

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

COMPLAINT DATE: 01/13/22 COMPLETION DATE: 06/12/23 PAGE# 1 of 3

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 while he was riding his bicycle with the lawful flow of traffic, a vehicle struck him from behind and fled the scene. The complainant alleged that the named officer generated an inaccurate incident report, as he incorrectly stated in the report that the complainant was traveling against traffic when he was struck. The complainant also stated that the medical records prepared by the responding paramedics were accurate as their narrative reflected that witnesses stated he was side struck by the vehicle as he was riding in the bike lane.

The named officer confirmed that he generated the report at issue. The named officer confirmed that when he spoke with the complainant on scene, he could not recall the specifics of the incident, but did point out which direction he was traveling, which the officer concluded was against traffic. The named officer also stated that while on scene, other officers and himself conducted an investigation, including, but not limited to, interviewing both the complainant and witnesses, examining the areas of impact, and surveying the area for additional evidence. The named officer stated a witness on scene stated that she observed the complainant riding his bicycle against the flow of traffic when the collision occurred. The named officer stated that the statements provided by witnesses in the paramedics' records were inconsistent with the narrative provided to him on scene as well as the independent witness' observations.

DPA obtained a copy of the incident report. The report indicates that the complainant was traveling in the wrong direction, in violation of the traffic code, when the above collision occurred. DPA also obtained the named officer's BWC footage of the incident. The footage was consistent with his statement that he provided to DPA.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that after the incident, the named officer called him on the telephone and accused him of driving his bicycle against the flow of traffic. When the complainant contested the statement, the named officer rudely hung up on him.

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The named officer confirmed speaking with the complainant on the phone. The named officer stated that the complainant was upset that he indicated in the report that the complainant was at fault for the collision. The named officer stated that he explained to the complainant the basis for his conclusions. The named officer could not recall how he terminated the call with the complainant but attested that abruptly hanging up on individuals is not his normal practice.

DPA was unable to locate additional evidence pertaining to the phone call.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that despite being provided with the description of the vehicle and license plate number, the named officer failed to locate and identify the driver of the fleeing vehicle that struck him.

The named officer responded to the scene and conducted a preliminary investigation. The named officer stated that this investigation included interviewing both the complainant and independent witnesses, determining the areas of impact, and surveying the area for additional evidence. The named officer also attested that after the initial preliminary investigation on scene, he forwarded the collision report to the Department's traffic administration unit, per policy, for follow-up investigation.

A witness officer-in-charge over at the Traffic Collision Investigation Unit (TCIU) stated that the named officer was not responsible for additional investigation at the scene, such as attempting to locate the driver.

The evidence showed that the named officer conducted a thorough preliminary investigation on-scene. As the responding officer, the officer's duties were completed when he conducted the preliminary investigation and forwarded the case for follow-up investigation.

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 take required action.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: The complainant stated that an officer informed him his case was sent for follow-up investigation and did not hear back from them.

The TCIU is responsible for reviewing prepared traffic collision reports and determining eligibility for follow-up assignments. DPA interviewed two superior officers assigned to the unit who indicated that the above case had not been assigned for follow-up investigation. Additionally, neither the named officer or the witness officer recalled reviewing the report prior to DPA's interview, or otherwise having any knowledge of the incident.

After reviewing the report, the named officer indicated that given the particular facts of this incident, it would not have warranted an assignment for follow-up investigation based on the office's internal guidelines. However, the named officer and the witness officer both shed light on the fact given the current policies and procedures, neither could determine whether the report had been accurately sent and received by TCIU, and even if the case had been accurately sent, neither could determine who made the decision not to assign the case for follow-up or when this decision was made. The named officer and witness officer explained that an internal tracking system of cases does not exist and often, the only documentation regarding a traffic collision case is when the case warrants an assignment for follow-up investigation. Due to this, DPA was unable to determine, with factuality, if this report had ever been sent to TCIU (per policy) and if so, who reviewed the report to determine ineligibility.

Thus, DPA recommends that SFPD adopt a policy to track and document such decisions to circumvent the above burdens and ensure accountability.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated she was involved in a bicycle accident where she was doored. While on the scene, the parties exchanged information, and officers were not called. The complainant later discovered her injuries were more significant than she originally believed, and she called the police at the direction of her insurance company. The complainant informed the named officers that she sustained a serious injury from the accident.

Body-worn camera (BWC) footage showed that named officer #1 obtained a statement from the complainant. The complainant advised that she was involved in a traffic accident days before but did not call the police or request an ambulance. She and the other involved party exchanged information. The complainant later discovered that she had a broken arm in the accident and the other involved party failed to return her phone calls. Named officer #2 informed the complainant that they could not prepare a diagram, take photos of the damage to the vehicle and her bicycle, or determine who was at fault because she did not call to report the accident when it occurred. The complainant asked the officers to interview the driver and Named Officer #2 informed her it would be difficult, and that it would be her word against his. After the complainant expressed her belief that nobody was going to do anything about her call, she again urged the officers to interview the driver. The named officers urged the complainant to call her insurance. Named officer #2 then asked the complainant to call the driver but he did not pick up. Named officer #1 told the complainant he would put the information she provided in a CAD, and that she could call the police again if her insurance demanded a police report. The complainant offered to give the officers the license plate number and they told her to give it to her insurance.

Department of Emergency Management records showed that the named officers were dispatched to a report of a non-injury accident that occurred days earlier. Named officer #1 input a note in CAD reflecting that the complainant was involved in an accident with no injuries and the officers were unable to contact the second party.

The traffic Subject Matter Expert for SFPD stated that regardless of someone feeling pain later and calling in days after a collision, if a person claims injury later, a Traffic Collision Report should be written.

The DPA obtained a Traffic Collision Report drafted several days later by a different pair of officers. The officers obtained the drivers confession that he was involved in the accident along with his insurance information.

Department General Order 9.02 states in relevant part that “it is the policy of the San Francisco Police Department to investigate and report...vehicle accidents resulting in...injury.”

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The evidence shows that the officers did not investigate the complainant's injury accident. Instead, they urged her to contact her insurance and explained why the investigation would be more difficult because she called late.

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

SUMMARY OF ALLEGATION #3: The officer failed to prepare an incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that she asked for an incident report but was instead provided with a computer aided dispatch (CAD) number.

The named officer confirmed that he did not generate an incident report. He stated that it was unclear whether a report was required because the report of injuries occurred several days after the traffic accident, and insurance information was already exchanged between the two parties. He stated that the incident involved a civil matter and not a crime.

Body-worn camera footage showed that the complainant informed the named officer that she was injured as a result of the traffic accident.

DPA interviewed a Subject Matter Expert (SME) who advised that officers are trained that if a person claims an injury, a traffic collision report should be written.

San Francisco Department General Order 9.02 (II)(A1) Injury Accidents, Reports, states "*When investigating an accident involving injuries, always complete an entire Traffic Collision Report, including a diagram of the accident scene.*"

The evidence showed that the complainant told the named officer she wanted to report a traffic accident involving injuries. The named officer failed to write an incident report violating DGO 9.02.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officers knowingly lied and reported that the complainant did not suffer injuries in the accident.

Department of Emergency Management records showed that the dispatcher initially categorized the complainant's call as a B-Priority, injury vehicle accident. The complainant informed the dispatch that she was riding her bike, and a car door hit her, causing her to break her arm. The complainant then requested a report. After informing the dispatcher that the incident occurred days before, the dispatcher changed the call type and priority to a C-Priority, non-injury vehicle accident.

