

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

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: An individual had an altercation with a female inside of a coffee shop. The argument led to the complainant's client hitting the female in the face with a closed fist and later pulling out a gun from his jacket pocket. He then exited the coffee shop and was later arrested by officers at a bus terminal without further incident. As officers continued investigating the incident, the individual tried to escape but was immediately stopped by two officers. Later, as he was being placed inside a transport vehicle after a cold show, he tried to escape again. The named officer and his partner went after the complainant's client. At some point, the individual fell to the ground, and the officers gained control of him. The complainant alleged that the named officer used excessive force by forcibly landing on her client with his full weight and pushing his head into the concrete floor as he lay on the ground in handcuffs.

The named officer stated that he and his partner were chasing the individual. He stated the individual tried to duck from his partner, causing him to lose his footing and fall to the ground face down. The officer said his momentum carried him on top of the person who was kicking or moving his legs while on the ground. He thought he was trying to get up and run again, so he held him down. He recalled holding the individual's head against the floor for a few seconds to control and keep him from getting up. He said he remembered the person flailing and moving, trying to get back up. The named officer thought he was still a threat to safety. The named officer also acknowledged holding the person by the neck.

DPA obtained body-worn camera (BWC) footage of the incident. The BWC footage showed that when the individual fell to the ground on his side, handcuffed behind his back, the named officer tackled him and held his head against the concrete floor. The individual could be heard apologizing numerous times for escaping, but the named officer continued to hold his head against the floor for several seconds. The officer then grabbed him by the neck and pushed him forward while seated on the floor. The footage does not show the person flailing or moving around before the named officer fell on top of him.

A witness officer stated that he was about to grab the individual when the latter ducked and fell to the ground, landing either on his head or upper shoulder. He said that he and the named officer grabbed him from the ground and returned him to the transport vehicle. After reviewing his body-worn camera footage, the witness officer acknowledged that the named officer held the suspect's head against the concrete floor for several seconds. He said officers should refrain from doing that unless it is justified.

DPA interviewed a Subject Matter Expert (SME) pertaining to the use of force in this incident. The SME stated, after reviewing the videos, that the named officer's act of pushing the person's head against the concrete floor was unnecessary and not in policy because the latter was already on the ground in handcuffs and had repeatedly apologized. He said the person was in a fetal position and offered no

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resistance. He further stated that the named officer's act of holding the person's neck was unnecessary because he forcefully pushed him down, which bent him forward as he sat on the floor in handcuffs. He said there was no exigent circumstance present at the time that would have justified the named officer's conduct.

DGO 5.01, Use of Force Policy and Proper Control of a Person, stated in part:

5.01.02 POLICY

D. PROPORTIONALITY - When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. It is particularly important that officers apply proportionality and critical decision making when encountering a subject who is armed with a weapon other than a firearm.

5.01.03 DEFINITIONS

G. VITAL AREAS OF THE BODY - The head, neck, face, throat, spine, groin and kidney.

5.01.07 FORCE OPTIONS

B. PHYSICAL CONTROLS/PERSONAL BODY WEAPONS - Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects.

1. PURPOSE - 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. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.

2. USE - Officers shall consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, officers shall consider requesting additional resources to the scene prior to making contact with the subject, if feasible. Different physical controls involve different levels of force and risk of injury to a subject or to an officer. Some physical controls may actually involve a greater risk of injury or pain to a subject than other force options.

4. PROHIBITED USE OF PHYSICAL CONTROL TO HEAD, NECK AND THROAT –

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Officers may not apply pressure while using any use of force tool, physical control or personal weapons, and other weaponless techniques such as knee, other body part to the head, neck or throat of a person while effecting an arrest of a person, overcoming resistance, or preventing escape unless an exigent circumstance arises.

Exigent Circumstance Exception - An exigent circumstance arises when an officer has specific and articulable facts that a particular action as set forth in Section 4 was performed by an officer due to concerns of the person's safety, the safety of others or the safety of the involved officer(s). In an exigent circumstance, if an officer makes any contact with the person's head, neck or throat in order for the officer to prevent injury to themselves or another, officers shall: 1) continually reevaluate the circumstances which led to the use of the force option or technique; 2) discontinue the force option and/or transition to a different force option as soon as it is safe to do so; 3) make every effort to avoid making contact with, or putting pressure on, the person's trachea or airway in any way; 4) immediately—absent exigent circumstances—assess that the person is breathing normally and is appropriately responsive, and evaluate whether the person is injured; 5) immediately notify a supervisor; and 6) document in an incident report.

7. REPORTING - Officers shall report any use of force involving physical controls that are used in any attempt to overcome any resistance, regardless of injury or complaint of pain. Use of control holds to effect handcuffing, where the person does not offer physical resistance, is not injured, and does not complain of pain, are not included. Striking a subject with a personal body weapon is a reportable use of force. Any reportable uses of force shall be documented in an incident report and shall articulate the specific set of facts warranting the use of force.

Aside from being unnecessary and excessive, the force in question was not proportionate to the force reasonably needed to secure custody of the complainant's client. The evidence shows that he never moved or resisted the whole time he was on the ground. On the contrary, he was remorseful and apologized several times to the officers.

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

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SUMMARY OF ALLEGATION #2: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the named officer clotheslined an individual during a foot pursuit, causing him to fall to the ground.

The named officer denied clotheslining the individual. He stated that as he was about to grab him, the person ducked to evade his grasp, causing him to fall.

DPA obtained BWC and surveillance camera footage of the incident. The BWC footage and surveillance videos associated with the incident were unclear about precisely how the individual fell to the ground.

A witness officer also denied the allegation. He stated that the person tried to duck from the named officer, causing him to lose his footing and fall to the ground.

A Subject Matter Expert (SME) was unable to determine how the individual fell to the ground.

The evidence fails to prove or disprove if the allegation occurred.

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant alleged that the individual asked the named officer to retrieve his teeth coverings that fell out of his mouth during a foot pursuit that ended with him falling on the ground. The complainant stated that the named officer refused and shouted at the individual, 'No! Favors are done! The complainant said that as the officers were placing the individual into the patrol wagon, he again apologized, saying, 'Man to man, I'm sorry.' The complainant said the named officer replied, 'You ain't a man.'

The named officer admitted yelling to the individual, 'No! Favors are done!' The named officer said it was because of his adrenaline after running to catch him. He also admitted telling the complainant's client that he was not a man and that he said his apologies meant a lot to him in a mocking tone. He said he made such comments because the individual already tried to escape twice and that the apologies meant nothing to him.

The named officer's BWC footage showed that at some point, the complainant's client asked for his teeth coverings that fell out of his mouth when he fell down. The named officer yelled at him, 'No! Favors are done! You got it?!' The video further shows that as he was being walked to the transport vehicle in handcuffs and in pain, the named officer yelled at him to 'shut up.' When he apologized again, the named officer mocked him, telling him that he was not a man and that his apologies meant a lot.

Department General Order 2.01, General Rules of Conduct, states in part:

14. PUBLIC COURTESY. 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.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.01.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer allegedly failed to document in the incident report his pressure on an arrestee's head while using physical control in effecting arrest, overcoming resistance, or preventing escape. The officer also failed to tell his supervisor about it.

DGO 5.01 provided that 'if an officer makes any contact with the person's head, neck or throat in order for the officer to prevent injury to themselves or another, officers shall: 1) continually reevaluate the circumstances which led to the use of the force option or technique; 2) discontinue the force option and/or transition to a different force option as soon as it is safe to do so; ... 5) immediately notify a supervisor; and 6) document in an incident report.

The DPA obtained a copy of the named officer's written statement regarding the matter. The written statement does mention anything pertaining to the named officer pressing or grabbing the complainant's neck and head. The evidence shows that the named officer failed to document in the incident report his use of pressure on the complainant's client's head. He also failed to notify a supervisor about it. The supervisor who conducted the force evaluation said that the named officer never told her that he applied pressure to such a vital area of the complainant's client. These failures violated DGO 5.01 as it existed at the time.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During DPA's investigation, it was discovered that the named officer conducted the Supervisory Use of Force evaluation and determined that a witness officer's use of force, which was discovered to be out of policy, was within policy.

The named officer said that when she arrived at the scene, she conducted a force evaluation on the arresting officer's pointing of a firearm at the individual. She said she talked to the officer and found his course of action to be in policy. The named officer stated that once everything was under control at the scene, she left to deal with other pressing matters. She said she was probably at her district station when she got notified of the individual's second attempt to escape. She said she did not respond to the scene because it happened during rush hour, and going back would have delayed the person from receiving medical care. She said she ended up conducting the force evaluation by reviewing the BWC footage of the event and talking to the involved officers when they returned to the district station. The named officer said that after reviewing the videos, she concluded that the force used by the officers was in policy because the individual ran away from the officers. She added that the officer who held the person's head against the concrete floor did it only for several seconds, not for an excessive time. The named officer said she did not review any surveillance footage. She said she did not talk to witness officers or the individual.

Department records show that the named officer was the one who conducted the force evaluation. In her Supervisory Use of Force Evaluation Report, she concluded that the force used by a witness officer was within policy.

DGO 5.01, Use of Force Policy and Proper Control of a Person, states in part:

5.01.08 USE OF FORCE REPORTING

A(2). EVALUATION OF USE OF FORCE - A supervisor shall conduct a use of force evaluation in all cases involving a reportable use of force, including immediately reviewing all available evidence concerning the use of force incident.

