videos being tagged as non-evidentiary. The body-worn camera footage from the named officer's partner was used for the investigation.

DGO 6.09.04(R)(1)(a) states:

“If a complainant states that a restraining order has been issued, members shall verify its existence and proof of service. A restraining order is verified when the complainant shows a copy of the order that has been officially stamped by the court that issued the order or when the order is on file with the Department. To determine whether the Department has the restraining order on file, members shall run a query on the alleged violator through CLETS or with DEM to determine the specific terms and status of the order.”

Additionally, DGO 6.09.04(R)(1)(c) states:

“If the existence of a restraining order is confirmed, but a member cannot verify proof of service or proof of notice, members shall notify the suspect of the restraining order and describe its terms. If a copy of the restraining order is available, and it is practical to do so, members shall serve the suspect at the scene of reported domestic violence involving the parties. If neither case, members shall warn the suspect that failure to comply with the order will result in arrest.”

A copy of both the complainant's Civil Harassment Restraining Order After Hearing and Proof of Service was requested and showed that the dates that they were filed, certified, and served occurred after the date for the call for service.

The named officer is no longer with the Department. 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.

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The named officer placed his foot to block the neighbor from closing her door several times.

Body-worn camera footage from the named officer's partner showed that when the officer knocked on the neighbor's door, she opened it and then tried to slam it several times. When this occurred, the named officer blocked the neighbor from closing the door with his foot.

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.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to arrest her neighbor for a restraining order violation.

Body-worn camera (BWC) footage showed that the complainant told the named officers that her neighbor had violated a Civil Harassment Restraining Order (RO). The complainant showed the named officers a copy of the RO and provided a doorbell camera video, which showed the complainant's neighbor walking past the complainant's door to the trash chute and then walking back past the complainant's door, sticking her middle finger up at the camera and cursing. The named officers called a sergeant, who advised the officers that if the complainant's neighbor was in violation of the RO, they could arrest her. BWC showed that the named officers attempted to contact the complainant's neighbor (whose residence was located across and down the hall from the complainant's residence), but the complainant's neighbor opened the door, quickly slammed it shut, and refused to open it again. The named officers advised the complainant that they could not enter the complainant's neighbor's house and arrest her without an arrest warrant.

Department records indicated that the named officers documented the incident in a report, which accurately described the incident as seen on BWC footage.

Court records confirmed that the RO was valid at the time of the incident. The terms of the RO indicated that the complainant's neighbor must not harass or contact the complainant and that she must stay 2 yards away while inside the apartment building.

The evidence shows that though the complainant's neighbor potentially violated the RO, the named officers could not make an arrest because the complainant's neighbor remained inside her apartment. The officers did not have the authority to enter the apartment to arrest the complainant's neighbor without an arrest warrant. The DPA found that the named officers took appropriate investigative steps by attempting to contact the complainant's neighbor and by documenting the incident in a report.

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 retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that he and his juvenile son were involved in a vehicle collision. The complainant requested a copy of the incident report from SFPD approximately five months after the incident, but SFPD declined to release the report because it involved a juvenile. The complainant emailed SFPD in response to the declination, and a few days later, his son received a citation in the mail indicating that he was at fault for the collision. The complainant alleged that the named officer issued the citation in retaliation for his emails to SFPD regarding the incident report.

The named officer stated that he wrote the citation two days after the collision at the direction of his supervisor in order to comply with Department Bulletin 18-037 and because the collision involved an injury. The named officer forwarded the citation to the SFPD Traffic Company for processing and mailing immediately thereafter. The named officer stated that he had no knowledge of any communication between the complainant and SFPD at any point following the collision.

A witness officer indicated that he directed the named officer to issue the citation in order to comply with Department Bulletin 18-037 and confirmed that the citation was written two days following the collision and sent to the SFPD Traffic Company. The witness officer indicated that the SFPD Traffic Company is responsible for mailing citations to involved parties.

The Traffic Collision Report, completed and reviewed by a supervisor two days following the collision, indicated that the complainant's son was at fault for the collision. The Report also indicated that the named officer had written a citation at the direction of his supervisor and had forwarded the citation with the report to the SFPD Traffic Company.