Named officer #2 denied the allegation, stating he had no communication with Dispatch regarding the call type. Named officer #1 denied the allegation stating he did not lie to Dispatch regarding the complainant's injuries or otherwise.

The evidence reflected that the dispatcher changed the call type to a non-injury accident, not the officers.

Thus, the evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer filed false charges.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that her son was under investigation for a firearm-related incident he was not present for. Because the named officer could not arrest him for the firearm-related incident, he arrested and charged the complainant's son with criminal threats.

The named officer stated that he was investigating the complainant's son for two firearm-related incidents, and he knew the complainant's son was also arrested for threatening to shoot an individual. The named officer stated he authored two search warrants in relation to the criminal investigations, and a judge approved them.

Incident reports, body-worn camera footage, photos, and chronological of investigation reports showed that eyewitnesses and surveillance video footage identified the complainant's son's vehicle as the suspect vehicle in two firearm-related incidents. While under investigation, another officer arrested the complainant's son for threatening to shoot an individual. The complainant's son was identified as the suspect in the firearm-related investigation with DNA samples and a previous crime of brandishing a firearm he committed while inside the vehicle linked to the two above firearm-related incidents. While the complainant's son was held in custody, the named officer authored two search warrants, which were authorized and signed by a Judge. The named officer executed the search warrant at the complainant's son's unoccupied apartment, seized firearm-related evidence, and left a copy of the search warrant at the premises.

The evidence shows that the named officer did not arrest or falsely charge the complainant's son for criminal threats. Instead, the named officer conducted a large-scale, complex investigation into multiple firearm-related crimes, and eyewitness, DNA, and video evidence showed the complainant's son was a suspect. The warrants authored by the named officer were not arrest warrants but search warrants. The named officer received the judge's approval for all the search warrants.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer entered her son's home when it was unoccupied. She stated the search warrant was unlawful because the officer had no cause to search the premises. The complainant also stated she did not find a copy of the search warrant when she went to her son's home.

The complainant's son stated he was in jail when the named officer entered his apartment. He was unaware of the search until several days later when a family member told him about it. He said he believed the officer was looking for evidence involved in a shooting. The complainant stated he left his apartment door unlocked, but a key was necessary to enter the building. He found out later the building manager provided the officer access to the building. The complainant's son said he believed a copy of the search warrant was found inside the house.

The named officer acknowledged the complainant's son was in custody when he authored the search warrant. The named officer said the Superior Court judge who signed the warrant commanded the officer to search the complainant's son's home. The warrant was specific about the areas to be searched and the items to be seized. The officers found the items in the home. The named officer said he left a copy of the search warrant in the complainant's son's apartment and locked the door before he and other officers left.

Body-worn camera (BWC) footage showed multiple officers at a residential building. The BWC showed the named officer was present at the scene. The video showed an officer conducting a knock notice, then entering an unlocked apartment door. No one was present inside. The BWC showed officers searched all the rooms for specific items. It also showed the officers compared items found to photo evidence in their possession and then placed the evidence in an evidence envelope. The footage showed the named officer stating to other officers that he would leave a copy of the search warrant in the apartment. The BWC showed that the named officer left the paperwork on the bed mattress. Other officers witnessed the document's placement.

Multiple search warrants involved the complainant's son. The documents showed the named officer authored all of the search warrants. A judge signed all the search warrants.

The Chronological of Investigation report detailed when the named officer was first notified of the incident. It showed the research the named officer conducted and how he came to find out about other incidents involving the complainant's son. The document included photos of the son, vehicles that matched the suspect vehicles, multiple incident reports, and Computer Aided Dispatch (CAD). The document showed the named officer informed the complainant's son of one search warrant, and the

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complainant's son gave consent for the named officer to deliver a copy of the search warrant to his mother at her home, which the officer stated he did.

DGO 5.16 Obtaining Search Warrants, I. Policy, Rule A, in part 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."

The evidence showed the named officer conducted an extensive investigation and followed the correct procedures regarding obtaining search warrants. The evidence showed the items the officer collected substantiated the complainant's son's involvement in the crimes being investigated. The video footage of the search shows that the named officer did leave a copy of the search warrant at the premises.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not return her son's cell phone. She stated her son's cell phone was still in the officer's custody.

The named officer stated a search warrant signed by the judge included any cellular phones in the complainant's son's possession. The officer said two cellular phones were seized from the son's property at the county jail. The phones were released once the son was sentenced. The officer said his last computer records check showed the son picked up both phones.

The search warrant approved by the judge gave the named officer authority to seize the phone and retain it for evidentiary purposes.

Department records showed the named officer booked two cell phones as evidence and that the cell phones had subsequently been returned to the complainant's son.

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DGO 6.15, Rule 11, a, states:

"Property may be returned to its owner if it is not contraband and cannot be connected to a crime. Certain evidence connected to a robbery or a purse snatch may be returned if keeping it causes a substantial inconvenience to the owner. This evidence may include driver licenses, passports, identification cards, credit cards, money, keys or similar articles."

The complainant was correct when she stated the named officer would not release her son's phones as they were still part of the evidence while the complainant's son was processed for sentencing. At the time of the complaint, the named officer could not release the phones but did so when the officer was lawfully allowed to do so. The phones have subsequently been returned.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the named officer had not responded or called back.

The named officer stated he did not recall communicating with the complainant during the period indicated in the complaint. He stated he went through all emails and deleted messages and voicemails. He said he did not find any from the complainant during the period indicated in the complaint.

DGO 2.01, General Rules of Conduct, Rule 14 Public Courtesy, states in part:

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

Neither the complainant nor the officer could provide concrete evidence to ascertain or dismiss the allegation the named officer behaved or spoke inappropriately.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer harassed him, including threatening to sue and arrest him.

The named officer denied the allegation. He stated that the complainant approached him and told him that people were smoking in a nearby park. The named officer stated that the complainant was visibly concerned about people smoking, but that he maintained a calm and professional demeanor. He stated that even as the complainant became excited and began talking over him, he remained calm and patient. The named officer denied harassing or threatening to arrest or sue the complainant.

Body-worn camera footage was not available because the officer was not required to activate his body-worn camera under the circumstances.

The complainant submitted a 13 second video clip. This video does not show the named officer threatening to sue or arrest the complainant. The evidence fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that a superior officer was present during the interaction in which the complainant alleged he had been harassed. The complainant stated that the superior officer failed to supervise the junior officer.

The named officer stated he did not recall any officer harassing any individual, nor did he recall seeing anyone smoking in the park.

Body-worn camera footage was not available because the officer was not required to activate his body-worn camera under the circumstances. The evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the two named officers failed to enforce the rules of the park as there were people smoking and they took no action.

The first named officer denied the allegation. He stated that the complainant reported people smoking in the park and he went to investigate. He and the second named officer were approached by an individual who advised that a man was screaming at him for smoking in the park area. The officers did not see the individual smoking but advised the man that smoking of any kind (including vaping) was prohibited in the park area.

The second named officer stated he was aware that an individual approached several officers about people smoking in the park. He performed a walk-through of the park and did not find anyone smoking.

