

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

COMPLAINT DATE: 03/06/2018

COMPLETION DATE: 12/05/2023

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.01

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: An officer-involved shooting occurred during a standoff between multiple officers and a barricaded subject in the trunk of a vehicle. The involved officers were investigating a robbery with a firearm. The officers shot and killed the suspect when he discharged his firearm. The DPA investigated the incident because San Francisco Administrative Code §96.11 mandates that the DPA investigate any incident in which the discharge of a firearm by a San Francisco Police Department officer causes injury or death. The DPA's investigation included interviews of involved parties and witnesses; examination of documents and audio recordings from the San Francisco Police Department, the Department of Emergency Management, and the Office of the Chief Medical Examiner; review of surveillance and body-worn camera footage; and two subject-matter experts were consulted.

Officers were flagged down by two victims of an armed robbery. The victims yelled, "Pistola! Pistola!" while pointing toward an individual running away. Officers followed the subject and observed him jump in the trunk of an occupied vehicle. Shortly thereafter, officers initiated a felony stop of the vehicle and the driver pulled over, complied with orders, and exited the vehicle. Several units were present, and several officers stood behind a patrol car, directly behind the suspect vehicle.

The subject in the trunk was thought to be armed with a firearm. He held the trunk ajar with his right hand but refused to show his left hand and exit the trunk of the vehicle. Feeling the scene was stagnating, the named officer walked to a patrol car and grabbed an ERIW. He was not directed to grab the ERIW, did not determine if the ERIW was warranted, and did not formulate a plan with the cover officers or an arrest team. He then took cover to the left side of the street before repositioning with the officers behind the suspect vehicle. When an officer said, "he's got something," the named officer took a few steps toward the suspect vehicle and issued commands before yelling "red light, red light." A few seconds later, the named officer deployed his ERIW. The named officer deployed his ERIW four minutes after arriving on the scene.

Detaining officer #1 stated he was patrolling the area with two partners, detaining officers #2 and #3 when they were flagged down regarding the report of a robbery with a gun. The victims of the robbery pointed to the subject who was running away. The officers followed the subject and watched him jump in the trunk of a vehicle that was waiting. Detaining officer #1 stated that he and his partners discussed a plan

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before they jumped out to conduct the felony stop. Detaining officer #1 was driving the patrol vehicle, so he broadcast the basic information about the incident. He then focused on giving commands for the felony traffic stop. After detaining the driver of the suspect vehicle, he confirmed there was no other planning. He requested a Spanish speaker officer to communicate with the subject.

Detaining officers #2 and #3 stated that they provided lethal cover while detaining officer #1 gave commands to the driver of the suspect vehicle. The driver exited the vehicle and was handcuffed and escorted to a patrol vehicle. Other officers arrived at the scene and everyone's focus remained on the subject in the trunk. They stated that the subject refused to show his hands or exit the trunk. Detaining officer #2 stated that a Spanish speaking officer responded and gave commands in Spanish. He heard the named officer provide the ERIW warning and believed the ERIW round struck the subject. The Spanish speaking officer started giving commands again in Spanish and shortly after the subject reached down and detaining officer #2 saw a muzzle flash.

Backup officer #1 stated that she responded to the scene to communicate with the subject in Spanish. She described the incident as a chaotic scene with a lot of cross talking. She heard other officers shouting commands in English and heard the named officer, who was on the driver's side of that primary patrol car, with the less lethal, shouting commands in Spanish. She stated everyone was drowning themselves out and she didn't know that the occupants heard any of the commands. She communicated with the subject in Spanish with a bullhorn. She stated that the subject did not respond verbally to her commands, but he did respond physically. She stated, "the body language indicated to me that he understood what I was saying and that was his response."

A sergeant that was located 3 feet away from the named officer when he deployed the ERIW stated that he was unaware the named officer was going to deploy the ERIW. The sergeant stated that he suffered ear damage because of the ERIW shockwave, then retreated to a position behind the patrol car.

Officers that had a clear view of the subject said his face appeared to show rage or anger after being hit with the beanbag round.

Department of Emergency Management and Department records showed that the named officer used the ERIW approximately four minutes after arriving at the scene. Within seconds of being struck, the complainant extended his left hand from the trunk and fired one round in the direction of the officers. Nobody was struck.

The DPA retained a subject matter expert to determine whether the officers complied with relevant policies and procedures during the felony traffic stop of the subject. More specifically, tactical decision making of officers at the scene, supervision, and communication. The SME found that the named officer

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violated Department General Order 5.01 during his response to this incident. She found that the named officer's deployment of his ERIW did not comply with department policy.

Department General Order 5.01 states that an Extended Range Impact Weapon, "may be used on a subject who is armed with a weapon, other than a firearm..." Further, Department Bulletin 15-234 (ERIW Guide Sheet) requires officers arriving on scene to, "obtain a quick briefing to determine if the ERIW is warranted," and to "formulate a plan with [the] cover officer and ground arrest teams." While responding to the call of a person with a gun, the named officer failed to comply with both DGO 5.01 and DB 15-234, when he deployed an ERIW at a suspect who he believed was armed with a firearm.

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

SUMMARY OF ALLEGATIONS #2-11: The officers intentionally and improperly discharged a firearm, on or off-duty, in the performance of law enforcement duties.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: See above for a recitation of the facts that are incorporated by reference herein.

Multiple officers intentionally discharged their firearms when the suspect suddenly fired in the direction of officers. At the time of the shooting there were twenty-three (23) officers at the scene. Some of the officers were positioned in a semi-circle in the street approximately one car length away from the vehicle containing the subject. Many of the officers were not behind cover or concealment. In their statements, several officers mentioned not feeling safe where they were positioned but did not move to safer positions. Ten (10) officers fired a combined ninety-nine (99) rounds at the subject, striking him 25 times. Multiple rounds hit nearby cars and buildings, and at least two rounds went through a second story apartment window. There were no injuries to any pedestrians other than the subject. There was a female passenger and a dog in the backseat of the suspect vehicle. She was removed from the car unharmed and without incident.

The named officers stated that they fired their weapons out of fear for their lives or the lives of other officers when the subject pointed his gun and fired in their general direction.

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Body-worn camera footage and a witness video showed that the suspect discharged his firearm before officers returned fire.

The Crime Scene Investigation Report showed that several casings, bullet fragments, bullets, several Officer's pistol magazines, the suspect's vehicle, and suspect's bloody firearm (located in trunk of the suspect's vehicle), an unfired cartridge, bean bags from an E.R.I.W. discharge and a 9mm casing was located on the street directly behind the trunk area of the suspect's vehicle were processed at the scene. The report showed firearm located by the suspect's body was collected and examined. The manual safety was off on the weapon which would permit the weapon to fire and there was one bullet in the chamber and other rounds in the magazine. A shell casing was located on the ground near the suspect's vehicle was analyzed and identified as having been fired from the firearm the suspect possessed.

The Medical Examiner's Report indicated that the subject died of multiple gunshot wounds. He was struck twenty-five times by gunfire. A Toxicology Report was included in the report. The toxicology report showed that the suspect had traces of drugs in his system at the time of his death.

San Francisco Police Department General Order in effect at the time of the incident, 5.01 – Use of Force, stated:

The San Francisco Police Department's highest priority is safeguarding the life, dignity and liberty of all persons.

...

Officers may use reasonable force options in the performance of their duties, in the following circumstances:

4. In defense of others or in self-defense.

The order describes levels of resistance, and defines "life-threatening" resistance as, "Any action likely to result in serious bodily injury or death of the officer or another person."

It describes levels of force, and states:

It is the policy of this Department to use deadly force only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers.

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...an officer may discharge a firearm or use other deadly force ... In self-defense when the officer has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury; or ... In defense of another person when the officer has reasonable cause to believe that the person is in immediate danger of death or serious bodily injury.

It lists factors for evaluating the use of force, including:

Whether the suspect posed an immediate threat to the safety of the officers or others ... Whether the use of force is proportional to the threat ... The availability of other feasible, less intrusive force options ... The officer's tactical conduct and decisions preceding the use of force ... Whether the subject's escape could pose a future safety risk.

The order also describes de-escalation, and states:

When encountering a non-compliant subject or a subject armed with a weapon other than a firearm, officers shall when feasible, use the following de-escalation tactics in an effort to reduce the need or degree of force:

1. Attempt to isolate and contain the subject;
2. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force;
3. Request additional resources, such as Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, or Extended Range Impact Weapon;
4. Designate an officer to establish rapport and engage in communication with the subject;
5. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety; and
6. Continue de-escalation techniques and take as much time as reasonably necessary to resolve the incident, without having to use force, if feasible.

In this case, the officers' use-of-force complied with San Francisco Police Department guidelines, because the subject posed an imminent risk of great bodily injury or harm to the officers and the public.

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

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SUMMARY OF ALLEGATION #12: The officer failed to properly supervise.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: See above for a recitation of the facts that are incorporated by reference herein.

The named officer was the most senior ranking officer on the scene. He arrived on scene within minutes of hearing the call. DGO 5.01 requires all officers “dispatched to or on-viewing a subject with a weapon” to call supervisors as soon as feasible. Upon arrival, responding supervisors shall, “where appropriate, ... assume command, and ensure appropriate resources are on-scene or are responding.”

DGO 1.04 explains, “...Sergeants shall...

- b. Have immediate control and supervision of assigned members.
- c. Require all assigned members to comply with the policies and procedures of the Department...”

The named officer explained the importance of supervisors responding to similar incidents. He knew that this was a situation where it was appropriate for him to assume command. He confirmed that his role on scene was to “supervise, get all the facts, control the scene, put people where they needed to be put, take people out where they needed to be taken out, make sure the public was safe, and just seeing the whole scene.” He acknowledged that he and the other supervisor did not have a plan when they arrived at the scene.