The Notice to Appear indicated that the citation was written two days following the collision.

SFPD Department Bulletin 18-037 (expired), Arrests/Citations for Traffic Collisions, states (in part): "It is the policy of the San Francisco Police Department to investigate all traffic collisions involving injury or death. The investigating officer at the scene is responsible for determining the party at fault for the Collision...Officers who have completed the 40-hour POST-certified Basic Collision Investigation course shall arrest or issue a citation when the party at fault is responsible for the injury of another...If the primary officer's continued investigation determines that there is reasonable cause to believe that a party.

involved is at fault for a violation of the vehicle code (Primary Collision Factor) and no criminal case will be pursued, the officer SHALL fill out a Notice to Appear and write "MAILED" in the suspect signature

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box. Do not put in a court date or check the “Where to Appear” box. Forward the original Notice to Appear and a copy of the report, via Department mail, to the Citation Review officer at Traffic Company. The citation review officer is responsible for mailing the citation to the party determined to be at fault.”

The evidence shows that the named officer found the complainant’s son to be at fault for the collision and wrote the traffic citation long before the complainant had any communications with SFPD regarding the incident report request. It was not possible that the citation could have been issued in retaliation.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that because the box “Violations not committed in my presence, declared on information and belief” was not checked on the citation, the named officer was intentionally misrepresenting the truth.

The named officer stated that he must have forgotten to check the box on the citation. The named officer stated that he did not intentionally fail to check the box or make any misrepresentations on the citation.

The evidence the named officer did not check the box as alleged, but the mistake was unintentional. Further, there was no evidence showing that the named officer would have had any apparent motivation to fail to check the box. The citation accompanied a full Traffic Collision report, which clearly indicated that the named officer was dispatched to the collision and that the violation on the citation was not committed in the named officer’s presence.

The evidence proves that the alleged conduct did not occur.

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DATE OF COMPLAINT: 10/03/22 DATE OF COMPLETION: 04/21/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers failed to promptly respond to her call-for-service and arrived nearly two hours after she called 911.

Department records indicated that Dispatch categorized the complainant's call for service as a priority "B" call. The named officers were dispatched to the call approximately one hour and 38 minutes after the complainant's initial call. The named officers arrived on the scene approximately 10 minutes after they were dispatched.

The goal response time for "B" priority calls is 20 minutes from dispatch to arrival. The evidence indicated that the named officers responded and arrived on the scene approximately 10 minutes after being dispatched to the call. No evidence indicated that the officers intentionally or unreasonably delayed their response.

The evidence proves that the alleged misconduct did not occur.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to arrest her neighbor for a restraining order violation.

Body-worn camera (BWC) footage showed that the complainant told the named officers that her neighbor had violated a Civil Harassment Restraining Order (RO). The complainant showed the named officers a copy of the RO and provided a doorbell camera video, which showed the complainant's neighbor

approach the complainant's door and yell, "going to die." BWC showed that the complainant told the named officers that she felt safe inside her apartment when her neighbor approached the door, but that she felt threatened whenever she left her apartment. The named officers attempted to contact the complainant's neighbor (whose residence was located across and down the hall from the complainant's residence), but the complainant's neighbor did not answer. The named officers told the complainant that they would document the restraining order violation.

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Department records indicated that the named officers documented the incident in a report, which accurately described the incident as seen on BWC footage.

Court records confirmed that the RO was valid at the time of the incident. The terms of the RO indicated that the complainant's neighbor must not harass or contact the complainant and that she must stay 2 yards away while inside the apartment building.

The evidence shows that though the complainant's neighbor potentially violated the RO, the named officers could not make an arrest/issue a citation because the complainant's neighbor did not answer the door. The officers did not have the authority to enter the apartment to arrest the complainant's neighbor without an arrest warrant. The DPA found that the named officers took appropriate investigative steps by attempting to contact the complainant's neighbor and by documenting the incident in a report.

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

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DATE OF COMPLAINT: 11/02/22 **DATE OF COMPLETION:** 04/21/23 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers failed to promptly respond to her call-for-service and arrived three hours after she called 911.

The named officers stated that they responded promptly to this call from another call.