The complainant submitted a 13 second video clip which appeared to show a male blowing out smoke inside the park in the presence of the officers and then walking away. The officers are not seen taking any enforcement action against the individual, but it is unclear what interaction occurred before the video began.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he felt he experienced biased policing during this incident. He stated that the people smoking were the same race as the officers. He further stated that this was an example of Asian Hate.

The first named officer denied the allegation and stated that at no time was the race of any individual involved a factor in any action taken or not taken.

The second named officer stated that he did not recall any incident in any park where individuals of the race specified by the complainant were smoking. He denied having any prejudices or pre-determined views of individuals of Asian descent.

There is no evidence to support that the named officers were biased toward the complainant.

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

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COMPLAINT DATE: 10/28/22 COMPLETION DATE: 06/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he was unjustifiably accused of not paying the train fare by the named officer.

The named officer stated he was assigned to check for train fare evaders entering onto airport property. The named officer stated he observed the complainant veer away from a large crowd of people before exiting through the furthest gate from where he was posted. He then observed the complainant maneuvering his body to the side in an attempt to pass through the gate. The named officer did not hear the beep sound from gate indicating the fare was paid. The named officer approached the complainant, asked if he paid the fare, and explained why he asked. The named officer stated he did not accuse the complainant of not paying the transportation fare.

No other evidence was found to confirm or refute the complainant's or the officer's account of the incident. The Department of Police Accountability recommends that San Francisco airport officers to be equipped with body-worn cameras.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant felt the named officer stopping him and asking if he paid the train fare was due to his race.

The named officer denied the allegation. The named officer stated that prior to his contact with the complainant, he approached two other people to ask if they paid the fare. These two individuals were of different ethnicities. Additionally, the named officer described in detail the specific facts and circumstances that led him to have contact with the complainant.

Department General Order 5.17 (Bias Free Policing Policy) states in relevant part, “Members must be able to articulate specific facts, circumstances, and conclusions that support the probable cause or reasonable suspicion determination. Except as part of a specific individual description, members may not use, to any degree, race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or socio-economic status as a basis for establishing either reasonable suspicion or probable cause; for deciding whether to initiate a consensual encounter; when requesting a consensual search; or for determining if there is a lawful basis to search.”

The named officer gave a detailed explanation of why he approached the complainant, which did not include his perceived race or ethnicity. Therefore, no evidence proved that the named officer based his action on the complainant’s race.

The evidence proves that the alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide medical treatment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to provide medical aid to her. The complainant stated the named officers cancelled an ambulance that had been called for her.

The named officers denied not providing medical aid. Named officer #1 stated that an ambulance did attend, and the complainant received medical attention and was transported to the hospital. Named officer #1 stated that the complainant cancelled the original ambulance as she refused assessment when asked. Named officer #2 stated that the complainant, when asked, said she no longer wanted an ambulance, so the original ambulance was cancelled.

SFPD documents showed an ambulance was requested and then cancelled as the complainant had gone into her house and refused medical attention. The documents showed that the complainant recalled, and the officer returned and with EMTs to provide medical attention to the complainant.

Body Camera footage showed that the named officers requested an ambulance for the complainant. While waiting for the ambulance, the complainant walked away from officers, stating she did not like how they were handling the situation. Named officer #2 asked the complainant if she no longer wanted an ambulance and the complainant said “yes”. The ambulance was then cancelled. Footage shows the named officers returning and providing medical attention to the complainant with EMTs.

The evidence showed that the officers attempted to provide medical attention, but the complainant left the scene and walked toward her house. Named officer #2 followed the complainant and asked if she was done dealing with the call for service and if she no longer needed an ambulance. The complainant answered “yes” to both and then went inside her house. While there was some confusion when the complainant left the scene, the officers were justified in cancelling the initial ambulance. When the complainant called back and asked for an ambulance, medical attention was provided.

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

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SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer misrepresented the truth of a report by stating that she refused medical attention.

The named officer denied this allegation and stated that the complainant walked away before medical attention could be provided. The named officer stated the complainant told an officer she no longer wanted medical attention.

SFPD documents showed the named officer stated the complainant refused medical attention when she left the scene.

Body Camera footage showed a witness officer asking the complainant if she no longer wanted an ambulance. The complainant confirmed that she did not. The witness officer told the named officer that the complainant no longer wanted medical treatment and the named officer cancelled the ambulance.

The footage matches what the named officer wrote in the report.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers used excessive force when they pointed guns at him and grabbed and pulled him out of his car by his arm and shoulders. Additionally, the officers handcuffed the complainant causing him pain due to his disability.

Named Officer #1 admitted to using force on the complainant. He drew his Department-issued firearm because it was alleged that a firearm was used in the incident, the information from the victim about the complainant's possession of firearms in the past, the complainant's arrest history for firearms offenses, and to provide lethal cover for Officer #2 who had drawn an ERIW as a means of de-escalation.

Named Officer #2 admitted he drew his Extended Range Impact Weapon (ERIW) in an attempt to maintain control and de-escalate.

Named Officer #3 handcuffed complainant. Officer #3 noted that while attempting to handcuff the complainant for transport, the complainant refused to cooperate. Officer #3 stated that the complainant was initially double-cuffed (using two sets of handcuffs linked together to alleviate pressure on the handcuffed person's shoulders). When it was suggested to use a standard single set of handcuffs and one of the handcuffs was removed, the complainant widened his arms and refused to bring them closer together. Officer #3 said he spoke with the complainant to try to get him to bring his arms closer together so the handcuffs could be applied; however, the complainant refused to bring his wrists close enough together to get the double handcuffs back onto him. The complainant eventually brought his wrists close enough together to put the double handcuffs back on for transport.

Department records indicate that Officer #1 reported the Use of Force as he drew his firearm and held it in a ready position.

The Incident Report documented the Use of Force and the double-cuffing of the complainant on request due to old injuries.

DPA reviewed the body-worn camera footage of multiple officers for this complaint – including the three named officers. The officers interviewed the complainant's partner and were provided with details about his physical description, that the complainant was armed with a firearm, and his vehicle details. Named Officer #1 and Named Officer #2 located the complainant in his vehicle. Named Officer #1 had his firearm drawn and instructed the complainant to open the driver's side door, exit the vehicle, and walk

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back toward the officers. The complainant complied and was subsequently handcuffed. The complainant stated he needed to be double-cuffed because he had mobility issues with old injuries. The officers complied and answered the complainant's request about why he was being arrested. The complainant admitted to being the person the officers were looking for because his partner likely called law enforcement. The footage confirmed the officer's account that the only use of force was ERIW equipped and firearm drawn due to the information the complainant was armed with a firearm. The footage also confirmed the officers' account of the double-cuffing of the complainant. It should be noted the complainant did not make a complaint of injury to the officers at the scene.

The 911 audio for this incident confirmed that the complainant's partner called 911 and requested law enforcement assistance because the complainant was at her job. The partner stated that the complainant was threatening her and possibly used a gun to "beat on the window" just outside the entry door to her job. The caller provided the complainant's name, physical description, and details of the vehicle he was driving.

Department General Order 5.01 Use of Force 5.01.03 D states, "REASONABLE FORCE - Force that would be objectively reasonable 'from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.'" Cal. Penal Code §835a(a)(4)."

Department General Order 5.01 Use of Force 5.01.07 describes Type I Force as "the lowest level of force an officer can use, as, in part, 'The use of hands or equipment to stop, move, direct, or otherwise exercise control of a person or situation.'" Type I force is not reportable.