B(2). SUPERVISOR'S RESPONSIBILITY - When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order. The supervisor shall:

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- a. Immediately respond to the scene unless a response is impractical, poses a danger, or where officers' continued presence creates a risk. When more than one supervisor responds, the responsibility shall fall on the senior supervisor;
- b. Ensure the scene is secure and observe injured subjects or officers;
- c. Ensure that witnesses (including officers) are identified and interviewed, and that this information is included in the incident report. The number of witnesses may preclude identification and interview of all witnesses, however supervisors shall ensure identification to the best of their ability;
- d. Ensure photographs of injuries are taken and all other evidence is booked;
- e. Remain available to review the officer's incident report, supplemental incident report and written statement at the direction of the superior officer. A supervisor shall not approve an incident report or written statement involving a use of force that does not comply with the requirements as set forth in 5.01.08 B.1. above;
- f. If applicable, ensure the supervisor's reason for not responding to the scene is included in the incident report.
- g. Immediately review the officer's body worn camera footage and any other available evidence prior to completing and submitting the Supervisory Use of Force Evaluation, indicating whether the force used appears reasonable or the determination is pending investigation, by the end of watch;
- h. Complete the Use of Force Log (SFPD 128) and attach one copy of the incident report by the end of watch.

DGO 1.04, Duties of Sergeants states in part that Sergeants shall, 'Require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur.'

If a supervisor determines that a member's use of force is unnecessary or that an officer has applied force that results in serious bodily injury or death, the supervisor shall notify their superior officer.

The evidence showed that the named officer conducted an inadequate Use of Force evaluation. The named officer did not respond to the scene, as required. She offered justification by saying that the questioned incident occurred during rush hour and that her going back would have delayed the person receiving medical care. However, as a police officer responding to a situation in a marked vehicle, she

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could have activated her emergency lights and siren to get through traffic and arrive at the scene in a short time. Department records show that when she initially responded to the bus terminal after being notified of the person's detention at gunpoint, she made it expeditiously and arrived in approximately thirteen minutes. Therefore, it was viable for her to return to the scene to do the force evaluation. The incident report indicates that the complainant's client bled from a small contusion to the left side of his head and pain in his right foot. The injuries were not grave enough that necessitate immediate medical care.

The named officer also failed to interview witness officers and the individual involved in the incident. BWC footage of the incident showed that aside from the officers involved in the use of force, a couple of other officers went after the individual during the foot pursuit and saw the use of force in question. The named officer also did not interview the individual involved in the incident, who was transported to San Francisco General Hospital (SFGH) for medical care. There were also no memos or written statements regarding why the named officer could not respond to the scene.

Finally, the named officer would have had the opportunity to review the surveillance videos had she conducted the force evaluation at the scene. She would have talked to the complainant's client and witness officers and assessed the situation better. As the evidence suggests, she would have rightfully concluded that the force used by one of the involved officers was unjustified.

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 used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant said the named officers slammed her to the ground and placed handcuffs on her after she stated that her right wrist had a pre-existing injury.

Named officer #1 and Named officer #2 responded to a call for service regarding a fight without weapons. Upon arriving on scene, both named officers observed that the complainant and other people involved were already separated. Named officer #1 conducted an investigation and determined the complainant committed a crime against the other people involved. Named officer #1 told the complainant to place her hands behind her back because she was under arrest for a specific crime. Named officer #1 said the complainant was initially compliant, then began to resist by pulling away and turning away when the named officers attempted to place handcuffs on the complainant.

Named officer #1 said he gave the complainant verbal commands to de-escalate the situation, but the complainant did not listen to the verbal commands. The named officers said the complainant stated her wrist was broken after the initial use of force but did not specify which wrist. The named officers did not observe any injuries or physical limitations to the complainant's wrist. The named officers used control holds to restrain the complainant, who they stated was behaving erratically, and actively resisting arrest. Both the named officers secured the handcuffs on the complainant. The officers used two pairs of handcuffs for more flexibility because the complainant reported that her wrist was hurt, and her arm could not bend. The named officers stated they reported the use of force to a sergeant as required by Department Policy. Named officer #1 and Named officer #2 denied the complainant was slammed to the ground during this incident.

DPA obtained body-worn camera (BWC) footage of the incident. The complainant actively resisted the officers after Named officer #1 attempted to place handcuffs in the complainant. Both of the named officers gave the complainant verbal commands but the complainant did not comply. The complainant screamed that her "wrist was broken." The complainant wore a long sleeve sweatshirt that covered both of her wrists. The complainant was restrained using two pairs of handcuffs by the named officers while the complainant was standing in the upright position. The BWC footage did not show the named officers take the complainant to the ground at any point. The BWC footage and Department records were consistent with the statements Named officer #1 and Named Officer #2 provided to the DPA. Throughout the use of force, the named officers remained calm and attempted to deescalate the situation.

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Department records showed that the other party involved called 911, reporting a fight without weapons between the complainant and two other people involved. The complainant later called 911, reporting that the situation had escalated. The documents show that the named officers arrested the complainant and used force. The use of force was documented and reviewed by a supervising officer. DPA obtained the Supervisory Use of Force evaluation form. Both named officers' uses of force were properly documented in the evaluation form.

The DPA followed up with the complainant and obtained a release for her medical records. The medical records showed the complainant's wrist was not broken, despite statements made to the named officers during the incident. The complainant did have a recent medical procedure on one wrist and experienced increased pain after handcuffing.

Department General Order 5.01 Use of Force policy 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 the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order. 6. To prevent a person from injuring himself/herself.

The BWC footage corroborates both named officers' accounts. The use of force was to effect a lawful arrest and detention. The use of force was proportionate and reasonable given the particular facts here. DPA encourages officers to ask more questions when an arrestee states that a medical condition prevents them from complying with a particular command. In this case, the officers had no objective basis to believe that the complainant's wrist was broken, nor that she was injured, and she actively resisted the officers. The named officers restrained the complainant using the minimum force necessary, which was proper and within Department rules.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant said the named officer arrested the complainant and did not tell the complainant why she was detained.

The named officer made the decision to arrest the complainant based on her threats against two other people. The named officer said he told the complainant to place her hands behind her back because she was under arrest for the specific crime of criminal threats.

DPA obtained the named officer's BWC footage of the incident. The BWC footage and Department records were consistent with the statement the named officer provided to the DPA. The BWC footage and Department records documented the named officer's supervisor approved the arrest and the named officer told the complainant she was under arrest for criminal threats.

Penal Code 422(a) states that:

Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat,...and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail...

The evidence proves that the named officer had probable cause to believe the complainant had violated Penal Code section 422. The evidence proves that the named officer informed the complainant was under arrest and told why.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #4: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officer slapped a car insurance card on the complainant's head.

The named officer denied the allegation and said he did not slap the insurance card on the complainant's head. The named officer said no one was slapped during the incident with the complainant.

DPA obtained the named officer's BWC footage of the incident. The BWC footage was consistent with the named officer's statement provided to the DPA. The BWC footage showed the named officer handed back the insurance card to the complainant.

The evidence proved that the named officer did not slap the insurance card on the complainant's head.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said the named officer asked the complainant to repeat what she said because the named officer did not have their BWC activated.

The named officer said his BWC was activated when he arrived on scene. The named officer said he did not have any issues and their BWC recorded the entire incident without interruptions. The named officer said he stopped the recording of their BWC at the conclusion of the incident.

DPA was able to obtain the named officer's BWC footage of the incident. The BWC footage was consistent with the statement the named officer provided to DPA. The BWC footage did not show any

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late activation or interruptions of the recording at any point. The named officer's BWC footage captured the entire incident with the complainant.

The evidence proved that the named officer activated their BWC during the incident. Once started, the recording was continuous until the named officer completed their investigation and cleared the scene.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #6: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said she was required to speak to the Department of Motor Vehicles. The complainant said this might be because of the incident with the named officer.

The named officer said there was no law enforcement action done to the complainant's vehicle that would require her to speak to the Department of Motor Vehicles. The named officer said the complainant's vehicle was not cited nor towed and was left at the location of the incident.

DPA obtained the named officer's BWC footage of the incident and Department records which indicated nothing was done by the named officer related to the complainant's vehicle. The BWC footage and Department records were consistent with the statement the named officer provided to DPA.

The evidence proves that the named officer did not do anything related to the complainant's vehicle that would have caused the complainant to be required to contact the department of motor vehicles.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #7: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said the named officer was provided with and accepted incorrect insurance information during a vehicle collision from the other person involved.

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The named officer arrived at a non-injury vehicle collision to facilitate the exchange of information between the parties. The named officer did not obtain any insurance information from the two drivers involved in the vehicle collision. The named officer did not recall who, but one of the officers on scene collected the information from both drivers involved in the vehicle collision.

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

The evidence proves that the accused officer was not involved.

SUMMARY OF ALLEGATION #8: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officer did not tell the complainant she was detained.

The named officer said he did not tell the complainant she was detained but his partner officer informed the complainant she was detained.

DPA obtained the named officer's BWC footage and Department records related to the incident. The BWC footage and Department records were consistent with the statement the named officer provided to DPA.

The evidence proves that the complainant was told she was under arrest and told why. However, the complainant was informed by the named officer's partner officer during the incident and not the named officer.

The evidence proves that the accused officer was not involved.

SUMMARY OF ALLEGATION #9: The officer failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

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FINDINGS OF FACT: The complainant said the named officer accepted incorrect or false insurance information during a vehicle collision from the other involved person.

The named officer advised he was on scene helping both drivers involved in the vehicle collision to facilitate the exchange of information. The named officer did not recall whose insurance information he obtained. The named officer said the officers properly facilitated getting all the information from both drivers involved and exchanged their information. The named officer said the driver's insurance information was obtained but officers do not have a way to verify insurance information.

DPA obtained the named officer's BWC footage of the incident. The BWC footage showed the named officer obtained the insurance information from the other person involved in the vehicle collision. The other person involved gave the named officer an automobile insurance card. The BWC footage showed the named officer reviewed then wrote down the information from their driver's license and automobile insurance card which was later provided to the complainant.

The evidence proved that the named officer accepted the insurance information from the other person involved in the vehicle collision. However, officers do not have access to verify insurance information to determine the validity of the information. The named officer conducted a thorough investigation by facilitating the exchange of information between the people involved in the vehicle collision, which was consistent with Department policy and procedures.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant visited a district police station to file a police report. While at the station, the complainant requested a DPA complaint form. In lieu of a complaint form, an officer provided a DPA brochure with instructions on how to file a complaint.