Communications records indicated that Dispatch first categorized the complainant's call for service as a priority "B" call and then changed it to a priority "A" call. The named officers were dispatched to the call approximately six minutes after the complainant's initial call. The named officers arrived on the scene approximately 19 minutes after they were dispatched.

Department records confirmed that the named officers were on another call-for-service just prior to being dispatched to the complainant's call.

According to Google Maps, the named officers were located approximately 3.1 miles and approximately 13-20 minutes away from the complainant's address (depending on traffic).

The goal response time for "B" priority calls is 20 minutes from dispatch to arrival. The goal response time for "A" priority calls is seven minutes from dispatch to arrival. However, response times are dependent on resources and environmental factors such as traffic.

The evidence indicated that the named officers responded and arrived on the scene approximately 19 minutes after being dispatched to the call, which was reasonable given that they were on another call-for-service and were located 13-20 minutes away just prior to being dispatched to the complainant's call. Additionally, the evidence showed that the named officers arrived on the scene approximately 25 minutes after the complainant's initial call, not three hours as alleged. No evidence indicated that the officers intentionally or unreasonably delayed their response.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to arrest her neighbor for a restraining order violation.

The named officers stated that they determined that a restraining order violation had occurred, but they could not arrest the complainant's neighbor because the complainant's neighbor did not answer the door when they knocked.

Body-worn camera (BWC) footage showed that the complainant told the named officers that her neighbor had violated a Civil Harassment Restraining Order (RO). The complainant showed the named officers a copy of the RO and provided multiple doorbell camera videos, which showed the complainant's neighbor walking past the complainant's door and saying various insulting phrases, some of which were unintelligible. BWC showed that the named officers told the complainant that they could arrest the complainant's neighbor if she came out of her apartment, but that they could not enter the complainant's neighbor's apartment without a warrant. The named officers attempted to contact the complainant's neighbor (whose residence was located across and down the hall from the complainant's residence), but the complainant's neighbor did not answer.

Department records indicated that the named officers documented the incident in a report, which accurately described the incident as seen on BWC footage.

Court records confirmed that the RO was valid at the time of the incident. The terms of the RO indicated that the complainant's neighbor must not harass or contact the complainant and that she must stay 2 yards away while inside the apartment building.

The evidence shows that though the complainant's neighbor potentially violated the RO, the named officers could not make an arrest/issue a citation because the complainant's neighbor did not answer the door. The officers did not have the authority to enter the apartment to arrest the complainant's neighbor without an arrest warrant. The DPA found that the named officers took appropriate investigative steps by attempting to contact the complainant's neighbor and by documenting the incident in a report.

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

SUMMARY OF ALLEGATION #5: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer inaccurately wrote in the incident report that the doorbell video showed her neighbor say, “You’re nose,” when she really said, “Dirty Lesbian.”

The named officer stated that he did not hear the complainant’s neighbor say, “Dirty Lesbian” in the doorbell video, which is why it was not included in the incident report.

Body-worn camera (BWC) footage showed that the doorbell videos provided by the complainant showed the complainant’s neighbor walking past the complainant’s door and saying various insulting phrases, some of which were unintelligible. BWC showed that one of the insults heard on the doorbell video sounded like, “Dirty Lesbian,” although the complainant never pointed that out to the named officer.

Department records indicated that the named officer documented several of the insults heard on the doorbell video, but did not document the phrase, “Dirty Lesbian.” Department records indicated that the complainant later filed a supplemental report detailing the things she heard her neighbor say in the doorbell video.

The evidence shows that the named officer would have had to hear the phrase in the doorbell camera video in order to document it, because the complainant did not point it out to him specifically. Given the quality of the video and the intelligibility of the complainant’s neighbor’s statements, it was reasonable that the named officer did not hear the phrase and therefore did not document it.

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

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COMPLAINT DATE: 11/28/22 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: Early one morning, the complainant was scared by an unknown man incessantly ringing her doorbell. Fearful of an attempted break-in, the complainant called 9-1-1 and requested police assistance. Hours later, the complainant received a call from an unknown phone number but did not believe the officers ever responded.

