

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

COMPLAINT DATE: 07/28/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 11/24/22 COMPLETION DATE: 08/01/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that while picking up a passenger and stopping in the pedestrian crosswalk for a few minutes, the named officer rudely yelled at her through a bullhorn to move along.

The named officer stated that he did not have any specific recollection of the incident; however, he generally strives to conduct himself professionally and comply with Department orders and bulletins.

Department records showed that the officer issued the complainant a parking citation after observing the complainant's vehicle stopped in a pedestrian crosswalk.

There was no body-worn camera footage or security footage that captured this incident.

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

The investigation showed that the complainant perceived the interaction as inappropriate, whereas the named officer believed he was acting in compliance with department policies.

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

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COMPLAINT DATE: 11/24/22 COMPLETION DATE: 08/01/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that despite complying with the officer's requests to move, she was issued a citation.

Department records showed that the named officer captured a photograph of the complainant's vehicle stopped in the pedestrian crosswalk.

San Francisco International Airport 4.5.(A) states that no vehicle shall be parked or stopped on any Airport roadway except in the manner and at a location authorized for stopping, standing, or parking as indicated by posted traffic signs and/or painted curb markings, or in a parking facility designated for public or employee use.

DPA's investigation showed the named officer witnessed the complainant's vehicle parked in an unauthorized location for stopping and issued her a citation.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 05/22/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The officer failed to investigate the complaint regarding an officer's vehicle parked on a city street with a missing front license plate.

At the time of this incident, the Named Officer was working as a foot beat officer. The officer stated that the complainant approached him regarding a parked vehicle that did not have a front license plate. The complainant had approached the officer several times about what the complainant believed were violations of other parked vehicles in the area. Upon receiving this information, the Named Officer thanked the complainant for letting him know. The officer's information was requested and provided at the complainant's behest. The officer then returned to his primary responsibility: to ensure the safety of the public and businesses in the area. The officer stated that the complainant did not request that the vehicle be cited.

DGO 10.11.01 states that the body-worn camera is designed to record audio and video activity to preserve evidence for use in criminal and administrative investigations (including disciplinary cases), civil litigation, officer performance evaluations, and to review police procedures and tactics, as appropriate. Additionally, DGO 2.01(1) states that the basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments.

The DPA could not review documents from the San Francisco Police Department as there was no incident report, computer-aided dispatch (CAD), or body-worn camera associated with this complaint due to there being no call for service or a reported/or witnessed crime that would warrant the camera to be activated for evidentiary purposes.

The complainant and officer's account conflict. There is no evidence to prove or disprove if the complainant requested the officer to investigate or cite the vehicle.

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

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COMPLAINT DATE: 05/22/23 COMPLETION DATE: 08/01/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: An officer's personal vehicle did not display a front license plate. The complainant captured a photo of a vehicle parked on the street with a baseball cap with the letters "SFPD" written on it.

The complainant provided pictures of the vehicle in question; however, the pictures did not capture the vehicle's rear, which could have had a license plate in which a DMV records check could be requested. The vehicle's VIN number was also not captured or provided for the investigation.

California Vehicle Code sec. 5200(A) states that when the department issues two license plates for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear.

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

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that he was notified that his sister was in a hospital emergency room. He then got a call from his brother saying that someone was trying to put his name on his sister's stolen car, so he had to go to the district station to file a report. The officer told him that his brother needed to be there because the brother had power of attorney and was a guardian of his sister. The officer refused to help and walked away.

The named officer stated that he did not recall speaking with the complainant. He explained that auto burglary victims can wait for officers to respond to the scene or go to any police station to file a stolen vehicle report in person.

The witness, the complainant's brother, confirmed that he had the Letter of Conservatorship and had called the station regarding his sister's stolen vehicle. He stated that officers had told him over the phone that he had to go to the station in person to file the report, which he did.

An Identification Poll was submitted, and the named officer was working front desk duties at the time and date described by the complainant. No video footage was available of the front desk area.

Department records show that the complainant's brother filed an incident report later. The brother stated to the police that he has the power of attorney of his sister and provided the letter of conservatorship which was electronically uploaded and attached to the report.

Although the named officer was working front desk duties, there is insufficient evidence to show that he was the officer to whom the complainant spoke. Even if the officer was, there is insufficient evidence of the conversation. The witness said that he was told by several officers that, as he was the conservator, he would have to come in person to file the report. As such, the officer to whom the complainant spoke could have acted within policy. However, there is insufficient evidence to be able to draw any conclusion.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that during the conversation, the named officer lied to him that his sister called last week about it while she was in an emergency room.

The named officer stated that he does not recall speaking with the complainant and would have no reason to lie about his sister calling.

There were no department records that captured the conversation.

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

SUMMARY OF ALLEGATION: 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 forwarded to:

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

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

COMPLAINT DATE: 03/30/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant made a complaint via physical mail. The complaint stated he requested an Emergency Protective Order against the residents at his shelter; however, the officer told the complainant to request one from the court. However, the complainant did not name who he wanted to get an Emergency Protective Order against. Instead, he wrote he wanted the Emergency Protective Order against everyone at the shelter. The complainant failed to respond to requests for more information or specific individuals.

Named Officer #1 stated that Emergency Protective Orders are typically for victims of domestic violence incidents and/or incidents with known suspects. Given that the complainant could not provide any names of the suspects, the officer did not request an Emergency Protective Order from a Judge. The protective orders have a restrained (suspect) and a protected person (victim) that would need a name in order to be enforced. Additionally, Named Officer #2 said that the California Family Code §§6240-6275, 6389, and California Penal Code §646.91 establish that a law enforcement officer may request an Emergency Protective Order in specific instances of Domestic Violence or Stalking. For a judge to issue such an order, an Officer must "assert reasonable grounds" for a Judge to believe that an "immediate and present danger" of domestic violence or stalking exists to justify that such an order needs to be issued. The complainant was not issued an Emergency Protective Order, but this was not a violation of law or Department policy. The complainant did not communicate any reliable, reasonable, or corroborated facts. An Emergency Protective Order must be issued against a person, and law enforcement must serve that order against the restrained person (Family Code §§6240-6275, 6381 and CA Penal Code 646.91). The complainant could not provide specific information for any person involved in his alleged incident. As such, there would be no person to serve the EPO against. The Named Officers also stated that the complainant recorded their interaction on his phone.

Body-worn camera footage was unavailable due to the nature of the call of service. Per DGO 10.11.03(D) (1), Members shall not activate the BWC when encountering sexual assault and child abuse victims during a preliminary investigation.

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

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COMPLAINT DATE: 03/30/23 COMPLETION DATE: 08/01/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant requested to speak with a sergeant or a supervisor while at the hospital, but the officers did not comply.

Named Officer #1 stated that he called the on-duty sergeant to inform them that the complainant wanted to speak with a superior officer. Named Officer #2 stated that no one was available to speak or meet with the complainant at the time. Named Officer #2 provided an additional reason why the complainant's complaint went unfulfilled may have been that the complainant's claims were unrealistic and, therefore, would not entitle the complainant to the limited resources the Department has at hand simply because it is what the person wants. Without such a mandated policy, the discretionary authority of sworn personnel and situational demands would dictate whether the complainant's or any other person's request to speak to the supervisor would be fulfilled. In this case, Named Officer #1 contacted the chain of command, and the circumstances at that time did not permit the courtesy of having a Sergeant respond to the hospital or otherwise speak to the complainant.

Body-worn camera footage was unavailable due to the nature of the call of service. Per DGO 10.11.03 (D) (1), Members shall not activate the BWC when encountering sexual assault and child abuse victims during a preliminary investigation.

The computer-aided dispatch (CAD) records showed that the complainant requested to speak to a sergeant due to the severity of the crime when the complainant attended the police station before going to the hospital. The incident report did not record the complainant's request for a sergeant to attend the hospital. However, it did record the Named Officers contacting the relevant department, and a Special Victims Unit staff member attended the hospital.

DGO 6.16(B)(2) states that the preliminary investigation and responsibilities of the reporting officer are to notify the Child Abuse Section or the Sexual Assault Section as appropriate. Notifications to the Investigative Details or Operations Center should be made as soon as practical to ensure an expeditious response by the on-call inspector(s).

There is no policy for a sergeant to attend the hospital at the complainant's request. However, a policy dictates that the Named Officers contact the relevant department as soon as practicable. The officers fulfilled this requirement.

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

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

CATEGORY OF CONDUCT: Referral

FINDING: IO1/IAD

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 07/05/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/Napa Police Department

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

Napa Police Department
Internal Affairs Division
1539 1st Street
Napa, Ca 94559

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 07/5/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 05/25/23 COMPLETION DATE: 08/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer had her car towed without reason. The complainant did not provide the tow location or any vehicle information.

DPA contacted the complainant multiple times for an interview; however, the complainant refused to provide additional information needed to identify the incident for investigative purposes. DPA could not find a record of the vehicle tow based on the limited information available.

No finding outcomes occur when information necessary to the investigation is unavailable.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that she called to follow-up on the status of her car, but the named officer gave her the run-around and no answers about her towed vehicle.

Based on the complainant's limited information, DPA could not find a record of her incident.

No finding outcomes occur when information necessary to the investigation is unavailable.

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DATE OF COMPLAINT: 01/30/23 **DATE OF COMPLETION:** 08/02/23 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated she called a police station and spoke to the named officer after a verbal encounter with her neighbor over their dogs. The complainant alleged the officer talked over her, and she could not get her story out. The complainant stated the officer "destabilized my narrative." After speaking with the neighbor, the officer called the complainant back. During this phone conversation, the complainant said the officer made inappropriate comments to her, blaming her for the incident saying she "instigated" the encounter with the neighbor by going to his unit. The officer told the complainant he was very busy and had to get off the phone. The complainant felt the officer was disrespectful to her.

The named officer stated the complainant mentioned her neighbor yelled at her, threatened her, said he had guns, and was a veteran, following a verbal dispute over the behavior of their dogs. The officer told the complainant he would go over to the neighbor's apartment and speak with the neighbor about the gun comment. The officer stated he went to the neighbor's unit and spoke with the neighbor. The neighbor showed him video and audio of the complainant walking up to his unit and verbally confronting him. After speaking with the neighbor, the officer called the complainant back. The officer does not recall all details of the phone conversation but described his demeanor toward the complainant as "professional and understanding." The officer said he took the time to listen to the complainant and called her back to give her advice respectfully. He did not recall blaming the complainant or talking over the complainant. The officer did not recall being disrespectful to the complainant, but he did recall that the station was highly short-staffed that day, and he had to respond to other calls.

The body-worn camera (BWC) footage corroborates the named officer's version of the incident. The BWC footage shows the officer spoke to the complainant, then went over and spoke to the neighbor. The neighbor denied he threatened the complainant or said anything about weapons. The neighbor showed the officer a Ring video that captured part of the altercation but was not visible in the BWC. The audio captures the neighbor acknowledging he got upset and said many things to the complainant. Portions of the audio capture the neighbor sounding angry and yelling at the complainant after the complainant came to his residence. The audio does not capture the neighbor threatening the complainant, nor does it capture any mention of weapons. The BWC captures the complainant acknowledging it was a mistake to go to the neighbor's residence. The neighbor is heard saying the complainant escalated things by coming to his residence.

No body-worn camera (BWC) footage exists of the telephone conversation between the complainant and the officer, as the officer is not required to activate his BWC for a phone conversation.

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DATE OF COMPLAINT: 01/30/23 DATE OF COMPLETION: 08/02/23 PAGE# 2 of 2

Department records showed the officer responded to a call for service involving a fight with no weapons. The reporting party (RP) stated there was a verbal dispute between the RP and the neighbor regarding their dogs. The comments indicated the officer spoke to the neighbor, who showed him a Ring video of the RP walking to his house and escalating the situation. The officer spoke to both parties, and they agreed to avoid each other.

There is no evidence to support or rebut the different accounts of the phone conversation. The evidence fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer should have searched the neighbor's premises for weapons because the neighbor told the complainant he had guns and was a veteran during a verbal dispute.

The named officer stated he did not go into the neighbor's apartment because he did not have a search warrant and had no probable cause to enter the neighbor's unit. Had he done so, it would have been an illegal search, violating the Fourth Amendment. The officer stated he determined neither party had committed any crimes after he reviewed video and audio footage provided to him by the neighbor that captured the verbal confrontation between the complainant and the neighbor.

The body-worn camera (BWC) footage corroborates the named officer's version of the incident. The BWC footage shows the officer spoke to the complainant, then went over and spoke to the neighbor. The neighbor denied he threatened the complainant or said anything about weapons. The neighbor showed the officer a Ring video that captured part of the altercation but was not visible in the BWC. The audio captures the neighbor acknowledging he got upset and said many things to the complainant. Portions of the audio capture the neighbor sounding angry and yelling at the complainant after the complainant came to his residence. The audio does not capture the neighbor threatening the complainant, nor does it capture any mention of weapons. The BWC captures the complainant acknowledging it was a mistake to go to the neighbor's residence. The neighbor is heard saying the complainant escalated things by coming to his residence.

The officer did not have probable cause to enter the neighbor's unit to search for weapons, as no crime had been committed after viewing the video provided by the neighbor.

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

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

COMPLAINT DATE: 07/06/23 COMPLETION DATE: 08/02/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer's tone was sarcastic, that he was rude, that he lacked respect for older people, and that he could have been kinder. The officer condescendingly told the complainant that she could either receive a point on her driving record or she could attend traffic school if she was “smart enough to do that on the computer.”

Body-worn camera footage showed that the named officer spoke loudly and directly, but politely. He explained the reason for the stop and informed the complainant that nearby residents had asked for extra enforcement at the intersection where the complainant ran the stop sign. The officer explained that the complainant would receive a point on her driving record if she paid the citation and took no further action. Alternatively, the complainant could attend traffic school if she was “eligible” or contest the citation in court.

DPA understands that the complainant perceived the named officer’s behavior as rude and disrespectful; however, his behavior did not rise to the level of misconduct.

The evidence proves that the officer’s conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the location written on the citation was inaccurate. She said that the stop sign was at a different location than what was written on the citation.

Body-worn camera footage showed that the officer was monitoring a four-way stop for violations. The complainant failed to come to a complete stop before entering the intersection. The named officer followed the complainant and pulled her over a block away from the violation.

The investigation showed that the violation location was accurately documented on the citation.

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

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

COMPLAINT DATE: 07/07/23 COMPLETION DATE: 08/02/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer failed to handle an assigned radio call.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 911 to report an auto burglary and was told that an officer was on his way. No officer arrived. The complainant called twice more and was told the officer was sent to a higher-priority call. The complainant did not continue waiting and left the scene.

Department of Emergency Management records showed that dispatch placed the complainant's call on hold for approximately forty-five minutes because of higher priority calls. The named officer arrived within minutes of being dispatched to take the auto burglary report but was unable to locate the complainant.

The officer responded quickly to the scene once dispatch assigned him to the call.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 08/04/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/15/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that he had a verbal altercation with an individual he walked by. The individual threatened him, briefly ran toward him, and said he had a knife and gestured to it. The complainant made a call to report the incident and then went back to confront the individual. He stated that officers responded to the scene, he provided a statement and the named officer failed to arrest the other individual.

The named officer said he responded to a call for service regarding a person with a knife. Upon arrival the complainant and another individual were separated by other law enforcement officers. He and his partner spoke with the complainant and the other party who had been involved in a verbal dispute. Their statements conflicted and there were no independent witnesses on scene. He stated that the complainant did not request to press charges and based on the results of his investigation he did not find probable cause that any crime occurred during this incident.

Department records showed that the named officer responded to a call for service regarding a person with a knife. Department records showed that the named officer documented the incident in an incident report.

Body-worn camera (BWC) footage for the incident showed the named officer and his partner responded to call and spoke with the complainant and the other individual on scene. The complainant had difficulty recounting the event in order as it occurred. He said he walked by the other individual who made insults, had a threatening demeanor, commented about having a knife and charged toward him. The complainant kept walking and contacted a bystander to call 9-1-1. The other individual said he was packing up his belongings and the complainant walked by, was hollering, and asked him about his knife. An officer told the complainant they would document the incident in a report and the complainant commented that they didn't have to.

The evidence showed that the named officers did not have probable cause to make an arrest. There was not enough information that would lead a reasonable person to believe that a crime had occurred.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 04/18/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to take action to protect her from harassment and threatening behavior by others.

Department records showed that the named officers were dispatched to the complainant's residence, and that they spoke to the complainant and advised her regarding the information she gave them.

Body camera footage showed the named officer ask the complainant about her allegations of harassment and threatening behavior. The complainant did not provide any identifying information about the people she said were harassing her, or any video or photographic evidence. Instead, the complainant gave a vague description of people in the neighborhood following her and playing games. The named officers told her to take photos, videos and record what happens the next time the harassment occurs and to call 911 immediately if she were the victim of a crime. The complainant agreed to follow this advice.

The named officers conducted a preliminary investigation into the matter the complainant had reported but the complainant did not provide any evidence or leads for the officers to take further actions.

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

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

COMPLAINT DATE: 06/10/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/DEM

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

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

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COMPLAINT DATE: 06/14/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he went to a police administration building to follow up on property that he had previously provided to a police officer. He stated that the officer he interacted with at the administration building was rude.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll. An ID Poll describes the incident and asks that the Captain and/or members of the division review the incident description and identify officer(s) that were involved. The ID Poll failed to identify an officer. Therefore, there was insufficient information to identify the officer.

The DPA was able to confirm that the property was still in the possession of the SFPD.

The officer could not reasonably be identified.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 04/19/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he called the police to report his dog and debit card stolen. The complainant stated the responding named officers failed to investigate the theft of his dog.

Records from the Department of Emergency Management show that the complainant called 911 to report his dog missing and to have a report taken.

SFPD Records show that the named officers prepared an incident report, documenting what the complainant had told them about his dog and his debit card. In addition, one of the officers contacted the alleged suspect, who claimed that she bought the dog from the complainant for “\$30.00 and a 50 Shot,” 50 Shot being 10 grams of cocaine.

SFPD Department Notice 20-107, Case Assignments for Investigation, states, in part:

When assigning cases for investigation, staffing levels and the following factors should be considered:

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

The evidence established that the named officers took investigative steps, documenting their actions in the incident report. The complainant’s case does not meet the criteria for case assignment for further follow up.

