

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

COMPLAINT DATE: 11/05/20 **COMPLETION DATE:** 11/03/23 **PAGE# 1 of 5**

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

CATEGORY OF CONDUCT: UA

FINDING: IC(S)

FINDINGS OF FACT: Following a traffic stop, the named officer issued the complainant a parking citation by mail. The complainant stated that the parking citation was issued without cause. The complainant was driving when the named officer used his siren, blocked her vehicle, and admonished her regarding her driving. The complainant felt that she "could not go" during the encounter and denied parking her vehicle.

The named officer said that he used his horn and siren to get the complainant's attention, at which point the complainant noticed him and stopped her vehicle. The named officer then questioned the complainant about her driving. The named officer mailed the complainant a parking citation for violating California Vehicle Code Section 22500 ("double parking") after their encounter. The named officer explained that he used the double-parking code section because he believed the complainant was "impeding the flow of traffic" when she stopped her vehicle next to his.

California Vehicle Code Section 22500 prohibits stopping or parking on a roadway "except when necessary to avoid conflict with other traffic or *in compliance with the directions of a peace officer.*" (Emphasis added.)

The complainant stopped her vehicle when the named officer activated his siren. Because the complainant was complying with the directions of a peace officer, she was not in violation of California Vehicle Code Section 22500; therefore, the named officer had no cause to issue her a citation for "double parking."

A preponderance of the evidence proved 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: 11/05/20 COMPLETION DATE: 11/03/23 PAGE# 2 of 5

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

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The investigation revealed several failures to comply with Department policy and state law. The named officer conducted the traffic stop in an unmarked car and did not call for a marked unit to take over his traffic enforcement action. The officer did not notify Dispatch of the traffic stop and did not complete the required data entry following the stop.

The named officer acknowledged that officers are not permitted to make traffic stops in unmarked cars without radioing Dispatch to request a marked backup unit. The named officer denied that the encounter was a traffic stop but admitted using his siren to get the complainant's attention, at which point the complainant noticed him and stopped her vehicle.

California Vehicle Code Section 40800(a) requires officers conducting traffic enforcement to use vehicles that are painted a "distinctive color."

Department General Order 1.03 requires officers to "[n]otify the Communications Division when an on-view incident or a station assignment makes them unavailable for other assignments."

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."

SFPD Department Notice 20-141, Stop Data Collection System (SDCS), requires members to record and submit data for all stops, including vehicle stops.

The evidence established that the named officer conducted a traffic stop when he activated his siren, stopped his unmarked vehicle next to the complainant's vehicle, and admonished her about her driving. The complainant yielded to the officer's commands and felt that she "could not go" during the encounter. A reasonable person in these circumstances would feel that they were not free to leave and that they were being detained for a traffic stop.

The named officer violated Department policy and California law when he conducted a traffic stop without calling for a marked unit, notifying Dispatch of his whereabouts and activity, and submitting the required data after the stop.

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

COMPLAINT DATE: 11/05/20 COMPLETION DATE: 11/03/23 PAGE# 3 of 5

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

FINDINGS OF FACT: The named officer issued a parking citation to the complainant using another officer's star number and an altered signature.

The named officer admitted issuing a parking citation to the complainant using another officer's star number. The named officer believed he did this in error and was in a rush to go home because he had been awake for 24 hours at the time of the incident. The named officer said that he worked the night shift at the time, so he would usually have been asleep at the time of the incident. The named officer guessed that because he was so tired, he mistakenly wrote the time his girlfriend was supposed to come over on the citation. The officer said he routinely uses an altered signature on public documents to protect his identity.

Department records confirmed that the named officer issued a parking citation using another officer's star number. Department records indicated that the named officer did not work the night before this incident and that he had a full day off the day before.

In this case, the named officer's attempt to utilize his work schedule to justify or explain his conduct was unreasonable. If the named officer had been awake for 24 hours at the time of the incident, it was not because he had been working the night before, as he implied. Officers are not permitted to hide their identities on public documents.

A preponderance of the evidence proved 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: 11/05/20 COMPLETION DATE: 11/03/23 PAGE# 4 of 5

SUMMARY OF ALLEGATION #4: The officer engaged in conduct unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

FINDINGS OF FACT: The named officer engaged in a road rage incident with the complainant and issued the complainant a parking citation in retaliation.

The named officer stated that he admonished the complainant for her poor driving during their first encounter and that the complainant responded by yelling at him. Following that initial hostile encounter, the named officer described engaging in two additional hostile verbal exchanges with the complainant as they continued driving on the same street. When he returned to the district station, the named officer's supervisor informed him that the complainant had called to complain about the incident. The named officer stated that he thought about "how to handle the situation with [the complainant]" and "believed it was the right thing to do to give her a parking ticket."

Evidence showed that the named officer engaged in a heated verbal exchange with the complainant on at least three separate occasions as they drove down the street. Evidence showed that the named officer initiated a traffic stop on the complainant and then decided to issue her a citation for stopping. The named officer decided to cite the complainant only after his supervisor informed him that she had called to complain. Then he issued the citation using another officer's star number and an illegible signature.

The evidence showed that the named officer's motivation for issuing the citation was purely retaliatory. By engaging in a road rage incident with the complainant and issuing her a parking citation in retaliation, the named officer engaged in conduct that reflects discredit upon the Department and constitutes conduct unbecoming an officer.

A preponderance of the evidence proved 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: 11/05/20 COMPLETION DATE: 11/03/23 PAGE# 5 of 5

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

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

The named officer stated that he did not recall issuing the parking citation and believed another officer issued the citation.

Another officer admitted to issuing the complainant's parking citation and writing the named officer's star number on the citation.

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

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

CATEGORY OF CONDUCT:

FINDING: IO1/IAD

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/21 **DATE OF COMPLETION:** 11/26/23 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated she was a passenger in a vehicle involved in a conflict with another vehicle. She stated the named officer grabbed her aggressively by the arm and “slammed” her to the ground, causing her pain and injury.

The named officer stated he detained the complainant because she was involved in an assault with another party involving pepper spray. He stated the complainant was not cooperative, so he placed his hand on the complainant’s arm with minimal pressure as the complainant was actively trying to pull away. The named officer stated the complainant became irate, threw herself onto the ground, and began to flail her limbs aggressively. He stated that the complainant’s movements were concerning because she could hit her head on the ground. He immediately grabbed the complainant’s leg, rolled her onto her stomach, and placed her in a position to control her movements. He stated he placed his knee along the back of the complainant’s right thigh and positioned his left knee on the ground while holding her right hand in a rear wrist lock to prevent her from moving and hurting herself further. The named officer denied using excessive or unnecessary force on the complainant.

Witness Officer #1 stated he was approximately 20 to 30 feet away from the named officer and did not observe the named officer detain the complainant. He stated he heard the complainant argue with the named officer, who attempted to de-escalate the situation. He heard the complainant say, “Stop hurting my arm.” However, he did not observe the named officer use any action that he felt would have caused injury. Witness Officer #1 stated that when he was updating the supervising officer on the incident, he saw the complainant drop to the ground, appearing to do so of her own volition. He stated that he saw the named officer bring the complainant from a seated position to a prone position (on her stomach). He heard the complainant scream, “What are you doing?” and yell that she had not done anything wrong. Witness Officer #1 stated the constant screaming and yelling was an indication that the complainant was continually resisting lawful detention during an investigation. Witness Officer #1 observed the named officer kneeling over the complainant on the complainant’s waist and upper thigh area while she was on the ground in handcuffs. He did not see the named officer place any pressure near the complainant’s neck or face area. He stated the complainant complained of pain in her right arm and continued to scream loudly. Witness Officer #1 asked the named officer the nature of the complainant’s injury and whether he was able to alter the complainant’s position to reduce the continued yelling and screaming. The named

officer replied that the complainant’s continued yelling was due to the complainant hitting her head when she threw herself on the ground. The witness officer stated that when the complainant spoke to the supervising officer, the complainant was not complaining of pain. The complainant refused transportation to the hospital. He does not believe the named officer used excessive force.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/21 DATE OF COMPLETION: 11/26/23 PAGE# 2 of 3

Witness Officer #2 stated he did not observe the complainant taken to the ground by the named officer as he was assisting another officer with a suspect at that time. He did not believe the named officer used excessive force on the complainant. He heard the complainant complain of pain in her arm but did not observe any visible injuries.

The incident report indicates that the complainant was a passenger in a suspect vehicle involved in a road rage incident involving pepper spray. The complainant was detained and handcuffed by the named officer as part of the investigation. The complainant was uncooperative and refused to follow lawful orders when asked to stand against a pole. The named officer placed his hand on the complainant's arm with minimal pressure because the complainant continuously paced and pulled away. The complainant was irate and yelling when the complainant suddenly threw herself backward on the ground, possibly hitting her head on the concrete. In an effort to prevent the complainant from further hurting herself, the named officer took control of the complainant's legs, rolled her onto her stomach, placed a knee on the complainant's right thigh, and held her hand in a rear wrist lock. The complainant continued to yell and scream and complained that she had pain in her arms. The named officer did not observe any physical injuries as a result of the handcuffing, control hold, and self-inflicted fall to the ground. An ambulance was summoned, and the complainant, who refused to be transported to the hospital, was medically assessed. The complainant was released from detention, issued a certificate of release, and left the scene.

The Certificate of Release shows Witness Officer #1 released the complainant from the scene.

The Use of Force Evaluation Form indicates the named officer reported using force (physical control hold/take down) where the complainant complained of pain. The reason noted for the use of force was to effect lawful detention, overcome resistance or prevent escape, and gain compliance with a lawful order. The supervising officer found that the force used was within Department policy and indicated that the supervising officer came to that conclusion by reviewing the incident report, body-worn camera footage, and being on the scene.

Photos taken at the scene show two slight scrapes, without blood, on the complainant's left arm.

The complainant failed to provide DPA with requested medical records.

Body-worn camera (BWC) footage showed the named officer placing the complainant into handcuffs after the complainant was involved in a road rage incident involving pepper spray. The named officer gave the complainant the option to sit or stand. The complainant chose to stand. When the named officer directed the complainant to stand next to a telephone pole, the complainant became defiant. The complainant refused to stand against the telephone pole as directed and began yelling at the named

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/21 DATE OF COMPLETION: 11/26/23 PAGE# 3 of 3

officer, whereby the named officer held the complainant by the arm to contain the complainant by the pole. The complainant continued to refuse to comply and made racist statements directed toward the named officer. The named officer eventually took his hand off the complainant's arm and told the complainant to stand against the pole. However, the complainant moved away from the pole again. The named officer then took control of the complainant's arm again, and when he did so, the complainant began to scream. The complainant then appeared to lower herself to the ground and continuously yelled for the named officer to stop touching her. The complainant fell back of her own volition, causing the named officer to place his hand behind the complainant's neck to break the fall. It did not appear the named officer pushed the complainant to the ground. When the complainant landed on the ground, she did not complain of pain. The complainant then bent her legs, appearing to attempt to stand, however, the BWC footage is unclear. The named officer turned the complainant on his stomach. The complainant was handcuffed with her hands behind her back. The complainant continued to scream. Another officer, interacting with the other suspect a distance away, heard the complainant screaming and asked the named officer to ease up. The named officer explained that the complainant threw herself on the ground, and he placed the complainant on her stomach to prevent the complainant from further injuring herself. The complainant stated her bones hurt and that she was going to sue. A supervising officer asked the complainant if she required medical care, and she replied that she would like to be assessed because the named officer put bruises all over her skin. An ambulance arrived. However, the complainant refused to be transported to the hospital.

Department General Order 5.01 (Use of Force) states in the relevant part that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, officers must use the minimum amount of force necessary to accomplish their lawful purpose.

The evidence shows that the complainant failed to comply with multiple orders the named officer gave her. Body-worn camera footage does not show the named officer pushing the complainant to the ground but appears to show the complainant falling to the ground of her own volition. The footage also shows the named officer attempting to break the complainant's fall by placing his hand behind the complainant's neck. Based on the evidence, the named officer did not use excessive force and violate 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: 04/28/22 COMPLETION DATE: 11/07/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant called the police to assist in a dispute with their neighbor in which they felt unsafe. They alleged that the responding officer acted aggressively and offensively toward them, worsening the situation.

The named officer stated that the complainant was visibly upset when they arrived on the scene of the dispute. They said the complainant spoke to them in a loud, high-pitched voice. They told the complainant to talk to them in a calm voice so they could resolve the matter. The officer said they separated both parties and attempted to mediate the situation.

The responding officer that provided backup at the scene arrived after the alleged interaction. The complainant did express their disappointment at the named officer's behavior to the backup officer.

The named officer located a witness to corroborate their demeanor with the complainant, but that witness later became unavailable to provide information.

The body-worn camera footage from the incident did not capture the initial interaction that the complainant alleged occurred.

Department General Order 2.01, General Rules of Conduct, states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The insufficient body-worn camera footage and the lack of additional information from a witness made DPA unable to come to a determination by a preponderance of the evidence.

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

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

COMPLAINT DATE: 04/28/22 COMPLETION DATE: 11/07/23 PAGE# 2 of 2

SUMMARY OF DPA-ADDED ALLEGATION #1-2: The officers failed to activate their body-worn camera.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, DPA found that both named officers failed to activate their body-worn camera as required.

Department General Order 10.11 require members equipped with body-worn cameras to activate them to record detention and arrests. Furthermore, Department Bulletin 20-175 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording prior to approaching the person, vehicle, and location.

Both named officers activated their body-worn camera after arriving at the scene of the dispute and speaking to involved parties.

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: 11/04/22 **COMPLETION DATE:** 11/27/23 **PAGE# 1 of 9**

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

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

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

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

A witness officer stated that he was about to grab the individual when the latter ducked and fell to the ground, landing either on his head or upper shoulder. He said that he and the named officer grabbed him from the ground and returned him to the transport vehicle. After reviewing his body-worn camera footage, the witness officer acknowledged that the named officer held the suspect's head against the concrete floor for several seconds. He said officers should refrain from doing that unless it is justified. DPA interviewed a Subject Matter Expert (SME) pertaining to the use of force in this incident. The SME stated, after reviewing the videos, that the named officer's act of pushing the person's head against the concrete floor was unnecessary and not in policy because the latter was already on the ground in handcuffs and had repeatedly apologized. He said the person was in a fetal position and offered no

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 2 of 9

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

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

5.01.02 POLICY

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

5.01.03 DEFINITIONS

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

5.01.07 FORCE OPTIONS

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

1. PURPOSE - When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.
2. USE - Officers shall consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, officers shall consider requesting additional resources to the scene prior to making contact with the subject, if feasible. Different physical controls involve different levels of force and risk of injury to a subject or to an officer. Some physical controls may actually involve a greater risk of injury or pain to a subject than other force options.
4. PROHIBITED USE OF PHYSICAL CONTROL TO HEAD, NECK AND THROAT –

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 3 of 9

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

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

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

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 4 of 9

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

CATEGORY OF CONDUCT: UF

FINDING: IE

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

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

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

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

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 5 of 9

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

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

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

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

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

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 6 of 9

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

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

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 7 of 9

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

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

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

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

5.01.08 USE OF FORCE REPORTING

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 8 of 9

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

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

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

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

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

COMPLAINT DATE: 11/04/22 COMPLETION DATE: 11/27/23 PAGE# 9 of 9

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

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

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

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

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 11/07/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant alleged that the named officer conducted an illegal pat search of their client during a detention for suspected narcotic sales and possession of an open container of beer.

