

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/21 **DATE OF COMPLETION:** 10/11/23 **PAGE# 1 of 8**

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

CATEGORY OF CONDUCT: **UA** **FINDING:** **IC/S** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he had an argument with his wife that escalated to the point where both parties had to contact the police. The named officer arrived on scene with other officers. The complainant was standing inside his residence with the door open when they arrived. The complainant stated that the named officer entered his residence without his permission or without a warrant and placed him in handcuffs for domestic violence.

The named officer stated that they responded to a call for service regarding a domestic violence call. When the named officer arrived on scene, he stated that the door to the complainant's apartment was open and the lights were on. He described the complainant and his wife's demeanors as calm when they arrived on scene. He did not observe any physical injuries on either party or saw any indicators that there had been a physical altercation. He did not see any indicators that either party was under the influence as well. The named officer ordered the complainant out of the house. The complainant refused, so he entered the complainant's residence and placed him in handcuffs. The complainant acknowledged that he did not have permission or a warrant to enter the complainant's residence but said that the fact that it was a domestic violence call, created an exigent circumstance that allowed him to enter the residence. The named officer elaborated in his statement to DPA, "The mere idea or the mere response to domestic violence incidents are inherently dangerous and that the need to mitigate and separate parties and make sure there isn't any other victims inside, is not a violation of Fourth Amendment. Also, the apartment only had standing belonging to the wife, not him. He didn't even live there. He doesn't have standing to say I violated the Fourth Amendment."

The DPA obtained the corresponding CAD related to this incident. The CAD shows that the call for service was a fight with no weapon at the complainant's residence. The CAD notes that the complainant was refusing to give his wife her keys back and had hit her with the door. The CAD did not mention that there was any injury to either party.

The DPA obtained the incident report related to this incident. The incident report, which was drafted by the named officer states, "Upon initial contact at the door of the residence, I could see victim collecting belongings inside and she stated to us that she called and wanted the complainant out of the house. I could see the complainant inside the hallway directly in front of the front entry door of the apartment and I ordered him to exit the apartment which he refused. I told him he would be forcibly removed if he did not comply which he refused again. Based on my prior contact with the complainant, the above listed concerns regarding domestic violence incidents, the fact that we did not know if and what crime had occurred, to prevent the complainant from fleeing or closing the door on us and not knowing if the complainant was armed or if there were weapons in the house, I entered the open doorway and ordered

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the complainant to turn around. I gained control of the complainant by holding both of his hands behind his back and escorted him outside of the apartment into the main hallway of the complex's 3rd floor. A witness officer placed the complainant into handcuffs."

The DPA obtained a copy of the body-worn camera footage of the incident. The body-worn camera footage shows the named officer and a witness officer standing outside the doorway of the residence while the complainant and his wife are inside. The complainant and his wife have calm demeanors and do not show any signs of distress. The named officer tells the complainant to come outside but he refuses. The named officer enters the residence and places the complainant into handcuffs.

The DPA interviewed a Subject Matter Expert who teaches search and seizure and fourth amendment at SFPD's academy. The Subject Matter Expert stated that a specific call for service doesn't allow entry into a person's residence but said that there would have to be further information that there was an imminent life-threatening event happening inside the residence.

No other witnesses came forward.

Department Notice 21-012, "Entering Residences: Houses, Apartments, Hotels, including SRO Hotels" discusses the law in which what conditions need to be present before an officer enters a residence. The Department Notice discusses exigent circumstances and defines an exigent circumstance as an imminent threat to life or property or to prevent the imminent destruction of evidence."

The named officer believed the fact that he was responding to domestic violence call created an exigent circumstance that allowed him to enter the residence. However, there was no information provided by dispatch that there was any injury, a weapon involved, or that there was some sort of imminent threat to life. When he arrived on scene, this information was confirmed based on his statements regarding the complainant and his wife's demeanors at the time which were calm and not under any sort of distress. The named officer's entry into the residence was a violation of the Fourth Amendment and Department Notice 21-012.

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 detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: **UA** **FINDING:** **IC/S** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he had an argument with his wife that escalated to the point where both parties had to contact the police. The named officer arrived on scene with other officers. The complainant was standing inside his residence with the door open when they arrived. The complainant stated that the named officer entered his residence, grabbed him and placed him in handcuffs.

The named officer stated that they responded to a call for service regarding a domestic violence call. When the named officer arrived on scene, he stated that the door to the complainant's apartment was open and the lights were on. He described the complainant and his wife's demeanors as calm when they arrived on scene. He did not observe any physical injuries on either party or saw any indicators that there had been a physical altercation. He did not see any indicators that either party was under the influence as well. The named officer ordered the complainant out of the house. The complainant refused, so he entered the complainant's residence and placed him in handcuffs. The complainant acknowledged that he did not have permission or a warrant to enter the complainant's residence but said that the fact that it was a domestic violence call, created an exigent circumstance that allowed him to enter the residence and place him in handcuffs. The named officer elaborated in his statement to DPA, "The mere idea or the mere response to domestic violence incidents are inherently dangerous and that the need to mitigate and separate parties and make sure there isn't any other victims inside, is not a violation of Fourth Amendment. Also, the apartment only had standing belonging to the wife, not him. He didn't even live there. He doesn't have standing to say I violated the Fourth Amendment."

The DPA obtained the corresponding CAD related to this incident. The CAD shows that the call for service was a fight with no weapon at the complainant's residence. The CAD notes that the complainant was refusing to give his wife her keys back and had hit her with the door. The CAD did not mention that there was any injury to either party.

The DPA obtained the incident report related to this incident. The incident report, which was drafted by the named officer states, "Upon initial contact at the door of the residence, I could see victim collecting belongings inside and she stated to us that she called and wanted the complainant out of the house. I could see the complainant inside the hallway directly in front of the front entry door of the apartment and I ordered him to exit the apartment which he refused. I told him he would be forcibly removed if he did not comply which he refused again. Based on my prior contact with the complainant, the above listed concerns regarding domestic violence incidents, the fact that we did not know if and what crime had occurred, to prevent the complainant from fleeing or closing the door on us and not knowing if the complainant was armed or if there were weapons in the house, I entered the open doorway and ordered the complainant to turn around. I gained control of the complainant by holding both of his hands behind

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his back and escorted him outside of the apartment into the main hallway of the complex's 3rd floor. A witness officer placed the complainant into handcuffs."

The DPA obtained a copy of the body-worn camera footage of the incident. The body-worn camera footage shows the named officer and a witness officer standing outside the doorway of the residence while the complainant and his wife are inside. The complainant and his wife have calm demeanors and do not show any signs of distress. The named officer tells the complainant to come outside but he refuses. The named officer enters the residence and places the complainant into handcuffs.

No other witnesses came forward.

The named officer believed the fact that he was responding to domestic violence call created an exigent circumstance that allowed him to enter the residence and detain the complainant. However, there was no information provided by dispatch that there was any injury, a weapon involved, or that there was some sort of imminent threat to life. When he arrived on scene, this information was confirmed based on his statements regarding the complainant and his wife's demeanors at the time which were calm and not under any sort of distress. The named officer's detention and handcuffing of the complainant without reasonable suspicion that he had committed a crime or that he was armed violated the complainant's Fourth Amendment rights.

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

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

CATEGORY OF CONDUCT: **UF** **FINDING:** **IC/S** **DEPT. ACTION:**

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. The complainant stated that after the named officer placed him in handcuffs, he slammed him into a nearby wall causing him to injure his lip. A short while later while he was sitting on the stairs, the named officer walked past him and placed his hand on his shoulder. The named officer put all his weight on the complainant's shoulder causing him injury.

The named officer stated that after placing the complainant in handcuffs, he was escorting him when he began pushing all his weight against him. The named officer stated that the complainant was trying to face him as well and he placed his forearm into his back and put him against the wall. The named officer denied that he deliberately slammed the complainant into the wall and said that force was used to gain compliance as the complainant was being actively resistant. The named officer stated that later when the complainant was sitting on the stairs, he placed his hand on the complainant's shoulder to prevent from

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standing as he was in a highly agitated state. The named officer denied that he put all his weight on the complainant when he placed his hand on his shoulder.

The DPA obtained the incident report drafted by the named officer as well as his body-worn camera footage. It should be noted that the body-worn camera footage showed the Named Officer shoved the complainant while he was in the hallway. The Named Officer did not issue a lawful order prior to shoving the complainant.

No other witnesses came forward.

Department General Order 5.01 states that officers may use reasonable force options to overcome resistance or to prevent escape. The body-worn camera footage showed the Named Officer shoving the complainant unnecessarily while in the hallway which escalated the situation which required additional force to be used. It should also be noted that both the entry and detention by the Named Officer were outside of policy.

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

SUMMARY OF ALLEGATION #3: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: **UA** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. The complainant stated that while he was at the hospital, the named officer handcuffed both of his hands to a bed.

The named officer stated that while at the hospital, the complainant refused to accept that he was detained and constantly stood up from the bed and tried to find something to remove his handcuffs. The named officer stated that he handcuffed both hands to the bed to keep him from leaving the exam room.

No other witnesses came forward.

The DPA was unable to review body-worn camera because officers are prohibited from activating them in hospital settings.

There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: **UF** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. The complainant stated that while at the hospital, the named officer “roughed him up” and pushed him out of his wheelchair.

The named officer denied the allegation and stated that he was having to constantly keep the complainant calm and deescalate his behavior while he was at the hospital.

No other witnesses came forward.

The DPA was unable to review body-worn camera because officers are prohibited from activating them in hospital settings.

There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF DPA ADDED ALLEGATIONS #1-2: The officers conducted an improper search or seizure

CATEGORY OF CONDUCT: **UA** **FINDING:** **IE** **DEPT. ACTION:**

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. During the course of the DPA’s investigation, it was discovered that the named officers may have illegally entered a residence without cause.

Named Officer #1 stated that she entered the residence to do a protective sweep to see if there were any individuals that had been injured or needed help. Named Officer #1 stated that since it was a domestic violence call, that provided her with enough exigency to enter the residence.

Named Officer #2 stated that he entered the residence briefly to speak with the complainant’s girlfriend who was involved in the incident. Named Officer #2 stated that since it was a domestic violence call, that provided him with enough exigency to enter the residence. He also noted that the resident of the apartment motioned for him to come in and implied that he had consent to enter.

The DPA obtained the named officers’ body-worn camera footage of the incident. The footage shows both named officers entering the residence after the first arriving officer had gone into the house to detain

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the complainant. The resident of the apartment held the door open for the other officers and appeared to beckon them in.

No other witnesses came forward.

Department Notice 21-012, "Entering Residences: Houses, Apartments, Hotels, including SRO Hotels" discusses the law in which what conditions need to be present before an officer enters a residence. The Department Notice discusses exigent circumstances and defines an exigent circumstance as an imminent threat to life or property or to prevent the imminent destruction of evidence."

The named officers believed the fact that they were responding to domestic violence call created an exigent circumstance that allowed them to enter the residence. When they got to the threshold of the apartment, another Named Officer had already entered and detained an individual in the apartment. The resident of the apartment appeared to beckon the later-arriving officers into the apartment. Since the resident of the apartment refused to give a statement to the DPA, the DPA was unable to prove or disprove the allegation.

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

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

CATEGORY OF CONDUCT: **UA** **FINDING:** **TF** **DEPT. ACTION:**

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. During the course of the DPA's investigation, it was discovered that the named officer illegally entered a residence without cause.

The Named Officer stated that he was in the first phase of his field training. The named officer stated that he was just following his Field Training Officer's lead when he entered the residence.

The DPA obtained the named officer's body-worn camera footage of the incident. The footage shows the named officer entering the residence right after his Field Training Officer did so.

Another named officer stated that they responded to a call for service regarding a domestic violence call. When the officer arrived on scene, he stated that the door to the complainant's apartment was open, and the lights were on. He described the complainant and his wife's demeanors as calm when they arrived on scene. He did not observe any physical injuries on either party or saw any indicators that there had been a physical altercation. He did not see any indicators that either party was under the influence either.

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The named officer ordered the complainant out of the house. The complainant refused, so he entered the complainant's residence and placed him in handcuffs. The complainant acknowledged that he did not have permission or a warrant to enter the complainant's residence but said that the fact that it was a domestic violence call, created an exigent circumstance that allowed him to enter the residence. The named officer elaborated in his statement to DPA, "The mere idea or the mere response to domestic violence incidents are inherently dangerous and that the need to mitigate and separate parties and make sure there isn't any other victims inside, is not a violation of Fourth Amendment. Also, the apartment only had standing belonging to the wife, not him. He didn't even live there. He doesn't have standing to say I violated the Fourth Amendment."

No other witnesses came forward.

The named officer was still early phases of his training as a police officer and was, in good faith, following the lead of his Field Training Officer when he entered the residence.

The evidence proves that the alleged conduct resulted from inadequate or inappropriate training.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers came to her home with a search warrant. She complained that officers should have shown her a copy of the warrant before entering her home. An officer showed her a copy of the warrant after the search was completed and the warrant looked illegitimate.