Department General Order 5.01 Use of Force 5.01.08 G1b states, in part, "AUTHORIZED USES - An officer may draw, exhibit, or point a firearm in the line of duty when an objectively reasonable officer, based on the totality of circumstances, would believe there is a specific and articulable threat of serious bodily injury or death, or that the situation may escalate to justify the use of deadly force."

Based on the information the complainant's partner provided regarding the firearm, Officer #1 was justified in drawing his firearm when approaching the complainant, and Officer #2 was justified in using the ERIW. The officers also complied with policy when they accommodated the complainant's pleading to be double-cuffed due to an old injury. 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**

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SUMMARY OF ALLEGATIONS #4-6: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers laughed about the complainant's prior injuries. The complainant summarized the incident and encounter with officers as being "rude, disrespectful, humiliating, and degrading."

The named officers denied making rude, disrespectful, humiliating, or degrading remarks about the complainant during the incident. Additionally, they denied witnessing or hearing other officers making such remarks.

The body-worn camera footage did not reveal any officer making disparaging remarks to or about the complainant during the incident. In the footage, officers could be seen laughing about content that did not relate to the complainant.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 11/27/22 COMPLETION DATE: 06/13/23 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that he was involved in a fight with a group of individuals where he sustained injuries, specifically a stab wound on the back of his body. When the fighting stopped, he went into his apartment to get cleaned up. The complainant said his money was folded and wrapped with a rubber band in his pants pocket. He took the money out and put it on top of his bed. He then changed his clothes and returned the money to his pants pocket. At some point, officers arrived at his apartment and called for an ambulance. He recalled the named officers searching him, taking the money from his pants pocket, and putting it inside a property bag. The complainant said that upon his release from jail, he learned that his money was booked into evidence. He went to the Department's property division to retrieve the money but was told they never had it.

Named Officer #1 stated that he did not search the complainant. He said he seized a black t-shirt and a multi-colored sweater in the hallway in front of the complainant's apartment unit. He placed them inside a brown evidence bag, put the bag in the back of his patrol car, and later booked them into evidence. Named officer #1 denied taking money from the complainant and said he did not see any officer seize money from the complainant. He said that sometime after the incident, he encountered the complainant, who asked him if they had seen his money. He answered negatively and told the complainant that the money he saw during his investigation belonged to the other subject involved in the incident.

Named Officer #2 stated that he did not search the complainant. He said he received the complainant's multi-colored pants from medical staff at the hospital, where he was transported to for medical care. Named officer #2 denied taking money from the complainant. Additionally, he said he was unaware of any officer taking or seizing money from the complainant.

DPA obtained the named officers' body-worn camera (BWC) footage of the incident. The BWC footage was consistent with their statements they provided to DPA. No body-worn camera footage shows the complainant nor any of the officers with money belonging to the complainant. DPA also obtained the property receipt and the property log associated with the incident. Both documents do not indicate that money was ever booked from the complainant. A witness officer stated that they were unaware of any officer on scene seizing money.

The evidence proves that the act alleged did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer cited him for being double parked. The complainant acknowledged that he was double parked. He explained he pulled over because he heard sirens but never saw any emergency vehicles. He said several other vehicles had pulled over and heard honking, so he assumed that was what drew the officer's attention to his vehicle.

The named officer does not recall the incident. However, the named officer stated he frequently issues citations to vehicles double-parked in front of the location because the transit buses cannot pass.

The officer issued a parking citation for violation of California Vehicle Code (CVC) section 22500 - Stopping, Standing, and Parking.

CVC sec. 22500 states,

A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places: (h) On the roadway side of a vehicle stopped, parked, or standing at the curb or edge of a highway, except for a school bus when stopped to load or unload pupils in a business or residence district where the speed limit is 25 miles per hour or less.

San Francisco Municipal Transportation Agency (MTA) records confirm the named officer issued the complainant a parking citation. The complainant protested the citation. The citation protest was denied, and the complainant paid the fine.

By his own admission, the complainant acknowledged he committed the violation he was cited for. The officer had probable cause to issue the parking citation.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged the officer failed to wear a distinctive uniform while issuing traffic citations. The complainant cited California Vehicle Code sec. 40800, stating it requires officers to be in uniform when conducting traffic enforcement. The complainant stated the officer was wearing a dark (black or blue) polo shirt and dark pants and did not have a badge. The complainant asked for a copy of the citation, and the officer told him he would receive it in the mail. The officer did not provide the complainant with a copy of the parking citation at the scene.

The named officer does not recall the incident. The named officer stated he always wears a full police uniform with his name and star number displayed while on duty and that he has never worn a polo shirt on duty. The officer stated he was on patrol at the time of the incident. His duties every night include patrol from 2100 to 2300 hours and then Station keeper duties at his assigned station until his shift is over.

Department records show this was a passing call and not a traffic stop. The incident began at 21:21:24 and was closed at 22:22:05.

California Vehicle Code section 40800(a) states: "A traffic officer on duty for the exclusive or main purpose of enforcing the provisions of Division 10 (commencing with Section 20000) or Division 11 (commencing with Section 21000) shall wear a full distinctive uniform, and if the officer while on duty uses a motor vehicle, it shall be a distinctive color specified by the commissioner."

The Vehicle Code requires traffic enforcement officers to wear uniforms and drive marked police cars. The purpose is to aid the public in recognizing officers when stopped (the history is related to speed trap enforcement activity). The section applies to officers assigned to traffic enforcement as their primary duty. (*Dyer v. Department of Motor Vehicles* (2008) 77 Cal.3d 138.) This section does apply in situations where an officer is on the street for some purpose not connected with Vehicle Code violations and does not forbid an officer from addressing traffic infractions. (*People v. Tuck* (1977) 142 Cal. 362.)

The named officer did not recall the incident and stated he always wears a full uniform when on duty. Department records show the named officer issued the citation while on duty. Regardless of whether the officer was in full uniform or wearing a polo shirt as described by the complainant, the applicable Department policies are Department General Orders (DGO) 9.01 and 5.08. Neither DGO prohibits the named officer from issuing a parking citation while in plain clothes. A plainclothes officer may issue a parking citation without violating California law. Furthermore, a parking citation mailed to a person does not violate SFPD policy, which applies to officers making traffic stops.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer sided with the security staff instead of the complainant. The officer did not believe the complainant when the complainant denied shoplifting from a business. The officer passed false information to medical personnel on the scene when the officer told them the complainant had shoplifted.

The complainant's witness did not respond to DPA's requests for an interview.

The named officer stated he did not accuse the complainant of shoplifting, and the security guard did not accuse the complainant of shoplifting on the date of this incident. The officer stated he did not take one party's side over the other and conducted an independent investigation into the facts of the case. There was no reason to believe the complainant was shoplifting. The complainant was trespassing. The security guard stated it was trespassing. The security guard stated the complainant was a prior shoplifter. The security guard told the officer he recognized the complainant as a shoplifter. The security guard approached the complainant and told him to leave. The complainant refused to leave, and the security guard forced the complainant out of the store.

The store manager stated he heard the named officer tell the complainant he was trespassing and that the security guard advised him to leave multiple times. The witness stated the security guard recognized the complainant as a "known trespasser" when he entered the store and asked the complainant to leave.