Department General Order 2.04 requires district stations to display and have complaint forms and DPA informational brochures available for distribution upon request.

Requiring district stations to provide complaint forms is intended to facilitate filing and to make members of the public comfortable and aware of the complaint process. DPA records indicate that the complainant has filed many DPA complaints and is very familiar with the complaint process. The district station was out of printed complaint forms, so the officer instead provided a brochure. While DPA understands the complainant's frustration, the officer's decision to provide a DPA brochure in lieu of a complaint form was reasonable and did not rise to the level of misconduct.

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

SUMMARY OF ALLEGATION #: 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 partially forwarded to:

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

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SUMMARY OF ALLEGATION # 1: The officer drove a city vehicle in a grossly negligent or reckless manner.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer drove his police vehicle onto the sidewalk and almost struck a street vendor.

The named officer stated that he was directed by his commanding officer to set up a post at the scene of an incident, to establish a police presence, to help prevent shoplifting, and safeguard tourists. He stated that he drove his police vehicle alongside the Department's mobile command center and was instructed to park on the sidewalk in front of it. The named officer stated that he drove slowly and had his front-facing vehicle lights activated to alert pedestrians of his presence.

A witness officer stated that he was present at the time of the incident and was riding in a nearby mobile command unit. He stated that the location where they were ordered to set up the post had limited space. He stated that the named officer parked his vehicle the way he did to accommodate both the mobile command center and pedestrians walking on the sidewalk.

The DPA obtained street surveillance video footage that captured the incident. It showed the named officer driving on the sidewalk, lights activated, at a slow rate of speed, in front of the mobile command center, and parking next to the street vendor's stand.

The DPA interviewed the street vendor that was involved in the incident. He stated that the named officer drove onto the sidewalk towards his stand and parked his vehicle close to where he was seated. He provided photos that he took at the time of the incident to show the distance between his chair and the officer's parked vehicle which appeared to be approximately a foot apart.

The evidence showed that the named officer did drive on the sidewalk but did so at a slow speed and with his vehicle's front-facing lights activated. The named officer did park his vehicle close to where the complainant was situated but he did so in order to not fully obstruct the sidewalk. DPA understands and appreciates the perception of the vendor, but the conduct does not rise to the level of misconduct.

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: 12/14/22

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the officer intentionally drove their vehicle at the street vendor to intimidate and threaten them.

The named officer denied the allegation.

A witness who was present during the incident stated that he saw the named officer drive his vehicle toward where the street vendor was seated. He stated that the named officer refused to acknowledge or apologize for parking his vehicle as close as he did to the street vendor.

The street vendor stated that he had a previous interaction with the named officer in which he was told to shut down his stand. He stated that he had refused to obey the named officer's request because he had a valid permit to operate it. The street vendor stated that because of this prior interaction, he felt that the named officer tried to intimidate him by driving close to him.

While the evidence showed that the named officer drove his vehicle in the direction of the street vendor and parked close to where he was seated, there was insufficient evidence to prove his intent in taking that specific action.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 12/19/21 COMPLETION DATE: 09/13/23 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 his reported burglary was not investigated, and no one was held responsible for stealing his property.

The first named officer stated that he spoke to the complainant and directed the complainant to the Burglary Division. The officer had no further involvement.

The second named officer stated that he followed the applicable protocol (Department Notice 20-107) and determined that the complainant's case did not meet the criteria for investigation.

Department records showed that a report was created but the case was not assigned for investigation.

SFPD Department Notice 20-107 states:

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

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Cases are assigned for investigation at the discretion of the Lieutenant in charge of the assigned bureau or division. The named officers used Department guidelines to determine not to assign the complainant's report for further 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: 01/20/23 COMPLETION DATE: 09/28/23 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: Officers responded to the complainant's residence to conduct a wellbeing check. She stated that the responding officers asked her to step outside so they could speak with her. She alleged that the officers prevented her from re-entering her residence and unlawfully placed her under arrest.

Named Officer #1 and Named Officer #2 responded to the complainant's residence to conduct a wellbeing check on the complainant and her children. Named Officer #1 stated that Dispatch notified them that the complainant's mother called the police, concerned that her daughter was under the influence of alcohol and that at least one of her grandchildren needed medical attention. Both named officers stated that upon arrival at the residence, they were met by the complainant and a male acquaintance. Both named officers recalled that the complainant was angry that they were there and wanted them to leave.

Named Officer #1 stated that he told the complainant they were there to check on her and her children. The complainant told the officers that no one else was home and her children were not there. Named Officer #1 stated that the complainant approached him, pressed her finger to his chest, and told him that he did not have the right to be there. When she came close to him, he detected a strong odor of alcohol on the complainant's breath. Named Officer #1 warned the complainant that if she did not stop touching him, he would arrest her. He then advised her male acquaintance to tend to the complainant to ensure that things did not escalate further. The acquaintance and complainant then briefly left the scene.

Named Officer #2 stated that he verified that the complainant's children were in fact inside the residence because the complainant's daughter came to the front window. The complainant's daughter communicated to him that she was not okay and needed help. Paramedics arrived to evaluate the children inside the residence. When the complainant returned to the scene, she was still upset, refused to obey their commands to stop, and tried to enter the residence.

At that time, Named Officer #1 decided to place the complainant under arrest for public intoxication, refusal to obey lawful orders, and interference with the officers' and the paramedic's duties to administer medical aid to her children. Named Officer #2 stated that they arrested the complainant because she did not follow their lawful orders and posed a threat to the paramedics and children inside her residence.

DPA obtained body-worn camera (BWC) footage for the officers. The footage showed that the complainant was angry and aggressive towards the two named officers as they tried to determine the

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

COMPLAINT DATE: 01/20/23 COMPLETION DATE: 09/28/23 PAGE# 2 of 5

whereabouts and condition of her children. The footage showed that Named Officer #2 was able to speak to the complainant's daughter at the residence door and determine that she required medical attention. The footage showed that the complainant tried to push by Named Officer #1 to re-enter her residence while

her children were being evaluated by the paramedics. Named Officer #1 ordered her to stop, and he tried to physically stop her from going into the residence. The complainant resisted and told him not to touch her. Both named officers grabbed the complainant and placed her under arrest. The named officers found an open bottle of alcohol inside the complainant's residence, along with a shattered television and broken glass on the living room floor.

DPA obtained a copy of the incident report. The report stated that when Named Officer #2 first spoke to the complainant's daughter at the entryway, he saw several items thrown about inside and shattered glass all over the living room floor. The report also summarized Named Officer #1's interview with the complainant's mother. The complainant's mother told police that the babysitter called her to report that her granddaughter was sick and had been vomiting throughout the day. The complainant's mother called the complainant and told her to take her granddaughter to the hospital. However, the complainant refused to do so. The complainant's mother called the police because her daughter sounded intoxicated on the phone call. The complainant's mother also heard the complainant yelling and items breaking in the background.

The named officers were called to check on the health and wellness of the complainant and her children. The evidence showed that the named officers determined that the complainant's daughter was ill and required medical attention. The evidence also showed that the complainant was intoxicated, uncooperative, and obstructive to paramedics attempting to treat her daughter. The evidence showed that the named officers' decision to arrest the complainant was within policy. Ample probable cause existed that the complainant was interfering with the officers' lawful performance of their duties and putting the safety and well-being of her children at risk.

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

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COMPLAINT DATE: 01/20/23 **COMPLETION DATE:** 09/28/23 **PAGE# 3 of 5**

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant alleged the officers used excessive force and threw her to the ground when they arrested her.

Both named officers stated that when the complainant returned to the scene she was angrily yelling. Named Officer #1 tried to calm the complainant down, told her to stop, and attempted to place his hand on her shoulder to stop her from going into her residence. She resisted and told him not to touch her. At that point, Named Officer #1 grabbed the complainant's right arm, and Named Officer #2 grabbed her left arm to attempt to place her under arrest. The complainant began to actively resist them by flailing her body and lowering her center of gravity, thereby preventing them from handcuffing her. Named Officer #1 pulled the complainant to the ground to allow the officers to restrain her hands and feet. Both named officers believed that their use of force was justified because the complainant was not complying with lawful orders, was resisting arrest, and kept trying to enter her residence where paramedics were rendering aid to her daughter. Both named officers believed their use of force de-escalated the situation by isolating the complainant and allowing the paramedics to focus on the children. Both named officers agreed that they used only control holds to complete the arrest. This was the lowest level of force possible given the complainant's active resistance. Both named officers stated that the complainant did not complain of any pain or injuries sustained on scene.

The BWC footage showed that Named Officer #1 attempted to slow the complainant's progress toward her residence, and the complainant resisted and angrily snapped at him, "Don't touch me! Don't fucking touch me!" Consistent with the officers' interviews, BWC footage confirmed that the complainant actively resisted attempts to handcuff her. Named Officer #1 counted "1-2-3" before bringing the complainant to the ground. The named officers used their body weight to pin the kicking and flailing complainant. The named officers eventually restrained her wrists and ankles.

This incident occurred in 2017. At that time, reportable uses of force under the applicable Department General Order did not include the use of control holds where there was no complaint of pain or injury to the subject.

The evidence showed that the named officers' decision to use force was necessary to arrest the complainant. The officers did bring the complainant to the ground. However, the evidence proved that the complainant was not slammed to the ground. The officers used the minimum level of force necessary. The evidence showed that the level of force used was appropriate for the situation, proper, and within Department rules.

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COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #5-6: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officers illegally entered and searched her residence, seized her children, and turned them over to Child Protective Services.