The officer responsible for supervising the search stated that a judge signed an arrest warrant and a search warrant authorizing his team to enter the complainant's home. Once the home was deemed safe, another officer provided the complainant with a copy of the warrant, and the complainant and other detained persons were brought back inside the residence. The named officer stated that department policy does not require officers to show anyone a copy of a search warrant. In his experience, search warrants are commonly provided before a search but can also be provided after the search. In this incident, the search warrant was provided to the complainant after the tactical unit cleared the residence.

Department records showed that the officers were executing a valid search warrant.

Body-worn camera footage showed that an officer provided a copy of the search warrant to the complainant while she was standing outside her home. Officers assisted in reviewing the warrant with the complainant and advised her that it had been signed by a judge the day before.

California law does not require officers to display or provide a copy of a warrant. Department training materials provide that, "[o]nce entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupant(s) a copy." In this case, an officer followed training by showing the complainant a copy of the warrant after entering the property.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that officers served a search warrant at her home in the early morning hours when everyone was still in bed, including her grandchild. The officers ordered everyone to step outside even though they were wearing pajamas. Some residents left without shoes or jackets. Officers did not offer shoes, jackets, or blankets for thirty minutes.

The named officer stated that the residents were held outside while officers in the tactical unit cleared the home for safety purposes. The safety clearance was prolonged because the primary suspect, who was the subject of an arrest warrant, fled through the rear of the house. The residents were allowed to go back inside as soon as the tactical unit said it was safe. The officer was unaware that anyone waiting outside was cold. He felt he properly supervised this incident as related to the care of the complainant and other detained residents.

Witness officers stated that the occupants were brought back inside as soon as it was feasible. Witness officers said that blankets were offered to the occupants during this incident and the complainant was provided with a jacket.

Body-worn camera footage showed that officers offered blankets after approximately 20 minutes. One occupant refused a blanket. The residents were brought back inside as the search was wrapping up.

The available evidence showed that the occupants were provided with reasonable accommodations.

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

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SUMMARY OF ALLEGATION #1: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he went to an auto repair shop to get his bicycle repaired. However, the employees informed him that they could not help him. The complainant left the shop but felt that he was discriminated against by the employees, so he returned to the shop to explain to them that he had money to pay for what he wanted. Instead, he said that the employees called the police and that the responding officer unlawfully detained him outside the store.

Department records showed that a call for service was generated from an auto repair shop regarding an individual, later identified as the complainant, who was stealing from the shop.

The named officer responded to the auto repair shop with his partner. Dispatch advised the officers of the theft suspect's description and stated that multiple patrons were struggling with the subject to try to detain him until the police arrived.

The named officer stated that he detained the complainant. He explained that upon his arrival, the victim and witnesses to the incident flagged him down and identified the complainant as the person stealing. The complainant also matched the description provided by Dispatch. The named officer then identified himself to the complainant and asked him to stop walking. The complainant fled, and a foot pursuit ensued.

DPA obtained the body-worn camera (BWC) footage of the incident. The BWC footage corroborated the named officer's statement. The footage showed that the named officer and his partner responded to the scene, where people in front of the shop identified the complainant as the person who stole a tool from the store. The named officer identified himself as a police officer and instructed the complainant to stop where he was. However, the complainant fled. A foot pursuit ensued, and the named officer detained the complainant to further investigate the incident.

Based on the available evidence, such as the call for service, a positive identification of the subject, and the behavior of the complainant, the named officer had reasonable suspicion to detain the complainant.

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

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SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers used excessive force against him as they slammed him to the ground, shoved him into a car, and yanked him up from off the ground by his handcuffs.

The evidence reflected that reportable force was used against the complainant to restrain and handcuff the complainant after he fled from the officers.

Named officers #1 and #2 confirmed that they used reportable force against the complainant but denied that it was unnecessary or excessive. Both officers maintained that prior to using any force, they attempted to de-escalate the situation by identifying themselves to the complainant, verbally instructing him to stop running, and informing him that they had a K9 they would release. The named officers took these steps to gain his compliance without resorting to force.

Named officer #1 stated that the force he used against the complainant was reasonable and the minimal amount necessary to overcome the complainant's resistance and safely place him in handcuffs. He explained that despite his verbal commands, the complainant continued to flee. When the named officer caught up to the complainant, he stated that he used a physical control hold to force the complainant to the ground onto his stomach. Named officer #1 stated that while on the ground, the complainant actively resisted by flailing his body and attempting to tuck his hands under his body to evade being handcuffed and to push his body off the ground. Named officer #1 continued to restrain him on the ground to prevent escape and injury to either the complainant or officers.

Named officer #2 explained that he grabbed the complainant by his left hand to safely place him in handcuffs. He stated that placing him in handcuffs in this manner was necessary because he refused their commands to place his hands behind his back and attempted to prevent handcuffing by pushing his body off the ground.

Named officer #3 aided named officers #1 and #2 by placing the complainant in handcuffs, restraining him on the ground, and placing him into the patrol wagon. Named officer #3 denied engaging in any excessive force against the complainant when doing so.

All named officers denied yanking the complainant off the ground by his handcuffs, nor did they observe any officer engage in such behavior.

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BWC footage captured the entire interaction. The footage showed that the named officers took the complainant to the ground after he actively and passively resisted their attempt to de-escalate the situation and ignored their verbal commands to stop running. The footage did not show that the named officers slammed the complainant into a car, nor did it show the named officers lift or “yank” the complainant off the ground by his handcuffs. Rather, the footage showed that the named officers moved the complainant to a sitting position by his triceps.

The force used by the named officers was reasonable in the circumstances. Additionally, the force was reported to a supervisor. A sergeant conducted a Use of Force evaluation and found that the force was within Department policy.

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

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SUMMARY OF ALLEGATION #5-7: The officers improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the handcuffs were administered too tight and that the named officers did nothing to correct the tightness when he voiced his pain.

The named officers were involved in administering the complainant's handcuffs throughout the incident.

Named officer #1 stated that he initially administered the handcuffs per Department policy and that he did not hear the complainant voice that the handcuffs were too tight, or otherwise causing him pain.

Later in the incident, named officer #2 stated that the complainant was placed in soft restraints by the medics. Thereafter, when the decision was made to arrest him, he was released from the soft restraints and named officer #3 re-administered the handcuffs. Named officer #2 stated that he applied them in compliance with Department policy, checked for the proper degree of tightness and double locked them. Named officer #3 stated that in response to the complainant's statement of pain, several officers checked the handcuffs for tightness at different points in time throughout the incident.

Named officer #3 stated that he aided in handcuffing the complainant within Department policy and that he checked for proper degree of tightness on the scene. He also confirmed that the complainant voiced that they were too tight and that he and several other officers checked the degree of tightness.

BWC footage showed the complainant being handcuffed. Later in the incident, the footage reflected the complainant voice that they were too tight. The named officers then aided the medics by administering soft restraints on him. Thereafter, when the decision was made that he would be arrested, the named officers re-administered his handcuffs.

If an officer determined that the handcuffs were inappropriately tight, it would have been incumbent upon them to loosen them. However, his handcuffs were checked for tightness at different times throughout the incident, and the officers found them to be properly applied per Department policy.

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

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SUMMARY OF ALLEGATION #8: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: As mentioned above, the complainant stated that he voiced his concerns that his handcuffs were too tight; however, the officers ignored him and did not address his pleas.

The named officer was not involved in handcuffing the complainant. However, the named officer did check the tightness of the complainant's handcuffs after the complainant complained of pain.

If an officer determined that handcuffs were inappropriately tight, it would have been incumbent upon them to loosen them. However, under the circumstances here, the named officer checked them for proper degree of tightness and found them to be properly applied. Thus, the named officer complied with Department policy.

Additionally, the claim that the named officer ignored his pleas for assistance is inconsistent with BWC footage and Department records.

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

SUMMARY OF ALLEGATIONS #9-#10: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the responding named officers failed to take required action throughout the incident. He stated that despite his requests, the named officers failed to inform him of the reasons behind his detention and subsequent arrest and failed to provide him with water when he asked.

The officers who made the decision to detain and subsequently arrest the complainant confirmed that they did not inform the complainant of the reasons behind his detention. However, both officers emphasized that when they identified themselves and attempted to speak with the complainant, he fled and actively resisted the officers' efforts. Thus, they were unable to inform him of the reason for the detention.

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Thereafter, the officers reported back to the shop where the theft occurred to complete the investigation while named officers #1 and #2 remained with the restrained complainant. The evidence reflected that the complainant repeatedly asked named officers #1 and #2 for the reasoning behind his detention and arrest.

Named officer #1 stated that he informed the complainant that reasonable suspicion existed to detain him while other officers completed a preliminary investigation, and that once complete, he would either be arrested or released. Thereafter, once the decision to arrest the complainant was made, named officer #1 stated that he informed the complainant that he was under arrest and that he would be transported to the station where the arresting officer would explain the charges to him, as named officer #1 was unaware of the specific charges. Named officer #2 similarly stated that he advised the complainant that the investigating officers would speak with him regarding his detention as he was not the investigating officer and was unaware of the specific charges against him.

Moreover, named officers #1 and #2 stated that they provided the complainant with water on two occasions, which BWC footage confirmed.

The BWC footage reflected that throughout the incident the complainant repeatedly asked the named officers why he was being detained and subsequently arrested. As mentioned by the named officers, he was not informed of the reasons because the back-up officers who remained with him were evidently unaware of the reason for the detention and arrest. The named officers did, however, inform him that the investigating officers would speak with him regarding the arrest. BWC footage reflected that this uncertainty caused the complainant confusion and frustration.

DPA notes that on-scene communication is vital to good police work. In this case, the back-up officers were left in the unenviable position of not knowing why they were detaining and placing a person under arrest. The best practice in these scenarios is to inform a detainee of why they are being arrested; however, the named officers' inability to do so did not rise to the level of misconduct.

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

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SUMMARY OF ALLEGATION #11: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was arrested without cause.

Department records reflected that the named officer made the decision to arrest the complainant for burglary and robbery.

The named officer confirmed that he made the decision to arrest the complainant after he conducted a preliminary investigation on scene. The named officer stated that his investigation included watching surveillance footage of the occurrence, which showed multiple people attempting to detain the complainant after he stole a tool from the repair shop garage. Additionally, the named officer spoke with the victim and witnesses who confirmed, via a cold show, that the complainant was the person who entered the repair shop and stole a tool from inside, using force to retain it.

The evidence proved that the named officer had probable cause to arrest the complainant for burglary and robbery. Additionally, a superior officer approved the charges against the complainant.

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

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SUMMARY OF ALLEGATIONS #12-#13: The officers failed to *Mirandize* the complainant upon arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that officers did not provide him with *Miranda* warnings when arrested.

Named officers #1 and #2 physically arrested the complainant per the arresting officer's orders. Named officers #1 and #2 confirmed that they did not *Mirandize* the complainant at the time of arrest as they stated that the warnings were not required at that time.

The evidence confirmed that the named officers did not *Mirandize* the complainant when they arrested him.

There is a common misconception that *Miranda* warnings are required immediately upon arrest. However, *Miranda* warnings are required only when there is police custodial interrogation. At the time of arrest, a custodial interrogation did not occur. Moreover, the evidence reflected that when the complainant was transported to the station, the arresting officer *Mirandized* him.

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

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SUMMARY OF ALLEGATIONS #14-#15: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers used excessive force against him, resulting in injury.

The named officers transported the complainant from the station to the County jail for booking. Both named officers denied engaging in unnecessary or excessive force against the complainant. Named officers #1 and #2 stated that when they attempted to place him in the patrol vehicle for transport, the complainant actively resisted and held onto the bumper and refused to follow their verbal commands to let go. Named officer #2 stated that he warned the complainant that if he did not comply, he would have to resort to force to get him into the wagon. Thereafter, named officer #1 stated that she pulled the complainant's fingers away from the bumper, using the lowest level of force possible to overcome the complainant's resistance. The named officers then placed the complainant in the back of the transport wagon.

When the named officers arrived at the County jail, named officer #1 stated that she observed a small laceration on the complainant's finger. Upon this observation she notified her sergeant of the use of force and contacted the medics who arrived on scene and transported the complainant to the hospital for medical observation.

Shortly thereafter, the complainant was cleared from the hospital; however, the named officers stated that the complainant continued to actively resist their efforts to get him back into the patrol wagon for transport. Named officer #2 stated that to overcome his active resistance, he picked up the complainant and carried him into the patrol wagon in a modified fetal position. The complainant ceased resisting and complied.

The BWC footage corroborated the officers' description of the events. BWC footage captured the named officers repeatedly instructing the complainant to enter the patrol wagon while he actively resisted their efforts by holding on to the bumper of the patrol wagon. Named officer #1 removed his hand in what appeared to be a minimal amount of force. Additionally, a sergeant conducted a Use of Force Evaluation and deemed the force used within Department policy.