Department of Emergency Management records indicated that the complainant called 9-1-1 to report an unknown male ringing her doorbell and talking with other individuals outside her door. The call was classified as a B-Priority and placed on hold. The officers were dispatched to the call approximately three hours later. The officers arrived within three minutes of being dispatched and reported that the subjects were gone. The complainant's doorbell is easily accessible from the sidewalk, allowing the officers to investigate whether anyone was still present.

Department General Order 1.03, Duties of Patrol Officers, states that patrol officers shall respond promptly to assigned calls, regardless of the area of assignment.

The evidence showed that the officers responded quickly when dispatched.

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

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COMPLAINT DATE: 11/30/22 COMPLETION DATE: 04/21/23 PAGE# 1 of 2

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 complained on his client's behalf. He stated that an officer driving a patrol vehicle struck his client because he was not checking for traffic.

DPA contacted the complainant multiple times for an interview; however, the complainant refused to provide an additional statement needed to clarify the complaint.

No finding outcomes occur when additional necessary evidence is unavailable.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the officer lied in the incident report when he described how he was driving and when he falsely placed the complainant's client at fault.

DPA contacted the complainant multiple times for an interview; however, the complainant refused to provide an additional statement needed to clarify the complaint.

Department records indicated that the officer was not involved in preparing the incident report, which did not identify a party at fault due to lack of evidence.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order or Department Bulletin.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not submit a drug test after the collision, which was against department policy.

DPA contacted the complainant multiple times for an interview; however, the complainant failed to provide further information and did not participate further in the investigation.

Department policy only requires officers be tested for drug use if a collision results in serious injury or death.

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

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COMPLAINT DATE: 12/15/22 COMPLETION DATE: 04/20/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was taking care of his neighbor's house while the neighbor was away. Then the police came, said someone had a power of attorney, wrote him a ticket for squatting, and then kicked them out. He said he showed the officers a DMV printout and a bank letter to show he lived at the address but was still removed from the residence.

The named officer stated that he received a 911 call from the homeowner's niece, who stated she had power of attorney over her uncle and provided documents of such and the deed of the house. She stated that her uncle moved in with her and that no one had permission to live in the house. The niece was also able to provide the key to the house. The officer said the complainant told him he used to live next door and knew the owner from before. The officer asked if the owner permitted the complainant to move into the house. The complainant said the owner permitted him to park in the driveway and was taking care of the place. The officer stated the complainant only provided a vehicle registration document and a child support bill, but not any proof of residency such as utility bills, lease agreement, etc., and therefore was not a lawful resident of the property.

The witness officer stated that he reviewed the legal documents the niece provided and observed that it was notarized. He said the niece also provided the ID of her uncle.

Department records indicate that the officer conducted a computer query on the complainant, which showed that he did not have the location address on their previous arrest records or DMV returns. The records indicated that the complainant was cited for illegal lodging.

Body-worn camera footage captured that the complainant could not provide any proof of residence, such as a rental agreement or utility bills, nor could he provide a house key to the main entrance. The footage shows that the reportee provided legal documents proving the ownership of the house, which the witness officer reviewed.

California Penal Code sec. 647(e) makes it illegal to lodge anywhere without the property owner's or manager's permission.

The evidence gathered proves that the complainant could not provide proof of permission to live in the house, and the other party provided evidence that the complainant was living there illegally. The officer had probable cause to arrest the complainant for illegal lodging and lawfully remove the complainant from the residence.

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

COMPLAINT DATE: 12/15/22 COMPLETION DATE: 04/20/23 PAGE# 2 of 2

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

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

COMPLAINT DATE: 12/15/22 **COMPLETION DATE:** 04/14/23 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she was involved in an injury vehicle accident while on her way to work. She said the collision report was inaccurate because the location of the accident was wrong. In addition, she said she drove at 15 mph at most instead of 40 mph, as stated in the report. She added that the accident happened at the Southeast (SE) corner but not the Southwest (SW) corner of the location, and there were four lanes of traffic instead of two. The complainant stated that the report was 100% fake because the copy she obtained was blurry.

