

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/22 DATE OF COMPLETION: 05/08/23 PAGE# 1 of 6

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated he and his friend were stopped by the named officer. The complainant stated the named officer searched and cited him because of the complainant's race.

The named officer denied stopping the complainant due to his race and stated that he does not perceive race and does not use race to inform his law enforcement decisions.

Body-worn camera footage showed the named officer stopped and cited the complainant.

Documents obtained from the State of California and the Department showed that the named officer failed to properly identify the complainant's and his friend's race in the named officer's entries in the Stop Data Collection System (SDCS). Further review of the named officer's documentation of his previous 50 stops yielded 22 stops where the officer entered a perceived race that is different from the actual race of the person stopped. The documents show that 21 out of 22 of the stops the officer incorrectly reported belonged to a single racial group. Additionally, on one occasion, the named officer stopped 7 people of the same racial group, but only reported 3 stops of people in that racial group.

Further Department records showed at least three instances in which the named officer indicated the correct race in incident reports but filed incorrect race data through the State reporting system.

The evidence revealed a pattern of conduct by the named officer to change the race of persons stopped from a particular race to other races.

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

DGO 5.17 I: POLICY

This policy establishes the San Francisco Police Department's commitment to just, transparent and bias-free policing and reinforces existing policies and procedures that serve to assure the

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public that the SFPD is providing services and enforcing laws in an equitable manner. It also clarifies the limited circumstances in which members can consider race, color, ethnicity, national origin, religion, age, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status when making law enforcement decisions.

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

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant stated he was issued a citation for not wearing a seatbelt. The complainant stated that he was in a parked vehicle and did not need to wear a seatbelt.

The named officer stated that he did not see the complainant driving without a seatbelt, but the complainant verbally admitted to him that he did not have a seatbelt on while the vehicle was in motion.

Body-worn camera footage showed the named officer approach the complainant and immediately ask for his I.D. When the complainant questioned why, the named officer informed him that he was not wearing a seatbelt. The complainant stated that he did not need a seatbelt because he was parked. The named officer tells the complainant that the vehicle had moved, and the complainant had not had a seatbelt on. The complainant denied this and continued to state he did not need a seatbelt on while parked. The complainant ultimately gave the named officer his I.D. The named officer issued the complainant a citation without establishing that he had not been wearing a seatbelt while the vehicle was moving.

The named officer's body-worn camera, which captured the contact with the complainant, did not show show the complainant admitting that he was not wearing his seatbelt while the vehicle was in motion. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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SUMMARY OF ALLEGATION #3: Improper Search or Seizure of a Person, Property, Vehicle, or Location; Improper Entry.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that he was searched by the named officer without cause.

The named officer stated he searched the complainant for officer safety. The named officer stated it was nighttime, in a high crime area and the complainant was wearing a baggy jacket and sweatshirt.

Body-worn camera footage showed the named officer pat search both the complainant and the driver. The named officer does not give a reason for this search on camera. The driver is wearing a tight t-shirt and fitted pants. The passenger is wearing a jacket but no apparent sweatshirt.

State documents showed both the complainant and his friend were searched.

The Fourth Amendment of The Constitution of the United States protects people from unreasonable searches and seizures. An officer must be able to articulate the reasonable belief that a person is armed before they can search them. Baggy clothing in a high crime area is insufficient grounds to search a person.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer spoke to him in an inappropriate way when he was trying to complain about being issued a citation.

The named officer denied speaking to the complainant in an inappropriate manner. The named officer explained to the complainant why he was being issued the citation and how it was merely a notice to appear in court not an admission of guilt.

Body-worn camera footage showed the named officer speaking to the complainant. The complainant is upset that he is receiving a citation for an offense he does not believe he committed. The named officer calmly and professionally explains why the complainant received the citation and that it is not an admission of guilt.

The body-worn camera footage shows the named officer was polite and professional in how he dealt with the complainant.

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

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SUMMARY OF ALLEGATION #5: Improper Search or Seizure of a Person, Property, Vehicle, or Location; Improper Entry.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer searched his friend's vehicle, including the trunk.

The named officer stated that he saw cannabis in the center console of the vehicle in open view and could smell cannabis in the vehicle. The named officer stated this gave enough grounds to search the rest of the vehicle.

Body-worn camera footage showed the named officer and his colleague discuss that they could see cannabis in the center console. The named officer's colleague asked the occupants of the vehicle if they had been smoking cannabis which they admitted they had. The officers then searched the vehicle.

The named officer searched the vehicle due to reasonable suspicion that the vehicle may contain illicit drugs.

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

SUMMARY OF ALLEGATION #6: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The named officer is accused of altering data input into police and state records. The officer is accused of doing this on multiple occasions.

The named officer denied the allegation, stating that the data he entered was input at the end of his shifts and was completed to the best of his recollection of events. The named officer stated that he was not trying to change the data.

Department records show that the data input by the named officer was inaccurate. Out of 50 records checked the named officer's data was incorrect on over half of them.

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The named officer's actions undermined the integrity of the data collected by the Department and required to be transmitted to the state.

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

The named officers inputting on multiple occasions the wrong data subverted the efficiency of the Department and reflected discredit upon the Department.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The officer did not take appropriate action regarding the temporary restraining order violation. The complainant stated that his neighbor, the restrained party, violated the restraining order by hanging out in a common hallway near the complainant's unit door. The complainant perceived the restrained party's actions as a deliberate attempt to violate the terms of the restraining order and had video footage to prove it.

The Department of Emergency Management record showed that officers responded to a "B" priority call regarding a fight without weapons. Officers responded to the scene approximately forty-two minutes after the initial call for service was received. Dispatch informed officers that there was an active restraining order on file for the parties. The named officer determined there was no merit to the restraining order violation, a Certificate of Release was issued at the scene and an incident report was generated.

Body-worn camera and police records showed that the named officer detained the restrained party and informed him that he was being detained for possibly violating a restraining order. The restrained party denied violating the restraining order and stated the complainant had been harassing him after he entered the residential common area. The body-worn camera also showed the named officer spoke to the complainant and reviewed the complainant's cell phone video footage of the alleged violation. The named officer determined that there was no merit to the restraining order violation based on a lack of evidence. The named officer explained to the complainant that the cell phone video did not support the alleged restraining order violation. The incident report summarized the named officer's observations of the cell phone video footage, which did not show the restrained party coming into close contact with the complainant. A copy of the Certificate of Release was attached as evidence to the incident report.

DPA's investigation showed that the named officer followed the policies and procedures regarding investigative detentions as outlined in Department General Order 5.03, Investigative Detentions.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant alleged the officer was argumentative when he told the complainant that “it didn’t look like he was violating the restraining order.” The complainant was offended by the statement.

Body-worn camera footage showed the named officer explaining the outcome of the investigation. The officer stated he found no merit to the restraining order violation based on the lack of evidence. While the officer explained his findings, the complainant became upset with the officer and proceeded to leave.

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

The investigation showed that the named officer treated the complainant with respect and remained professional throughout the encounter. Although the complainant perceived the interaction with the officer as rude, the officer’s statements did not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that an officer did not thoroughly investigate a battery incident. The complainant's neighbor hit him on the back of his head, but the officer refused to enter his apartment and arrest him. The officers also failed to interview a witness or accept a copy of the complainant's cell phone video footage.

Department of Emergency Management records showed that officers were dispatched to an "A" priority call of an assault/battery. The record showed that there was an ongoing issue with a neighbor.

Body-worn camera footage showed that the complainant's friend opened the front door for the officer. No one advised the officer that complainant's friend was also a witness. The named officer interviewed the complainant. The complainant asked the named officer to review his cell phone video footage in lieu of providing a statement. The named officer explained he needed a statement in the complainant's own words to properly investigate. The named officer verified that a restraining order protected the complainant from the neighbor. The named officer attempted to make contact with the restrained person by knocking on his door, but there was no answer. The named officer advised the complainant that the incident would be documented in an incident report.

The officer prepared an incident report. The report indicated that the complainant was unresponsive when the officer called to request a copy of the cell phone video footage.

Department General Order 5.04, Arrests by Private Persons, requires an officer to receive a subject arrested by a private person. If an officer is unable to arrest or cite the subject, the officer must advise, explain, and document what happened in an incident report.

The DPA understands the complainant's perception that the named officer failed to properly investigate because he did not look at the complainant's cell phone video footage at the scene or interview his friend. However, the named officer was required to obtain the complainant's statement, and the complainant's friend was never identified as a witness to the incident. Furthermore, the investigation showed that the officer attempted to obtain the cell phone video footage prior to completing the incident report.

A preponderance of evidence showed that the officer's conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #2-#3: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers failed to make an arrest.

Body-worm camera footage and department records showed that there was an ongoing dispute between the complainant and the subject. The named officers obtained a statement from the complainant, confirmed the complainant had a valid restraining order against the subject, and attempted to contact the subject. There was no answer when the officers knocked on the subject's door.

The investigation showed that the officers did not have a legal justification to enter the subject's home without a search warrant. Thus, the officers could not make an arrest. While the DPA understands that the complainant was upset the officers did not enter the complainant's unit and make an arrest, the officers complied with the Department policy.

A preponderance of evidence showed that the officers' conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was arrested and held in an SFPD holding cell for over 24 hours, in violation of his rights.

SFPD records indicate the complainant was held in a holding cell at the district station for roughly 19 hours before being transferred to the county jail for booking.

The named officers were identified as the Station Keepers for the district station during the applicable timeframe.

The SFPD Booking and Detention Manual provides Station Keepers with comprehensive guidelines for booking and detaining prisoners at the districts station temporary holding cells and assigns Station Keepers' the responsibility for the custody and well-being of the prisoners prior to transport to County Jail.

The SFPD Booking and Detention Manual explicitly prohibits prisoners from being held in a cell for more than four hours or longer than twelve hours at the station. State law prohibits prisoners from behind held in a temporary holding cell for more than 24 hours, The SFPD is narrower than the California state law.

DPA's investigation revealed that due to the COVID-19 Pandemic, the county jail was often temporarily closed and not receiving new inmates. This emergency situation caused SFPD to fall out of compliance with the Department Policies above. One of the named officers, in his DPA interview, provided the DPA with relevant memos and a Department Bureau Order. The Bureau Order outlined procedures for District Station personnel (such as Station Keepers) to follow when the need for an emergency suspension of standards or requirements outlined in the Booking and Detention Manual arose.

In compliance with said Order, the named officers documented the complainant's prolonged detention caused by the temporary closure of the county jail. When the jail resumed intaking new prisoners, the complainant was transported accordingly.

Thus, although the complainant was, in fact, held at the station in violation of pre-pandemic, Department Policy, the named officers followed proper Department protocol and procedures adopted to address the jail closures due to the pandemic or other emergencies.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he was assaulted by people after seeing them vandalize MUNI. Following the attack, the complainant waited for help at a nearby transit station. The complainant stated that the responding officers failed to investigate because they did not look for the suspects or gather evidence related to the incidents.

Department records and the body-worn camera footage showed that officers responded to investigate and requested medical services for the complainant because he was injured. The officers interviewed the complainant about what happened and asked for suspect descriptions. One officer went to the incident location to investigate the vandalism and advised the complainant that other officers were searching for the suspects.

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

The evidence showed that the officers investigated the vandalism, assault, and robbery. The officers documented the complainant's statement and prepared an incident report, and other officers searched for the suspects.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that he asked the named officer to write down his incident report number and place it in his backpack. The complainant stated he could not find the case number, and believed the named officer crumbled it up and threw it on the ground.

Body-worn camera footage showed that the officer wrote down the case number and stated he was going to place it in the complainant's backpack. He placed the paper into the interior of the complainant's clear backpack. The footage showed the folded piece of paper inside of the backpack. The footage did not show the named officer throw any paper on the ground.

Department General Order 2.01 states that officers shall treat the public with courtesy and respect.

The investigation showed that the named officer provided the case number as requested.

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 detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was at a concert when an officer approached him, asked for his identification, and admonished him. The complainant felt that he was detained without cause.

The named officer stated that he was made aware via radio communication that the complainant was a suspect in an incident involving one of the concert performers. He was tasked with speaking to the complainant. The named officer acknowledged that he approached and admonished the complainant that if he came back inside the event, he would be placed under arrest for trespassing. The named officer stated that the complainant was detained for a brief period, never physically restrained, and never moved at the scene. He explained that he detained the complainant to determine whether the complainant had any active restraining orders prohibiting him from being at the event.

A Computer Aided Dispatch report (CAD) reflected that the Police Department command center communicated that the complainant was to be admonished and denied entry to the event. The complainant's name and identifying information was provided and it was noted that he had no "stay aways." An incident report was prepared at the direction of the named officer. It reflected that an individual reported to the police that she had a stalker who had indicated he was going to a concert to contact her.