The named officer's body-worn camera (BWC) footage captures the complainant telling the named officer he was coming into the store with his friend, and the security guard approached him and said, "You gotta go." The guard told the complainant he had to go, and the guard started pushing him out. The BWC captures the named officer speaking with the security guard, who told him the complainant had been there before stealing. He came into the store with a female. The guard told the named officer that while dealing with the complainant and getting him to leave, the female started taking stuff and trying to leave. He caught the female, took the stuff back, and put the female out. The female left. The guard explained he asked the complainant more than three times to leave. The complainant refused and sat in the guard's chair, so he pushed him out of the store. The BWC shows the named officer viewing the store's video surveillance footage. The footage shows the complainant entering the store with a female. The female took something from a display. The security guard follows the female out of the store and retrieves the merchandise from the female. The complainant sat down in a chair at the security station. Then the complainant ran out of the store. The guard came back in with the merchandise. The complainant and the

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female came back into the store. When the security guard approached the female again, the complainant appeared to put his hands on the security guard. The security guard pushed the complainant and the female out of the store. After several moments the complainant attempted to re-enter the store. While viewing the video surveillance footage, the named officer commented that he did not see the complainant fall, but the Store Manager is heard telling the named officer, "He'll fall. Cuz, at this point, he is relentless about getting back in." The BWC showed the complainant's attempt to return to the store, and the guard pushed the complainant out again. The complainant fell, but the image was obscured. A Medic entered the store while the named officer spoke to the security guard. The medic asked the named officer if the complainant was shoplifting. The guard spoke to the medic, and the named officer told the medic what he saw in the video surveillance about the complainant being pushed out of the store and falling.

Additional BWC footage shows that while the complainant is telling the named officer's partner his version of the events, an adult male who is close by sweeping the sidewalk interjects and says he will not lie for the complainant. "You and your girl were stealing, and she ran off. That's what happened." "I'm not going to lie." The partner then spoke to the male sweeping the sidewalk and asked if he had seen what had happened. The male replied that the guard asked the complainant to leave, and the complainant refused. The girl came outside, and the complainant took the stuff back from her, and she ran off.

Department records document that the complainant told the named officer he went into the store to purchase a pen, and the security guard approached him and told him he was a habitual shoplifter and wanted him to leave the store, and the complainant refused to leave. The security guard pushed the complainant out of the store after he demanded to speak to the manager. The security guard noticed an unknown suspect appearing to conceal items to steal. The guard observed the complainant with the unknown suspect and recognized the complainant as a regular shoplifter. The guard confronted the complainant and asked him to leave several times, but the complainant refused. While dealing with the complainant, the guard observed the unknown suspect leave the store with the items. The guard went outside and stopped the unknown suspect and was able to retrieve the stolen items from the unknown suspect. The store video surveillance corroborates the statements in the police report.

The evidence corroborates the named officer's version of the events. The BWC does not capture the named officer telling the medic the complainant shoplifted.

The complainant generally lacks creditability as he made inconsistent statements regarding the incident. In his DPA interview, he stated he went into the store with a male friend to purchase paint for a motorcycle they were painting. The BWC captures the complainant telling the named officer he went into the store to purchase a pen. The security guard said the complainant was with a female who stole items from the store. The store video surveillance shows the complainant was with a female.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officer sided with the security staff instead of the complainant and did not conduct a proper investigation.

The named officer stated he correctly investigated the incident.

The BWC evidence shows the named officer obtained statements from the involved parties, interviewed potential witnesses, reviewed surveillance footage of the incident, and prepared a detailed incident report.

The evidence shows the named officer conducted a thorough and diligent investigation. Based on the information learned from the investigation, the named officer reasonably concluded that the complainant had trespassed.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer told him to get a life.

The officer stated his intent in making these comments to the complainant was to rationalize the situation. Hence, the complainant understood what to do if ever faced with a similar situation in the future. The officer explained that when you are told to leave someone's home, you leave their home. It is disrespectful and inappropriate to ask or question why. When told to leave someone's business, it needs to be treated the same. The officer said he used the same analogy with the security guard and the complainant.

The BWC footage captured the named officer giving the complainant unsolicited advice about being a respectful guest at someone's home. When the complainant interjected, the named officer spoke over him and told him to listen. When the complainant asked if the named officer was trying to teach him a life lesson or fix his life, the named officer said he was trying to teach the complainant a life lesson and prevent the incident from happening again. The complainant became agitated and told the named officer that his mother and father would teach him life lessons.

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

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COMPLAINT DATE: 12/14/22 **COMPLETION DATE:** 06/13/23 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated he was involved in a vehicle accident that resulted in receiving a citation. The complainant stated that the named officer wrote an inaccurate citation that had his old mailing address on it and a court date that was for a Saturday.

The named officer stated he obtained the complainant's address from a CLETS DMV inquiry and information that was provided on scene by other officers. The named officer stated that the complainant had the opportunity to review the citation for accuracy prior to signing it. The named officer stated that he estimated the nearest court date from 25 days after the citation date. He added that he did not have access to a court calendar as he was working an overtime 10B assignment when he responded to the accident.

DPA obtained a copy of the citation. The citation showed the complainant's old mailing address and a court date that was for a Saturday. DPA also obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage showed the named officer using the complainant's driver's license to complete the Department forms regarding the incident. The address error was therefore not due to any mistake on the part of the named officer.

While the incorrect court date was listed on the citation, the act was seemingly not done intentionally and was an administrative error that did not rise to the level of misconduct. However, The Department of Police Accountability recommends that the officer be more thorough in the future when drafting citations, including using a cell phone calendar to ensure the court date at least falls on a weekday.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that he has reached out to the named officer multiple times by email and phone regarding getting the citation corrected, but he doesn't respond to his requests.

The named officer denied the allegation and stated he has not received any phone calls, emails, or messages from the complainant.

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

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

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COMPLAINT DATE: 12/15/22 COMPLETION DATE: 06/05/22 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: In an online complaint, the complainant stated that he pulled over to the side of the road while traveling through San Francisco. He woke up to shouts and orders from numerous SFPD officers. He was ordered to exit the vehicle and was handcuffed afterward. He said the named officer advised him that he was not under arrest but his vehicle could be searched because he was parked. He asked if the named officer could search, and the officer lied that she could.

The complainant declined any further involvement in the investigation.

The named officer said she detained the complainant for a potential DUI investigation. The complainant asked if the officer needed a warrant to search the vehicle. The named officer replied that she had probable cause even though she later admitted she did not. She denied lying to the complainant but admitted she was probably wrong about that assertion. She stated that she was a little taken aback that after recognizing that he passed out for 45 minutes, the search of his vehicle was his primary concern. However, the vehicle was never searched.

Department records indicate the complainant was unconscious in the driver's seat with the engine running. The 911 caller attempted to wake him up to no avail. The named officer and her partner observed the complainant unresponsive but breathing while his dog was barking in the passenger seat. The officers knocked on the window and announced their presence. Department records do not indicate a search of the vehicle.

Body-worn camera footage captured that complainant exited from the vehicle, was pat searched, and was informed by the named officer that she wanted to check the vehicle. The complainant then asked if she needed a warrant. The officer said she had probable cause because the complainant passed out inside the vehicle. The footage shows that the named officer's partner then looked into the vehicle but did not search or enter the vehicle at any point during the investigation.