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

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

COMPLAINT DATE: 06/24/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/SFMTA

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

SFMTA Department of Parking & Traffic
11 Van Ness Avenue
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/23 **DATE OF COMPLETION:** 08/12/23 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that an officer illegally parked his/her personal vehicle without turning the wheels towards the curb.

The San Francisco Department of Public Works grade map indicates that the grade of the street where the vehicle in question was parked is 2.91%.

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

The evidence proves that the vehicle was parked legally.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/23 DATE OF COMPLETION: 08/12/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that an officer illegally parked his/her personal vehicle without turning the wheels towards the curb.

The San Francisco Department of Public Works grade map indicates that the grade of the street where the vehicle in question was parked is 2.91%.

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

The evidence proves that the vehicle was parked legally.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/22 **DATE OF COMPLETION:** 08/13/23 **PAGE# 1 of 4**

SUMMARY OF ALLEGATIONS #1-5: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was stopped and detained by officers. He alleged that the officers unlawfully detained him without reasonable suspicion.

Named officer #1 stated that he received a tip from a Confidential Reliable Informant (CRI) that the complainant was a parolee that possessed an illegal firearm and was in violation of his parole conditions. Named officer #1 stated that he had worked with this CRI previously, that they had given reliable information, and successfully assisted him with multiple illegal firearms investigations in the past. He stated that this CRI had already signed the Cooperating Individual Agreement form. Named officer #1 stated that the CRI provided him with a description of the complainant as well as the exact location where the complainant was located. Named officer #1 stated that he requested named officers #2, #3, #4, and #5 to accompany him to the location and assist with the investigation. Upon his arrival, named officer #1 identified a person matching the description of the complainant, whom he then stopped and attempted to identify.

Named officers #2, #3, #4, and #5 all stated that they responded to named officer #1's request for assistance and stated that named officer #1 provided them with the information that he acquired from the CRI.

Department records showed that the named officers acted on information from a Confidential Reliable Informant about a parolee with an illegal firearm. They documented that the named officers conducted records check and learned that the complainant was not on parole but on probation. The named officers were unable to determine whether the complainant's probation included a search condition at the time, and they released him from the scene pending further investigation.

The evidence showed that named officer #1 established that the tip he obtained for the complainant was from a qualified CRI who had successfully assisted him in past illegal firearms investigations. The tip from the CRI provided reasonable suspicion for the detention.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/22 DATE OF COMPLETION: 08/13/23 PAGE# 2 of 4

SUMMARY OF ALLEGATIONS #6-10: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated he was racially profiled. He alleged that the named officers stopped and detained him because of his race.

Named officer #1 denied that race was the reason why he approached the complainant. He stated that he acted on the information that was given to him by the CRI. Named officer #1 stated the CRI provided him with multiple descriptors for the complainant, including his race, body type, and clothing he was wearing.

Named officers #2, #3, #4, and #5 all denied that the complainant's race was a factor in his stop and detention, and all stated their actions were solely based on the information named officer #1 provided to them.

The evidence showed that unbeknownst to the complainant, the named officers acted on a tip from a CRI.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/22 DATE OF COMPLETION: 08/13/23 PAGE# 3 of 4

SUMMARY OF ALLEGATIONS #11-13: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the named officers yelled accusations at him, bullied and threatened to arrest him.

Named officer #1 stated that he was not trying to be rude or intimidating and that his tone and elevated voice were intended to control the situation. He stated that he needed to be in control while he was trying to identify the complainant, a possibly dangerous criminal, during an illegal firearms investigation.

Named officer #2 stated that he was respectful with the complainant but became more direct with him when he lied about his name and refused to provide his photo identification.

Named officer #3 stated that he never threatened to arrest the complainant and denied talking loudly to him. He stated that his demeanor was calm. He stated that he told the complainant to calm down and keeping him calm was his main goal.

DPA obtained the named officers' body-worn camera footage (BWC) of the incident. The BWC footage was consistent with their statements that they provided to DPA.

The evidence showed that the named officers at times raised their voices. One named officer did state that he could place the complainant under arrest. However, the statements made to the complainant about why they were there and their ability to place him under arrest were truthful. Furthermore, the named officers raised their voices and made those statements to prevent the situation from becoming more volatile as the complainant was argumentative, uncooperative, and cursed at the officers as shown in their BWC footage. DPA understands that the complainant may have perceived parts of this interaction as hostile. However, the officers' conduct was within Department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/22 **DATE OF COMPLETION:** 08/13/23 **PAGE# 4 of 4**

SUMMARY OF ALLEGATIONS #14-15: The officers displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officers yelled accusations at him, bullied and threatened to arrest him.

Named officer #1 stated that he aided the other officers on the scene but had no interaction with the complainant and was distanced away from him.

Named officer #2 denied the allegation and stated that he was respectful and cordial to the complainant.

DPA obtained the named officers' body-worn camera footage (BWC) of the incident. The BWC footage was consistent with their statements that they provided to DPA.

The evidence showed that named officer #1 did not engage the complainant at all. It also showed that named officer #2 had an interaction with the complainant but it was brief and nothing aggressive occurred.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 02/27/23 DATE OF COMPLETION: 08/12/23 PAGE #1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to take action against a man who was trying to break into an apartment building.

The named officers denied the allegations. The named officers explained that the man was a process server trying to serve court papers. The named officers reported there was no damage to the building and the man was helpful and forthcoming with information. The named officers informed the complainant what they learned.

SFPD documents showed that the named officers responded to the report of burglary. The named officers reported encountering a process server who was trying to serve court documents.

Body camera footage showed the named officers speaking to a process server who showed his badge and documents to the named officers. The named officers spoke to the process server and the occupant of the apartment. The situation was resolved with no arrests.

The officers established that this was not a burglary. There was no requirement for them to take any other action in this situation.

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

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 08/13/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers stopped him for not completely stopping at a stop sign. According to the complainant, the stop turned into a Driving Under the Influence (DUI) investigation. He said he told the named officers that he was not intoxicated, but they ultimately decided to handcuff and place him on a 5150 hold, which he felt was unlawful.

Named Officer #1 stated the complainant did not stop at the stop sign posted at the intersection. He said that when pulled over, the complainant drove onto the curb or sidewalk before stopping his car. He stated that the complainant showed signs of intoxication, such as heavy and droopy eyelids and slurred speech and fluctuating speech pace. He also stated that the complainant was sweating and stumbling.

Named Officer #2 is no longer with the Department and therefore could not be interviewed.

DPA obtained the named officers' body-worn camera footage (BWC) of the incident. Named officer #1's BWC footage was consistent with the statement he provided to DPA. The complainant was visibly impaired. DPA obtained a copy of the corresponding incident report as well. The incident report stated that the complainant was transported to a hospital for further assessment because he told the officers that he had psychological, mental, and physical health issues.

A witness officer stated that the complainant violated section 22450(a) of the California Vehicle Code by failing to stop at the posted stop sign. He stated the complainant showed objective signs of intoxication, and a blood draw warrant was ordered.

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

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

COMPLAINT DATE: 03/21/23 **COMPLETION DATE:** 08/13/23 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS #3-4: The officers arrested the complainant without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers put him in jail later that day. He said they had no reason to incarcerate him since he was not intoxicated.

Named officer #1 stated that the complainant showed signs of intoxication that included slurred speech, heavy and droopy eyelids, quick and slow fluctuating pace of speech, profuse sweating, and stumbling. Based on these factors and the fact the complainant refused to answer his questions, the named officer placed him under arrest for suspicion of DUI and requested a blood draw.

Named Officer #2 is no longer with the Department.

DPA obtained the named officers' body-worn camera footage (BWC) of the incident as well as a copy of the incident report. Named officer #1's BWC footage and the incident report were consistent with the statement he provided to DPA. The BWC footage showed the complainant was visibly impaired.

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

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 08/13/23 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officers gave him a chemical sedative to restrain and detain him.

Named Officer #1 denied the allegation. He stated that the paramedics administered a sedative to the complainant in the ambulance while en route to the hospital. Named officer #1 stated that this was due to the complainant's aggressive behavior.

Named Officer #2 is no longer with the Department.

The incident report indicated that the complainant became aggressive and that the paramedics had to sedate him. SFPD officers did not sedate the complainant.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 02/17/23 COMPLETION DATE: 08/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she called to report that someone was harassing her by throwing objects at her apartment window. She alleged that the officers did not properly investigate the source of the harassment.

Named officer #1 and Named officer #2 both stated that they responded to the complainant's call about someone throwing objects at her window. Named officer #1 stated that he spoke to the complainant on the phone while he and Named officer #2 were outside her apartment building. Named officer #1 stated that the complainant told him that someone had been throwing objects at her window the night before but had stopped. Named officer #1 stated that since there were no objects being thrown at that time, no current noise problems, and no damage to her window, he advised the complainant on how to proceed if the issue arose again. Both named officers stated that the complainant requested no further police action, so they proceeded to another call for service.

The CAD showed that the named officers responded to the scene and interviewed the complainant. It showed the complainant's noise problem was no longer active, so they advised her and proceeded to another call.

The evidence showed that the named officers spoke to the complainant and determined that the problem had ceased and advised her on what to do if it happened again.

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

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

COMPLAINT DATE: 02/17/23 COMPLETION DATE: 08/13/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officer spoke to her in a patronizing tone when she told him that the apartment building's staff were involved in the harassment she experienced.

Named officer #1 stated that he had a positive demeanor throughout his phone call with the complainant and that he showed empathy and listened to her concerns regarding the incident. He stated that he did not recall the complainant telling him that someone from her apartment building may have been involved in her harassment.

A witness officer stated that Named officer #1's demeanor was professional and denied that his partner spoke to the complainant in a patronizing manner.

The evidence showed that the complainant and the named officer did speak with each other. Named officer #1's partner witnessed this conversation and stated that his partner did not speak to the complainant improperly.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 12/21/22 COMPLETION DATE: 08/13/23 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers arrested him regarding a dispute he was having with a doorman at a local night club. The complainant alleged that the named officers used unnecessary force on him during the incident, causing injury.

The named officers stated that they responded to a 911 call at a local night club regarding a patron that was attempting to reenter the establishment after being recently ejected. The named officers stated when they arrived on scene, they saw the complainant, who was pinned up against the wall by security staff. The security staff member told the named officers that he wished to press charges against the complainant for trespassing. The named officers stated that the complainant appeared to be intoxicated at the time. The named officers attempted to separate the complainant and the security staff member when the complainant began moving towards the security staff member with a clenched fist. The named officers stated that they both grabbed the complainant's right hand and used a control hold to keep the complainant from assaulting the security staff member. Shortly after, they were able to successfully place the complainant in handcuffs. The named officers arrested the complainant with trespassing, delaying or obstructing a peace officer, and public intoxication. The named officers stated that the complainant did not complain of any pain regarding the force that was used.

DPA reviewed a copy of the named officers' body-worn camera (BWC) footage, the incident report, the supervisory use of force evaluation, and the use of force log pertaining to the incident. The BWC footage and incident report were consistent with the statements the named officers provided to DPA. Additionally, the named officers use of force was appropriately documented on the use of force log and in the supervisory use of force evaluation form.

The evidence showed that force was used by the named officers in this incident; however, it was the minimal amount required and was done in order to protect another individual.

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

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

COMPLAINT DATE: 12/21/22 COMPLETION DATE: 08/13/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officers forced the complainant to urinate on himself while he was in a holding cell and laughed at him while he was doing so.

The named officers both denied the allegation.

The named officer's BWC footage and a witness officer's BWC footage failed to show this portion of the incident. A copy of the corresponding public intoxication report showed that the complainant used the bathroom at 0145 hours while being held at the station.

A witness officer who was the station keeper that night, documented that the complainant was uncuffed to use the restroom at 0145 hours. He denied seeing the complainant urinate on himself or that the named officers laughed at the complainant while he urinated on himself.

The evidence proves that the conduct alleged did not occur.

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he went to a school where his biological child is a student to speak with school faculty regarding the child being bullied. The complainant said he does not have any parental rights to the child, who he said had been put up for adoption by the biological mother. He said the person who has legal custody of the child “kidnapped” the child and placed the child in the school. He said someone at the school called SFPD and the named officers responded to the complainant’s residence and spoke with him. He said the named officers failed to do anything about his son’s kidnapping or bullying.

Department records from the date provided by the complainant showed that the named officers responded to a call regarding a person with a knife at a school. Dispatch records showed that a reporting party stated that a person was trespassing at the school, being aggressive with parents and school staff, and pulled out a knife.

Body-worn camera (BWC) footage for the incident shows the named officers at a school where they spoke with witnesses who said the complainant thinks his child goes to the school. Staff informed the complainant he would be pepper sprayed if he did not leave and he pulled out a knife during the incident. BWC footage shows the named officers then contacted the complainant, who tells them his child goes to the school, had been kidnapped by a person who hired attorneys, and he had been trying to get the child back. Named Officer #1 asks the complainant if he was going through the court to do so, and the complainant responds vaguely. The complainant does not make any request of the named officers or provide detail to any specific crime. The named officers walk the complainant through mental health screening questions and advise him to contact police if he needs assistance in the future rather than going to the school himself.

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

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 08/15/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said officers responded to her residence after her neighbor reported an altercation between her and a family member. The complainant recently had surgery, was taking medication, and was not sleeping much. The complainant said that while speaking with one of the named officers, she attempted to go into her room and the named officers grabbed her, twisted her around, slammed her onto her stomach where she had recently had surgery, and then slammed her down on her bottom from 6 to 7 inches off the ground.

The named officers stated that they were dispatched to a call for service regarding a fight between family members. They responded to a residence and briefly spoke with the complainant's family member before the complainant exited her room, appeared agitated and shouted at Named Officer #1. Named Officer #1 said he tried to calm the complainant down before she attempted to go into her room and close the door. He said he believed the complainant may have been involved in a fight with her family member and may have committed a crime. He ordered the complainant to stop in order to detain her; she refused, he grabbed her arm to prevent her from fleeing and she physically resisted him by tensing and attempting to pull away to prevent her hands from being placed behind her back. The named officers said they used minimal control holds to overcome the complainant's resistance and place her into handcuffs. Named Officer #1 said by going into her room and closing the door, the complainant would have delayed the investigation and potentially endangered himself and others on scene. He also said the complainant was in apparent mental health crisis, and he had no way of knowing if she would harm herself.

Named Officer #1 said the complainant later attempted to stand up while handcuffed and he believed he wouldn't be able to safely control her in a standing position. He prevented her from standing by blocking her foot and causing her to fall about six inches onto her buttocks. The named officers stated that the complainant was placed on a mental health detention and transported to a hospital in an ambulance.

The named officers said that they complied with Department General Order 5.01, Use of Force, during this incident and used low level force to effect a lawful detention, to overcome the complainant's resistance and prevent her escape, to prevent the commission of a public offense, in self-defense and defense of others, to gain compliance with a lawful order and to prevent the complainant from injuring herself. The named officers denied that either of them tackled the complainant or slammed her onto her stomach.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 08/15/23 PAGE# 2 of 3

Dispatch records showed that the named officers were dispatched to a call for service regarding a fight with no weapons. Department records showed that an incident report was authored for this incident which corroborated the named officers' statements regarding the use of force. The report documented that the complainant was detained for a mental health evaluation and that a physician at the hospital later advised the reporting officer that the complainant had no injury as a result of trauma.

Body-worn camera (BWC) footage showed the named officers respond to the complainant's residence and briefly make contact with the complainant's family member, who let them inside. The complainant came out of her bedroom and spoke loudly and rapidly at Named Officer #1. The complainant appeared frantic and was breathing heavily. She said she was on medication, had recent surgery, and had not been sleeping. BWC footage showed the complainant was agitated and tried to return to her bedroom and close the door. Named Officer #1 held the complainant's arm, told her to exit the bedroom and that she was detained. The complainant moved to a seated position on the ground and the named officers placed handcuffs on her and attempted to calm her down. When the complainant tried to stand up while handcuffed, Named Officer #1 told her not to, had one of his hands on her shoulder and she dropped back to the ground on her buttocks from a short distance. The complainant yelled that the officer slammed her on the ground on her stomach. The complainant told a supervising officer that Named Officer #1 slammed her to her buttocks from 4 to 6 inches. The complainant made complaints of pain during the incident, medical personnel responded to the scene and the complainant was transported to a hospital in an ambulance.

A Supervisory Use of Force Evaluation was completed for this incident which showed that the named officers used control holds and effected a detention where the subject displayed active resistance. The reasons for the use of force were to affect a lawful arrest, detention, or search, to overcome resistance or to prevent escape and to gain compliance with a lawful order.

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

The named officers used minimal control holds during this incident to control the complainant and place her into handcuffs when she was actively resisting and attempting to pull away. The named officers did not tackle or slam the complainant on her stomach as alleged, nor did they slam her excessively onto her buttocks.

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

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 08/15/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she was placed on a mental health hold and during the incident the named officer made fun of her and said that she was lucky she wasn't arrested for elder abuse.

The named officer denied making the alleged statement. He stated that he was professional and respectful to the complainant during the incident. He stated the complainant was taken to a hospital for a mental health evaluation and at the hospital he provided her with the mental health evaluation admonition and informed her she was not going to be charged with elder abuse or another crime because he believed that her conduct was a result of her psychiatric disorder and not due to criminal intent or negligence.

Body-worn camera footage for this incident did not show the named officer make fun of the complainant.

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

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

COMPLAINT DATE: 03/16/23 COMPLETION DATE: 08/15/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant is a delivery driver. He called 911 to report an alleged parcel theft after being involved in an altercation while blocking a driveway during a delivery. When the police arrived, the named officer allegedly told the complainant not to tell his boss about this incident.

The named officer confirmed that he spoke to the complainant. The officer explained that the complainant informed him he was arguing with tenants who lived at the house whose driveway he was blocking with his delivery truck. The complainant said that one of the tenants threatened him and bragged about taking packages from his truck. The officer said the complainant told him he had checked inside his truck and could not see anything missing. The officer stated he spoke to the other parties, who said that the complainant always blocks their driveway to do deliveries, and they confronted him to ask him to stop. They said that the complainant started shouting at them. The tenants denied taking anything. The officer denied telling the complainant to drop the issue and not report the issue to his boss. The officer said he told the complainant that the incident was a miscommunication between him and the tenants, and if the officer were in that position, he [the officer] would drop it.

Body-worn camera footage corroborates the officer's account of the conversation.