Several officers could not recall a supervisor on scene before the shooting. Witness officer #1 stated he did not know who was in charge and did not remember anyone taking charge. Witness officer #2 did not recall seeing sergeants until after the ERIW was deployed. Witness officer #3 did not hear anyone giving directions like they were a supervisor.

DPA retained a Subject Matter Expert (“SME”) who reviewed the BWC footage and officer interviews. She concluded that “neither supervisor gave the officers directions regarding tactics... As a consequence, officers were allowed to remain in tactically disadvantageous positions. Positions that unduly compromised their safety, the safety of other officers, and lacked a coherent, strategic approach to resolving the high-risk incident with which they were faced.”

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The named officer had an obligation under DGO 1.04 and 5.01 to assume command of a rapidly evolving situation. When he arrived on scene, his only plan was to wait for the alleged suspect to get out of the trunk, before potentially calling specialized units to take command. He failed to take command when he stood next to an officer, who was holding an ERIW, yelling “red light” four times in the span of seven seconds, without issuing a command to stand down. Instead, he was surprised that the officer fired the ERIW. The named officer rushed to the scene to ensure there was proper supervision, but he did not provide it.

A preponderance of the evidence proves that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #13: The officer failed to comply with Department General Order 10.11

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: DPA’s investigation determined that the officer violated DGO 10.11, Section E (Termination Recordings) and Section D (Documentation), because his body-worn camera footage shows he muted his camera during the OIS investigation, and that he failed to document the reasons why he muted his body-worn camera as required by DGO 10.11.

The named officer confirmed he was responding to a detention/arrest, triggering a requirement to turn on his BWC. He stated that he muted his BWC because he was discussing tactical issues, away from a citizen. However, he was unable to articulate the necessity for muting his camera, and who, where, or when he was discussing the tactical issues. He stated that he did not know his superior officer was speaking to him when he ordered all personnel to have their body-cameras on and activated. He acknowledged that he failed to document the reasons for the muting.

Department records and body-worn camera footage showed that the named officer did not immediately activate his body-worn camera, muted and continued to mute his body-worn camera, even after a superior officer gave explicit instructions for all on-scene SFPD personnel equipped with body-worn cameras to not disturb their cameras, and failed to record the purpose of muting his body-worn camera.

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A preponderance of the evidence proves that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #14: The SFPD failed to comply with Department General Order 8.02.

CATEGORY OF CONDUCT: ND

FINDING: TF/PF

FINDINGS OF FACT: A straightforward application of Department General Order 8.01 and 8.02 does not adequately account for the difficult circumstances the officers faced. In this situation, the officers conducted a high-risk felony traffic stop of an armed suspect that jumped in the trunk of a moving vehicle. The officers did not consider the alleged suspect as a barricaded suspect because officers were not trained to identify individuals refusing to exit a car, van, or RV as barricaded suspects and the definition of barricade suspect incident is broad. In addition, two sergeants arrived on the scene before the deployment of the ERIW and shooting; however, the sergeants did not assume command.

Department General Order 8.01, Critical Incident Evaluation and Notification (August 3, 1994)

I. POLICY

- A. **EVALUATION:** It is the policy of the San Francisco Police Department that should a critical incident occur, a prompt evaluation and notification shall be made by the District Captain or, if not immediately available, the Night Captain. If neither is immediately available, the Lieutenant on duty in the district of occurrence shall make the evaluation and notification.
- B. **DEFINITIONS OF CRITICAL INCIDENTS.** The following situation constitute critical incidents:
1. Hostage/barricaded suspect.
 2. Sniper.
 3. Citizen shot by an officer.
 4. Officer shot or critically injured while on duty.
 5. Riot, insurrection or potentially violent demonstration.
 6. Prison break.
 7. Explosion of a destructive device.
 8. Airplane crash.
 9. Officer arrested on or off duty.

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10. Major fire (five alarms or greater).
11. Hazardous material incident.
12. Earthquake or any natural calamity involving multiple casualties or significant destruction of property, or the likelihood of either.
13. Accidents (explosion, traffic, construction, etc.) involving multiple casualties.

II. PROCEDURES

- A. **DUTIES OF OFFICERS.** When confronted with a critical incident, immediately notify the Commanding Division and your field supervisor. Also ensure that the Station Keeper of the district station of occurrence is notified.
- B. **DUTIES OF STATION KEEPER.** Immediately inform the Captain or, in his/her absence, the Lieutenant of the incident. Also notify the Field Operations Bureau, of the Operations Center during non-business hours.
- C. **DUTIES OF THE EVALUATING OFFICER.** Immediately respond to the scene, assume command, evaluate the situation...

Department General Order 8.02, Hostage and Barricaded Suspect Incidents (August 3, 1994)

I. Definitions...B. **BARRICADED SUSPECT INCIDENT.** A barricaded suspect incident is a situation where a criminal, intent upon evading arrest, takes up a defensive position armed with a gun, explosive, or a weapon capable of harming others and presents a deadly hazard to arresting officers.

II. Policy... B. **BARRICADED SUSPECT INCIDENTS.** In the event that a suspect resists arrest by barricading himself, and normal police procedures fail to bring about his arrest, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated surrender.

III. PROCEDURES...A. **OFFICER'S DUTIES.** When confronted with a hostage or barricaded suspect incident follow these procedures:

[...]

3. Establish a perimeter around the location.

[...]

The following case resulted in a DPA policy failure finding. The policy failure was addressed through several avenues available to DPA. First, the DPA proposed recommendations through revisions to Department General Order 8.01 (Critical Incident Evaluation and Notification) and Department General Order 8.02 (Hostage and Barricaded Suspect). Second, the DPA attended the SFPD's training on Critical

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Mindset and Coordinated Response as well as Active Shooter Training, to determine whether best practices for critical incidents taught during training were included in the policies. And finally, DPA engaged in several months' long negotiations with SFPD Subject Matter Experts and the Command Staff on language for adoption.

At a high level, DPA's recommended that 1) The primary officer shall serve as Incident Commander until formally relieved by a supervisor or more qualified officer; and 2) that a responding supervisor take control of the scene and assign specific roles to on-scene officers. These recommendations were accepted by SFPD and incorporated into DGO 8.01 and DGO 8.02. DGO 8.01 was approved by the Police Commission and is currently pending Meet and Confer with the SFPOA. DGO 8.02 was adopted by the Police Commission on July 6, 2022.

As explained above, this scene lacked a command structure in the lead up to this Officer-Involved-Shooting. Several officers arrived on scene and surrounded the barricaded suspect. There was no structure during this incident, and officers yelled commands at the suspect in both English and Spanish, leading to unnecessary chaos and confusion. Within four minutes of arriving on scene, one officer grabbed an ERIW and deployed it at the suspect. Prior to this deployment, there were several Sergeants on scene, but none had formulated a plan or given directions to the officer who had the ERIW.

The language negotiated with the SFPD Command Staff will provide clear guidance to SFPD officers who encounter future critical incidents. This guidance is in line with training formulated by the Field Tactics and Force Options division and enforces their efforts to empower first arriving officers to serve as Incident Commanders until more experienced officers arrive.

The evidence proves that the alleged conduct occurred but was justified by Department policy or procedures; however, the SFPD or DPA recommends that the policy or procedure be changed or modified.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant saw a group of officers holding a man down on the sidewalk. The man was yelling for the officers to let him go and that he was the one who had called for help. A person standing nearby was also yelling for the officers to stop and that the man had done nothing wrong. The complainant felt that the officers should not have held down and handcuffed a person who called them for help.

Department of Emergency Management records showed that two people called 911 for police and medical assistance. A man called to report that he was attacked by a person with a hammer. A woman called to say that a man was outside her restaurant harassing her customers.

The investigating officers stated that they had cause to detain and handcuff the man who was attacked with a hammer, even though he was a victim. Upon arrival, they found the man with blood all over his face. A woman approached and reported that the man had been harassing her female customers. The bloodied man suddenly lunged at the woman. One officer intervened in the attack by stepping between them. Instead of backing down, the man stood in the officer's face with clenched fists and took a fighting stance. A second officer tried to de-escalate the situation verbally, but the man advanced aggressively toward him instead. The officers requested backup and two additional officers arrived to assist. The man created an officer safety issue by disobeying orders to relax his fists and keep his hands out of his pockets. After multiple warnings, the officers maneuvered the man to the ground and handcuffed him.

A witness stated that she called 911 about a bloodied man who was pacing outside her restaurant, shouting through her window, and spitting at the restaurant door. She believed the person was in crisis and intoxicated. When she tried talking to the officers, the man lunged at her.

Body-worn camera footage corroborated the officers and witness statements. Officers encountered a man who had blood smeared on his face and neck, and who appeared to be bleeding from the nose. As the officers attempted to take his statement, the man lunged at a woman who was also trying to speak with them. The man then took a fighting stance, spoke aggressively, fidgeted, yelled, blew mucus towards the officers, and alternated between clenched fists and putting his hands into his pockets. The officers warned him to loosen his stance and keep his hands out of his pockets. When he did not comply, the officers forced him to the ground and placed him in handcuffs. The man eventually calmed down, allowing officers to remove the handcuffs and release him to medics.

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Officers may detain a person if they reasonably suspect the person was involved in a crime that is, was, or is about to occur. In this instance, the officers had multiple reasons to detain the man on the sidewalk, even though he was also a victim. The man tried to attack another reporting party in front of them. Because the man engaged in physically violent behavior, it was also reasonable for the officers to detain him in handcuffs.

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

SUMMARY OF ALLEGATIONS # 4-7: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant watched as officers held a man on the ground. The complainant stated that officers should not have hurt a man, who another bystander said did nothing wrong.

The officers stated that they used a reasonable amount of force because the man was acting violently and not complying with orders. Officers were sent to assist a man who called 911 to report that he had been attacked by an unknown person with a hammer. As officers tried to help, the man lunged at another reporting party. Officers intervened to prevent the attack. The man then took a fighting stance, verbally threatened to hurt officers, and then alternated between raising his fists at officers and concealing his hands in his pockets. One officer attempted to verbally de-escalate the situation. However, the man continued acting aggressively and started kicking his leg, spitting, and lunging at officers. The officers forced the man to the ground, handcuffed his wrists, then sat him on the sidewalk. The officers said they used the lowest level of force, which was unlikely to cause pain or injury.