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

During his DPA interview, the officer acknowledged he pat searched the subject for weapons, believing that officers can always conduct a pat search for weapons when the crime under investigation is for drug dealing. The officer stated that his belief was based on case law, relying on two articles he read from a local publication, not distributed by the Department. The officer stated they had a reliable witness who described the hand-to-hand drug transaction and identified the two subjects involved.

Body-worn camera (BWC) footage shows the named officer conducting a pat search for weapons of a male subject detained for a suspected narcotics sale and an open container of beer.

The court record of the preliminary hearing showed that the named officer underwent direct and cross-examination. At the preliminary hearing in the criminal case, the named officer testified that based on his understanding and experience, anytime someone is accused of being a drug dealer, the courts have allowed, for officer safety reasons, cursory pat searches for weapons because weapons and narcotics sales typically tend to go hand in hand. After concession from the prosecutor that the search was problematic, the Judge granted the suppression motion and the case was dismissed. The judge found that there was reasonable suspicion to stop the complainant's client and his friend and engage them in conversation. However, the law is very clear that a pat search, or any Fourth Amendment encounter, has to be based on particularized individual circumstances and not on a categorical approach. The named officer did not articulate anything specific in this incident that made him concerned for his or his partner's safety during the contact with the two subjects.

San Francisco Police Department General Order 5.03 states: "E. Reasonable Suspicion to Conduct a Pat Search - A pat search allows officers to safely pursue their investigation without fear of violence, not to discover evidence of a crime. Two conditions must be met before a pat search is permitted:

- 1.The underlying detention must be legal.
- 2.The officer must be able to point to specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger."

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 11/07/23 PAGE# 2 of 4

In this instance, the detention was legal. Still, the named officer chose to rely upon a legal article from another jurisdiction as authority to justify the pat search he conducted on the complainant's client rather than the guidance provided in the Department's General Order regarding investigative detentions and pat searches. The officer did not have reasonable suspicion to believe the subject was armed and dangerous, which would justify conducting a pat search of the complainant's client for weapons.

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 failed to comply with Department General Order 5.20 Language Access Services for Limited Proficient (LEP) Persons.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that at the preliminary hearing for the criminal case, the named officer admitted that despite being familiar with the language access policy outlined in DGO 5.20, he refused to follow it during his encounter with the complainant's client.

The named officer denied he "refused" to follow the Language access policy and stated he complied with the policy. The officer utilized the Department's Language Line and conducted a 45-minute interview with the complainant's client at the station via Language Line Services. He had brief contact with the subject at the scene. A Spanish-speaking officer was requested through Dispatch to respond to the scene, but no one was available to respond. He did not question the subject at the scene and transported him to the station to use Language Line. He knew the subject's primary language was Spanish. The named officer grew up in a Spanish-speaking household and explained he did not need to display the language card to the complainant's client to have him identify what language he spoke. The officer said he recognized the complainant's client spoke Spanish. The client did not request an interpreter. The named officer stated he did not utilize Language Line at the scene because he needed to conduct a cold show. After the named officer determined probable cause to place the subject under arrest, he would not talk to the client at the scene. The client was already under arrest, and without a *Miranda* warning, the named officer could not talk to him. The subject understood what was happening, and the officer said he was not concerned about any lack of communication. Once the probable cause arose, he knew he would need a translator. When asked about the drugs the officer found in his pockets, the subject responded to him in English.

The body-worn camera (BWC) footage captures the named officer approaching two males standing on the sidewalk. The named officer asks how they are doing, if they speak English, and where they are from. The male on the right responds, and the named officer says, "Little bit." The named officer asks the complainant's client if he is on probation or parole, and he responds by shaking his head no and responds,

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 11/07/23 PAGE# 3 of 4

"No." The named officer conducts a pat search of the subject. During the search, the named officer asks the subject, "Drogas?" The subject responds, "Yeah." The named officer tells his partner to get a Spanish translator. The named officer's partner is heard over the radio requesting a Spanish translator in the district. Dispatch advises they are still trying to get a Spanish-speaking officer to respond and later that no one is available. The named officer conducts a cold show with the reportee/witness, who positively identifies the subject as involved in a drug transaction. The subject is transported to the police station, where the named officer uses his cell phone to contact Language Line and interviews the subject using a Spanish-speaking interpreter.

Computer Aided Dispatch (CAD) records are consistent with what was captured in the BWC.

When performing law enforcement functions, San Francisco Department General Order 5.20 Language Access Services for Limited English Proficient (LEP) Person requires officers to provide free language assistance to LEP individuals they encounter or whenever an LEP person requests language assistance services.

The named officer immediately identified that the subject's primary language was Spanish. The BWC shows the subject did not request language assistance services. The named officer promptly asked his partner to request a Qualified Bilingual Member (QBM) respond to the scene. The officer's partner requested a QBM via dispatch, but one was unavailable. The named officer conducted a Cold Show, then transported the subject to the station where he utilized a Language Line interpreter to *Mirandize* and interview the subject. The named officer substantially complied with the requirements of DGO 5.20.

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 or seizure.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: During the investigation, DPA found that the named officer conducted an improper search for weapons on the detainee.

The named officer acknowledged he pat searched the detainee for weapons, believing that officers can always conduct a pat search for weapons when the crime under investigation is for drug dealing. The officer stated his belief was based on case law, relying on two articles he read from a local publication not distributed by the Department. The named officer stated they had a reliable witness who described the hand-to-hand drug transaction and identified the two subjects involved.

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

COMPLAINT DATE: 12/22/22 COMPLETION DATE: 11/07/23 PAGE# 4 of 4

The body-worn camera (BWC) footage showed the named officer pat-searched a detained person without cause after being told to do so by his partner.

DGO 5.03 states:

"E. Reasonable Suspicion to Conduct a Pat Search - A pat search allows officers to safely pursue their investigation without fear of violence, not to discover evidence of a crime. Two conditions must be met before a pat search is permitted:

1. The underlying detention must be legal.
2. The officer must be able to point to specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger."

In this instance, the detention was legal. Still, the named officer chose to rely upon a legal article from another jurisdiction as authority to justify the pat search he conducted on a detained person rather than the guidance provided in the Department's General Order regarding investigative detentions and pat searches. The officer did not have reasonable suspicion to believe the subject was armed and dangerous, which would justify conducting a pat search of the complainant's client for weapons. 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: 01/04/23 COMPLETION DATE: 11/16/23 PAGE# 1 of 4

SUMMARY OF ALLEGATIONS # 1-2: The officers detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: An anonymous complainant stated that officers pointed guns at an individual sitting in a parked car for no reason.

Department records indicated that the parked car had a felony seizure order. Because the vehicle was associated with a felony, officers followed procedures for a high-risk traffic stop by requesting backup before approaching the car. Body-worn camera footage showed that officers pulled out their firearms only after the individual disobeyed orders to stay inside his car. Once outside the car, the individual was argumentative and disobeyed multiple orders to stay outside of the car and keep his hands visible.

Department General Order 5.01, Use of Force, allows officers to use reasonable force to detain an individual or to gain compliance with a lawful order. Officers may draw and point their firearms under potentially life-threatening circumstances.

One officer said he drew and pointed his weapon at the individual because the individual ignored orders and because his hands were not visible. A second officer said he pointed his firearm at the driver for his own safety and the safety of other officers at the scene because the driver got out of his car without warning and because the car was a wanted vehicle associated with a felony.

The officers had reasonable suspicion to detain the individual because he was sitting in a car that was subject to a felony seizure order. The officers did not know the nature of the felony at the time of the initial detention and approached the car with caution. Before the officers could verify the type of felony associated with the seizure order, the complainant disobeyed orders to stay in his car and keep his hands visible. The officers' belief that the individual could use deadly force was reasonable and justified drawing and pointing firearms.

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

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

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 11/16/23 PAGE# 2 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: An anonymous complainant stated that officers shot the individual twice in the leg, even though he followed orders to get out of his car and hold his hands in the air.

Body-worn camera footage showed that the named officer used force after the individual disregarded a series of orders. Multiple officers repeatedly ordered the individual to stay in place and keep his hands visible. One officer warned the individual that he would be shot with a beanbag firearm if he disobeyed orders. The individual then moved to reenter his car. As he reached back into the car, the named officer discharged his beanbag firearm one time. The officer ordered the individual to show his hands and get on the ground. The individual faced the officer and shouted but did not lie on the ground. The officer gave three warnings and then fired a second beanbag ammunition round. The individual got on the ground, but then moved to get back up. The officer discharged a third beanbag round. The individual stopped moving and officers moved in to restrain him using handcuffs.

Department General Order 5.01, Use of Force, authorizes officers to use force in self-defense, in defense of others, and to overcome active resistance, which includes physically evasive movements.

The officer's use of a beanbag firearm complied with Department policy. The individual was actively resisting officers' orders and presented a safety threat when he reached back into his car. The officer warned the individual that he was going to use his "less lethal" beanbag ammunition, and the officer appropriately stopped and reassessed the need for force after each shot.

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

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

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 11/16/23 PAGE# 3 of 4

SUMMARY OF ALLEGATION # 4: The officer failed to provide his name or star number.

CATEGORY OF CONDUCT: CVO

FINDING: PC

FINDINGS OF FACT: The anonymous complainant stated that the named officer failed to identify himself and failed to provide a star number.

Department General Order 2.01, General Rules of Conduct, requires officers to promptly and politely identify themselves upon request.

Body-worn camera footage showed that the individual did not ask any officer for their name or star number.

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

SUMMARY OF ALLEGATION # 5: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The anonymous complainant stated the individual was cited for resisting and delaying an arrest, even though the individual did not try to escape.

The officers properly detained the individual to investigate a car with a felony seizure order. The individual was required to comply with officer orders during the investigation. Resisting, delaying, or obstructing a police officer from performing their duties is a misdemeanor. (Penal Code § 148 (a)(1).) Body-worn camera footage showed that the individual willfully delayed the investigation by not following the officer's orders. A citation for resisting and delaying was therefore appropriate. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 01/04/23 COMPLETION DATE: 11/16/23 PAGE# 4 of 4

SUMMARY OF ALLEGATION # 6: The officer failed to comply with Department Bulletin 21-062, Stop Data Collection System (SDCS) Update.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer failed to collect traffic stop data as required under Department Bulletin 21-062, Stop Data Collection System (SDCS) Update.

The department bulletin requires officers to submit data documenting traffic stops and detentions through the Department of Justice SDCS web portal.

The officer could not recall if he completed the required data entry.

Department records showed that the named officer did not submit the data as required.

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: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 8

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In an online complaint, the complainant stated that his friend was arrested for being drunk in public. The complainant did not respond to DPA's request for an interview. The co-complainant stated that officers told him he was drunk and acted disorderly in public.

The named officer stated she detained and arrested the co-complainant due to his level of intoxication and being drunk in public. The named officer told the co-complainant he was being detained. The co-complainant was transported to County Jail and released when he was sober.

The named officer's partner stated that the co-complainant was detained after interfering with the police investigation, and he appeared intoxicated.

A witness officer stated he believed the co-complainant met the criteria for Penal Code Section 647(f) Drunk in Public. The co-complainant was slurring his speech, did not listen to commands, and appeared unable to care for himself.

A second witness officer stated he assisted with the detention of the co-complainant and transported the co-complainant to jail for being intoxicated in public. The second witness officer stated he believed the co-complainant met the criteria for Penal Code Section 647(f) Drunk in Public because he was slurring his speech, smelled of alcoholic beverages, was not listening to commands given by officers, and was unable to care for himself.

A third witness officer stated he assisted in transporting the co-complainant to jail, and his contact with the co-complainant was brief. The third witness officer stated that the co-complainant's demeanor was uncooperative.

A fourth witness officer stated that when she arrived on the scene, she observed multiple officers already on the scene trying to sort out the situation with two intoxicated people. One male was shirtless and bleeding from the face. The fourth witness officer described the co-complainant's demeanor as "very intoxicated" and stated that the co-complainant kept interrupting the investigation.

The Body-worn camera (BWC) footage shows that the complainant and co-complainant were highly intoxicated and unable to care for themselves. The BWC footage corroborates the officers' statements of the incident. Officers repeatedly gave lawful orders to the co-complainant to let go of the complainant and stand to the side. The co-complainant ignored the officers' orders. One officer on scene was attempting to

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 8

get the co-complainant's information, and the co-complainant walked away from the officer and grabbed the complainant as officers were interacting with the complainant, which led to a physical struggle between the complainant, the co-complainant, and multiple officers.

The CAD shows officers responded to an A priority call for service of a fight with no weapon at 1:28 am.

The San Francisco Sheriff's Office Field Arrest Card and Certificate of Release document that the co-complainant was transported to jail at 2:00 am. The co-complainant was released at 5:20 am, when sober. The charge was a misdemeanor Penal Code section 647(f) – Public Intoxication.

The incident report documents that the complainant was the victim of an assault, and the co-complainant was detained for violation of Penal Code section 647(f). The report states that both parties were making incoherent statements and yelling. Both parties were noted to have an unsteady gait, watery red eyes, and the odor of alcohol emanating from their breath, which was all indications that they were intoxicated and drunk in public. Based on their behavior, the reporting officer determined that the co-complainant was drunk in public and unable to care for himself. A sergeant approved the charges.

California Penal Code section 647(f) states: "Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: (f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way."

Department General Order 5.06 Citation Release states, "It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offences. B. MISDEMEANOR EXCEPTIONS. If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists: 1. The person is so intoxicated that he/she could be a danger to self or to others. 2. The person is unable to care for his/her safety."

The evidence shows that the named officer correctly determined that the co-complainant was drunk and acted disorderly in public and unable to care for himself, which is a violation of Penal Code section 647(f). In this instance, the named officer detained and arrested the co-complainant for a misdemeanor offense of 647(f), which required the named officer to make a custodial arrest because of the co-complainant's level of intoxication and his inability to care for his own safety.

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

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 3 of 8

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant did not cooperate with the investigation and could not be interviewed. The complainant stated in an online complaint that he was assaulted by a group of men outside of a bar in the early morning hours. The complainant stated that the named officer allowed the subjects to leave the scene and did not arrest them after the complainant told the officer they were the people who assaulted him.