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

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

COMPLAINT DATE: 03/16/23 COMPLETION DATE: 08/15/23 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2-3: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant is a delivery driver. He called 911 to report an alleged parcel theft after being involved in an altercation while blocking a driveway during a delivery. When the police arrived, the named officer allegedly told the complainant not to tell his boss about this incident.

The named officer said they did not speak to the complainant during the incident.

Body-worn camera footage corroborates the officers' account of the conversation.

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

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

COMPLAINT DATE: 03/16/23 COMPLETION DATE: 08/15/23 PAGE# 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1-3: The officers failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, DPA determined that the officers activated their body-worn cameras (BWC) late. One of the named officers' BWC footage begins in the middle of the conversation with the occupants of the house. Another officer's BWC footage begins when an officer is speaking with the occupants of the house. The third named officer's BWC footage begins during a conversation between an officer and witnesses.

Department General Order 10.11 states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: ... 2. Consensual encounters where the member suspects that the member of the public may have knowledge of criminal activity as a suspect, witness, or victim...11. During any encounter with a member of the public that becomes hostile. 12. In any situation when the recording would be valuable for evidentiary purposes."

Department Bulletin 20-175 Activation of Body Worn Camera states, in part, "Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed. When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene."

The named officers responded to a call for service and began interviewing potential suspects, witnesses, or victims before activating their BWC. As a result, a preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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

COMPLAINT DATE: 08/04/23 COMPLETION DATE: 08/17/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The complainant requested a withdrawal of the complaint.

CATEGORY OF CONDUCT: N/A

FINDING: NF/W

FINDINGS OF FACT: The complaint meant to file a police report and requested a withdrawal of the mistakenly filed complaint.

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

COMPLAINT DATE: 11/01/22 COMPLETION DATE: 08/18/23 PAGE# 1 of 7

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

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The anonymous complainant did not witness this incident but had received the information from a third party. The complainant did not want to provide information on the third party.

The complainant erroneously stated that the named officers responded to a “Robbery and Assault with Intent to Murder” call. The victim reported to the officers that he had been threatened or robbed by a group of men who were Norteños gang members. The victim pointed out the men and identified them as the people who threatened him. The named officers did not approach the suspects or do anything to investigate the incident. A short time later, the same suspects assaulted the victim and started shooting, killing an innocent bystander.

The complainant said that had the named officers arrested or detained the suspects in the assault call, they could have prevented the homicide.

Efforts to interview the robbery victim for this investigation were unsuccessful.

Officer #1 stated that he and his partner responded to a “Fight, No Weapons” call at 02:17 am in a busy nightlife, high-crime area of the city known for gang-related violence. In particular, the officer stated that the area is known for the Norteños and Sureños gangs, who are rivals. The officer said that on arrival, he did not observe a fight. Officer #1 said he and his partner remained in the area. A few minutes later, Officer #2 pulled over as a male approached the patrol car and spoke to the officers. Officer #1 said the male something like, "They are Norteños. They think I am Sureño." Officer #1 said to the male, "Esta bien?", which translates to “You good?” in English, and the man nodded. Officer #1 said the male wasn't disheveled or injured, so he told the man to get on the sidewalk and go home, and the named officers drove away. Officer #1 later said he saw the potential suspects walking away, and the male gestured towards them when he said, "Norteños." Officer #1 said he did not investigate further or ask any follow-up questions because he thought there was nothing to investigate. Officer #1 said he was not a Spanish speaker and said the male was a Spanish speaker.

Officer #2 stated that he and his partner responded to a “Fight, No Weapons” call at 02:17 am in a busy nightlife, high-crime area of the city known for gang-related violence. Officer #2 said the area was known as the border of two rival gangs, the Norteños and Sureños. These gangs have a history of violent crimes and border disputes. The officer said that on arrival, there was no fight occurring. Officer #2 said they remained in the area. A few minutes later, when stopped at a red light, he became aware that a man had approached the patrol car and was talking to Named Officer #1. Officer #2 said he did not hear the whole conversation but heard the man say, "Norteños." Officer #2 said that he and Officer #1 asked the man

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what had happened and if he was hurt. Officer #2 said the male did not say anything had happened. Officer #2 said Officer #1 asked the male if he was OK, and the male nodded. Officer #2 said that they told the male to go home, and they drove away. Officer #2 said he did not investigate further or ask any follow-up questions because he thought there was nothing to investigate. Officer #2 said he was not a Spanish speaker and said the male was a Spanish speaker.

The Witness Officer stated she was the assigned investigator into the Robbery/Homicide case. She said that on the day of the crime, she collected and viewed surveillance footage of the incident. In the footage, she saw the victim was involved in a verbal argument with the suspects before the Robbery/Homicide. This verbal altercation occurred in front of a police patrol car. The suspects see the police vehicle and walk away, and the victim goes to the patrol car and speaks to the officers inside before the patrol car drives away.

The Witness Officer said she investigated which officers were using car at the time and discovered it was the named officers. She said she called the named officers. Officer #1 told her that he recalled the victim in the street and that the victim was drunk. She said Officer #1 stated he advised the victim to get on the sidewalk. Officer #1 stated that the victim pointed towards a group of suspects walking westbound, and the victim said, "Norteños, and they think I am Sureños." She said Officer # stated he replied. "Todo bien," which means, "All good?" in English. Officer #1 said the victim stated he was good, and the named officers drove away eastbound. Shortly after, the victim was assaulted and robbed by the suspects. She said Officer #2 told her he did not recall the victim or the conversation.

A detailed History of Police Event [CAD] showed that the named officers attended the location of the incident at 02:17 hours for a call of a "Fight, No Weapon." The CAD shows the officers closed the call as "Handled" at 2:20 am.

A detailed History of Police Event [CAD] showed the named officers were dispatched to a homicide call at 02:26 hours and arrived on the scene at 02:27 hours. The location of the homicide call was the same street intersection as the "Fight, No weapon call."

The incident report was written by Named Officer #1. The report described the incident as a "Homicide, Robbery with Force" and "Aggravated Assault with a Gun." The report describes police action and investigation after the 9-1-1 calls for a shooting occurring. It does not mention the contact between the named officers and the robbery victim that occurred before the crimes were committed. The report records that three people were shot. Two people were shot in the leg. One person was shot in the chest and died.

The Chronology of Investigation for the Robbery/Homicide case shows that the witness officer was the assigned investigator. The entry at 0700 hours on the day of the homicide describes the witness officer obtaining and viewing the surveillance footage, discovering that the named officers had a pre-crime interaction with the robbery victim, and speaking to the named officers about that interaction. In the 0700 entry, the witness officer summarizes the surveillance footage. She states that the suspects approached the

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victim, and he was seen walking backward into the crosswalk. The suspects are observed walking westbound. A marked police vehicle is observed traveling southbound, then stops at the corner where the victim is located. The victim is observed approaching the police vehicle, and it appears the victim engages in a conversation with the police officers. The suspects turn and look back at the victim and the police. The police vehicle drives eastbound, and the victim is observed riding his scooter toward the southeast corner. Then he is physically attacked and robbed by the same suspects.

The surveillance footage is taken from a camera positioned on the northeast corner of the intersection at a bar. The camera is facing southwest. At the top left of the screen is the intersection's northwest corner. At about 02:22 hours, a group of males quickly approached a single male at the Northwest corner of the intersection. The single male quickly backed away from the group into the crosswalk and held up his hands. A police patrol car pulled over as this occurred and stopped. The group of males saw the patrol vehicle and quickly walked westbound. The individual male approached the police car and appeared to interact with someone inside the vehicle on the passenger side. The patrol car pulled forward and stopped in the junction. The interaction between the patrol car and the single individual continued. At about 02:23 hours, the patrol car drove slowly forward and turned left, going eastbound. About 30 seconds later, the group of males returned, chased the individual male, and appeared to assault and rob him. The shooting occurs shortly after.

The named officers' body-worn camera footage captured their response to the homicide scene but not the previous interaction with the robbery victim.

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

Department General Order 2.01, General Rules of Conduct, Rule 1, states, "ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

The evidence shows that the named officers failed to investigate the altercation between the victim and suspects at or about 2:22 am. The officers knew the area of the incident was on the boundary between the Norteños and Sureños gangs and that the gangs were involved in violence against each other. The officers were called to investigate a report of a fight only a few minutes before the encounter. Surveillance footage shows a verbal altercation between the victim and suspect happened a few feet in front of the officers. The officers did not inquire why the male felt the need to approach them, what the male meant by providing this information, ask if he had been threatened, if the male was a victim of a crime, or felt unsafe, or offer to take the male somewhere safe. The officers did not speak with the group of males or ask other

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bystanders what had occurred. Instead, the officers told the male to get on the sidewalk, go home, and drove away in the opposite direction from where the suspects had walked.

The named officers deny seeing the altercation a few feet away from them. These denials lack credibility. The footage shows that the suspects saw the named officers and quickly left the area. The victim also saw the officers as he went over to speak to the officers. Officer #2 claimed they did ask the male if anything had happened or if he was hurt. However, this contradicts Officer #1's account and is contrary to what Officer #2 told the witness officer later the day of the incident. He told the witness officer he did not recall the victim or the conversation. The officers also claim that the male did not offer any information that he was a victim at the time, but the officers also admit that the male was a Spanish speaker and they spoke little to no Spanish.

Police officers are responsible for promoting public safety and security, preventing crime, protecting life, and preserving peace. Officers are considered to be in neglect of duty if they do not use reasonable diligence to discover serious crimes. The named officers' presence briefly interrupted a robbery in progress. However, because the officers failed to exercise reasonable diligence, the robbery was allowed to continue. The situation escalated and resulted in a shooting with three victims, one of whom died from his wounds.

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

SUMMARY OF ALLEGATIONS #3-4: The officers prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The anonymous complainant said that the named officers failed to write a statement in the homicide incident report that memorialized that they had spoken to the robbery victims minutes before the homicide and robber occurred.

Officer #1 stated that he wrote the incident report, which he completed at about 1:36 pm on the same day as the incident. Officer #1 said that he received the call from the homicide detective, the witness officer, after completing the report and leaving work that day when he was at home. He said Officer #2 was not with him when he spoke with the witness officer. Officer #1 said he did not recognize the victim at the scene as the male he had previously talked to. He said he did not connect the 02:22 incident with the Robbery/Homicide incident until after he had completed the incident report, which is why he did not include the initial encounter in the report. He did admit that he could have edited or added the information

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later, but he did not. He also admitted that he did not inform the sergeant or lieutenant who reviewed the report about his previous contact with the Robbery victim.

Officer #2 said he assisted Officer #1 in writing the Incident Report. Officer #2 said that he and Officer #1 realized the male they talked to at 2:22 am incident was the same person as the robbery victim, as they were still writing the incident report the same morning. Officer #2 said that the homicide detective, the witness officer, called Officer #1 the same morning while they were still writing the report. Officer #2 said the witness officer spoke to Officer #1 first, then Officer #1 handed him the phone, and Officer #2 spoke to the witness officer. Officer #2 said he did not add a statement to the incident report detailing the 2:22 am incident because he was busy dealing with booking evidence for the homicide investigation.

The witness officer could not recall the exact time she called the named officers. She said that it was pertinent that officers notify investigators of any contact with a victim or witnesses to ensure that investigators obtain an accurate and complete investigation. One of the major consequences could be corroborating or exculpatory evidence of a crime, which impacts successful prosecution or exoneration. She stated that she highly expected that officers inform her of any recent prior contact with a victim or witness, and that should take place as soon as feasible for the officers to report the information in an Incident Report or Supplemental Report.

The incident report showed that Officer #1 signed the Officer Declaration at 1:36 pm on the same day as the incident. The 02:22 hours interaction is not recorded anywhere in the report.

The Chronology of Investigation for the Robbery/Homicide case shows that the witness officer called and spoke to the named officers between 7 and 10:30 am on the same day of the incident.

Department General Order 2.01, General Rules of Conduct, rule 25, states, "ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

The evidence shows that the named officers prepared an incomplete or inaccurate incident report when they failed to include information relating to the 02:22 hours interaction they had with the Robbery victim and their proximity to the Homicide suspects. Officer #1's claim that he did not include this information because he was unaware of the relevance is discredited by Officer #2's account and the written contemporaneous notes of the witness officer.

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 ALLEGATIONS #1-2: The officers failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The named officers failed to activate their body-worn cameras during the first interaction altogether.

Department General Order 10.11 3C states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: 2. Consensual encounters where the member suspects that the member of the public may have knowledge of criminal activity as a suspect, witness, or victim; 11. During any encounter with a member of the public that becomes hostile; 12. In any situation when the recording would be valuable for evidentiary purposes..."

Department Notice 20-175 Activation of Body-worn Camera states, "Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed... When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene."

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said the named officer is in Internal Affairs and swept this incident "under the rug" because it was too political to act on.

The named officer stated there is no Internal Affairs investigation into this incident. The officer said that she only became aware of the specific incident and officers about three months after the date of the incident. She received a request from the Department of Police Accountability requesting any Internal Affairs case files associated with the Homicide incident. She responded that there were no files.

The named officer recalled a conversation a few days after the homicide incident. Her supervisor informed her of a situation where homicide investigators wanted to talk to officers as part of their criminal investigation regarding the officer's interaction with a victim before the crime occurred. The decision was

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made for the detectives to request a voluntary interview from the officers. If, during that interview, misconduct was identified, the homicide investigators should write a memorandum and forward it to Internal Affairs. Internal Affairs never received a follow-up about the incident.

The Department's legal office confirmed no Internal Affairs investigations into the incident.

Department Notice 21-046 states that the person who initially became aware of the misconduct must report said misconduct.

There is no evidence that the named officer failed to comply with Department policy. No investigation was opened in Internal Affairs because no memorandum documenting alleged misconduct was submitted. The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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COMPLAINT DATE: 07/19/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant attempted to contact the San Francisco Police Department multiple times to file a police report but has not received a response.

The complainant found a number for the San Francisco Police Department through an internet search; however, the number is no longer operational, as the San Francisco Police Department's website reflects their current number. The number used by the complainant has been reassigned to a business unaffiliated with the department.

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

SUMMARY OF ALLEGATION #2: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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COMPLAINT DATE: 08/07/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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COMPLAINT DATE: 06/13/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he received a citation for parking at a space designated for disabled persons while his car was not parked in a space designated for disabled persons. The complainant admitted he was fixing his car at a space designated for disabled persons near his house the night before discovering the citation on his vehicle. The complainant confirmed that the car did not have a disability placard inside when parked in the space designated for disabled persons.

Department records show that the named officer cited the complainant's vehicle for parking in the space for disabled persons with no placard. SFMTA records confirmed the violation was for California Vehicle Code (CVC) sec. 22507.8(a). The citation date was the day before he discovered the citation on his vehicle. The same day he admitted to parking his vehicle in a space designated for disabled persons without a disability placard.

The complainant provided pictures of the location he received his ticket and the space designated for disabled persons he parked at the night before. The space designated for disabled persons is for disabled persons only, and the minimum fine if parked without a placard.

CVC sec. 22507.8(a) states, "it is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of this code..., unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

CVC sec. 40202(a) states, "if a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation..."

The evidence collected proves that the complainant did park at a space designated for disabled persons while he did not have a placard. The citation was issued for the date the complainant admitted he parked the vehicle in the space designated for disabled persons. The named officer was justified in securing the citation onto his vehicle since it was unattended.

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 drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated the named officer parked his patrol vehicle in a bus lane preventing buses from passing.

The named officer stated he parked his patrol vehicle in a bus lane with its emergency lights activated to back up an officer interacting with a subject. He stated that when he met with the other officer, the officer no longer required backup. The named officer stated he parked his emergency vehicle in the bus lane because he needed to have it nearby as it contained his medical kit bag and less lethal options. The named officer cited California Vehicle Code §21055, which states that emergency vehicles, including police vehicles, are exempt from traffic laws while performing their duties.

DPA was unable to locate department records documenting this incident.

Activation of body-worn cameras was not required for this incident.

California Vehicle Code §§21055 and 21655.1 state in relevant parts that emergency vehicles may park in a bus lane in response to an emergency call and if the driver activates emergency lights visible to other drivers and pedestrians.

The Department of Police Accountability could not corroborate the information provided by the complainant or the named officer. Therefore the evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATIONS #2-3: The officers drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated the named officer parked his patrol vehicle in a bus lane preventing buses from passing.

Because the complainant could not identify all the officers involved in this incident, the Department of Police Accountability sent an ID poll to the district station. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officers that were involved. The ID poll returned negative results pertaining to the two additional unidentified officers in the incident. Therefore, there was insufficient information to identify those officers.

DPA was unable to locate department records documenting this incident.

Activation of body-worn cameras was not required for this incident.

The Department of Police Accountability could not identify two of the officers involved in this incident.

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

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SUMMARY OF ALLEGATION #4: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant observed officers sitting around doing nothing close to individuals selling stolen goods.

The named officer stated he acted within Department Policy as San Francisco Police Codes relating to sidewalk vending were repealed. He stated that the Department of Public Works is now assigned to handle illegal vending.

DPA was unable to locate department records documenting this incident.

Activation of body-worn cameras was not required for this incident.

Department Notice 21-149 states in the relevant part that San Francisco Police Code §§864 to 870, related to sidewalk vending, has been deleted. Police officers shall no longer enforce these sections.

San Francisco Municipal Police Codes §§864 to 870 are repealed.

The named officer acted within Department Policy by not enforcing regulations regarding street vending.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant observed officers sitting around doing nothing close to individuals selling stolen goods.

Because the complainant could not identify all the officers involved in this incident, the Department of Police Accountability sent an ID poll to the district station. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officers that were involved. The ID poll came back with negative results pertaining to the two additional unidentified officers in the incident. Therefore, there was insufficient information to identify those officers.

DPA was unable to locate department records documenting this incident.

Activation of body-worn cameras was not required for this incident.

The Department of Police Accountability could not identify two of the officers involved in this incident.

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

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 8/23/23.

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COMPLAINT DATE: 03/10/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she had a phone conversation with the named officer regarding an incident in 1988. During the conversation, the officer advised her that the statute of limitations had expired. She described the officer as “curt,” told her, “Good luck,” and hung up the phone.