Body-worn camera footage (BWC) showed a brief interaction between the named officer and the complainant. The named officer ran the complainant's name via radio and formally admonished him to leave.

DGO 5.03 provides that an officer must have reasonable suspicion to conduct an investigative detention. Here, the information communicated regarding the complainant's link to the concert performer would lead a reasonable person to believe that a crime was about to occur, and that the complainant was reasonably connected to the crime.

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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that when he interacted with the officer, he was mean, and he felt harassed and threatened.

The named officer denied this allegation.

Body-worn camera footage (BWC) did not support the complainant's allegation.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged the officers detained her juvenile family member for a mental health detention without cause. The incident occurred in 2017, but not reported to DPA until 2022. The family member argued with her parents regarding a cell phone. The family member became confrontational and disrespectful, entered her room, and called 911 to report that her parents had taken her property.

The family member, now an adult, declined to be interviewed by DPA. Additionally, the family member refused to sign a medical authorization form, so DPA could not obtain the family member's medical records related to the incident.

The family member's father was interviewed. The witness stated he had no idea who called the police. The witness stated he does not recall the details as it happened in 2017. The witness said he pleaded with officers not to take his family member to the hospital. Officers told him not to interfere.

Officer Number One did not recall the specifics of the incident as it occurred more than five years ago.

Officer Number Two stated that based on his observations and the family member's actions at the scene, he determined that the family member was a danger to herself and met the criteria for a mental health detention. When he arrived on the scene, he observed the family member straddling the window ledge on the second story of the building. She had one leg dangling out from the window. The family member refused to get off the ledge and said she wanted to come down but would not use the stairs. Based on this statement, the officer believed the family member would jump from the window. The parents were unaware their family member was sitting on the window ledge. The parents did not believe that their family member intended to jump.

The named officers were both CIT certified on the date of the incident.

A sergeant on scene stated he observed a young female sitting on the ledge of a window outside a two-story house. He spoke to several officers at the scene and supervised the officers who established a dialogue with the young female. Officer Number Two conferred with him regarding the decision to detain the female for mental health detention. He agreed with Officer Number Two that the female was a danger to herself because she stood outside a two-story window ledge. She was a danger to others because she hit her mother on her head with a plastic bottle.

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Body-worn camera (BWC) evidence is not available for this incident because the incident occurred in 2017, and the BWC evidence was deleted after 120 days per the Department records retention policy.

The Incident Report was coded as a Mental Health Detention and Juvenile Involved (secondary). Officers were dispatched regarding a possible family argument. The reporting party was crying on the phone and told the dispatcher her mother had hit her. Upon arrival, the officers observed the female juvenile sitting on the ledge of a second-story window. The juvenile was straddling the window and had one leg dangling out from the window. Officer Number One took charge and communicated with the female. Officer Number Two requested a sergeant to respond to the scene. Officer Number One asked the female to step back inside the room and come outside to talk to her.

The female said she was not getting off the ledge and that she "wanted to come down" but was not going to come down by using the stairs. She said her parents were in the house, not letting her leave to see her friends. Officer Number Two asked Dispatch to notify the parents to come outside and meet with officers. Officer Number Two spoke with the father, who was unaware his daughter was sitting on the ledge of the bedroom window. He thought his daughter was overreacting and trying to manipulate everyone into getting her way. Officer Number One got the female to agree to get off the ledge if they could get her phone back. Officer Number Two and a third officer went inside the apartment upstairs to the bedroom and convinced the female to come out of her bedroom. Officer Number Two and the third officer successfully got the female to come downstairs, then placed her in handcuffs and took her to an ambulance staged outside. The father did not want his daughter to be taken to the hospital, stating the officers overreacted. The parents reported that their daughter hit her mother on the head with a plastic bottle. The mother did not want to press charges. The incident report documents that the parents stated their daughter was smoking drugs in her room before she called the Police. Officer Number Two determined the female juvenile was a danger to herself and detained her pursuant to Cal. Welfare & Institutions Code (W&I), §5150.

Department of Emergency Management (DEM) records documents two calls by the reporting party (RP). The first call was a Type 918 (Person screaming for help) /418 (Fight no weapons). Comments indicate the caller is continuously screaming. The caller has a prior history. The second call was approximately five minutes later and was coded as an "A" priority. The call type was a Fight no weapon-Family, priority "B" upgraded to "A." The dispatcher comments note a young girl about 16 years old on the phone crying that her mother hit her. The girl says she was struck by her mother's hand—no further information. After asking the RP to provide her name, she hit mute or left the line open/nothing was heard, just crying/sobbing. The RP said she had called the Police in the past regarding her mother hitting her. The caller has a prior history of 807 (Missing juvenile).

San Francisco Police Department GENERAL ORDER 7.02 PSYCHOLOGICAL EVALUATION OF JUVENILES states: "II. POLICY A. It is the policy of the San Francisco Police Department that officers respond in a helpful manner to juveniles whom they believe to be in acute psychological distress.

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Pursuant to section 5585.50 of the Welfare and Institutions Code, an officer may take a minor for psychiatric evaluation when the minor, as a result of mental disorder, is a danger to others, is a danger to himself/herself, or is gravely disabled, and authorization for voluntary treatment is not available. These are the same criteria that apply to adults under section 5150 W & I Code."

The officers responded to a call for service of a juvenile in distress. They observed a female juvenile straddling the window ledge, making statements to officers inferring she might harm herself. Under the circumstances presented here, it was reasonable for the officers to detain the complainant's family member for a mental health evaluation. The incident report describes the possible suicidal actions of a juvenile, and the officers were Crisis Intervention Team (CIT) trained and requested a sergeant to the scene, indicating they believed it was a CIT event.

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

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that when her family member realized she was being taken in an ambulance, she began to physically resist officers and became bruised. When her family member was taken outside, she resisted, pulled, and twisted. The officers held her shoulders and arms, and her wrists were bruised. The complainant stated the named officers were rough with her family member.

The witness said the officers were forcible and brutal with his daughter. His daughter was crying and said to let her go. His daughter resisted when they tried to handcuff her. Before that, she was calm. The daughter had bruises on her hands.

Named Officer Number One was unavailable to be questioned by the DPA because the officer has been on extended leave.

Officer Number Two stated the juvenile did not resist being handcuffed. The officer did not recall grabbing the juvenile's arms, shoulders, or wrists that would cause bruising. He did not observe Officer Number One use unnecessary force when handcuffing the juvenile.

Witness Officer Number One stated she did not observe any unnecessary use of force by the named officers when the female juvenile was being handcuffed. The officer does not recall if the female juvenile resisted when handcuffed.

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Witness Officer Number Two stated he did not observe any unnecessary use of force by the named officers when handcuffing the juvenile. He does not remember if the female juvenile subject resisted when she was handcuffed. He does not recall the named officers grabbing the juvenile's arms, shoulders, and wrists while handcuffing her. He indicated no injuries or complaints of pain noted in the report, and no use of force was noted.

Based on the incident report and the CAD, this does not appear to be a use-of-force incident. Thus, no Supervisory Use of Force Evaluation was conducted nor required. The Department confirmed that there is no Use of Force Log or Supervisory Use of Force Evaluation for the incident.

The BWC video evidence was deleted after 120 days per Department policy.

The complainant provided two photographs of her family member. One photo shows two minor bruises on the upper left arm. The second photo shows a left wrist handcuffed to a plastic handle/rail -possibly taken in the ambulance or at the hospital. No bruises are visible on the left wrist in the second photograph.

There are no independent witnesses or BWC evidence to corroborate the allegation that the officers used unnecessary force on the complainant's daughter. Named Officer Number Two and two witness officers stated no force was used during the incident. The first-named officer was unavailable for questioning.

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

SUMMARY OF ALLEGATIONS #5-6: The officers applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated officers handcuffed her family member without justification.

Officer Number One was unavailable to be questioned by DPA regarding the incident.

Named Officer Number Two stated the juvenile was handcuffed for her safety.

Witness Officer Number One did not recall why the juvenile was handcuffed, but it was likely for her health and safety during transport.

Witness Officer Number Two stated the female was handcuffed because she was detained for a mental health evaluation, and every detainee must be handcuffed when transported per department policy.

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San Francisco Police Department General Order 5.21 THE CRISIS INTERVENTION TEAM (CIT) RESPONSE TO PERSON IN CRISIS CALLS FOR SERVICE, Section III. Procedures, D.

Detention/Transport states: "Detention/Transport: When detaining an individual for a psychiatric evaluation and no criminal charges are pending, officers shall, when feasible, explain to the person in crisis they are not under arrest, but only being transported to a medical or mental health facility for evaluation. Officer should also explain that it is necessary to search and temporarily handcuff them for their safety while being transported to the facility."

Department policy instructs officers to handcuff detainees for safety while transported to the facility. In this instance, it was appropriate for the officers to handcuff the female juvenile while she was transported by ambulance to the hospital.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant and her roommate woke up to the sound of sawing noises and observed a person (“Subject 1”) underneath a parked vehicle and another person (“Subject 2”) in a second vehicle. The complainant and her roommate called police and reported that they believed a catalytic converter was being stolen. The complainant stated that Subject 2 drove away in the second vehicle, while Subject 1 remained on scene. The named officer (and several other officers) arrived, detained Subject 1 and spoke to the complainant and her roommate, who told the named officer that she could positively identify Subject 1 as the person she saw underneath the parked vehicle while she heard sawing noises. The complainant stated that the named officer failed to arrest Subject 1 and released him from the scene.

The named officer stated he did not believe he had probable cause to arrest Subject 1. He stated that the computer databases used to run people and vehicles were not functioning during this incident, so he could not confirm the identity of Subject 1 or obtain his criminal history, and he could not identify the registered owner of the parked vehicle to determine whether any damage was pre-existing. The named officer stated that he called a supervising officer, who approved his decision to release Subject 1.

A witness officer confirmed that he approved the named officer’s decision to release Subject 1. The witness officer stated that the named officer failed to tell him about the presence of a car jack on scene and failed to tell him that there were multiple witnesses on scene. The witness officer noted that this information would have been important to know, although it would not have changed the witness officer’s assessment of whether there was probable cause to arrest Subject 1.

Body-worn camera (“BWC”) footage showed that officers detained Subject 1 as he was standing in front of the parked vehicle manipulating a car jack with his hands. Subject 1 was wearing gloves and told the officers that he was walking by when he found the gloves and car jack on the ground. Subject 1 verbally gave the officers his name and told them he was on probation for theft. Subject 1 did not provide physical identification of any kind. BWC showed that officers attempted to run Subject 1 and the vehicle’s license plate on the computer databases and through the communications center, but they discovered that the computer databases were not functioning. The officers noted that the parked vehicle was unlocked, the front two windows were rolled down, the stereo system was pulled from the dashboard, and the catalytic converter was “half cut.” BWC showed that the named officer and a witness officer spoke to the complainant and her roommate, who told the named officer that she could positively identify Subject 1 as the person she saw underneath the vehicle while she heard sawing noises. The named officer told the

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witness officer that he did not have enough evidence to arrest Subject 1. BWC corroborated the named officer's statement that he called a supervising officer during this incident and that the named officer failed to inform the supervising officer of the presence of a car jack and of multiple witnesses on scene.

Department records confirmed that the computer databases were not accessible to the officers or to dispatchers during this incident. Department records indicated that investigators later obtained an arrest warrant for Subject 1, and Subject 1 was eventually arrested. The declaration in support of the arrest warrant stated that the investigator determined "that based mostly on the witnesses' observations" it was reasonable to believe that Subject 1 was in the process of attempting to remove the catalytic converter from the parked vehicle. The declaration stated that had the officers had access to the computer databases, "they almost certainly would have arrested [Subject 1] at the time and been justified in doing so."

Although a witness officer approved the named officer's decision not to arrest Subject 1, the named officer failed to provide the witness officer with all of the relevant information. The named officer's failure to communicate limited the witness officer's ability to assess the situation, provide appropriate guidance and bear the weight of responsibility for the named officer's decisions during this incident. DPA recognizes that officers maintain relatively broad discretion in the field to evaluate reasonable suspicion and probable cause, and officers are not mandated by Department policy or law to make arrests except in specific limited circumstances (such as in domestic violence incidents). Given the amount of discretion officers have in the field, DPA cannot say by a preponderance of evidence that the named officer's decision not to make an arrest rose to the level of misconduct, especially where a superior officer approved the decision.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officers failed to properly investigate this incident, which led to the failure to arrest Subject 1.