Body-worn camera footage corroborated the officers' statements.

Department General Order 5.01, Use of Force Policy and Proper Control of a Person, allows officers to use a reasonable amount of force to lawfully detain a person, to gain compliance with a lawful order, or in defense of self or others. When a person is actively resisting, officers may use pain compliance control holds, takedowns, and techniques to direct movement or immobilize a person.

It was reasonable for officers to use force to detain the man, who was behaving aggressively, spitting at officers, threatening violence, and disobeying orders.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: An officer came to the complainant's home and arrested him for assaulting and abusing an elderly relative. He said should not have been arrested because there was no evidence that he committed a crime. The complainant denied striking, pushing, and threatening his elder relative. The complainant acknowledged that his memory of the incident might have been altered because he was taking prescription medication.

Department General Order 5.04, Arrests by Private Persons, requires officers to accept a private person's arrest when probable cause exists to believe the individual committed a misdemeanor or felony.

The officer stated he arrested the complainant because there was evidence that he was violent with an elderly relative. The incident occurred inside a home shared by the complainant, the victim, and a witness. The victim seemed shaken and described being pushed multiple times and suffering a head injury from the final push, which occurred in the kitchen. She said the complainant had a history of violent outbursts. A witness heard the complainant and victim arguing from another room. He then heard a thud noise and walked into the kitchen to find the victim on the ground. The officer tried to speak with the complainant to hear his side of the story, but he locked himself into a bedroom and refused to come out for over an hour. The officer determined that the victim's description of the incident was plausible based on what he observed in the home and the witness's statement. The officer accepted the victim's private person arrest. The officer also obtained an emergency protective order and requested an involuntary mental health evaluation based on the complainant's erratic behavior and the danger he posed to the victim.

Body-worn camera footage was consistent with the officer's description of events, including the victim and witness statements. The footage showed that multiple officers tried to speak with the complainant when he was locked inside a bedroom. Officers called a police negotiator to facilitate communication with the complainant. After an hour of negotiations, the complainant came out of his bedroom and complained of chest pains. The complainant was taken to a hospital for treatment and a mental health evaluation.

It was appropriate for the officer to accept the private person arrest for aggravated assault and elder abuse because the officer's investigation uncovered evidence that the complainant attacked an elderly relative. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer should not have detained him for an involuntary mental health evaluation because he did not meet the evaluation criteria. The complainant acknowledged that his behavior and memory of the incident may have been altered because he was taking medication.

Department General Order 6.14, Psychological Evaluation of Adults, requires officers to request a psychiatric evaluation when citing an individual who the officer reasonably believes is a danger to others as a result of mental disorder.

Body-worn camera footage showed the complainant acting erratically throughout the incident. The complainant locked himself into a bedroom and refused to speak with officers about the incident. The victim and a witness described the complainant's history of violent and erratic behavior.

In addition to observations made at the scene, the officer had information about the complainant's history of violence and observed the complainant acting erratically. The officer was aware that the complainant and victim shared a home, which could allow the violent behavior to continue. The officer reasonably believed that a mental health disorder contributed to the complainant's erratic and violent behavior toward the victim. He was therefore required to request a psychological evaluation in connection with arresting the complainant for aggravated assault and elder abuse.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said that, because he was younger than the victim, the officers discriminated against him by not giving him an opportunity to share his side of the story.

Body-worn camera footage showed that the complainant ran from officers and locked himself into a room to avoid giving a statement. The officers attempted to build a rapport with the complainant and encouraged him to come out of the locked room on his own terms and timeframe. After more than an hour of negotiations, the complainant emerged from the room and complained of chest pains. The complainant was immediately taken for medical attention.

The officers denied treating the complainant differently based on age. The officers said they tried talking to the complainant for over an hour, but the complainant did not cooperate. One officer described how several officers took turns trying to build rapport with the complainant so that he would feel comfortable sharing his side of the story.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #5: The officer failed to receive a private person arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant told officers through his bedroom door that he wanted his elderly relative arrested for verbally abusing and harassing him. The complainant acknowledged that he did not know if verbal abuse and harassment were crimes.

Body-worn camera footage and police records confirmed that the complainant asked officers to arrest his mother while speaking through his door. However, the complainant refused to come out to describe what happened and sign the private person arrest form. When the complainant came out of his room approximately an hour and a half later, he became hysterical, yelling that he was experiencing chest pains. He was immediately taken to a hospital for medical attention.

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Department General Order 5.04, Arrests by Private Persons, requires officers to accept a private person's arrest when probable cause exists to believe the individual committed a misdemeanor or felony.

Although the complainant wanted his elderly relative arrested, his request did not meet the criteria for a private person arrest to occur because he did not report a crime to officers and refused to be interviewed or sign any forms. The officers prepared an incident report thoroughly documenting the incident.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer should have taken his statement and told him why he was being arrested. The complainant felt he should have been given an opportunity to explain that no crime had occurred.

The officer stated he informed the complainant of the charges against him in the ambulance. Another officer also explained the charges before the ambulance arrived.

Body-worn camera footage showed that an officer explained to the complainant why he was being arrested.

There is no requirement that officers had to inform the complainant of his specific charges; however, the investigation confirmed that he was told his mother signed a private person's arrest.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that an officer did not take his statement at the hospital.

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The officer stated the complainant refused to provide a statement at the scene. The officer stated that he only met with the complainant at the hospital to serve him with an Emergency Protective Order.

Body-worn camera footage confirmed that the complainant refused several opportunities to provide a statement. The officer served the complainant with an Emergency Protective Order (EPO) as the restrained party. The complainant objected to the EPO and the officer informed him that he could speak to the judge about it later.

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

SUMMARY OF ALLEGATIONS #8-9: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said the officers should not have construed his use of the pronoun “we” when referring to himself as evidence that he was in an altered mental state.

The officers stated that they asked the complainant questions to determine if he needed medical evaluation. One officer asked the complainant to clarify if he was talking about multiple people or informing them of their pronouns. A second officer said that the complainant’s use of the word “we” had no impact on their decision to detain or arrest the complainant.

Department records indicated that the mental health detention was based on paranoid statements, erratic behavior, including hiding in a bedroom, the complainant’s history of violence, and a report that he attacked an elderly person. Body-worn camera footage showed that the complainant discussed using the “we” pronoun with one officer.

The investigation determined that the officer’s decision to request a mental health evaluation was based on the complainant’s behavior at the scene and that a medical professional made the determination to admit him to the hospital.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that an officer used leg shackles on him at the hospital which left permanent marks on his ankles. He said an officer got the shackles from a deputy sheriff. The complainant did not provide a description, name, or badge number for the officer.

No officers recalled using restraints on the complainant's ankles.

Medical records did not show any documented injuries during the complainant's hospital stay.

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

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that he was riding his electric scooter in a bike lane and the named officer was driving a patrol vehicle in the lane of traffic ahead of him. He alleged that the named officer turned right across the bike lane to enter a parking lot and did so without looking, signaling, or slowing down, causing him to collide into the side of the patrol vehicle.

The named officer said that he was driving a patrol vehicle to a police station parking lot and prior to turning, he looked right to see if the bike lane was clear, checked the patrol vehicle mirrors and activated the right-hand turn signal. When he turned, he heard a noise and saw the complainant on an electric scooter impact the passenger's side of the patrol vehicle. He said prior to making the turn he had merged the vehicle over, so it was partially in the bike lane. He had not seen the complainant on the electric scooter prior to the collision taking place. He said he was driving at a safe speed during the incident and drove appropriately and within department policy.

A witness officer was inside the patrol vehicle with the named officer during the time of the vehicle collision. He said the named officer slowed the vehicle down prior to turning and looked right to see if the bike lane was clear. The witness officer did not know if the named officer activated the patrol vehicle's turn signal or entered the bike lane prior to turning.

An independent witness stated that she was driving her vehicle behind the named officer's vehicle and beside the complainant riding on an electric scooter in a bike lane. She said the patrol vehicle did not slow down and did not activate a turn signal prior to making the turn to the parking lot. She said she had to come to an abrupt stop to avoid hitting the patrol vehicle.

A collision report was authored for this collision and the report faulted the complainant for the collision for violating a California Vehicle Code (CVC) which stated "[t]he driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety. In no event shall that movement be made by driving off the paved or main-traveled portion of the roadway."

A department evaluation was conducted regarding the collision and a department memorandum detailed that the named officer was found to be responsible for the collision for making an unsafe turn across a bicycle lane into a driveway.

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The reporting officer reviewed the traffic collision report he authored and said that he did not think the complainant violated CVC 21755 as he reported but may have violated another CVC. He was unsure who was at fault for the collision.

Body-worn camera (BWC) footage for this incident began after the collision occurred. BWC footage showed that the patrol vehicle's right turn signal was on while the vehicle was parked. However, it is unclear from the footage when the turn signal was activated. The complainant gave a statement to the investigating officer and said the patrol vehicle turned without signaling and he did not have enough time to stop before colliding into the side of the patrol vehicle. The named officer told the investigating officer that he activated the turn signal prior to turning and estimated he was going 5 MPH when turning.

Surveillance footage for the incident did not capture the collision and the immediate moments before the collision.

CVC 21658 states in part "[w]henver any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply: (a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety."

CVC 21717 states "[w]henver it is necessary for the driver of a motor vehicle to cross a bicycle lane that is adjacent to his lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn and shall make the turn pursuant to Section 22100.

A subject matter expert stated that it did not appear that the named officer complied with CVC 21717 during this incident. He stated that based upon the position of the patrol vehicle, which remained stationary after the collision, the named officer did not move the patrol vehicle into the bike lane prior to making the right turn.