The named officer stated that he had multiple phone calls with the complainant around the period of her alleged phone call. Most of the conversations involved the complainant bringing penal code sections to the officer’s attention which did not apply to her case. During these conversations, he tried to explain that her case could not be pursued through the criminal justice system as the statute of limitations had passed. He said the complainant would get extremely verbally aggressive toward him and accuse him of being unwilling to assist her.

The officer recalled that all the phone calls ended professionally. He also said he routinely signs off phone calls with victims with the words, “Good luck.” He denied being curt with the complainant, stating his personal goal in every phone call is to remain sympathetic towards victims and carry himself professionally.

There is no evidence, such as a recording of the phone call, that can corroborate or refute the different accounts.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The officer reported that the complainant wasn't injured after hitting the complainant with his patrol vehicle.

The officer could not be interviewed as he is no longer with the Department.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer did not attempt to interview the witness(es) at the accident scene.

The officer could not be interviewed as he is no longer with the Department.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer was not truthful in saying that the complainant was not using the bicycle's headlamps at the time of the accident.

The officer could not be interviewed as he is no longer with the Department.

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

SUMMARY OF ALLEGATION #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 failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he called 911 about a noise disturbance in his building, but an officer showed up hours after the noise had ceased. The officer advised him that other officers had been dispatched earlier but had to attend to another call for service. The complainant stated that the named officers did not promptly respond to his call.

The named officers stated that they received the complainant's call for service regarding a verbal argument taking place inside a neighbor's residence. The named officers were then preempted to a call for service originating from a burglary alarm. The named officers added that there were multiple attempted burglary calls within blocks of the burglary alarm, leading the officers to believe there was a burglary in progress. Named Officer #1 stated that the complainant's call for service did not have the highest priority designation and did not require an immediate response. The named officers stated that they complied with Department General Order (DGO) 1.03 Duties of Patrol Officers. They stated that they try to safely handle as many calls as possible and must triage calls based on the information provided.

Dispatch records showed the call for service made by the complainant reporting his neighbors in a loud dispute. The call was designated as a medium priority call by a dispatcher. The records indicated that the complainant provided a door code for entry into the building but declined to provide any further information. The named officers were dispatched to the call and shortly thereafter but preempted to a higher priority call for service. Another officer was later dispatched to the complainant's call.

The evidence showed that dispatch preempted the complainant's call for service and sent the responding officers to a higher priority call. The officers followed Department procedures by responding to the high priority call for service.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant said he called a station to speak with a supervising officer about a delay in the officers' response. He left a message for the named officer to call him back and the named officer never returned his call.

The named officer acknowledged he was working as a supervising officer at a station on the date the complainant said he left the message. The named officer did not recall receiving a message from the complainant.

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

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

COMPLAINT DATE: 07/31/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 07/26/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-2

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

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

COMPLAINT DATE: 07/17/23 COMPLETION DATE: 08/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant called a district police station to inquire what information they had about her, specifically pertaining to her race. The complainant said the officer who answered the phone could not provide her with the information and hung up on her several times. The complainant said she decided to call another district station. She said that the officer who answered the phone had an attitude and seemed disinterested. She said the officer told her that she could keep calling or come to the station in person.

Because complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district stations in question. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officers.

The officers could not reasonably be identified.

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

COMPLAINT DATE: 12/01/22 **COMPLETION DATE:** 08/25/23 **PAGE# 1 of 6**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said her neighbor violated a restraining order and the named officers did not arrest the neighbor.

Named officer #1 said her partner and herself responded to a call for service regarding a neighbor dispute. When she arrived on scene, she spoke to the complainant who provided her with video evidence of an alleged restraining order violation involving her neighbor. Named officer #1 reviewed the video evidence provided by the complainant. The named officers both stated that the video evidence failed to prove that there was a restraining order violation, as it showed the complainant's neighbor walking down the hallway and speaking to herself. The named officers both stated the complainant asked them to speak to her neighbor and did not state that she wanted her neighbor arrested.

DPA obtained the named officers' body-worn camera (BWC) footage of the incident. The BWC footage showed the named officers reviewed the complainant's surveillance video evidence. Named officer #1 explained to the complainant that the other involved person did not make contact, threaten, or harass her during this incident. The complainant could be heard asking the named officers to speak to her neighbor. The BWC footage later showed Named officer #1 speaking with the neighbor and advising her to stay away from the complainant.

The evidence proves that the named officers had no probable cause to arrest the complainant's neighbor and that the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 12/01/22 **COMPLETION DATE:** 08/25/23 **PAGE# 2 of 6**

SUMMARY OF ALLEGATION #3: 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 yelled at her during the incident.

The named officer stated the complainant kept interrupting her while she was trying to speak with her neighbor. The named officer said she had to tell the complainant, in an elevated voice multiple times, to be quiet. The named officer stated she did this to keep the incident from escalating and to maintain control of the scene.

DPA obtained the named officer's BWC footage of the incident. The BWC footage was consistent with the statement she provided to DPA.

The evidence showed the named officer had to remind the complainant multiple times to be quiet while she was speaking with her neighbor. The named officer spoke to the complainant in an elevated voice, but it was not done out of annoyance or frustration.

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

SUMMARY OF ALLEGATION #4: The officer inappropriately disabled, deactivated, or muted a body-worn camera or intentionally obstructed an audio or video recording.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer turned her body-worn camera on and off depending on what was being discussed during the incident.

The named officer denied the allegation.

DPA was able to obtain the named officer's BWC footage of the incident. The footage did not show any premature termination of the recording at any point.

The evidence proved that the named officer did not turn her BWC on and off depending on what was being discussed during the incident. Once started, the recording was continuous.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 12/01/22 **COMPLETION DATE:** 08/25/23 **PAGE# 3 of 6**

SUMMARY OF ALLEGATION #5: The officer's discourteous behavior or statements were related to ethnicity or race.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer asked the complainant if she was Filipino, which she felt was inappropriate.

The named officer did not recall asking about the complainant's ethnicity or race but was aware they were the same race. The named officer said she is proud of her race and would never say anything negative about anyone in her community pertaining to that.

The named officer did not recall having this conversation with the complainant. However, if it was said, it was in the spirit of building rapport which is required in Department General Order 5.01 and always encouraged by the Department.

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

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officers retaliated against her by siding with the property manager's spouse over her during the incident.

Named officer #1 stated she spoke with the property manager's spouse because she arrived on scene while she was speaking to the complainant's neighbor. Named officer #1 said the property manager's spouse made a statement about the complainant unrelated to the incident. Named officer #1 stated she did not side with the property manager's spouse.

Named officer #2 stated that the complainant's neighbor did not violate the court order or commit any crime. Named officer #2 and named officer #1 made this determination after speaking with the complainant and reviewing her video evidence, not because of any statements from anyone else.

DPA obtained the named officers' BWC footage of the incident. The BWC footage showed the property manager's spouse making a statement to named officer #1 about the complainant, but it was unrelated to

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

COMPLAINT DATE: 12/01/22 COMPLETION DATE: 08/25/23 PAGE# 4 of 6

the incident. The named officers' BWC footage also showed them reviewing the complainant's video which showed the complainant's neighbor walking by her door and speaking to herself. The complainant's video did not show any sort of violation pertaining to the restraining order she had against her neighbor.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #8-9: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to write an incident report pertaining to the incident.

Named officer #1 said this specific incident did not require the named officers to write a police report because no crime had been committed. Named officer #1 said if a report were to be written, then it would have been her responsibility, but the complainant did not request a police report. Both named officers stated the complainant requested that they to speak to her neighbor regarding their ongoing issues. The named officers both acknowledged that if the complainant had requested a private person's arrest, they would have written a report. However, both named officers stated that the complainant did not request one for this incident.

DPA obtained the named officers' BWC footage of the incident. The BWC footage showed named officer #2 asking the complainant what she wanted the named officers to do. The complainant requested the named officers to speak to her neighbor regarding their ongoing issues. No restraining order violation had been committed at the time and the complainant did not request a private person's arrest.

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

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

COMPLAINT DATE: 12/01/22 **COMPLETION DATE:** 08/25/23 **PAGE# 5 of 6**

SUMMARY OF ALLEGATION #10: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer discouraged her from filing a citizen's arrest.

The named officer stated that the complainant did not request a citizen's arrest regarding this incident. He elaborated that the complainant at one point asked about the procedures involved in a citizen's arrest, but ultimately the complainant requested that his partner and himself speak with her neighbor. The named officer reiterated that no crime had been committed in this incident that required some sort of law enforcement action on his or his partner's part.

DPA obtained the named officer's BWC footage of the incident. The BWC footage showed that the complainant did not request a citizen's arrest nor did the named officer attempt to discourage her from filing one.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not intervene when his partner was yelling at and being rude to the complainant.

The named officer acknowledged that his partner spoke to the complainant in an elevated voice at one point during the incident. However, he stated he did not have to intervene because his partner was utilizing a command voice due to the complainant interrupting and speaking over them while they were trying to speak with her neighbor.

The partner stated the complainant kept interrupting her while she was trying to speak with her neighbor. The partner had to tell the complainant, in an elevated voice multiple times, to be quiet. The partner stated she did this to keep the incident from escalating and to maintain control of the scene.

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

COMPLAINT DATE: 12/01/22 COMPLETION DATE: 08/25/23 PAGE# 6 of 6

DPA obtained the named officers' BWC footage of the incident. Their BWC footage was consistent with the statements they provided to DPA.

The evidence showed that the partner officer had to raise her voice when speaking with the complainant to keep her from interrupting while she was speaking with the complainant's neighbor. This did not require the named officer to intervene.

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

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

COMPLAINT DATE: 08/14/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

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

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

COMPLAINT DATE: 08/07/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 08/05/23 COMPLETION DATE: 08/29/2023 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: Referral/US Park Police

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

US Park Police
1217 Ralston Ave
San Francisco, CA 94129

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

COMPLAINT DATE: 11/24/22 COMPLETION DATE: 08/29/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that his mother was the victim in an elder abuse incident. The complainant spoke to police officers, was given a case number, and was told that an investigator from another division would investigate the incident. The complainant was advised that this process may take an extended period of time. The complainant felt that the investigation should have been expedited.

The named officer stated that after the incident report was written, the case was forwarded to investigations. The named officer conducted a thorough investigation and was unable to find additional witnesses or security camera footage that showed how the incident occurred. The named officer also confirmed the investigators would determine if the incident warranted further investigation. The named officer stated the complainant asked the named officer who the case would be assigned to, but the named officer did not know and advised it could take a couple months. The named officer provided the complainant with a follow-up form so he could check in on the status of the case.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statement he provided to DPA. The BWC also showed that the complainant's mother was not injured as a result of this incident. DPA interviewed the Lieutenant from Special Victims Unit (SVU). The Lieutenant reviewed the incident report and confirmed that based on the lack of evidence, no follow-up investigation would have been done.

The evidence showed the named officer followed Department policy and procedure as it pertains to investigating and documenting the incident. Additionally, as confirmed by the Lieutenant from SVU, this case did not meet the minimum requirements for a follow-up investigation.

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

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

COMPLAINT DATE: 11/24/22 COMPLETION DATE: 08/29/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officer did not do a thorough investigation of the incident.

The named officer stated he interviewed all parties involved in the incident. The named officer also spoke to workers at a nearby store where the incident happened but was unable to locate any actual or potential witnesses. The named officer stated that he also canvassed the area to look for surveillance camera footage. The officer found no surveillance cameras that could have captured the incident.

DPA obtained the named officer's BWC footage of the incident. The BWC footage was consistent with the statement he provided to DPA.

The evidence proves that the named officer conducted a thorough investigation that was consistent with Department policy and procedures.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 04/25/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he observed two officers inside a stationary police vehicle playing on their phones while crime was openly taking place in close vicinity to them, specifically the sale of stolen goods.

The named officers confirmed that they were stationed in their vehicle in the area to maintain police presence and deter and address crimes. The named officers confirmed that individuals within the area were selling goods; however, the officers did not address or take any enforcement action against them. The officers explained that they had no reasonable suspicion or probable cause at the time that those goods were stolen and that per Department policy, the Department of Public Works is tasked with addressing issues pertaining to street vendors. Additionally, the officers maintained that they were not “playing” on their phones and understand the importance of remaining vigilant and observant in that area.

Department Notice 23-046 establishes the Department of Public Works as the agency charged with the enforcement of vending programs in particular areas within the City. The Notice allows for officers to assist and aid the Department of Public Works, if necessary, but does not mandate it.

Despite attempts to contact the complainant, the complainant did not provide DPA with any specific information that confirmed the goods were, in fact, stolen. Thus, absent any additional evidence, such as evidence that the goods were stolen or evidence contrary to what the officers attested, the officers’ failure to act against the street vendors was proper and within Department policy.

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

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

COMPLAINT DATE: 05/29/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 02/06/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to process a report in a timely manner.

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 07/04/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 08/18/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 08/18/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 07/10/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated he spoke with an officer on the phone, and informed him that he was having ongoing issues with his neighbor. The complainant stated the named officer told him to "just move" and then abruptly terminated the call. The complainant did not know the name or star number of the officer and could not provide a date when the call occurred.

Because the complainant could not identify the officer involved in this incident, the Department of Police Accountability sent an ID poll to the district station. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officers who were involved. The ID poll returned negative results about the incident's unidentified officer. Therefore, there was insufficient information to identify the officer.

The Department of Police Accountability could not identify the officer involved in this incident.

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

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

COMPLAINT DATE: 08/08/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 08/23/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/SFSO

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/14/23 **DATE OF COMPLETION:** 08/29/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1

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

United States District Court
Attn: Court Clerk Mark Busby
450 Golden Gate Avenue, Box 36060
San Francisco, CA 94102-3489

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

COMPLAINT DATE: 05/29/23 DATE OF COMPLETION: 08/31/23 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 8/30/23.

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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 8/30/23.

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

COMPLAINT DATE: 05/28/23 DATE OF COMPLETION: 08/31/23 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 8/30/23.

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

COMPLAINT DATE: 04/10/23 COMPLETION DATE: 08/31/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he parked his car on the street near his home and when he returned his car was gone. He spoke to a variety of San Francisco Police Department (SFPD) personnel and ultimately ended up at an impound lot where he met with the two named officers. The complainant stated that the named officers did not believe that his car had been stolen, accused him of lying, and told him to pay the recovery fees and then return to retrieve his car. The complainant did so and when he examined his car, he saw multiple signs showing that it had been stolen. The complainant called the named officers, but they declined to return to the impound lot. The complainant stated that the named officers failed to investigate and look at his car in the impound lot to see that it was a stolen recovery. He stated that if they had, he could have avoided the runaround and having to pay recovery fees.

The first named officer stated that she met with the complainant at the impound lot because he was reporting his vehicle stolen after it was involved in a hit and run collision. She stated she did not know what had happened to the complainant's vehicle, and was unable to determine that, but referred him to the Traffic Company if he had any more questions regarding the prior hit and run incident that she had not been a part of. She stated that she and the second named officer had both inspected the car before speaking with the complainant. It is her normal practice in order to confirm the vehicle is in the lot. When she investigated the car, she saw damage and discussed it with the complainant when they met. She did not return to the actual lot where the car was located because she had already inspected the vehicle. She denied accusing the complainant of lying and stated that she advised the complainant that they frequently encounter situations where people do lie to avoid towing charges. She confirmed that she and her partner wrote a report but stated that she had not reviewed the other report pertaining to the hit and run collision.

The second named officer's statements were similar to those of the first. He denied accusing the complainant of lying, stated that he wrote a stolen/recovered report for the complainant's vehicle, and noted that he did not return to the impound lot because he had already gathered the information he needed.

Department records showed that a Traffic Collision Report was prepared approximately 12 hours before the complainant had the interaction with the named officers. This report (written by officers separate from the named officers in this matter) noted that an individual reported his parked car had been struck and damaged by a car registered to the complainant. The complainant was not on scene, officers were unable to reach him, and his car was towed. The report also noted damage to the complainant's vehicle which was consistent with it having been stolen.

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

COMPLAINT DATE: 04/10/23 COMPLETION DATE: 08/31/23 PAGE# 2 of 2

Department records also showed that the second named officer prepared a Vehicle Incident Report which noted that the complainant's vehicle had been stolen and recovered.

Body-worn camera footage (BWC) showed the named officers meeting with the complainant at the impound lot. The first named officer stated that she was unable to report the car as stolen based on the information the complainant provided about where he parked and referred him to the Traffic Division. The second named officer explained why there were two separate case numbers (one for the Traffic Collision Report and one for the Vehicle Incident Report) and advised the complainant that they had briefly inspected his car and saw damage.

It appears that the named officers had (perhaps unbeknownst to the complainant) already viewed the damage to the complainant's car before they met with him. Returning to the impound lot was not necessary. While DPA recommends that officers review all related information (such as the Vehicle Collision Report) the failure to do so does not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/AUTO RETURN

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

Auto Return
450 7th Street
San Francisco, CA 94103

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

COMPLAINT DATE: 12/17/22 COMPLETION DATE: 08/30/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant's alleged that their son was wrongfully detained in handcuffs for an auto burglary investigation without an explanation after being taken off a MUNI bus by officers.

Named Officer #1 said he responded to the scene to provide backup assistance to the incident. Officer #1 placed the complainant's son in handcuffs because the son matched the description of the auto burglary suspect, and the initial responding unit also indicated to detain him. Auto burglary is a felonious crime in which offenders often possess tools that can be used as weapons and carry weapons up to and including firearms. Due to multiple individuals being detained, and to ensure the scene remained safe, Officer #1 placed the complainant's son into handcuffs as other officers had done with the other three suspects that were also detained. Named Officer #2 stated that he informed the complainant's son that he was being detained as part of an investigation and explained why he was released after the detention. Three other juveniles, who were also riding on the same bus, were also detained, resulting in an arrest and a citation.

Department records were requested and reviewed for this complaint. The computer-aided dispatch [CAD] records showed that the reporting party of the burglary followed the people involved until they got onto a MUNI bus. The victim trailed the bus, and relayed suspect descriptions to Dispatch. The description relayed to dispatch described the suspects as juveniles who were each wearing a red, black, and green hoodies. The complainant was detained because he was the only juvenile with a green hoodie on the bus. The officers conferred with the sergeant, who coordinated a "cold show"¹ in which the victim viewed the suspects and confirmed the complainant's son was not one of the suspects.