The named officer stated she did not arrest the suspects who assaulted the complainant because they were not on the scene. An investigation was conducted at the scene, and the officers could not identify any suspects.

A witness officer stated he did not speak to any of the occupants in the vehicle that remained at the scene. He did not know why they were allowed to leave as he did not speak with the vehicle's occupants.

A second witness officer stated that no suspects were identified at the scene. The five people in the vehicle were allowed to leave the scene because it was determined they were not involved in the assault of the complainant.

A third witness officer stated he did not recall if any suspects were identified at the scene.

A fourth witness officer stated that no suspects were identified at the scene. The complainant repeatedly stated it was someone with "Justin Bieber hair." The fourth witness officer spoke with one of the females seated in the vehicle's back seat. The female told her their vehicle was stopped at the red light, and they saw a group of unknown people fighting and did not know why they were fighting. The female could not provide any description of the suspect. The people inside the vehicle were allowed to leave because they were not involved in the incident. The people in the vehicle were witnesses and not suspects.

A fifth witness officer stated he responded as a backup officer, and when he arrived on the scene, he observed that the complainant was shirtless and appeared to be being held back by his friend. The fifth witness officer later spoke with the complainant and tried to get the story of what had happened, and the complainant continuously stopped speaking to him to berate the female officers on the scene. The fifth witness officer did not speak to any of the occupants in the vehicle who remained at the scene and did not know why they were allowed to leave.

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 4 of 8

The named officer's body-worn camera (BWC) footage captures the complainant standing on the corner shirtless, being held by his friend. The complainant is yelling and pleading with officers, "Please pull them over before you pull me over!" He points to a sedan that is stopped in the crosswalk. The right-front male passenger (older white male) with a European accent (not British) tells the named officer they were driving by and saw men fighting and told them to stop. The five occupants in the vehicle showed no visible signs of being in a fight. The male passenger in the front passenger seat says he saw the other people run in the direction behind him, pointing in the direction they went. The vehicle has two females and one male seated in the back seat and two males in the front (all are older adults (40s to 50s, conservatively dressed). The female in the right rear passenger seat says they were stopped at the traffic light and saw people fighting, gesturing towards the complainant. The named officer communicates to other officers on the scene that the people in the car are "unrelated." The named officer asks the vehicle's occupants if they can describe the people involved in the fight. The driver responded that there were three guys and one girl and said one of the guys had a ponytail. The complainant continues to insist that the attackers are the people in the car. The co-complainant says, "It's them," and he watched them enter the car. The named officer and a second officer on the scene used flashlights and asked all five passengers in the vehicle to show them their hands. All five passengers promptly complied. Their hands are visible, and there is no indication of them being involved in a fight, as described by the complainant. The named officer obtains the name and number of the right front passenger and tells the passengers they can go. The named officer asks the complainant to describe just one of them. The complainant said one male was blonde and got into that car. The named officer tells him five people are in that car and asks which one did it. The complainant does not answer.

Additional BWC footage captures an officer on the scene telling the complainant that the passengers in the car were not involved in the fight. An officer on scene speaks to the bouncer at the bar and asks if there was a fight inside. The bouncer tells him, "No," and that it was outside, pointing to the sidewalk towards the hotel. The bouncer says, "We came out, and some people were trying to come in, and stated the complainant was talking smack to some "bro," and they went that way. He was talking smack to that whole group, and they took him out that way, and he didn't know what happened exactly, and he came back down without his shirt. The bouncer stated the complainant was "just drunk as hell in here. He came out, and the group was coming in. He came out and started bumping heads with the whole group."

Another officer's BWC captures the co-complainant, saying three men punched the complainant at once. The complainant then tells officers, "Eight of them beat me up." The complainant says if they show him a picture, he can recognize one of them, then says there are probably two people he would recognize. The complainant says one had blonde hair and an "English accent." An officer tells the complainant that none of the car occupants had blonde hair or an English accent.

The named officer and other officers on the scene conducted a thorough investigation. The named officer spoke to the vehicle's five occupants and asked them to remain on the scene. The named officer looked at their hands and saw no evidence that the five individuals had been involved in the assault described by the

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 5 of 8

complainant. Moreover, the vehicle's occupants did not match the description of the suspects described by the complainant and co-complainant. The desk clerk at a hotel and the bouncer at the club were also interviewed. The named officer correctly determined that the vehicle's five occupants witnessed the fight and not the involved suspects. Thus, the named officer had no probable cause to arrest the vehicle's occupants and allowed the parties to leave.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant did not cooperate with the investigation and could not be interviewed. In an online complaint, the complainant wrote, "This whole incident felt incredibly racist. The six white guys who beat me were free to go, and I, the black man, was considered for jail but then taken to a hospital." The complainant identifies as black and stated he felt that the officers let the six assailants leave because they were white. The complainant provided no articulable facts or evidence of bias or discrimination.

The named officers were questioned pursuant to DPA's Biased Policing Investigation Protocol. Both named officers stated that the complainant's race was not a factor in their treatment of the complainant and that the allegation of biased policing due to race was false. The first named officer stated that she knew the complainant's race before the detention based on the CAD, which indicated the subject is a shirtless, 30's, bald, 5'8, and a white male. The first named officer stated the complainant was detained because he was intoxicated, belligerent, and displayed aggressive behavior. Both named officers stated they responded to a call for service, which led to their contact with the complainant.

The second named officer stated she did not know the complainant's race, ethnicity, color, or national origin before his detention. The second named officer stated that she perceived the complainant's race to be White or Hispanic male. The second named officer stated the complainant was detained because he matched the description of an intoxicated male with no shirt.

The body-worn camera (BWC) videos show no overt indications of bias by the named officers. The named officers acted professionally and courteously when addressing the complainant.

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 6 of 8

The Computer-Aided Dispatch (CAD) document of the 911 call showed the reporting party described the complainant as a white male, Bald, 30 years old, heavy build, and shirtless.

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

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The co-complainant stated the officers applied tight handcuffs.

The named officers stated they did not handcuff the co-complainant. Both officers stated that their body-worn camera (BWC) videos show that they held the co-complainant's arms while another officer placed the handcuffs on the co-complainant. The second named officer stated that the co-complainant did not complain that the handcuffs were too tight in her presence.

Department records show that the handcuffing officer is no longer employed with the department. Thus, DPA was unable to question the officer about the incident.

The body-worn camera (BWC) evidence corroborated the statements of the named officers. The BWC confirms that the third officer handcuffed the co-complainant. The co-complainant first complained about the handcuffs hurting him approximately eight minutes after the co-complainant was placed in the back of the patrol vehicle.

The evidence proves that the named officers identified in the complaint were not involved.

SUMMARY OF ALLEGATIONS #7-9: The officers applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The co-complainant stated he was handcuffed without justification.

The named officers stated they did not handcuff the complainant. The named officers stated that another officer handcuffed the co-complainant because the co-complainant was drunk in public and because the co-complainant interfered with the officers who were trying to control the complainant after the complainant pulled away from their grasp.

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 7 of 8

Department records show that the handcuffing officer is no longer employed with the department. Thus, DPA was unable to question the officer about the incident.

The body-worn camera (BWC) evidence corroborated the statements of the named officers.

The evidence proves that the officers named in the complaint were not involved.

SUMMARY OF ALLEGATION #10: The officer improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The co-complainant stated he was arrested for being drunk in public, and the handcuffs were too tight.

Department records confirm that the named officer is no longer employed with the department. Thus, DPA was unable to question the officer about the incident.

The named officer's body-worn camera (BWC) evidence shows that he handcuffed the co-complainant, double-locked the handcuffs, and checked for the proper degree of tightness. The co-complainant does not say anything about the handcuffs being too tight. Approximately eight minutes later, the named officer walks over to where the co-complainant is being placed into the back of the patrol vehicle by two other officers. The named officer tells the co-complainant to "chill out." Officers tell the co-complainant he is drunk in public. The co-complainant denies he is drunk, stating that he went through the entire CHP course and that the officers do not need to arrest him. After the co-complainant is placed in the back of the patrol vehicle, he complains about the handcuffs hurting him after he is seated in the car. As the named officer places the co-complainant's personal property in a bag, the co-complainant keeps saying, "Please help, please help, I'm claustrophobic".

A witness officer stated his involvement was limited to loosening/adjusting the handcuffs a couple of times after the co-complainant complained about the handcuffs and asked him to loosen the handcuffs multiple times before being transported to jail. The witness officer stated that during the contact, the co-complainant asked why he was tightening the handcuffs. The witness officer stated he adjusted the handcuffs to the appropriate tightness. The witness officer stated there was no problem or issue with the handcuffs, but the co-complainant kept moving his wrists, making the handcuffs uncomfortable.

The BWC evidence shows that the named officer correctly applied the handcuffs when the complainant was initially placed in handcuffs. Handcuffs are not known for being comfortable, but if they were intentionally applied too tight, one would expect the co-complainant to have complained about the

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

COMPLAINT DATE: 01/29/23 COMPLETION DATE: 11/26/23 PAGE# 8 of 8

tightness of the handcuffs at the outset and not eight-plus minutes later. The BWC captured the co-complainant moving about constantly, and he even tried to get out of the patrol vehicle, and officers had to assist him in getting back into the vehicle. More likely than not, the co-complainant's constant movement caused his discomfort and was not a result of the handcuffs being applied too tightly.

Based on a preponderance of the evidence, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 11/02/23 PAGE# 1 of 7

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that the named officers arrested her friend without cause while hanging out with a friend at his RV. When the friend stepped outside the RV to meet his partner, two men approached him and told him to "get on the ground."

The complainant's friend declined to participate in the investigation. A witness at the complainant's friend's arrest recalled seeing an officer punch the friend but could not provide further details.

The named officers stated that the friend had stolen a vehicle with a trailer attached. The theft was broadcast over the police radio. Shortly after, another officer attempted a traffic stop on the stolen vehicle. However, the vehicle fled the scene, causing the trailer to collide with several cars and severely injuring a child. The named officers became involved in investigating the incident. They reviewed Watchtower Surveillance video, which captured footage of the stolen vehicle after it had fled from officers and injured the child. The named officers saw the driver's face from the video and recognized the driver was the complainant's friend. The officers explained that the friend was well-known to them through multiple interactions and police investigations. The named officers conducted surveillance in areas they knew the friend frequented. The officers located the abandoned stolen vehicle and continued searching the area. The named officers found the friend nearby and subsequently arrested him.

The named officers' body-worn cameras were viewed for this complaint. The officers told the complainant the reasons for his arrest after they removed the complainant's friend from the RV and handcuffed him. In addition to the charges from this incident, the officers stated they had cause to arrest the friend for multiple warrants.

Department records (including CAD, Incident Reports, Traffic Collision Reports, and Chronology of Investigation) document another officer's initial attempted traffic stop of the stolen vehicle. Shortly after the stolen vehicle and trailer took off from the traffic stop, several 911 calls were received from members of the public. These calls described the trailer becoming detached from the stolen vehicle. The trailer collided with several vehicles, and a four-year-old child suffered a head injury. A few minutes later, another officer saw the stolen vehicle, but the vehicle fled from police and was last seen heading into a housing development.

Department records document the named officers reviewing surveillance footage from the housing development and identifying the complainant's friend as the driver of the stolen vehicle. The named officers searched locations known to them as places that the friend commonly frequents. The officers found the stolen vehicle and arrested the complainant's friend nearby for four counts of N/W 20001(A) Hit and Run, N/W10851(A) Theft of Vehicle, N/W 469D(A) Receiving a Stolen Motor Vehicle,

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 11/02/23 PAGE# 2 of 7

148(A)(1) PC Resisting Arrest, and 2800.2(A) CVC Felony Evading Police. The friend was subsequently further arrested for outstanding arrest warrants at the police station.

Department records also confirmed that the named officers had several recent contacts with the complainant's friend before this incident.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officers grabbed the friend and tossed him out of the RV. The named officers then hit the friend with their elbows as they told him to stop resisting even though his hands were behind his back. The named officers grabbed the friend's arms, put them above his head, and punched him once on the right side of the face, which caused the friend to bleed out of his eye, nose, ears, and mouth.

The complainant's friend declined to participate in the investigation. A witness at the complainant's friend's arrest recalled seeing an officer punch the friend but could not provide further details.

The named officers stated that they attempted to remove the complainant's friend from the RV, but he resisted. The named officers and the friend fell to the ground, and the friend continued to flex his arms in an attempt to hinder the named officers' ability to handcuff him. The named officers stated that they knew the complainant's friend had a history of having firearms, fleeing police, resisting arrest, and had recently injured another officer. Given that they hadn't searched him yet, the officers felt a heightened sense of danger and urgency to place him in handcuffs. Officer #1 admitted to striking the complainant's friend's face with a closed fist once because he resisted being handcuffed. Officer #1 stated that he could handcuff the friend only after the punch.

Body-worn camera footage of the named officers were reviewed. However, the cameras were dislodged when the officers were attempting to remove the complainant's friend from the RV and fell to the ground. Thus, this portion of the interaction was not viewable. However, the footage does capture audio. The officer can be heard ordering the friend to stop resisting and to give them his hands. There is also audio of the friend asking the officer why they punched him in the eye. Officer #1 can be heard responding that the friend was resisting and not giving his hands to officers so the officers could handcuff him.

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 11/02/23 PAGE# 3 of 7

Department records showed that Named Officer #1 delivered one closed-hand fist strike to the complainant's friend's face to gain compliance and overcome resistance. The records document the injuries sustained by the friend as swelling and bruising to the right eye area and bleeding from the nose.

Department records also confirmed that the complainant's friend was under investigation before this incident for vehicle theft, illegal gun possession, evading police, and kidnapping and assaulting a police officer.

Photographs taken by officers at the scene of the complainant's friend show swelling and redness around the right eye of the complainant's friend and a small amount of blood from the friend's nose.

Department General Order 5.01.04(A), in relevant parts, states that "Use of force must be for a lawful purpose. Officers may use reasonable force options in the performance of their duties in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order."

Department General Order 5.01.05 states, in part, that when a subject offers active resistance or "Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or retained in custody," then an officer can, "Use of personal body weapons to gain advantage over the subject."

Officer #1 admitted to punching the complainant's friend in the face to gain an advantage to allow him to arrest and handcuff him. The Department records also confirmed that the complainant's friend was well-known to the officers for fleeing police, firearm possession, kidnapping, and assaulting police officers. As such, the officers' tactic of surprise and an attempt to detain and handcuff without announcement is reasonable given the circumstances. However, it is unclear from the footage what level of resistance the complainant's friend offered the officers.

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

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 11/02/23 PAGE# 4 of 7

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

CATEGORY OF CONDUCT: CVO

FINDING: IC/S

FINDINGS OF FACT: During the investigation, the body-worn camera footage showed that the named officers used profanity.