Both named officers stated that they entered the complainant's residence to help administer aid to her ill daughter, assist the paramedics, determine who could look after the children, and make sure that it was locked and secured before they left the scene. Child Protective Services were contacted because the complainant was arrested, and there were no family members immediately available to look over her children. Additionally, the evidence suggested that the children were not safe with the complainant.

The BWC footage showed that the named officers entered the residence and remained on the ground level where the sick child, an open bottle of alcohol, and broken glass were located. The named officers attempted to locate house keys to secure the residence before transporting the complainant. Eventually, staff from the property secured the residence.

When the named officers entered the residence, they had information that the complainant was intoxicated, her daughter was ill enough to require medical attention, and the child appeared in the window and indicated that she was not okay. Additionally, the child opened the door for the officers. While at the door, Named Officer #2 observed items thrown about and broken glass on the floor. Taken together, these facts constituted exigent circumstances allowing the officers to enter the residence.

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

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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 alleged that one of the officers was rude and spoke to her inappropriately.

The Named Officer stated that he acted professionally toward the complainant. He admitted that he made one comment to the complainant as an attempt to establish rapport, given that the complainant was upset.

BWC footage showed that the Named Officer spoke to the complainant in a reasonable manner. The footage gave context to the substance of the Named officer's comment and showed that it was clearly done in jest. The complainant responded by laughing with him.

The evidence showed that the Named Officer's demeanor was not rude and that his comments to the complainant were not inappropriate.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/30/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers were called to a residential complex to conduct a wellness check on her neighbor. She said the named officers refused to enter the neighbor's unit because the "Community Caretaking" exception to the Fourth Amendment's warrant requirement no longer allowed them to go into the unit. The officers left. A short time later, the complainant said that resident services went into the neighbor's unit and found the neighbor deceased from suicide. The named officers returned to the location within an hour. The complainant believed that if the officers had opened the door, they could have saved the neighbor's life.

The named officers said they attended the location at the request of building management to conduct a wellness check. The individual had emailed her therapist about giving herself the gift of "Peace," and building management had received noise complaints from a fan in the apartment for the past 48 hours. The officers said they attended the location, knocking on the individual's door, but got no response. The officers said there was no foul odor coming from the apartment, no noises, no mail piled up, and no sign of the individual. The officers noted that the information about the email was vague and did not include a clear threat of suicide. The officers said they tried to contact the therapist for more information but could not make contact. As such, the officers concluded they did not have the exigent circumstances to force entry into the apartment.

The named officers said they spoke with building management and the complainant and explained that they could not enter without exigent circumstances as described in Department Notice 20-020 Response to "Well-being Checks Not Involving Crisis Intervention."

The named officers confirmed they were called back to the scene after the individual in the apartment was discovered deceased. The officers stated that medics were already on the scene, so they did not get a good look at the body. However, the attending medical examiner stated they believed the individual was deceased for about two days. Therefore, even if the officers did have the required exigent circumstances to enter the apartment the first time, which the officers stated they did not have, it would have made no difference in the outcome of the deceased subject.

Computer-aided dispatch (CAD) records show that the named officers attended a well-being check. The records show their unsuccessful attempts to contact the therapist. The record documents that there was no answer at the door, no foul smell, no piled-up mail, and no sign of foul play. Therefore, the officers lacked exigency.

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Further CAD records document the call from paramedics about an hour later the same day, requesting officers to return to the scene. The record stated that building security had entered the apartment and found a deceased person inside. The paramedics state they are already on the scene and that the subject is obviously dead, and her death was "non-recent."

The incident report documents the officers' actions when they arrived the second time and assisted the medical examiner in investigating the suicide.

Body-worn cameras captured the officers' initial attendance at the incident and corroborated the officers' account. The camera footage also captures the officers' reattendance to the scene after the deceased was discovered. The footage captures the medical examiner investigator telling the building manager that the individual has been deceased for about two days.

Department Notice 20-020 Response to Well-being Checks Not Involving Crisis Intervention states, "On August 12, 2019, the California Supreme Court in *People v. Oveida* (2019) 7 Cal.5th 1034, held "community caretaking" searches of residences unconstitutional. The Court reasoned the U.S. Supreme Court only recognizes the higher standard of "exigent circumstances" as an exception to the warrant requirement."

Department Notice 21-012 Entering Residences: Housing, Apartments, Hotels, including SRO Hotels, states:

Community caretaking applies when law enforcement officers are not involved in investigating a crime, but instead are providing some kind of aid or assistance unrelated to a criminal investigation, such as a welfare check. As it relates to entering a residence, community caretaking, absent exigent circumstances, is no longer a recognized exception to the Fourth Amendment's warrant requirement. 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 evidence shows that, based on the officers' information at the time, they did not have exigent circumstances to force entry into the apartment. The evidence also shows that if the officers had entered the apartment, it would not have changed the outcome of the incident as the individual was already deceased. The evidence showed that the officers complied with the current policy.

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: 02/08/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was on a MUNI bus when the bus driver sprayed Lysol because they thought the complainant was homeless. The complainant then demanded to leave the bus. As he left, the complainant said he may have kicked the bus, and he may have used a large stick to hit the glass door. The complainant denied causing any damage. About a month later, the complainant called the police after he was assaulted. The officers responded and dealt with the assault issue in a satisfactory manner. However, the named officer arrested him for damaging the bus in the prior incident.

The named officer confirmed that he attended a call for assistance by the complainant. The officer said that he has had multiple contact with the complainant in the past. The officer said that an email was circulated that there was probable cause to arrest the complainant for Felony Vandalism PC sec. 594(b)(1). The email contained evidence that the complainant had smashed the glass door of a MUNI bus about a month prior. The named officer said he arrested the complainant based on this evidence.

Body-worn camera footage showed that the named officer recognized the complainant from previous interactions and recalled an email that had been distributed to officers about ten days earlier. The footage showed that the named officer pulled the email up on his cell phone to check the information contained within it. Another officer at the scene contacted the investigating officer of the MUNI bus damage case, who confirmed that the request for the arrest of the complainant was still current. The complainant was arrested by the named officer, and the officer explained the reason for the arrest, including the fact that there was an email.

Department records documented the damage to the MUNI bus, including video of the incident that was seized and booked into evidence. The records also documented the named officer attending a request for assistance about a month later and arresting the complainant for the damage to the bus. The complainant was arrested based on an email sent by the investigating officer of the MUNI bus damage.

A copy of the email shows probable cause to arrest the complainant for PC sec. 594(b)(1). The email included a "probable cause" statement from the requesting officer and still images taken from the MUNI video showing the complainant smashing the bus's windows.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers made an arrest without cause

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant said the named officers were involved in his arrest without cause.

The named officers are no longer with the Department.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said he did not believe that the named officer could remember an email from over a month ago. Therefore, the officer lied in the Incident Report when the officer said he recalled the email.

The named officer said he did not lie, and he did recall the email. He said the email was sent 11 days before he encountered and arrested the complainant.

A copy of the email shows it was sent 11 days before the complainant's arrest.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT DATE: 02/08/23 **COMPLETION DATE:** 09/13/23 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said that the named officer said there was an arrest warrant against the complainant, which was a lie.

The named officer said he did not recall the incident or conversation with the complainant.

A witness officer said he did not recall the named officer telling the complainant that he had an arrest warrant.

Body-worn camera footage showed that the named officer was never at the scene of the complainant's arrest.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #6: The officer failed to properly supervise.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer failed to supervise as the officer signed off the Incident Report that contained the lie from the arresting officer about remembering an email over a month ago.

The named officer said she did review the Incident Report. She said she did not recall seeing an email. She stated that the supervisor reviewing the report must print his/her name and star number legibly. This review does not mean that he/she has personally verified the facts in the report. Instead, the supervisor ensures that the spelling is accurate, the narrative is clear, the investigation is complete, and the procedural steps taken are correct. When assessing the completeness of an incident report, supervisors must ensure that elements of the crime have been established and the identity of all involved persons is verified. The actions involved in the incident must be clearly and accurately described, along with the investigative steps taken. The supervisor also must review the report for adherence to the laws of arrest, search and seizure, and Department policies and procedures.

The witness officer, the arresting officer, said he did not lie, and he did recall the email. He said the email was sent 11 days before he encountered and arrested the complainant.

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A copy of the email shows it was sent 11 days before the complainant's arrest.

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

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COMPLAINT DATE: 02/28/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS # 1-9: The officers displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers responded to his residence and threatened and harassed his minor daughter. He alleged that the officers threatened to shoot the residents inside the home if they did not open the door and accused his minor daughter of having a weapon. Additionally, he stated that the officers made comments to his daughter that they would leave her alone if her father—the complainant—ceased making complaints about the police.

On the date of incident, the named officers responded to the complainant’s residence regarding several calls for service due to a party that was underway at that location. The initial call for service was a noise complaint. Thereafter, a call for service was made by a young individual who alleged that a male within the residence pulled a gun on him. Finally, a third call for service was made by neighbors who observed several individuals outside making loud screaming noises and running back in the home.

DPA obtained the named officers’ body-worn camera (BWC) footage of the incident. The BWC footage of the incident does not support the complainant’s assertions. The footage does not capture the named officers threatening, harassing, or making any of the above comments stated by the complainant. Rather, the footage reflected the named officers responding to the calls in a professional, non-intimidating manner, wanting to ensure that everyone within the residence was safe and that no one had a weapon. Notably, when the officers responded to the second call for service regarding the alleged weapon, the named officers approached cautiously, kindly, and were aware and cognizant of the fact that this could have been an escalated call because there was an earlier disturbing the peace call. The named officers suspected that the call for service could have been from an individual ejected from the party which was confirmed prior to responding to the third call for service.

The evidence proves that the alleged conduct did not occur.

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COMPLAINT DATE: 02/28/23 COMPLETION DATE: 09/22/23 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS # 10-18: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officers made anti-immigrant racial slurs during the interaction.