The US Department of Justice journal Criminal Justice Ethics, Volume 1, Issue 2 states, "Judicial permission for the police to use deceptive practices in investigations often carries over into the interrogation and testimony phases of the police development of a case..." Moreover, no SFPD policies exist that prohibit officers from deceiving individuals about the existence of probable cause in situations where no search occurs.

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The evidence gathered proves that although the officer did say that she had probable cause to search when she did not, the officer was conducting an investigation and could use deceptive practices. Most importantly, a search was never conducted on the complainant's vehicle. Therefore, the issue is moot.

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

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: In an online complaint, the complainant stated that while being detained, the named officer illegally used brown tape to collect evidence in his car.

The complainant declined any further involvement in the investigation.

The named officer was unavailable for an interview.

A witness officer, the supervisor of the named officer, stated that the tape was not used to collect evidence in this case. The tape was used in an attempt by the named officer to open the car window to render aid to the unconscious occupant.

Department records indicate that officers on the scene only used flashlights to look into the complainant's vehicle, and no search was conducted. There was no evidence collected or recorded in the police report.

Body-worn camera footage did not capture any search or entry of the vehicle by any officers on the scene. However, the named officer asked a civilian for a roll of brown tape to attempt to open the car window when the complainant was unresponsive to police announcements. The footage showed the officer unsuccessfully using the tape to open the car window.

The evidence gathered proves that although the named officer used the tape, it was not used to collect evidence. No search was conducted while the complainant was being detained.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: In an online complaint, the complainant stated that \$1500 was missing from the police interaction.

The complainant declined any further involvement in the investigation.

Named officer #1 said they did not see or take any cash from the complainant.

Named officer #2 was unavailable for an interview.

Witness officer #1 stated that he saw no cash during the interaction.

Department records did not reflect that officers took any cash from the complainant's person, and no search was conducted in the vehicle.

Body-worn camera footage captured the incident and there is no footage that depicts officers seizing cash from the complainant. The footage also showed no search was conducted on the complainant's vehicle.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/22 DATE OF COMPLETION: 06/02/23 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 that officers failed to take an incident report when he reported a break-in by his neighbor.

The complainant failed to respond to requests for more information necessary to complete the investigation.

SFPD records showed that there had been more than 30 incidents involving the complainant and different members of his neighbor's family. The complainant was reported as both a victim and suspect in numerous incidents. Without further clarification from the complainant, it was not possible to determine which officers or incident the complainant was complaining about.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers failed to arrest his neighbor when he was assaulted.

The complainant failed to respond to requests for more information necessary to complete the investigation.

SFPD records showed that there had been more than 30 incidents involving the complainant and different members of his neighbor's family. The complainant was reported as both a victim and suspect in numerous incidents. Without further clarification from the complainant, it was not possible to determine which officers or incident the complainant was complaining about.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that her son went missing. The complainant filed a missing person report with SFPD and stated that the above officers failed to properly investigate the incident.

Named officer #1 stated that she was never assigned to investigate this incident but had multiple contacts with the complainant regarding the case. Named officer #1 stated that her contacts were mostly via email and were all responded to. Named officer #1 stated that there were two incidents in which she dispatched SFPD officers to the complainant's residence after receiving the complainant's emails, but the contacts produced negative results.

Named officer #2 stated that he was not the investigator on the case and was not the supervising Lieutenant of the Missing Persons Unit. Named officer #2 stated that his only involvement with this incident was he received an email about the case from Named officer #1 and he forwarded that email to another investigator for follow-up.

Named officer #3 stated that he took a phone call from the complainant where she suspected that foul play was involved regarding the disappearance of her son. After that phone call, the complainant's case was immediately assigned to another investigator for follow-up. Named officer #3 stated that the investigator on the case located the complainant's son and provided her with that information. Named officer #3 stated he did not investigate the incident and that this was his only involvement in the case.

DPA received a series of emails from the complainant that showed her attempts to contact SFPD regarding her son's missing person case. The complainant's email correspondence showed that she filed two missing person reports regarding her son over the past two years. In both cases, DPA obtained and reviewed the incident reports. The email correspondence also showed that in both instances, the complainant's son had been located by SFPD and that she was notified that he was located. DPA also obtained the chronological of the investigation for these cases. The chronological showed that the case was handled by another investigator, the attempts to contact the complainant were thoroughly documented, and that the son was located in both incidents. Both cases were closed upon location of the complainant's son.

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The evidence showed that the named officers in this matter were not assigned this case for investigation and that their involvement in this matter was minimal. However, the evidence showed that the named officers took appropriate required action when they were brought into this case.

The evidence proves that the conduct alleged did not occur and that these named officers were not involved in the alleged misconduct.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that her son went missing. The complainant filed a missing person's report with SFPD and stated that the named officer failed to properly investigate the incident.

The named officer retired from the Department and therefore could not be interviewed by DPA. The DPA was therefore unable to come to any finding by a preponderance of the evidence.

SUMMARY OF ALLEGATION #5: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer failed to provide her with updates on her case.

The named officer stated that he was not the investigator for her case and was not responsible for providing her with updates. He further stated that he had one contact with the complainant. From that contact, he notified the investigator on the case, who reached out to the complainant and advised her that her son was located and that he was no longer in the country.

DPA obtained copies of the chronological of the investigation for both cases. The chronological of the investigation showed that the complainant's son was located in both incidents and contact attempts were made to the complainant regarding the status. In both cases, the named officer was not involved in the contacts to the complainant regarding the status update.

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The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #6: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the named officer failed to provide her with updates on her case.

The named officer retired from the Department and therefore could not be interviewed by DPA. The DPA was therefore unable to come to any finding by a preponderance of the evidence.

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and SFPD representatives, the complaint was mediated and resolved in a non-disciplinary manner on 6/12/23.

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

COMPLAINT DATE: 01/17/23 COMPLETION DATE: 06/08/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he saw the named officer driving his vehicle in the bicycle lane and blocking the entry to a bus stop near an intersection. The complainant stated he talked to the named officer, who said he knew he was driving on the bicycle lane. The complainant said the named officer further told him that he planned to get out of the way if he saw a bicyclist using the bicycle lane. According to the complainant, the officer's conduct set a bad example for motorists.

The named officer stated he was on patrol and was driving southbound towards the intersection in question. Approximately 100 feet from the corner, the named officer stated he activated his right turn signal because he planned to make a right turn. He positioned his vehicle close to the shoulder of the road past the bicycle lane's dashed lines. The named officer recalled the car in front of him was about to turn right and was similarly positioned. He also recalled waiting for an elderly male to finish crossing the crosswalk before he completely turned onto the street in question. The named officer denied blocking either the bicycle lane or the entry to the bus stop at the corner. He said he entered the bicycle lane because he was turning right, with his turn signal activated. He said he looked in his rearview mirror and did not see any bicyclists within three blocks from where his vehicle was situated.

DPA received a photo submitted by the complainant. The photo showed the police vehicle in a traffic lane near the intersection in question. It was slightly positioned past the solid white line for the bus stop zone and closer to the right curbside. Due to the vehicle's angle and how it was positioned on the street, it was likely turning right. The photo showed that the car did not block the bus stop zone. Although the right-side wheels were slightly past the solid white line, the vehicle was already situated close to the limit line or crosswalk. There was enough space for an incoming bus to park. The named officer lawfully maneuvered his vehicle under California Vehicle Code 22100.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 06/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer did not assign the complainant's case related to domestic terrorism for investigation.