The named officers admitted to using profane language several times toward the complainant and other individuals when they were giving commands to comply with their order to stop resisting. Named Officer #1 stated his use of profanity was necessary as a compliance tactic but admitted it was not a tactic taught by the Department. Named Officer #2 stated he learned this tactic in the Academy as demonstrated in a training exercise. However, he agreed that the tactic did not appear in any policy or training material.

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

No department records or manuals were found to support the use of profanity as a tactical means to maintain compliance with a subject.

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

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

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 11/02/23 PAGE# 5 of 7

SUMMARY OF ALLEGATION #7: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, it was determined that the named officer failed to activate his body-worn camera as required.

Department General Order 10.11 requires members equipped with body-worn cameras to activate them to record detention and arrests. Furthermore, Department Bulletin 20-175 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording prior to approaching the person, vehicle, and location.

The named officer admitted there was a delay in activating his body-worn camera, although he stated this was due to the incident requiring a quick response that he, at the time, was not prepared for.

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: 11/02/23 PAGE# 6 of 7

SUMMARY OF ALLEGATION #8: The officer failed to comply with Department General Order or Department Bulletin.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The DPA found that the named officer failed to comply with Department General Order 5.08.

The named officer stated that his star was displayed on his belt, which he claimed counted as an outermost garment. While surveilling the area, the officer said his shirt covered his tactical gear and the star so he would not be instantly recognized as a police officer.

Body-worn camera footage showed that the officer's shirt covered his star, which was only seen if and when the named officer raised his arms over his head, causing his outer shirt to ride up his body.

Department General Order 5.08(B) states, in part, that before making an arrest, detaining a suspect, conducting a search, serving or executing a warrant, or issuing a citation, non-uniformed officers shall display their police star or other official identification.

Bureau Order 23-02 Plainclothes and Undercover Operation, Arrests 2 states that "plainclothes members shall verbally identify themselves as police officers, display their Department issued star on their outermost garment, and activate their BWC. Absent imminent danger of death or great bodily injury, when giving commands, members shall first identify themselves as 'police.'"

The video evidence shows that the officer did not display his star. Instead, it was concealed underneath an outer shirt.

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:** 11/02/23 **PAGE#** 7 of 7

SUMMARY OF ALLEGATION #9: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: During the investigation, it was found that the named officer misrepresented the truth when he stated in the Incident Report that his star was displayed on his outermost garment.

The named officer stated that his star was displayed on his belt, which he claimed counted as an outermost garment. While surveilling the area, the officer said his shirt covered his tactical gear and the star so he would not be instantly recognized as a police officer.

On page six of the Supplemental Incident Report, while describing approaching the complainant's friend at the RV, the named officer wrote, "My police star and camera were both affixed to my outermost garment."

Body-worn camera footage showed that the officer's shirt covered his star, which was only seen if and when the named officer raised his arms over his head, causing his outer shirt to ride up his body.

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: 02/17/23 COMPLETION DATE: 11/04/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IC

FINDINGS OF FACT: The complainant was involved in a vehicle collision with his neighbor. He alleged that the responding officer drafted an incorrect incident report that contained multiple factual errors.

The named officer stated that he responded to the call for a hit-and-run vehicle collision. He recalled that the incident involved the complainant and his neighbor and that it had occurred in front of their residences. He acknowledged that the summary portion of the report he authored was incorrect and not consistent with what had happened.

DPA obtained the incident report authored by the named officer. The report incorrectly stated that the complainant's vehicle ran a stop sign and struck four parked vehicles. It also incorrectly stated that the accident happened at an intersection when it happened directly in front of a residence.

Department Notice 20-134 states, "Thorough investigation(s) memorialized in well-prepared incident reports are essential to follow-up investigations and eventual prosecution. Officers and PSAs are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action."

The evidence showed that the named officer submitted an incident report that contained inaccurate information from a different incident, unrelated to the complainant's collision. Additionally, the named officer acknowledged that he made errors in his 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: 02/17/23 COMPLETION DATE: 11/04/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the officer refused to make corrections to the incident report even after he emailed the officer to show him the errors.

The named officer stated that his commanding officer forwarded him emails from the complainant that pointed out the errors in his report. He then wrote and submitted a supplemental report to remedy the mistakes.

DPA obtained copies of the emails that the complainant sent to the named officer that pointed out the errors in his report. DPA attempted to locate a copy of the supplemental report the named officer submitted that corrected the errors on the incident report. A comprehensive records search was conducted by SFPD's Legal Department as well as the named officer and they were unable to locate the supplemental report in question.

The named officer acknowledged that he made errors in his report. He claimed that he submitted a supplemental report to make the corrections that the complainant requested, but that report was unable to be located.

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

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

COMPLAINT DATE: 02/17/23 COMPLETION DATE: 11/04/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the officer acted discourteously toward him because he ignored his requests to make corrections to his report and insisted that it was correct even after the named officer was shown proof of the errors.

The named officer stated that he made corrections to the summary portion of his report with the supplemental report that he submitted. He replied to the complainant's email stating that he still placed the complainant at fault for the collision.

DPA obtained copies of the emails that showed the named officer acknowledging the complainant by responding to his emails. However, DPA was unable to locate the report to verify that the named officer did in fact make the requested corrections.

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

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

COMPLAINT DATE: 02/28/23

COMPLETION DATE: 11/26/23

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, a sexual assault victim, stated that she went to the hospital to receive an examination. She stated that the named officer responded to the hospital and generated an inaccurate incident report about the sexual assault incident. The complainant alleged the named officer inferred in his report that the sexual interactions between her and the suspect were consensual. The complainant also noted that due to mental anguish, she could not really recall what exactly she told the officer, but that the content of the report was false.

The named officer responded to the hospital and generated the incident report. The conversation between the named officer and complainant was not recorded because officers are required not to record incidents that involve allegations of a sexual assault. In situations like this, where he cannot record or activate his body-worn camera, he takes extra steps during the investigative process to ensure accuracy in his written reports. For example, he writes down what the victim told him and reads it back to them for confirmation. Additionally, he generates the report narrative shortly after the interview is concluded, while the statements are fresh in his mind. He confirmed that when generating the report in this case, he followed this practice to ensure accuracy within the report.

DPA obtained a copy of the incident report in question. The incident report does reflect that most of the sexual interactions between the complainant and the suspect were consensual until she requested for the suspect to “stop.” The evidence provided by the complainant also showed that the complainant and suspect agreed to meet up and engage in sexual relations. DPA also obtained a copy of a recorded phone conversation between the complainant and the Special Victims Unit (SVU) investigator assigned to her case. In the phone call recording, the complainant confirmed every detail within the incident report.

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

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

COMPLAINT DATE: 02/28/23

COMPLETION DATE: 11/26/23

PAGE# 2 of 5

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to properly investigate her case, as he did not take her case seriously, mishandled her case, failed to show up for several scheduled meetings, and often did not respond to her inquiries.

The named officer has been investigating these types of cases for several years. During the DPA interview, the named officer demonstrated competent knowledge regarding the investigative processes in SVU. The named officer denied investigating the case improperly and maintained that he investigated the case within Department policy and practices. He explained that he reviewed the incident report and attached evidence, spoke with the complainant to confirm accuracy in the incident report, and inquired if she had any additional information or evidence. He then reviewed additional evidence provided by the complainant, such as text messages between the complainant and alleged suspect regarding the incident. At that time, the named officer declared the case open and inactive based on the lack of additional evidence. Thereafter, the complainant contacted him to provide additional evidence. Based on this, the named officer activated the case again and conducted a pretext call with the suspect to see if they could elicit any incriminating information or statements from the suspect regarding the incident. The pretextual call, however, was not successful, as the suspect denied engaging in any illegal activity.

The named officer explained that based on the lack of available evidence, such as a confession or an incriminating statement from the suspect, in his professional opinion there was not enough evidence in this case to obtain an arrest warrant for the suspect. Thus, he declared the case open and inactive pending further investigative leads that could lead to an arrest and or conviction of the suspect.

Additionally, given the state of the evidence, the Lieutenant who oversaw the investigation agreed with the named officer's assessment of the case. The named officer also denied that he failed to respond to the complainant's inquiries and to attend scheduled meetings. He stated that the complainant rescheduled their meetings several times for varying reasons. Moreover, he stated that the complainant showed up at the station to meet with him without an appointment. If he had known she was coming, he would have made himself available to her. The named officer also stated that he does not believe he failed to communicate with her, is unaware of any unanswered inquiries from the complainant, and tried to respond to her inquiries.

DPA obtained the named officer's Chronological of Investigation detailing the officer's investigative steps, as well as several audio recordings between the complainant and the named officer. The named

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

COMPLAINT DATE: 02/28/23

COMPLETION DATE: 11/26/23

PAGE# 3 of 5

officer's Chronological of the Investigation and the audio recordings were consistent with the statement he provided to DPA.

The evidence reflected that the named officer investigated the incident within policy and that the available evidence, such as the complainant's statement, and subsequent conversations between her and the suspect, were not sufficient to obtain an arrest warrant and press charges against the suspect. Additionally, the evidence did not suggest that the named officer failed to respond to the complainant's inquiries, and failing to meet with the complainant when she came to the station unplanned, did not amount to misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer "victim shamed" her throughout the course of the investigation. She stated that he made several suggestive comments that led her to believe that he thought she was the cause of the incident and that she consented to the sexual encounter. Such comments included that she "entered the suspect's vehicle willingly."

The named officer stated that he spoke with the complainant in an appropriate manner throughout the incident. He denied making any comments or engaging in any behavior that would lead her to believe he was victim shaming her or that he otherwise believed the occurrence was her fault. The named officer stated that the only time he spoke about consensual acts, including that fact that she entered the vehicle willingly, was when he verified the narrative in the incident report by reading it back to her for confirmation.

DPA understands that the complainant may have perceived the named officer's line of questioning as victim shaming or placing blame on her, as he asked her several questions regarding consent. However, after listening to the audio recording of the conversations between the complainant and named officer, it revealed that the named officer was solely confirming the details of the incident as described in the incident report. Moreover, the audio recording reflected the named officer conducted the investigation in a professional manner and with a professional tone.

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

COMPLAINT DATE: 02/28/23

COMPLETION DATE: 11/26/23

PAGE# 4 of 5

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer asked her to come into the station to call the suspect, in his presence, to attempt to elicit an incriminating statement from the suspect. The complainant felt that this was an inappropriate request as she underwent trauma and did not want to engage in such a tactic.

The named officer confirmed asking the complainant to engage in what is known as a “pretext call.” The named officer explained that this is a common tactic utilized by officers conducting sexual assault investigations and that officers are trained to do so. The purpose of conducting such calls is to confront the suspect to see if they can elicit any incriminating statements that can be used to build a case to effectuate an arrest. In a case like this, where he otherwise did not have enough evidence, he stated that this can be an effective tool. Additionally, the named officer thought it might be successful because before the pretext call, the complainant, on her own, had already opened a line of communication with the suspect via text messages regarding the incident.

Moreover, the Lieutenant who oversees the investigations conducted in this unit confirmed that pretext calls are appropriate, effective, and are often used in cases similar to this incident.

DPA understands that making such a phone call may have been uncomfortable for the complainant. The request itself was appropriate and within Department policy, as pretext calls are extremely common and used by officers in cases where the current evidence would not otherwise establish probable cause for an arrest. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 02/28/23

COMPLETION DATE: 11/26/23

PAGE# 5 of 5

SUMMARY OF ALLEGATION #5: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant thereafter spoke to the named officer, a Lieutenant that oversees the Special Victims Unit, to voice her concerns about the investigation conducted by the investigating officer. She stated that it was very apparent that the named officer also thought she was at fault for the incident and “victim shamed” her like the investigating officer. Upon clarification, she could not recall what exactly the named officer said to her that made her feel this way but that he used the same tonality as the investigating officer.

The named officer did not recall speaking with the complainant. As a superior officer in the unit, he speaks to many victims who reach out to him directly regarding their cases. However, the named officer said that when he does speak with victims, he is cautious in the statements he makes and the tone he uses as he understands that the victims are often in distress and underwent a trauma.

DPA could not make a finding as the complainant was unable to provide specifics or clarification regarding the allegation and additional evidence, such as a recording of any conversation, did not exist.

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 1 of 6

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that he set his belongings down outside a cafe, sneezed and expectorated toward where the named officer was seated. He stated that the named officer grabbed him and used excessive force by slamming him into, and pinning him against, a wall. He said the named officer claimed he had spat at him.

The named officer stated that the complainant walked up to him, cleared his throat, and spat at him, just missing his foot. He grabbed the complainant by his jacket to detain him for assault, held him in place, and advised him that he was detained and arrested. He grabbed the complainant's hand and placed it behind his back and the complainant was handcuffed. The complainant was arrested and cited for assault. The named officer stated that he did not use any reportable force during this incident and issued the complainant a citation for assault. He said he complied with Department General Order 5.01, Use of Force, during this incident and used the appropriate amount of force to effect an arrest.

Witness officers stated that the complainant intentionally spat at the named officer's foot. Witness officers stated that they did not see the named officer slam and pin the complainant against a wall. They stated that the named officer held the complainant's arm until the complainant was placed into handcuffs by the named officer and other officers on scene.

Department records showed that the named officer authored an incident report which corroborated his statements.

Body-worn camera (BWC) footage of this incident showed the named officer held onto the complainant's arm and hand. The complainant's back was facing a short wall while he was held in place. The named officer asked the complainant if he had identification, and the complainant did not respond. The officers on the scene placed the complainant in handcuffs. The complainant later informed the named officer he had identification, and the complainant was seated in a chair before being cited and released.

A witness stated that he saw the complainant walk toward where the named officer was seated and spit directly at him. He said the named officer grabbed the complainant's arm and shoulder, held him against a wall and then sat him in a chair.

There was no footage available from a camera on a nearby business, according to an employee.

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 2 of 6

Department General Order (DGO) 5.01 states in relevant part that officers may use reasonable force options to effect a lawful arrest or detention. DGO 5.01 also lists possible force options for when a subject offers no resistance which includes handcuffing and control holds.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was handcuffed and issued a citation, and the named officer searched his person and bag during the incident.

The named officer stated the complainant was detained, handcuffed, placed under arrest, and cited for assault for spitting at an officer. He stated that he searched the complainant's person after the complainant was placed into handcuffs. He stated that the justification for the search was that the complainant was legally under arrest. He said the complainant told him that he had police reports in his bag and that the officer could see them. He said he grabbed the complainant's bag and asked him for permission to look through it and the complainant did not consent, so he did not search it.

Department records showed that the complainant was handcuffed, arrested, and issued a citation for a misdemeanor violation.

Body-worn camera footage for this incident corroborates the named officer's statements. The named officer searched the complainant's person after the complainant had been handcuffed and advised that he would be cited for assault. The complainant told officers on scene that he had reports on the San Francisco Police Department in his bag if the officers wanted to see them. The named officer picked up the complainant's bag, asked if he had permission to look for the reports, the complainant's stated that he did not have his permission, and the named officer set the complainant's bag down.