Named officer #1 stated that he and named officer #2 were the primary unit on this call. Named officer #1 acknowledged that he did not take photographs of Subject 1, he did not take photographs of the parked/damaged vehicle, he did not take fingerprints from Subject 1 in the field, he did not canvass for additional surveillance video, he did not canvass for witnesses, he did not search for additional suspects, he did not search the parked/damaged vehicle for registration, he did not secure the parked/damaged vehicle before leaving the scene, and he did not collect the car jack from the scene as evidence. Named officer #1 stated that searching for witnesses was something he could have delegated to somebody else, but he failed to do so. Named officer #1 stated that he did not search for additional suspects because he presumed that officers who had arrived before him had already searched the area.

Named officer #2 stated that he and his partner were the primary unit on this call. Named officer #2 acknowledged that he did not take photographs of Subject 1, he did not take photographs of the parked/damaged vehicle, he did not take fingerprints from Subject 1 in the field, he did not canvass for additional surveillance video, he did not canvass for witnesses, he did not search for additional suspects, he did not search the parked/damaged vehicle for registration, he did not secure the parked/damaged vehicle before leaving the scene, and he did not collect the car jack from the scene as evidence.

A witness stated that the named officers should have taken all the above investigative steps during the incident. The witness officer also said that named officer #1 called him while at the scene. During the conversation, named officer #1 failed to inform him that there was a car jack located at the scene. The witness officer stated that the presence of a car jack would have been important information for him to know and would have been relevant to an attempted catalytic converter theft.

Body-worn camera (“BWC”) footage confirmed that the named officer failed to take the above investigative steps. BWC footage showed that the named officer called his supervisor while at the scene and failed to mention the presence of a car jack. During the conversation with his supervisor, the named officer said, “There’s no tools.”

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Department records confirmed that the computer databases were not accessible to the officers or to dispatchers during this incident.

As members of the primary unit handling this investigation, the named officers should have ensured that the above investigative steps were taken by either handling them themselves, communicating these tasks with his each other, or by delegating them to the other four backup officers at the scene. The fact that officers did not have access to computer databases during this incident emphasizes the importance of a thorough preliminary investigation in order to ensure that Subject 1 and the owner of the parked/damaged vehicle could be positively identified later. Based on the investigative steps taken at this scene, had Subject 1 provided an incorrect name, it is unlikely that investigators could have positively identified him or ultimately issue a warrant for his arrest. The named officers were lucky that Subject 1 was truthful in this case.

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

SUMMARY OF ALLEGATION #4: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer failed to arrest Subject 1 and released him from the scene.

The named officer stated that he and his partner were the primary unit on this call. The named officer stated that he did not ask his partner what information he was gathering during the incident, and he did not discuss with his partner or any other officers or supervisors whether to arrest Subject 1.

A witness officer stated that he did not communicate with the named officer during this incident. The witness officer took responsibility for the decision not to arrest Subject 1 and for releasing Subject 1.

Body-worn camera (“BWC”) footage showed that the named officer did not participate in the decision-making process during this incident. The named officer did not discuss whether to arrest Subject 1 with any other officers or supervisors during this incident, and the named officer did not release Subject 1 from the scene.

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The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: DPA's investigation found that the named officer failed to document the search of Subject 1, the justification for the search and the presence of a car jack in the incident report, violating Department Bulletin 20-134.

The named officer acknowledged that he wrote the incident report for this incident and that he failed to document the search of Subject 1, the justification for the search and the presence of a car jack on scene. The named officer did not know why he failed to document the search, and he stated that he did not document the presence of a car jack on scene because it was "not relevant" to the probable cause. The named officer stated that he documented that Subject 1 was not "in possession of burglary tools" because Subject 1 was not in possession of the car jack.

Witness officers agreed that a car jack is a tool commonly used in the commission of catalytic converter thefts. A witness officer noted that the presence of the car jack was relevant information that he wished he had known about and which "points towards someone being engaged in catalytic converter theft."

Body-worn camera ("BWC") footage showed that the named officer was present when the named officer's partner searched Subject 1's person during the incident. BWC footage showed that a witness officer and the named officer's partner were aware that Subject 1 was manipulating the car jack with his hands when officers first arrived on scene.

Department Notice 20-134, Report Writing Responsibilities, specifically extolls the value of a thorough and comprehensive incident report. DN 20-134 points out that it harms officer credibility when "reasonable suspicion or probable cause are not articulated in narrative" and when officers fail to "articulate search and seizure consistent with Department policy and current laws."

Department Manual-11, SFPD Report Writing Manual, states that the narrative of a report must be complete, include information from witnesses and accurately describe any physical evidence. Further, an accurate and comprehensive narrative must outline the investigative process, including actions by Department members and units, and detail searches.

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The evidence established that Subject 1 was in possession of the car jack (a burglary tool commonly used in catalytic converter thefts) when officers arrived, contrary to the named officer's statement in the incident report. Even if Subject 1's possession of the car jack was not enough to establish probable cause to make an arrest, it was certainly evidence relevant to the crime the officers were investigating and should have been included in the incident report.

Based on the preponderance of the evidence, the named officer violated Department policy when he omitted the search, the justification for the search and the presence of a relevant piece of evidence in his incident report.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: DPA's investigation evaluated the named supervisor's conduct during this incident.

The named supervisor stated he received a phone call from a witness officer during this incident. The named supervisor stated that the witness officer told him that he wanted to run something by him and that a witness saw Subject 1 underneath the parked/damaged vehicle and heard cutting noises, but that Subject 1 did not have any tools. The witness officer told the named supervisor that there was not enough evidence to make an arrest. The named supervisor asked the witness officer if he needed him to respond to the scene, and the witness officer said no. The named supervisor stated the witness officer determined that there was no probable cause to make an arrest, and that based on what he was told, he agreed with the witness officer's determination.

The named supervisor stated the witness officer did not inform him of the presence of a car jack at the scene or that there were multiple witnesses, information that he would have liked to know. The named supervisor stated he was not aware until after the incident that witness officers did not take photos of Subject 1 or the parked/damaged vehicle, that witness officers did not take fingerprints from Subject 1 in the field, that witness officers did not secure the parked/damaged vehicle before leaving the scene, that witness officers did not search the parked/damaged vehicle for registration information, or that the witness officers did not collect the car jack as evidence. The named supervisor stated that all of the above

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investigative steps should have been taken at the scene. He stated that other than telling the witness officer to articulate the lack of probable cause in the incident report, he did not give the witness officer any other advice or instructions regarding how to handle the incident.

Body-worn camera (“BWC”) footage confirmed that one of the witness officers called the named officer during the incident, and that the witness officer failed to inform the named officer about the presence of a car jack and multiple witnesses during the conversation. BWC footage indicated that the witness officer told the named officer that there were “no tools.” BWC footage indicated that the witness officer told the named officer that there was not enough evidence to establish probable cause to arrest Subject 1 and that he wanted to do an investigative detention. BWC footage showed that the named officer approved of the named officer’s assessment.

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

Although the named officer approved the witness officer’s decision not to arrest Subject 1, the witness officer failed to provide the named officer with all of the relevant information. The witness officer’s failure to communicate limited the named officer’s ability to assess the situation, provide appropriate guidance and bear the weight of responsibility for the witness officer’s decisions during this incident. Because the named officer was not on-scene, was told he was not needed on-scene, and was not informed of all of the relevant information, DPA cannot say by a preponderance of evidence that the named officer’s actions or lack thereof rose to the level of misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: DPA’s investigation found that the named officer failed to activate his BWC when he returned to speak with the complainant and her roommate, violating Department General Order 10.11 and Department Bulletin 20-175.

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The named officer acknowledged that he spoke to the complainant and her roommate after he had released Subject 1 and that he failed to reactivate his body-worn camera for the conversation. The named officer stated that he did not recall what was said during that conversation. The named officer stated that he complied with policy and was not required to reactivate his body-worn camera because he had already released Subject 1 from the scene.

Body-worn camera (“BWC”) footage showed that after the named officer released Subject 1, he deactivated his BWC. Minutes later, a witness officer informed the named officer that the complainant and her roommate wanted to speak with the named officer about why Subject 1 was not arrested. A witness officer’s BWC footage showed the named officer return to the front door of the complainant’s residence.

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

The name officer failed to activate his BWC when he returned to contact the complainant and her roommate, who were reporting parties to this incident and may have had knowledge of criminal activity as witnesses. As the named officer could not recall what was said during this conversation, it cannot be determined whether any of the statements made to the named officer during the conversation were of evidentiary value.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/DEM

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

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

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SUMMARY OF ALLEGATION #1: The officer engaged in other unequal treatment.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainants were assaulted during an altercation. They alleged that the attending officer favored the other involved party and tried to dissuade them from pursuing legal action.

The named officer stated that he did not try to dissuade the complainants from filing their Citizen's Arrest and assisted in processing it for them. He stated that he told the complainants that if they wanted to pursue a civil case against the other party it could be a lengthy process. The named officer stated that his job is to help people out and not show favoritism during an incident. The named officer stated he was requested to the scene to help provide certified language translation for the other Cantonese-speaking party.

Department records showed that the named officer was the certified Cantonese-speaking officer on the scene to provide language translation assistance.

Body-worn camera footage showed the named officer interviewing both parties. The officer did make statements that the alleged perpetrators were "elderly" and "old" and that the matter would probably not go anywhere, but also told the parties that he was not trying to discourage them from taking action. However, the named officer did assist in the issuance of citations for the two tenants that allegedly assaulted the complainants. A certified Cantonese-speaking member of DPA's staff reviewed footage of the named officer's translation assistance and determined that it was proper.

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

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SUMMARY OF ALLEGATION #2: The officer's discourteous behavior or statements were related to gender.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The co-complainant alleged that the officer was discourteous and talked down to her because she is a woman.

The named officer denied the allegation.

Body-worn camera footage showed the named officer speaking with the co-complainant, obtaining information about the incident. The named officer appeared frustrated with the co-complainant for not letting him speak. The footage showed him stepping away and telling the complainants that he was trying to provide information, but the co-complainant kept interrupting him.

The DPA acknowledges the co-complainant felt disrespected due to the officer's tone and comments. However, objectively, the preponderance of the evidence does not prove the motivation for his comments were gender-related. The officer took a similar tone with the male complainant.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was pulled over while driving on a busy downtown street. The complainant was arrested and taken into custody even though he signed the traffic citation.

The named officer stated that he stopped the complainant for driving on a prohibited commercial corridor. He arrested the complainant for refusing to properly sign the citation and because he had an outstanding warrant from another county.

The officer prepared an incident report documenting that he stopped the complainant for driving on a restricted street. When the named officer asked the complainant to sign the citation, the complainant wrote, "FRAUD & EXTORTION." The named officer explained that he needed a true signature and offered to complete another citation if the complainant would sign it properly, but the complainant refused. Because the complainant refused to sign the citation, the officer arrested him rather than citing and releasing him. The report showed that the complainant was booked on the outstanding warrant and two vehicle code violations, including disobeying posted signs and failure to provide proof of insurance. The charges were approved by the named officer's supervisor.

SFPD General Order 5.06, Citation Release, section C states:

C. INFRACTION EXCEPTIONS. If a person is arrested solely for an infraction offense(s), he/she shall be cited, except when any of the following conditions exists:

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2. The person refuses to give a written promise to appear.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer threatened to take the complainant to jail if he refused to sign his name on the citation.

The named officer stated that the complainant refused to sign the citation as required by law. He described the complainant as uncooperative and confrontational. He stated the complainant wrote, "FRAUD & EXTORTION," which was not the complainant's legal name and did not match the signature on the complainant's driver's license.

SFPD General Order 5.06, Citation Release, states that a person who is cited for a traffic infraction may be released rather than arrested if they sign the citation, which constitutes a written promise to appear.

The evidence established that the named officer's statement was not a threat, but rather an explanation of the consequences for refusing to sign a citation.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers refused to provide their names and star numbers.

Body-worn camera footage showed that the named officers immediately provided their names and star numbers when asked by the complainant.

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

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SUMMARY OF ALLEGATION #5: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that an officer searched his trunk without authorization.

The officer stated that he conducted an inventory of the car, a required procedure before towing a car. The car was illegally parked and could not be left at the scene when the driver was taken into custody.

DGO 9.06, III. Tow Policy and Procedures, requires officers to inventory the contents of a car before towing it to an impound lot.

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

SUMMARY OF ALLEGATION #6: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer laughed at and called him names while he sat in jail. He also stated the officer would not allow him to speak with a supervisor.

A poll did not reveal the officer's identity.

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

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SUMMARY OF ALLEGATIONS #1-6: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant, his minor daughter, and her boyfriend were involved in an altercation with venue staff at a rock concert. During the altercation a struggle ensued. The complainant said four officers arrived, piled up on her daughter's boyfriend, and handcuffed him. The complainant said his daughter was also tackled to the ground. The complainant stated that his daughter was medically treated for injuries the day after the arrest.