DPA obtained the named officers' body-worn camera (BWC) footage of the incident. The BWC footage does not reflect that the named officers made any anti-immigrant racial slurs or engaged in any bias policing or discrimination. As mentioned above, the responding named officers acted professional and kind when responding to the calls for services.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 03/08/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was the victim of an unprovoked pepper spray attack. The complainant was trying to speak with a motorcyclist, who was parked across the street from his home for an extended period with his engine idling, when the motorcyclist responded by spraying the complainant in the face. The motorcyclist was wearing a helmet that prevented the complainant from seeing his face. Officers responded to assist the complainant and investigate. The complainant stated that the officer did not provide him with an incident report number. When the complainant later received a copy of the incident report, it was inaccurate and biased toward his attacker.

Body-worn camera footage showed that the officers thoroughly investigated the incident. They interviewed the complainant and searched the area for the motorcyclist. The incident report accurately memorialized the officer's investigation, including a statement taken from the complainant. The report noted that the complainant could not identify the suspect because he was wearing a helmet. The officer located a surveillance camera; however, the restaurant was closed during the investigation. The suspect was not located and there were no witnesses to the incident. The officer provided the incident report number verbally and on a piece of paper that the complainant put into his wallet.

Department Notice 20-134, Report Writing Responsibilities, direct officers to prepare factual and thorough incident reports.

The evidence showed that the incident report accurately and thoroughly summarized the complainant's statements.

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

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COMPLAINT DATE: 03/08/23 COMPLETION DATE: 09/13/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: After the incident, the complainant went to a district station to provide photographs of the suspect. The complainant said that no one from the police department followed-up on the complainant about pressing charges against the suspect.

Department records showed that a supplemental report was later prepared documenting that the complainant provided photos. The photos were of the suspect wearing a motorcycle helmet and were booked as evidence.

Department Bulletin 20-107, Case Assignments for Investigation, states that it is the policy of the Department to investigate crimes to arrest and prosecute those responsible diligently. However, the Department must manage its resources reasonably, effectively, and efficiently. Investigations team supervisors review and evaluate each incident report before assigning cases to investigators. Staffing levels, the presence of or lack of video footage or physical evidence, and the solvability of the crime are factors when deciding whether to assign a case for investigation.

DPA understands the complainant's frustration; however, based on the lack of evidence and information regarding the suspect's identity, the case was reasonably not assigned for investigation.

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

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

COMPLAINT DATE: 02/21/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant called 911 and reported a person verbally harassing him in his hotel residence. He said the person had been harassing him to force him to move out and so that officers would no longer respond to his calls for assistance. The complainant alleged that the responding officers failed to respond promptly, arriving roughly thirty minutes after he called for assistance.

The officers stated that the call came in before the start of their shift. They stated that they had to participate in the lineup and prepare their vehicle and equipment before receiving calls for service. They stated that once they were dispatched for the call, they arrived at the scene in a reasonable time.

Department records show that the call was initially a B-priority fight with no weapons. The complainant was advised of the delay in response. About twenty minutes thereafter, the call was upgraded to A-priority when the complainant reported that the suspect followed him and, at some point, ran towards him. Department records show the named officers were immediately dispatched and arrived at the scene within minutes. Additionally, the call came in during shift change that required the officers to attend the lineup before starting patrol duties.

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: 02/21/23 COMPLETION DATE: 09/22/23 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #4-6: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officers failed to properly investigate the incident.

The named officers stated that they talked to both parties and witnesses at the scene.

Body-worn camera videos of the incident revealed that the officers spent an adequate amount of time talking to both parties and witnesses at the scene. The witnesses, including a case manager, stated that the complainant had a habit of recording people without consent. The case manager stated that the complainant was moved to the building from a different hotel residence due to multiple similar complaints of recording people without their consent.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 02/21/23 COMPLETION DATE: 09/22/23 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #7-10: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officers acted in concert with criminals and violated his civil rights by instructing him not to record people.

One of the named officers stated that he did not talk to the complainant.

The other named officers stated that they advised the complainant not to record people to avoid future conflicts. One of them stated that the complainant's actions disturbed the peace and that other tenants in the building did not like being recorded.

There is no evidence that the officer acted in concert with criminals. Advising the complainant not to record people without their consent to maintain peace at the complainant's residence is not misconduct.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/23 DATE OF COMPLETION: 09/15/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant was at a local bar when one of its employees allegedly began harassing and pushing him. He called for police assistance. The named officer and his partner took the call and responded to the scene. The complainant alleged that the named officer failed to properly investigate the incident because he only took statements from the bar's employees. The complainant said the named officer failed to take his and his girlfriend's statements and those of their friends who had witnessed the incident. In a follow-up interview with the complainant, he admitted that the named officer did talk to him. He also said the named officer wanted to take his girlfriend's statement, but his girlfriend was not interested in talking to the officer.

The named officer stated that he conducted a full investigation related to the incident. He stated that he talked to both parties and a witness upon arrival at the scene. He said that the complainant wanted to go back inside the establishment and advised him that the bar's management no longer wanted him inside. He advised the complainant to go home and rest. He said the complainant's girlfriend did not provide any additional information.

DPA obtained witness officers' body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statement the named officer provided to DPA.

DPA also obtained a copy of the incident report authored by the named officer. The incident report was also consistent with the body-worn camera footage and the named officer's interview. The named officer fully investigated the matter by talking to all the involved parties and witnesses that agreed to talk to him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/23 **DATE OF COMPLETION:** 09/15/23 **PAGE# 2 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer inaccurately wrote in his report that he was intoxicated. He said he was not intoxicated and had only juice to drink.

The named officer said the complainant appeared intoxicated. The named officer smelled alcohol on his breath, and he said the complainant kept interrupting him while he was speaking. The named officer did not conduct a field sobriety test. His conclusion that the complainant was intoxicated was based on his perception and observation of him at the time. He reiterated that he did not detain the complainant for public intoxication.

DPA obtained body-worn camera (BWC) footage of the incident. The complainant did not appear visibly intoxicated and did not slur his words. However, the body-worn camera videos were not definitive enough to disprove whether the officer's perceptions were accurate or inaccurate. The named officer was not required to conduct a field sobriety test on the complainant. None of the witnesses interviewed by the officers stated that the complainant was or was not intoxicated.

The named officer indicated that he witnessed signs and symptoms of intoxication. It is not misconduct to document an officer's impressions. DPA encourages officers to be more thorough in documenting any factual basis for such a conclusion.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/23 DATE OF COMPLETION: 09/15/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the course of DPA’s investigation, it was discovered that the named officer failed to activate his body-worn camera as required by Department policy.

The named officer admitted that he did not activate his body-worn camera pertaining to this incident but stated he always tries to do so when responding to calls for service.

Department General Order 10.11, Body Worn Cameras, Authorized Use, states, “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 citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted in Section III, D.”

Department Notice 20-175 Activation of Body Worn Camera states, “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 evidence showed that the named officer failed to activate his BWC in violation of Department General Order 10.11 and Department Notice 20-175.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/06/23 DATE OF COMPLETION: 09/22/23 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 9/20/23.

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

COMPLAINT DATE: 04/08/23 COMPLETION DATE: 09/15/23 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 she called a local police district station to follow-up regarding her assault that occurred in 2015. The complainant stated that she spoke to the named officer and alleged that he was rude to her, laughed off her requests to investigate her prior case, and accused her of being drunk.

The named officer stated that he could not recall all the details of the phone conversation he had with the complainant but recalled that she had called the station requesting that a cold case be investigated. The named officer stated that he attempted to look up the complainant's case but could not tell if it had been assigned for follow-up. The named officer stated that when he provided the complainant with the phone number for general works for her to follow-up on her case, she became belligerent. The named officer stated that the complainant sounded intoxicated at the time but denied laughing off the complainant's request. The named officer described his demeanor while speaking with the complainant as polite and professional.

DPA was unable to locate any additional evidence pertaining to this specific allegation. The call was not recorded.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that she was the victim of a 2015 assault in which she was struck in the face with a metal pipe. In her DPA interview, the complainant alleged that as she was approaching her vehicle, she noticed a man near her car. When she came to, she was inside her vehicle and saw that her face had been, "bashed in." The complainant alleged that the incident report failed to accurately classify the incident as an assault.

The named officer identified herself as the author of the incident report. She stated that on the day of the incident, she responded to a nearby hospital and spoke with the complainant. She saw that the complainant had swelling and an abrasion to the right side of her face. When she spoke with the complainant, the complainant informed her that before the incident, she had gone to a local restaurant

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

COMPLAINT DATE: 04/08/23 COMPLETION DATE: 09/15/23 PAGE# 2 of 2

with a friend. At the restaurant, they consumed a bottle of wine between the two of them. They then went to a nearby bar where she advised the named officer that she had one shot of whiskey. The complainant said that her friend left the bar, but she decided to stay. The complainant told the named officer that some time later she went to her vehicle and when she got in, she looked in the mirror and saw that her face was bleeding. The complainant told the officer that she then contacted her husband who drove her to the hospital. The named officer went back to the area where the incident happened to conduct an investigation. The named officer was unable to locate any witnesses, suspects, victims, or additional evidence. The named officer also stated that a search for surveillance camera footage yielded negative results. The named officer stated that due to a lack of physical evidence and no witnesses or suspects, the incident did not meet the threshold to be classified as an assault/battery. Due to this, the named officer documented the incident as a suspicious occurrence in the incident report.

DPA received five photos from the complainant that were taken shortly after the incident in question. The photos show the complainant with swelling and abrasions to the right side of her face. DPA also obtained a copy of the incident report. The incident report was consistent with the statement the named officer provided to DPA. Photos of the complainant's injuries were included in the incident report as well. It should be noted that the complainant did not mention a man being by her car to the named officer according to the incident report. The report further stated that the complainant, "did not know if she had been physically assaulted or not."

Due to the lack of witnesses, evidence, and suspects in this incident, the named officer took the appropriate action by classifying the incident as a suspicious occurrence and documenting what evidence she had in the incident report.