The named officer stated it was not his duty to assign a case to an investigator for investigation, nor did he have the power to do so. The officer explained that reports are forwarded to the Investigations Bureau, where a determination is made on which investigative unit the report will be sent to. The Officer In Charge (OIC) of the appropriate unit would determine whether or not the case will be assigned for further investigation.

Department records indicate that the complainant went to a district police station and reported experiencing ongoing hacking and electronic surveillance incidents since she had her laptop and cell phone updated by a retail business. The complainant reported experiencing electronic "Sonic" attacks on her body by unknown persons and the United States Government.

Department Notice 20-107 (Case Assignments for Investigation) states, in the relevant part, that when assigning cases for investigation, staffing levels and the following factors should be considered:

- The severity of the crime (violence during the commission of a crime is a major contributor to the severity of the crime).
- The solvability of the crime.
- The presence or lack of physical evidence.
- The presence or lack of video footage.
- The victim(s) or witness(es) willingness or reluctance to cooperate with the investigation (the lack of cooperation by a victim or witness does not automatically disqualify the case from being successfully investigated and prosecuted).
- The victim(s) or witness(es) ability to appear in court.
- Whether the case is part of a crime series.
- Other articulable reason for assignment. Staffing levels and factors such as the severity of the crime should be considered.

The Investigations Bureau Unit or SIT Lieutenant, and their commanding officer, retains the discretion to assign any case for investigation if they believe an investigation is warranted.

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 06/13/23 PAGE# 2 of 2

In this instance, the named officer was not responsible for assigning the complainant's case for investigation. The Department has discretion in assigning cases for investigation. In this instance, neither the named officer nor the Department was required to assign the case for investigation.

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

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

COMPLAINT DATE: 03/03/23

COMPLETION DATE: 06/05/23

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide their name and star number when requested.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 9-1-1 and reported that loud noises were coming from a vacant unit located directly above her. The complainant believed someone had entered the vacant unit. The complainant stated that she asked the officers' names and star numbers, but they failed to provide the requested information.

The Department of Emergency Management records showed that officers responded to a "C" priority call regarding a Trespasser. The complainant reported hearing stomping and dribbling sounds coming from a vacant neighboring unit.

Body-worn camera footage showed that front desk staff greeted the officers upon arrival. Staff had already checked the vacant unit to confirm that it was locked and unoccupied. They communicated that no trespassing had occurred and that police services were unnecessary. One officer reviewed the complainant's cell phone video footage but indicated that they were unable to hear any noise due to the video quality. The officer provided the complainant with an incident number. The officer also allowed the complainant to use her cell phone to video record their names and star numbers. A second officer stated their name and star number aloud.

Department General Order (DGO) 2.01, General Rules of Conduct, require officers to promptly and politely provide their names and star numbers upon request.

Body-worn camera footage showed that the officers quickly and courteously provided their names and star numbers upon request.

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

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

COMPLAINT DATE: 03/03/23 COMPLETION DATE: 06/01/23 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 heard noises coming from a neighboring unit. She heard someone was intentionally banging on the walls next door and people walking around inside an apartment directly above her that she believed should have been vacant. The complainant called the Department of Emergency Management to make a report of the occurrence, but officers failed to abate the noise issue.

The Department of Emergency Management records showed that the complainant called about noise in her apartment complex. Due to higher priority calls-for-service in the area, officers were not dispatched until approximately three and a half hours after the complainant's initial call.

The investigation and enforcement of San Francisco noise regulations is generally delegated to the Department of Public Health. Police officers have limited discretion to enforce noise regulations. Officers may enforce SF Police Code Article 29, Section 2916, which covers noise generated from a "fixed or stationary source," including mechanical devices and amplified sound. The regulation does not cover noise made by people hitting their walls. (SF Police Code Article 29, Section 2909) Officers often respond to residential noise complaints as a courtesy.

The officers were assigned to meet with the complainant about her upstairs neighbor making noise by hitting the walls, which is not a criminal matter. Police response to noise complaints unrelated to amplified sound are a courtesy only.

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

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

COMPLAINT DATE: 03/15/23 COMPLETION DATE: 06/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 03/19/23 COMPLETION DATE: 06/01/23 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 911 to report witnessing a burglary in his apartment building a few days prior. The complainant requested to meet with officers. Officers responded and informed the complainant that he could not make a report because he was a witness and not a victim.

Department of Emergency Management (DEM) records showed that the complainant called to report that he witnessed someone, some time ago, enter his neighbor's window and leave belongings from the unit outside in the hallway. The complainant removed the items from the hallway and brought them inside his unit. The named officers responded and spoke to the complainant. The complainant was not the victim of the crime, so the officers met with the neighbor. The neighbor refused to cooperate and did not wish to make a report. The officers offered to take the complainant's report, but he refused and requested that the officers leave the building.

Body-worn camera footage corroborated the DEM records. The neighbor informed the officers that the break-in occurred months before and that nothing was taken. The neighbor did not want to make a police report. In addition, the complainant refused the suspicious occurrence report. The complainant obtained the officers' names and star numbers, yelled for them to leave, and cursed at them.

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

The evidence showed that the named officers complied with Department policy. The complainant was not a victim of a crime, the alleged victim refused to cooperate, and the complainant declined an offer for a suspicious occurrence report.

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

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

COMPLAINT DATE: 03/19/23 COMPLETION DATE: 06/01/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer was rude because he told the complainant to leave or be arrested when the officer was speaking to his neighbor about the alleged burglary.

Body-worn camera footage showed no threat of arrest. There was no indication of rude behavior. The officer told the complainant to leave so he could obtain an uninterrupted or coerced statement from the complainant's neighbor.

DPA understands that the complainant perceived the named officer as rude; however, the officer's demeanor and attitude toward the complainant were professional.

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

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

COMPLAINT DATE: 03/23/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that building management personnel snuck into her apartment and changed her showerhead and other items without permission. She also stated that someone placed a camera inside her bathroom. She reported the incident as trespassing by the building manager and officers failed to make an arrest.

The named officers stated that they responded to the complainant's residence regarding a trespassing call and the complainant said that building management was entering her apartment and planting cameras inside, and she showed them where she thought cameras were placed. The named officers said they saw various items inside the apartment were covered with paper towels, including lights and a smoke alarm. The named officers said the complainant was unable to provide any evidence that building management was trespassing inside her apartment. The named officers said no probable cause existed to arrest or cite anyone. The named officers said they believed the complainant exhibited paranoia and that she suffered from a mental health condition. The named officers contacted building management, who advised that the complainant had displayed paranoid behavior for a long time and denied entering her apartment to spy or trespass.

Body-worn camera (BWC) footage showed that the officers responded to the complainant's residence and spoke to her, asking her for evidence of the allegations she was making. The officers investigated the alleged incident, inspected what was presented as evidence by the complainant, spoke to the parties she named as suspects and determined there was no probable cause that a crime had been committed.

The evidence showed that the named officers investigated the reported crime and determined reasonably that there was no probable cause to make an arrest.

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

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

COMPLAINT DATE: 01/30/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated he was arrested for attempted homicide and possessing a firearm. While being interrogated by the named officer, the complainant stated he asked him to retrieve \$8,000 he hid inside of a secret compartment underneath the sink in his residence. The complainant asked the named officer to give the money to his daughter. The complainant alleged that the named officer stole his money.