The body-worn cameras of the named officers and MUNI surveillance were also reviewed for the incident. The officers on the scene selected individuals who appeared to wear the attire described by Dispatch. The named officers assisted in having each passenger exit the bus, one by one, until the subjects matching the description were removed and detained. The complainant's son fit the description of the suspects because he was the only person on the bus wearing a noticeable green hoodie. The body-worn camera footage also captured a person affiliated with the complainant's son stating in conversation that they did not see anyone else on the bus with a green jacket and that the complainant's son was the only one who had one on.

¹ "The term "cold show" in this context refers to a field identification procedure in which the victim of crime is taken to view a person detained by police to determine whether or not the person committed the crime." (*People v. Bassett*, A134920 (Cal. Ct. App. Sep. 13, 2013.)). Cited for the sole purpose of defining "cold show.")

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Department General Order 5.03 Investigative Detentions, Section (2)(D) 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. Reasonable suspicion to detain is also established whenever there is any violation of the law. Reasonable suspicion cannot be based solely on a hunch or instinct.

The evidence showed that the officers detained the complainant’s son as he was the only juvenile on the bus wearing a green hoodie. The victim of the burglary had told the officers that they followed three suspects who got on the MUNI bus, one of whom was wearing a green hoodie. The complainant’s son was detained for under 6 minutes while the officers organized a cold show identification procedure with the victim. The victim told officers that the complainant’s son was not one of the suspects and he was immediately released. The named officers had reasonable suspicion to detain the complainant’s son.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that several witnesses told the officers that the complainant's son was not involved in any crime. They believe he was handcuffed due to racial profiling.

Named Officer #1 stated that the complainant’s son was detained based on the description provided to dispatch by the burglary victim. Named Officer #2 elaborated that complainant’s son was detained because one of the suspects was described as a 16–17-year-old black male in a green hoodie. While the complainant’s son was not the only juvenile black male on the bus at the time, he was the only black male juvenile wearing a green hoodie. For this reason, the sergeants on the scene decided to detain the complainant’s son along with the other juveniles who were detained.

The CAD records showed that the description of the burglary suspects provided by the victim were three juvenile black males wearing a red jacket, a black jacket, and a green hoodie each.

The body-worn camera footage showed that the reporting party identified one suspect while needing to identify the remaining two suspects through a “cold show.” Passengers on the MUNI bus were released one by one until the officers detained three subjects set to be confirmed as involved in the auto burglary through a cold show. The complainant’s son was handcuffed for approximately 6 minutes until the

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

COMPLAINT DATE: 12/17/22 COMPLETION DATE: 08/30/23 PAGE# 3 of 4

reporting party confirmed, via a Cold Show, that the complainant's son was not involved in the auto burglary.

DGO 5.17(3)(A)(3) states members seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics may rely on them only when the characteristic is part of a specific description based upon relevant information that links a specific person to a particular unlawful incident or a call for service. The listed characteristics should not be given undue weight.

The evidence showed that the complainant's son was detained based on the fact he was on the same bus as the auto burglary suspects were on and wearing clothing that matched the suspect's description.

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

SUMMARY OF ALLEGATIONS #5-6: The officers used handcuffs improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant's son was initially handcuffed and not provided a reason for the handcuffing. This lasted for several minutes before the officer questioned and then released him after it was confirmed that he was not a part of any criminal activity.

Named Officer #1 stated that the complainant's son was handcuffed to make the scene safe and to proceed with the investigation. Named Officer# 2 stated that he informed the complainant's son, as soon as he was handcuffed, that he was being detained as part of a further investigation and later informed him that he was being released from custody. Officer #2 gave the complainant's son an 849(b) (Certificate of Release) Form. After the complainant's son was released, Officer #2 stated that he again explained the reason for the detention to the complainant's son. Officer #1 and a sergeant at the scene also explained this to the complainants' son and his parents.

The named officers' body-worn cameras were reviewed for this investigation. The complainant's son was identified based on the attire of his clothing matching the description of the reporting party, who followed the MUNI bus that three subjects entered after burglarizing the reporting party's car.

Department General Order 7.01 Policies and Procedures for Juvenile Detention, Arrest, and Custody does not have a ban on handcuffing juveniles.

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The Arrest and Control Manual 2005 states that officers should handcuff suspects involved in felony cases. The Manual also allows officers to handcuff under these circumstances.

The complainant's son was appropriately detained as a potential felony burglary suspect. Therefore, the evidence proves that the alleged conduct occurred. However, the conduct was justified, lawful, and proper.

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COMPLAINT DATE: 04/26/23 COMPLETION DATE: 08/02/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated his building manager called 911 for a wellbeing check. Officers arrived, questioned his mental health, and asked him about vandalism. The complainant felt insulted by the officers' questions.

Department of Emergency Management records showed that the officers responded to a report from the complainant's building manager regarding vandalism. The manager identified the complainant as the subject of the investigation. Records also showed that there were multiple calls-for-service regarding the complainant vandalizing the apartment building.

Body-worn camera footage showed that the named officers spoke with the building manager and a tenant who both believed the complainant was vandalizing items in the building but had no proof. The officers agreed to speak with the complainant and, at the same time, evaluate his mental health. The complainant refused to answer questions. Officers informed the complainant that he could go to jail for vandalism. The complainant explained to the officers that he had issues with the manager. The officers determined the complainant did not meet the requirements for a psychiatric evaluation. They advised the complainant that the incident was a landlord-tenant issue, and he should document the incidents on his own.

DPA's investigation showed the officers investigated the vandalism and determined that the matter was civil rather than criminal. Although the complainant perceived the officers' questions and actions as inappropriate, the officers were required to investigate the reported incident.

Department General Order 2.01, General Rules of Conduct, requires officers to investigate reported crimes.

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

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COMPLAINT DATE: 04/26/23 COMPLETION DATE: 08/02/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: N/A

FINDING: Referral/IAD

FINDINGS OF FACT: This complaint raises matters outside the 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: 01/26/23 COMPLETION DATE: 08/02/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she thought someone was breaking into her house, so she called 911. She was in a “fight or flight” state as officers arrived, causing her to mistakenly believe they were trying to capture her. As officers encroached on her space, she tried to protect her dog by throwing it onto a neighbor’s roof. She then jumped onto the neighbor’s roof herself. The officers then detained her for no reason and refused to leave.

Department of Emergency Management records showed that officers responded to an “A” priority call for service regarding a person with a gun. The complainant reported seeing a “ghost man” in her apartment trying to harm her with a black handgun.

Department records and body-worn camera footage showed that when officers arrived, the complainant said someone was there to kill her. However, when the complainant allowed the officers to search her residence, they did not locate anyone else inside the apartment. The complainant acted frantic and made irrational statements about the officers coming there to murder and kill her. The officers attempted to build rapport and communicate calmly with the complainant. She was eventually handcuffed and transported to a hospital.

Department General Order (DGO) 6.14, Psychological Evaluation of Adults, outlines procedures for dealing with psychologically distressed adults. Officers may detain an individual for an involuntary psychiatric evaluation pursuant to Welfare and Institutions Code Section 5150 when facts and circumstances would lead a reasonable officer to believe that the individual is a danger to themselves, a danger to others, or gravely disabled. The complainant’s behavior, which included delusional statements and jumping onto a neighbor’s roof, indicated she was a danger to herself.

DPA’s investigation showed that the complainant was in crisis and met the requirements of an involuntary psychiatric evaluation. The evidence proves that the officers’ conduct was justified, lawful, and proper.

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COMPLAINT DATE: 01/26/23 COMPLETION DATE: 08/02/23 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers threw her down to the ground during her detention.

Body-worn camera footage showed that the complainant was initially calm as she approached officers, but suddenly began to pull away when she observed one officer holding handcuffs.

Department General Order 5.01, Use of Force, allows officers to use reasonable force options to detain a person. Officers may use control holds and take down techniques to direct movement in response to active resistance.

The complainant actively resisted officer orders during the detention by running away and jumping onto a nearby roof. Under the circumstances, it was reasonable for officers to use handcuffs and to place the complainant on the floor to control her movement. The DPA understands that the complainant perceived the officer's actions as unnecessary or excessive. However, the officers' use of force was proportionate to the complainant's resistance level.

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

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COMPLAINT DATE: 01/26/23 COMPLETION DATE: 08/02/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she could not find her dog after she was released.

Department General Order 6.09, Absentia Bookings and Prisoner Security, states Animal Care and Control is responsible for impounding and caring for animals.

Department of Emergency Management records showed that the officer arranged for Animal Care and Control to retrieve the complainant's dog from the police station.

Body-worn camera footage showed that the named officer asked the complainant if she wanted to call someone to help care for her dog in the complainant's absence. The complainant responded that she did not know anyone who could care for the dog. The dog was placed on a leash and inside a patrol vehicle to be transported and kept at the station overnight because Animal Care and Control was closed.

Department records showed that Animal Care and Control issued a property receipt to the complainant advising that her dog was in their custody at their facility.

Body-worn camera footage from a later incident showed the complainant with her dog.

The investigation showed that the named officer complied with Department policy and that the complainant was later reunited with her dog.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/09/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/IAD

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

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

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COMPLAINT DATE: 07/26/23 COMPLETION DATE: 08/12/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-2

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/24/23 COMPLETION DATE: 08/16/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/IAD

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

Foster City Police Department
Internal Affairs Division
1030 E. Hillsdale Blvd.
Foster City, CA 94404

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/13/23 **COMPLETION DATE:** 08/22/23 **PAGE# 1 of 4**

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 she called the police after being pepper sprayed by a store employee; however, the officers did not try to arrest the person.

Named Officer #1 stated that after interviewing the complainant and the store employee, he could not determine who the primary aggressor or party was more at fault. Additionally, Named Officer #2 stated that there was not enough evidence to establish probable cause to make an arrest. The officers provided the complainant with a Citizen's Arrest Form, which the complainant completed, and the officers accepted.

Body-worn camera footage showed that both officers interviewed the complainant. Named Officer #1 interviewed the store employee who stated that the complainant was refused a sale after the complainant berated another employee. The store employee feared for her safety when the complainant threw a sign and then began pepper-spraying the complainant. Officer #1 also interviewed an unknown witness who reported seeing the complainant "talking crazy" to the store employee and walking out the door; however, the witness did not see the entire incident. The officers inquired if the complainant wanted to make a Citizen's Arrest, to which the complainant acknowledged the desire to proceed with the arrest. The officers then accepted the complainant's Citizen's Arrest.

Department records corroborate the officers' accounts and the body-worn camera footage.

DGO 5.04.04, which pertains to the arrests by a private person, states that the following are the responsibilities of the Responding Member: "(3) Bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report. (7) A copy of the Private Person's Arrest form shall be booked into SFPD evidence."

The body-worn camera footage supports the officers' accounts. The store employee and the complainant's accounts to officers were different. An independent witness provided a statement that partially supported the store employee. As such, there was insufficient probable cause to arrest the store employee despite the complainant agreeing to a Citizen's Arrest.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The officer knowingly engaged in biased policing or discrimination when they did not arrest the person who pepper-sprayed the complainant.

Named Officer #1 stated that when he responds to a call for service, he looks at the facts presented by all parties and decides based on the facts, not race. Named Officer #2 stated that he spoke with the complainant and treated her with respect. Officer #2 further said that a person's race does not dictate the outcome of the call for service. The officer took the complainant's call seriously and explained the process to the best of his ability. Officer #1 printed a copy of the report, made a copy of the Citizen's Arrest form, and sent it through inter-department mail for referral to the District Attorney to review.

Footage reviewed on the officers' body-worn camera showed that both officers spoke to the complainant respectfully and attempted to garner evidence from the call for service by interviewing the complainant, the source of the call, and available witnesses. Officer #2 explained the investigation process, to which the complainant stated, "Cool."

DGO 5.17 regarding bias-free policing establishes the San Francisco Police Department's commitment to just, transparent, and bias-free policing and reinforces existing policies and procedures that assure the public that the SFPD is providing services and enforcing laws equitably. 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. Furthermore DGO. 5.17 Section 3 (A) (4) states that members should use their critical decision-making skills drawing upon their training to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members should be cognizant of racial and identify profiling, implicit bias, and bias by proxy.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant said the incident was not filed with the District Attorney's Office for prosecution.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

Department General Order 10.11 require members equipped with body-worn cameras to activate them to record detentions, arrests, or encounters where the member suspects that a member of the public may have knowledge of criminal activity as a suspect, witness, or victim. Furthermore, Department Bulletin 20-175 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording prior to approaching the person, vehicle, and location.

The named officer activated his body-worn camera after arriving at the scene for the call of service and after an interview had begun with the complainant for this incident.

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

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COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #6: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: N/A Referral

FINDING: IO1/DEM

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

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

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

COMPLAINT DATE: 03/16/23 COMPLETION DATE: 08/13/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she called the police to report a cybercrime; however, the named officer placed a “disregard” on her call for service and officers failed to respond.

The named officer, a Sergeant at the district station, confirmed authorizing the disregard on the call for service made by the complainant. The named officer explained that it is appropriate to authorize a “disregard,” on a call for service when officers respond to an address on numerous occasions and have determined that an individual suffers from mental health issues that cause them to make reports that are not based in reality and do not require police action. He explained that he and additional responders are familiar with the complainant as she contacts the police frequently regarding issues that are not reality based. The named officer provided evidence reflecting the complainant’s persistent calls to the police over the past year and explained that due to frequent calls, lack of staffing, and higher priority calls for services, placing a “disregard,” on a call of this nature by the complainant was appropriate in the circumstances.

The evidence reflected that the named officer, had in fact, advised dispatch to place a “disregard,” on her call for service and that officers did not respond. However, SFPD policy allows for such action to preserve resources.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/13/22 COMPLETION DATE: 08/01/23 PAGE# 1 of 2

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, approximately three years ago, he was followed by a person in a car and subsequently stopped by police. The officers questioned the complainant about a stolen car key. The complainant did not know anything about the key. The complainant was then detained for psychiatric evaluation and treatment against his wishes.

Department General Order 6.14, Psychological Evaluation of Adults, allows officers to involuntarily detain an individual for psychiatric evaluation and treatment if there are articulable facts indicating that a mental health disorder is impeding the individual's ability to provide food, clothing, and shelter or which indicates danger to self or others. An individual's inability to take care of their own food, clothing, and housing needs due to a mental health condition is considered a grave disability and is sufficient grounds to detain a person for mental health evaluation. (W&I Sections 5150 and 5150.05)

One officer stated that, because the events occurred several years ago, he had little recollection of what happened apart from reviewing the incident report. He denied striking or injuring the complainant in any way. A second officer was unavailable to make a statement because he is no longer with the Department.

The incident report and mental health detention application described the facts the officers considered before detaining the complainant for an involuntary evaluation. The officers initially detained the complainant to investigate car key theft after taking a witness statement. They learned the complainant had taken keys from a stranger's car and then inexplicably returned them hours later. During their encounter, the complainant behaved erratically and made at least three statements indicating he was unable to provide for his basic personal need for food, clothing, or shelter. The complainant also claimed to be both a federal agent and a Supreme Court justice and said that he wanted to go to the hospital to take a shower. Body-worn camera footage was unavailable because the incident happened several years ago.

The officers had information indicating that the complainant was unable to care for himself. They therefore had cause to temporarily detain him for an involuntary psychiatric evaluation by a medical professional.

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

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COMPLAINT DATE: 10/13/22 COMPLETION DATE: 08/01/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 5.01

CATEGORY OF CONDUCT: IE

FINDING: IE

FINDINGS OF FACT: The complainant stated that an officer kicked him in the leg during the detention.

Body-worn camera footage was unavailable because the incident happened several years ago.

The named officer was unavailable to make a statement because he is no longer with the Department.

A witness officer said that although the complainant initially complained of neck pain, he recanted when medics were summoned and advised he had no medical complaints and only wanted to be taken to the hospital for a shower.

There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/17/21 COMPLETION DATE: 08/05/23 PAGE# 1 of 6

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer misrepresented the truth in a police report and to the court when he stated that the knife her client was carrying was visible when it was not.

The named officer stated he spoke with a male at the police station lobby who reported that someone outside the police station had tried to stab him. The victim pointed out the complainant's client as the suspect. The officer approached the client, gave commands to put his hands up and to turn around, and assisted another officer in handcuffing the client. The named officer said he saw a knife in the client's pocket. The named officer seized the knife for officer safety and public safety.

The named officer is no longer with the Department.

Witness Officer #1 stated he was with the named officer when they detained the client outside the police station. Witness Officer #1 said he had no recollection of seeing a knife on the client before the named officer took the knife from the client's pocket.

Witness Officer #2 stated that by the time he left the police station, the named officer had already detained the client. Witness Officer #2 then went to interview the victim.

The named officer's body-worn camera (BWC) footage showed the named officer and Witness Officer #1 exit the police station, cross the street, and detain the client. The named officer commands the client to show his hands, put his hands up, and turn around. The client's hands are placed behind his back, and he is handcuffed. The footage showed the knife handle in the client's front right pants pocket during this process. The named officer removes the knife from the client's pocket.

The incident report summarizing the incident was written by Witness Officer #2. The report states that the named officer detained the client and observed a knife in the client's front pants pocket. The named officer then retrieved the knife from the pocket.

The named officer attached a written statement to the incident report. In this statement, the named officer stated he stopped the client and told him to put up his hands. The officer then observed a knife in the client's front pants pocket. The officer immediately seized the knife for his and other officers' safety.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 09/17/21 COMPLETION DATE: 08/05/23 PAGE# 2 of 6

The court record of the preliminary hearing in the client's case showed that the named officer underwent direct and cross-examination. The named officer stated that he saw a knife in the client's front right pants pocket when he approached the client. The officer clarified that it was visible when he detained the client without a search. The complainant argued to the Court that the knife was concealed and that the officer removed the knife from a back pocket. The complainant cited the body-worn camera (BWC) footage as proof. The court records showed that the court disagreed with the complainant. The court also viewed the BWC and found the officer removed the knife from the front pocket, as testified by the officer.

The named officer's account during the investigation matches his statement in the incident report, the statements made under oath at court. Although body-worn camera is an important tool, it does not capture with precision all that the officer sees. It is worn on the chest and does not move, whereas an officer's field of vision is higher and angles may differ.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/Sustained

FINDINGS OF FACT: The complainant stated the named officer violated her client's *Miranda* rights by interrogating her client in Spanish for nearly four minutes without providing a *Miranda* warning. Only after a colleague informed the officer that he had to provide the *Miranda* warning did the officer do so. The complainant also stated that the named officer negligently mistranslated the *Miranda* warnings and did not obtain an express waiver of all the rights before continuing the interrogation.