DGO 5.05 states in relevant part that "Officers shall at all times drive with due regard for the safety of all persons."

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said the named officer did not activate the patrol vehicle's turn signal prior to turning during this incident. He said the named officer gave a statement to an officer investigating the collision and lied during his statement when he said he activated his turn signal prior to turning right to enter the parking lot.

The named officer stated that he did not lie during his statement on scene when he said he activated the patrol vehicle's turn signal prior to making the turn. He reaffirmed that he activated the vehicle's turn signal prior to turning. He stated that his body-worn camera footage for this incident showed that the vehicle's turn signal was on.

A witness officer who was inside the patrol vehicle with the named officer during the time of the vehicle collision did not know if the named officer activated the patrol vehicle's turn signal prior to turning.

A third-party witness stated that she was driving her vehicle behind the named officer's vehicle and beside the complainant who was riding on an electric scooter in a bike lane. She said the patrol vehicle attempted to turn right into a parking lot and did so without activating a turn signal.

Body-worn camera (BWC) footage showed the named officer tell the reporting officer that he activated the patrol vehicle's turn signal prior to making the turn. BWC footage for the incident showed that the patrol vehicle's right turn signal was activated. However, this footage took place after the collision occurred.

Surveillance footage for the incident captured the moment of impact and a brief moment prior to the turn, but the resolution does not allow us to determine if a blinker was activated in a timely manner.

The evidence is contradictory. Thus, it fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer arrived on scene to take a report regarding the vehicle collision and joked and laughed inappropriately with other officers.

The named officer stated that the complainant's allegation is false. He denied that he joked inappropriately with other officers when arriving at the scene.

Body-worn camera footage associated with the incident showed that the named officer arrived on scene, asked another officer if he was involved in the vehicle collision, the other officer responded that he was a passenger, and named officer gave him a fist bump and walked to the sidewalk. The footage does not show the named officer joking with other officers inappropriately.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant said the named officer inaccurately faulted him in the vehicle collision report for causing the vehicle collision and prepared an incomplete collision report. He said the other officer involved in the collision was at fault because he did not activate a turn signal on his patrol vehicle before turning. The complainant stated that he told the named officer that the driving officer did not activate his turn signal and the named officer failed to include this information within the report. He also stated that the named officer failed to include any mention of a dent on the door of the patrol vehicle that was caused by his body hitting the vehicle and only mentioned a black smudge mark.

The named officer said he did not intentionally omit the complainant's statement regarding the patrol vehicle failing to use a turn signal and that it was a mistake. The named officer said he did not recall being made aware that the dent on the patrol vehicle was a result of the collision. The named officer initially said he determined the complainant to be at fault for the vehicle accident for violating California Vehicle Code (CVC) 21755 for overtaking another vehicle on the right. He reviewed the collision report he authored and stated he may have misread the CVC he cited and used the wrong vehicle code. He stated

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that he was unaware if the complainant was at fault for the collision as he had previously determined and was not sure who was most at fault.

A third-party witness stated that she was driving her vehicle behind the named officer's vehicle and beside the complainant riding on an electric scooter in a bike lane. She said the patrol vehicle did not slow down and did not activate a turn signal prior to making the turn to the parking lot. She said she had to come to an abrupt stop to avoid hitting the patrol vehicle.

A collision report authored by the named officer included a statement made by the complainant but did not include his statement that the involved patrol vehicle did not use a turn signal. The report documented a black smudge mark along the passenger side of the patrol vehicle. The report faulted the complainant for the collision for violating California Vehicle Code (CVC) "21775" but quotes CVC 21755.

Photographs taken by SFPD of the patrol vehicle showed a black smudge mark on the front passenger door and a dent on the rear passenger door.

The driving officer completed a report of damage to department property and the damage was described as a dent and black scuff mark to the passenger side of the patrol vehicle.

Body-worn camera (BWC) footage showed the complainant told the named officer there was no turn signal activated on the patrol vehicle and he did not have enough time to stop. The footage showed a dent on the rear passenger door of the patrol vehicle. The complainant discussed the dent with officers on scene and said that he thought it was a result of his body hitting the patrol vehicle door to which the driving officer also thought to be most likely accurate. Another officer on scene took photographs of the damage to the patrol vehicle.

CVC 21717 states "[w]henver it is necessary for the driver of a motor vehicle to cross a bicycle lane that is adjacent to his lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn and shall make the turn pursuant to Section 22100.

An SFPD Traffic Subject Matter Expert stated that it did not appear that the named officer complied with CVC 21717 during this incident. He stated that based upon the position of the patrol vehicle, which remained stationary after the collision, the named officer did not move the patrol vehicle into the bike lane prior to making the right turn. He also stated that CVC 21717 should have been referenced in the report.

A department evaluation was conducted regarding the collision and a department memorandum detailed that the named officer was found to be responsible for the collision for making an unsafe turn across a bicycle lane into a driveway.

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The SFPD Report Writing Manual states in the pertinent part, "Preparing factual and thorough incident reports is one of the most important duties of a professional police officer." It also states, "Incident reports are among the most important documents used within the Criminal Justice System..." and that they should be "...an accurate and objective account of an incident..."

Department General Order 2.01 (7), General Rules of Conduct, states in pertinent part, "Members shall maintain a working knowledge of all information required for the proper performance of their duties.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he called a station to follow up on the vehicle collision and to see if he could provide supplemental information. He said he spoke with an officer who was unhelpful, rude, and unprofessional during the conversation.

An ID Poll was sent to the district station where the incident occurred as the complainant was unable to identify the specific officer involved in the interaction. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

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SUMMARY OF ALLEGATION #1-2: The officers failed to comply with Department General Order 5.15

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant is a defense attorney who stated she was representing a client and making a complaint on their behalf. She stated that Homeland Security agents and San Francisco Police officers conducted a search warrant at a multi-unit home in San Francisco. Officers forced entry into the building, pointed guns at a ten-year-old boy and a male adult, detained and interrogated the men, failed to offer food or water to anyone, and damaged property. The complainant stated that immigration enforcement occurred, which is a violation of Department General Order 5.15.

The complainant declined to reveal her client's contact information or the charges her client faced. She did provide contact information for six building residents. When asked to clarify what immigration enforcement was conducted, she said that residents were asked about their country of birth.

The named officers stated that they were investigators in the Internet Crimes Against Children [ICAC] Unit in the Special Victims Unit [SVU]. They confirmed they were assigned to a joint inter-agency warrant operation with Homeland Security Investigation [HSI]. The operation and warrant were related to the distribution of Child Sexual Abuse Material [CSAM]. The purpose of the search warrant was for HSI to execute a search of the building, locate and interview the suspect distributing CSAM, and seize electronic devices that contained CSAM evidence.

The named officers stated that their role was to conduct surveillance in the area surrounding the target building and stop any suspect vehicles leaving the scene. They confirmed that HSI agents conducted the search warrant.

The named officers stated that they did not observe, participate in, or were aware of any immigration enforcement before, during, or after the search was completed.

Witness #1, one of the six residents identified by the complainant, said that he believed the officers conducting the search warrant were Homeland Security in plain clothes. He said he did not recall any SFPD officers being present. He described how the officers kicked down the door and moved him to the garage area. He stated that he did not know what the search warrant was for at the time but later learned it was for child pornography and for a male who lived at the address.

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Witness #2, one of the six residents identified by the complainant, said she returned to her home and was not permitted to enter the address by Homeland Security agents dressed in green and grey vests that said, "Homeland Security." She said she did not see any SFPD officers. She said she later learned that the search warrant was for child pornography and a male who lived at the building.

Witness #3, one of the six residents identified by the complainant, said he heard the officer force entry and was taken to the garage and detained. He said he believed the officers were FBI agents and did not see any SFPD officers. He said he did not know what the search warrant was for. He stated that agents brought him coffee. Witness #3 did not see any children, or any weapons pointed at children.

Witness #4, one of the six residents identified by the complainant, said she heard officers telling her to open the door to her unit. When she opened her door, officers were pointing rifles at her and her children. They were told to leave the unit. The children were taken outside, and the adults were taken to the garage, where they were told they were detained for a search warrant. She said the officers were federal agents in plain clothes. She did not see any SFPD officers and believes the officers were Homeland Security agents wearing green jackets. She said she did not know what the warrant was for.

The two remaining residents, whose details the complainant provided, declined to participate in the investigation.

Department records showed that HSI agents submitted an Interagency Operation Request stating that HSI Special Agents would be executing a search warrant and requested assistance from the SFPD IAC Unit. The document stated that the search warrant was related to child pornography offenses. The document records that the named officers were assigned in a surveillance capacity, that SFPD would not participate in the search warrant entry unless exigent circumstances existed, and that HSI would not be conducting any immigration enforcement.

The Department stated that no copy of the warrant was available due to the warrant being obtained and executed by HSI. The Department of Homeland Security failed to respond to requests for information.

Security video from inside and outside of the building during the search warrant shows law enforcement officers wearing green Homeland Security Police attire making entry and conducting the search warrant.

Department General Order 5.15.04(B) Joint Criminal Operation states, in part, "Members may continue to collaborate with other federal, state, and local law enforcement agencies on matters other than the enforcement of immigration laws."

The evidence shows that HSI agents executed the search warrant. The complainant alleged that the officers conducting the search warrant were engaging in immigration enforcement. However,

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documentation specifically states this was not the purpose of the search. The purpose was to find and interview a male and seize evidence in relation to child pornography crimes. The witnesses at the scene stated no SFPD officer was present. None mention being subjected to immigration enforcement, and two witnesses confirmed that they later found out the search was related to child pornography.

The evidence proves that the conduct alleged did not occur.

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

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

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

**Department of Homeland Security
C/O Department of Homeland Security Office of Inspector General/MAIL STOP 0305
245 Murray Lane, SW
Washington, DC 20528-0305**

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

CATEGORY OF CONDUCT: ND

FINDING: IE

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

The named officer denied making the alleged comments.