The named officer stated that the money was booked on the same day it was seized from the complainant's home and said it was counted, documented, and placed inside a money envelope. The named officer said the Department currently has it. The named officer said he did not turn it over to the complainant's daughter because Department policy required him to book it for safekeeping.

DPA obtained a copy of the supplemental report related to this incident. The supplemental report that was drafted by the named officer noted the conversation with the complainant about the location of the \$8,000. The supplemental report stated that the named officer retrieved the money from the complainant's home and booked it into evidence. DPA also obtained a copy of the money envelope related to this incident. The envelope noted that the full amount of the money and that it was counted by an officer and a supervising officer prior to being booked into evidence. DPA also obtained a copy of Property Control Division's property log which confirmed the receipt of the \$8,000.

Three witness officers confirmed that the complainant's money is currently on hold with the Property Control Division.

The evidence showed that the complainant's money was properly processed and documented. The handling of the complainant's money was within Department policy.

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

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

COMPLAINT DATE: 04/07/23 DATE OF COMPLETION: 06/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/23/23.

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

COMPLAINT DATE: 04/07/23 DATE OF COMPLETION: 06/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/23/23.

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

COMPLAINT DATE: 04/07/23 DATE OF COMPLETION: 06/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/23/23.

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

COMPLAINT DATE: 04/11/23 COMPLETION DATE: 06/13/23 PAGE# 1 of 1

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 walking on the street around the end of February of this year and saw the named officer driving past him. He said the named officer made eye contact, then turned his patrol car around to ensure they saw each other. He said he got this chilling feeling, and it had been an ongoing harassment by the officer.

The named officer stated that he was on regular patrol around those dates. However, he does not recall driving by the area. The named officer said he does not know what the complainant looks like anymore since his first encounter with him seven years ago. The officer said the complainant had been harassing him with bogus complaints that he drove by the complainant and stared at him.

Department records indicate that at the time of the incident, the named officer was on duty in another district and on a call at a different location.

The evidence collected proves that the named officer did not drive past the area the complainant was in during the day the complainant claimed to have seen the officer.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 04/15/23 COMPLETION DATE: 06/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant filed an online complaint alleging that a police report was inaccurate. DPA attempted to reach the complainant several times to describe the inaccuracies, but the complainant was unresponsive. The DPA was therefore unable to investigate.

No findings are made when the DPA has insufficient information to investigate a complaint.

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

COMPLAINT DATE: 04/21/23 DATE OF COMPLETION: 06/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/1/23.

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

COMPLAINT DATE: 04/26/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he went to a store to return an item he recently purchased, a store employee refused the return, and then sprayed him with mace. He fled to a friend's residence, the friend called 911, and officers responded to the residence. He spoke with the named officer, who informed him that they would obtain security footage from the store. He later viewed the police report for the incident which showed that the named officer went to the store, but the store was closed. He stated that the named officer failed to obtain security footage of the incident.

Department records showed that the named officer conducted an initial investigation and wrote an incident report. The officer documented her investigation, and the discovery on responding to the store that the store was closed. The officer included in the incident report the existence of surveillance cameras at the store.

Body-worn camera (BWC) footage showed that the complainant told the responding officers that he was sprayed in the face. BWC footage showed that the complainant was placed into an ambulance and that officers responded to the store where the incident took place and the store was closed.

The named officer was responsible for the initial investigation, and as part of that, she was responsible to search for and attempt to obtain video footage from the scene of the alleged crime. The officer conducted the initial investigation properly, and noted in her report the existence of cameras, as she was required to do. She was not responsible to conduct a follow-up investigation for the video footage.

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

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

COMPLAINT DATE: 04/26/23 COMPLETION DATE: 06/15/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said he went to a store to return an item he recently purchased, a store employee refused the return, and then sprayed him with mace. He fled to a friend's residence, the friend called 911, and officers and medical personnel responded to the residence. He spoke with an officer who informed him that police would obtain security footage from the store. He later viewed the police report for the incident which showed that an officer went to the store, but the store was closed. He stated that no officer followed up with the investigation and obtained security footage of the incident.

Department records showed that the initial responding officers spoke to the complainant, responded to the store and found the store was closed. The report noted that there were cameras at the store location.

Department records further showed that the case was assigned to the named officer for follow-up investigation. The records showed that the named officer called and interviewed the complainant and a store employee as part of his investigation. Additionally, the named officer obtained and viewed the security footage of the incident from the store. The named officer determined from the evidence that there was not probable cause to present the case to the San Francisco District Attorney's Office and listed several reasons why, including evidence from the security camera footage showing the complainant's encounter with store employees.

The named officer followed up, took various investigative steps, and obtained the security footage of the incident.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 05/03/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The anonymous complainant stated in an online complaint that an officer was parked on a street waiting to issue citations after entrapping unsuspecting drivers. The complainant provided no evidence of entrapment.

The complainant provided the number of a marked vehicle and a date and time but said he did not want to be contacted for further information.

Department records showed the named officer was the sole officer involved in two traffic stops in the location identified by the complainant, both within one hour of the identified time. One resulted in a citation for a moving violation for driving on a closed street, and one led to a DUI arrest.

SFPD DGO 9.01 Traffic Enforcement states:

PRIORITY. Traffic enforcement is a major priority of the Department and an important task assigned to uniformed personnel. Members shall give priority to enforcing violations consistent with the above goals.

A preponderance of evidence showed that the named officer was working within Department policy.

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

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

COMPLAINT DATE: 05/01/23 COMPLETION DATE: 06/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/10/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: An anonymous complainant sent a partially illegible post card stating officers are argumentative and rude.

The Department of Police Accountability was unable to contact the complainant for further information regarding their complaint as the complainant did not provide any contact 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: 05/14/23 COMPLETION DATE: 06/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer conspired with her neighbors and building management to stop other officers from addressing crimes she reported and allowed neighbors to alter her identification and financial information. The complainant provided a first name but said she had never met or seen the involved officer. The complainant later provided a last name.

Department records indicated that the complainant made numerous reports and that numerous officers responded to her reports but that none of the incidents involved an officer by the first name she provided. Department records show that no officer is employed with the first and last name provided 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: 05/15/23 COMPLETION DATE: 06/05/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/25/23 COMPLETION DATE: 06/13/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant filed an online complaint on behalf of her friend and said that the named officer had been harassing her friend without reason. However, the complainant stated that the incident occurred five hours after the complainant filed the online complaint. The complainant did not describe the harassment or provide contact details for the friend. The complainant also stated they did not want to be contacted.

The DPA was unable to locate any incidents with the limited information provided by the complainant. Department records show that the officer was not on duty at the time of the incident, as provided by the complainant.

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

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

COMPLAINT DATE: 06/05/23 COMPLETION DATE: 06/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 06/07/23 COMPLETION DATE: 06/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The anonymous complainant stated that the named officers did not respond promptly to the scene of a stabbing.

SFPD documents showed that the named officer arrived on scene 1 minute and 30 seconds after being dispatched to the scene. The documents also show that the suspect was detained 4 minutes and 7 seconds after they received the initial 911 call.

SFPD policy DGO 5.05 states: It is the policy of the San Francisco Police Department that officers respond to emergency calls expeditiously.

The officers responded to an emergency call in an expeditious manner.

The evidence proves that the conduct alleged did not occur.