The named officer stated the complainant told him on the scene that she was traveling at 40 mph. He said the diagram was produced based on statements by all parties, scraps of glass from vehicles, and pictures taken on the scene from a reference point where the collision occurred. He explained that the diagram shows the collision that happened in the middle of the intersection and is all approximate. The officer does not believe the collision point could be at the SE corner because the other party stated that he was driving Southbound on Gough Street.

The witness officer stated that based on the damage sustained on both vehicles, the speed was greater than 15 mph. The officer said the diagram was accurate, and statements on the scene and vehicle placement determined the collision point. He denied that the collision point could be at the SE corner of the location.

Department records state that the accident occurred in the middle of the intersection, consisting of 6 lanes. It recorded that the complainant was traveling at 40 mph in the number 3 lane, and the diagram shows that the collision point was at the SW of the intersection. It states above the diagram that all measurements are approximate and not to scale. The collision report has the same information and diagram as the report provided by the complainant.

Body-worn camera footage captured that the complainant told an officer she was driving 40 mph. It recorded that the complainant told officers she was driving Eastbound on Market Street, while the other party said he was driving Southbound on Gough Street. The footage shows three lanes on Market Street and two lanes on Gough.

The evidence proves that the complainant told officers on the scene that she was driving 40 mph. Based on both parties' statements, the collision point happened in the SW of the intersection, as depicted in the collision report. Although the diagram does not entirely reflect the number of lanes, the report states that the measurement is approximate and does not affect the report's outcome. The traffic collision report

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

COMPLAINT DATE: 12/15/22 COMPLETION DATE: 04/14/23 PAGE# 2 of 2

received by the complainant is the same one produced by SFPD to the DPA.

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate BWC in a timely manner in violaion of DN 20-175 and DGO 10.11.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, DPA found that the named officer failed to activate his body-worn camera en route to the collision site.

The named officer stated that he thought he activated his BWC, but he appeared late. He said he activated his BWC after not hearing his camera 'beep.'

Body-worn camera footage shows that he was already standing on the scene when he activated his camera.

Department Notice 20-175 states, "when responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances to occur, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene.

The evidence proves that the officer failed to activate his BWC before arriving on the scene to capture the entirety of the incident.

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 SUMMARY REPORT**

COMPLAINT DATE: 12/27/22 **COMPLETION DATE:** 04/10/23 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated the named officer was rude and used profanity when he responded to her call for police assistance. She stated the named officer became angry and told her, “We don’t have time for this fucking bullshit again.”

The named officer admitted he spoke in an inappropriate and unprofessional manner when he used profanity while speaking with the complainant. He stated the complainant “began to argue in which I responded, ‘I don’t have time for this shit.’” He stated he made the comment because the complainant did not want to resolve her issue by answering his questions about why he was called to the scene.

Department records indicate that the named officer responded to a call for a possible sexual assault.

Body-worn camera footage was unavailable as officers are prohibited from recording sexual assault victims during a preliminary investigation.

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

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: 12/27/22 **COMPLETION DATE:** 04/10/23 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she called the police to report that she was the victim of a sexual assault and burglary. She stated the named officer refused to activate his body-worn camera when he arrived, despite her asking him to do so.

The named officer stated he did not activate his body-worn camera because he responded to a call for a possible sexual assault and treated it as a preliminary rape investigation. He stated Department policy prohibits him from recording in such circumstances.

Department records indicate that the named officer responded to a call for a possible sexual assault.

Department General Order 10.1 1 states in the relevant part that officers “shall not activate the BWC when encountering . . . [s]exual assault . . . victims during a preliminary investigation.”

The named officer complied with Department Policy when he refused to activate his body-worn camera because he responded to a potential sexual assault.

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

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

COMPLAINT DATE: 01/03/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that SFPD has not enforced laws against unhoused individuals who block the street and litter. The complainant uses a wheelchair and was blocked from using a sidewalk because of an encampment. When he complained, a member of the encampment pushed him into the bike lane.

The district station captain stated that at the time of the incident, an injunction limited SFPD's response to complaints about unhoused-related issues. Limited exceptions to the injunction allowed officers to enforce sidewalk regulations near doorways, critical infrastructure, and under dangerous public health conditions, but the exceptions did not apply to the complainant's situation. Unhoused outreach officers typically handle single or small tent encampments, while a citywide Healthy Streets Operations Center (HSOC) group handles larger encampments with help from multiple other agencies.