The named officer confirmed he is a Department-certified Spanish speaker. The named officer stated that after detaining the client, he spoke to the client as he investigated to find out what had happened. He said it was only later determined to place the client under arrest. He clarified that this determination was made when Witness Officer #1 said to read the client his *Miranda* rights. The officer denied doing anything improper and explained that he was trying to discover the client's side of the story.

The named officer said that at the time, he only had an English *Miranda* card to read from, not a Spanish translation. The officer said he was unaware that a Spanish *Miranda* card was available until after the court hearing. He has subsequently obtained a Spanish version. The officer said he translated the English *Miranda* card he did have into Spanish when he *Mirandized* the client. The officer also noted that the wordage that the complainant told the Court should have been used in the Spanish *Miranda* rights are incorrect. These words are not included in the official *Spanish* *Miranda* Card.

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

COMPLAINT DATE: 09/17/21 COMPLETION DATE: 08/05/23 PAGE# 3 of 6

The named officer said that when he translated the *Miranda* rights related to an express waiver, he said the client nodded. The officer said he asked again, and the client said that he knew his rights.

The named officer is no longer with the Department.

Witness Officer #1 stated that he was not a Spanish speaker and did not understand the conversation between the named officer and the client after the client was detained. Due to this fact, Witness Officer #1 said he asked the named officer if he was questioning the client about the incident. The named officer said he was asking about why the client was at the police station, and Witness #1 told the named officer to read the client his *Miranda* rights.

Body-worn camera (BWC) footage showed that, before the named officer Mirandized the client, he asked the client to explain what was going on, if he had any more knives, where the other male involved in the assault had gone, the client's name, the client's date of birth, asked the client if he had California ID, informed the client that a male had said the client wanted to stab him, asked the client for an account of what happened.

Body-worn camera (BWC) footage showed that the named officer told the client he had a right to remain silent, that what the client said could be used against him in court, that he had a right to an attorney while being questioned or after the questions, and if he did not have money for an attorney, he can be given one for free.

Body-worn camera (BWC) footage showed that the named officer asked for an express waiver. He said, "¿Okay, ahorita me quieres decir qué es lo que pasó? Entonces me dijiste que estabas allá arriba con tu compa trom-- tomándote una cerveza." This translates to, "Okay, you want to tell me now what happened? So you told me you were up there with your buddy trom-- having a beer." However, the client responded, "Él se escapó. Por qué no," meaning "He ran away. Why didn't..."

Department Notice 20-77 states the *Miranda* Rights:

"1. You have the right to remain silent. Do you understand? 2. Anything you say may be used against you in court. Do you understand? 3. You have the right to the presence of an attorney before and during any questioning. Do you understand? 4. If you cannot afford an attorney, one will be appointed for you free of charge before any questioning, if you want. Do you understand?"
"For subjects 18 and older: If you desire an express waiver, ask a "Yes" or "No" question, such as: Do you want to talk about what happened? Do you want to tell me your side of the story? Do you want to talk to me?"

Court documents showed that the complainant raised her *Miranda* concern with the court and filed a Motion to Dismiss based on issues with the *Miranda* rights provided by the named officer. The court

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found that, although not perfect, the warning provided by the named officer was sufficient to apprise the client of his rights. The court also pointed out that an express waiver was unnecessary if an implied waiver could be found. The court dismissed the Motion to Dismiss.

The California Commission on Peace Officer Standards and Training (POST) Learning Domain 15 Chapter 5 Administration of the Miranda Warning states, in part,

“The Fifth Amendment of the U.S. Constitution states that: No person . . . shall be compelled in any criminal case to be a witness against himself. In *Miranda vs. Arizona* (1966), the United States Supreme Court ruled that unless certain warnings are given to the suspect first, any statement made during custodial interrogation will be viewed as “compelled” because of the inherently coercive atmosphere that exists and that statement(s) would be inadmissible in a courtroom proceeding.”

“Minimally, the following advisements must be provided to a person subjected to custodial interrogations. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and during questioning. If you cannot afford an attorney, one will be appointed for you free of charge, before questioning, if you wish.”

“The Miranda warning and a valid waiver of those rights are required before any custodial interrogation. Custody and interrogation must both exist before the Miranda warning is necessary. Custody means a formal arrest or its “functional equivalent.” It is objectively determined by the totality of circumstances. People are in custody for Miranda purposes when they have been: actually placed under arrest; subjected to the kinds of restraints associated with a formal arrest (e.g., handcuffs, guns, lockups, etc.) An interrogation occurs when a peace officer: engages in direct/express questioning of a person about a crime; uses words or conduct reasonably likely to elicit an incriminating response from a person.”

“Only if a valid waiver is obtained will answers to questioning be admissible in court. A waiver can be either expressed or implied, but must always be knowing and voluntary.”

“Type of Waiver – Implied. Acknowledges understanding the advisements, and exhibits conduct indicating waiver of rights. Example - The peace officer starts asking questions and the person answers.”

The evidence showed that although the translation provided by the named officer was not perfect, it was sufficient for the court to decline the complainant’s Motion to Dismiss. However, the body-worn camera footage showed that the named officer did question the client about what had happened and if he had any more knives before he *Mirandized*. These are direct questions that would reasonably be likely to elicit an incriminating response from the client. Therefore, the named officer interrogated the client without *Mirandizing* first, contrary to the U.S. Supreme Court case *Miranda vs. Arizona*.

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 5.20 Language Access Services for Limited Proficient (LEP) Persons.

CATEGORY OF CONDUCT: ND

FINDING: IC/Sustained

FINDINGS OF FACT: The complainant stated that her client's first language was Mayan, not Spanish. She said that the body-worn camera showed that after placing the client in handcuffs, the named officer asked the client if he spoke Spanish, and the client replied, "Un poco," translated as "a little bit." The complainant said the officer did not follow up and ask the client what his native language was and continued speaking Spanish to the client.

The named officer stated that he is a qualified bilingual member who has spoken Spanish all his life. The officer stated that he asked the client if he spoke Spanish when he initially started speaking to the client. They had a whole conversation in Spanish, and the officer said there was no difficulty communicating with the client in Spanish. The officer said there was no reason for him to suspect the client spoke another dialect, and the client never told him that Mayan was his primary language. The named officer did admit he did not show a language identification card to the client. He also admitted no exigent circumstances were preventing him from showing the card.

The named officer is no longer with the Department.

Witness Officer #1 stated he could not recall if the named officer asked the client what his native language was.

Body-worn camera (BWC) footage showed that when the named officer handcuffed the client, he asked the client, "You speak English," followed by "¿Hablas español?" which translates as "Do you speak Spanish." The client replied, "Un poco." It is unclear if the client was replying to the first or second questions. However, the named officer and client then converse freely so several minutes in Spanish. At no point did the client ask for a Mayan translator.

Department records confirm that the named officer was registered as a qualified bilingual member for Spanish.

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Court records show that the complainant raised the issue of the officer's failure to provide a Mayan translator to the Court. The records showed that the client had a Spanish translator for the Court Hearings, not a Mayan translator, and the complainant admitted to the court that the client could understand Spanish.

Department General Order (DGO) 5.20 Language Access Services for Limited English Proficiency (LEP) Persons section III Procedures states, in part;

“SFPD members are to follow these procedures in all encounters absent exigent circumstances; however, exigent circumstances may require some deviation. In such situations, SFPD members shall use the most reliable, temporary interpreter available. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.

A. GENERAL. The following procedures shall apply to members who encounter LEP individuals while performing law enforcement functions.

B. IDENTIFICATION OF PRIMARY LANGUAGE.

1. All SFPD members will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.
2. SFPD members should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, contract, or professional interpretation service. The member should then request the appropriate interpreter.”

It is unclear if the client answered “un poco” to the question of whether he spoke English or if he spoke Spanish. His body-worn camera footage and Court records showed that the client was a capable Spanish speaker. However, the body-worn camera footage and the named officer's testimony showed that he failed to comply with DGO 5.20 when he did not provide a language identification card to the client or read the Spanish *Miranda* warning verbatim from his card.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that he inhaled nitrous oxide, prompting a family member to call for police assistance. The complainant stated one of the officers grabbed his arm and would not let go. The complainant also stated that other officers slammed him down and handcuffed him.

Department records showed that officers were dispatched to perform a wellbeing check after the complainant's family called 911 with concerns about his medical condition. Family members reported that the complainant had made suicidal comments after inhaling a large amount of nitrous oxide. The named officers detained the complainant outside his home to determine if he qualified for an involuntary mental health evaluation.

Body-worn camera footage showed that Officer #1 met with the complainant outside his home. The complainant made suicidal statements and attempted to evade the officer by trying to re-enter the home and by trying to drive away. Officer #1 held onto the complainant's left arm and ordered the complainant to stop resisting. Officer #2 and Officer #3 arrived shortly after and aided Officer #1. The complainant pulled his arms away, fell to the ground, and then attempted to crawl away from officers. Officer #1 gave the complainant verbal commands to stop resisting and then, with assistance from Officer #2 and Officer #3, used a control hold to place the complainant in handcuffs. Medics were requested to treat and evaluate the complainant, who complained of acute pain. Officer #1 explained to the complainant that he was detaining him due to his behavior.

In a report, Officer #1 explained that he used force after the complainant disobeyed several commands to stay outside and not enter his home. The officer grabbed the complainant's arm, but the complainant wrestled away, fell to the ground, and tried to crawl away. The officer was fearful that the complainant would barricade and harm himself if he was allowed to reenter the home. After the complainant pulled free of Officer #1, all three officers used a control hold to place the complainant in handcuffs. All three officers explained that they used force to gain compliance because the complainant was actively resisting their orders to stay outside his home during the detention.

Department General Order 5.01, Use of Force and Proper Control of a Person, states that 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 a person from injuring himself.

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Active resistance is described as physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained into custody. The policy also states that when a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance.

The investigation showed that the complainant resisted officers' lawful orders made during a detention, and the officers used reasonable force to detain him. Although the DPA understands that the complainant perceived the officers' actions as excessive or unnecessary, the evidence shows that the officers complied with Department policy.

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

SUMMARY OF ALLEGATION #4: The officer detained a person without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was detained for no reason. The complainant stated that his family witnessed the incident. The complainant also stated that he inhaled nitrous oxide, prompting a family member to call for police assistance.

Body-worn camera footage and Department records showed that several members of the complainant's family reported being fearful of the complainant's health based on his behavior, and officers found evidence to support that the complainant inhaled dangerous chemicals. The family members reported that the complainant had made suicidal comments after inhaling a large amount of nitrous oxide. The named officer investigated by interviewing witnesses and locating empty cannisters of nitrous oxide. Complainant admitted to the named officer that he was experiencing suicidal ideations. The officer observed the complainant behaving erratically and attempting to drive. The named officer determined that the complainant was a danger to himself and others and detained him for an involuntary psychiatric evaluation by a medical professional. Medics responded, evaluated the complainant, and transported him to a hospital for further evaluation.

Department General Order 6.14, Psychological Evaluation of Adults, allows officers to detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code when the officer believes that, as a result of mental illness, an individual is:

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1. A danger to himself, or
2. A danger to others, or
3. Gravely disabled

The investigation shows that the named officer conducted a thorough and complete investigation and complied with Department policy.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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SUMMARY OF ALLEGATIONS #1-3: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers detained her and arrested her partner without probable cause. The complainant stated that a call about a domestic violence incident was made on her behalf. The complainant said that she and her partner were both intoxicated and that she was having a mental health episode at the time of the incident. The complainant missed the evening dosage of her medication, leading to her providing false statements to the police when they arrived. The complainant eventually told the officers that she had injured herself; however, they still arrested her partner and detained her for domestic violence.

The Named Officers stated that they responded to a call from complainant's neighbor describing a verbal fighting noises emanating from complainant's room. The Named Officers met with the caller/neighbor, who reported hearing the complainant and her partner arguing. The Named Officers attempted to find the complainant's partner in their residence; however, no one was present. As the officers were leaving, the complainant contacted the officers. The complainant told the Named Officers that she was in a fight after drinking with her partner. The Named Officers observed a contusion and bleeding from the complainant's head. The Named Officers stated these observations provided them with probable cause to believe a crime had occurred. The Named Officers made a second attempt to locate the complainant's partner. They were provided a key to the complainant's residence but could not open it. The complainant then allowed them to use force to open the door. Officer #1 and Officer #2 entered the residence and found the complainant's partner in bed. Officer #1 spotted a bottle of alcohol (the same brand the complainant stated they were consuming) near the complainant's partner. Both Named Officer #1 and Named Officer #2 recall detecting an odor of alcohol emanating from the complainant's partner. The complainant's partner was subsequently placed in handcuffs and shortly after was told he was under arrest for domestic violence.

The body-worn camera showed that the complainant stated there was a misunderstanding with her partner in which they were yelling, and the partner grabbed her by the hair. The complainant stated that she passed out during the exchange due to having asthma. The complainant had a visible contusion on her forehead. She stated that she did not know if she was hit. She alluded to having a prior history of self-mutilation. The complainant gave the officers a name and physical description of her partner. The complainant confirmed that her partner had threatened her before. The complainant was treated by medical professionals on the scene for her injury. Named Officer #3 conducted a Lethality Assessment in which he asked the complainant if she was strangled, to which she replied she had red marks on her neck. The complainant also replied that the incident date was the first time her partner ever used (or threatened to use) a weapon against her.

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The SFPD Incident Report showed that the complainant's partner was arrested and charged with PC sec. 273.5(a) Corporal Injury to Spouse, PC sec. 148(a)(1) Resist Arrest, and PC sec. 69 Resisting an Executive Officer for the incident. The complainant was cited and released.

Department General Order 5.03.03 states in the relevant part, "Probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested. Under the Fourth Amendment, arrests must be supported by probable cause." Furthermore, Department General Order 6.09(I) states that members shall make an arrest whenever probable cause exists to believe a felony has occurred.

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

SUMMARY OF ALLEGATIONS #4-6: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UOF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers used unnecessary and excessive force on her partner during his detention and arrest. She described officers grabbing and slamming her partner to the ground even though he was not resisting. Additionally, an officer physically restrained the complainant, bruising her wrist.

Named Officer #1 and Named Officer #2 stated they escorted the complainant's partner from the residence to the hallway elevator. The complainant's partner began resisting when the elevator doors opened, resulting in Officers #1 and #2 using force. Officer #1 used control holds to bring the complainant's partner to the hallway's wall and then to the floor after he continued to resist. Officer #1 and Officer #2 continued to hold the complainant's partner on the floor until he complained of pain and medical responders arrived. Upon the elevator doors closing, the complainant's partner attempted to stick his foot out of the door to prevent it from closing. Officer #1 noted this as a reportable use of force. Lastly, Officer #1 placed his hand over the complainant's partner's mouth when the partner threatened (and attempted) to spit on the officer.

The complainant attempted to advance toward Officers #1 and #2 as they were escorting the complainant's partner out of the residence. Officer #3 said he twice commanded the complainant not to advance toward them. When the complainant didn't comply, Officer #3 used a control hold to prevent her from walking toward the other officers and placed her in handcuffs. Officer #3 said the district in which the incident occurred was understaffed on that date, so as a matter of safety, he placed her in handcuffs

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because he did not know when other officers would be able to respond. Officer #3 said his body-worn camera was inadvertently turned off during this exchange due to his Extended Range Impact Weapon hitting the off button on his camera. Officer #3 stated that he immediately turned his body-worn camera back on upon realizing it was off and reported the occurrence in the CAD. Officer #3 said he grabbed the complainant's lower left bicep and didn't recall seeing any bruising. Lastly, Officer #3 stated that the complainant made no complaint of injury or pain from the contact made by this officer.

The body-worn camera footage showed the complainant's partner pulling away from officers while waiting for the elevator. Officer #1 and Officer #2 attempted to place the partner against the wall; however, he continued to resist/pull away. Officer #1 and Officer #2 grabbed the complainant's partner by the back of his neck and ordered him down. Officer #1 then placed his hand on the complainant's partner's back. Officer #2 had his leg over the complainant's partner's thigh/buttock. When the complainant's partner asked why he was in a control hold, Officer #1 explained that he resisted. The complainant's partner's arms were placed behind his back. Medical attention was ordered at the request of the complainant's partner. Officer #1 checked the degree of tightness of the cuffs and demonstrated that he could fit a finger inside them. The complainant's partner continued to wiggle around because the cuff hurt. The complainant's partner did not de-escalate or listen to the Named Officers' commands throughout this exchange.

Additionally, the complainant's partner threatened to harm Officers #1 and #2 multiple times to the point that he would shoot them if he had a gun. Officer #3's body-worn camera did not capture the use of force on the complainant; however, audio from the other Officers did capture the complainant yelling out to the officers that she recanted her claim and that her partner did not harm her. The audio captured didn't show the complainant detailing that she was hurt or in pain.

Department General Order 5.01 Use of Force states, "The San Francisco Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. "

Department General Order 5.01.05, Level of Resistance describes active resistance as "Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or retained in custody." It states that possible force options for active resistance are the use of personal body weapons to gain an advantage over the subject and pain compliance control holds, takedowns, and techniques to direct movement or immobilize a subject.

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San Francisco Police Department's Domestic Violence & Intimate Partner Stalking Manual (c)(3) states, in part, "officers are to establish control of the scene by separating all parties (victim/suspect/witness should not be able to see or hear each other). After securing the scene as necessary for member safety, allow victims and witnesses to talk without stopping or interrupting them to ask questions. Those early statements are often the only evidence that is admissible at trial in a Domestic Violence case. Ensure BWC captures all statements to the extent possible, video and audio. Watch all parties & prevent eyeshot and earshot (victim/suspect/witnesses are not able to see or hear statements of each other)."

The Named Officers stated they used the least amount of force possible. Officer #1 and Officer #2 reported that their use of force was in response to the complainant's partner attempting to flee, which required them to restrain him. Officer #3 use of force pertained to the complainant attempting to engage with her partner, who was, at that time, under arrest for domestic violence.

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

SUMMARY OF ALLEGATIONS#7-9: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officers behaved or spoke inappropriately when they belittled her and called her and her partner drug fiends and alcoholics.

The Named Officers denied making these statements, nor did they hear any other officer making them.

The body-worn camera did not capture audio in which any sort of reference to the complainant or her partner was made in this manner.