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

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SUMMARY OF ALLEGATIONS #16-#22: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers taunted and harassed him throughout the incident, which included an officer taking a photograph of him while saying “smile for the camera.”

The named officers denied taunting or harassing the complainant in any way. Named officer #4 confirmed taking photographs of the complainant at the arresting officer’s direction for investigative purposes. Named officer #4 denied making such comment or otherwise any inappropriate comment.

The BWC footage does not reflect the named officers taunting or harassing the complainant in any manner. The footage also does not capture named officer #4 making such comment while taking the complainant’s photograph, which was for evidentiary purposes. Moreover, the evidence supports that the officers’ conduct in detaining, using force, and arresting the complainant was proper and within Department policy.

The evidence proves that the alleged conduct did not occur.

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COMPLAINT DATE: 01/20/23 COMPLETION DATE: 10/13/23 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was arrested for driving under the influence of alcohol. She alleged that the named officer inaccurately stated in her police report that she urinated on herself.

The named officer, while on patrol in a marked police vehicle, saw the complainant drive her vehicle erratically at a high rate of speed, and fail to stop at a solid red traffic light. She initiated a traffic stop and ordered the complainant to pull her vehicle over. She then ordered the complainant and her passenger to exit the vehicle. The named officer recalled that she observed signs that the complainant was intoxicated upon initial contact. She said the complainant smelled of alcohol, had slurred speech, and appeared to have urinated on herself because her pants looked wet.

A witness officer was present during the incident. He stated that when the complainant exited her vehicle, he recalled seeing that her pants were dark around the crotch area, suggesting that she had urinated on herself.

DPA obtained body-worn camera (BWC) footage from the incident. The footage showed that the complainant was intoxicated during the incident. The witness officer spoke to a supervising officer at the scene. He told the supervisor that the complainant was stopped for driving erratically and for running a red light. The witness officer also told the supervising officer that the complainant had urinated on herself. The footage showed that the complainant wore grey pants and that there was some discoloration on her pants.

DPA also obtained a copy of the incident report, authored by the named officer. The report documented that when the complainant exited her vehicle, she had an unsteady gait and needed to hold onto the car to walk. The named officer wrote that she saw what appeared to be urine on the back of the complainant's pants. The witness officer, in his statement, said he observed that the crotch area of the complainant's pants looked darker, as if she had urinated on herself.

The named officer and the witness officer both stated that the complainant's pants appeared wet and discolored around the crotch area, which suggested she had accidentally soiled herself while intoxicated. The BWC footage was consistent with the named officer and witness officer's statements. The evidence does not definitively prove that the complainant urinated on herself. However, officers are required to document their observations and may draw reasonable conclusions from those observations.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant's infant son was riding in the back seat when she was stopped. She alleged that the named officer lied to her, saying she would contact a family member to take her son instead of turning him over to Child Protective Services (CPS).

The named officer stated that during the traffic stop, she found the complainant's infant son unsecured in his car seat, in the back of the complainant's vehicle. The named officer contacted Child Protective Services because the complainant drove drunk and failed to properly secure her son in his car seat, endangering him. The named officer could not be certain whether she tried to contact the complainant's family. The named officer opined that Child Protective Services had to be notified and they were to determine what should be done with the child because the complainant was intoxicated and arrested for felony child endangerment.

DPA obtained body-worn camera (BWC) footage from the incident. The BWC footage showed that the complainant asked where her child was going to go. The named officer responded that her child "would be safe." The named officer told the complainant she would, "try to contact as much family as soon as she gets that information." The named officer told the complainant that she would obtain numbers of family members from the complainant once they got to the police station so that the family could pick up her child.

The named officer explained that she had to contact CPS under these circumstances. CPS makes the determination as to whether a family member can take custody of a child. While the named officer did not recall stating a family member could pick up the child, she did not violate any Department policy or procedure by making this statement.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was arrested for driving under the influence of alcohol. She did not have a valid driver's license. Her adult passenger was arrested for violating a restraining order.

The complainant alleged that the officer conducted an improper search of her vehicle and illegally turned her infant child over to Child Protective Services.

DPA obtained body-worn camera (BWC) footage from the incident. The BWC footage showed that the named officer was the first officer on the scene to search through the complainant's vehicle.

The named officer stated in the incident report that he helped clear the complainant's vehicle and found that the complainant's son was not fully secured in his car seat. He stated that he was the one who made the call to Child Protective Services and arranged for them to take the complainant's son into their custody.

The evidence showed that the complainant was intoxicated and pulled over for failing to obey traffic laws. Because she was arrested for driving under the influence and did not have a valid driver's license, the named officer had the right to search the vehicle both for evidence of intoxication and to conduct an inventory search before it was towed.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to comply with the Department's Stop Data collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that the named officers failed to enter the required Stop Data information for the traffic stop.

Named officer #1 could not recall if she or named officer #2 entered the Stop Data information. She acknowledged that it was their responsibility to enter the information but stated other officers on the scene could have entered the information for them. Named officer #2 could not recall entering the information for the stop. He recalled that the incident was complex, requiring him to complete multiple tasks and documents, and admitted he may have missed entering the Stop Data information. He stated that another officer on-scene may have assisted him and entered the information.

DPA requested any Stop Data information submitted by all the officers who responded to this incident. The information provided by the Department did not contain any Stop Data entry for this incident by any on-scene officer.

Department Notice 20-141 provides in relevant part:

Through the SDCS web portal, members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops. SDCS entries are required when a stop is initiated based on information developed by the member's own observation, the direction and/or information from another member, DEM (Dispatch), or members of the public. For the purposes of this policy, a stop is defined as: 1) Any detention, by a peace officer of a person, or; 2) Any peace officer interaction with a person in which the officer conducts a search.

Members shall enter all stop data into SDCS prior to the end of their shift unless exigent circumstances prevent entry, in which case officers shall enter data by the end of their next shift.

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Department Bulletin 21-062 provides in pertinent part:

Members shall enter their own stop data when they are the initiating or requesting officer to detain a subject. Members shall not enter stop data into SDCS for other members. If a member assists another member with an investigation or arrest, the member responsible for the initial detention or contact shall enter the stop data, even if they are different from the final investigating officer.

Initial Detention Defined: An initial detention for purposes of this policy refers to the member who observed the core transaction which leads to the stop.

Situational Example: Officer A and Officer B are on patrol. Officer A observes a hand-to-hand narcotics transaction. Officer A directs Officer B to stop the subjects involved in the narcotics transaction. Officer B exits and detains both subjects. Officer A completes the entry into SDCS as the initiating officer of the detention.

The evidence showed that the named officers initiated the complainant's traffic stop. They did not enter Stop Data for this incident. Department records also showed that no Stop Data entry was made by any on-scene officer. The named officers' failure to enter the Stop Data information violated Department Notice 20-141 and Department Bulletin 21-062.

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: The officers failed to comply with DGO 5.04, Arrests by Private Persons.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was attacked by a colleague in a parking lot at work. The colleague struck the complainant's head, causing him to feel disoriented and fall to the ground. The complainant and his attacker each called 911 for help. The complainant's colleague falsely claimed that the complainant hit him first. The complainant denied striking anyone and told officers he wanted his colleague arrested for the unprovoked attack. The officers favored the colleague, disregarding witnesses who supported the complainant and encouraging the complainant's attacker to make a private person arrest. Consequently, the officers arrested the complainant instead of his attacker.

The officers stated they investigated the incident by speaking with both involved parties and two witnesses. The complainant and his colleague's statements were conflicting, with each party claiming to have been struck by the other. The complainant said he lost consciousness, and the colleague had a visible facial injury. The two witnesses also made contradictory and inconsistent statements. One witness claimed to have seen the entire incident through the vantage point of a small mirror that would have only provided a partial view. The second witness only saw the aftermath of the altercation and made statements that seemed biased toward the colleague. No surveillance video was available. The officers informed the complainant and his colleague of their right to make private person arrests, as required by Department policy. The officers determined there was cause to believe that the complainant and his colleague both committed batteries. The officers prepared an incident report documenting their investigation and issued citations to both the complainant and his colleague.

Department records and body-worn camera footage corroborated the named officers' statements.

Members of the public have the right to make private person arrests when they observe misdemeanors or felonies. Department General Order 5.04 requires officers to accept these private persons arrests. Officers are also required to inform individuals of their right to make private person arrests. If an officer determines there is probable cause to believe the reported crime occurred, the officer is required to make an arrest or issue a citation.

Although the complainant believed the named officers acted unfairly by only arresting him, the evidence showed that named officers conducted a complete and thorough investigation which resulted in the arrest of both parties.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer prepared an incomplete incident report because she refused to take a statement from a witness who saw a portion of the incident.

Department Notice 20-134, Report Writing Responsibilities, requires officers to document their investigations, including statements made by involved parties and witnesses.

The named officer stated she included all relevant information in the incident report. She did not include the second witness statement because that witness said he arrived after the altercation occurred, which meant that his statement was irrelevant. Body-worn camera footage corroborated the officer's description of the investigation.

The incident report thoroughly documented statements made by the complainant, his colleague, and one witness who did see a portion of the battery incident.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant said the named officer approached her in her vehicle, pounded on the window, inappropriately attempted to open her door, and took her license. The officer told her that she had been driving in a bus lane which she denied. Shortly thereafter, the officer saw her driving, pulled his vehicle beside her stopped vehicle (with no vehicles ahead of him), exited his vehicle in the roadway.

The named officer stated that he saw the complainant driving in a bus lane and decided to make a consensual encounter to admonish her. He did not recall pounding on the window, trying to open the door or taking her license. The named officer said he later saw the complainant driving and confronted her at a red light for his “own satisfaction to confirm she lied to him” twice. He said she maintained her story and he said “whatever” and left.

There was no body camera footage of this incident.

Dashcam footage provided by the complainant showed the named officer knock on the complainant’s vehicle’s window, attempt to open the vehicle’s door by pulling on the door handle, and taking her license. The footage showed that during a second encounter, the complainant was stopped behind a vehicle at a red light, the named officer parked his vehicle next to the complainant with no cars in front of him for several car lengths, exited the vehicle, contacted the complainant at her window and called her a “fucking liar.”

Department General Order 2.01 states in relevant parts that “[a]ny breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department...” It further states in part “[w]hen acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect...”

Here, the named officer’s conduct falls far short of the Department’s requirement that members treat the public with courtesy and respect. During both encounters, the named member conducted himself in a manner that was unnecessarily intimidating and served no law enforcement purpose. His attempt to open the complainant’s car door (during what he characterized as a “consensual encounter”) and his decision to

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stop next to the complainant's car and approach her (when there were no cars in front of him) were unreasonable based on the totality of the circumstances.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant said the named officer parked his vehicle beside hers when she was stopped in traffic, and exited into the roadway and called her a "fucking lying piece of shit."

The named officer initially stated he did not use any profanity during his interaction with the complainant. Instead, he said he asked her a question through his window and said "whatever" to her response. After reviewing dashcam footage captured by the complainant, the named officer admitted that he got out of the vehicle and said something similar to "you're fucking lying." He added that he was frustrated as the complainant had been untruthful with him twice. He said he did not direct the comment at the complainant and was cursing to himself.

Dash camera footage provided by the complainant captured the named officer saying something to the effect of "you're fucking lying..." before trailing off.

Department General Order 2.01 states in relevant part "[w]hen acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language." The dashcam footage is substantially consistent with the complainant's allegation.

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

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SUMMARY OF ALLEGATION #3: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant said she saw a police vehicle pull up behind her vehicle with its overhead lights activated. The named officer approached her vehicle and told her she had driven in a bus lane which she disputed. Shortly thereafter, the named officer pulled his vehicle beside hers when she was stopped in traffic, approached her vehicle's window and asked her a question. She denied driving in the bus lane and said the named officer had no reason to stop her during either encounter.

The named officer stated he had reasonable suspicion to stop the complainant during the initial encounter because he saw her drive in a bus lane which is a traffic violation. However, he classified both encounters with the complainant as consensual encounters. He could not remember if he activated his patrol lights or took the complainant's identification. After reviewing the dashcam footage, he admitted that he activated his patrol vehicle lights and momentarily took the complainant's identification during the first interaction. He said he did not activate his patrol vehicle's lights during the second encounter, had no law enforcement purpose in contacting her, and only contacted the complainant to confirm that she had lied to him twice.

The complainant submitted video footage of the incidents but did not provide requested footage of her driving prior to entering the gas station. Dashcam footage provided by the complainant for the second encounter showed that the named officer stopped and parked his vehicle beside the complainant's vehicle when she was stopped in traffic directly behind another vehicle. There were no vehicles in front of the named officer for several car lengths. The named officer exited the vehicle, knocked on her window and gestured to her with his hand to roll her vehicle's window down. He briefly spoke with her, cursed at her, returned to his vehicle, and drove down the roadway.