Department of Emergency Management records showed that there was a call-for-service regarding a "Large 15 encampment," which indicated that the citywide HSOC team had jurisdiction to handle the call-for-service.

Based on the injunction, SFPD officers had been ordered to let HSOC handle the encampment.

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

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

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he has a court-controlled arrangement to pick up his minor child at a police station for visitation. He said he went to a police station to pick up his child and his child became upset and refused to go with him, eventually leaving the station with the child's mother. He said the named officers failed to assist him with the custody exchange. The complainant did not provide a copy of a child custody court order the DPA requested.

Named Officer #1 recalled that the complainant wanted officers to force his child into his vehicle for his visitation. Named Officer #1 stated that the child appeared upset, was crying, hanging onto the mother, and did not want to go with the complainant. Named Officer #1 did not recall being presented with a court order by the complainant or the child's mother during this incident. Named Officer #1 said they could not compel the mother to leave the station but recalled asking the mother to abide by any existing court order and assist with the visitation exchange. Named Officer #1 explained to the complainant that they could not physically force the child into his vehicle. Named Officer #1 stated that they attempted to assist the complainant within the parameters of the law and department policy.

Named Officer #2 stated that the complainant came into a police station and requested assistance with a child custody exchange. Named Officer #2 stated that the complainant's child was crying, having an emotional breakdown, and repeatedly stated that they did not want to go with the complainant. Named Officer #2 stated that they asked the complainant and the child's mother if they had a court order and neither provided any paperwork. Named Officer #2 stated that they advised the complainant that they were unable to force his child to go with him as it was not a criminal matter. Named Officer #2 stated that they referred both parents to family court to try and resolve the custody arrangements. Named Officer #2 state that the mother did not physically withhold the child from the complainant and the complainant did not physically take custody of the child during this incident.

The evidence showed that the named officers were not presented with any custody related court order that could be enforced by law enforcement.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 04/20/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he had an arrangement to pick up his minor child at a police station for his visitation exchange. He said he went to a police station at an arranged time, and his child did not want to go with him. He told the child that they had to go with him and spoke with the named officers regarding the situation. He said he told the named officers that there is a history of domestic violence in relation to the child's mother and the named officers inappropriately laughed at him.

The named officers denied that they laughed at the complainant during this incident. The named officers said they were professional throughout the incident and treated the complainant with dignity and respect.

There was no body-worn camera footage of the event, as there was no report of a crime and officers had no reason to record the contact.

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

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

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 04/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant left the Department of Police Accountability (DPA) a short voice message stating that the San Francisco Police Department (SFPD) had an individual attempt to get to him to admit to allegations of abuse during a phone call, but that SFPD did not give him an opportunity to get that individual to admit to allegations of abuse using a pretext phone call.

The complainant did not respond to requests for additional information.

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

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

COMPLAINT DATE: 01/12/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrote a summary of his allegations and did not include the full written statement that the complainant had provided. The complainant believed the officer's failure to write a full account of the alleged crime constituted a misrepresentation of the truth.

Department records showed the named officer wrote a summary of the events reported to him by the complainant. The named officer also attached the complainant's full written statement as evidence with the report.

The complainant's full statement was included in the named officer report. All of the information and evidence the complainant stated that he wanted in the report was included. The preparation of incident reports calls for the reporting officer to summarize allegations and evidence.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/24/23 **COMPLETION DATE:** 04/19/23 **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 stated her son was assassinated and officers failed to contact her and provide crisis support.

DPA attempted to contact the complainant to conduct an interview and gain clarification regarding the online submission as well as additional information. The complainant did not respond.

Based on the complainant's unclear online submission, the DPA was unable to investigate this case.

There were no SFPD documents found related to this allegation.

No finding outcomes occur under four circumstances: they did not provide additional requested evidence, the complainant requested a withdrawal for 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: 02/01/23 COMPLETION DATE: 04/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO1/IAD

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

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

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

COMPLAINT DATE: 02/02/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to investigate his allegation of being poisoned. The complainant stated the named officer refused to order a test of food he suspected to be the source of the poison.