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

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SUMMARY OF ALLEGATION #10-12: The officer failed to *Mirandize*.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers failed to *Mirandize* her and her partner.

The Named Officers stated that their training required them to first secure the scene by separating the complainant and her partner, given that the call pertained to domestic violence. The Named Officers also stated that they were not attempting to interview either party until they were in a safe environment. Officers #1 and #3 *Mirandized* the complainant's partner while he was in the hospital (after seeking medical treatment). Officer #2 *Mirandized* the complainant at a district station. Both parties declined to speak further with the Named Officers.

The body-worn camera footage showed that the Named Officers did *Mirandize* the complainant and her partner as described.

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

The DPA determined that the named officer acted within policy based on the evidence.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated in his complaint that officers banged on his door, woke him up and caused embarrassment. The complainant said the officers returned later to further harass and intimidate him. The complainant did not want to be contacted for additional information.

The named officers denied harassing or intimidating the complainant. They said they responded to the complainant's residence because there were calls for service from two reporting parties who were worried the complainant was suicidal. The officers spoke with the complainant at his front door to ensure he was not going to harm himself and to see if he needed medical attention, The officers left the complainant when it was determined that the complainant was not suffering from a mental health crisis.

Department records showed two calls for service from two different reporting parties regarding the complainant possibly attempting suicide at his residence. The second call for service took place approximately four hours after the initial call. Officers were dispatched to the complainant's residence for both calls.

Body-worn camera footage (BWC) showed that officers responded to the complainant's residence for two calls and knocked on the complainant's door. The named officers contacted the complainant and informed him they were there to check on him because they received reports he was trying to harm himself. They asked the complainant questions pertaining to his mental health and if he wanted to hurt himself or others which he denied. The complainant did not want to go to the hospital and wanted the officers to leave. The named officers did not threaten, intimidate, or harass the complainant.

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

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated in their complaint that officers responded to his residence twice without a warrant. The complainant did not want to be contacted for additional information.

The named officer stated that he responded to the complainant's residence for a call for service regarding the complainant possibly attempting suicide by hanging. The outside of the residence had an exterior locked gate that led to a staircase and multiple units in the building. The named officer said he unlocked the gate with a personal tool he carries and did so in order to check on the complainant as he believed his life was in danger based on the information he received. He said he did not have a warrant but had legal justification to open the gate because of exigent circumstances as the reporting party said the complainant was attempting to hang himself. He went up the staircase to the complainant's front door, knocked on it and briefly spoke with the complainant at his door as he wanted to ensure his safety. He said he determined the complainant was not a danger to himself and left the residence.

A subject matter expert (SME) regarding search and seizure stated that a warrant was not required to access the enclosed staircase. The SME said the area was a common entryway to multiple units where there is no reasonable expectation of privacy from others. The SME stated that a search did not occur when the officer entered the common entryway.

Department records showed the named officer responded to a call for service regarding the complainant possibly attempting suicide by hanging at his residence.

Body-worn camera (BWC) footage showed the named officer responded to the complainant's residence, opened an exterior gate to a building, walked up a staircase and knocked on the complainant's door. BWC footage showed that the complainant cracked open his front door and the named officer briefly spoke with him and then left. The responding officers stayed in the common entryway to the building and did not enter an area where the complainant had a reasonable expectation of privacy.

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 #6: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers responded to his residence a second time without a warrant. The complainant did not want to be contacted for additional information.

The named officer stated that he responded to the complainant's residence for two calls for service regarding the complainant possibly attempting suicide by hanging. The named officer said he arrived on scene for the first call and another officer opened an exterior gate which led to multiple apartments. He entered, stood back behind other officers on a staircase, and left after another officer advised that the complainant was not thinking of committing suicide.

When the named officer returned for the second call, he saw it was a return call and thought they may have missed something. A neighbor let the named officer in through the exterior gate, and the named officer contacted the complainant at his front door. He said the complainant cracked the door open and immediately tried to close it. He said he placed his foot against the door and across the threshold to stop the door from closing to assess the complainant for injuries and to see if he was suicidal. He spoke to the complainant through a small opening in the doorway. The complainant was agitated, answered his questions, and said he did not want to hurt himself. Named officer explained that exigency of the circumstances justified his actions.

Department records showed two calls for service from two different reporting parties regarding the complainant possibly attempting suicide at his residence. The second call for service took place approximately four hours after the initial call. Officers were dispatched to the complainant's residence for both calls. Audio of the call show that dispatch informed the second caller that officers already went to the residence, and that the second caller wanted SFPD to check again to make sure the complainant was not suicidal. The department records show that the second call came in 2.5 hours later and directed officers to check again.

Body-worn camera (BWC) footage showed the named officer responded to the initial call for service, entered the apartment building through a gate behind other officers and stood on a staircase. The named officer responded to the second call for service and a resident opened the outside gate to the building. The named officer knocked on the complainant's front door and the complainant cracked the door open and attempted to close the door. The named officer moved forward, and the door became slightly cracked open. The complainant told the named officer to remove his foot and to come back with a warrant. The named officer told the complainant he considered this to be an emergency, requiring swift action without

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a warrant, that he was there because an individual reported that he was attempting to commit suicide and they were there to make sure he was okay. The named officer and other officers asked the complainant questions through a slightly opened door and the complainant said he did not want to hurt himself or anyone else.

Department Notice 21-012, states in relevant part, “If members are entering a residence for a community caretaking purpose and do not have a warrant, consent, or a warrantless search condition, members must have specific and articulable facts indicating that exigent circumstances exist. The exigent circumstances requirement describes an emergency situation that requires swift action to prevent imminent danger to life or serious damage to property.”

The named officer was responding to an A Priority suicide call. The named officer was also present during the previous A Priority suicide call and believed that a second call to the same location meant he had missed something earlier. The named officer was not aware of whether the call related to the same threat or whether the complainant made a second threat after the officers left. The named officer was also not aware that dispatched told the second caller that SFPD had already checked on the complainant, and that the second caller urged dispatch to send another unit.

When the named officer responded he believed there was an exigency, and that the complainant could be attempting suicide. During that second call he prevented the complainant from closing the door so he could evaluate his mental condition. Because the officer had an exigency to enter the premises, he did not violate the Fourth Amendment by preventing the complainant from closing his door to further evaluate his mental state. The complainant was initially (and understandably) upset and refused to answer questions, which prolonged the encounter. While this second call was frustrating for all parties involved, the named officer’s conduct does not constitute misconduct.

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

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

COMPLAINT DATE: 01/01/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that a woman struck her in the face while she was at a bar celebrating the New Year's Eve holiday. The complainant wanted the suspects arrested and called 911 for police assistance. Officers arrived and then left to search for the suspects. The complainant said the officers found the suspects but let them leave and never returned to take a report.

The complainant's friend saw a man punch the complainant in the head. He followed the man and a female companion down the street while the complainant called 911. A few minutes later, the friend flagged down officers and pointed in the direction the suspect was walking. The friend watched from a distance as the officers pulled over to speak with the man and his companion. The officers then let the couple leave without arresting them.

The named officers stated it was a chaotic night with multiple calls-for-service related to New Year's Eve celebrations. There was a crowd of people outside as they arrived at the bar. Two people separately flagged them down and pointed in the direction the suspect went. Neither of the individuals identified themselves as the victim. The officers drove around the area looking for the suspects. They briefly stopped to speak with two individuals who partially matched the suspect descriptions but did not believe the individuals were involved in the altercation and continued searching the area. The officers then circled back to the bar to meet with the reporting party, who they were unable to locate. The officers informed dispatch that the suspects were gone, that they did not know where to find the complainant, that they had not observed any injured parties, and that no one present was requesting medical attention. Dispatch cancelled the ambulance and reassigned the officers to another battery incident.

Department of Emergency Management records showed that the complainant called 911 to report a battery and to request medical assistance. The complainant argued with the suspect as she spoke with the dispatch operator. The dispatch operator asked the complainant to stop yelling and to disengage with the suspect. The complainant said the suspect and her companion were both wearing black and described their ethnicities and weight. The complainant then hung up the phone to meet with the officers. Shortly thereafter, the officers reported to Dispatch that they searched the area, but the suspects were gone. The officers communicated that the reporting party was also gone when they returned to the bar and that no one outside was requesting medical assistance. Dispatch then "preempted" the complainant's call for police assistance and reassigned the officers to an active battery incident where the suspect was reported to have a firearm.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 01/01/23 COMPLETION DATE: 08/29/23 PAGE# 2 of 3

Police records showed that the complainant visited a district station later that morning to file a battery report.

No video evidence was available for the incident because officers did not turn on their body-worn camera. The complainant provided a very general suspect description based on subjective observations. Although the officers did canvas the area for suspects, their efforts were complicated by crowds of people celebrating the holiday. Dispatch then reassigned the officers because they reported being unable to locate the suspects or the reporting party. There was insufficient evidence for the DPA to evaluate the thoroughness of the officers' investigation, including their search for the suspects and their attempts to reconnect with the complainant.

There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to activate their body-worn cameras as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

No body-worn camera footage was recorded for the incident.

One officer stated she forgot to activate her camera as required. A second officer stated he normally activates his camera but unfortunately forgot because the night was hectic and overwhelming due to the holiday weekend.

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Department General Order 10.11, Body Worn Cameras, requires officers to activate their cameras in “any situation when the recording would be valuable for evidentiary purposes.” (DGO 10.11.03.C.11.) Department Bulletin 20-175, Activation of Body Worn Cameras, states in relevant part:

Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed.

- When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the *Event* button while enroute and prior to arriving on scene.

The officers failed to comply with Department General Order 10.11 and Department Bulletin 20-175 when they neglected to activate their body-worn cameras during a battery investigation.

A preponderance of the evidence proves that the officers’ conduct violated Department policy or procedure.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/01/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called for police assistance because her housemate assaulted her. The complainant told a responding officer that she wanted to press charges against her roommate and signed a private person arrest form. Her roommate also signed a private person arrest form, and they both were cited.

Department of Emergency Management records showed that the complainant reported that she and her roommate were involved in a physical dispute over text messages. The named officer responded and investigated the incident.

Department records and body-worn camera footage showed that the arresting officer obtained statements from the complainant and her roommate, accepted private persons arrests from both parties, and prepared a misdemeanor rebooking packet and incident report. There were no witnesses or footage of the fight.

Department records demonstrate that a full investigation was done at the time of the arrests.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/01/23 COMPLETION DATE: 08/01/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she emailed and left messages for the named officer and informed her that she wanted to continue to press charges. The named officer returned her phone call once. At that time, the named officer told her she would call the District Attorney's Office, but the complainant did not hear back from the officer.

Department records showed that the named officer prepared a misdemeanor rebooking packet and complied with Department policy.

The officer properly coded the report as a battery and prepared a misdemeanor rebooking packet for the District Attorney's Office. The named officer was not responsible for personally managing the case through the criminal prosecution process.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she believed the incident report was inaccurate because the named officer omitted details and downplayed the complainant's concerns about the incident.

SFPD's Report Writing Manual requires officers to prepare accurate incident reports that include all known information about the incident, whether favorable to the prosecution or the defense. Officers are also required to complete their reports by the end of their shift on the day the incident occurred.

Department records and body-worn camera footage confirmed that the incident report included a summary of statements and evidence provided during the investigation. The report noted that the complainant planned to provide cellphone video and photos for the report. The report was properly coded as a battery and a misdemeanor rebooking packet was prepared for the District Attorney's Office.

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The investigation showed that the video and photo evidence arrived days after the officer completed the incident report. Additionally, the report accurately summarized the complainant's statements, and the complainant did not identify any discrepancies in the incident report.

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

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

COMPLAINT DATE: 11/07/22 **COMPLETION DATE:** 08/29/23 **PAGE# 1 of 5**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not investigate his reoccurring noise complaint.

Department records showed that the named officer responded to the address where the noise originated from and investigated the source. The incident report drafted by the named officer stated that he tried to contact both the residents at the location where the noise was coming from and the complainant, but no one responded.

The named officer's body-worn camera (BWC) footage showed that he responded to the complainant's address for a second time that same night regarding the same issue. The footage showed the named officer and his partner asking the complainant clarifying questions before he told the officers they were "dismissed" and walked away while cursing at them.

The evidence showed that the named officer did not resolve the reoccurring noise issue. However, the named officer responded to the scene twice and investigated the matter in an attempt to locate the source of the noise.

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

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COMPLAINT DATE: 11/07/22 COMPLETION DATE: 08/29/23 PAGE# 2 of 5

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant went to a district station to submit a complaint pertaining to a specific officer. While discussing the details of the complaint, the complainant stated that the named officer snickered and rolled her eyes.

The complainant provided a cell phone video of the incident. In the video the complainant was heard verifying the details of the complaint with the named officer. The video did not show the named officer snicker or roll her eyes during the interaction with the complainant.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officer failed to initiate or process a personnel complaint.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant went to a district station to submit a complaint pertaining to a specific officer. The complainant believed the named officer did not process the complaint and possibly disposed of the complaint form into the trash bin.

The complainant provided a cell phone video of the incident at the district station. In the video, the complainant was heard verifying the details of the officer complaint with the named officer as she completed a DPA complaint form. The video showed the named officer accepting the complaint form.

Department and DPA records showed the named officer processed the complaint. DPA received the complaint form the next business day.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer responded to his residence regarding a noise complaint. The complainant said the named officer stepped onto his private property, laughed, screamed, and pointed his finger at the complainant's chest.

The named officer said he and his partner were following up with the property owner when the complainant arrived on scene. During the interaction, the named officer said he was on the sidewalk and did not step on the complainant's property. The named officer denied that he laughed, screamed, or pointed his finger at the complainant's chest.

DPA obtained the named officer's BWC footage of the incident. The named officer's BWC footage was consistent with his statement he provided to DPA.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The officer failed to receive a private person's arrest.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he requested a private person's arrest regarding a reoccurring noise complaint. The complainant alleged that the named officer refused his request.

The named officer said the complainant requested to sign a private person's arrest. The named officer stated he tried to explain why they were not going to issue a citation to the other party, but the complainant was not listening and kept talking over his partner and himself. The named officer said his partner provided the private person's form to the complainant and accepted the signed copy. The named officer advised there was no probable cause to issue a citation based on the information obtained during their investigation.

DPA obtained the named officer's BWC footage of the incident. The BWC footage showed the named officer and his partner accepted the complainant's private person's arrest. During the interaction with the complainant, the named officer was not heard refusing the complainant's request for a citizen's arrest.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 11/07/22 COMPLETION DATE: 08/29/23 PAGE# 4 of 5

SUMMARY OF ALLEGATION #6: The officer failed to receive a private person's arrest.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he requested a private person's arrest pertaining to a reoccurring noise complaint. The complainant alleged the named officer responded and advised that he does not have a right to file a private person's arrest.

DPA obtained the named officer's BWC footage of the incident. The BWC footage showed the complainant requested to sign a noise complaint and give it to the property owner. The named officer asked the complainant clarifying follow-up questions, but the complainant advised them that they were "dismissed," walked away, and used explicit language towards them.

The evidence showed that the complainant did not request a private person's arrest with the officers on scene. Additionally, the named officer did not tell the complainant that he did not have a right to file a private person's arrest. The named officer was unable to obtain further information from the complainant's initial statement.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that he contacted the police regarding a reoccurring noise complaint. The complainant alleged that while discussing the issue with the named officer, she snickered and rolled her eyes.

DPA obtained BWC footage of the incident. The BWC footage refuted the complainant's allegation.

The evidence showed that the named officer did not snicker or roll her eyes during the interaction with the complainant.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 11/02/22 COMPLETION DATE: 08/24/23 PAGE# 1 of 9

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported to police that she witnessed her daughter being sexually assaulted by her neighbor at her apartment. She asked for a restraining order against her neighbor and said the officer declined her request and said no.

The named officer said he told the complainant the address of the Civil Court where she could request a restraining order. He also advised her to obtain the neighbor's full name and use the case number he provided.

Department records did not capture the conversation.

Body-worn camera footage captured that the complainant asking the officer for a restraining order, and the officer telling the complainant where and how to request it. The officer also advised the complainant that she would need the neighbor's full name which she did not have. The officer also provided the case number to the complainant. At no point did the officer decline the complainant's request.

On the Department website, it states that "Restraining Orders are court orders that help protect someone from being physically or sexually abused..." It states that the type of restraining order the complainant can obtain is issued by the Superior Court of California and enforced by SFPD. The address and phone number were provided on the website.

The evidence collected proves that the officer did provide the necessary and correct information for the complainant to obtain a restraining order. It was not under SFPD's jurisdiction to issue one to the public. The evidence also shows that the officer did not decline the complainant's request at any point during the conversation.

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 stated that the officer kept interrupting and made her repeat herself.

The named officer said that he sometimes had to slow the statement down to catch up with the complainant to ensure he had the story and sequence of the events correct. He wanted to verify the information to be thorough in his interview.

Department records did not capture that part of the conversation.

Body-worn camera footage captured the officer jotting down notes and asking detailed questions as the complainant made her statement. He sometimes stopped the complainant and asked her to clarify what she said.

The evidence proves that although the officer had to interrupt the complainant at times, the officer was noting things down and obtaining the details of the incident.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant called the Special Victims Unit (SVU) and requested another officer, but no one called her back.

The named officer stated he does not recall ever speaking to the complainant.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

Department records only show that the named officer reviewed the supplemental incident report authored by a Police Service Aide. No records show a conversation between the complainant and the named officer.

The evidence proves that the named officer only reviewed the supplemental report and did not converse with 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 #4: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the SVU sergeant wanted her disabled daughter to testify in court, and it did not matter that the complainant was her caretaker and witnessed the incident. She said the sergeant failed to take her testimony and used her daughter's disability against her. She added that the sergeant advised that it would be hard to investigate because her daughter could not talk. The complainant also complained that the sergeant was trying to let her daughter forget what happened because they did not get a psychiatrist for her as soon as possible.

The named officer stated he does not recall ever speaking to the complainant.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

Department records only show that the named officer reviewed the supplemental incident report authored by a Police Service Aide. No records show a conversation between the complainant and the named officer.

The evidence proves that the named officer only reviewed the supplemental report and did not converse with the complainant.