Department General Order 5.03 Investigative Detentions states in part, "[a] consensual encounter occurs when a reasonable person would feel free to leave or to refuse to cooperate with the police, and no reasonable suspicion is required on the part of the officer."

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It is unclear whether the named officer had developed reasonable suspicion for stopping the complainant during their first encounter because she did not provide the requested footage prior to entering the gas station. However, the named officer admitted he had no law enforcement purpose to contact the complainant during the second encounter and articulated no reasonable suspicion to detain her. The actions of positioning and parking his patrol vehicle next to her vehicle, which also inhibited her movement, and gesturing to her with his hand to roll down her window was a show of authority which would lead a reasonable person to believe they are not free to leave.

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

SUMMARY OF ALLEGATION #4: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant said a police vehicle pulled behind her vehicle with its overhead lights activated. The named officer approached and told her she had driven in a bus lane. She provided the named officer with her driver's license; he returned it and told her not to drive in the bus lane. Shortly thereafter, the named officer pulled his vehicle beside hers when she was in traffic, approached her vehicle's window, asked her a question, and insulted her by calling her a "fucking lying piece of shit." She alleged the named officer's behavior was retaliatory and that he recognized her name from her identification and retaliated against her for filing past complaints against other police officers. She said he did not refer to any of her past complaints.

The named officer said he never met the complainant prior to the day of these encounters, did not know who she was, and at the time had no idea she had made past complaints against officers. He said he did not retaliate against her and only gave her a warning for driving in a bus lane. The named officer said during the second encounter he asked her a question through his open window and said "whatever" to her answer and left. However, after watching the dash cam footage, the named officer admitted he stopped and exited his vehicle into a roadway to contact the complainant to confirm she lied to him twice. He admitted to using profanity and stated he needed to confirm her lies for his own personal satisfaction.

Dashcam footage provided by the complainant showed an initial interaction between the complainant and the named officer where the named officer told the complainant she had been driving in a bus lane which she refuted. The footage showed a later interaction where the named officer parked his vehicle in the street, exited the vehicle, contacted the complainant at her window and asked her a question and said something to the effect of "fucking lying" followed by something else unintelligible.

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The named officer engaged in retaliatory behavior when he contacted the complainant inappropriately in a roadway to confront her about a prior stop for his own personal satisfaction. He admitted the stop had no law enforcement purpose.

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

SUMMARY OF ALLEGATION #5: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant said the named officer stopped and parked a patrol vehicle in a lane of traffic next to her, preventing vehicles behind him from moving up, exited the patrol vehicle in the roadway and knocked on her passenger side window to ask her a question and insult her. The complainant said the officer did not activate his patrol vehicle lights, stopped traffic for no reason and could have caused an accident.

The named officer said he stopped his patrol vehicle in a lane of traffic and walked into a roadway to contact the complainant in her vehicle to confront her about lying to him twice. He did so for his own personal satisfaction to confirm that she was a liar. He classified the interaction as a consensual encounter and said he did not activate any lights on his patrol vehicle. He admitted that there were no vehicles immediately in front of his vehicle after watching video footage of the incident but said stopping at a traffic light is not inappropriate driving. He did not see any officer safety issue with exiting his patrol vehicle and walking into a lane of traffic because all vehicles were stopped.

Dashcam footage from the complainant showed the named officer parked his vehicle in the street, exited the vehicle, contacted the complainant at her window to ask her a question before returning to his vehicle and driving towards a traffic signal. There were multiple car lengths of space in front of the patrol vehicle and no other vehicles were visible in front of his vehicle in its lane. Once the named officer moved his vehicle up towards the traffic signal multiple vehicles that were behind the patrol vehicle also moved up toward the traffic signal.

California Vehicle Code Section 22400(a) states in part "...No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law." Here, the named officer's actions blocked the normal movement of traffic and was not necessary for safe operation or in compliance with law.

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

SUMMARY OF ALLEGATION #6: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant said the named officer pulled his patrol vehicle behind her vehicle, activated the patrol vehicle's lights, approached her, told her she had been driving in a bus lane and asked for her driver's license which she provided. She said the named officer delayed in activating his body-worn camera (BWC). Shortly thereafter, the officer saw her driving, pulled his vehicle beside hers when she was stopped in traffic, and exited his vehicle into the roadway to speak with her at her window.

The named officer stated that he did not activate his BWC for either interaction with the complainant. He said both of his interactions with the complainant were consensual encounters, he was not taking any enforcement action, and was not required under department policy to activate his body worn camera.

Records showed that the named officer did not activate his BWC.

Dashcam footage provided by the complainant showed that the named officer pulled his patrol vehicle behind the complainant's vehicle and activated his overhead lights. The named officer told the complainant that she had been driving in a bus lane and he asked her for her driver's license which she provided him. The named officer later stopped and parked his vehicle beside the complainant's vehicle in a lane of traffic during their second encounter. He then exited the vehicle, knocked on her window and gestured to her with his hand to roll her vehicle's window down.

Department General Order 10.11 Body Worn Cameras states in part that members equipped with a BWC shall activate their BWC to record traffic and pedestrian stops. Department Bulletin 20-175 states in part, "For self-initiated activity, such as traffic stops, pedestrian stops and other law enforcement activity, including Mental Health Evaluations (interviews and detentions), members shall begin recording prior to approaching the person, vehicle, location."

The complainant was detained during two traffic stops and the named officer was required by department policy to activate his BWC.

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 #7: The officer failed to Comply with the Department's Stop Data Collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer stated that he did not submit Stop Data for either of the two encounters with the complainant. He stated that he was not required to do so as neither of the encounters were traffic stops and the complainant was not detained.

Records showed that the named officer did not submit Stop Data.

Dashcam footage provided by the complainant showed that the named officer pulled his patrol vehicle behind the complainant's vehicle and activated his overhead lights. The named officer told the complainant that she had been driving in a bus lane and he asked her for her driver's license which she provided him. The named officer later stopped and parked his vehicle beside the complainant's vehicle in a lane of traffic during their second encounter. He then exited the vehicle, knocked on her window and gestured to her with his hand to roll her vehicle's window down.

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

The named officer initiated two detentions and was required by department policy to enter stop data as required.

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

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SUMMARY OF ALLEGATION #8: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The Department of Police Accountability found that the named officer failed to communicate with dispatch when making traffic stops and detaining the complainant.

The named officer provided a list of reasons that officers are required to radio dispatch when making traffic stops. He stated that he did not radio into dispatch as he did not conduct a traffic stop and was not detaining anyone. Instead, he stated that he conducted consensual encounters with the complainant. After reviewing the dashcam footage, the named officer maintained that he did not conduct traffic stops.

Dashcam footage provided by the complainant showed that the named officer pulled his patrol vehicle behind the complainant's vehicle and activated his overhead lights. The named officer told the complainant that she had violated a traffic law by driving in a bus lane and asked her for her driver's license which she provided. The named officer later stopped and parked his vehicle beside the complainant's vehicle in a lane of traffic during their second encounter. He then exited his vehicle into the road, knocked on her window and gestured to her with his hand to roll her vehicle's window down.

DGO 1.04 Duties of Sergeants states in part that sergeants shall maintain constant contact with Communications Division. The named officer explained that the purpose is to let "the dispatcher know the type of vehicle they are pulling over, provide license plate information to learn the registered owner and see if the registration is current or if the vehicle is stolen, and to inform other units in the district of the traffic stop in case the officer needs assistance.

The SFPD Peace Officer Field Training Manual Section titled "Low Risk Vehicle Stops" instructs officers to "[a]dvice dispatch that you're affecting a traffic stop, including the location of the stop, the license plate number and description of the vehicle, and the number of occupants."

Here, the named officer's actions were consistent with making traffic stops.

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

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 10/24/23 PAGE# 9 of 9

SUMMARY OF ALLEGATION #9: The officer engaged in conduct unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The Department of Police Accountability found that the named officer intentionally or negligently failed to disclose relevant information in an official communication and made non-material statement to an investigator that the officer knew or should have known is false.

Department General Order 2.01, Rule 21 states that “Members shall, when questioned on matters relating to their employment with the Department...or by a member of the [DPA], answer all questions truthfully and without evasion.”

Considering the evidence, the complainant’s version of events was credible and the named officer’s was not. The complainant reported a detailed version of events to the DPA and provided contemporaneous dash camera footage. By contrast, the named officer had no footage, and his explanations of the event were not plausible or forthcoming. Instead, the named officer’s initial narrative of the events sharply conflicted with the evidence.

When asked about specific allegations, the named officer asserted he could not recall pounding on the window, trying to open the door, or taking her license. He followed that with a nonsensical statement that the complainant was free to leave at any time, while he was holding her license. He also denied walking up to the complainant’s car during the second interaction and denied directing any profanity at her. Further, and perhaps more concerning, after watching the dash camera footage, the named officer attempted to dismiss the occasions as “consensual encounters,” refused to acknowledge that he had detained the complainant and did not believe he was rude to her.

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

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

COMPLAINT DATE: 02/06/23 COMPLETION DATE: 10/18/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that she observed the named officer park his police vehicle in front of a residence, enter it, and exit with a bag of food. She included photos of the officer with her complaint. She alleged that the officer used the emergency lights on his vehicle for personal use and blocked oncoming traffic.

The named officer stated that he was assigned to administrative detail (admin detail) at the time of the incident and that sometimes it involves conducting fieldwork outside of the station. He said that officers usually notify Dispatch if they venture outside of the station while on admin detail. He confirmed that the complainant's photo showed him exiting the residence and returning to his police vehicle. He could not recall what he had in his hand at the time. He could not recall why he was at the residence in this instance or if the visit was related to his admin detail assignment. He acknowledged that he knew someone who lived at the residence and had met with them there previously. He stated because the complainant's photos were not time-stamped there was no way to verify when she took them. Therefore, he could not fully say what he was doing there when they were taken. The named officer stated that he did not observe any signs posted that restricted vehicle parking. He felt that he complied with Department policy because he parked his vehicle so that he could perform his duties expeditiously, and he activated his vehicle lights to properly notify oncoming traffic of his presence.

A witness officer was assigned to admin detail with the named officer at the time of the incident. He stated that he was completing paperwork at the station during his admin detail assignment. He did not know what the named officer did during his assignment or if he traveled outside of the station. He did not know anyone who lived at the residence and did not know if the named officer knew someone there.

The complainant provided DPA with photos from the day of the incident. The photos are not time stamped. One of the photos showed the named officer exiting the residence and walking towards his patrol vehicle. He could be seen with an unknown object in his right hand. His vehicle could be seen with its emergency lights activated and parked in a red zone. Department records showed that the named officer placed himself on admin detail at a local police station at the time of the incident. However, there was no note made of him traveling outside of the station during his assignment.

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COMPLAINT DATE: 02/06/23 COMPLETION DATE: 10/18/23 PAGE# 2 of 2

DPA obtained the station's Daily Equipment Sign-Out Sheet for the day of the incident. It showed that the police vehicle shown in the complainant's photos was signed out by the named officer for that day.

DPA received a letter of endorsement for the named officer from the person who resided at the address. They stated that the named officer had checked in on them in the past and that they received no complaints about the officer parking in the red zone before. However, they were unable to state if the named officer visited them at the time of the incident.

Department General Order 2.01, General Rules of Conduct, 23. Use of Department Property states, "Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment."

DPA understands that the complainant's photos lacked an official time stamp. However, the complaint and photos were submitted through the DPA's online complaint portal minutes after the incident occurred. The evidence showed that the named officer was assigned to the same police vehicle that was captured in the photos and was working on the day that the complainant alleged the misconduct had occurred. The named officer was unable to account for his whereabouts and could not provide any additional evidence showing that his presence at that location was pertaining to some sort of law enforcement purpose.

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

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

COMPLAINT DATE: 01/19/23 COMPLETION DATE: 10/03/23 PAGE# 1 of 8

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that as she was driving home with a family member in the passenger seat, she came to a stop sign and the named officer flashed his lights and commanded her on his loudspeaker to “make a full stop next time.” The complainant said “okay,” and proceeded through the intersection. Thereafter, she came to a second stop sign and observed through her rear-view mirror the named officer remain in the same location, watching her. She stated that she made a full stop and conducted a U-turn to park in front of her residence. The complainant stated that the named officer approached her vehicle and wrongfully accused her of running a second stop sign.

She stated that the named officer instructed her to provide him with her driver’s license and registration. However, the complainant stated she politely refused because she had not done anything wrong. The named officer eventually ordered her out of the vehicle, handcuffed her, and arrested the complainant for several violations.

The evidence reflected that the named officer approached the complainant’s vehicle, accused her of running consecutive stop signs, and instructed the complainant to provide him with her driver’s license, vehicle registration, and proof of insurance. The complainant refused, stating she did not run the stop signs and that that she was simply parked in front of her home. After several commands, the complainant exited the vehicle. The officer instructed her to stand by the curb. The complainant refused and remained by her vehicle. The officer began handcuffing the complainant and alleged that the complainant actively resisted arrest.