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

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 3 of 6

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer carelessly handled and threw his property on the ground during the incident.

The named officer denied engaging in the alleged behavior. He stated that he placed the complainant's property on the ground with his other belongings to keep them together and to prevent loss. He stated that he did not throw the complainant's property in a manner that would cause damage. He stated that he was careful with the complainant's phone and treated the complainant's property with respect.

Body-worn camera footage for this incident showed the named officer searched the complainant when he was handcuffed and that he dropped some of the complainant's items on the ground.

While the evidence showed the named officer dropped some of the complainant's property on the ground, he did not throw or handle the items maliciously. The named officer's conduct did not rise to the level of misconduct.

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

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he set his belongings down outside a cafe, sneezed in the direction of the named officer. He stated that the named officer cited him for assault without cause.

The named officer stated that the complainant walked up to him, cleared his throat, and spat immediately next to his foot. He stated that he issued a citation to the complainant for assault.

Witness officers stated that the complainant intentionally spat at the named officer's foot.

Body-worn camera footage for this incident shows that the named officer detained and handcuffed the complainant and told him he was going to receive a citation for assault. The complainant denied spitting

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 4 of 6

at the named officer and commented that it was a sneeze. Another officer on scene commented that there was spit on the ground and took a photograph. A witness stated that he saw the complainant approach the area the named officer was seated and spit directly at the named officer. The footage shows the named officer issue the complainant a citation and release him.

Department records showed that the named officer issued the complainant a citation for violating California Penal Code section 240. The named officer authored an incident report describing the complainant walking toward him, looking directly at him, and spitting, the product of which landed less than an inch away from his foot. Department photographs showed spit on the ground.

A witness stated that he saw the complainant walk up toward where the named officer was seated and spit directly at him.

Penal Code section 240 states in part, “[a]n assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.”

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

SUMMARY OF ALLEGATION #5: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer’s use of force and citation issuance were retaliation because of his past experiences filming police for a media company. The complainant provided no further evidence of retaliation.

The named officer stated he was not familiar with the complainant and did not recall encountering him prior to the incident.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 5 of 6

SUMMARY OF ALLEGATIONS #6-7: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that that he was issued a citation, and the named officers never asked him for his address, resulting in an incorrect address on the citation, even though he told them the address was invalid and that he did not have an address.

Named Officer #1 stated that he issued the complainant a citation during this incident. He stated that Named Officer #2 partially completed the citation information and possibly filled out the complainant's address information. He believed the address input on the citation was taken from the complainant's records.

Named Officer #2 stated that he assisted with filling out the citation. He stated that he input the address information on the citation and used the address information provided to him by dispatch when running a records check. He said the complainant did not provide him with an address, so he used the address from the complainant's record.

Body-worn camera (BWC) footage shows Named Officer #2 writing on a citation. The footage shows that Named Officer #2 radioed dispatch and requested an address for the complainant and an address was provided. BWC footage shows Named Officer #2 asked the complainant for his mailing address and he did not respond. Named Officer #2 asked the complainant if he still lived at a specific address and the complainant stated that he never lived there.

While the evidence showed the named officer used an address the complainant claimed to never have lived at, the complainant did not provide any address information when asked. The named officers used the address information provided by dispatch.

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

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

COMPLAINT DATE: 03/06/23 COMPLETION DATE: 11/01/23 PAGE# 6 of 6

SUMMARY OF ALLEGATION #8: 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 was the officer responsible for the initial detention of the complainant during this incident. He stated that he did not recall if he or another officer submitted stop data.

Department records showed that there was no stop data entry made by the named officer for this incident.

Body-worn camera footage for this incident showed that the named officer detained the complainant, assisted with handcuffing him, and issued him a citation.

Department Notice 20-141 Stop Data Collection System (SDCS), states in part: "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 Department Notice also explains that "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."

Department Bulletin 21-062 Stop Data Collection System (SDCS) Update states in part: "...the member responsible for the initial detention or contact shall enter the stop data, even if they are different from the final investigating officer."

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: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 1 of 9

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant and co-complainant stated that they walked out of a store and the named officer detained them on the sidewalk without cause. They stated that someone reported that they were drinking and driving, which was untrue.

The named officer was dispatched to a call regarding a person driving under the influence and was informed that a reporting party was following a possible intoxicated person operating a motor vehicle. She met with the reporting party who identified the complainants as the individuals driving the vehicle. The reporting party provided information regarding the complainants' behavior and their state of intoxication. The named officer contacted the complainant and noticed multiple signs of intoxication. The named officer stated that based on the information she gathered she had reasonable suspicion to detain the complainant and co-complainant during this incident for suspicion of driving under the influence.

Witness officers stated that the complainant showed multiple signs of intoxication.

Dispatch records showed the reporting party advised two subjects in a vehicle appeared intoxicated, he could smell alcohol when speaking with them and he did not want them to drive off again. The records showed the reporting party followed the suspect vehicle to another location, reported their location along the way, and advised that the occupants exited the vehicle at a new location, were stumbling and went inside a bar.

Body-worn camera (BWC) footage showed the named officer met with the reporting party who stated that the complainants were in a vehicle blocking access to his garage, they smelled of alcohol and were intoxicated. The reporting party followed them because he was afraid they would hurt someone. The reporting party watched the complainants go into a bar, which denied them service. The footage showed the reporting party identified the complainants as the occupants of the vehicle, pointed out the vehicle and later identified the complainant as the driver. The named officer contacted the complainants and advised them that they were being detained. The complainant was agitated, was slurring his speech, and appeared under the influence. The co-complainant was released from the scene shortly after the reporting party identified the complainant as the driver. An officer spoke with an employee at a bar who advised that the complainants came inside the bar and appeared drunk, so he refused to serve them. The employee also said the complainant became agitated and cursed at him.

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

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 2 of 9

suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.”

The evidence showed that the named officer had reasonable suspicion to detain the complainants and investigate the reported crime further.

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

SUMMARY OF ALLEGATIONS #2-3: The officers improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was placed in handcuffs that were too tight and officers refused to loosen them.

Named Officer #1 stated that she handcuffed the complainant when he continued to move around the scene and disregard their lawful orders. She checked for proper degree of tightness after applying the handcuffs and double locking them. She said she visually and physically checked the handcuffs for proper tightness by manipulating the handcuff to make sure it was not too tight.

Named Officer #2 stated that the complainant informed him that that the handcuffs were hurting his hands several times and he checked the handcuffs for proper tightness on multiple occasions and observed that they were not tight. He advised the complainant that he was able to stick his finger through the handcuffs and that the more the complainant moved his hands around the more the handcuff would shift out of place.

Body-worn camera (BWC) footage for this incident showed that Named Officer #1 handcuffed the complainant, adjusted the handcuffs, and double locked them. BWC footage showed that on several occasions the complainant asked that the handcuffs be taken off and made comments that his hands hurt from the handcuffs. The footage showed that Named Officer #2 responded by checking the handcuffs for proper tightness multiple times before and after the complainant was transported to a police station. Additionally, the footage showed that Named Officer #1 later handcuffed one of the complainant’s hands in a holding area at a station, physically inspected the handcuff for proper tightness, showed the complainant how it was adjusted, and the complainant thanked her.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 3 of 9

The evidence showed that handcuffs were properly applied during this incident and officers checked the handcuffs for proper tightness on multiple occasions.

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

SUMMARY OF ALLEGATION #4: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant and co-complainant stated that the complainant was arrested without cause for drinking and driving.

The named officer was the primary investigating officer during this incident and stated she arrested the complainant for driving under the influence of alcohol and had probable cause to do so. She said she spoke with the reporting party on scene who said he believed the complainant was intoxicated based on the complainant's behavior and that he followed the complainant's vehicle to their location where the complainant exited and went into a bar. The reporting party identified the complainant as the person whom he believed was driving the vehicle while under the influence of alcohol, identified the complainant's vehicle, and requested a citizen's arrest. The named officer was also informed during her investigation that the bartender at the nearby bar refused to serve the complainant. The named officer said when contacting the complainant, he noticed objective signs of intoxication including a strong odor of alcoholic beverage on his breath and observed that he had a flushed face, watery eyes, and slurred speech. She stated the complainant was uncooperative, resistant to lawful commands and his general behavior reflected that he was under the influence of alcohol.

Multiple witness officers stated that the complainant showed objective signs of alcohol intoxication during this incident.

Department records showed that the complainant was arrested for driving under the influence of alcohol. An incident report was authored for this incident which stated that the named officer determined the complainant had been driving under the influence of alcohol based on the reporting party's statement, her observations and the complainant's performance on a Standardized Field Sobriety Test.

Body-worn camera (BWC) footage for this incident showed that a reporting party informed officers that the complainant was blocking his driveway and complainant appeared heavily intoxicated and the vehicle smelled of alcohol. The reporting party said he followed the complainant's vehicle, which swerved on the roadway, to their present location out of concern. The reporting party identified the complainant, showed a photograph he had taken of the complainant's vehicle and said he wanted to sign a citizen arrest. The

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 4 of 9

named officer advised the complainant that he was being detained for drinking and driving and the complainant appeared agitated, uncooperative, and intoxicated. BWC footage showed the complainant slurring his words and repeating himself many times. BWC footage showed an employee of a bar advised an officer that the complainant entered the bar, appeared intoxicated, and was refused service. The footage also showed that the complainant had keys to a vehicle in his jacket and the named officer located the corresponding vehicle parked nearby. BWC footage showed that the officers attempted to obtain surveillance footage from the area, and it was unavailable at the time.

Department General Order 5.03.03 states in the relevant part, "Probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested. Under the Fourth Amendment, arrests must be supported by probable cause."

The evidence shows that the named officer had sufficient probable cause to lawfully arrest the complainant for driving under the influence.

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

SUMMARY OF ALLEGATION #5: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said that he was transported to police station, had difficulty getting out of a patrol vehicle due to being handcuffed and the named officer used excessive force and slammed a patrol vehicle door on his ankle.

The named officer said that the complainant was under arrest for driving under the influence and was actively physically resisting officers' efforts to get him fully inside a patrol vehicle so he could be transported. He told the complainant multiple times to place his foot inside the patrol vehicle, because he did not want to close the vehicle door on his foot. He said he used force during this incident to gain compliance and place the complainant into the patrol vehicle. The named officer said he placed his hand on the complainant's face and pushed him into the vehicle to better effect moving his right leg into the vehicle. He removed the complainant's foot from the door frame after he had wedged it inside that area. As the named officer tried to shut the door, he felt resistance and found that the complainant had reinserted his foot in that area. He said he did not intentionally close the door on the complainant's foot and facilitated medical attention for the complainant, which he refused.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 5 of 9

Department records showed that the complainant was arrested for driving under the influence of alcohol and resisting arrest.

Body-worn camera (BWC) footage showed that the complainant was under arrest, was being transported in a department vehicle and started making choking noises. The transporting officers pulled over and checked on the complainant who said he was going to make their jobs harder. The complainant then refused to put his feet back into the vehicle. The named officer attempted to reason with the complainant and asked him to put his foot back inside the vehicle multiple times and the complainant refused. The complainant was upset, slurring his words and was not cooperative. The named officer said he would have to move the complainant's foot inside the vehicle for him if he continued to refuse and the complainant told him to do so. The named officer placed a hand on the complainant's face, pushed him toward the vehicle's seat, and eventually moved the complainant's foot and legs inside the vehicle as the complainant resisted his efforts. The named officer attempted to close the vehicle's door, it would not close fully initially, and the complainant yelled out and said his foot was injured. An ambulance was called, medical personnel arrived to check on the complainant, but the complainant refused medical attention.

A Supervisory Use of Force Evaluation was completed for this incident which showed that the named officer used a mastoid technique and closed the door on the complainant. The evaluation showed that the complainant displayed active resistance and the reasons for the use of force were to effect a lawful arrest, detention or search and to overcome resistance or to prevent escape.

Photographs of the complainant's bare foot show no signs of redness or bruising.

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

Here, the complainant was actively resisting three officers who were attempting to lawfully place him in him in a patrol vehicle. The complainant stated he was going to make the job hard for officers and purposefully placed his foot in the door hinge several times, with alternating feet. The officers tried reasoning with the complainant for several minutes, but he would not allow them to close the door. The named officer pushed the complainant into the vehicle by his face and closed the door while holding the complainant's leg in the air, but the complainant stuck his other foot in the door hinge. The named officer was eventually able to overcome the complainant's resistance and close the door. Based on the totality of the circumstances, the named officer used the minimal amount of force necessary to overcome the complainant's resistance, therefore he did not use excessive force.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 6 of 9

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant was arrested and taken to a station during this incident. The complainant stated that the named officer called him a “dick” and a “bitch” during an incident. The co-complainant alleged he heard the named officer call the complainant a “dick” while he was on the phone.

The named officer did not recall making those comments to the complainant.

Witness officers did not recall hearing the above comments.

Body-worn camera footage for this incident does not show the named officer making the above-mentioned comments.

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

SUMMARY OF ALLEGATION #7: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was arrested for driving while under the influence of alcohol. He stated that a forced blood draw was completed and that it did not seem like the named officer had a search warrant for the blood draw.

The named officer stated that a search warrant was granted by a judge for the complainant’s blood.

An incident report documented that the named officer contacted a judge who granted the blood draw warrant for the complainant’s blood. Department records showed a search warrant and affidavit for the complainant’s blood issued by a judge.

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

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 7 of 9

SUMMARY OF ALLEGATION #8: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant was arrested, and the named officer took possession of key fobs to the co-complainant's rental car. The complainant and co-complainant stated that when the named officer returned the key fob to the co-complainant it was damaged.

The named officer stated that she took possession of the key fobs for the rental car during the investigation and noticed that one of them appeared to be damaged. She stated that she did not damage the key fob.

Body-worn camera (BWC) footage for the incident showed that the named officer took possession of the rental car key fobs and that one of the key fobs was already damaged.

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

SUMMARY OF ALLEGATION #9: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant was arrested for driving while under the influence of alcohol. The co-complainant stated that the named officer called and briefed him on the complainant's situation. The co-complainant expressed that he thought it would be a good idea for the complainant to agree to take a blood test and the named officer agreed with his opinion. The co-complainant said he felt that the named officer coerced him into telling the complainant to take a blood test.

The named officer stated that she spoke on the phone with the co-complainant about the nature of the contact with the complainant and his arrest. She explained the process of drawing blood from the complainant to determine the alcohol content in his blood. She denied coercing the co-complainant into telling the complainant to submit to a blood draw.

Body-worn camera footage for the incident did not capture the conversation.

The evidence failed to show that the named officer inappropriately coerced the co-complainant during this incident. The co-complainant's statement did not describe the named officer engaging in coercive behavior or behavior that would be against Department policy.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 8 of 9

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #10: The officer failed to properly care for, process or book property.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he was arrested, taken to a police station and his necklace with a pendant was taken off his neck by officers at the station while he was held there. He stated that the named officer lost the pendant to his necklace.