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

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

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

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

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

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

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #3: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #1-4: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated she called the police after being assaulted by her master tenant. She said the named officers arrived and she told them the master tenant had pushed her into the kitchen door. She stumbled and fell, hitting her back on built-in drawers. She said she showed the officers her injured back and torn clothing and asked them to take a photograph. The officers failed to do so.

Named Officers #1 and #2 said they were the primary police unit and were responsible for investigating the incident. Named Officers #3 and #4 said they were the backup unit and assisted the primary unit when needed. The officers interviewed the complainant, the master tenant, and another house resident who witnessed the incident. The officers described how the complainant made allegations of assault against the master tenant. The master tenant and the witness told officers the complainant was the aggressor and assaulted the master tenant. The officers were shown cell phone recordings of the incident that showed that no assault took place. The footage showed that the complainant and master tenant were in an altercation, pulling on a door. The footage showed the complainant fell back on her own with no physical contact between her and the master tenant.

The officers stated that no photographs were taken because there was no crime to investigate. Officers #2 and #3 stated that the complainant asked them to take pictures of her back, but they declined. Officer #3 further said he felt uncomfortable as the complainant publicly disrobed in front of him.

A witness, the other roommate in the house, stated that he could not recall specifics about this incident. However, he did recall that the master tenant asked him to lie to officers on many occasions and tell officers that the complainant had assaulted the master tenant.

The master tenant declined to be involved in the investigation.

Body-worn camera (BWC) footage showed that the officers spoke to all the parties at the scene. The complainant told officers she had been assaulted and showed Officer #1 footage on her cell phone. The master tenant and witness told officers that the complainant had assaulted the master tenant and his dog. The witness showed a cell phone recording to Officer #1. The footage showed that the complainant asked Officers #2 and #3 to take a photograph of her back. Officer #3 told the complainant he was uncomfortable doing so due to the gender difference. Officer #2 told the complainant that the complainant could take a photograph using a mirror.

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The complainant and the witness declined to provide the cell phone recordings shown to the officer on the day of the incident.

Department records show that the incident was recorded as a civil dispute, not a crime.

The evidence shows that the complainant did ask officers to photograph her back, and the officers did not take any photographs. If the incident was as described by the named officers based on the cellphone footage they reviewed at the scene, they would not be required to take photographs as no crime was committed. If the incident was as described by the complainant, then officers should have collected evidence of the crime, such as seizing the cellphone footage and taking photographs of injuries. The only way to show which version was accurate would be to have a copy of the cellphone footage shown to the officers during the incident. However, this evidence is not available.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to comply with Department General Order 5.04

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The complainant stated that she called the police after being assaulted by her master tenant. She said the named officers arrived and told them the master tenant had pushed her off the kitchen door. She stumbled and fell, hitting her back on built-in drawers.

Body-worn camera footage showed the complainant telling Officer #1 that the master tenant pushed her, and she fell backward into some furniture. The complainant told Officer #1 she was upset because the master tenant had previously filed a false report against her. She told Officer #1 that she wanted to press charges against the master tenant for physically assaulting her. Officer #1 did not advise the complainant of her rights to a private citizen's arrest. This exchange occurred before the complainant showed Officer #1 the cellphone footage.

Body-worn camera footage showed the master tenant telling Officer #1 that the complainant assaulted him by hitting him on his arms and face. Officer #1 did not advise the master tenant of his rights to a private citizen's arrest.

Body-worn camera footage showed the master tenant telling Officer #2 that the complainant had hit him in the face and arms and kicked his dog in the head. The master tenant told Officer #2 that he wanted to

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press charges of assault and animal cruelty against the complainant. Officer #2 did not advise the master tenant of his rights to a private citizen's arrest.

Padilla v. Meese (1986) 184 Cal.App.3d 1022, 1030 (citing *People v. Johnson* (1981) 123 Cal.App.3d 495, 499) states, in part, "[T]he delegation of the physical act of arrest need not be express but may be implied from the citizen's act of summoning an officer, reporting the offense, and pointing out the suspect."

Padilla v. Meese, supra states, "In considering whether a citizen's arrest was made, and the legality thereof, it is the substance and not any 'magic words' which we must consider."

Department General Order (DGO) 5.04.04(1) states, "Bearing in mind the potential for bias by proxy, determine if reasonable suspicion exists to justify detaining the subject pending further investigation. If reasonable suspicion does not exist, the subject is free to leave."

DGO 5.04.04(2) states, "Members shall advise private persons about their right to make a private person's arrest. When advising any individual regarding the right to make a private person's arrest, members should remain neutral when providing guidance to any individual making such an arrest and should limit advice to the legal requirements for such an arrest as listed below."

DGO 5.04.04(3) states, in part, "If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave."

Named Officer #1 said that the complainant did not tell him that she wanted to press charges against the master tenant. Officer #1 did not advise the complainant of her right to make a private citizen's arrest. Officer #1 said that if the complainant had told him she wanted to press charges, he could not because the complainant had asked for a false police report. Officer #1 said he did not advise the master tenant of his rights to a private citizen's arrest because the master tenant did not say he was a victim of a crime. Officer #1 confirmed he was the lead officer in the incident, and it would be his responsibility to advise someone of their private citizen's arrest rights, but not in every situation.

Named Officer #2 said she did not advise the master tenant of his rights to a private citizen's arrest because the master tenant did not mention a citizen arrest. Officer #2 also said that the officer speaking to a person would be responsible for providing the private citizen's arrest rights if needed.

Both officers claimed that there was no probable cause to make arrests, so DGO 5.04 did not apply.

Officer #1 claimed that the complainant did not say she wanted to press charges and that she told him she wanted to file a false police report is factually incorrect, as shown by the video footage. Officer #1

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claimed that the master tenant did not tell him that he was a victim of crime is also factually incorrect because it is contradicted in the footage.

The claim that DGO 5.04 does not apply as there is no probable cause to make an arrest is incorrect. DGO 5.04.04(3) describes the procedure expected of officers when probable cause does not exist. Besides, DGO 5.04.04(2) explicitly tells officers to advise private persons about their rights and does not mention probable cause when providing these rights.

The footage showed that the complainant and the master tenant told the officers they were assaulted and wished to press charges. Case law shows that this is sufficient to convey a desire for a citizen's arrest. DGO 5.04(2) states that the officers should have advised the complainant and the master tenant of their rights to make a private citizen's arrest. The footage showed, and the officers admitted, that they did not provide these rights.

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

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SUMMARY OF ALLEGATION #7: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The complainant stated that she called the police after being assaulted by her master tenant. She said the named officers arrived and she told them the master tenant had pushed her into the kitchen door. She stumbled and fell, hitting her back on built-in drawers. She said she asked the named officer for a police report, but he failed to write one.

The named officer said that he was the lead officer at the scene and would be responsible for writing a police report if one was needed. However, the officer said that no report was written as it was determined that no crime had occurred. This decision was based on the cellphone footage viewed by officers at the scene and showed that no assault occurred.

Body-worn camera footage showed that the officers spoke to all the parties at the scene. The footage showed that the complainant and the master tenant told the officers they were assaulted and wished to press charges. Case law shows that this is sufficient to show a citizen's arrest. DGO 5.04(2) states that the officers should have advised the complainant and the Master tenant of their rights to make a private citizen's arrest. The footage showed, and officers admitted, that they did not provide these rights.

The complainant declined to provide the cellphone footage.

Department General Order 5.04.04(3) states, in part, "If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

The evidence shows the officer should have written a police report to document the complainant and master tenant's request to press charges for assault.

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

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SUMMARY OF ALLEGATIONS #8-10: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: Another officer stated that he was the lead officer at the scene and would be responsible for writing a police report if needed.

The named officers did not write a police report. However, they were not responsible for writing the report because another officer admitted to being the lead officer and bearing that responsibility.

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

SUMMARY OF ALLEGATION #11: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said that the named officer was insensitive when he asked the complainant, "Why don't you move?" and "Why haven't you gone to 400 McAllister like I told you?"

The named officer explained that the complainant had called him to the location three days before this incident. In this previous incident, he said they discussed how the complainant could get a restraining order against the master tenant. The officer admitted to making the comments but said they were not inappropriate. Instead, he was concerned about the complainant's mental and physical well-being and was trying to provide advice.

The body-worn camera footage showed that the officer made the comments as described by the complainant. However, the context of the comments showed that the officer was advising the complainant on resolving the residential issue the complainant was in.

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

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SUMMARY OF ALLEGATIONS # 1-3: The officers towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer pulled over his vehicle in a red zone and then towed his vehicle, claiming he had parked illegally, resulting in his car being impounded. The complainant acknowledged that the vehicle's registration was not current.

The named officers stated that the complainant's vehicle was towed because the registration was over 6 months out of date, the complainant did not have a driver's license, and they were required to tow the vehicle due to SFPD policy.

SFPD documents showed the complainant's vehicle was stopped because it was bearing false registration tabs, and that the car was towed because the registration was over 6 months out of date and the complainant had not been issued a driver's license.

Body worn camera footage showed the named officers stopping the complainant. The named officers explained to the complainant that his vehicle was being towed, because the registration was over 6 months out of date and the complainant's having no driver's license.

SFPD DGO 9.06 states: MANDATORY CIRCUMSTANCES. It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license.

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

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SUMMARY OF ALLEGATION #4: The complaint raises matters outside the DPA's jurisdiction.

FINDING: IO-1

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

Auto Return
450 7th Street
San Francisco, CA 94103

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the SFPD often fail to respond to calls for services in her district. The complainant did not wish for the Department of Police Accountability to investigate any specific instance of conduct but complained of the overall neglect.