Named officer #1 stated that she saw the boyfriend pushing a member of the venue's staff with both hands. Upon contact with the boyfriend, she believed he was intoxicated because he smelled of alcohol, had a staggered gait, and slurred speech. Named officer #1 said that as officers began to escort the boyfriend out of the concert venue, she saw the complainant's daughter pull the boyfriend away from the officers' hold. Named officer #1 tried to stop her by creating distance between them, at which point the complainant's daughter punched her in the face. To defend herself, named officer #1 stated she punched the complainant's daughter one time on the left side of her face. The complainant's daughter staggered to a barricade behind her. Named officer #1 said she and named officer #2 then took the complainant's daughter to the ground and placed her in handcuffs as she flailed her hands and swung her body. Named officer #1 said due to the surprising nature of the complainant's daughter's attack, she had no time to utilize verbal commands or any other lesser force option.

Named officer #2 said he was approached by venue staff. They said the boyfriend had just assaulted one of their staff members. Named officer #2 told the boyfriend to follow him outside, but he refused and remained in his seat. Named officer #2 said the boyfriend was very argumentative. A short while later, the officer saw him kick one of the venue staff members. Named officer #2 and other named officers then grabbed him and began to escort him out. Named officer #2 stated that the boyfriend was yelling and appeared to be intoxicated. As they began to walk him out, the complainant's daughter latched on to the named officers and tried to stop them. Named officer #1 attempted to separate her from the other named officers. The complainant's daughter then punched named officer #1 in the face. Named officer #1 and the complainant's daughter then fell into a nearby barricade. Named officer #2 said he grabbed the complainant's daughter's left arm, performed a bar-arm takedown, and guided her to the ground. Simultaneously, other named officers assisted in securing her in handcuffs. Named officer #2 said there was no time to de-escalate because the event happened too fast.

Named officer #3 said she did not witness how the boyfriend was detained and escorted out of the concert venue. When she went inside, she saw officers engaged in a pushing match with the complainant's

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daughter, trying to place her in handcuffs. Named officer #3 stated that named officer #1 was on the complainant's daughter's back and named officer #2 was controlling her left arm. They were all on the ground. Named officer #3 assisted in handcuffing and escorting the complainant's daughter out of the venue. Named officer #3 recalled having her knee above the complainant's daughter's shoulder blade as she was handcuffed.

Named officer #4 said that when she responded to the location regarding the fight, she saw the complainant's daughter already on the ground on her back. Named officer #4 assisted by holding the complainant's daughter down and turning her around to be placed in handcuffs.

Named officer #5 stated that he saw the boyfriend push an usher. He and named officer #1 and named officer #2 pulled him away from the usher. Named officer #5 recalled holding his arms and placing them behind his back. The boyfriend then calmed down and became compliant when they started walking him outside. The officer said no one took the boyfriend to the ground. He did not witness how named officers #1, 2, and 3 detained the complainant's daughter.

Named officer #6 said that while escorting the boyfriend out, they stopped momentarily within a few meters of the venue's entrance. At that point, the complainant's daughter walked in front of them. The boyfriend became excited and started jumping and running away from him. Named officer #6 said he went to him, grabbed his arm, and continued walking him outside. Once outside, named officer #6 heard named officer #7 tell the person that he was under arrest for public intoxication. They then put his arms behind his back and handcuffed him without further incident.

DPA obtained the named officers' body-worn camera (BWC) footage of the incident as well as the incident report and written statements by the named officers. The BWC footage, written statements, and the incident report were all consistent with the statements the named officers provided during their DPA interviews.

DGO 5.01, "Use of Force Policy and Proper Control of a Person", as revised on 01/22/22, states the following:

A. USE OF FORCE MUST BE FOR A LAWFUL PURPOSE - Officers may use reasonable force options in the performance of their duties, in the following circumstances:

1. To effect a lawful arrest, detention, or search.
2. To overcome resistance or to prevent escape.
3. To prevent the commission of a public offense.
4. In defense of others or in self-defense.
5. To gain compliance with a lawful order.

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6. To prevent a person from injuring themselves. However, an officer is prohibited from using lethal force against a person who presents only a danger to themselves and does not pose an imminent threat of death or serious bodily injury to another person or officer.

The evidence showed that some force was used on the boyfriend during the incident. However, the boyfriend was never taken to the ground and the named officers only held onto him to keep him from fleeing. The evidence further showed that the complainant's daughter assaulted named officer #1 and actively resisted when she was detained for attempting to pull her boyfriend away from officers. Due to her assaultive and resistive behavior, named officer #1 acted within Department policy and DGO 5.01 when she used personal body weapons and techniques to gain control over her. When the complainant's daughter complained about pain in her left shoulder, the officers called for paramedics to check her. Named officer #7 conducted a use of force evaluation and found the use of force was within Department policy. The complainant indicated that his daughter was medically treated the day after the arrest. However, despite multiple requests from the DPA, the complainant did not provide a release that would allow DPA to obtain those records. Based upon BWC footage, interviews, documents, and all of the information DPA was able to collect in this matter, the evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant, his minor daughter, and her boyfriend were involved in an altercation with venue staff at a rock concert. During the altercation a struggle ensued. The complainant said four officers arrived, piled up on her daughter's boyfriend, and handcuffed him. The complainant said his daughter was also tackled to the ground. The complainant stated that his daughter was medically treated for injuries the day after the arrest.

The named officer said he was the event's primary supervisor. He recalled the complainant's daughter and her boyfriend being detained for being involved in a fight with venue staff. He saw witness officers removing them from the concert venue. He recalled officers briefing him about the fight and reporting the use of force. At some point, he saw the boyfriend suddenly jogging and skipping away toward the complainant's daughter. The named officer stated that a witness officer chased him, grabbed his arm, and placed him in a rear wrist lock. The named officer said the subject cooperated, and nothing unusual occurred in the handcuffing. The named officer said he was never involved in the handcuffing and did not have physical contact with the subject. He said that no one took the person to the ground, and he never complained of pain. He recalled the complainant's daughter saying that her arms hurt from being

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handcuffed or placed behind her back. He called for paramedics to the scene to give medical care to the complainant's daughter. He conducted a use-of-force evaluation at the location and reviewed the body-worn camera videos of the incident later at the police station.

DPA obtained BWC footage, and the incident report related to the incident. The BWC footage and the incident report were consistent with the statement the named officer provided to DPA.

The evidence showed that the named officer did not have any reportable uses of force during this incident.

The evidence proves that the accused officer was not involved in the alleged conduct.

SUMMARY OF ALLEGATION #8: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that he saw a couple of officers at the scene laughing and joking about how their fellow officer got punched by her minor daughter.

Witness officers were questioned and denied that the alleged misconduct occurred.

DPA did not see any evidence that officers at the scene were laughing after a thorough review of the BWC footage. The interviewed officers denied witnessing any such behavior.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that her neighbor assaulted her outside her building. She pushed the neighbor off, and two of the neighbor's male relatives attacked the complainant. The complainant then grabbed a metal pole and defended herself. She called the police for help. However, when the police arrived, the named officers detained her without cause, even though she was visibly injured. The complainant said she was later sent to the hospital for a 5150 detention.

Named officer #1 stated that he was taking a report nearby when he was alerted to a fight in progress with weapons. Both named officers #1 and #2 then observed the complainant wielding a broomstick as a weapon and believed that she was an active aggressor in the incident. The officer said the complainant and the neighbor's son had injuries on their cheeks. Officer #2 confirmed that he detained the complainant for further investigations based on the information available at the scene at the time [witness accounts, injuries to the other parties, and observation of the complainant attacking people as the officers arrived]. Officer # 2 stated that after an investigation, he arrested the complainant and another party for assault. Both officers denied that the complainant was detained for a 5150 hold. Instead, she requested an ambulance after being transported to the police station.

Department records indicate that a reportee called 911, reporting a fight with a broom was occurring at the location. The incident report indicates that named officer #2 saw the complainant with a broom in her hands while the other party was yelling and screaming. Officer #2 then detained the complainant, while Officer #1 detained the other party. Ultimately, the complainant and the other party were arrested for assault by Officer #2. The report documents that the complainant went to SFGH for a check-up upon her request and not for a mental health detention.

The body-worn camera captured that when the officers arrived, the complainant held a broom and ran to attack a group of people. It also captured that the complainant was later transported to the station.

Department General Order 5.03 Investigative Detention states that "Reasonable suspicion" is "a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime."

The evidence proves that the named officers had reasonable suspicion that the complainant was the aggressor, holding a broom and chasing after a group of people. Thus, they had reasonable suspicion to detain the complainant. The evidence also shows that a 5150 mental health detention did not occur.

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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 prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant was involved in a vehicle collision. The complainant alleged that the named officer inaccurately put them at fault in their incident report.

The named officer resigned from the Department and could not be interviewed about the incident report he drafted.

A witness officer stated that he was the named officer's Field Training Officer on the day of the incident and said there were multiple corrections the named officer had to make in the incident report. He could not recall what those corrections were.

DPA obtained a copy of the incident report and it showed the complainant was at fault for the vehicle collision. DPA also obtained the named officer's Daily Observation Report. The report stated that the named officer's report had to be heavily corrected, but due to poor grammar and formatting. There is no mention regarding the facts of the accident being incorrect.

No finding could be made, as the named officer is no longer with the Department and therefore is no longer subject to Department discipline and cannot be compelled to give an interview.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During DPA’s investigation, it was discovered that the named officer failed to activate his body-worn camera while enroute to the scene.

The named officer stated that he thought he activated his camera enroute to the call but realized that it was not activated until after he arrived on the scene. The named officer stated that he had problems with his body-worn camera failing to properly activate prior to this incident but had never submitted it for service.

DPA obtained the named officer body-worn camera footage from the incident, and it showed that he activated his body-worn camera after he already met and obtained information from the parties involved in the accident.

Department Bulletin 20-175 states, “When responding to calls of service, with a potential for law enforcement activity or any other mandatory recording circumstances, members shall begin recording by pressing the event button while enroute to arriving on scene.”

Department General Order 10.11 Body Worn Camera, Section A.1 states, “Members shall test the equipment at the beginning of their shift and prior to deploying the Body-Worn Camera equipment to ensure it is working properly and is fully charged.” Section A.4 further states, “If the member discovers a defect or that the equipment is malfunctioning, the member shall cease its use and shall promptly report the problem to their Platoon Commander or Officer-in-Charge.”

The evidence showed that the named officer activated his BWC late in violation of Department Bulletin 20-175 and failed to turn in it for service after realizing it was experiencing technical issues in violation of Department General Order 10.11.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: During DPA's investigation, it was discovered that the named officer failed to activate his body-worn camera while enroute to the scene.

The named officer is no longer with the Department and could not be interviewed.

DPA obtained the named officer body-worn camera footage from the incident. It showed that he activated his body-worn camera after he was already on scene.

No finding could be made, as the named officer is no longer with the Department and therefore is no longer subject to Department discipline and cannot be compelled to give an interview.

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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, a rideshare driver, completed a ride and parked in an airport-designated rideshare parking lot. The complainant fell asleep waiting for his next job. The named officer entered the parking lot and knocked on the complainant's vehicle window to wake him up. The officer told the complainant he was not allowed to sleep in that particular parking area. The complainant stated the officer cited him for having an invalid TCP Permit and did not provide a copy of the citation. The complainant submitted emails from the rideshare company informing the complainant that he was indefinitely prohibited from operating at the airport due to unsafe behavior towards airport staff.

The computer-aided dispatch records showed that a Ground Transportation Compliance Unit responded. The officer indicated that the complainant was argumentative and that he advised the complainant of the parking rules.

The Ground Transportation Compliance Unit enforces the Airport Commission Rules and Regulations, such as removing rideshare privileges. Individual officers do not have the authority to revoke rideshare driver privileges. However, SFO Ground Transportation Unit Officers are responsible for documenting violations, issuing citations, and writing incident reports.

The investigation showed that the named officer did not cite the complaint. The officer cited and advised the complainant that he could not sleep between rides in the designated rideshare area. Later, the Ground Transportation Compliance Unit later took action against the complainant's parking privileges.

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 engaged in an unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant reported that the named officer deactivated his rideshare accounts.

The investigation showed that the Ground Transportation Compliance Unit handles permits for rideshare companies. When a driver receives a citation, the information is forwarded to the Ground Transportation Compliance Unit. Individual officers simply document the violation. The Ground Transportation Compliance Unit determines whether the rideshare driver was operating in violation of the Airport Commission Rules and Regulations, and the process for revoking a permit is completed through that unit or the Airport Commission.

The evidence proves that the officer was not involved.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the officer was aggressive and yelled at him.