The complainant provided video footage showing the interaction between the named officer and him. The footage showed the complainant explaining to the named officer why he thought he was poisoned. The explanation did not provide a reason or a suspect for the alleged poisoning. The complainant did not provide any evidence of poisoning. The named officer advised the complainant to go to a hospital and that if he was able to produce medical evidence that he was poisoned, the police could investigate.

There is no requirement for the named officer to investigate an allegation without reasonable suspicion or probable cause that a crime occurred.

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: 02/03/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1 Referral/SFPD Mission Police Station

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

San Francisco Police Department
Mission Police Station
630 Valencia Street
San Francisco, CA 94110

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/23 **DATE OF COMPLETION:** 04/21/23 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer illegally parked a patrol car on a downhill slope without turning the wheels towards the curb.

The named officer acknowledged that he parked a patrol car in the location alleged by the complainant and that he did not turn the wheels towards the curb. The named officer stated that he did not believe that the slope of the roadway warranted him turning the wheels towards the curb.

The San Francisco Department of Public Works grade map indicates that the grade of the street where the named officer parked is 2.91%.

San Francisco Municipal Transportation Code Section 7.2.35, Parking on Grades, states (in part), “To Park a vehicle upon any grade or slope *exceeding three percent* without effectively setting the brakes and blocking the wheels of the vehicle by turning them against the curb or by other means.” (Emphasis added.)

The evidence proves that the named officer parked the patrol car legally.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/23 DATE OF COMPLETION: 04/21/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that when he reminded the named officer to curb his wheels, the named officer waved the complainant off dismissively and said something like, “Mind your own business.”

The named officer stated that he did not recall saying anything like, “Mind your own business.” The named officer said he asked the complainant clarifying questions because he was confused when the complainant initially engaged with him. The named officer stated that he walked away from the complainant to be on time for his assignment and to respond to his assigned area.

Department General Order 2.01, General Rules of Conduct, requires officers to devote their on-duty time to protecting life and property, preserving the peace, and preventing crime.

After engaging with the complainant and assessing the complainant’s concerns, it was appropriate for the officer to end his conversation with the complainant to resume his duties. The named officer was not illegally parked and did not have further reason to engage with the complainant or take any further action.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/23 DATE OF COMPLETION: 04/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on 4/20/23.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 02/12/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

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

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

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

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

COMPLAINT DATE: 02/22/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 02/23/23 COMPLETION DATE: 04/20/23 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 wanted to complain about homeless encampments and crimes in SF and that the police had done no work. The complainant did not provide detailed information regarding any particular incidents.

The DPA has made multiple attempts via different communication channels to conduct an interview with the complainant and request more information. However, the complainant failed to respond and provide the requested information.

The complainant did not provide additional requested evidence for DPA to continue the investigation.

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.

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

COMPLAINT DATE: 02/23/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1-2: 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: 02/24/23 COMPLETION DATE: 04/27/23 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: 03/01/23 COMPLETION DATE: 04/06/23 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:

Hayward Police Department
Internal Affairs Lieutenant Hoyer
300 W. Winton Ave
Hayward, CA 94544

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/23 **DATE OF COMPLETION:** 04/14/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the named officer improperly parked a personal vehicle in a parking spot designated for police vehicles and failed to curb the vehicle's wheels properly as the vehicle was parked on a downward slope.

An officer identification poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he approached the named officer, who was seated in a vehicle. He stated that the named officer ignored him, was rude and played music very loudly.

An officer identification poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

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

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 04/21/23 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 said they went to a police station to file a report regarding violent threats and harassment they received online. They spoke with an officer regarding the report and the officer said the department did not have the resources for the report and that it would not go anywhere. The officer advised the complainant they could wait for an officer to take their report and that there were multiple other people in front of them who were waiting to make a report. The complainant said the officer was rude and that they felt dismissed and left the police station.

An officer identification poll was sent to the district station where the incident occurred. The poll failed to identify any involved officer.

Security footage from the district station failed to identify the involved officer.