The named officer stated that he was the station keeper assigned to the police station during this incident. He stated that part of his duties as station keeper is to inventory custodies property. He stated that during this incident he accepted all of the complainant's property and inventoried it on a department property record. He stated that he did not lose the complainant's pendant and that it was connected to the complainant's necklace and placed in a personal property envelope.

Department records showed that an inventory form of the complainant's property was completed by the named officer. The inventory form documented that a necklace was part of the complainant's property which was inventoried.

Body-worn camera footage for the incident showed that an officer took a necklace off the complainant's neck and placed it in a tray with his other property within a station. Body-worn camera footage showed that an envelope with the complainant's property was transported with him to a jail facility.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/07/23 COMPLETION DATE: 11/27/23 PAGE# 9 of 9

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer failed to allow him to make his phone calls while he was in custody.

The named officer stated that arrestees are allowed to make three phone calls when they are being held at a station. He stated that the complainant asked to make phone calls during this incident, and he allowed him to make multiple phone calls.

Department records showed that the complainant was transported to a police station.

Body-worn camera footage does not show the complainant using a phone or asking to use a phone.

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

SUMMARY OF ALLEGATION #12: The officer failed to properly care for, or monitor, a person in custody.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that he was arrested and transported to a police station during the incident. He stated that he made several requests to use the restroom at the police station and was finally allowed to use it after a long period of time had passed.

The named officer stated that he was the station keeper assigned to the police station during this incident. The named officer stated that the complainant asked to use the restroom during this incident, and he allowed him to use the restroom. He said he would not refuse his request to use the restroom.

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

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 1 of 6

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that his brother called him while being pulled over by an officer. He drove over, parked his car close to his brother, and stepped out of his vehicle. The named officer then told him to stay back inside the car. He told the officer he wanted to record, but the officer would not allow him. He said the officer was aggressive with him, used explicit language, insulted his vehicle, and aggressively came at him. He said the officer had an "I can do whatever I want" attitude.

The named officer denied using any explicit language towards the complainant. He said he asked if the complainant was challenging them because he approached their investigation in a hostile manner and interfered with their traffic stop. The officer also denied commenting on the complainant's car or aggressively coming at the complainant. The officer explained the complainant was walking towards the citing officer initially and began showing pre-assaultive indicators by hiking up his shorts, wearing a bag commonly known to store weapons, saying the term "blood," and putting his hands up towards the officer when he approached. Therefore, he used an authoritative tone to establish command presence and de-escalate the complainant, as he was not allowed to obstruct or delay their investigation.

The named officer denied not allowing the complainant to record with his phone. He explained that he handcuffed the complainant after pulling out his phone because the complainant had not complied with his lawful orders to stay in the car. The officer said he asked the complainant for his ID. At the same time, the complainant was handcuffed and arrested for Penal Code (PC) section 148 for delaying and obstructing their traffic investigation.

Department records indicate that during the initial traffic stop, the complainant's brother was holding his phone up, facing the named officer, appearing to be recording him. Then, the complainant drove up and pulled over right in front of the officers. As the complainant exited the vehicle, he pulled up his pants and had his shoulders pulled back as if posturing for a physical confrontation. The records indicate that the named officer recognized those pre-assaultive indicators and ordered the complainant to return to his car. The complainant stood his ground, was face to face with the officer, and kept saying, "Be smooth, 'Blood'," which the officer was familiar with to be gang-related. The document did not record any actual conversation between the two.

The documents also recorded that the complainant was cited for PC sec. 148 for obstructing/delaying a peace officer's duties and for California Vehicle Code sec. 22400 double parking, a misdemeanor and an infraction, respectively.

Body-worn camera footage captured that after the complainant pulled over in front of his brother's car, he started casually approaching the citing officer with his phone without hiking up his shorts. The citing

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 2 of 6

officer then ordered the complainant to stay right there, but he did not comply and said the driver was his brother. The named officer then hastily walked up close to the complainant and questioned why he got out of his car in an irritated manner. The complainant responded, "Be smooth, 'Blood'". The footage shows that officers did not use explicit language or insult the complainant's car. Moreover, the officer did not specifically tell the complainant not to record but handcuffed the complainant after refusing to comply with the officer's order to stay in the car.

In addition, the footage captured that after the complainant was detained, he yelled profanities towards the officer. The officer asked for his ID. The complainant continued yelling obscenity and said he did not have his ID. The officer kept asking for his ID, and the complainant refused. The officer said, "You're under arrest," and the complainant still would not give the officer his ID. The officer responded, "Where's your ID? You have one more chance, and then you're under arrest."

The footage shows that a backup officer later arrived, learned about the situation very quickly, and explained to the complainant that conducting a traffic stop is one of the most dangerous things officers do, especially when a third party intervenes during the traffic stop. The backup officer conducted himself professionally, calmed the complainant down, and eventually obtained his ID.

Department General Order 2.01 General Rules of Conduct, Rule 14 states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The collected evidence shows that the complainant did not initially approach the officers in a hostile manner, however, he did fail to comply with the officer's command to stay right where he was. The named officer did not use any explicit language to get the complainant to comply with his orders, insult his car, or forbid anyone on the scene to record them, but he did speak to complainant with a curt tone. .

While the officer's tone and demeanor were not ideal, they did not rise to the level of improper conduct. The evidence fails to prove or disprove that the alleged conduct occurred.

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 3 of 6

SUMMARY OF ALLEGATION #2: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer grabbed him from the back and put handcuffs on him for no reason.

The named officer admitted to handcuffing the complainant. He explained that it was because the complainant was not complying with his lawful orders and continuing to violate Penal Code (PC) section 148, resisting, obstruction or delaying an arrest or an investigation.

Department records indicate that the complainant refused to get back into his vehicle and instead kept putting his hand up as if he was going to push or assault the officer, pulled his phone out, and tried to record him. As a result, the officer placed him in handcuffs.

Body-worn camera footage captured the complainant exiting his vehicle and casually approaching the citing officer with his phone. Both officers ordered the complainant to return to his car, but he did not comply. Instead, the complainant said a few times, "Be smooth, Blood," with his arms raised in front of him. The complainant pulled out his phone, and then the officer handcuffed him.

Department General Order 5.01 Use of Force states that even when a subject offers no resistance, officers could use handcuffing and control holds as a possible force option. When a subject does not respond to verbal commands but offers no physical form of resistance, officers could use pain compliance control holds, takedowns, and other techniques to direct movement and immobilize the subject.

PC section 148(a) states that "every person who willfully resists, delays, or obstructs any public officer, peace officer...in the discharge or attempt to discharge any duty of his or her officer or employment...shall be punished by a fine not exceeding one thousand dollars (\$1000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment."

The evidence shows that although the complainant was not displaying assaultive behaviors at the moment, he was not responsive to the named officer's commands and was interfering with an ongoing detention. Therefore, the officer was justified in handcuffing the complainant. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 4 of 6

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer apprehended him and slammed him into his vehicle. He said the officer also put his hands on his brother, pulling and pushing him out of the way.

The named officer denied slamming the complainant onto any vehicle and indicated that there was no reportable use of force during this incident. He explained that the brother was approaching the complainant in custody, so he ordered the complainant's brother to get back multiple times. Then, the brother responded with profanity. Eventually, the officer pushed him back one time with an open hand.

Department records did not indicate any reportable use of force happened.

Body-worn camera footage captured that while the complainant was in the named officer's custody for obstructing a peace officer's duty, the brother walked up close twice to the named officer. The officer ordered the brother to back up, but the brother did not comply and yelled back at the officer. The officer gently pushed the brother away both times. The footage captured that the named officer did not slam the complainant onto any vehicle at any point during the interaction. No subjects complained of pain or injury in the presence of officers.

Department General Order 5.01 Use of Force, Section 7 Types of Force, described a Level I Non-reportable Forces as "when an officer's physical interaction with a subject (1) is reasonably unlikely to cause pain or injury; or (2) does not cause pain or injury; or (3) the subject does not report pain or injury." It further states, in part, "Non-injurious physical control holds to gain compliance that are not reasonably likely to cause pain. "

The evidence proves that the named officer used Level I Non-reportable Force. The officer did not slam the complainant onto any vehicles. The complainant's brother walked up close in proximity and did not comply with the officer's orders to stay back many times. Therefore, the officer gently pushed him away to avoid further incidents. The use of force was within the Department's 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: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 5 of 6

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

CATEGORY OF CONDUCT: UOF

FINDING: PC

FINDINGS OF FACT: The complainant stated that after the officer sat him down on the sidewalk, they grabbed his brother. The complainant yelled, "Do not touch my brother!" and attempted to stand up. Then, some backup officers slammed him on the ground.

Officer #1 denied slamming the complainant on the ground. He said no force was used to cause the complainant to be slammed to the ground. Officer #2 stated that upon arriving on the scene, he saw the detained complainant standing up and walking towards an officer. The complainant appeared angry and was yelling. Officer #2 ordered the complainant to sit down and placed his hand on the complainant's arm. He explained the complainant eventually took a few steps back and fell to the ground by himself. The officer said he did not observe any officers slamming someone on the scene.

Department records did not indicate any reportable use of force.

Body-worn camera footage shows that while the complainant was being detained and sat on the ground, his brother approached an officer, walked closely to his face, and started using foul language towards the officer. The officer ordered him to back up to no avail, and thus, the brother was slightly pushed and pulled away from the officer. The complainant then stood up and yelled not to touch his brother. Officer #2 went up and attempted to pull the complainant back to the curb, and Named Officer #1 helped put the complainant on the ground on his side. The footage shows that the complainant was not slammed on the ground and could sit back up soon after. The footage also shows that the complainant did not complain of pain or injuries during the incident.

Department General Order 5.01 Use of Force states that when a subject actively resists or makes physically evasive movements to defeat an officer's attempt at control, officers shall use personal body weapons and pain compliance control holds to gain an advantage over the subject to direct movement.

Department General Order 5.01 Use of Force, Section 7 Types of Force, described a Level I Non-reportable Forces as "when an officer's physical interaction with a subject (1) is reasonably unlikely to cause pain or injury; or (2) does not cause pain or injury; or (3) the subject does not report pain or injury." It further states, in part, "Non-injurious physical control holds to gain compliance that are not reasonably likely to cause pain. "

The evidence shows that the complainant actively resisted by trying to stand up from the curb and yell. Therefore, officers can use personal body weapons to direct the complainant to sit back down on the curb.

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

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

COMPLAINT DATE: 03/09/23 COMPLETION DATE: 11/13/23 PAGE# 6 of 6

proper.

SUMMARY OF ALLEGATION #6: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officer racially profiled him and treated him very differently because of his race.

The named officer stated that he could see the complainant's race after walking out of his vehicle and believed him to be Caucasian or Hispanic. He denied that race was a factor whatsoever. However, the complainant's behavior, actions, verbal aggressiveness, and non-compliance were the only factors in the outcome of this incident.

Body-worn camera footage captured that the complainant refused to comply with the officers' orders multiple times, appeared extremely agitated, actively resisted while being sat down, and continuously yelled at and insulted officers on the scene.

The evidence proves that the officer did not mistreat the complainant based on his race but resulted from his behavior, demeanor, and actions.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 03/17/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: In 2023, the complainant contacted DPA, asserting his weapons and ammunition were seized for safekeeping by the San Francisco Police Department (SFPD) in accordance with a restraining order filed by his ex-wife in 2016. He stated that he attempted to reclaim his weapons from the SFPD Property Room several years after they were taken, and was informed that the weapons were destroyed. The complainant stated he does not believe they were destroyed but stolen by officers. In addition, he stated that valuable ammunition not listed as part of the seized property was not accounted for.

The named officer stated he booked the complainant's firearms and ammunition for safekeeping. He stated the property was booked with the Property Division and denied stealing the seized items.

The incident report indicates that multiple weapons and ammunition were seized for safekeeping per a domestic violence restraining order issued by the Superior Court.

A property receipt documents the property seized, as reflected in the incident report.

The SFPD Property Evidence Tracking System Disposal List document showed that the weapons and ammunition seized were destroyed five years after they were seized.

The restraining order required the complainant to sell or turn in his firearms to a law enforcement agency within 48 hours of being served.

At the time of this incident, the San Francisco Police Department did not have Body-worn cameras, so footage was unavailable.

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

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

COMPLAINT DATE: 03/17/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 4

SUMMARY OF ALLEGATIONS #2-3: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: In 2023, the complainant contacted DPA, asserting his weapons and ammunition were seized for safekeeping by the San Francisco Police Department (SFPD) in accordance with a restraining order filed by his ex-wife in 2016. He stated that when he attempted to reclaim his weapons from the SFPD Property Room several years later, he was informed that the weapons were destroyed. The complainant stated he does not believe they were destroyed but stolen by officers. In addition, he stated that valuable ammunition, not listed as part of the seized property, was not accounted for. The complainant stated he believed the named officers were involved in the theft of his weapons and ammunition because they were mentioned in new articles related to theft and dishonesty.

The named officers denied involvement with the seizure or theft of the complainant's weapons.

Department records do not show the involvement of the named officers regarding the seizure of the complainant's firearms and ammunition.

The complainant failed to provide any evidence that the named officers were involved with his seized property other than their names being mentioned in a news article for unrelated matters.

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

SUMMARY OF ALLEGATION #4: The officer seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: In 2023, the complainant contacted DPA, asserting his weapons and ammunition were seized for safekeeping by the San Francisco Police Department (SFPD) in accordance with a restraining order filed by his ex-wife in 2016. He stated that when he attempted to reclaim his weapons from the SFPD Property Room several years later, he was informed that the weapons were destroyed. The complainant stated he does not believe they were destroyed but stolen by officers. In addition, he stated that valuable ammunition, not listed as part of the seized property, was not accounted for.

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

COMPLAINT DATE: 03/17/23 COMPLETION DATE: 11/26/23 PAGE# 3 of 4

The named officer is no longer with the San Francisco Police Department and is not subject to discipline.

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

SUMMARY OF ALLEGATION #5: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: In 2023, the complainant contacted DPA, asserting his weapons and ammunition were seized for safekeeping by the San Francisco Police Department (SFPD) in accordance with a restraining order filed by his ex-wife in 2016. He stated that when he attempted to reclaim his weapons from the SFPD Property Room, he spoke with the named officer, who was not forthcoming with information regarding the disposition of his weapons and ammunition and refused to provide any information.

The named officer stated he had several conversations with the complainant regarding his seized weapons. He informed the complainant that four of the five weapons seized had been destroyed two years prior. Still, the named officer could not explain why they were destroyed due to a lack of information and referred him to another unit that handles such matters. The named officer stated that the weapon that was not destroyed was available for retrieval pending a Department of Justice law enforcement release. He explained the process and the timelines for obtaining the release to the complainant. The named officer stated that on a later date, he assisted in releasing the weapon and provided the complainant with a phone number to the SFPD Legal Division as was requested.