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: 04/17/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CVO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she called the sergeant to inquire about an incident. While questioning the department policy, the sergeant was very defensive, hostile, and unprofessional.

The sergeant denied the allegation, stating she was professional during their conversation. She stated that the complainant appeared frustrated and upset with the policy and the sergeant's answers.

There was no body-worn camera footage, and the phone conversation was not recorded.

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

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

COMPLAINT DATE: 04/18/23 COMPLETION DATE: 09/15/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer issued her a citation for a traffic violation she had not committed. The complainant acknowledged, however, that she had driven in close proximity to the named officer's patrol car for some distance, passing the patrol vehicle at one point.

The named officer stated that he issued the citation after seeing the complainant violating several traffic laws. The named officer stated he and another officer observed the violations.

Department records show that the named officer issued the complainant a citation for one observed violation.

SFPD General Order 9.01, Traffic Enforcement, states in pertinent part:

...

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

- a. After witnessing a violation.

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

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

COMPLAINT DATE: 04/18/23 COMPLETION DATE: 09/15/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer misrepresented the truth about why he stopped her. However, her explanation inferred she may have committed several traffic violations in front of the police officer.

The named officer stated that he saw the complainant committing traffic offenses and that is why he stopped her.

SFPD documents showed that the named officer stopped the complainant for committing offenses and issued her with a citation.

Body camera footage shows the named officer stopping the complainant but does not show the alleged offenses that led to the stop.

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

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

COMPLAINT DATE: 04/20/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: In an online complaint, the complainant said the named officer asked if the complainant was “stupid or dumb.” The complainant failed to respond to requests for further information.

Department records showed that a business owner informed the named officer that a person was blocking their business premise's driveway. The named officer attended the location and asked the complainant to move. The records show that the complainant became argumentative but did eventually move.

The named officer's body-worn camera showed that the officer asked the complainant for his identification and told the complainant to “produce it.” The complainant became audibly frustrated by the request. While inside his tent, the complainant could be heard saying, “...no, I won't calm down. They woke me up from my sleep.” The named officer instructed the complainant to remove his belongings from the vicinity of the building's garage. The named officer then asked the complainant if he understood. The officer does not use inappropriate language or call the complainant “stupid.”

The video footage showed that the officer did speak with the complainant and asked the complainant to move from blocking a building's garage. However, the officer did not use inappropriate language while making this request.

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: 04/20/23 COMPLETION DATE: 09/22/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: In an online complaint, the complainant said the named officer threatened to move everyone on the block because of the officer's issue with the complainant. The complainant failed to respond to requests for further information.

Department records showed that a business owner informed the named officer that a person was blocking their business premise's driveway. The named officer attended the location and asked the complainant to move. The records show that the complainant became argumentative but did eventually move.

The named officer's body-worn camera footage showed that the named officer or his partner did not threaten to move other tent occupants. Once the complainant moved his belongings from the vicinity of the building's garage, the named officer and his partner left without providing any orders or instructions for the other tent occupants to move their belongings from the street.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 04/24/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer stopped a man who was jaywalking. The complainant alleged that the named officer acted in a hostile manner when speaking with the man. The complainant alleged that the named officer's behavior was excessive given that it was a minor infraction.

The named officer stated he was on uniformed patrol and was waiting on a street corner when he saw a man walk directly past him into the street. The light was red, and the named officer advised him to stop, given it was a busy and unsafe intersection. The man ignored the named officer's command and kept walking. The named officer told him to return to the curb and the man complied. The named officer stated that he decided not to cite the man and expressed his condolences pertaining to the recent passing of the man's partner. The named officer described his demeanor while speaking with the man as professional and courteous.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The named officer's BWC footage was consistent with the statement he provided to DPA. The named officer listened to the man and expressed sympathy with recent traumas and losses that the man experienced. Though the named officer had every right to issue the man a citation, he exercised his discretion and did not cite the man.

No additional witnesses were identified.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 04/28/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS # 1-2: The officers displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant was riding a motorized scooter and dancing with her dog when she was stopped by officers. The complainant said that she was harassed by officers because they wanted to capture her and place her under an involuntary mental health detention.

Department records showed that officers were assigned to an “A” priority call to check the complainant’s wellbeing. The complainant was blocking traffic and 911 callers had expressed concern for her safety because she was jumping on and off her scooter to dance and perform ninja moves in the street. The officers evaluated the complainant and determined that she did not qualify for an involuntary mental health detention. Body-worn camera footage showed that the officers contacted the complainant and explained that someone had called 911 because they were concerned about her behavior. The complainant became visibly agitated and indicated that she was exercising her right as a human to move and speak freely. One officer attempted to build rapport with the complainant, but the complainant requested to speak only with a supervisor. The officer called a supervisor, who advised the complainant that she was not detained and that the officers were only evaluating her. The complainant said she wanted to go home. The supervising officer ordered the responding officers to disengage, and the complainant returned to her residence without incident.

Department General Order 6.14, Psychological Evaluation of Adults, outlines policies and procedures for dealing with psychologically distressed adults. Officers are required to abate situations when a psychologically distressed individual has not committed a crime and is not a danger to themselves, a danger to others, or gravely disabled. (DGO 6.14.II.A.1)

While the DPA understands that the complainant perceived the officers’ actions as harassing and intimidating, the officers had cause to evaluate the complainant to determine if she was a danger to herself based on reports made to Dispatch and the complainant’s activity in the middle of the street.

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: 05/08/23 COMPLETION DATE: 09/22/23 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 she has “been placed through a U.S. Executive ordered torture and enhanced interrogation.” She stated the torture began years ago, and she began seeking help in 2017 from various agencies, including the CIA, FBI, DA, SFPD, and the Human Rights Commission. No one has helped her, including the named officer, who has not responded to her messages and failed to refer her to the Victim Witness Protection Program.

The named officer stated that the complainant’s messages were forwarded to the appropriate units or bureaus. The named officer stated that the Investigations Bureau or the District Attorney’s office made referrals to the Victim Witness Protection Program.

A preponderance of the evidence proves that the named officer’s actions were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/05/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS # 1-3: The officers failed to promptly respond to a scene.

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: 06/09/23 COMPLETION DATE: 09/22/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated he was in a store when an employee called 9-1-1 and reported that he was brandishing a knife, a gun, and exposing himself. He said officers arrived and ordered him to the ground. He acknowledged he did not immediately comply. He said officers pointed firearms at him and he eventually followed their commands.

The named officer said she responded to a call for service regarding a suspect under the influence, screaming and threatening employees with violence. Dispatch advised that the employee said the suspect claimed he had a gun and knife. The named officer referred to the police report they authored when recalling this incident. The complainant spoke incoherently and refused to put his hands on his head when ordered to do so. The named officer said dispatch advised the complainant may have had a gun or knife and the complainant was not listening to commands. The complainant walked toward the named officer, and the named officer drew their Department issued firearm and ordered the complainant to the ground.

Dispatch records showed a call for service regarding a person inside a business who was screaming and threatening to stab employees. The records showed a return call and dispatch advised that the person was still at the business, was exposing himself, and stated he had a gun and a knife.

Body-worn camera footage that captured the incident was no longer retained and had been deleted because the event happened almost three years ago.

A Supervisory Use of Force Evaluation was completed for this incident showing that the named officer pointed a firearm and detained the complainant. The explanation for the use of force was to affect a lawful arrest, detention, or search and to gain compliance with a lawful order.

A witness in the business said the complainant entered the store, was looking at employees aggressively, exposing himself, and trying to reach over the counter. She recalled the man said he had something on him, possibly a knife. The witness stated that another employee called 9-1-1 as they were concerned for their safety. Officers responded and ordered the man to put his hands up and get down on the ground. The man refused to comply initially but was eventually handcuffed and taken outside the store.

Department General Order (DGO) 5.01 Use of Force (2016) states in relevant part that an officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety. Here, the officer's decision to draw her firearm was within policy due to her belief the complainant was armed and attempting to close the distance between them.

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

COMPLAINT DATE: 06/09/23 COMPLETION DATE: 09/22/23 PAGE# 2 of 4

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was in a store when an employee called 9-1-1 and reported that he was brandishing a knife and gun, and exposing himself, all of which was untrue. He said officers arrived and ordered him to the ground. He acknowledged he did not immediately comply. He said officers pointed firearms at him and he eventually followed their commands.

The named officer said she responded to a call for service regarding a suspect under the influence, screaming and threatening employees with violence. Dispatch advised that the employee said the suspect claimed he had a gun and knife. The named officer referred to the police report they authored when recalling this incident. The complainant spoke incoherently and refused to put his hands on his head when ordered to do so. The complainant walked toward the named officer, and the named officer drew their Department issued firearm and ordered the complainant to the ground. The named officer said dispatch advised the complainant may have had a gun or knife and the complainant was not listening to commands.

Dispatch records showed a call for service regarding a person inside a business who was screaming and threatening to stab employees. The records showed a return call and dispatch advised that the person was still at the business, was exposing himself, and stated he had a gun and a knife

Department records showed the name officer completed an application for assessment, evaluation and crisis intervention or placement for evaluation and treatment for the complainant. The named officer documented that they believed the complainant was a danger to others based on him yelling at staff in a business that he had a gun and knife.

Body-worn camera footage that captured the incident was no longer retained and had been deleted.

A witness stated that she was working at a business when a man came inside, was looking at her and other employees aggressively, exposing himself and trying to reach over the counter. She recalled the man said he had something on him, possibly a knife. The witness stated that another employee called 9-1-1 because they were concerned for their safety, officers responded and ordered the man to put his hands up and get down on the ground. The man refused to comply initially but was eventually handcuffed and taken outside the store.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/09/23 COMPLETION DATE: 09/22/23 PAGE# 3 of 4

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

SUMMARY OF ALLEGATION #3: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant stated that he had been detained for a mental health evaluation. He said officers walked him to a gurney while handcuffed and slammed him onto the gurney, breaking a bone on the top of his hand. He said he immediately complained of pain regarding his hand, but emergency medical personnel did not address the injury. He said he received treatment for his injured hand about three days later at a medical facility. The complainant submitted recent photographs of his hand with his complaint, which were inconclusive.