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

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

COMPLAINT DATE: 02/07/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that during an interaction with the police, he identified a specific officer to other officers on the scene. The complainant told the other officers that the officer had previously assaulted him during custody. However, the officers laughed it off when he brought it up. He felt that his safety and security were ignored.

Department records indicated that the officer who allegedly assaulted the complainant was not on the scene at the time of the interaction described by the complainant.

DPA's record showed that the complainant had already logged a complaint against the officer he allegedly assaulted him. This case had already been investigated.

Body-worn camera footage showed that when the complainant identified the officer who assaulted him, no officers laughed at him. The footage shows that the alleged officer was not on the scene. Nonetheless, one of the named officers still took the complainant's complaint.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/10/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/Daly City Police Department

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

Daly City Police Department - Internal Affairs
Attn. Professional Standards Unit
333 90th Street
Daly City, CA 94015

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

COMPLAINT DATE: 03/10/23 COMPLETION DATE: 04/20/23 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 wrote in the complaint form that she made a report of sexual assault. However, the police failed to respond.

The complainant declined to be contacted by phone. The DPA has made multiple attempts to contact the complainant for an interview. However, the complainant failed to respond and provide the requested information.

The DPA could not locate any matching incidents with the limited information provided in the complaint.

The complainant did not provide additional requested evidence for DPA to continue the investigation.

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.

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

COMPLAINT DATE: 03/11/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/SFMTA

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

SFMTA Special Events and Construction Support
1 S. Van Ness, 7th Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 03/13/23 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The anonymous complainant stated they wanted officers to hold cyclists and riders on scooters accountable for violating traffic laws concerning speeding, riding on sidewalks, and disregarding stop signs.

The complainant could not describe specific incidents or specific officers. The complaint pertained to the San Francisco Police Department as a whole and not a specific officer or police station.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/23 DATE OF COMPLETION: 04/21/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that a group of homeless people assaulted him outside his apartment building. The complainant was transported to a local hospital for treatment of his injuries. While at the hospital, the staff had a police officer come over for him. According to the complainant, an officer from a local district police station arrived, took his statement, and left without giving him any paperwork. He said he later learned the officer did not write an incident report.

An ID Poll to the district police station in question produced negative results. Additionally, the incident could not be identified through a query of Department records.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 03/23/2023 COMPLETION DATE: 04/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/Prisoner Legal Services

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

Prisoner Legal Services
425 7th Street, Mailroom
San Francisco, CA 94103

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

COMPLAINT DATE: 03/28/23 COMPLETION DATE: 04/03/23 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: The complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

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

COMPLAINT DATE: 03/29/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

U.S. Immigration and Customs Enforcement
San Francisco -ERO
San Francisco Field Office
630 Sansome Street
Room 590
San Francisco, CA 94111

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

COMPLAINT DATE: 03/31/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated he went to a district station in late 2018 or early 2019 to report an assault, and the officer would not take a report.

The complainant could not identify or describe the officer and the date of the incident. There is insufficient information to proceed with 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.

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

COMPLAINT DATE: 04/05/23 COMPLETION DATE: 04/20/23 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: 04/05/23 COMPLETION DATE: 04/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer placed a wiretap on her phone.

The complainant could not provide the incident's date, time, or location. The complainant stated the incident was a year and a half ago.

DPA could find no records of any recent contacts involving the complainant. Additionally, Department Personnel Records confirmed the named officer retired from the Department in January 2018, more than five years ago. Thus, it would not be possible for the named officer to be involved in the conduct described by the complainant.

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

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

COMPLAINT DATE: 04/06/23 COMPLETION DATE: 04/21/23 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

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

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

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

COMPLAINT DATE: 04/07/23 COMPLETION DATE: 04/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/CHP

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

California Highway Patrol
Office of Investigations
601 North 7th Street
PO Box 942898
Sacramento, CA 94298

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

COMPLAINT DATE: 04/09/23 COMPLETION DATE: 04/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

US Customs and Border Protection
555 Battery Street
San Francisco, CA 94111

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

COMPLAINT DATE: 04/07/23 COMPLETION DATE: 04/20/23 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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/23 DATE OF COMPLETION: 04/21/23 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

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

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

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

COMPLAINT DATE: 04/20/23 COMPLETION DATE: 04/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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