During its investigation, DPA located several calls for services from the complainant's place of residence over the past year. The police outcomes varied depending on the severity of the call itself, none of which amounted to a neglect of duty on behalf of the officers or the police department itself.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that two and a half years ago the officer slammed him against a gate, grabbed him by the throat, and slammed him to the ground - causing a fracture to his eye. The complaint was referred to the DPA as a constituent referral. An initial outreach call was made to the source of the complaint. However, he was unsure if he wanted to provide a statement at that time. Further attempts were made to the complainant to inquire if they would proceed with providing a statement, but no response was provided.

The named officers said they were working patrol when they noticed a silver Mercedes SUV with an occupant in the front passenger seat with an open door, intermittently surrounded by others. The named officers stated that their time working as a patrol officer in this neighborhood has taught and given them experience to know that there was a strong likelihood that this person was selling narcotics.

Officer #2 noted the vehicle's license plate number and conducted a DMV records check for the registered owner. The officers said they continued working their patrol route before returning to their district station. At the station, the officers printed the mugshot of the registered owner and determined that this person was the one they saw occupying the silver Mercedes SUV. The officers also conducted a records check and determined that the registered owner was on active parole, with a search condition, which allows officers to search the person or their belongings without a warrant or probable cause or reasonable suspicion.

Upon returning to the scene, the officers saw that vehicle and the registered owner (complainant) again and approached to conduct a probation search on the complainant. As officers explained their intent to search while attempting to handcuff the complainant, he resisted and ran. A foot pursuit ensued and concluded with the complainant returning to his vehicle. Officer #1 entered the vehicle's back seat while Officer #2 entered the front passenger seat, and the complainant began to drive at a high rate of speed. Officer #1 grabbed the complainant from around the chest and the shirt to pull him away from the steering wheel, while Officer #2 threw the vehicle in park, seemingly causing the complainant to slam on the brakes instinctively. The named officers said they used force on the complainant when they saw that the complainant made further efforts to flee. Officer #2 attempted to stop the complainant from exiting the vehicle by grabbing his arm and then punching him in the back of the head when he did not comply. Officer #1, upon exiting the vehicle, used force when he saw the complainant repeatedly stepping on the gas pedal. Officer #1 grabbed the complainant from the vehicle, and they both fell to the ground. Officer #1 delivered two closed fist blows to the complainant's face to get him to comply. Officer #1 then

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proceeded to gain control of the complainant's lower body by striking him approximately three to five times in the knee area and then "figure-four" his legs over the complainant's legs until other officers arrived.

Officer #1's body-worn camera footage was unavailable because of the Department's retention policy. Officer #2's body-worn camera was thrown around while fighting with the complainant in the vehicle. Thus, there are portions of their interaction that were not viewable. However, the audio captured by BWC reveals the officers ordering the complainant to stop resisting and give them his hands as the officers attempted to handcuff him.

The named officers' Supervisory Use of Force Evaluations were requested for the complaint. The evaluation outlined the type of force the officers used on the complainant and determined that it was within SFPD's policy. The department's Stop Data was also requested and reviewed with the officers, determining the cause for the stop was a parole search as the officers knew that the complainant was on active parole.

The parole officer confirmed that the complainant, at the time of the incident, was on active parole with standard search conditions, including his person, vehicle, and home.

Department General Order 5.01 Use of Force [rev. 12/21/16] IV Levels of Resistance C-E states:

"C - ACTIVE RESISTANCE. 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. D - ASSAULTIVE. Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person. E - LIFE-THREATENING. Any action likely to result in serious bodily injury or death of the officer or another person."

Department General Order 5.01 Use of Force [rev. 12/21/16] VI Force Option B 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."

The evidence showed that the complainant showed assaultive and life-threatening levels of resistance. The officer did use force but at a level lower than what could be allowed by the policy.

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

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SUMMARY OF ALLEGATION #3: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that his money and marijuana were not returned to him when he picked up his property.

The named officer's body-worn camera footage showed that the officer correctly placed the complainant's property into an envelope at the scene. The officer seized the complainant's property as it pertained to a crime for which the complainant was arrested. The officer logged the complainant's property in the incident report.

Department Records showed that the complainant was arrested for, amongst other things, criminal Possession of Marijuana for Sale and Transporting Marijuana.

The District Station's Property Control Log documented and itemized the complainant's property.

Department General Order 6.15 III (A)(4), "When receiving property at the district stations, the station keeper shall enter the property on the District Station Property Log (SFPD 230)." Additionally, (11) (a) states, "Property may be returned to its owner if it is not contraband and cannot be connected to a crime."

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

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SUMMARY OF ALLEGATIONS # 1-3: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that some officers falsified information about the abandonment and ages of her children to Child Protective Services (CPS) and that another spoke disparagingly about her to her former partner.

The named officers were questioned about the complainant's allegations. The first named officer denied falsifying information about the complainant's children. She stated that she directed the reporting officers to notify CPS when she believed children were present at the scene. She later learned that children were not present at the scene but that one of the officers contacted CPS, unbeknownst to her.

The second named officer stated she had been directed by her superior officer to contact CPS due to the presence of children and that she instructed the third named officer to do so. The third named officer stated he contacted CPS to report that they had responded to a domestic violence call and the complainant told the reporting officer that she had children in the apartment. He did not recall telling the agency the ages of the children, and he did not recall whether he told the agency that the complainant had left them unattended. Finally, he denied saying anything negative about the complainant to her former partner.

Department records showed that officers responded to a domestic violence call for service at the complainant's home. Dispatch informed that the father of the complainant's child had choked her the evening before. Officers separated the parties, detained the father of the complainant's child, and then attempted to obtain additional information from the complainant. The records show that the complainant became agitated, started yelling, and repeatedly opened and slammed her apartment door. The incident report reflected that the complainant stated she had children in the apartment but refused to give any further information.

Body-worn camera footage showed officers asking about the ages of the complainant's children without any response from the complainant. Footage later showed the complainant expressing significant concern that CPS would not be contacted. At one point, the complainant indicated in a mocking manner that she had left her young children alone in the apartment. The complainant exhibited significant distress and agitation towards the officers. The footage did not capture any officers speaking disparagingly about her to her formal partner.

DPA reached out to CPS but did not receive a response. DPA was unsuccessful in contacting the complainant's former partner.

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Department General Order 6.09 (Domestic Violence) provides that in the case of a domestic violence call, whether or not an arrest is made, when a child is present, the member shall contact the Family and Children's Services (FCS) hotline as soon as practical.

In this case, it appears that there was significant confusion as to whether children were, in fact, present at the scene. The complainant's refusal to provide information did not help clarify this point. CPS was ultimately contacted, but there is no evidence that any officer falsified the information provided. Similarly, there is no evidence that the third named officer disparaged the complainant to her former partner.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1-2: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the named officers used excessive force on her son during an incident that occurred three years ago.

The complainant's son declined to participate in the investigation.

The named officers stated they responded to a call for service about a subject that attacked someone with a weapon (potentially a knife). The nature of the call escalated quickly and did not allow the officers to create a plan before arriving at the scene. When the named officers arrived, other officers were already interacting with the subject, trying to restrain him. The named officers could hear other officers repeatedly telling the subject to "...drop the knife, drop the knife." The officers applied control holds to prevent the subject from hurting any of the officers or himself. The named officers saw the object in the subject's hand. The object was long, silver, metal, and shaped like a blade. Officer #2 utilized his fist to hit the suspect in the torso with a closed fist while telling the subject to "...drop the knife." The subject did not comply with these orders. Due to the control holds and personal body weapons not being enough to get the subject to drop the metal object, Named Officer #1 used his flashlight to hit the inside of the suspect's lower thumb on the inside of his palm. Officer #1 hit the subject twice and stopped once the subject loosened his grip on the metal object. Officers then removed the object from the subject's hand and subsequently placed him in handcuffs.

The body-worn camera footage for the named officer could not be viewed due to Department policy, which did not require plainclothes officers to wear body-worn cameras at the time. The requirements have since been changed. The body-worn cameras of other officers' use of force could not be seen in their entirety due to the movement of the officers, which caused their cameras to be obstructed. The audio, however, could be heard with the officers commanding the subject to drop his weapon numerous times. However, the subject refused to do so.

The incident report shows that officers were called to a stabbing incident. The complainant's son was found at the scene with what appeared to officers to be a knife. The complainant's son fled from officers, and a foot pursuit unfolded. The complainant's son turned and struck a pursuing officer in the face with the metal object. Department records show that three officers sustained injuries trying to arrest the complainant. These injuries were lacerations to the face and hands. The records show that the object the complainant's son held was not a knife but a sharp-edged machining tool.

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The Use of Force Log showed that Officer #1 used an Impact Weapon and Physical Control Holds on the complainant's son. The records show Officer #2 used a Personal Body Weapon or Fist on the complainant's son.

Department General Order 5.01(I)(D) (Rev 12/21/16) states that, "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."

Department General Order 5.01(VI)(D) (Rev 12/21/16) states, in part, "An impact weapon may be used in accordance to Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others. Only department-issued or authorized impact weapons shall be used. Officers may resort to the use of other objects as impact weapons, such as a flashlight or police radio if exigent circumstances exist"

Named Officer #1 used his flashlight to strike the hand of the complainant's son to disarm a bladed weapon after the son had attacked and wounded an officer in the face with the weapon. The named officer was able to articulate exigent circumstances for using the flashlight. Named Officer #2 used his fist to strike the complainant's son in the chest. Both uses of force were within policy.

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

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

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant alleged that the use of force on her son was excessive.

The named officer could not be interviewed, because he has left the Department.

The officer's body-worn camera footage was viewed. In the footage, an unknown male could be seen running toward the officer, holding what looked to be a knife, before the footage cuts out.

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

SUMMARY OF ALLEGATIONS #4-5: The officers prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The officers prepared an inaccurate police report by incorrectly recording the last name of the complainant's son and mislabeling the object that her son allegedly held during the incident.