Officers at the scene of the incident stated they did not recall an officer slamming the complainant on a gurney or the complainant complaining of pain related to the police as a result of this incident.

An incident report of this incident showed the complainant was detained for a mental health evaluation. The report did not document any injury to the complainant, or any complaint of pain made by the complainant.

Dispatch records showed a call for service regarding a person inside a business who was screaming and threatening to stab employees and possibly under the influence. The records did not include any documentation of an injury to the complainant.

Body-worn camera footage associated with the incident had been deleted.

A witness stated that she was working at the business where the complainant was detained. The witness said she saw officers handcuff the complainant and then saw them take him out of the business.

The DPA attempted to obtain the complainant's medical records but our request was denied because the complainant's signature did not match the hospital file. The DPA made additional attempts to obtain a properly completed medical authorization form but the complainant did not respond.

There is no evidence supporting the alleged action, or to identify an officer involved.

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

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

COMPLAINT DATE: 06/12/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said the named officer told her that her report was a civil matter and not a criminal matter.

The named officer could not recall the specifics of the conversation he had with the complainant.

DPA was unable to locate any additional evidence to prove or disprove the complainant's allegation as the conversation was not recorded.

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

SUMMARY OF ALLEGATION #2: The officer failed to maintain required knowledge.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she spoke to the named officer over the phone about obtaining a copy of a police report. The complainant said the named officer referred the complainant to the Department's website. The complainant stated that the named officer provided her with inaccurate information on how to obtain a copy of her police report.

The named officer stated that he advised the complainant he was not authorized to allow anyone to pick up any police reports at a district station per Department Notice 20-123. The named officer tried to provide an explanation to the complainant that the only authorized way to request a police report is through the Department's website, then provided instructions on the proper procedure to request a police report.

Department Notice 20-12, entitled, "Procedures for Respond to Request for Incident Reports at District Stations" stated (regarding the release of general crime police reports), "Station personnel are not authorized to release this report to the public. The release will be facilitated through CISU only (sfpd.records@sfgov.org)." It further states, "Provide SFPD Form 491E to requestor. They may mail, email, or provide form to CISU in person. CISU will process the request within 10 calendar days."

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 06/12/23 COMPLETION DATE: 09/13/23 PAGE# 2 of 3

The named officer was following the Department's policies and procedures pertaining to the requesting of incident reports.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant requested to speak with a Lieutenant, but the named officer would not allow it.

The named officer stated he did not see the Lieutenant in the district station at the time her request was made, and therefore could not transfer her to a lieutenant.

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: 06/12/23 COMPLETION DATE: 09/13/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said the named officer told her that an officer went to her residence and the complainant was not home. The complainant asked verifying questions, but the named officer would not provide any additional information. The complainant alleged that the named officer lied about this information.

The named officer recalled the complainant was not home when officers responded to a call for service at her residence. He could not recall any additional information pertaining to that specific part of the conversation.

No evidence was found to confirm or refute the complainant's or the named officer's differing accounts of the telephone conversation as the conversation was not recorded.

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

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

COMPLAINT DATE: 06/13/23 COMPLETION DATE: 09/06/23 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: 06/18/23 DATE OF COMPLETION: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 06/18/23 DATE OF COMPLETION: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 06/25/23 COMPLETION DATE: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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 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.

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

COMPLAINT DATE: 06/25/23 COMPLETION DATE: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 06/25/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was taking pictures and posting on social media at the Pride Parade. Multiple officers walked in his direction, yelling, “Get back! Get back!” The officers were pushing past and knocked into him, which caused his phone to fall out of his hand. He said the phone was easily visible and retrieved, but he was not permitted to get it back because the officers continued telling people to “Get back!” The complainant clarified that no officers told him specifically that he could not get his phone back. He could not identify any officers or provide a description except that they were wearing dark blue uniforms.

Since the complainant could not identify the specific officers involved in the interaction, DPA sent ID Polls to the district stations and Pride Parade Command Center. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers that were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

There were no witnesses at the time of the incident.

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. In this case, the officer could not reasonably be identified.

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

COMPLAINT DATE: 06/25/23 COMPLETION DATE: 09/29/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he went to the Command Post to report the loss of his cell phone. He was then told by a female officer that he was trespassing on a public sidewalk and got dismissed multiple times. The complainant stated that the officer was wearing all black but could not provide a more specific description of the officer.

Since the complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district stations and the Pride Parade Command Center. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers that were involved. The ID poll came back with negative results. There was insufficient information to identify the officer, so DPA could not conduct further investigation.

There were no witnesses at the time of the incident.

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. In this case, the officer could not reasonably be identified.

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

COMPLAINT DATE: 07/9/23 DATE OF COMPLETION: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 07/09/23 COMPLETION DATE: 09/13/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that his neighbor is constantly tampering with his vehicle and attempted to shatter its window, which he captured on video surveillance. He stated he provided the named officer with the video; however, the named officer refused to investigate the attempted vandalism further.

Department records indicate that the named officer responded to the complainant's residence regarding a report of suspicious circumstances. The complainant showed the named officer a video of his neighbor, which he alleged clearly showed his neighbor trying to smash the window of his vehicle. The named officer informed the complainant that the video showed the neighbor walking past his vehicle. The named officer determined no conclusive evidence supporting the complainant's allegation.

Surveillance footage showed the complainant's neighbor walking past the complainant's vehicle in the garage towards the door to the house. The video does not show the neighbor attempting to smash or shatter the complainant's vehicle window.

Body-worn camera footage showed the named officer and his partner meet with the complainant, who reported that his neighbor attempted to shatter the window on his vehicle that he keeps in their shared garage. The complainant showed the named officer a video that purportedly showed his neighbor walking by his vehicle and violently jabbing his elbow against the window in an attempt to make it shatter. The named officer informed his partner that he saw nothing on the video. The named officer asked the complainant to send him the video.

The named officer conducted a proper investigation by watching a video provided by the complainant. The video did not show the conduct alleged by the complainant, so no further investigation was required.

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: 07/09/23 COMPLETION DATE: 09/13/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that his neighbor is constantly tampering with his vehicle and attempted to shatter its window, which he captured on video surveillance. He stated he provided the named officer with the video; however, the named officer failed to arrest his neighbor.

Department records indicate that the named officer responded to the complainant's residence regarding a report of suspicious circumstances. The complainant showed the named officer a video of his neighbor, which he alleged clearly showed his neighbor trying to smash the window of his vehicle. The named officer informed the complainant that the video showed the neighbor walking past his vehicle. The named officer determined no conclusive evidence supporting the complainant's allegation. No arrests were made.

Surveillance footage showed the complainant's neighbor walking past the complainant's vehicle in the garage towards the door to the house. The video does not show the neighbor attempting to smash or shatter the complainant's vehicle window.

Body-worn camera footage showed the named officer and his partner meet with the complainant, who reported that his neighbor attempted to shatter the window on his vehicle that he keeps in their shared garage. The complainant showed the named officer a video that purportedly showed his neighbor walking by his vehicle and violently jabbing his elbow against the window in an attempt to make it shatter. The named officer informed his partner that he saw nothing on the video. The named officer asked the complainant to send him the video.

Department General Order 5.03 (Investigative Detentions) states in the relevant part, "Under the Fourth Amendment, arrests must be supported by probable cause."

The named officer acted within Department Policy when he did not arrest the complainant's neighbor. The evidence provided by the complainant did not show the alleged conduct; therefore, the named officer did not have probable cause to make an arrest. An incident report was generated.

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: 07/09/23 COMPLETION DATE: 09/11/2023 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that over two years, the Department allowed his neighbors to vandalize and tamper with his vehicle by not taking any action. The complainant stated that although officers responded to some of his calls for service, nothing was done, and no arrests were made. The complainant believes that over the past two years, officers should have taken action to stop the attacks from happening.

A district station representative stated that she identified multiple calls for service, officers handled each call, and reports were generated. She stated that records show that officers do respond and generate reports.

Multiple police reports document officers' responses to the complainant's address regarding disputes between the complainant and his neighbor. The reports document that the complainant and his neighbor hold restraining orders against one another and that the complainant was arrested on at least two occasions for violating the restraining order. The reports also document that multiple videos provided by the complainant do not support his allegations against his neighbor. One report noted that the complainant demonstrates paranoid behavior towards his neighbor.

Department of Emergency Management records showed that the complainant made thirteen calls for service over two years for issues related to his neighbors. The record showed that responding officers generally found that most of the complainant's calls for service involved civil disputes. Department records showed that when officers responded to the complainant's calls for service, they were generally unable to make an arrest on violation of the restraining order because of the lack of sufficient evidence received and conflicting statements from the parties.

Body-worn camera footage showed on multiple responses that officers responded to the complainant's address, where he alleged his neighbor tampered with his vehicle. Body-worn camera footage showed officers review surveillance footage taken by the complainant; however, none of the footage reviewed showed the complainant's neighbor tampering with the complainant's car as alleged.

Multiple videos provided by the complainant do not support his allegations that his neighbor harasses the complainant or tampers with his vehicle.

Department General Order (DGO) 1.03 states in the relevant part that "officers would be considered in neglect for duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence." (DGO 1.03.I.A.3.)

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

COMPLAINT DATE: 07/09/23 COMPLETION DATE: 09/11/2023 PAGE# 2 of 2

The investigation showed that the Department's response to the complainant's calls for service was appropriate and consistent with Department policy. Although the Department of Police Accountability understands that the complainant perceived the officers' actions as neglectful, the evidence showed that responding officers conducted independent investigations to determine whether a restraining order was in effect, whether a violation of the restraining order was committed, and documented their investigation in a report when necessary.