The incident report indicates that multiple weapons and ammunition were seized for safekeeping per a domestic violence restraining order issued by the Superior Court.

A property receipt documents the property seized, as reflected in the incident report.

The SFPD Property Evidence Tracking System Disposal List document showed that the weapons and ammunition seized were destroyed five years after they were seized.

The restraining order required the complainant to sell or turn in his firearms to a law enforcement agency within 48 hours of being served.

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

COMPLAINT DATE: 03/17/23 COMPLETION DATE: 11/26/23 PAGE# 4 of 4

At the time of this incident, the San Francisco Police Department did not have Body-worn cameras, so footage was unavailable.

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

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/ISD and IAD

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

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

San Francisco Police Department
Investigative Services Division
1245 3rd Street
San Francisco, CA 94158

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

COMPLAINT DATE: 03/21/23 **COMPLETION DATE:** 11/26/23 **PAGE# 1 of 4**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she was involved in an accident where the other driver failed to stop. She called 911 and parked her car to prevent the other vehicle from fleeing. She stated that the named officers failed to investigate the incident and write a police report.

The named officers stated they responded to a call for service regarding a hit-and-run vehicle accident. When they arrived on the scene, they found both parties outside their vehicles approximately one block from where the collision had occurred. Named officer #2 stated he spoke with the complainant, who was very upset and angry. The complainant told him she was the victim of a hit-and-run because the other party tried to leave. The named officers stated that the street on which the collision occurred was extremely busy because an event just ended at the Chase Center. The street has two lanes each way, with no place to stop as there were no parking spots along the curb. The named officers stated there was no safe place to pull over and exchange information where the collision occurred. The stopped vehicles would also impede traffic flow. When they arrived at the scene, the named officers found the cars stopped on a side street with ample room to park without blocking lanes of traffic. The named officers stated they informed the complainant that they would facilitate the exchange of information with the other party. The named officers did not believe this was a hit-and-run because both parties were on the scene, and the parties were not far from where the call for service was initiated. In addition, Officer #2 stated that it took him eight minutes to find the parties after the initial call was dispatched, giving the other party plenty of time to flee if he chose to do so. The named officers stated they did not see damage to either vehicle. Officer #1 questioned if a collision occurred due to the lack of damage to the vehicles.

Department records indicate that named officers responded to a call for service regarding a hit-and-run vehicle accident.

Body-worn camera (BWC) footage showed both parties to the collision standing beside their parked vehicles when the named officers arrived. The complainant, who was very upset and angry, told the officers that the other party tried to flee after he collided with her vehicle. Both parties provided their insurance and ID upon request. The officers confirmed with all parties that no one was injured. In addition, officers commented to each other that they did not observe any damage to either vehicle. BWC footage also did not show damage to the vehicles. The named officers explained to the complainant that they would not write a police report but only help facilitate the exchange of information between the two parties. The complainant was not satisfied and requested to meet with a supervisor. The complainant was

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 4

informed that it would take approximately thirty minutes for a supervisor to arrive, which was not acceptable to the complainant. Therefore, she left after receiving the other party's information.

The complainant failed to provide the Department of Police Accountability with photographs of the damage to her vehicle.

Google Maps showed the location where the vehicles stopped was approximately one block from where the collision reportedly occurred.

Department General Order 9.02 (Vehicle Accidents) states in the relevant part that officers "need not investigate or report non-injury (property damage) vehicle accidents that do not include . . . hit and run vehicle accidents resulting in death, injury, or property damage." In addition, it states, "When arriving at the scene of a non-injury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report . . . assure the proper exchange of information."

California Vehicle Code §20002(a) states in the relevant part, "The driver of any vehicle involved in an accident resulting in only damage to any property . . . shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists. Moving the vehicle in accordance with this subdivision does not affect the question of fault."

Based on the evidence, this incident was not a hit-and-run as the other party moved his vehicle a short distance to a less busy street and remained on scene, which complies with the California Vehicle Code. The named officers conducted a cursory investigation by speaking with both parties and inspected the vehicles for damage. Because this was not a hit-and-run, and there was no injury to any party, the named officers were not required to investigate nor write a police report, per 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: 03/21/23 **COMPLETION DATE:** 11/26/23 **PAGE# 3 of 4**

SUMMARY OF ALLEGATIONS #2-4: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she was involved in an accident where the other driver failed to stop. She called 911 and parked her car to prevent the other vehicle from fleeing. She stated that the named officers failed to investigate the incident and write a police report.

The named officers stated they responded to a call for service regarding a hit-and-run vehicle accident. When they arrived on the scene, they found both parties outside their vehicles approximately one block from where the collision had occurred. Named officer #2 stated he spoke with the complainant, who was very upset and angry. The complainant told him she was the victim of a hit-and-run because the other party tried to leave. The named officers stated that the street on which the collision occurred was extremely busy because an event just ended at the Chase Center. The street has two lanes each way, with no place to stop as there were no parking spots along the curb. The named officers stated there was no safe place to pull over and exchange information where the collision occurred. The stopped vehicles would also impede traffic flow. When they arrived at the scene, the named officers found the cars stopped on a side street with ample room to park without blocking lanes of traffic. The named officers stated they informed the complainant that they would facilitate the exchange of information with the other party. The named officers did not believe this was a hit-and-run because both parties were on the scene, and the parties were not far from where the call for service was initiated. In addition, Officer #2 stated that it took him eight minutes to find the parties after the initial call was dispatched, giving the other party plenty of time to flee if he chose to do so. The named officers stated they did not see damage to either vehicle. Officer #1 questioned if a collision occurred due to the lack of damage to the vehicles. Department records indicate that named officers #1 and #2 responded to a call regarding a hit-and-run vehicle accident.

Department records indicate that named officers responded to a call for service regarding a hit-and-run vehicle accident.

Body-worn camera (BWC) footage showed both parties to the collision standing beside their parked vehicles when the named officers arrived. The complainant, who was very upset and angry, told the officers that the other party tried to flee after he collided with her vehicle. Both parties provided their insurance and ID upon request. The officers confirmed with all parties that no one was injured. In addition, officers commented to each other that they did not observe any damage to either vehicle. BWC footage also did not show damage to the vehicles. The named officers explained to the complainant that they would not write a police report but only help facilitate the exchange of information between the two

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

COMPLAINT DATE: 03/21/23 COMPLETION DATE: 11/26/23 PAGE# 4 of 4

parties. The complainant was not satisfied and requested to meet with a supervisor. The complainant was informed that it would take approximately thirty minutes for a supervisor to arrive, which was not acceptable to the complainant. Therefore, she left after receiving the other party's information.

The complainant failed to provide the Department of Police Accountability with photographs of the damage to her vehicle.

Google Maps showed the location where the vehicles stopped was approximately one block from where the collision reportedly occurred.

Department General Order 9.02 (Vehicle Accidents) states in the relevant part that officers "need not investigate or report non-injury (property damage) vehicle accidents that do not include . . . hit and run vehicle accidents resulting in death, injury, or property damage." In addition, it states, "When arriving at the scene of a non-injury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report... assure the proper exchange of information."

California Vehicle Code §20002(a) states in the relevant part, "The driver of any vehicle involved in an accident resulting in only damage to any property . . . shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists. Moving the vehicle in accordance with this subdivision does not affect the question of fault."

Based on the evidence, this incident was not a hit-and-run as the other party moved his vehicle a short distance to a less busy street and remained on scene, which complies with the California Vehicle Code. The named officers conducted a cursory investigation by speaking with both parties and inspected the vehicles for damage. Because this was not a hit-and-run, and there was no injury to any party, the named officers were not required to investigate nor write a police report, per 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: 04/07/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he observed the officer smoking a cigar near the entrance of a police station. He admonished the officer and told him not to smoke close to the entrance because it was against the law. The complainant alleged that the officer responded profanely and told him he did not have to comply with his request.

The named officer stated that he recalled the complainant telling him not to smoke in front of the police station. He did not recall yelling at the complainant or telling him that he did not have to comply. He recalled asking the complainant why he was harassing him, to which the complainant told the named officer that he “could do what he wants.” The named officer described his demeanor at the time of the incident as “frustrated” because he had experienced harassing behavior from the complainant in previous interactions.

DPA obtained the police station’s external security camera video footage for the time of the incident. The footage showed the complainant and the named officer speaking to each other briefly. However, the station’s security video cameras were not capable of recording audio, and it was unable to determine what was said between them at the time.

The police station’s video footage visually proved that the interaction between the complainant and the named officer did occur, but it was unable to verify what was said during the encounter. Therefore, DPA cannot conclude by a preponderance of the evidence whether the named officer’s response was within Department policy.

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

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

COMPLAINT DATE: 04/07/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that during the interaction the named officer directed profanity toward him and told him to, "Get the fuck out!"

The named officer denied the allegation.

The police station's external security cameras captured the incident but did not record audio.

DPA was unable to locate any additional evidence related to this incident.

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

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

COMPLAINT DATE: 04/17/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers issued her parking tickets on multiple occasions in a parking lot, even though security guards had given her permission to park in the red zone. The complainant acknowledged parking in the red zone.

One officer said he issued parking citations because the complainant's car was parked in a red zone. On at least one occasion, the officer informed the complainant that she was not allowed to park in a red zone and that security had asked him to enforce the red zone parking violation. A second officer did not recall issuing the parking citations.

Fieldwork revealed that the red zone was a designated fire lane.

The officers had cause to issue the parking citations because the complainant was parked in a red zone in a designated fire lane.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated she was issued three parking tickets on three different occasions. The complainant challenged the officers by asserting that she had permission from security to park in the red zone. One officer made a rude comment and another officer flirted with her by complimenting her eyeglasses. Both officers laughed at her.

The named officers denied the allegations. There was no body-worn camera footage or witnesses to this incident. There was insufficient evidence to determine whether the officers made the alleged comments.

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

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

COMPLAINT DATE: 04/17/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers were harassing her by issuing parking citations.

The officers denied harassing the complainant and stated that they only cited the complainant's car when it was parked in a red zone.

Issuing parking citations for repeat parking violations does not constitute harassment.

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

SUMMARY OF ALLEGATION #7: The officer failed to provide his or her name and star number.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer refused to provide his name and badge number.

The officer stated that the complainant did not ask for his name and badge number and that he always provided the information verbally when requested. He added that his name and badge number would also be on the parking ticket.

Department General Order 2.01, General Rules of Conduct, requires officers to promptly and politely identify themselves upon request.

Body-worn camera footage showed the officer pointing to his name on the parking citation. The complainant then took a picture of the officer. The officer told the complainant to have a good day.

The named officer was polite, provided his name, and allowed the complainant to take his photo.

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

COMPLAINT DATE: 04/17/23 COMPLETION DATE: 11/26/23 PAGE# 3 of 3

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: 05/17/23 COMPLETION DATE: 11/13/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant was walking in a crosswalk, crossing a street when a car suddenly hit her. The complainant said she had a large machete secured in a sheath around her waist. The machete flew out onto the street when the car hit her. Officers responded to the scene and investigated the incident. During their investigation, one officer received dash camera footage from a witness's vehicle. That footage showed that the complainant stopped in the middle of the street and raised the machete toward the vehicle that ended up hitting her. One of the officers took the machete and booked it into evidence without giving her any receipt or documentation. As a result, she was unable to retrieve it.

The named officer admitted booking the machete, but not issuing a property receipt for it. He also admitted not telling the officer who wrote the incident report to document in the report as to why the property receipt was not issued.

A witness officer who wrote the incident report stated that he could not recall the named officer telling him to document in the report why no property receipt was issued.

DPA obtained the named officer's body-worn camera (BWC) of the incident. The BWC showed that the named officer found the machete on the street and placed it in the back of his police vehicle. DPA also obtained a copy of the incident report and property log associated with this incident. Both documents showed that the named officer booked the machete at a district police station.

Department General Order 6.15, Property Processing, states, in part, "A. RESPONSIBILITIES. The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section." It continues, "1. PROPERTY RECEIPT FORM. When taking or receiving Property for Identification from a person (including an arrestee), complete a property receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report."

The named officer failed to process the complainant's property properly. Department records show that he found the machete on the street and booked it into evidence. He admitted not issuing a property receipt for the machete and did not indicate why it wasn't documented in the incident 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: 05/26/23 COMPLETION DATE: 11/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant's apartment bathroom was undergoing repairs. During construction, the property management company gave him temporary access to use a shower in another unit. One day a property manager, who is also a police officer, asked the complainant to return the keys to the second unit. The complainant returned the keys, expecting to get them back at the end of the day. When the keys were not returned, the complainant called for police assistance to retrieve property he left inside the second unit. The officers did not help him access the second unit or retrieve his property. The complainant believed the named officers favored the property manager because he is a fellow police officer.

Department of Emergency Management records showed the officers were dispatched to investigate a fight with no weapon. The officers arrived and reported that no fight had occurred. Body-worn camera footage showed that the named officers obtained a statement from the complainant. The complainant explained that he wanted access to the second unit to retrieve some belongings. The complainant called the property manager, who spoke with the officers on speakerphone. The property manager explained that the complainant no longer had permission to use the second unit. The named officer explained to the complainant that a dispute over accessing another unit in an apartment building for storage purposes was a civil matter. The officer said he believed both parties, but that he could not do anything because the dispute was not a criminal matter.

Department General Order 2.01, General Rules of Conduct, requires officers to treat members of the public with courtesy and respect. Field Operations Bureau General Order No. 03-10.II., Responding to Calls for Service, states that "all officers responding to 'calls for service' that are civil in nature, shall not provide any service that would give either side the impression that the San Francisco Police Department is anything but neutral in the matter. Responding officers are to stand by and give only assistance as needed to prevent the commission of a crime."

The investigation showed that the officers obtained statements from both parties and determined that the problem presented by the complainant was a civil matter. The named officer could not lawfully open the temporary unit or order the property manager to return the keys to the complainant. While the complainant perceived the officers' actions as favoring the property manager, the evidence showed the officers' decisions complied with policy. The evidence proved the officers' conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 05/28/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that when he entered a crosswalk, he observed an officer in a marked patrol vehicle drive in a reckless manner, almost colliding with him. The complainant identified the vehicle's patrol number.

DPA requested all records of Department vehicles in use on that day in that sector. The vehicle information provided to DPA by the complainant did not match any Department vehicles in use on that day. Therefore, there was insufficient information to identify the officer.

The officer cannot reasonably be identified.

SUMMARY OF ALLEGATION #: 2 The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant alluded that the officer intentionally drove in a reckless manner to intimidate him out of retaliation for filing several DPA complaints in the past.

As mentioned above, DPA requested all records of Department vehicles in use on that day in that sector. The vehicle information provided to DPA by the complainant did not match any Department vehicles in use on that day. Therefore, there was insufficient information to identify the officer.