The SFPD Incident Report was requested and reviewed for this complaint. In it, Named Officer #1 listed the complainant's son under an alias that he had previously used in previous arrests for the SFPD Supplemental Incident Report. The alias was closely similar to the complainant's son's actual name. This was corrected upon the formal charging of the complainant's son for this incident. In the SFPD Initial Incident Report, Named Officer #2 documented that the complainant's son was holding an unknown metal object that was 9" in length. In taking other officers' statements for the report, the officers noted that the object in question "appeared to be a knife," when they initially arrived on scene and were therefore commanding that the complainant's son "...drop the knife." Furthermore, this object was utilized to slash the face of an officer.

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The SFPD Field Arrest card was also completed for this incident. This form is utilized to itemize a person's charges and show both the arrestee's name and their alias. The complainant's son's information reflected his correct name and alias.

The body-worn camera footage was reviewed for the complaint. In the footage, the complainant's son could be seen holding an object that he was swinging around in what looked to be an attempt to stab an officer who was in his path. Officers eventually removed the object from the complainant's son's hand. The object was viewed, and it appeared to be a long and sharp metal object.

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

SUMMARY OF ALLEGATION #6: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant's son's clothing was never returned after being released from custody.

The named officer responded to the incident scene and collected the clothing belonging to the complainant's son. The named officer stated that he responded to SFGH to collect the complainant's son's clothing as evidence of the incident. The clothing was seized as evidence and not booked as the property of the complainant's son.

Department General Order 6.15(11)(a) states that property may be returned to its owner if it is not contraband and cannot be connected to a crime. The complainant's son was arrested and brought to SFGH, where his clothes were later collected as evidence due to his being formally charged upon his release. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called for service because she believed someone tried to vandalize her vehicle. She stated that the named officer showed up but did not take fingerprints of her vehicle.

The named officer stated that he spoke to the complainant when she called for service regarding her vehicle being vandalized. Regarding speaking to the complainant on the phone, the named officer spoke with the complainant to obtain more information regarding the call. At the time, the named officer and his partner were far from the complainant's residence, and the call was deemed a "low-priority" call. On the callback, the complainant had no suspect information, stated that her vehicle was vandalized, and then proceeded to express displeasure regarding past incidents that she was upset over that were civil issues between her and her landlord. The complainant ultimately agreed to file a report online. After getting off the phone, the complainant immediately called dispatch back and wanted an officer to respond because she was unhappy. The named officer said he responded, listened to the complainant, searched for evidence, and took a police report. The named officer then provided the complainant with suggestions to install cameras to capture the people she claimed were vandalizing her property. The officer took photos and searched for evidence (such as cameras), but none were located. The named officer's partner checked the vehicle for latent prints but found none.

Body-worn camera footage showed that the named officer and his partner responded to the complainant's home regarding the vandalism of her vehicle. The named officer's partner used her flashlight to try and locate any viable fingerprints. The named officer's partner told the complainant that due to the cloth material of the vehicle, fingerprints would not be able to be retrieved due to the unsuitability of the material being able to retain fingerprints. Per the officer, the fingerprints on other surfaces in the complainant's vehicle also appeared smudged. The named officer also took photographs of the complainant's vehicle.

Department General Order 6.02.04 (H) states in the relevant part that "at non-major crime scenes, when specialized units are not required, the responsibility for proper collection of physical evidence rests with the responding officers present. The named officer and his partner attempted to obtain evidence via latent fingerprints, but none could be retrieved from the complainant's vehicle. Therefore, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said the officer threatened to tow the complainant's car due to the expired license plate tag.

The named officer said he ran the complainant's plates during the investigation. Due to the vehicle being parked on a public roadway, the officer informed the complainant that her vehicle was towable due to its expired registration, which had been well over six months. The named officer described his demeanor as being patient and said he did not behave or speak to the complainant inappropriately during the call for service.

A witness officer, the named officer's partner, also stated that they did not speak to the complainant inappropriately or hear any other officer speak to her in that manner. The named officer's partner also stated that the complainant was vocal about her frustration with prior police contact and investigation. When speaking to the named officer, the complainant spoke in a loud, condescending, and sometimes hostile tone. The complainant's facial expressions and body language showed her displeasure while speaking to both officers.

Body-worn camera footage showed the named officer and his partner interviewing the complainant to assess the complainant's claim that her vehicle was damaged. As the named officer's partner explained the process of obtaining fingerprints to the complainant, the named officer radioed in the complainant's plates, which returned with the result of being expired. The named officer informed the complainant of her expired license plate. The complainant acknowledged awareness of this occurrence. Additionally, the vehicle's plates were from out of state. The complainant acknowledged that she didn't have a valid driver's license or current vehicle registration because she was in a difficult situation. The complainant offered to move her vehicle from the street, to which the named officer stated, "...if I let you."

Department General Order 2.01.03, in its relevant part, states that "...when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect".

Additionally, California Vehicle Code 22651(o) states that "...a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency in which a vehicle is located may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances:" (o)(1) If a vehicle is found or operated upon a highway, public land, or an offstreet parking facility under any of the

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following circumstances: (A) With a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the offstreet parking facility." Furthermore, California Vehicle Code 4152.5 states that "when California registration is required of a vehicle last registered in a foreign jurisdiction, an application for registration shall be made to the department within 20 days following the date registration became due. The application shall be deemed an original application."

The body camera footage showed that the named officer did inform the complainant of the expired registration and that this could result in the vehicle being towed. However, this was not done in a threatening manner.

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 said the officer was rude and argumentative with the complainant. He also told her he knew all about the issues the complainant had had at her residence, even though the complainant believed the officer had never previously responded to a call there.

The named officer stated that he had taken calls made by the complainant in the past. The named officer stated that the complainant had ongoing issues with her roommates that had spanned for months. The complainant has called the named officer's district station, and he has been dispatched many times to report things that are not deemed police matters. The named officer further stated that he left voicemails for the complainant on calls in which the named officer could not reach the complainant.

Body-worn camera footage showed no inappropriate or rude comments by the named officer. It should be noted that portions of the body-worn camera footage were redacted, and the audio could not be heard. The footage did not appear to show the complainant's body language change in response to her conversation with the named officer during said redactions. Regarding the audio that could be heard, the named officer did exert a firm tone at points of the investigation in response to the complainant expressing her frustration with the response she'd received from prior calls that did not involve the named officer, nor did it aid in their investigation. However, none of these interactions rise to the level of discipline.

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

Given that the entirety of the interaction between the named officer and the complainant could not be heard and the differing accounts provided, the evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATION #1-2: The officers prepared an incomplete or inaccurate citation.
Allegation Notes

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant requested assistance from law enforcement due to a verbal altercation between herself and her roommate. The officers were shown a video of the incident, which the complainant took, that she believed validated her side of the incident. However, the officers cited her for assaulting her roommate.

The named officers stated they spoke with the complainant and her roommate regarding a call for service about CA Penal Code section 418. Named Officer #1 stated that he investigated the call for service properly. The complainant was upset with the outcome. Named Officer #2 stated that he obtained statements from the involved parties regarding what had occurred. There were no independent witnesses who saw what happened. The roommate alleged that he was pushed by the complainant, to which the complainant denied the allegation. The complainant showed the officers video recordings of the incident, but the videos did not show precisely what happened. Officer #2 stated that the first video, which was only a few seconds long, showed the complainant and the roommate arguing about bathroom usage. The screen turned black, leaving only the audio available to be heard. In the second video, the housemate yelled that he wasn't finished using the bathroom and had left the bathroom to put something away. In the video, the roommate yelled that the complainant needed to leave the bathroom due to him occupying it. Both parties continued to argue, and the complainant later exited the bathroom.

The body-worn camera footage showed the complainant requested law enforcement assistance due to the roommate making claims (to his guests) that the complainant assaulted him after they got into an argument. The argument pertained to the complainant needing to use the bathroom that was, at the time, being used by her roommate. The complainant attempted to use the bathroom when the roommate stepped out. The roommate and the complainant argued because the roommate stated that he needed the bathroom for a specified amount of time and that the complainant needed to leave. The complainant showed the officers the videos. The scuffle was not completely visible, but there was audio. In the 2nd video, the roommate repeatedly told the complainant that he would be out in an hour, and she could use the bathroom when he was done. The complainant stated the roommate had already left the restroom three times. In an interview with the roommate, he stated that the complainant physically assaulted him three times in the past two days. The roommate requested an incident report be taken for the assault, and a Citizen's Arrest was accepted. The complainant was cited.

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Department records showed that the call for service was made by the complainant, who told the 9-1-1 dispatch her roommate accused her of assaulting him in the bathroom. The citation charged the complainant with Penal Code section 243(a), a misdemeanor.

Department General Order 5.04.03 states, in its relevant part, that "...arrests by private persons may be made in the following circumstances: (2) A misdemeanor or felony committed in the presence of a private person."

California Penal Code section 853.6(a)(1) states that a person arrested for a misdemeanor can be released with a citation.

The roommate wished to press charges against the complainant for battery and signed the Citizen's Arrest Form. Based on both parties' statements and the video footage of the scuffle, the named officers believed probable cause existed to cite the complainant.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was arrested for driving while under the influence of alcohol. He stated that he surrendered his property to the arresting officer before he was booked into jail. He alleged that at some point during the booking process his diamond earrings were stolen.

The named officer denied keeping any property from the complainant. He stated he received the complainant's property and documented each item on the Property Inventory Arrest Record form. He recalled the complainant removing his earrings and placing them into a manila envelope with the rest of his property. He stated that the envelope was given to the jail when the complainant was booked, and that he did not see or handle the property again.

DPA obtained a copy of the Property Inventory Arrest Record form that was completed by the named officer. It listed two earrings as part of the complainant's property.

The evidence showed that the named officer received the complainant's property, itemized it, and secured it in an envelope for it to be stored at the jail where the complainant was held.

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

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

CATEGORY OF CONDUCT: IO-1

FINDING: Referral/SFSO

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer did not properly investigate her allegations or send the matter to the DA's office for prosecution. The complainant stated that she refused to participate in an evidence gathering meeting with the named officer.