The named officer ultimately issued the complainant a citation for several violations: 22450(a) VC (stop sign violation); 2800 VC (disobeying a lawful order); 16028(a) VS (proof of auto insurance) and 148(a)(1) PC (resist, obstruct or delay a peace officer). The complainant was cited and released from the district station.

The initial alleged traffic violations were not captured on the named officer’s body-worn camera footage. A witness officer arrived after the initial detention, and therefore did not see any alleged traffic violations. DPA did not discover any surveillance video. DPA’s attempts to contact the passenger were not successful. The named officer was the sole officer in the vehicle at the time and DPA was unable to interview the named officer regarding the initial stop as he is no longer with the Department. Thus, DPA did not have sufficient evidence to make any finding for this particular allegation.

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COMPLAINT DATE: 01/19/23 COMPLETION DATE: 10/03/23 PAGE# 2 of 8

No finding outcomes occur under three circumstances: the complainant did not provide additional requested evidence, the officer could not be reasonably identified, or the officer has left the Department and therefore the investigation cannot be completed.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer threatened to pepper spray her if she did not exit the vehicle at his request.

Body-worn camera footage confirmed that after the complainant's refusal to comply with the officer's lawful orders, the named officer threatened to pepper spray her if she did not comply with his demands to exit the vehicle.

However, due to the officer's unavailability for an interview, DPA was unable to explore the reasoning behind the comment, which is critical to the analysis of the conduct under Department General Order 5.01, the order that governs de-escalation and the use of force. Thus, DPA was unable to determine, by a preponderance of the evidence, whether the comment was appropriate or inappropriate in the circumstances.

The evidence fails to prove or disprove that the alleged conduct violated Department policy.

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SUMMARY OF ALLEGATION #3: The officer improperly used physical controls.

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer administered the handcuffs too tight, causing another officer to adjust them.

Body-worn camera footage reflected that the named officer placed the handcuffs on the complainant. Body-worn camera footage also showed a witness officer adjusting the handcuffs later in the incident.

The witness officer confirmed that she responded to the scene as back-up and adjusted the complainant's handcuffs. However, the witness officer did not recall what prompted her to adjust the handcuffs—whether the complainant voiced they were too tight, or whether the officer observed tightness that caused her to adjust them. The witness officer could not recall whether she loosened the cuffs because she felt they were tight enough to violate Department policy. Additionally, as mentioned above, the named officer retired prior to DPA being able to interview him. Thus, DPA could not make a finding by a preponderance of the evidence whether the named officer's initial handcuffing of the complainant violated Department policy.

The evidence fails to prove or disprove that the alleged conduct violated Department policy.

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SUMMARY OF ALLEGATION #4: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that when the named officer initiated the handcuffing, he aggressively twisted her wrists and fingers and stepped on her ankles.

The incident report prepared by the named officer stated that in an effort to restrain and handcuff the complainant, he placed her arm in a rear wristlock control hold. He further stated that she resisted his efforts to control and handcuff her by twisting her body and attempting to pull away.

Video footage, including the officer's body-worn camera footage, showed the above-described incident. The available footage, however, is not dispositive of whether the officer used excessive force when restraining the complainant to administer the handcuffs. Additionally, the footage also does not capture whether the named officer stepped on the complainant's ankles.

Without interviewing the officer to analyze his actions or obtaining a clearer depiction of the force used in the footage, DPA cannot, by a preponderance of the evidence, make a finding as to whether his use of force was within Department policy or not.

The evidence fails to prove or disprove that the alleged conduct violated Department policy.

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SUMMARY OF ALLEGATION #5: The officer failed to *Mirandize* the complainant.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer arrested her without providing her with *Miranda* warnings.

The evidence does not reflect that the named officer read the complainant her *Miranda* warnings upon arrest.

DPA understands that there is a common misconception that everyone must be given *Miranda* warnings immediately upon being arrested; however, *Miranda* warnings are only required when officers wish to interrogate a person in police custody, otherwise known as “custodial interrogation.”

The evidence does not reflect that the named officer interrogated the complainant while she was in custody and thus *Miranda* warnings were not required.

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

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SUMMARY OF ALLEGATION #6: The officer interfered with the rights of onlookers.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer demanded the passenger to cease recording the officer with her phone during the incident.

Video footage of the incident, including the officer's body-worn camera footage, reflected that the passenger was, in fact, recording the officer. The footage also reflected that the complainant was on her phone as well. While demanding the complainant to exit the vehicle the officer stated, "put the phone down."

Department General Order 5.07 liberally allows bystanders, who are not involved in criminal activity, to record police officer enforcement activities such as this incident. It is also reasonable, and common in many circumstances, for an officer to instruct a detainee to cease using their phone during a detention or arrest.

To determine the merits of the allegation, DPA needed to determine who the officer was, in fact, speaking to when he made such commands. From the body-worn camera footage, it appeared that the named officer was likely addressing the complainant and not the passenger recording the incident. However, without being able to interview the named officer about whether his comments were directed at the complainant or the passenger, DPA cannot make a finding by a preponderance of the evidence.

The evidence fails to prove or disprove that the alleged conduct violated Department policy.

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SUMMARY OF ALLEGATION #7: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant believes that the officer racially profiled her.

The available evidence does not reflect that the officer knowingly engaged in biased policing or discrimination. The body-worn camera footage, on its face, does not contain evidence reflecting such behavior and due to the officer's unavailability DPA could not determine the officer's motives and was thus, unable to make a finding, by a preponderance of evidence, whether the officer's conduct was improperly based on implicit bias.

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

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COMPLAINT DATE: 02/08/23 **COMPLETION DATE:** 10/19/23 **PAGE# 1 of 5**

SUMMARY OF ALLEGATION # 1: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant said he was riding his bike on the bike lane parallel to the named officer's patrol vehicle. The named officer then started to merge in front of the complainant, so he sped up and got in front of the officer's car. The officer then honked, and the complainant flipped the officer off in response. After that, the complainant was pulled over. He said the officer asked for his ID, which he could not initially provide. Then, the officer handcuffed him for no reason.

The named officer denied handcuffing the complainant at any point and said the complainant was never handcuffed during the interaction because he did not see any reason to.

Body-worn camera footage shows that the complainant was not handcuffed during the entire interaction with the police. The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he provided his ID to the named officer the second time the officer asked. The officer then took his ID and returned to his car to run computer checks. The officer returned saying that his computer was down and would have to take the complainant to the Station. The complainant said he then asked if the officer could call in his information on the phone or have another car come by and use their computer, but the officer said no.

The named officer stated that he could not run the complainant's ID because the computers in his and other officers' cars were down. He said he could have run the ID through dispatch, but at that time, they were parked in the middle of the street, blocking traffic, and it was a safety concern to have the complainant and all the officers standing in the street. Therefore, he decided it was more prudent to take the complainant back to the Station, a short walk away.

Department records recorded that no computer queries were run for the stop.

Body-worn camera footage captured that the named officer stopped his patrol vehicle in a traffic lane for the stop. The officer realized the computer was down when he took the complainant's ID to his patrol car. He attempted to use the computer in the backup officer's car. However, he was told that it was also not working. Eventually, he decided to walk the complainant to the Station.

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Google Maps shows that the distance between the location where the complainant was stopped and the police station was within a block and only a 2-minute walk.

No Department General Orders or Department Bulletins require that officers shall check a subject's IDs through Dispatch before taking them to the Station.

The evidence proves that although the officer did not run the complainant's ID through dispatch, it was not against department policies that he took the complainant to the Station due to the traffic condition and the proximity of the Station.

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

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

CATEGORY OF CONDUCT: UA

FINDING: IC(S)

FINDINGS OF FACT: The complainant said during the stop, the officer pat-searched his person and confiscated his pocket knife before taking him to the police station.

The named officer confirmed he was merely detaining the complainant for passing him in an unsafe manner, and at no time was the complainant arrested. He explained that he conducted a pat search on the detained complainant because it was necessary for his and other officers' safety. Also, it was necessary as the officer was walking the complainant to the station. The officer said he had no specific information that the complainant was armed or dangerous. He added that he did not see any weapons before pat searching the complainant but saw that he was wearing a huge jacket that covered his waist and had a backpack that could conceal weapons.

Department records did not indicate any records of a pat search being conducted or any reports of weapons seen. Other records show that the complainant was cited for unsafe passing and riding with headphones on.

Body-worn camera footage captured that the named officer decided to take the complainant to the station to run his ID. The officer told the complainant to turn around, put his hands behind his back, and started searching the complainant. The complainant asked why he was arrested, and the named officer said he was detained. During the search, the complainant told the officer that he had a knife in his right pocket, and the officer took it out. The footage did not capture that the complainant consented to the search during the detention.

Department General Order 5.03 Investigative Detentions, Section 5.03.03. Procedures B. Conducting a Pat Search states that "members may conduct a pat search for weapons when: 1. The person is lawfully

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detained for an investigative purpose; and 2. The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous...If conditions (1) and (2) are met, the officer may perform a carefully limited search of the person's outer clothing for weapons, ie. a pat search, whether or not the officer has probable cause to arrest.”

The evidence collected proves that although the named officer was lawfully detaining the complainant for unsafe passing and riding with headphones on, he did not have specific and articulable facts, causing him to believe that the complainant was armed and dangerous.

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

SUMMARY OF ALLEGATION # 4: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer brought him back to the Station only because he flipped the officer off while on a bike.

The named officer denied that it was retaliation at all. The officer said he explained to the complainant that he was not offended by the complainant giving him the finger. The named officer clarified that the reason for bringing the complainant to the Station was that he could not run his ID using the computers in the patrol vehicle and that their vehicles were blocking the street. Therefore, he decided to walk the complainant back to the Station, a block away, to identify him.

Department records recorded that no computer queries were run for the stop. The citation shows that the complainant was not cited for giving the finger to the officer.

Body-worn camera footage captured the patrol vehicles stopped in a lane of traffic. It shows that the computers in the patrol vehicles were down. Eventually, he decided to walk the complainant to the Station.

Google Maps shows that the distance between the location where the complainant was stopped and the police station was within a block and only a 2-minute walk.

The collected evidence shows that the complainant was brought to the Station not because of retaliation but to facilitate identification during a vehicle computer outage.

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

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SUMMARY OF ALLEGATION #5: The officer failed to comply with the Department's Stop Data Collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: During the investigation, the DPA found that the named officer did not submit Stop Data as required by the Department's Stop Data Collection requirement.

The named officer stated that he did not initially remember if he submitted the stop data. After receiving the complaint from the DPA, he noticed that he did not and entered it afterward.

Department records indicate that the officer did not submit the Stop Data by the end of his shift on that date.

Department Bulletin 21-062 Stop Data Collection Update states, "It is a reminder to all personnel that all members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops...Members shall enter all stop data into SDCS prior to end of their shift, unless exigent circumstances prevent entry, in which case officers shall enter data by the end of their next shift.

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

SUMMARY OF ALLEGATION #6: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant believed his backpack was searched because the towels were not folded the way he had left them, although he did not see anyone searching it.

The officer confirmed taking the complainant's backpack with him into the patrol vehicle while the complainant was brought to the Station. He said that after returning to the Station, he exited the vehicle and returned the backpack.

Department records did not capture the backpack being searched by any officers on the scene.

Body-worn camera footage captured that although the named officer carried the complainant's backpack with him inside the patrol vehicle, he did not search it while inside the vehicle. The footage stopped while the officer was heading back to the Station.

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The collected evidence shows insufficient evidence to prove or disprove that the named officer searched the complainant's backpack.

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

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COMPLAINT DATE: 02/13/23 **COMPLETION DATE:** 10/14/23 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION # 1: The officer improperly detained or transported a person.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that on his way home he entered an establishment to use the restroom. He stated that the establishment's manager opened the bathroom door and ordered him to leave, stating that the establishment was closed. The complainant felt the manager was sexually harassing him and upon exiting the bathroom, the complainant got into an altercation with another patron. The complainant left the establishment and then returned. The establishment's manager called the police. The complainant stated the officers wrongfully effected a mental health detention and transported him to the hospital.

Department records reflected that a call for service was generated from the establishment regarding a male who entered after hours, refused to leave, and threatened the reporting party's life.

The named officer responded to the scene regarding the above call for service. Upon arrival, the named officer saw the complainant speaking with other officers. The named officer spoke with the complainant, who he described as verbally aggressive and hostile. He stated that the complainant attempted to walk away, but he instructed the complainant not to leave and detained him to investigate the incident. The named officer detained the complainant because he matched the description of the subject referenced in the call for service as the individual who refused to leave and made threats.

The named officer spoke with the establishment's manager, who positively identified the complainant. He informed the officers that the establishment was closed, that the complainant refused to leave, and that the complainant threatened to kill him. The manager also informed the named officer that the complainant said he was going to leave to get a weapon. The complainant left and returned to the establishment, where he threw a punch at the manager and clipped his ear.