The officer cannot reasonably be identified.

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

COMPLAINT DATE: 06/01/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant described an ongoing dispute with the property manager of her building. She stated that she called for police service several times and that she requested the responding officers prepare police reports, but that they declined to do so.

The named officers denied that they had been asked to write police reports. The officers stated that this was a civil issue between landlord and tenant that did not create a duty to issue a report. One officer added that he had determined that a crime had not taken place through investigation, observation, and the absence of evidence.

Records showed a series of calls-for-service at the complainant's building within a 24-hour period. Initially, the complainant reported that someone cut the lock to her back door. Officers responded and found evidence of a cut lock. The officers left but were sent back when the complainant called to say that her landlord had removed an exterior door to a common area. The officers returned and provided the complainant with resources for resolving civil matters. The next day, the property manager and complainant both called for police assistance. The property manager said the complainant broke into a part of the building she did not have permission to enter. The complainant said the property manager had broken into her unit. The officers determined that the issue was a civil landlord-tenant dispute.

Body-worn camera footage corroborated the officers' statements. The dispute was over access to various parts of a leased property. The complainant did not request a police report.

Department General Order 1.03 (5)(d) provides that patrol officers shall "[m]ake written reports on crimes observed or brought to their attention that have not been previously reported." In the instant case as the named officers did not observe a crime, they were not required to make a written report.

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

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

COMPLAINT DATE: 06/01/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in conduct unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers did not allow her time to talk, nor did they listen to what she had to say. She also stated that the officers made statements about the property manager's rights that were inaccurate and illegal.

The named officers stated that the complainant was argumentative and did not listen or communicate effectively with them. One officer tried to explain that the building owner was allowed to perform maintenance on his own building. The second officer cautioned that the property the complainant left in someone else's unit might be considered abandoned.

Body-worn camera footage showed that the complainant and the named officers had difficulty communicating effectively. At times, one officer used a sharp tone of voice as the complainant talked over him. DPA recommends that officers always interact with community members with respect and compassion. Given the totality of the circumstances, however, this behavior 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: 06/01/23 COMPLETION DATE: 11/26/23 PAGE# 3 of 3

SUMMARY OF ALLEGATION #5: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that she called her neighborhood police station to obtain the police report of these interactions, but that she was hung up on three separate times.

DPA was unable to independently identify any involved officers based solely on the complainant's statements. The complainant did not respond to multiple requests for additional information. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 06/26/23 COMPLETION DATE: 11/01/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: A former neighbor broke into the complainant's home and ransacked her living space. The complainant and her property manager called for police assistance and were given an incident report number. However, the complainants stated that the named officer did not actually write an incident report.

Department General Order 2.01, General Rules of Conduct, requires officers to make written reports of crimes or incidents requiring police attention.

Department records showed that the officer prepared a complete and thorough incident report documenting the investigation and reporting party statements.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 06/26/23 COMPLETION DATE: 11/01/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: One complainant stated that the suspect ransacked her home, but nothing appeared missing. She showed the officer security footage of the suspect leaving her home through the front door, without having first entered through the front door. She said the suspect should have been arrested for breaking into her home.

Body-worn camera footage showed the suspect was not at the scene, and a neighbor's video showed that the suspect left before officers arrived.

Department General Order 5.04, Arrests by Private Persons, requires officers to receive private person arrests when the private person has reasonable cause to believe a person committed a felony. However, the suspected person must be present for the officer to accept the arrest. In this case, no suspect was present, and the officer was therefore unable to receive the private person arrest. The officer complied with policy by completing an incident report documenting his investigation.

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

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

COMPLAINT DATE: 06/26/23 COMPLETION DATE: 11/21/23 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: 06/29/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer was inattentive to duty.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was actively being followed and threatened on the street. He saw a patrol vehicle driving by and flagged it down. However, the two officers told him to keep running and that they could not help him and had to go. The complainant described the two officers as female, average height and slim build, but could not provide their names and badge numbers.

Since the complainant could not identify the specific officers involved in the interaction, the DPA sent an ID Poll to Southern Station. An ID poll describes the incident and asks that the commanding officer review the incident description and identify officers that were involved. The ID poll came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

There were no witnesses at the time of the incident.

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

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

COMPLAINT DATE: 07/27/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said she observed an individual take out a 3 to 4-inch knife, hack a tree with it, yell obscenities and make verbal threats. The complainant left the immediate area and reported the incident to Dispatch. The complainant did not want to return to the scene to identify the subject to the responding officers because she was in fear for her safety. The named officers arrived on scene in a patrol vehicle and stopped momentarily before leaving. The complainant called dispatch again and advised that the area was still unsafe. The complainant received a phone call from one of the named officers who advised that he could not locate the individual with a knife, asked her to identify the individual and commented that what she described did not constitute a crime. She said she was not asking for an arrest or for the named officers to investigate a crime. She said the named officers refused to engage with the knife-wielding person to make them leave the area and that they failed to keep the public safe.

The named officers said they responded to the complainant's calls regarding a person with a knife. Dispatch provided a description of the subject and advised that he was sharpening sticks with a knife, yelling, and acting erratically. The named officers were unable to locate a matching subject on scene and left because the complainant did not want to meet with officers.

The named officers said they were dispatched to the complainant's second call for service and named officer #1 phoned the complainant for further information. He asked the complainant if she could direct them to the subject who had the knife and she declined. The named officers said they searched the area for the subject and spoke with individuals in the area who denied seeing anyone exhibiting the behavior reported by the complainant. The named officers said they took all required action and were unable to take additional action as they could not locate the subject.

Dispatch records showed the named officers were dispatched to two calls for service regarding a person with a knife. The records detailed a subject description, and that the complainant did not want to meet with responding officers. The records did not mention anything about threats. The records showed that the named officers commented that the subject was gone on arrival and that people in the area hadn't seen anyone. Records for the return call for service showed the named officers commented that they were unable to locate the subject and that the complainant was uncooperative.

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

COMPLAINT DATE: 07/27/23 COMPLETION DATE: 11/08/23 PAGE# 2 of 2

The evidence shows that the named officers searched for the subject. When they could not locate the subject, they called the complainant to obtain further information. Based on the evidence, the named officers acted within policy and did not engage in misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she called dispatch twice to report a person with a knife who had been hacking a tree, yelling, and making verbal threats. She received a phone call from the named officer who advised he was unable to locate the individual, asked if she wanted to identify them to which she refused as she did not feel safe returning to the location. She said the named officer spoke with her rudely, said no crime was being committed based on what she described, and that he was not going to make an arrest without her identifying the person. She said she was not asking for an arrest or an investigation but for him to deter crime. She said the named officer treated her like a nuisance and didn't take her safety seriously.

The named officer stated that the complainant's allegation is unfounded. He stated that he was dispatched to the complainant's calls for service and called her after being unable to locate the subject with the knife she described in her calls for service. The named officer refuted the complainant's allegation that he spoke with her rudely, treated her like a nuisance and did not take her safety seriously. He said he tried to contact the reporting party to resolve the matter she raised.

Dispatch records showed that the named officer was dispatched to the complainant's calls for service regarding a person with a knife.

It is unclear based on the evidence if the named officer treated the complainant rudely and without respect when speaking with her on the phone.

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

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

COMPLAINT DATE: 08/04/23 COMPLETION DATE: 11/01/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 08/16/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO1/IAD

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

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

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

COMPLAINT DATE: 08/28/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/CBP

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

U.S. Customs and Border Protection
33 New Montgomery Street
San Francisco, CA 94105

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

COMPLAINT DATE: 09/05/23 COMPLETION DATE: 11/26/23 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: 09/06/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/DEM

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 11/8/23.

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

COMPLAINT DATE: 09/19/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated in an online complaint that an officer failed to file a report regarding a stolen dog. The complainant did not respond to DPA's request for additional information.

Because the complainant did not identify the specific officer involved in the interaction, DPA sent identification polls to two district stations. The polls describe the incident and ask that the Captains and/or members of the station review the incident description and identify officer(s) that were involved. The polls came back with negative results. Therefore, there was insufficient information to identify the officer.

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: 09/21/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: In an online complaint, the complainant stated that he went to the police station to file a report of being illegally recorded and the tape was sold in a motel room. He said the officer was unprofessional and said the complainant sounded crazy and accused him of being under the influence.

The complainant did not respond to the DPA's multiple interview requests or identify the specific officers involved in the interaction.

An ID Poll was sent to the station. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers who were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

The police station security video captured multiple people talking to multiple officers and civilian staff at the front desk around the time of the incident. However, with the limited information the complainant provided, no audio available, and no description of the complainant, it could not be determined which person was the complainant in the video. Therefore, no officer could be identified as interacting with the complainant.

There were no witnesses at the time of the incident.

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

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

COMPLAINT DATE: 09/21/23 COMPLETION DATE: 11/26/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he went to the station to file a report of being illegally recorded. However, the officer did not take any action.

The complainant did not respond to the DPA's multiple interview requests or identify the specific officers involved in the interaction.

An ID Poll was sent to the station. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers who were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

The police station security video captured multiple people talking to multiple officers and civilian staff at the front desk around the time of the incident. However, with the limited information the complainant provided, no audio available, and no description of the complainant, it could not be determined which person was the complainant in the video. Therefore, no officer could be identified as interacting with the complainant.

There were no witnesses at the time of the incident.

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

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

COMPLAINT DATE: 10/14/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer engaged in inappropriate behavior and/or comments in a voicemail message and during a subsequent telephone call on or about October 14, 2023.

Department Personnel Records confirmed the named officer retired from the Department in July 2022, more than a year prior to the date of the incident.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer used profanity during a telephone conversation on or about October 14, 2023.

Department Personnel Records confirmed the named officer retired from the Department in July 2022, more than a year prior to the date of the incident.

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

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

COMPLAINT DATE: 10/17/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raised matters outside of DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: The complainant raised matters outside of DPA's jurisdiction.

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

COMPLAINT DATE: 10/17/23 COMPLETION DATE: 11/08/23 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 complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

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

COMPLAINT DATE: 10/23/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant was unaware that a traffic stop six years ago resulted in a traffic citation. He thought he was issued a warning. To verify the validity of the citation, the complainant obtained a copy of the citation and found a few administrative errors. The vehicle's color, license plate number, mailing address, ethnicity, and stop location were inaccurate. The complainant did not receive a copy of the citation in the mail and missed the court date. The complainant later acknowledged that the mailing address on the citation matched the address on his driver license; however, he did not tell the officer that it was an old address. The complainant did not want the officer punished but wanted the officer to understand the repercussions of a few errors.

The complainant provided a copy of the citation and photos of his vehicle to illustrate the discrepancies. The officer cited the complainant for a correctable violation. The citation indicated the violation location, not the traffic stop location. The color was reasonably accurate. The license plate number in the photo was different from the license plate number on the citation. However, the complainant did not provide DPA with a copy of his driver license or vehicle registration for verification.

Due to the time lapse, body-worn camera footage was unavailable and a computer records check did not yield any results. Additionally, the named officer has since retired.

Department General Order (DGO) 9.01, Traffic Enforcement, requires officers to enforce mechanical, licensing, and registration violations. Drivers are required to update their addresses with the Department of Motor Vehicle and to notify officers of a change of address when presenting their license to an officer. (Vehicle Code § 14600.)

The complainant did not receive a copy of the citation because he did not update his address or inform the officer that his address changed. Because the incident happened years ago, the DPA was unable to verify the accuracy of the citation based on the available evidence. Additionally, the officer is retired and no longer subject to Department jurisdiction.

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

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

COMPLAINT DATE: 10/24/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/SFSO

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

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

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

COMPLAINT DATE: 10/24/23 **COMPLETION DATE:** 11/08/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant said three unknown officers wrongfully removed children from the complainant's custody and Child Protective Services were not involved.

The DPA conducted an extensive search in various databases. However, evidence matching the complainant's explanation of the incident could not be found.

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

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant said the following day after three unknown officers removed children from the complainant's custody the officers returned and took the complainant into custody. The unknown officers took the complainant into custody because she was mentally unstable. The complainant denied being mentally unstable.

The DPA conducted an extensive search in various databases. However, the complainant's matching incident could not be found.

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

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

COMPLAINT DATE: 10/25/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/25/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 10/26/23 COMPLETION DATE: 11/08/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-1

FINDING: Referral/SFSO

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

SAN FRANCISCO SHERIFF'S OFFICE
INTERNAL AFFAIRS
25 VAN NESS, ROOM 350
SAN FRANCISCO, CA 94102

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

COMPLAINT DATE: 10/30/23 COMPLETION DATE: 11/26/23 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: 11/01/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-1

FINDING: Referral/SFSO

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

SAN FRANCISCO SHERIFF'S OFFICE
INTERNAL AFFAIRS
25 VAN NESS, ROOM 350
SAN FRANCISCO, CA 94102

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

COMPLAINT DATE: 11/03/23 **COMPLETION DATE:** 11/07/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2/Informational

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: 11/04/23 COMPLETION DATE: 11/26/23 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:

Fremont Police Department
2000 Stevenson Boulevard
Fremont, CA 94538

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

COMPLAINT DATE: 11/06/23 COMPLETION DATE: 11/26/23 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 City College Police
Cloud Hall 119
50 Frida Kahlo Way
San Francisco, CA 94112

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

COMPLAINT DATE: 11/09/23 **COMPLETION DATE:** 11/27/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer made a misleading statement regarding Stop Data, as reported in a local online news article. He stated the information reported by the named officer originated from a San Francisco Police Commission Hearing. The complainant stated the named officer implied that there were two Stop Data databases when there was only one.

The online news article summarized the named officer's statements from the Police Commission Hearing. The article stated the San Francisco Police Department (SFPD) "already reviews the number of stops by officers to see whether that matches the amount of entries in the state database."

The San Francisco Police Commission transcript regarding Stop Data Entry attributes the named officer as stating, "Our standard operating procedure for auditing is to determine the amount of stops versus the amount of entries to see if there is a discrepancy there. In terms of the numbers, for example, if you had 1000 stops, is there a thousand data entry? What we're going to need to do is look a little further at this point and do some comparisons based on this information that we have received."

The online article's summarized statements attributed to the named officer, as well as his quoted statements from a transcript, are not misleading as the named officer does not refer to two databases but refers to a comparison between the number of stops conducted by SFPD and the number of entries made in the state database.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 11/14/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 11/16/23 COMPLETION DATE: 11/26/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-1

FINDING: Referral/SFSO

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/23 **DATE OF COMPLETION:** 11/26/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that an officer illegally parked a police van without turning the wheels toward the curb.

The San Francisco Department of Public Works grade map indicates that the grade of the street where the vehicle in question was parked is 1.94%. In addition, the photo that the complainant provided showed that the vehicle's wheels were turned towards the curb.

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

The evidence proves that the vehicle was parked legally.

The evidence proves that the conduct alleged did not occur.