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: 07/12/23 COMPLETION DATE: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called for police assistance due to his neighbor's extremely loud music. The complainant waited over five hours for a response.

Department of Emergency Management records indicated that the complainant called 9-1-1 twice within four hours to report a noise nuisance. The complainant canceled the first call when the electricity went out, and no officer was dispatched. For the second call, the named officer was dispatched three hours later due to higher priority calls for service. Once assigned, the named officer responded to the scene within three minutes of being dispatched.

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

DPA understands that the complainant believed that the officer failed to respond promptly to the scene. However, records showed that the officer arrived as quickly as reasonably possible under the circumstances. The evidence proves that the officer's conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #: 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
Department of Emergency Management
1011 Turk Street, San Francisco, CA 94102

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

COMPLAINT DATE: 07/17/23 COMPLETION DATE: 09/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: Referral/311

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

311 Customer Service Center
1 South Van Ness Avenue
Second Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 07/23/23 DATE OF COMPLETION: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 07/26/23 COMPLETION DATE: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 8/30/23.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/23 DATE OF COMPLETION: 09/25/23 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/Golden Gate Bridge – Patrol

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

Golden Gate Bridge – Patrol
P.O. Box 9000
Presidio Station
San Francisco, CA 94129-0601

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-1/CHP – Golden Gate Division

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

CHP – Golden Gate Division
1551 Benicia Rd.
Vallejo, CA 94591

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that she called and reported animal cruelty and was advised by a dispatcher that an officer would respond to her call. The complainant stated that she fell asleep waiting for the named officer to respond and received a missed phone call from a private number while she was asleep. The complainant provided a time for this missed call. The complainant said the named officer never responded to her call.

Department records showed the complainant made a call for service shortly after midnight. The named officer was dispatched to the call a little after 4:00 am and advised dispatch six minutes later that they called the complainant and there was no answer. Records showed the officer's report of the call to the complainant was within seven minutes of when the complainant said she received a missed phone call from a private number.

The evidence showed the named officer was dispatched, phoned the complainant, advised dispatch there was no answer and closed the call for service.

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: 07/09/23 COMPLETION DATE: 09/11/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he and his neighbor have mutual restraining orders against one another. He stated the named officer unjustly arrested the complainant for violating the terms of the restraining order, which he denied.

Department records indicate that the named officer responded to a call for service regarding a violation of a restraining order. The complainant's neighbor, who called the police, reported that the complainant filmed him on a cell phone and made verbal threats numerous times, violating a restraining order. The neighbor showed the officers a copy of the restraining order, which states that the complainant shall not harass or contact his neighbor. The neighbor showed the named officer surveillance video showing the complainant violating the terms of the restraining order. The complainant indicated that his neighbor tampered with his vehicle. The record also indicates that the complainant appears paranoid regarding his neighbor and has filed reports with Federal agencies. The complainant indicated that he was aware of the restraining order. The named officer determined that the complainant violated the restraining order and was arrested.

Court records indicate that the complainant's neighbor possessed a valid restraining order against the complainant, preventing the complainant from harassing and contacting the neighbor and an order to stay away from the neighbor at least three yards in the shared space.

Video footage provided by the other party to the named officer showed that the complainant walked within three yards of the other party.

Body-worn camera footage shows that the named officer reviewed the restraining order to make sure the order was in effect. The footage showed that the named officer reviewed the video evidence provided by the other party, which showed the complainant breached the restraining order by approaching within three yards of the other party inside the shared space. The footage showed that the named officer explained to the complainant that he had breached the restraining order and placed the complainant under arrest.

The evidence showed that the complainant breached the restraining order by approaching within three yards of the other party. 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: 07/09/23 COMPLETION DATE: 09/11/23 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The named officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that he and his neighbor have mutual restraining orders against one another. He stated he was unjustly arrested for violating the terms of the restraining order, which he denied.

Department records indicate that the named officer responded to a call for service regarding a violation of a restraining order. The complainant's neighbor, who called the police, reported that the complainant filmed him on a cell phone and made verbal threats numerous times, violating a restraining order. The neighbor showed the officers a copy of the restraining order, which states that the complainant shall not harass or contact his neighbor. The neighbor showed the officers surveillance video showing the complainant violating the terms of the restraining order. The complainant indicated that his neighbor tampered with his vehicle. The record also indicates that the complainant appears paranoid regarding his neighbor and has filed reports with Federal agencies. The complainant indicated that he was aware of the restraining order. It was determined that the complainant violated the restraining order and was arrested. Department records indicate that the named officer was not the arresting officer.

The body-worn camera footage showed that the named officer did not arrest the complainant. Another officer made the arrest.

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: 07/09/23 COMPLETION DATE: 09/11/23 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated after he was unjustly arrested for a restraining order violation, he saw the named officer search his phone at the scene without his permission.

Department records indicate that the named officer responded to a call for service regarding a violation of a restraining order. The complainant's neighbor, who called the police, reported that the complainant filmed him on a cell phone and made verbal threats numerous times, violating a restraining order. The neighbor showed the officers a copy of the restraining order, which states that the complainant shall not harass or contact his neighbor. The neighbor showed the officers surveillance video showing the complainant violating the terms of the restraining order. The complainant indicated that his neighbor tampered with his vehicle. The record also indicates that the complainant appears paranoid regarding his neighbor and has filed reports with Federal agencies. The complainant indicated that he was aware of the restraining order. It was determined that the complainant violated the restraining order and was arrested.

Court records indicate that the complainant's neighbor possessed a valid restraining order against the complainant, disallowing the complainant from harassing and contacting the neighbor and an order to stay away from the neighbor at least three yards in the shared space.

Body-worn camera footage showed another officer arrested the complainant for violating a restraining order. At no time did the body-worn camera show the named officer searching the complainant's cell phone. The footage showed the other officer placing the complainant in the back of a patrol vehicle and handing the complainant's cell phone and wallet to the named officer. The complainant was in the back of the patrol vehicle and would be unable to see the named officer handling his property. Once the named officer received the complainant's cell phone and wallet, he immediately placed them inside a patrol vehicle.

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: 08/12/23 COMPLETION DATE: 09/11/2023 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:

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: 08/12/23 COMPLETION DATE: 09/11/23 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: N/A

FINDING: Referral/DEM

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

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

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

COMPLAINT DATE: 08/14/23 COMPLETION DATE: 09/11/23 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 Rangers

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

US Park Rangers
Golden Gate National Recreation Area
Building 201, Fort Mason
San Francisco, CA 94123-0022

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

COMPLAINT DATE: 08/16/23 DATE OF COMPLETION: 09/06/23 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.

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

COMPLAINT DATE: 08/16/23 COMPLETION DATE: 09/11/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

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: 08/18/23 COMPLETION DATE: 09/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-2

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

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

COMPLAINT DATE: 08/19/23 COMPLETION DATE: 09/06/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 08/22/23 COMPLETION DATE: 09/29/23 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:

311 Customer Service Center
1 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 08/23/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he observed officers operating Department motorcycles improperly while conducting traffic enforcement. The complainant alleged that the officers were double parked and did not come to a complete stop or use their lights when going through stop signs. The complainant did not identify any of the officers or their vehicles.

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.

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

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

COMPLAINT DATE: 08/24/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

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: 08/27/23 DATE OF COMPLETION: 09/13/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and 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: 03/28/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated that he/she witnessed two officers at an Apple Store on their cell phones, paying no attention to their surroundings.

The named officers, who were on overtime assignment, denied engaging in the alleged behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/23 DATE OF COMPLETION: 09/25/23 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:

Director, Department of Human Resources
Attn: EEO Division
1 South Van Ness Ave, 4th Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 09/12/23 COMPLETION DATE: 09/29/23 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 her report was not assigned out to be investigated.

SFPD records showed that the complainant filed a police report for criminal damage to a motor vehicle. The report indicted that there were no witnesses to the crime but there was possibly video surveillance.

SFPD Department Notice DN 20-107:

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.

Cases warranting investigation under these criteria shall be assigned to a specific Investigator. The remaining unassigned cases will be administratively filed as Open/Inactive and may be activated at the discretion of the Lieutenant when new information is presented related to the above list of factors.

When assigning cases, the Lieutenant or their designee of each unit shall enter the case assignment into Crime Data Warehouse, Case File Tracking database on the desktop and update the case information as appropriate.

The Investigations Bureau Unit or SIT Lieutenant, and their commanding officer, retains the

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

COMPLAINT DATE: 09/12/23 COMPLETION DATE: 09/29/23 PAGE# 2 of 2

discretion to assign any case for investigation if they believe an investigation is warranted.

The discretion to assign cases is solely on the Lieutenant and therefore the decision to not assign the case to be investigated falls within 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: N/A

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 09/17/23 COMPLETION DATE: 09/25/23 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: 09/19/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 09/20/23 COMPLETION DATE: 09/29/23 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: 09/22/23 COMPLETION DATE: 09/29/23 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:

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: 09/23/23 COMPLETION DATE: 09/29/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

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: 09/23/23 COMPLETION DATE: 09/29/23 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 DPA's jurisdiction. This complaint was forwarded to:

San Bruno Police Department
1177 Huntington Avenue
San Bruno, CA 94066

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

COMPLAINT DATE: 09/23/23 COMPLETION DATE: 09/29/23 PAGE# 2 of 1

OFFICER FIRST LAST #000, OFFICER FIRST LAST #000

SUMMARY OF ALLEGATION #6-7: The...

CATEGORY OF CONDUCT: XXX

FINDING: XX

FINDINGS OF FACT: Findings of fact...

OFFICER FIRST LAST #000, OFFICER FIRST LAST #000

SUMMARY OF ALLEGATION #8: The...

CATEGORY OF CONDUCT: XXX

FINDING: XX

FINDINGS OF FACT: Findings of fact...