The named officer confirmed that after his investigation, he conducted a mental health detention so that the complainant could undergo psychiatric evaluation. The named officer believed the complainant may have been suffering from a mental illness due to his erratic behavior, his statements, his non-compliance, his willingness to harm others, and his inability to comprehend that he could not use the restroom of an establishment that was closed. The named officer believed that he was a threat to others based on his actions towards the establishment's manager as well as his violent behavior towards the officers. The named officer also emphasized the fact that the complainant left, and came back to the establishment, after the altercation with the manager and patrons.

DPA obtained the body-worn camera (BWC) footage of the incident. The BWC footage of the incident showed that the complainant became increasingly hostile towards the officers upon their attempt to detain

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him and investigate the incident. The footage also reflected that the establishment's manager positively identified the complainant and stated that the complainant threatened to kill them and told them that he was leaving to retrieve a weapon and come back. The footage reflected that the establishment's manager, while in fear that the complainant would return to the premises a third time and harm them, did not want to press charges or otherwise sign a private person's arrest.

The named officer was familiar with Department General Order 6.14, Psychiatric Evaluation of Adults, which governs mental health detentions. The named officer was faced with letting the complainant go because the victims of the misdemeanor behavior refused to sign a private person's arrest. However, the complainant was behaving erratically and had returned to the establishment, at least once, after being ejected and was alleged to have committed a battery. Based on the totality of the circumstances the named officer faced at the time, he properly exercised his discretion within Department policy to protect both the complainant and the officers.

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

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

CATEGORY OF CONDUCT: C U O

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer refused to listen to the complainant throughout the investigation and only listened to the manager's version of events. The complainant believed that this may have been due to his race.

The named officer confirmed that in addition to the manager's allegations against the complainant, the complainant also alleged that the manager and patrons in the bar battered him, pushed him around, and threatened him with a knife.

The named officer felt he adequately listened to the complainant and attempted to investigate the complainant's allegations; however, the establishment did not have surveillance footage and the only identifiable witnesses did not corroborate his version of events. The named officer stated that he needed to decide how to proceed based on the available evidence, including the credibility of the parties. The named officer stated that race did not play a factor in any of the decisions he made.

The BWC footage of the incident reflected both the establishment owner and the complainant's allegations against each other. The footage reflected that the officers tried to ascertain the specific details of who threatened and battered the complainant; however, the complainant could not positively identify an individual. Additionally, the footage showed that the named officer inquired with the establishment's

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manager whether surveillance footage existed and asked him whether anyone threatened the complainant with a knife, or otherwise, which the establishment owner denied.

The named officer conducted the most thorough investigation he could under the circumstances, including listening to the complainant and attempting to verify the complainant's version of events. The named officer determined there was no available video surveillance footage and spoke with patrons from the establishment. The named officer was unable to corroborate the complainant's version of events of what occurred inside the establishment. The officers did not decide to believe one person over the other, but based on the totality of the circumstances, decided to place the complainant on a mental health detention for psychological evaluation. Additionally, the evidence did not support that the named officer engaged in biased policing.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDING OF FACT: The complainant alleged that the named officer excessively slammed him to the ground.

The named officer stated that while the complainant was in handcuffs, he took a bladed stance towards the officer and tried to kick him. The named officer, aided by additional officers, took him to the ground to prevent him from kicking them, or otherwise injuring them. The named officer denied slamming the complainant to the ground or engaging in any excessive force against him during the incident.

BWC footage of the incident confirmed that the complainant became increasingly upset, using vulgarities after the officers informed him that he would be placed on a mental health detention. The named officer attempted to restrain the complainant; however, the footage showed the complainant kicked his legs towards the named officer and another officer several times, causing the officers to take him to the ground and roll him onto his left side to stabilize him.

The evidence showed that the force used by the named officer in this incident was within Department policy.

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

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

COMPLAINT DATE: 02/14/23 COMPLETION DATE: 10/14/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 6.09.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 10/6/23.

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 5.20.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 10/6/23.

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

COMPLAINT DATE: 02/15/23 **COMPLETION DATE:** 10/14/23 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant saw a social media post of an interaction between an officer and a member of the community. He complained that the video showed the named officer push, follow, and harass the community member.

The named officer denied behaving inappropriately. The officer was familiar with the community member depicted in the video from prior contacts. He said the community member created a hostile environment by being verbally aggressive and using profanity. The officer described his own behavior toward the community member as courteous and respectful.

The social media post showed non-linear video snippets of an interaction between the named officer and a community member. The community member appeared to be following the officer around a busy plaza.

Body-worn camera footage showed that the community member followed and continuously berated the officer, who was patrolling a busy plaza on foot. The video showed that the officer maintained a respectful distance. The officer attempted to deflect the community member's comments with banter. The officer did not use profane or uncivil language.

The social media video clips did not capture the full breadth of the incident. The investigation showed that the officer diffused an otherwise hostile situation by maintaining distance and remaining courteous and professional.

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

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

COMPLAINT DATE: 02/15/23 **COMPLETION DATE:** 10/14/23 **PAGE# 2 of 2**

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant reported a social media post comment that accused the named officer of offering to purchase alcohol for a person at a bar.

The named officer said that he made a comment warning people about drinking in a public setting. The officer explained that he cites people almost daily for drinking in public, and he encourages those who drink in public to go to a local bar and not to drink on the street.

Department General Order 2.01, 14, PUBLIC COURTESY, requires officers to treat the public with courtesy and respect.

The officer was engaging with people in a public plaza and offering services. It was appropriate for him to warn people about drinking in public.

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: 02/22/23 **COMPLETION DATE:** 10/30/23 **PAGE# 1 of 3**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant and his roommate were involved in two altercations, which resulted in police coming to their apartment twice in one night. The complainant reported that his roommate pointed a gun in his face. The officers interviewed the complainant and his roommate but did not make any arrests. The same officers returned a few hours when the complainant called to report that his roommate had attacked him with a machete, cutting his hand. The complainant stated that the officers should have arrested his roommate during the first incident and that they should have provided him with victim services information during the second incident. The complainant later admitted that, during the first incident, he hit his roommate with a bat in response to the roommate complaining about him walking around the halls late at night. During the second incident, he again hit his roommate with a bat, then grabbed his machete, which ended up causing his injuries.

Department of Emergency Management (DEM) records showed that the complainant called 911 about his roommate pointing a gun at his face during an argument. The dispatcher indicated that the complainant was very uncooperative. The complainant refused to leave the house, then stated he would wait for the officers outside, then stated that he did not care if his roommate came out of the house and shot him.

Police records and body-worn camera footage showed that officers thoroughly investigated the first incident. They interviewed the complainant, his roommate, and multiple witnesses. The complainant said he feared for his life because his roommate pointed a gun at his face. The officers detained the roommate and asked if he had any guns. The roommate showed the officers where he kept his locked guns and denied pointing a gun at anyone. The roommate voluntarily allowed the officers to take his guns for safekeeping to avoid conflict. One witness heard the complainant screaming from another room. A second witness recorded video footage showing the complainant acting aggressively and the roommate trying to de-escalate the situation. One witness said the complainant had a history of being untruthful. One officer stated that, because of conflicting evidence, he could not determine if the roommate had pointed a gun at the complainant. Another officer believed the complainant was being untruthful. The officers considered an involuntary mental health detention for the complainant, but decided he did not meet the criteria.

A few hours later, multiple people called 911 to report a knife attack. The complainant reported that his roommate tried to cut off his hand with a knife and that he was going to die. The complainant's landlord reported that the complainant had reached out by phone to say that his roommate took his knife and was using it to attack him. The roommate called to alert officers that he was coming outside of the house to meet with them. A witness called to say that the person who initiated the attack was inside his room. Officers again interviewed the complainant, roommate, and witnesses. The complainant and his roommate again made conflicting statements. One witness said that the complainant had attacked his roommate.

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

COMPLAINT DATE: 02/22/23 COMPLETION DATE: 10/30/23 PAGE# 2 of 3

During a later interview, the complainant told an officer that his roommate approached him in the kitchen to talk after the first incident. The complainant responded by hitting him with a bat. A physical struggle ensued, during which the complainant grabbed a machete-style knife, which led to the complainant's injury. The complainant was arrested and taken to a hospital for treatment.

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

The evidence showed that the named officers conducted thorough investigations consistent with department policies and procedures. They prepared incident reports that accurately documented statements given by the complainant, roommate, and witnesses. In the first incident, the officers acted within policy when they declined to arrest the roommate because they determined that there was insufficient cause to believe that he threatened the complainant with a gun. In the second incident, providing the complainant with victim services information was unnecessary because the officers determined that the complainant was the aggressor based on witness statements and the complainant's own statements.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: Officers prepared one report documenting the gun incident and a second report documenting the knife incident. The complainant stated that the incident reports were not factual, and the named officers mischaracterized what occurred.

The Report Writing Manual and Department Notice 20-134, Report Writing Responsibilities, require officers to prepare accurate and objective incident reports to document completed, incomplete, or attempted offenses, and suspicious occurrences. Preparing factual and thorough incident reports is one of the most important duties of a professional police officer.

Department records, including body-worn camera footage, showed that the named officers prepared incident reports that accurately documented statements given by the complainant, roommate, and witnesses. They also attached an additional written statement from the complainant to the report.

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

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

COMPLAINT DATE: 02/22/23

COMPLETION DATE: 10/30/23

PAGE# 3 of 3

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 10/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: Several years ago, the complainant was struck by a motorcycle as he walked on the sidewalk. He went to a hospital for treatment. Officers did not interview him in the hospital or prepare a police report. The complainant did not know specifically when the incident happened.

DPA was unable to independently locate incident records or identify any involved officers based solely on the complainant's statement. The complainant did not respond to multiple requests for additional information, including several requests for a signed medical release. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the involved officers cannot reasonably be identified.

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 10/03/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that she spoke with the named officer regarding his patrol vehicle being improperly parked on a sidewalk and how it blocked access for mobility impaired individuals and individuals pushing strollers. She stated that the named officer responded inappropriately by asking her if she was mobility impaired and by informing her that he does not ticket people for parking on sidewalks.

The named officer denied making the alleged comments.

Surveillance footage of the incident showed an interaction between the complainant and the named officer. The footage did not include audio recording. There was no other evidence regarding the statements the named officer made to the complainant.

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

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 10/03/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she spoke with the named officer regarding his patrol vehicle being improperly parked on a sidewalk. The named officer informed her that he was buying bread at a nearby business for a hungry family that was at a police station. The complainant said she went to a nearby station to make a complaint regarding the incident and was informed by another officer at the station that there was no family waiting for food. She alleged that the named officer lied to her.

The named officer denied lying to the complainant. The named officer was assigned to a different station than the station the complainant visited to make her complaint. The named officer stated that it is common practice for him to provide food to individuals who are in need. He said he does so out of respect and compassion for people who cannot provide for themselves, and it is part of his community policing commitment.

Department records showed that the named officer was assigned to a different station than the station the complainant visited to make her complaint.

Surveillance footage of the incident showed an interaction between the complainant and the named officer. The footage did not include audio recording.

The alleged statements acknowledged by the officer, even if they were inaccurate, would not rise to the level of misconduct.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 10/03/23 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that she encountered a San Francisco Police Department (SFPD) vehicle improperly parked on a sidewalk. She stated that the vehicle was parked in such a way that it blocked access for mobility impaired individuals and individuals pushing strollers. She noticed the named officer inside a nearby business, approached him and advised him that it was inappropriate that his vehicle was blocking the sidewalk.

The named officer stated that he momentarily parked his SFPD vehicle partially on a sidewalk. He stated he was unable to locate a legal parking spot and parked his vehicle in a way so it allowed pedestrians to pass and would afford him quick access to the vehicle if needed for an emergency call. He said the complainant voiced her concern regarding the vehicle being parked on the sidewalk and he moved the vehicle to a parking spot that had become available.

Surveillance footage of the incident showed the named officer park his patrol vehicle partially on a sidewalk, exit the vehicle and enter a nearby business. The named officer had an interaction with the complainant, the complainant left the scene and the named officer moved and parked the patrol vehicle in a nearby parking spot. The video showed that the parking spot the officer moved to had been recently vacated by another car.

California Vehicle Code §22500(f) states in relevant part, “A person shall not . . . park . . . [o]n a portion of a sidewalk[.]”

Department General Order 2.01, Rule 23, states in relevant part: “Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner...”

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

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

COMPLAINT DATE: 03/29/23 COMPLETION DATE: 10/31/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that she filed a police report at a local district station, yet she was not contacted regarding the investigation. The complainant left several messages at the district station and received no response.

DPA was unable to independently identify specific officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking officers and supervisors to identify who spoke with the complainant based on descriptions of her station visits. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the officers cannot reasonably be identified.

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

COMPLAINT DATE: 04/03/23 COMPLETION DATE: 10/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to investigate the crime he had reported to them.