The named officer did not recall yelling or speaking aggressively toward the complainant. The named officer recalled attempting to de-escalate the situation by walking away.

Department General Order (DGO) 2.01 Public Courtesy requires officers to treat the public with courtesy and respect.

The investigation showed that airport bureau officers are not equipped with body-worn cameras and no video evidence was available.

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

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SUMMARY OF ALLEGATION #1: The officer failed to provide the required information.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant witnessed her brother being placed under arrest by the officer. She alleged that the officer failed to provide the reason they were arresting him.

The named officer stated that he told the complainant's brother and family members that were present at the time of the incident that he was acting on an outstanding arrest warrant for the complainant's brother. The named officer stated that he was unable to physically furnish a copy of the arrest warrant because the warrant information could only be viewed from the computer in the officer's patrol vehicle.

The DPA obtained the named officer's body-worn camera (BWC) footage from the incident. The footage showed the named officer informed the complainant and other bystanders that he was acting on an outstanding arrest warrant for the complainant's brother. The footage also confirmed that the named officer showed the complainant's brother the arrest warrant information displayed on his patrol vehicle's computer after he was taken into custody. DPA also obtained a copy of the corresponding incident report. The report showed that the complainant's brother had two active warrants at the time of his arrest. The warrant numbers were documented in the incident report.

The evidence showed the named officer took the complainant's brother into custody because he had outstanding arrest warrants. The named officer was unable to physically present a copy of the arrest warrant when he detained and arrested the complainant's brother. However, the evidence showed that he presented the warrant information to the complainant's brother once he was in custody.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer failed to Mirandize her brother.

The named officer stated that he did not need to Mirandize the complainant's brother because he was not detained for questioning by him or other officers. The named officer stated he took the complainant's brother into custody for the outstanding warrant for his arrest.

The purpose of *Miranda* rights is to protect individuals suspected of criminal activity against self-incrimination during interviews with law enforcement. *Miranda* warnings must be given when there is custodial interrogation by law enforcement officers.

The obtained body-worn camera footage showed that the complainant's brother was not questioned by officers about a crime while in their custody.

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 used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said she followed the officers as they left the scene and took her brother into custody. She alleged that the officer used unlawful force against her by grabbing her while she was following them.

The named officer stated that he did make physical contact with the complainant with his hands and chest. He stated that was not trying to grab the complainant with his hands, nor did he try to place any physical hold on her. The named officer tried to block the complainant's path because she was following the officers too closely, in a way that jeopardized the safety of her brother and officers who were descending a narrow flight of stairs.

The named officer's BWC footage showed that a supervising officer ordered him to hold back anyone pursuing the officers and the complainant's brother, just before they started to descend a flight of stairs. The footage showed the named officer telling the complainant to "stay back." The complainant responded, "Man move!" and proceeded to move forward. The named officer made initial physical contact with the complainant with his lowered hands, due in part to the complainant advancing towards him.

The evidence showed that the named officer's actions were necessary to maintain the safety of the complainant's brother and the officers that were escorting him. Additionally, a supervisor ordered the named officer to keep the bystanders back only while they were descending the stairs.

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 interfered with the rights of onlookers.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer knocked her phone out of her hand while she tried to follow, and video record the officers taking her brother into custody.

The named officer stated that he did not intend to knock the complainant's phone out of her hand and prevent her from video recording. He stated that the complainant's phone was knocked out of her hand inadvertently when he tried to block her pursuit of the officers and her brother down a flight of stairs.

The DPA obtained video footage from the complainant. The footage showed that the complainant was allowed to video record the officers taking her brother into custody. The footage showed the complainant's phone coming out of her hand when the named officer blocked her from following the officers and her brother while they were descending the stairs. DPA also obtained a witness officer's BWC footage of the incident. The footage showed the complainant advancing toward the named officer, who was trying to block her path. The two parties came in contact with one another, and her phone fell out of her hand. It did not appear that the named officer intentionally knocked the phone out of her hand.

Department General Order 5.07, "Rights of Onlookers", Section A. Witness Stops, Detentions, Arrests states, "It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions, and arrests of suspects occurring in public areas, except under the following circumstances: 1. When the safety of the officer or the suspect is jeopardized."

The evidence showed that the named officer blocked the complainant's pursuit in order to safeguard the complainant's brother and the escorting officers only while they descended a set of stairs. Her phone was accidentally knocked out of her hand in the process.

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 in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer repeatedly accused her of involvement in a crime despite the victim of the crime telling the officer the complainant was not involved.

The named officer denied repeatedly accusing the complainant of a crime. The named officer, during an investigation unrelated to the complainant in a retail store, was told there were several people on the premises causing trouble. The named officer stated he had had previous interactions with the complainant and knew she had been involved in previous incidents similar in nature to the crime he was investigating. The named officer asked the crime victim if the complainant was one of several suspects and was informed, she was not. The named officer stated he explained this to the complainant.

Body camera footage shows the named officer spoke to the victim, who told the officer she wanted several people removed. The named officer asks once about the complainant and is told she is not involved. The complainant asks the officer why he pointed at her. The named officer explains to the complainant that he had asked if she was involved and was told she was not.

SFPD documents related to the incident the named officer was investigating do not detail his interaction with the complainant.

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 conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer unlawfully entered his residence. The complainant declined to be contacted for an interview.

The named officer believed he had a lawful reason to enter the complainant's apartment because the complainant's mother indicated that the complainant had threatened to end his life by jumping off a bridge or overdosing on pills. Officers eventually entered to check the complainant's well-being and to determine whether he needed emergency medical attention. This was also explained to the complainant. Before entering the residence, officers rang the doorbell, and tried to reach complainant via his cell phone, without success. Finally, the named officer reviewed his body-worn camera footage and stated that it appeared to show that he knocked once on the complainant's door before opening it.

A witness officer was interviewed regarding their response to this incident. The witness officer stated that the call for service was made by the complainant's mother, who stated that the complainant was suicidal. Officers tried multiple times to contact the complainant via his building's callbox; however, the calls went straight to voicemail. The officer reviewed their body-worn camera and could not see if the named officer knocked from their vantage point; however, the witness officer could hear another officer announce themselves in the hallway. The witness officer detained the complainant for a mental health detention as the complainant stated that he had suicidal ideations and that he struggled with anxiety and depression. This was explained to the complainant several times.

Body-worn camera footage showed the named officer announcing himself and opening the complainant's door as it appeared to be unlocked. The complainant then stepped into the hallway to speak with the officers. The named officer was also viewed telling the complainant that officers were there for a well-being check and that it took 15 minutes to enter the building. The named officer further stated that he checked the doorknob, realized it wasn't locked, and attempted to announce himself. Lastly, the named officer informed the complainant that the law authorized them to break down his door if they feared he was harming himself.

Computer-aided dispatch (CAD) was also requested to investigate this complaint. The complainant's mother requested a call for service regarding her son calling, threatening to commit suicide, and no longer answering her calls. The complainant's mother also requested a wellness check and possible admission for care due to the complainant's depression which included prior thoughts and attempts to commit suicide. The complainant's mother shared that the complainant, who was alone, would need to let officers into the building as there was a callbox at the entrance.

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Department General Order 6.10(C)(1)(d) states that certain exigent circumstances require an immediate search by officers. In this case, the exigent circumstances pertained to a person requiring immediate medical attention.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant raised the issue that officers did not explain the nature of the Bench Warrant. The named officers stopped the complainant at her vehicle to inform her of her arrest but did not tell the complainant why the warrant was issued.

The named officers were assigned to their district's housing unit on the date of the complaint. Their responsibilities were to field calls for service and patrol within the public housing developments in the district. Additional responsibilities included observing the conduct and places of frequently known and suspicious persons. Near the beginning of their shift, Named Officer #1 conducted multiple records checks of wanted subjects on their patrol vehicle's computer. The complainant's name was one of them due to a felony warrant that she had at the time. While on patrol, both officers observed the complainant in the front passenger seat of a vehicle. The named officers exited their vehicle to place the complainant under arrest. The named officers were familiar with the complainant due to her reported involvement in prior incidents. The officers stated that they told the complainant multiple times that her arrest was due to an outstanding warrant. They also allowed the complainant to view their patrol vehicle's computer screen, which displayed the warrant information.

Body-worn camera footage was requested and viewed for this complaint. Upon exiting the vehicle, the officers told the complainant she was being placed under arrest due to a warrant. The complainant denied having a warrant; however, officers proceeded to arrest her. The officers allowed the complainant to place a call regarding her arrest before she was transported in their patrol vehicle. During the transport, the officers reviewed the warrant on their patrol vehicle's computer and further explained the nature of the warrant. The complainant acknowledged a prior warrant in the footage and believed it might have been issued for a previous case. The officers did not provide any further clarification.

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 displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant alleged that the named officer harassed and used intimidation during previous arrests.

Body-worn camera footage showed that the complainant stated that a different set of officers had arrested her for a prior warrant. The arresting officers for this incident denied arresting the complainant for the previous incident as they were not present at the time of that arrest. The officers suggested that the named officer may have been the previous arresting officer, to which the complainant agreed.

A search of the complainant's arrest history found no contact between her and the named officer.

There is no record of the named officer ever arresting the complainant.

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

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

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

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

FINDINGS OF FACT: The complainant stated he worked an evening shift as a ride-share driver. While waiting for a passenger, he saw two police officers in full uniform inside a bar, chatting and playing pool. He watched them for about ten minutes and saw they were "just having fun," so he called Police Dispatch to report them. He stated, "I witnessed one of the officers chatting with one of the female waitresses from that place, and he was just very, very friendly with her, a little too close to her as well. And he kind of gave her a hug or similar to a hug, when he touched her right arm while he was talking to her." After making the phone call, the complainant said the two officers left the bar in their patrol vehicle. A short time later, two Police Sergeants arrived to speak to him about the two officers.

The bar is located in an area known for prostitution. Security footage was obtained from inside the bar. The footage showed that the named officers arrived together at the bar and remained inside for 42 minutes. While the officers were inside the bar, patrons received lap dances, and strippers performed an act that involved removing almost all clothing.

The security footage showed the named officers playing pool together and with other patrons. Officer #1 hugged a female with her hands around Officer #1's waist while talking. Officer #1 also appeared to kiss a female on the lips. Officer #2 is seen hugging a female bar worker and putting his head on her chest. Officer #2 and a female spoke while touching each other's arms. Officer #2 intertwined his fingers together with a female.

Also, while speaking to female bar workers, Officer #2 unzipped his bulletproof vest and showed the females his chest. While speaking together, Officer #2's and the females' heads and bodies are pulled together with arms on each other. While this occurred, Officer #1 walked over and sat on the pool table to watch Officer #2 and the females. Officer #1 made a gesture as if he was firing a pump action shotgun at Officer #2 as Officer #2 had his bulletproof vest unzipped.

Officer #1 confirmed that he attended the bar with Officer #2 at the time of the complaint. He was unsure how many times he had visited the bar before. Officer #1 said the bar was in an area of the city known for violence and prostitution and had recently been in the local news for these reasons. He said he was not at the bar for a call for service but for community engagement. He also confirmed he was not on a meal break.

Officer #1 initially stated he only stayed in the bar briefly and played pool. He did not recall hugging anyone. He said, "To the best of my recollection, came in, I think I just went to the pool table and was maybe like just shooting around a little bit. I noticed my partner was at the entrance, and I believe he was

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talking to the manager." He also stated, "Then, I think we went back to, my partner went back to talk to the manager and the female worker. Then I think I was still at the pool table, and then I believe a call had come out, and then we heard that, and then we left." Officer #1 denied engaging in physical touching and did not recall seeing Officer #2 physically touching anyone.

After viewing the security footage, Officer #1 admitted he and a female bar worker did have their arms around each other. However, Officer #1 said it was a hug and was not inappropriate. He continued to deny kissing the female bar worker. He admitted it was inappropriate that the female had her hand on his waist but minimized the officer safety issue this caused. Officer #1 said the female's hand "was on the opposite side of my gun, and maybe she was just trying to move past me."

Officer #2 confirmed that he attended the bar with Officer #1 at the time of the complaint. He confirmed that the bar is located in a known area for prostitution. Officer #2 said he regularly goes to the bar while on duty as he has a rapport with the manager. He explained that he goes to the bar to engage in community policing. He confirmed he was not on a meal break.

Officer #2 was initially evasive when asked if he had physical contact with bar workers, stating, "I don't recall anything like that, but like I said, we are friendly with them, so maybe; it's possible." He said he had no recollection of what he did in the bar at the time of the complaint. He denied seeing any lap dancing at the bar but admitted to playing pool on other occasions.