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

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COMPLAINT SUMMARY REPORT**

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant reported that her neighbor repeatedly offered to babysit her daughter and wondered what would have happened if she let him babysit. She said the named officer got upset and yelled, "I am not here to talk about that kind of stuff" and "I don't want to hear it." She added that the named officer was emotionally abusive and did not want to hear what she had to say. She believed that the named officer talked to her in this manner because she was female.

The named officer stated he does not recall ever speaking to the complainant.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

Department records only show that the named officer reviewed the supplemental incident report authored by a Police Service Aide. No records show a conversation between the complainant and the named officer.

The evidence proves that the named officer only reviewed the supplemental report and did not converse with 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 #6: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that she spoke with a Special Victims Unit (SVU) sergeant to request another officer, but no one had called her back.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

The named officer said he spoke with the complainant, who stated she did not want him to oversee her case and would call SVU and request a different sergeant. He said the complainant said goodbye and disconnected the call. He was unable to respond because she hung up the phone. The named officer stated that he brought up her request to a lieutenant because investigators could not re-assign the case. He said he did not call the complainant back because the case was brought to a lieutenant. The named officer said the conversation was audio recorded.

SFPD refused to provide DPA with the recorded conversation between the named officer and the complainant that necessary to investigate this allegation because the incident involved a juvenile.

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

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SUMMARY OF ALLEGATION #7: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the SVU sergeant wanted her disabled daughter to testify in court, and it did not matter that the complainant was her caretaker and witnessed the incident. She said the sergeant failed to take her testimony and used her daughter's disability against her. She added that the sergeant advised that it would be hard to investigate because her daughter could not talk. The complainant also complained that the sergeant was trying to let her daughter forget what happened because they did not get a psychiatrist for her as soon as possible.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

The named officer denied communicating that he wanted her disabled, autistic daughter to testify in court or used her daughter's disability against her. He tried to explain the investigative process to the complainant, who became upset and argumentative. He explained that criminal investigators do not obtain a psychiatrist for victims but would refer them to District Attorney Advocate to see what resources are available to assist them. He added that the complainant stated in their conversation that she was looking for a therapist and getting referrals and that her section eight case worker got her a referral. The named officer said the conversation was audio recorded.

SFPD refused to provide DPA with the recorded conversation between the named officer and the complainant that necessary to investigate this allegation because the incident involved a juvenile.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant reported that her neighbor repeatedly offered to babysit her daughter and wondered what would have happened if she let him babysit. She said the named officer got upset and yelled, "I am not here to talk about that kind of stuff" and "I don't want to hear it." She added that the named officer was emotionally abusive and did not want to hear what she had to say. She believed that the named officer talked to her in this manner because she was female.

An Identification Poll was sent to SVU to try and identify the officer the complainant spoke to. The poll was returned with two possible officers named as the officer involved.

The named officer confirmed that the complainant had told him that her neighbor had been trying to babysit her daughter multiple times and asked what would have happened if she let her. The sergeant then told her he would not answer hypothetical questions but denied yelling, "I am not here to talk about that kind of stuff" and "I don't want hear it." The sergeant added that whether male or female, he speaks to them equally the same, and the complainant has the right to her opinion. The named officer said the conversation was audio recorded.

SFPD refused to provide DPA with the recorded conversation between the named officer and the complainant that necessary to investigate this allegation because the incident involved a juvenile.

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

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SUMMARY OF ALLEGATION #9: The officer failed to investigate.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that she had a phone conversation with another sergeant who wanted her disabled daughter to perform in court and said the complainant's account did not matter while she witnessed the incident.

The DPA could not identify the named officer with the information provided by the complainant.

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

SUMMARY OF ALLEGATION #10: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: N/A FINDING: IO-1/SFGH DEPT. ACTION:

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

Child and Adolescent Support, Advocacy & Resource Center (CASARC)
SF General Hospital
995 Potrero Avenue
San Francisco, CA 94110

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 12/29/22 **DATE OF COMPLETION:** 08/29/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant was at West Oakland BART Station on her way to work at San Francisco International Airport when she realized that her Clipper card did not work. She tried to find someone to speak with, but no one was around at the booth. She waited for about a minute but eventually decided to go through the fare gate to get to work. The complainant got off at the SFO BART Station, where she encountered the named officer while exiting the fare gates. She said the named officer approached her and asked if she wanted to lose her job. She explained that she received an email from EZ-Rider stating that she needed to migrate her account. She told the named officer she did it but did not know EZ-Rider would send her a new card. She thought she would still be using her old card. The complainant said the officer harassed her by taking a picture of her badge, accusing her of fare evasion, and saying that she could lose her job and badge.

The named officer said the complainant attempted to exit the station by stepping over the turnstile without paying. She approached the complainant and told her that she needed to pay to exit the station. The named officer said the complainant spontaneously shouted at her, saying she had done it several times before and did not know why she was being stopped. The complainant also told her that she had an employee discount card from her employer but claimed it did not work. The named officer said she explained to the complainant that fare evasion could result in her SFIA badge being permanently revoked since she worked at the airport. She tried to assist the complainant in adding money to her ticket at the ticket pay station, but the latter dismissed her assistance. She later saw the complainant tap her access card on the ticket reader, and the turnstile opened as she entered the airport's property. The named officer said she notified The Aviation Security & Regulatory Compliance group regarding the incident via email and attached the picture of the complainant's SFIA badge to the email. She denied asking or telling the complainant if she wanted to lose her job. She said she explained to the complainant that as an airport employee, fare evasion could result in her badge being permanently revoked. She acknowledged taking a picture of the complainant's badge but denied harassing or accusing her of fare evasion.

DPA obtained surveillance camera footage of the incident. The surveillance camera footage showed two uniformed officers contacting a woman coming who had slid in between the turnstiles. One of the officers escorted the woman back inside the fare gates through a glass door on the left side of the station. The video shows the woman further interacting with the officer and, after some time, casually exiting the gate after her card worked. The video, however, had no audio and did not capture the verbal interactions.

The complainant admitted entering the West Oakland BART Station without paying her fare because, according to her, her Clipper card did not work, and no one was around to speak with. However, when she

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got off at the SFO BART Station, she walked directly through the fare gate and attempted to exit the station without paying. The named officer, therefore, had probable cause to believe that the complainant was committing fare evasion. In addition, the officer taking a photo of the complainant's badge did not amount to misconduct. Taking a photo of her badge and sending it to the appropriate agency (Aviation Security and Regulatory Compliance) to notify them of the situation seemed like reasonable steps to take for an officer investigating a crime, especially when it happened at a facility with heightened security, such as the airport. Finally, there was no evidence of the named officer's verbal interaction with the complainant. The surveillance video did not have audio. A public records request to BART for additional videos of the incident produced no further evidence. Per Department policy, the named officer was not required to activate her body-worn camera to record the contact because the incident occurred at the airport.

The evidence proves that the acts alleged in the complaint occurred. However, such acts were justified, lawful, and proper.

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

COMPLAINT DATE: 01/23/23 COMPLETION DATE: 08/08/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant went to a district station to file a police report. The complainant spoke with the named officer about an ongoing incident. The complainant stated the named officer was reluctant to take the report and said, "You're wasting our time."

The named officer was the assigned station keeper at the district station and met with the complainant. The named officer attempted to help the complainant file a police report and explained how the investigation process worked. The named officer said the complainant was upset that previous reports were not investigated. The named officer explained to the complainant that reports need to be more detailed and specific. Then if enough evidence was presented, a Sergeant would follow up with the complainant. The named officer said the complainant wanted to make a police report with limited information in hopes it would be investigated. The named officer attempted to explain that writing a report with little detail will not help the complainant in any way. The named officer was not able to get a complete oral statement, so he had the complainant write a statement. The named officer produced a report based upon the complainant's statements and information provided.

Department records indicated the named officer obtained a written statement and completed the complainant's report. However, DPA could not confirm or refute the complainant's or the named officer's differing accounts of the tone and content of their conversation at the district station.

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

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

COMPLAINT DATE: 01/23/23 COMPLETION DATE: 08/08/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant went to a district station to file a police report about an ongoing incident. The complainant spoke to three officers including the unknown officer. The complainant said he was unable to provide specific information requested by the unknown officer. The complainant said the unknown officer refused to take the complainant's report.

Multiple ID polls were sent to the district station where the incident occurred. The ID polls came back with negative results. There was insufficient information to identify the officer.

The officer could not be reasonably identified.

SUMMARY OF ALLEGATION #3: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant went to a district station to file a police report about an ongoing incident. The complainant spoke to three officers including the unknown officer. The complainant said he was unable to provide thorough and specific information, other than the unknown officer yelled at and belittled the complainant.

Because complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 01/23/23 **COMPLETION DATE:** 08/08/23 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #4: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant went to a district station to file a police report about an ongoing incident. The complainant spoke to three officers including the unknown officer. The complainant said he was unable to provide thorough and specific information to the unknown officer. The unknown officer spoke to the complainant in an aggressive and hostile manner while requesting specific information from the complainant.

Because complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

The officer could not be reasonably identified.

SUMMARY OF ALLEGATION #5: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant went to the Hall of Justice building and spoke with the unknown officer. The complainant said he requested to file a police report about an incident with the unknown officer. The complainant stated the unknown officer lied and referred the complainant to a specific district station to file a police report. The complainant advised the unknown officer he lived by a different district station, but the unknown officer still referred the complainant to a different specific district station to file a police report.

Because complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 02/09/23 COMPLETION DATE: 08/01/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she had a restraining order against another person, and the person was harassing her in voicemails and on social media. She was told to go to the police station. She said the named officer who spoke with her said that the restraining order had not been served and there was nothing SFPD could do to arrest the restrained person.

The named officer stated that he and the Police Service Aide checked the validity of the temporary restraining order (TRO) when the complainant came. He said a TRO was filed against the person, but the computer showed it had yet to be served. Therefore, he could not arrest the restrained person.

The DPA obtained a copy of the TRO and Proof of Service form from the San Francisco Superior Court. It shows that there was an active TRO filed before the incident date. However, the complainant filed the Proof of Service about two weeks after the incident.

The station lobby video captured the complainant speaking with the named officer. However, there was no audio recorded.

The evidence proves that although there was an active TRO, the Proof of Service was not filed until after the incident date. Therefore, the court and SFPD would not have records showing that the TRO had been served. Thus, the named officer could not make an arrest on the restrained person.

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

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

COMPLAINT DATE: 02/09/23 COMPLETION DATE: 08/01/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the named officer yelled at her and was belligerent when he spoke with her. He told the complainant, “You just don’t want to hear what you’re hearing.” The complainant also said the named officer belittled her when he corrected her and told her to call him sergeant instead of an officer.

The named officer stated he does not recall making that statement or yelling or interrupting the complainant during the conversation. He believed he was professional with her the whole time. He said he never corrected anyone and does not take much offense to people calling him sergeant, officer, or his last name.

No department records have captured the conversation between the two.

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

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

COMPLAINT DATE: 02/09/23 COMPLETION DATE: 08/01/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said that towards the end of the conversation, she asked the named officer for a DPA complaint form and was given forms in Chinese and Russian while she does not speak any of the languages. She said the named officer then went to the back office to grab an English one but never returned. The complainant then left the station.

The named officer confirmed that the complainant asked him for a DPA complaint form. The officer said he went to the brochures rack and noticed that the English form had run out. He then decided to go to the back office to print her one. When he came back, the complainant had already left.

The station lobby video captured the named officer and the complainant walking over to the brochures rack, and then the officer went to the back office. The complainant stayed for another 9 minutes and then left. The video ended after that and did not capture when the officer returned.

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

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

COMPLAINT DATE: 06/02/23 COMPLETION DATE: 08/29/23 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated he was confronted by the named officers for trespassing at a hospital where he had a medical appointment. He stated the officers were rude and threatened to place him under arrest if he did not leave.

Witness #1, the head of hospital security, and Witness #2, a security guard, stated the complainant was an employee of the hospital. However, he was on administrative leave and not allowed in areas of the hospital designated for employees only. The witnesses stated they found the complainant in an area where he accessed an employee's computer. They told the complainant that he was trespassing and asked him to leave. The complainant refused to leave, thus prompting the witnesses to call the police to assist in escorting the complainant off the property. Both witnesses stated the named officers interacted with the complainant extremely patiently and professionally.

Department records indicate that the named officers received a call for service from Witness #1 to escort the complainant off hospital property. Witness #1 indicated to the named officers that the complainant was a suspended employee and stated that the complainant was disturbing employees and recording inside the hospital, which was against hospital policy. Named officer #1 stated he did not see any signs prohibiting such recording. When the named officers met with the complainant, he had relocated to a waiting area designated for patients. Named officer #1 confirmed the complainant's appointment with the intake nurse at the hospital. Witness #1 stated he wanted the complainant to be admonished for trespassing and recording in the hospital without permission. Officer #1 explained to Witness #1 that the complainant was allowed to be in the patient area but not the employee area of the hospital.

Body-worn camera footage showed the named officers speak with the witnesses, who stated that the complainant was an employee on administrative leave and not permitted to use employee computers or be in employee-only areas. The named officers briefly spoke with the complainant, who told them he had a valid reason to be at the hospital as he had a medical appointment. The complainant asked the named officers to verify his appointment with hospital staff. Officer #1 asked a staff member if the complainant had an appointment, and she stated he did. BWC does not show the named officers asking the hospital staff member what illness the complainant was addressing. Witness #1 asked the named officer to admonish the complainant for trespassing and recording in the hospital without consent. Officer #1 explained to the complainant that he was not allowed in employee areas of the hospital; however, he advised the complainant that he was allowed in patient areas when he had an appointment. The named officer told the complainant that if he trespassed again, he would be arrested.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 06/02/23 COMPLETION DATE: 08/29/23 PAGE# 2 of 5

Department General Order 2.01 (General Rules of Conduct) states in the relevant part that officers “shall treat the public with courtesy and respect.”

Based on body-worn camera footage and witness statements, the Department of Police Accountability finds that the officers behaved in an appropriate manner. At no time did the named officers treat the complainant with disrespect. Body-worn cameras showed the named officers act patiently and de-escalate the incident by not arguing with the complainant.

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

SUMMARY OF ALLEGATION #3: The officer invaded a person’s privacy.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated he was confronted by officers for trespassing at a hospital where he had a medical appointment. He stated the named officer invaded his privacy by improperly asking hospital staff to verify his appointment and obtain information on the medical condition being treated.

Witness #1, the head of hospital security, and Witness #2, a security guard, stated the complainant was an employee of the hospital. However, he was on administrative leave and not allowed in areas of the hospital designated for employees only. The witnesses stated they found the complainant in an area where he accessed an employee's computer. They told the complainant that he was trespassing and asked him to leave. The complainant refused to leave, thus prompting the witnesses to call the police to assist in escorting the complainant off the property.

Department records indicate that the named officer received a call for service from Witness #1 to escort the complainant off hospital property. Witness #1 indicated to the named officer that the complainant was a suspended employee and stated that the complainant was disturbing employees and recording inside the hospital, which was against hospital policy. The named officer stated he did not see any signs prohibiting such recording. When the named officer met with the complainant, he had relocated to a waiting area designated for patients. The named officer confirmed the complainant’s appointment with the intake nurse at the hospital. Witness #1 stated he wanted the complainant to be admonished for trespassing and recording in the hospital without permission. The named officer explained to witness #1 that the complainant was allowed to be in the patient area but not the employee area of the hospital.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/02/23

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Body-worn camera footage showed the named officer speak with the witnesses, who stated that the complainant was an employee on administrative leave and not permitted to use employee computers or be in employee-only areas. The named officer briefly spoke with the complainant, who told them he had a valid reason to be at the hospital as he had a medical appointment. The complainant asked the named officer to verify his appointment with hospital staff. The named officer asked a staff member if the complainant had an appointment, and she stated he did. The body-worn camera does not show the named officer asking the hospital staff member what illness the complainant was addressing. Witness #1 asked the named officer to admonish the complainant for trespassing and recording in the hospital without consent. The named officer explained to the complainant that he was not allowed in employee areas of the hospital; however, he advised the complainant that he was allowed in patient areas when he had an appointment. The named officer told the complainant that if he trespassed again, he would be arrested.

The body-worn camera showed the complainant asking the named officer to check with the appointment desk to confirm his appointment. The named officer did not ask the staff member what medical condition the complainant was addressing. The Department of Police Accountability finds that the named officer did not violate the complainant's privacy.

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

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

COMPLAINT DATE: 06/02/23 COMPLETION DATE: 08/29/23 PAGE# 4 of 5

OFFICER VAUGHN ANTHONY LEWIS #1759

SUMMARY OF ALLEGATION #4: The officer invaded a person's privacy.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated he was confronted by officers for trespassing at a hospital where he had a medical appointment. He stated the named officer invaded his privacy by improperly asking hospital staff to verify his appointment and obtain information on the medical condition being treated.

Witness #1, the head of hospital security, and Witness #2, a security guard, stated the complainant was an employee of the hospital. However, he was on administrative leave and not allowed in areas of the hospital designated for employees only. The witnesses stated they found the complainant in an area where he accessed an employee's computer. They told the complainant that he was trespassing and asked him to leave. The complainant refused to leave, thus prompting the witnesses to call the police to assist in escorting the complainant off the property.

Department records indicate that the named officer received a call for service from Witness #1 to escort the complainant off hospital property. Witness #1 indicated to the named officer that the complainant was a suspended employee and stated that the complainant was disturbing employees and recording inside the hospital, which was against hospital policy. The named officer's partner documented he did not see any signs prohibiting such recording. When the named officer met with the complainant, he had relocated to a waiting area designated for patients. The named officer's partner confirmed the complainant's appointment with the intake nurse at the hospital. Witness #1 stated he wanted the complainant to be admonished for trespassing and recording in the hospital without permission. The named officer's partner explained to witness #1 that the complainant was allowed to be in the patient area but not the employee area of the hospital.

Body-worn camera footage showed the named officer speak with the witnesses, who stated that the complainant was an employee on administrative leave and not permitted to use employee computers or be in employee-only areas. The named officer's partner briefly spoke with the complainant, who told him he had a valid reason to be at the hospital as he had a scheduled medical appointment. The complainant asked the named officer's partner to verify his appointment with hospital staff. The named officer's partner asked a staff member if the complainant had an appointment, and she said he did. The body-worn camera does not show the named officer asking the hospital staff member to verify the complainant's medical appointment.

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Evidence shows the named officer's partner asked the appointment desk to confirm the complainant's appointment. The named officer did not engage in the conduct as alleged.

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