SFPD records show the first named officer was assigned to the case for less than one month. During this time, the named officer requested evidence to investigate the allegations and arranged a meeting between the complainant and a Captain in his department. The case was then reassigned. The named officer was not responsible for the full investigation but did take several investigative steps.

SFPD documents showed that the second named officer was assigned the case and requested further evidence. The named officer then submitted the case to the District Attorney along with a warrant for the arrest of the suspect. The District Attorney refused to issue the warrant or file charges. After further evidence was acquired by the named officers, the District Attorney still declined to file charges.

Both officers conducted investigatory steps on the complainant's case. The decision not to file charges came from outside SFPD and was not the responsibility of the named officers.

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: 04/04/23 **COMPLETION DATE:** 10/14/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was driving through an intersection when a vehicle ran a stop sign and almost collided with his car in the middle of the intersection. The complainant sounded his horn and stopped his vehicle after crossing the intersection. Moments later, the other driver made a U-turn and pulled up in front of him. The complainant said the person, who was angry, punched his driver's side window, shattering it. After the incident, the complainant saw a marked unit and flagged the officer down. He reported the incident and later learned the case was assigned to the named officer for investigation. The complainant said the named officer failed to properly investigate by not doing enough to locate the driver and solve the case.

The named officer reviewed the incident report and located the suspect's license plate. He ran a computer query on that license plate and determined the make and model of the involved vehicle. The named officer said the registered owner, a convicted felon, was the suspect in the incident. He conducted a photo lineup with the complainant that included the registered owner. The complainant was unable to identify the registered owner as the suspect. The complainant provided the named officer with a receipt for the window repair. The amount on the receipt proved that the vandalism was a misdemeanor. The named officer felt that he did not have sufficient probable cause to investigate the case further due to the lack of evidence.

DPA obtained the named officer's body-worn camera (BWC) footage. The named officer's BWC of the incident shows that the complainant participated in a photo lineup to identify the suspect. The complainant was shown with photos but failed to identify the vehicle's registered owner as the suspect. DPA also obtained the named officer's Chronological Investigation Report. The Chronological Investigation Report was consistent with his statement he provided to DPA.

The evidence showed that the named officer did his due diligence in attempting to identify the driver of the vehicle in question. However, due to lack of evidence, he was unable to proceed with the investigation any further and placed the case as open/inactive. The named officer would have required a private person's arrest to arrest the person that broke the complainant's window, because the misdemeanor did not occur in the officer's presence. As the complainant could not identify the suspect, the officer had no further steps he could lawfully take. The actions of the named officer were within Department policy.

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

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

COMPLAINT DATE: 04/10/23

COMPLETION DATE: 10/03/23

PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was followed by two women when she was crossing the street. The two women called her service dog over, grabbed it, and ran in the opposite direction. She said the incident was captured on security camera, which she provided to the police, but nothing was done. She said only an email was sent out three weeks after she filed the report. Also, the case was not assigned to a detective yet, and no officer had been in contact with her. However, the complainant later communicated with the DPA and sent screen captures of text messages or emails regarding the case between her and an officer.

Named Officer #1 stated that he drafted the initial police report for the complainant and that the complainant told him that she placed her unleashed dog down to speak on her phone when the incident happened. However, she did not have information about the suspect. After filing the first report, the officer did not forward the case to another department for further investigation. He was unaware of the supplemental report until he received this DPA complaint.

Named Officer #2 stated that he worked at the Burglary Unit when the incident happened. He was not an assigned investigator but was notified by a senior officer of this incident via Department email. He clarified his job was to review video footage and create crime bulletins with suspect images. If any IDs are made from the crime bulletin, he forwards all information to a burglary investigator for further follow-up.

Officer #2 stated that he contacted the security camera owner and obtained the video footage. He created a Department bulletin with the suspect image. However, he did not receive any responses to it. He said that the Department bulletin was sent out a second time. However, it again did not yield any positive results. The officer informed the complainant of this information and followed up on the emails she provided afterward. Moreover, he contacted the potential witness that the complainant provided for information. However, the witness was unsure that the person he saw was the suspect who stole the complainant's dog.

The complainant has emailed the DPA with screen captures of the text messages and email conversations between her and Named Officer #2. Department record indicates that the complainant told the reporting officer she was carrying her dog and then placed her on the ground to answer her phone. After a few minutes, she noticed her dog was missing. She did not see anyone take the dog at the time. The complainant provided a photo of her missing dog, which was electronically attached to the report. The records also show that later that day, the complainant went to the station to file a supplemental report, which includes the link to the security camera footage that shows an individual carrying the dog. The record also indicates that the dog did not have a tag but an up-to-date microchip implanted. The reporting

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

COMPLAINT DATE: 04/10/23 COMPLETION DATE: 10/03/23 PAGE# 2 of 3

Police Service Aide burned a DVD with the footage, took two screenshots from the video, and attached it to the report.

The evidence proves that although the complainant initially provided no evidence except an image of the missing dog, Officer #1 completed a police report. Officer #2 reviewed the report, obtained and reviewed the surveillance camera footage, sent out department-wide crime bulletins to locate the suspect, and contacted the complainant regarding the investigation process. The case was not forwarded to other investigators for further follow-up because there was insufficient evidence to identify and locate the suspects.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was followed by two women when she was crossing the street. The two women called her service dog over, grabbed it, and ran in the opposite direction. She said the incident was captured on security camera, which she provided to the police, but nothing was done.

The named officer stated that he reviewed the police report, security camera footage, and other evidence. He sent out a department bulletin and spoke with a potential witness, but he still could not locate the dog. He explained that there was no way to identify the suspects or track tags on the dog to help locate the animal. He stated that the case is still open.

Department records indicate that the officer has photos and descriptions of the suspects but not an actual identity of them. The record also shows no tracking tags on the dog. The evidence proves that although the officer has some evidence provided by the complainant, it was not enough to positively identify the dog nappers or locate the dog.

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: 04/10/23 COMPLETION DATE: 10/03/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer inappropriately titled the police report as “Lost Property” when it should be “Stolen Property.”

The named officer who authored the report stated that when the complainant initially filed the report, she said she placed her unleashed dog down to speak on her phone and had no information about a suspect.

Department records confirm that the report was classified as a “Lost Property” incident. It recorded that the complainant placed her dog on the ground to answer her phone. After a few minutes, she noticed that her dog was missing. It also recorded that she did not see anyone take her dog. The supplemental report described the complainant attending a police station with the security footage. The footage showed the dog running around by itself before an individual came over, picked up the dog, and walked away.

The evidence shows that since when the complainant first filed the police report, she did not mention or indicate that her dog was stolen. Therefore, the report was not classified as “Stolen Property.” Also, it is unclear from the footage the complainant provided if the individual stole the dog or rescued it as it was running loose unsupervised.

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:

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: 04/18/23 COMPLETION DATE: 10/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officers laughed at her when they came into her home.

The named officers denied laughing at the complainant. One officer admitted he had a brief nervous laugh due to being uncomfortable with the situation. That named officer stated he did admit to laughing when questioned by the complainant as he was trying to avoid an argument and wanted to focus on the reason the officers were at the complainant's address.

Body worn camera footage shows the named officer did make a noise that could be taken as a laugh. It was a short, quiet noise the named officer apparently made while looking at his colleague. The complainant can be heard asking the officer if he laughed, and the named officer admitted doing so.

The details of the alleged utterance are not recorded in Department records.

There is insufficient evidence to determine the intention of the officer, and the brief noise alone did not rise to the level of misconduct.

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

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

COMPLAINT DATE: 04/19/23 COMPLETION DATE: 10/16/23 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS # 1-2: The officers failed to receive a private person arrest (citizen arrest).

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers failed to arrest employees who illegally evicted him from his storage unit at a storage facility. The complainant requested a Citizen's Arrest.

The named officers stated that they responded to a call for service by the storage unit regarding the complainant not vacating the premises and causing a disturbance. The named officers spoke with the storage unit employees, who provided the complainant's name to the named officers and stated that they did not want to press charges - they wanted the complainant to leave. The named officers stated that the complainant had made a subsequent call to dispatch to report that the storage unit denied him access to his storage unit. The named officers explained that this incident was a civil matter, not a criminal one to the complainant. The officers stated that the complainant requested a citizen's arrest, but there was no probable cause to accept an arrest due to the lack of a crime.

Department records showed that the storage unit employee called dispatch regarding the complainant standing in their office and refusing to leave. The caller reported that the complainant had multiple violations, including smoking and painting on their premises. Additionally, the caller stated they offered the complainant a refund; however, the complainant refused it. The complainant called approximately 10 minutes later to report that the storage unit was refusing the complainant's access to his storage unit despite being a paying customer and that a court order needed to be made to keep the complainant out.

The body-worn camera footage showed the named officers met with the storage unit's employees, who explained that the complainant's storage unit was locked by management due to the complainant violating the terms of their service. Their manager would return the next day to unlock the storage unit as they had already left for the day and were the only person with a key. The complainant stood in front of an adjoining door that led to the entry of the storage facility staff. The complainant refused to leave because he believed the storage unit was illegally withholding his access to his storage unit.

Department General Order 5.04.04 (c) states, in the most relevant part, that officers are to determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, then the officer is to accept the private person's arrest and book or cite the individual as appropriate.

Given that the nature of the call was civil and not a criminal matter, there was insufficient probable cause to allow the officers to accept a citizen's arrest.

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

COMPLAINT DATE: 04/19/23 COMPLETION DATE: 10/16/23 PAGE# 2 of 2

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

SUMMARY OF ALLEGATIONS # 3-4: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: ICS/S

FINDINGS OF FACT: The officers failed to write an incident report when they responded to a call in which the complainant requested a Citizen's Arrest.

The named officers stated that they did not write an incident report for this incident due to them not having the complainant's information. The named officers did not have grounds to detain the complainant to obtain his information. Officer #1 asked the complainant for his ID card, but he decided not to provide it and walked out of the facility so the officer could not get his information to make an incident report. Officer #2 stated that the complainant could have a different last name on file at the storage facility, so the officers would need the complainant's information verified via an ID.

The body-worn cameras of the named officers showed that the officers did identify the complainant by his first name multiple times throughout the incident and were provided this information by the storage facility. Officer #1 requested the complainant's identification once the complainant refused to comply with the named officers' multiple orders to leave. The named officers did not attempt to inquire about the complainant's information any further once the complainant left.

Department General Order 5.04.04 (c) states in the most relevant part, "If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

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

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

COMPLAINT DATE: 04/20/23 COMPLETION DATE: 10/02/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer threatened to contact the complainant's Probation Officer if the complainant pursued the investigation of a domestic violence incident he previously reported.

The named officer recalled speaking to the complainant after reviewing the incident report and other supporting documents regarding the case. As part of the conversation with the complainant, the named officer explained to the complainant that he was concerned about possible restraining order violations that may have been committed by the complainant. Based on the named officer's training and experience (as a police officer and a former deputy probation officer), the contents of the incident report could be grounds for the revocation of the complainant's probation.

The named officer provided email correspondence between himself and the complainant. Per the email, the named officer followed up with the complainant to confirm the complainant wanted to withdraw his statement so that the department would cease any further actions. In response, the complainant wrote back, "Yes that is correct. As you reminded me, I am also a suspect in this case and an investigation could lead to my arrest and probation revocation. To avoid possible legal consequences for myself and my wife, I would like to not pursue this matter."

Department documents showed that the complainant made a report of domestic violence. The records also showed that the complainant obtained an Emergency Protection Order 11 days after the reported incident. However, at the time of the incident, the complainant was on probation and had a Criminal Protective Order against him from his partner.

The only body-worn camera footage available pertained to the complainant's interview with another member who took the initial report.

Department General Order 6.09.02(d) states that members shall not allow any of the following factors to influence their course of action during domestic violence incidents, including the victim's history of complaints. Additionally, Department General Order 2.01 Rule 15 requires that members shall be courteous on the telephone.

The phone call between the complainant and the named officer was not recorded, and there is no policy mandating that such conversation be recorded. Both the officer and complainant agree that a phone conversation occurred, but the officer denied threatening the complainant. Instead, the officer stated he

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/20/23 COMPLETION DATE: 10/02/23 PAGE# 2 of 2

explained the possible consequences to the complainant. The email exchange between the two corroborates the officer's account of the phone conversation. Therefore, on the balance of probabilities, 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: 04/21/23 **COMPLETION DATE:** 10/15/23 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant was sleeping in her room when her doorbell woke her. She buzzed open the entrance gate to her apartment building, and moments later, she heard knocking on her door. When she opened her door, she saw two officers and two health workers from the Department of Public Health. According to the complainant, the officers said somebody called about her swinging a bladed weapon. The complainant told the officers she was out on her porch making speeches, exercising her First Amendment rights. She told the officers she had a machete that was legal for her to carry and use when practicing karate on her porch. The complainant believed the officers showed up to take her to a psychiatric ward.