After viewing the security footage, Officer #2 admitted to playing pool but said it was part of community policing. He said he did not remember hugging a female staff member or know why he unzipped his bulletproof vest. When asked about intertwining his fingers with the female bar worker, Officer #2 said, "It's more like a handshake. See, we just kind of clasped hands." He denied acting inappropriately.

Witness Officer #1 was a supervisor at the named officer's station and was one of the sergeants that spoke to the complainant on the night of the incident. He described speaking to the complainant, who told Witness Officer #1 that he called because two officers were inside the bar, playing pool and flirting with a woman. Witness Officer #1 described admonishing the two officers later at the Police Station. The named officers said the bar owner liked them at the bar. They admitted to playing pool. Witness Officer #1 later wrote a memo to the Station Captain describing the incident.

Witness Officer #1 described the bar as a "dive bar" and "not a place San Francisco police officers should be in uniform." He said the bar was located in an area recently in the news because of prostitution.

Witness Officer #1 was shown the security footage from the bar. He said he was unaware the two officers were inside the bar for 42 minutes; "That absolutely disgusts me. It just surprised me; that's the first I've heard of that. I didn't know they were there for that long." His response to seeing footage of the activities inside the bar was, "I had no idea. That's disgusting."

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Witness Officer #1 said that the actions of the two named officers were not community policing. He said, "This is not community engagement... This is a bar. This is where, somewhere, you go on like Spring Break or on a Friday night. Not on taxpayer's money.... not dressed in full police uniform." Witness Officer #1 also explained the serious officer safety concerns of unzipping a bulletproof vest and allowing members of the public to put their hands near an officer's tool belt. These concerns were magnified by the location of these actions in a bar in a high-crime area.

Witness Officer #1 said, based on what he had seen in the security footage, the named officers lied to him when he spoke to them at the Police Station later that evening.

Body-worn camera footage captures Witness Officer #1 attending the bar and speaking to the complainant.

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

The evidence shows that the named officers attended a bar of ill repute in an area known for crime and prostitution. While there, they engaged in inappropriate flirting behavior with female staff members. When spoken to, the officer minimized their behavior and argued they were engaged in community policing.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The named officer was a supervisor at the named officers' station and was one of the sergeants that spoke to the complainant on the night of the incident. He described speaking to the complainant, who told the named officer that he called because two officers were inside the bar, playing pool and flirting with a woman. The named officer described admonishing the two officers later at the Police Station. The officers said the bar owner liked them at the bar. They admitted to playing pool. The named officer later wrote a memo to the Station Captain describing the incident.

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Body-worn camera footage captures the named officer attending the bar, speaking to the complainant, and conducting an investigation.

Department records showed that the named officer wrote a memorandum to the District Captain detailing the investigation and supervisory actions taken against the officers at the bar. These actions included a verbal admonishment and an order that the officers could not return to the bar unless there were a call for service or other official department business.

Department General Order 1.04 Duties of Sergeants (I)(A)(1)(c) states, "Require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur."

The evidence shows that the named officer conducted an investigation, spoke to and admonished the officers involved, and escalated the issue to senior management for further consideration.

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

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to comply with Department General Order 1.03.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The named officers admitted they did not inform Dispatch of their whereabouts when they attended the bar.

Department records showed that Dispatch broadcast a Priority A call while the named officers were inside the bar playing pool. The call showed a home invasion burglary in progress was reported one and a half blocks away from the bar. The document recorded that the named officers were backup officers after another police unit called to respond to the location.

Security footage was obtained from inside the bar. The footage showed that the named officers arrived together at the bar and remained inside for 42 minutes. As Dispatch broadcast the Priority A call on the radio, the named officers were playing pool. Officer #2 can be seen listening to the radio while Officer #1 plays pool. Officer #2 delayed calling up on the radio for four minutes until after another unit had responded to the call. Only then did the named officers stop playing pool and leave the bar.

Witness Officer #1 stated that although the bar was within the district the named officers were assigned to, they were not assigned to patrol that particular sector of the district. Witness Officer #1 also stated that

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the named officer should have responded to the call immediately. He said, "They were right down the block; they should come up for that immediately," and "It's a lot closer to anyone else would probably be at that time."

Department General Order, 1.03 Duties of Patrol Officers (I)(A)(1)(a), states, "Patrol Officers shall...Patrol their assigned areas and remain in constant contact, except in case of emergency, detail, or assignment."

Department General Order, 1.03 Duties of Patrol Officers (I)(A)(8), states, "Patrol Officers shall...a) Respond promptly to assigned calls, regardless of the area of assignment...b) When in the vicinity of a serious incident, respond and render assistance to the unit assigned."

The evidence shows that the officer failed to remain in constant contact when they failed to update Dispatch with their current location at the bar. The evidence also shows the officers failed to respond promptly to the Priority A call for a serious crime less than two blocks from their location. Instead, they continued to play pool until another unit responded to the call first.

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

SUMMARY OF DPA-ADDED ALLEGATION #3: The officer failed to comply with Department General Order 2.04

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: Department General Order 2.03, Complaints Against Officers, 3A Receiving a Complaint states, in part, "2. Form Preparation. If the complaint is against an officer, prepare a DPA Complaint Form (SFPD/DPA 293)."

DPA and Department records show that the named officer did not prepare the required form.

BWC showed the named officer attended the incident scene and interviewed the complainant. During the interview, the officer asked the complainant if he wanted to complain to the DPA formally. The complainant refused.

Department records showed that the named officer wrote a memorandum to the District Captain detailing the investigation and supervisory actions taken against the officers at the bar. These actions included a verbal admonishment and an order that the officers could not return to the bar unless there were a call for service or other official department business. Another memorandum from the District Captain to the

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Acting Deputy Chief documented the captain's request that the incident be forwarded to Internal Affairs for action.

The evidence shows that the complainant refused to make a formal complaint against the officers at the bar. As such, the named officer never "received a complaint" and was not required to complete the DPA Complaint Form. However, the named officer did go on to refer the matter to the senior-ranking officer for the station. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

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

Both named officers stated that they had insufficient probable cause to arrest the complainant's neighbor.

Body-worn camera (BWC) footage showed that the complainant told the named officers that her neighbor had violated a Civil Harassment Restraining Order (RO) by ramming and causing damage to her door. The complainant showed the named officers a copy of the RO and provided a doorbell camera video, which showed the complainant's neighbor ramming the complainant's door with a walker. The named officers called a sergeant, who advised the officers to get a citizen's arrest, take a statement from the complainant's neighbor, and write a report. The sergeant told the officers not to take the complainant's neighbor to jail due to her age and risk of Covid exposure. BWC showed that the named officers attempted to contact the complainant's neighbor (whose residence was located across and down the hall from the complainant's residence), but the complainant's neighbor opened the door, quickly slammed it shut, and refused to open it again. The complainant signed a citizen's arrest form.

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

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

The evidence shows that though the complainant's neighbor potentially violated the RO, the named officers could not take a statement from the complainant's neighbor or make an arrest because the complainant's neighbor remained inside her apartment. The officers did not have the authority to enter the apartment to arrest the complainant's neighbor without an arrest warrant. Even if the complainant's neighbor had opened the door, the named officers retained discretion on whether or not to make a custodial arrest, and the named officers' sergeant instructed them not to do so. The DPA found that the

named officers took appropriate investigative steps by attempting to contact the complainant's neighbor and by documenting the incident in a report.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

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

Body-worn camera (BWC) footage showed that the complainant told the named officer that her neighbor had violated a Civil Harassment Restraining Order (RO). The complainant showed the named officer a copy of the RO and provided a doorbell camera video, which showed the complainant's neighbor approaching the complainant's door and making an unknown statement in another language. The named officer called a sergeant, who advised the officer not to contact the complainant's neighbor but to document the incident in a report and forward the report to Adult Protective Services (APS). BWC showed that the complainant signed a Citizen's Arrest form.

Department records indicated that the named officer documented the incident in a report, which accurately described the incident as seen on BWC footage. The named officer spoke with APS about the incident.

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

Based on the above evidence, it was not clear whether the complainant's neighbor violated the RO by making an unknown statement outside of the complainant's door. The evidence shows that the named officer's sergeant instructed him not to contact the complainant's neighbor but to document the incident in a report and forward the report to APS. The named officer followed his sergeant's instructions.

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 stated that the named officer failed to provide her with a copy of the Citizen's Arrest form.

Body-worn camera (BWC) footage showed that the complainant signed a Citizen's Arrest form. The complainant asked the named officer if she got a copy of the form, and the named officer told the complainant that the form gets attached to the report. The named officer did not give the complainant a copy of the form.

Department records indicated that the named officer documented the incident in a report and attached the Citizen's Arrest form to the report.

Department General order 5.04, Arrests by Private Persons, states that the completion of a Citizen's Arrest form is only required "if an arrest is made." Under those circumstances, officers are responsible for providing the person making the arrest with a copy of the form.

In this case, the named officer did not make an arrest and was therefore not required to complete a Citizen's Arrest form, although he appeared to do so as a courtesy to the complainant. Because there was no arrest and a Citizen's Arrest form was not required, the named officer was not required to provide the complainant with a copy of the form.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant has a restraining order against her former partner. The complainant alleged that her former partner violated the restraining order on different occasions by having people follow and harass her, setting up fake in-person meetings, and making fraudulent job offers. The complainant went to a district police station to report the violations. The complainant alleged that no one from the station did anything to arrest the person.

Court records showed that the complainant applied for a restraining order on September 28, 2022. The Superior Court of San Francisco granted and filed the order on October 14, 2022. The complainant's partner was served with the order that same day.

DPA sent an ID Poll to the district station in question in an attempt to identify the officers involved. The ID Poll produced negative results.

The officers could not be reasonably identified.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said the officer pushed him on the left shoulder and shoved him for no reason. He said he was not blocking the named officer and considered the contact an assault because he was not posing a threat.

Body-worn camera footage showed that the officer did not shove or assault the complainant. After the officers explained to the complainant that they could not get involved in the complainant's civil matter, they attempted to enter their patrol vehicle. The complainant stepped away from the patrol car door but did not move far enough to clear it. The named officer asked the complainant to move before he touched the complainant's upper arm and moved him to open the door without hitting the complainant.

The physical contact was incidental to avoid bumping into the complainant rather than a use of force. No assault occurred and the named officer's action did not rise to the level of misconduct.

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

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers refused to look at text messages proving a violation of a custody agreement, refused to conduct a visual wellbeing check, and refused to provide information on how to request body-worn camera footage. The complainant felt that the officers were purposefully evasive because he had previously filed a complaint.

Body-worn camera footage showed that the officer reviewed the complainant's text messages and then went to the child's residence to conduct a wellbeing check; however, there was no answer at the door. The complainant was unable to find a copy of the court order and the officer referred him to family court.

Department records showed that a miscellaneous report was generated and documented that the complainant's former spouse had custody of the child and was not in violation of the court order.

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The officers complied with Department policy. The complainant's request for a wellbeing check did not provide legal justification to enter his former spouse's residence without a warrant. Additionally, officers are not required to facilitate public records requests while responding to calls-for-service.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he was involved in a vehicle collision and that he perceived the other driver to be intoxicated. The complainant stated the named officer failed to arrest the other driver for DUI.

The named officer stated he assessed the other driver for objective signs of intoxication but that he did not observe any that would lead him to conduct Field Sobriety Tests or a full DUI investigation. The named officer stated he did not smell an odor of marijuana or an alcoholic beverage on the other driver or inside the other driver's vehicle. The named officer stated the other driver became emotional and seemed a little "shaken up," which named officer attributed to the fact that the other driver's young daughter was on scene and in the vehicle during the collision.

Witness officers stated they spoke to the other driver and did not observe any objective signs of intoxication.

Department records indicated that the complainant reported to Dispatch that the other driver smelled like marijuana and was driving recklessly.

Body-worn camera (BWC) footage showed that the complainant told the named officer that he thought the other driver was "drunk." BWC footage showed that the named officer and multiple witness officers spoke to the other driver during the incident, but they did not conduct Field Sobriety Tests or a full DUI investigation. BWC footage showed that the other driver began to cry as he stood on the sidewalk, and when the named officer asked him if he was ok, the other driver expressed concern for his young daughter (who was on scene and was in the vehicle during the collision). BWC footage showed that the named officer facilitated an exchange of information between the complainant and the other driver, and all parties were free to leave the scene.

DPA's investigation showed that although the other driver was emotional, which could be perceived as a sign of intoxication, this was reasonable given that the other driver's young daughter was on scene and involved in the collision. There was no other evidence showing that the other driver may have been intoxicated. Because officers retain discretion on whether to conduct DUI investigations and make DUI arrests based on their observations, the DPA found that the named officer's conduct at this scene was appropriate. 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 prepare an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was involved in a non-injury vehicle collision. The complainant stated that he asked for a collision report, but the named officer failed to write one.