The named officers stated a supervisor from a district police station contacted them about the complainant's neighbors contacting police because of her disturbing and erratic behavior. The officers stated that they contacted the Comprehensive Crisis Services (CCS) of the Department of Public Health and requested a field visit to conduct a mental assessment of the complainant and check on her well-being. The officers said that, together with two clinicians from CCS, they talked to the complainant by the front door of her apartment. The officers stated that the complainant was never detained. The contact ended with the complainant refusing services offered by the clinicians.

One of the clinicians agreed that the officers neither detained nor had any physical contact with the complainant.

Body-worn camera videos of the incident showed that the complainant was not detained.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/21/23 COMPLETION DATE: 10/15/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer exhibited threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant called a district police station before filing her complaint and spoke with an officer. She told the officer to stop sending officers to her house. According to the complainant, the officer exhibited unprofessional conduct by threatening to send officers to her home to arrest her.

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

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COMPLAINT DATE: 05/01/23 COMPLETION DATE: 10/03/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officers laughed at him after they cited and towed his vehicle.

Records show that the complainant was cited by Named Officer #1, and his vehicle was towed by Named Officer #2 for parking in a red zone.

Body-worn camera footage showed the complainant's vehicle parked in a red zone and subsequently towed. The footage did not show the complainant's presence on the scene at any time. The footage showed that neither officer behaved or spoke inappropriately to anyone.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer issued him a citation without cause.

Records show that the named officer cited the complainant, provided a copy of the citation to the complainant's friend on the scene, and the complainant's vehicle was towed by another officer for parking in a red zone.

Body-worn camera footage showed the complainant's vehicle parked in a red zone and subsequently cited and towed.

San Francisco Transportation Code §7.2.25 states in the relevant part that a vehicle may not park in a red zone.

The officer did not violate the Department Policy.

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

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

COMPLAINT DATE: 05/01/23 COMPLETION DATE: 10/03/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #4: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer towed his vehicle without cause.

Records show that the named officer towed the complainant's vehicle for parking in a red zone.

Body-worn camera footage showed the complainant's vehicle parked in a red zone and subsequently cited and towed.

San Francisco Transportation Code §7.2.25 states in the relevant part that a vehicle may not park in a red zone.

San Francisco Transportation Code §3.3 gives the authority to the police to cite and/or remove a vehicle parked in a red zone.

The officer did not violate the Department Policy.

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

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

COMPLAINT DATE: 06/06/23 COMPLETION DATE: 10/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant called 911 to report his car stolen. He told dispatch operators that he was tracking his car online and knew the location. The complainant waited five hours for officers to respond before dispatch informed him that officers would not be able to help because the car was not registered in the complainant's name. The registered owners then called to report the car stolen. Two days later, an officer told the complainant that there was no record of an investigation and that they would need to report the car as stolen a second time.

DPA was unable to independently identify the officers based solely on information provided in the complainant's written statement, which did not describe the officers. The complainant and the registered car owners did not respond to multiple requests for additional information. DPA sent an identification poll to the district station asking for assistance identifying officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the officers cannot reasonably be identified.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/11/23 COMPLETION DATE: 10/27/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officer sided with his roommate in a dispute by encouraging them to get a restraining order against the complainant.

The named officer stated that he responded to a call for service regarding a roommate dispute. The named officer interviewed both parties involved in the incident. He also reviewed video footage taken by both parties. The complainant's roommate advised the named officer that he had unsuccessfully tried to resolve his issues with the complainant in the past. The roommate also reported that the complainant had previously sprayed him with an aerosol product. The named officer informed the complainant's roommate if he does not feel safe or believes that he is the one being harassed, to obtain a restraining order against the complainant. The named officer denied that he took sides during his investigation.

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

The evidence proved the named officer was professional and treated all parties involved fairly and equally.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/11/23 COMPLETION DATE: 10/27/23 PAGE# 2 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said the named officer inaccurately wrote in the incident report that he did not want to press charges. The complainant said he did not spray the aerosol product into the common area until after physical contact occurred with the complainant's roommate which was inaccurately reflected in the report as well.

The named officer stated that both involved parties were interviewed, and he reviewed video footage of the incident. The named officer stated that the complainant initially told him and his partner to speak with the complainant's roommate and to tell him to leave him alone. The named officer, from this statement, inferred that the complainant did not want to press charges. Later in the investigation, the named officer discovered that the complainant did want to press charges and accepted his citizen's arrest. The named officer provided a private person's arrest form to the complainant, accepted the signed copy, and drafted an incident report. The named officer stated that the incident report he drafted was complete and accurate.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statement he provided to DPA. DPA also obtained a copy of the incident report. The incident report was consistent with the named officer's BWC footage of the incident as well.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/11/23 COMPLETION DATE: 10/27/23 PAGE# 3 of 4

SUMMARY OF ALLEGATION #3: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer did not arrest his roommate.

The named officer confirmed the complainant requested to press charges and signed a private person's arrest form. The named officer did not make an arrest because he determined that there was not enough probable cause.

BWC footage and Department records indicated that the named officer considered all the evidence obtained during his investigation and appropriately used his discretion to determine that probable cause did not exist under the circumstances.

In the event a private person claims that a misdemeanor offense happened outside of an officer's presence, Department General Order 5.04.04(3) (Arrests by Private Person) requires officers to determine whether probable cause exists such that an arrest should be made.

The evidence showed that the named officer did not make an arrest during this incident. However, the named officer conducted an investigation and determined there was no probable cause. Therefore, he complied with Department policy.

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

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

COMPLAINT DATE: 06/11/23 COMPLETION DATE: 10/27/23 PAGE# 4 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said he requested to press charges and the named officer did not tell the complainant why an arrest was not made.

The named officer confirmed the complainant requested to press charges and signed a private person's arrest form. The named officer stated that he did explain to the complainant that there was not enough probable cause for him to arrest his roommate.

The named officer's BWC footage and the incident report were consistent with his statement he provided to DPA.

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

The evidence showed that the named officer complied with DGO 5.04.04(3). Additionally, the evidence showed that the named officer determined there was no probable cause to make an arrest and this was explained to the complainant.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/09/23 DATE OF COMPLETION: 10/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was rushed out of a station when trying to make a report on an alleged crime.

There are no SFPD documents of the complainant going to the station.

There is no body camera footage or surveillance footage of this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/23 **DATE OF COMPLETION:** 10/18/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: **ND** **FINDING:** **NF** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that he saw a marked SFPD vehicle run a red light at an intersection. The vehicle did not have its sirens or lights activated at the time. The complainant provided DPA with the vehicle number.

DPA identified the vehicle in question and the station it was assigned to. DPA obtained the equipment log for the day of the incident. The vehicle in question was not listed as being used that day.

Therefore, the officer could not reasonably be identified.

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

COMPLAINT DATE: 06/23/23 COMPLETION DATE: 10/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that they alerted the named officer to a blue vehicle that was trying to pass through a crowd participating in a march. The complainant stated that the named officer said, "That is just how it is going to be today with all the traffic you all are blocking." The complainant felt the named officer's response was inappropriate.

The named officer confirmed that he was assigned to work the march on the day in question. The named officer did not know anything about the reported vehicle, or the conversation alleged in this complaint. The named officer did not recall speaking with anyone other than the people who were stopped in traffic. The named officer stated he had no contact with any of the marchers.

DPA was unable to locate any additional evidence to support or refute the complainant's allegation.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/11/23 COMPLETION DATE: 10/25/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 10/12/23.

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 10/12/23.

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

COMPLAINT DATE: 07/21//23 DATE OF COMPLETION: 10/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 10/4/23.

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

COMPLAINT DATE: 07/21//23 DATE OF COMPLETION: 10/15/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 10/4/23.

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

COMPLAINT DATE: 08/04/22 COMPLETION DATE: 10/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant was shopping inside a shoe store when a store manager approached, said she was trespassing, and told her to leave. The complainant initially refused to leave. Although she was doing nothing wrong, three officers appeared and escorted her out of the store.

DPA was unable to independently identify the officers based solely on information provided in the complainant's written statement, which did not describe the officers. The complainant did not respond to multiple requests for additional information. DPA sent an identification poll to the district station in the area asking for assistance identifying officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when an investigation cannot be completed because the officers cannot reasonably be identified.

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

COMPLAINT DATE: 08/20/23 COMPLETION DATE: 10/27/23 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 10/25/23.

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

COMPLAINT DATE: 08/21/23 COMPLETION DATE: 10/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said an officer investigating a domestic dispute behaved aggressively and rudely toward her and her father. Officers were called because the complainant's younger sister did not want to move to her mother's home during a custody exchange. The named officer was dismissive about the incident and favored the mother.

Department of Emergency Management records showed that the mother called for police assistance to help enforce a custody order. She reported that her daughter hit and pushed her because she did not want to leave her father.

Body-worn camera footage showed that the officer behaved appropriately during the investigation. The officer met with the complainant's father to find out what happened. The father said he wanted a police report and a restraining order but refused to provide details or explain the reasons. The officer's tone was firm when she explained the services she was able to provide without any evidence of a crime having occurred. The officer then met with the complainant to find out what happened. The complainant accused the mother of committing a battery, explaining that the mother grabbed onto the juvenile daughter's arm to prevent her from leaving. The officer explained that preventing a young child from leaving home is not a battery and that no crime had occurred. The officer then helped mediate the dispute, which was resolved by the mother agreeing to let her child stay at her father's home an additional night, despite a custody agreement stating that the daughter should be with her.

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

Although the officer briefly used a firm tone, she maintained a professional demeanor and her behavior did not violate policy.

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

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

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

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: 09/05/23 COMPLETION DATE: 10/15/23 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: 09/14/23 COMPLETION DATE: 10/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant went to a district police station to report people following him around without reason. According to the complainant, the female officer he spoke with by the glass window refused to take his report, saying she was busy. The complainant returned to the station the following day and reencountered the same officer. The complainant said the officer was unhappy that he returned to the station. The officer gave him a form to fill out and walked away without taking his report.

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

Personnel at the station attempted to locate surveillance videos of the contacts, but no surveillance video recordings existed. The incident occurred over two weeks before DPA received the complaint. Therefore, the surveillance videos are likely no longer available.

The officer could not reasonably be identified.

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

COMPLAINT DATE: 09/21/23 COMPLETION DATE: 10/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 09/22/23 COMPLETION DATE: 10/31/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/SFMTA

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

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

COMPLAINT DATE: 09/27/23

COMPLETION DATE: 10/30/23

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant was at home when an officer unexpectedly knocked on his door to question him about a handwritten note left at a neighbor's apartment. The complainant denied writing the note. The complainant stated that the officer had a poor attitude and behaved rudely toward him. DPA contacted the complainant several times to obtain a recorded statement and additional information about the incident. However, the complainant did not respond or participate further in the investigation.

Department of Emergency Management records showed that the complainant's neighbor called 911 to report a threatening note. Body-worn camera footage showed that the officer met with the reporting party, who showed him a handwritten note and images of previous notes. The neighbor was concerned that the notes were threatening and escalating in seriousness. The latest note complained about noise, challenged the neighbor to a fight, and threatened that she would "never sleep again." The officer empathized with the neighbor, explained the difference between civil and criminal matters, and offered referral resources for civil neighbor disputes. The officer also offered to speak with the complainant as a courtesy, and the reporting party accepted.

The officer then met with the complainant. The officer asked the complainant if he or anyone living in the residence had written the note, which the complainant unequivocally denied. The officer explained that he was there as a courtesy to advise the complainant and his family that leaving notes perceived as threatening to others could potentially escalate to a criminal matter. He indicated that these issues should be resolved with their mutual landlord. The complainant became slightly agitated, shaking his head and moving away from the door as the officer spoke. The officer raised his voice and asked if he could finish what he was saying. The complainant told the officer not to yell at him and then allowed him to finish speaking. The officer provided the complainant with resources for resolving civil disputes and left.

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

The evidence showed that the officer acted in a professional manner. The officer briefly raised his voice to be heard as the complainant walked away from him. When the complainant objected, the officer lowered his voice. The officer's tone was stern but did 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
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/27/23 COMPLETION DATE: 10/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 09/28/23 COMPLETION DATE: 10/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/04/23 COMPLETION DATE: 10/09/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1 / IAD

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

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

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

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

CHP Office of Internal Affairs
601 North 7th Street
P.O. Box 942898
Sacramento, CA 94298

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

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/10/23

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/13/23 COMPLETION DATE: 10/25/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

California Department of Alcohol Beverage Control
Attn: Enforcement Department
33 New Montgomery Street
San Francisco, CA 94105

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

COMPLAINT DATE: 10/16/23 COMPLETION DATE: 10/24/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/17/23 COMPLETION DATE: 10/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

San Francisco Police Department
Academy Pistol Range
700 John Muir Drive
San Francisco, CA 94132

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

COMPLAINT DATE: 10/24/23 COMPLETION DATE: 10/31/23 PAGE # 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

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