The named officer stated that he did not prepare an incident report because the collision did not involve any injuries.

Body-worn camera footage (BWC) showed that the named officer responded to a vehicle collision and that none of the parties involved reported any injuries. BWC footage showed that the named officer facilitated an exchange of information between the involved parties.

Department General Order 9.02, Vehicle Accidents, establishes policies regarding the investigation of injury and non-injury vehicle accidents. It states that officers are not required to investigate or report non-injury (property damage) vehicle accidents unless they meet the following criteria:

1. Vehicle accidents resulting in death or injury.
2. All hit and ran vehicle accidents resulting in death, injury or property damage.
3. All runaway vehicle accidents resulting in death, injury or property damage.
4. All vehicle accidents involving a city-owned vehicle or damage to city-- owned property.
5. All school bus accidents.
6. All vehicle accidents involving an arrest.

The investigation showed that the collision did not involve injuries or any of the above-listed criteria which would require an incident report. The named officer properly facilitated an exchange of information in compliance with Department policy.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer was rude to him when he told him to leave the scene.

The named officer stated that he was not rude to the complainant.

Body-worn camera (BWC) footage showed that the named officer was courteous and professional towards the complainant during the entirety of the encounter. BWC footage showed that the named officer gave the complainant the other driver's information, told him he was "good to go" and asked him if he had any questions. The complainant replied, "no," and left the scene.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated she called 9-1-1 because the building manager pushed her. The named officers responded and gave her a report number to document the incident. At that time, the complainant did not request a copy of the report because the issue was resolved when the building managers were fired and evicted. The complainant recently requested a copy of the report but was told there was no report and only a CAD number.

One officer did not recall many details of the incident, because it happened several years ago. Based on the CAD notes, the complainant was provided a CAD number to document that the police were called for a dispute. He did not recall the complainant requesting a report and stated that there was no evidence of any physical assault, violence, or crime. The second officer resigned and was no longer available to be interviewed.

Records indicated that the complainant reported being uninjured, and that there was no evidence of a physical assault or crime. Also, due to the lapse between the incident and when the complainant filed the DPA complaint, no body-worn camera was available.

Due to the time lapse, there was insufficient evidence to determine whether an incident report was necessary for this incident.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was assaulted by his roommate, who hit him multiple times in the face and injured his foot with the door. He said he told the named officers he wanted to press charges, but officers did not arrest or cite his roommate.

Both named officers stated that the complainant did not request to press charges against the roommate. Instead, the complainant said, "There needs to be a record of this. That's all I want."

Department records indicate that a police report was filed documenting the incident.

Body-worn camera footage captured that named officer #1 asked the complainant whether he wanted to press charges, and the complainant said, "Something needs to be done about it" and "There needs to be some record of this, and that's all I want."

The evidence proves that when named officer #1 asked if the complainant wanted to press charges against the roommate, he said he only wanted a record of it.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he gave the officers a statement when they first arrived on the scene. Then the officers went to interview the roommate for two hours. After they returned, they took pictures of the complainant's injuries but did not take a written statement from him. Named officer #1 stated that the complainant provided his statement to both named officers and stated that he got smashed by the door and punched in the mouth. Then the officers obtained a statement from the roommate who told him the complainant was trying to enter her bedroom by pushing the door in, and she did not want him to. She then pushed on the door to prevent the complainant from entering her room. The officer asked if the roommate punched the complainant in the face, and she said she did not. The officer also looked for security camera footage with negative results.

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Named officer #2 confirmed taking a statement from the complainant upon arriving on the scene. He said no injuries were observed from the complainant, but named officer #1 took photos of the complainant. The officer asked if the complainant needed any medical assistance, and at first, he said, "I think I'm good. I'm not bleeding or anything," then later complained of pain in his left foot. Both officers said no probable cause existed for the arrest.

Department Records indicate that the complainant was incoherent while providing his statement to the officers. He stated that he lives with a prostitute who is running a sex trafficking ring from their apartment and then said his roommate "shot someone in Louisiana" but failed to elaborate on his statement. The complainant said he was punched in the face once but later changed his statement and said he was punched twice but could not remember where on his face.

The records indicated that the officers took both parties' statements separately, looked for security cameras and witnesses, and took pictures of the complainant's injuries, even though the complainant initially said he was uninjured. The incident report documented that based on the complainant's changing statements, the roommate's statement, the complainant's inability to recall where he was hit and expressing incoherent and delusional statements, lack of visible injuries, witness, and security camera footage, named officer #2 was unable to determine a battery occurred.

Body-worn camera footage captured that the complainant gave both named officers his statement upon the officers' arrival and refused medical attention. The officers then spoke with the roommate, who told them the complainant had lived in her apartment while she was the only leaseholder. She said the complainant had been harassing her, broke the sink area earlier that day, and she did not feel safe in her bedroom. She said the complainant was trying to open the door of her bedroom, and she closed the door on him while he screamed, "You're assaulting me." The roommate denied punching the complainant.

The footage also shows no injuries to the complainant's face.

Medical records indicate no significant or visible facial/head trauma, but blood was present on the complainant's big left toe.

The evidence proves that the named officers obtained statements from both parties, asked him whether he needed an ambulance, took pictures of his injuries, and looked for security cameras and independent witnesses. However, the officers were unable to find probable cause for the arrest.

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

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

CATEGORY OF CONDUCT:

FINDING: U

FINDINGS OF FACT: The complainant said the roommate's statement did not match what was said in the report. He alleged that the officer left out anything true and gave a fabricated story that the complainant was inconsistent on the incident report.

The named officer stated that the police report reflects a factual account of the incident and accurately reflects his preliminary investigation.

The witness officer also confirmed that the police report was factual.

Department records indicate that the complainant gave incoherent and delusional statements that the roommate was running a prostitution and sex trafficking ring from their apartment and that the roommate "shot someone in Louisiana" besides telling the officers about what happened that day. It also recorded that the roommate was crying uncontrollably when being interviewed by the police and told them the complainant had been harassing her for an extended time. She did not feel comfortable around him.

Body-worn camera footage captured that the complainant did make numerous random statements and accusations about the roommate without providing any actual or further evidence. The footage also captured the roommate's side statement of the incident, which included being sexually harassed by the complainant, eventually leading up to the incident.

The evidence shows that the incident report accurately reflects what was captured in the body-worn camera footage and was a truthful account of the incident. The evidence proves that the conduct alleged did not occur in this case.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant said he left over a dozen messages with the Special Victim Unit, and no one has contacted him.

The named officer stated that he was assigned to investigate the case and review the evidence. He stated that he made contact with the victim of the sexual assault but did not initially contact the suspect because

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it would have jeopardized the investigation. He said he attempted to contact the complainant but was unable to reach him. The officer also stated that the primary officers could not determine if a battery had occurred, and there was no evidence of domestic violence.

There were no department records indicating the calls made to the complainant.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said in the same complaint that he received a call from an unknown number last December, but the person did not identify themselves but said they were from SVU. The person was rude on the phone and hung up on him.

The named officer denied contacting or speaking with the complainant in December.

There were no department records indicating any calls or follow-ups made in December.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that he sustained injuries from an attempted homicide through torture using technology. He stated that an unknown male made eye contact and moved a chess piece while waiting in the hotel lobby. He added that he submitted 75-100 pages of evidence to SFPD. However, the officer still refused to investigate.

The named officer stated that the complainant completed two written statement forms detailing suspicious incidents and a multi-page statement including life chronicles of his dating life and academic pursuits in Berkeley as evidence. She said the complainant said he had been "injured neurologically" without anyone touching him and did not require medical attention. The officer also did not see any visible injuries to him. The officer determined that this incident did not meet the criteria for the immediate assignment of an investigator and therefore did not forward it to another department. The officer did not contact the complainant regarding the case.

A witness officer was a supervisor in the Department responsible for case assignments. He said careful consideration must be made regarding which cases warrant assignment due to a shortage of investigators. The determination factors include independent witnesses, physical evidence, violence, etc.

Department records indicate a report regarding the complainant's incident in the elevator at another hotel was made. An unknown male gave him an uncomfortable feeling. The fire alarm was then set off, and the complainant felt suspicious. On a previous date, the complainant said he saw an unknown male who made eye contact and moved a chess piece on a board in the hotel lobby. He believed he was followed. The complainant stated that he had been injured neurologically without anyone touching him.

The supplemental Incident Report states that the complainant went to the station and provided a USB stick containing MRI images from a medical appointment. However, the files inside the USB cannot be opened.

Department Bulletin 20-107 Case Assignment for Investigation states, in part, "When assigning cases for investigation, staffing levels and the following factors should be considered: The severity of the crime; The solvability of the crime; The presence or lack of physical evidence; Whether the case is part of a crime series; Other articulable reason for assignment....Cases warranting investigation under these criteria shall be assigned to a specific Investigator. The remaining unassigned cases will be administratively filed as Open/Inactive and may be activated at the discretion of the Lieutenant when new information is presented related to the above list of factors."

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The evidence proves that the named officer took the report. However, the complainant failed to provide actual evidence or record to show that he was indeed injured and could not provide any proof that someone attempted to injure him. Thus, the officer did not have any evidence to start the investigation after taking the report.

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: PC

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

The named officer stated that the complainant provided evidence unrelated to the case.

Department records show that the complainant did not provide evidence or proof that he was or would be injured during the incident or any potential crimes.

The evidence gathered proves that the complainant did not provide sufficient evidence for officers to investigate the incident further.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that no investigators were assigned to this case, and he made several phone calls to the Department but did not receive any response.

ID Polls were sent to the station to try and identify any officers who had received phone calls from the complainant with negative results.

The witness officer stated that officers are assigned to investigate cases based on the Department's general

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guidance and criteria. However, based on the details of this case, he said this case would not be assigned because there is no mention of a crime being committed.

Department records show that the complainant did not provide any suspect description or evidence proving his injuries or crimes committed for the case to be assigned for further investigation.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to properly investigate his reports of robbery and cyberstalking.

The named officer stated that he was assigned to investigate the complainant's robbery report. The named officer had no knowledge of the complainant's cyberstalking report. When asked what investigative steps he took in this case, the named officer stated that he assigned the case to a PSA for follow-up, he read the incident report and the complainant's written statement, he reviewed the evidence gathered, and he reviewed the PSA's Chronological of Investigation and case file. The named officer stated that there was no video capturing the incident or possible suspects, so he recommended that the case be closed as "open/inactive."

Department records indicated that a PSA conducted a preliminary investigation regarding the complainant's robbery report. Department records indicated that the PSA attempted to locate video footage of the incident and identify the suspects involved with negative results. Department records indicated that the named officer reviewed the case file and requested that the case status be "open and active until further evidence/information/witnesses are found." Department records indicated that the complainant's report of cyberstalking was not forwarded to the investigations division for follow-up.

The evidence showed that the named officer took appropriate investigative steps and determined that the case should remain open and inactive pending new evidence.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she reported a crime and the named officer failed to properly investigate the alleged crime, did not seize important evidence, and did not interview the suspect. The complainant stated the case had been closed.

The named officer stated that all the alleged victims were interviewed. The named officer stated that there was not enough evidence to continue the investigation at this time. The named officer also stated that he did not interview the suspect to preserve the integrity of the case. The named officer stated the case is not closed but is inactive pending the emergence of further evidence.

SFPD documents show that the alleged victims, who were interviewed by a trained specialist required by the nature of the alleged crime, did not provide consistent versions of events and did not corroborate the initial allegation. The documents indicated that there was no physical evidence presented as the reported crime occurred in the past. The records showed that the named officer submitted the investigation to the District Attorney's Office, which determined there was not enough evidence to proceed with charging the suspect. The case is still open pending further evidence.

The named officer did investigate based on the information he received. There was not enough evidence to proceed, and the case has been put as inactive status pending collection of additional evidence.

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

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SUMMARY OF ALLEGATION #1:

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: An officer knocked on the complainant's campervan to advise him about a 72-hour parking rule. The complainant stated that San Francisco Municipal Transportation Agency should have facilitated the 72-hour enforcement advisement rather than police officers.

The Department of Emergency Management records showed officers were dispatched to investigate reports that a man was living inside a van in a residential neighborhood. The officers were assigned to investigate a suspicious vehicle and provide notice of the City's 72-hour parking restriction.

Body-worn camera footage showed that the named officer knocked on the complainant's campervan and asked to speak with the complainant. The officer said that neighbors had complained and explained the 72-hour parking rules. The officer answered the complainant's questions and provided his badge number. The complainant said that he would not move his car. The officer explained that he was providing notice anyway and that he was required to post a 72-hour notice sticker onto the van window.

Department General Order (DGO) 1.03 requires officers to respond promptly to assigned calls and take enforcement action when needed. The officer was assigned to investigate and provide notice of the 72-hour parking restriction.

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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer harassed his dog by whistling inappropriately at it.

Body-worn camera footage showed that the named officer kept his distance from the complainant's dog and did not whistle. The complainant's dog barked at officers from inside the van through a closed window.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 02/03/23

COMPLETION DATE: 05/25/23

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the father of her children borrowed her vehicle and was subsequently the victim of a crime. She stated that a police officer informed her that her vehicle was involved in a crime and being towed by police. She later picked up her vehicle from a tow lot, noticed a strong, unpleasant odor within the vehicle, and discovered two garbage bags in the vehicle that were not there prior to lending out the vehicle. She stated that one of the bags contained spoiled and rotten food items. She stated that the father of her children was unaware why trash and spoiled food was within the vehicle. She said her vehicle needed to be professionally cleaned to remove the odor, which is expensive, and that she is unaware why police put the items in her vehicle.

The complainant submitted photos of a garbage bag in her vehicle and garbage bags containing food, packaging, and other items.

The named officer stated that he and other officers responded to an area for a shot spotter activation and observed what was later identified as the complainant's vehicle parked at the location. He stated that officers noticed fired bullet casings nearby and inside the vehicle, as well as a magazine to a firearm and an individual inside the vehicle. He stated that the individual eventually exited the vehicle and was handcuffed. During a search of the vehicle, the named officer found two garbage bags in the rear cargo area of the vehicle. The named officer stated that the contents included various food items. The property was left inside the complainant's vehicle after the search.

The Incident Report documented that the named officer conducted a search of the complainant's vehicle, and that the complainant's vehicle was towed to the Crime Scene Investigation tow lot.

Body-worn camera (BWC) footage for the incident shows that the named officer conducted a search through the rear cargo area of the complainant's vehicle at the scene and located two garbage bags within the cargo area. BWC footage shows that the named officer opened one of the garbage bags and various food products appeared visible within the bag. BWC footage captured the named officer remarking that there was rancid food inside the bag and expressing revulsion at encountering it.

The evidence established that the items were not placed in the complainant's vehicle by the police as alleged. The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 02/07/23 **DATE OF COMPLETION:** 05/04/23 **PAGE# 1 of 1**

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

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

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

BART Office of the Independent Police Auditor
P.O. Box 12688
Oakland, CA 94612-2688

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COMPLAINT DATE: 02/06/23 COMPLETION DATE: 05/08/23 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 the DPA's jurisdiction.

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DATE OF COMPLAINT: 02/15/23 DATE OF COMPLETION: 05/08/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 4/26/23.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant called the tip line multiple times one evening. Each time someone answered the line, they remained silent and put the complainant on a long hold.

No call records exist for the number the complainant called, and an identification poll did not yield any results by which to identify any officers.

Department General Order (DGO) 2.01, General Rules of Conduct, requires officers to be courteous on the telephone.

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

SUMMARY OF ALLEGATION #2: The officer failed to provide their name and star number.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant requested the officer's name and star number. Rather than providing the information, the officer hung up.

No call records exist for the number the complainant called, and an identification poll did not yield any results by which to identify officers.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant was driving and listening to music. He stopped briefly to change his music, which he controlled through a cell phone. An officer in a nearby patrol vehicle used a loudspeaker to order the complainant to stop using his cell phone while driving. The officers remained in their vehicle and did not issue the complainant a citation. The complainant stated that the officers were harassing him and may have also been helping his sister, who had a history of harassing him.

California Vehicle Code section 23123 (a) states that, “a person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking and is used in that manner while driving.”

Department General Order 9.01, Traffic Enforcement, allows officers to use discretion when enforcing traffic violations. The goal of traffic enforcement is to enhance public safety.

Inquiries at the district police station failed to identify any involved officers and there were no records of the incident.

The investigation showed that an officer used discretion to provide a verbal warning to the complainant regarding using a cell phone while driving. Although the complainant perceived the officers’ actions as threatening, intimidating, or harassing behavior, the officer’s action complied with Department policy.

The officer’s conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer harassed him and told him to get off of his phone because he is African-American. The complainant also stated that his sister was harassing him and likely reported his activities to the police, prompting the contact.

The officer could not reasonably be identified.

No finding outcomes when an officer cannot reasonably be identified.

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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COMPLAINT DATE: 03/08/23 COMPLETION DATE: 05/16/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

Newark Police Department
Attn: Investigations Unit
37077 Newark Boulevard
Newark, CA 94560

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers followed him inside a mall.

The identity of the alleged officer could not be established.

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

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COMPLAINT DATE: 03/21/23 COMPLETION DATE: 05/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/IAD

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said that building management employees snuck into her apartment and placed a hidden camera inside her showerhead. She reported the incident, and the named officers did not respond to her residence for more than 12 hours.

The named officers stated that they responded to the complainant's call for service within a minute of being dispatched. The named officers stated that they responded to the complainant's call in a timely manner.

Dispatch records showed that the complainant made a call for service regarding her landlord changing her locks and suspecting that someone installed a camera inside her residence. The records showed that officers were not immediately dispatched to the call. Once the named officers were dispatched to the call, they arrived on scene within one minute.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said building management changed her showerhead numerous times and she suspected they placed a hidden camera inside it. She reported the incident, the named officers responded to her residence, and she showed them her showerhead. The complainant wanted the named officers to check her showerhead with a hidden camera detector and they told her they did not have one.

The named officers said they responded to the complainant's residence and inspected her showerhead and smoke detector. They advised the complainant that they were not equipped with hidden camera detectors. The named officers said they are not aware of hidden camera detectors being used by any officers in the department.

Body-worn camera footage showed that the complainant asked the named officers if they could check her residence with a camera detector. Named Officer #2 informed the complainant that they did not have a

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camera detector. The named officers inspected the complainant's smoke detector and shower head and advised her that they did not find any abnormalities.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/DEM

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 03/28/23 COMPLETION DATE: 05/26/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated in an online complaint that the named officers detained him and would not let him go to get a drink. The complainant did not respond to requests for an interview.

Body camera footage shows the named officer speaking to the complainant and his mother who were engaged in a domestic dispute. The named officers separated the parties and asked the mother to leave the complainant's residence, which she agreed to do. The complainant also began to leave, and the named officers asked him to wait to prevent the argument from continuing. When the complainant stated that he was going to leave, the named officers walked out with him. The complainant then continues to talk to the officers. The complainant asks the officers multiple times if he is detained. On each occasion, the officers tell the complainant he is free to go. At no point during the complainant's interaction with the officers was he detained, told he was detained or prevented from leaving.

The body camera refutes the complainant's version of events.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #3: The officer failed to prepare an Incident Report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated in an online complaint that the named officer failed to write an incident report regarding an allegation of domestic assault. The complainant did not respond to requests for an interview.

Body camera footage shows that during an incident involving his mother, the complainant states that no officer took a report about a previous battery by another person. The named officer told the complainant he would take a report immediately. The complainant refused to give a statement, telling the named officer he was not going to make a report at the time. The officer tried again to take a report from the complainant. The complainant stated he wanted to leave and then walked away from the named officer.

The footage shows the named officer tried to take a report from the complainant when he complained that officers had refused to do so. The officer could not take a report as the complainant refused to take part in the process.

The evidence proves the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant called to report that she was being stalked in various ways, including indirectly and through music playing in cars passing her on the street. The complainant stated that the named officer disregarded her call-for-service.

Department of Emergency Management (DEM) records showed that the complainant frequently calls 9-1-1 for non-emergency calls or calls that do not require law enforcement action. DEM assigned the complainant's call to a district station patrol sergeant. The records showed that the named officer disregarded the complainant's call-for-service, which was within the officer's purview.

Patrol Sergeants are responsible for directing unit activities, prioritizing waiting assignments, ensuring that runs are being handled efficiently, and acknowledging serious situations that require immediate supervision over the radio. Patrol Sergeants have discretion on assigning officers to non-emergency calls-for-service.

The complainant's issue was not a police matter and the named officer's decision to disregard the complainant's call-for-service was within Department policy.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to escort him inside a retail store to shop after store managers banned him from the store without reason.

Officer #1 and Officer #2 responded to a "B" priority call for service regarding a report of a person trespassing. Body-worn camera footage showed that Officer #1 spoke with the complainant, who explained that the retail store refused to serve him. He wanted the police to escort him inside the retail store to shop. Officer #1 spoke with the employees, who indicated that the complainant was not allowed in the store. An employee also showed Officer #1 a 'No Trespassing' sign (S.F. Municipal Police Code Section 25) in the window of the store's entryway. Officer #1 and Officer #2 explained to the complainant that he was not allowed to enter the store, and they were not allowed to escort him inside. The complainant then requested a supervisor. Per the complainant's request, Officer #3 arrived on the scene and recalled the complainant from previous contacts. Officer #3 explained to the complainant that the complainant was not allowed to enter the store and that he would be trespassing if he attempted to enter the store. The complainant refused to leave the entryway to the store. The officers therefore remained at the scene until the store closed for business.

San Francisco Municipal Police Code Section 25 provides that no person shall willfully remain upon any private property or business premises after being notified to leave by the owner, lessee, or other person in charge. Notice may be oral or in the form of a written notice posted in a conspicuous place.

While DPA empathizes with the complainant's perception of the incident, officers are not responsible for providing civil standbys for grocery and retail store shopping.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers failed to stop his neighbor from smoking in an area where smoking is forbidden.

The named officers stated that the enforcement of private smoking zones is a civil matter and so is not a criminal matter.

SFPD documentation shows the named officer attended the complainant's call and gave advice to all parties involved.

Body camera footage showed that the named officers spoke to both parties and explained to the complainant that smoking zones are a civil matter. The named officers also pointed out to the complainant that the no smoking signs appeared to refer to inside the building, not outside, which is where the neighbor was when he was smoking.

There is no requirement for police officers to enforce private no smoking areas.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers took the side of the other party in a dispute because the other party was white. The complainant did not provide any evidence of actions or comments by the named officers that demonstrated bias.

The named officers denied that race played any role in how they dealt with the situation or how they interacted with both parties.

Body camera footage showed the named officers speaking to both parties. The footage showed that the named officers spoke to both sides politely and professionally. The named officers gave both parties the same advice, in an apparent attempt to prevent the situation from escalating.

There is no evidence the named officers knowingly engaged in biased policing.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/30/23 COMPLETION DATE: 05/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/04/23 COMPLETION DATE: 05/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/IAD

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

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

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

COMPLAINT DATE: 04/5/23 DATE OF COMPLETION: 05/11/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/3/23.

SUMMARY OF ALLEGATION #2: The officer failed to handle an assigned radio call.

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 5/3/23.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/23 **DATE OF COMPLETION:** 05/01/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

Federal Protection Service
450 Golden Gate Ave
San Francisco, CA 94102

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

COMPLAINT DATE: 04/14/23 DATE OF COMPLETION: 05/25/23 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 a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/24/23.

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

CATEGORY OF CONDUCT: CUO

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 5/24/23.

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

COMPLAINT DATE: 04/14/23 DATE OF COMPLETION: 05/25/23 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 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: 04/18/23 DATE OF COMPLETION: 05/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated in an anonymous online complaint that officers were checking vendors' permits and moving them on if they did not have one. The complainant felt officers should be focused on crime and not vendors.

The complainant provided no further details or contact information and asked not to be contacted.

There was not enough information to conduct an investigation into this matter.

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/23 **DATE OF COMPLETION:** 05/23/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed a weapon without justification.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers stopped their vehicle in front of a police station for driving with their headlights off. They alleged that an officer pointed an orange gun (ERIW) at the complainant.

DPA made multiple attempts via telephone and in writing to the complainant to get additional information about the incident. The complainant did not respond to DPA's requests. Additionally, DPA ran multiple computer queries and obtained police records from the day of the alleged incident and were unable to identify the incident in question.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 04/24/23 COMPLETION DATE: 05/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated he was exercising at the beach late at night, and the officer, dressed in ordinary clothes, told him to leave the area.

A search for related calls to this complaint yielded negative results.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established. The complainant provided insufficient information for the DPA to proceed with its investigation.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer was “high-tempered.”

A search for related calls to this complaint yielded negative results.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established. The complainant provided insufficient information for the DPA to proceed with its investigation.

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

COMPLAINT DATE: 04/25/23 COMPLETION DATE: 05/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

Chief of Police
Napa Police Department
1539 First Street
Napa, CA 94559

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

COMPLAINT DATE: 05/05/23 COMPLETION DATE: 05/09/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

SFMTA Headquarters
1 South Van Ness Ave., 7th Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 05/08/23 COMPLETION DATE: 05/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/08/23 OMPLETION DATE: 05/20/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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