The named officer stated that the complainant failed to cooperate with the investigation or provide the evidence he requested. Due to this lack of cooperation, the named officer stated he did not have enough evidence to move forward with the case and could not send it to the DA's office.

SFPD records contemporaneously detail the named officer's contact with the complainant, the evidence he was attempting to collect from her, and her responses to his requests. The evidence showed that the case is open pending further evidence being acquired.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer accused her of committing the crime she had called to report and accused her of causing her ex-partner to violate a restraining order.

The named officer stated that he did not accuse the complainant of committing any crime. The named officer stated he questioned the complainant about the events of the alleged crime, which meant asking her about her communications with her ex-partner. The named officer stated these are standard questions asked during this type of investigation.

SFPD documents showed that a conversation took place between the named officer and the complainant.

The DPA reviewed a recording of the conversation between the officer and the complainant. The recording confirms the named officer's versions of events. The named officer asks the complainant questions about the alleged crime and asks the complainant to assist in gathering further evidence. The

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complainant refuses to help the named officer and becomes argumentative and shouts at the officer before the interview ended.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was sightseeing with friends when she received a phone notification that her credit card was used at a gas station. The group returned to their car and discovered that someone had broken the rear window and stolen their luggage. The complainant was tracking her property and shared the information with officers. The complainant said the officers should have followed her property and gone to the gas station where her credit card was used.

The officers stated that they conducted a thorough investigation. The officers took statements from the complainant and her friends. No one had seen the suspects, the theft, or the direction the suspects went. The complainant said that some of the stolen items were trackable. However, the tracking information for the multiple devices was inconsistent or not updating with current locations. The credit card notification included the gas station name but not the address, and there were more than ten possible locations. One officer searched the area for dumped property. Other officers searched for surveillance footage but were unable to access buildings in the immediate vicinity because they were closed to the public. The officers took photos and searched the car for evidence and fingerprints. One officer prepared an incident report documenting their investigation, including their search for cameras and an itemized list of the stolen property.

Department of Emergency Management (DEM) records showed that the complainant called to report that, based on a credit card transaction, she believed someone broke into her car approximately forty-five minutes before she called 911.

Body-worn camera (BWC) footage corroborated the officers' statements. It showed that three officers responded to the scene to investigate. They took statements from the complainant and her friends and looked at the tracking information on her phone. No suspects were present, and no one had seen the break-in or the direction the suspects went. Tracking information incorrectly indicated that some stolen items were still at the incident location. Other tracking information was more than 30 minutes old. The complainant provided the name of the gas station where her credit card was used, but not the address. Officers took photos and canvassed the area for surveillance cameras. The officers provided the parties with a case number and advised that they would be contacted if their stolen items were recovered.

Department General Order (DGO) 1.03, Duties of Patrol Officers, requires officers to take reports on crimes brought to their attention.

Records showed that the officers conducted a complete and thorough investigation documenting the car break-in and theft. The crime occurred over thirty minutes before they arrived and no suspects were

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present. The officers canvassed the immediate area for evidence. There was no duty for the officers to also search various locations around the city for the stolen items.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the incident report was inaccurate. The report erroneously indicated that tracking information was not available for her stolen items. The report was also missing information about fraudulent purchases made at a gas station using her credit card.

The officer stated that he prepared a complete and accurate report. He stated that reliable tracking information was not available for the stolen property and that no one provided the location of the gas station where the credit card was used.

Body-worn camera footage supported the officer's statement. The gas station location was not communicated. Although the officers looked at the tracking software, they discussed that the information was inconsistent and unreliable. The tracking information had stopped updating over thirty minutes prior, and some items were still marked as present at the incident location.

Department Notice (DN) 20-134, Reporting Writing Responsibilities, states that officers are responsible for preparing incident reports that are complete and accurate.

The incident report thoroughly documented the officer's investigation, including witness statements, the search for evidence, and an itemized list of stolen property. The evidence proves that the officer's conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer unlawfully towed his vehicle.

The named officer stated he recommended towing the complainant's vehicle to the sergeant on the scene because it was involved in a hit-and-run and also used in the commission of a crime. He stated he reviewed surveillance footage where the complainant backed his car into a parked patrol vehicle, causing it to move. Then, when he exited his vehicle, he spat on the patrol vehicle and broke its passenger-side window. The named officer stated that the vehicle was towed because it was used in the commission of a crime and could provide evidence.

Witness officers stated the complainant backed into a parked patrol vehicle, spit on the vehicle, and broke its passenger window.

Department records indicate that officers responded to a call regarding vandalism to a patrol vehicle. Upon arrival, officers observed the complainant's vehicle parked in front of the patrol vehicle, with its rear bumper touching the patrol vehicle's front bumper. Officers reviewed surveillance footage, which showed the complainant backing his vehicle into the patrol vehicle and smashing the front passenger window. The supervising officer on scene approved towing the vehicle for further investigation.

Surveillance footage showed the complainant back his vehicle into a parked patrol vehicle, and upon exiting, the complainant broke the passenger side window with an unknown object.

Body-worn camera (BWC) footage showed the complainant's vehicle's rear bumper touching the patrol vehicle's front bumper and damage to the front passenger window. In addition, BWC footage showed the complainant's vehicle parked in a red zone.

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

San Francisco Transportation Code §3.3 allows officers to cite or tow a vehicle in a red zone. The officer did not violate the Department policy. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #2-3: The officers towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers unlawfully towed his vehicle.

The named officers stated another officer was responsible for towing the complainant's vehicle.

A witness officer stated that he decided to tow the vehicle.

Department records indicate that the complainant's vehicle was towed.

Body-worn camera footage showed it was not the named officers who decided to tow the complainant's vehicle.

Evidence shows that the named officers were not responsible for towing the complainant's vehicle.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant left her apartment to dispose of her trash bag when officers and a clinician from the VA contacted her. She said the named officers grabbed her and tried to put her in handcuffs. They told her that the case worker wanted to take her to a psychiatric facility. The complainant felt her detention was unlawful.

Named officer #1 stated that a clinician from the VA reached out asking for police assistance in contacting the complainant. Named officer #1 and her partner accompanied the clinician to the complainant's apartment to provide standby support. Named officer #1 recalled meeting the clinician a block from the complainant's house. They discussed that Named officer #1 and her partner would only detain the complainant if the clinician decided to have her detained pursuant to Welfare and Institutions Code section 5150. The clinician conducted the mental health assessment and the officers acted on his evaluation to detain the complainant. Named officer #1 recalled the complainant being agitated and hesitant to receive assistance from the clinician. During the incident, the clinician determined that the complainant fit the criteria for a mental health detention and directed them to detain her. Named officer #1 and her partner placed the complainant in handcuffs. They told the complainant she was being detained and tried calming her down. At some point, she recalled the clinician changing his mind and instructing them to release the complainant from detention. She felt it was a complex directive, and that the clinician did not understand the ramifications of his actions. After the contact ended, she recalled the clinician acknowledging his mistake in giving confusing orders.

Named officer #2 said they responded to the scene in a support capacity for a VA clinician and devised a plan before meeting with the complainant. He told the clinician that they would only detain the complainant if the clinician confirmed that the complainant met the criteria for a 5150 evaluation. Named officer #2 said the clinician attempted to speak with the complainant, but she did not allow him to speak. At some point, the complainant walked past the clinician and proceeded down the stairs. He looked at the clinician and asked if the complainant had met the criteria for a 5150 detention. Named officer #2 said the clinician responded affirmatively. He and his partner then attempted to place the complainant in handcuffs, at which point she began to resist. The clinician walked down the stairs and motioned them to release the complainant. They released her even though the clinician initially confirmed that the complainant met the 5150 criteria.

DPA obtained a copy of the corresponding incident report. The incident report identified the clinician as the primary point of contact for the complainant. The report also documented that the clinician verbally confirmed to the officers that the complainant was to be detained for a mental health evaluation.

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

The evidence showed that the named officers acted at the direction of a mental health professional who had an established relationship with the complainant. Upon being advised to release the complainant, the named officers complied.

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

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

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

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

VA Inspector General
810 Vermont Avenue, NW
Washington, DC 20420

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

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant stated that he and his uncle were walking home in 2013 when they saw a large crowd gathered at the corner of a street. They thought a fight was occurring but learned that the people were only gathering and hanging out at the corner. According to the complainant, they continued walking and, moments after that, heard gunshots coming from behind him. The complainant fell to the ground and passed out. He regained consciousness three weeks later at a hospital. The complainant alleged the named officer shot him in the back for no reason.

Department records show two individuals saw a group of Hispanic males in front of an establishment. One of them had a semi-automatic pistol. The two individuals hurriedly approached an on-duty officer and told the officer what they observed. The officer broadcast the information over the radio and carefully approached the scene on foot. At some point, the officer heard gunshots. He immediately ran toward the scene and saw the named officer and his partner with their guns drawn. He also saw two men bleeding and lying on the ground. Numerous officers soon arrived. Paramedics were also called to the scene. Witnesses at the scene were detained and questioned as officers investigated the incident.

Department records showed that the Internal Affairs Division (IAD) thoroughly investigated the shooting.

When the incident occurred, DPA investigated only officer-involved shootings when a civilian complaint was filed. A review of DPA records revealed no complaint was filed at or near the time of the incident. DPA reviewed the complete Chronological Report of the IAD investigation. For purposes of the Government Code Section 3304 statute of limitations, IAD and DPA have the same deadline. Therefore, the statute of limitations has passed and DPA will not render a finding, because any decision made by DPA would be time barred.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. The complainant stated the named officer lied in his report, saying that he gave a warning before shooting. The complainant said the officer shot him in the back without warning.

As previously mentioned in prior sections of this report, no civilian complaint was filed at around the time of the incident with the DPA. The statute of limitations has passed. The officer is no longer subject to discipline.

Department records showed that the Internal Affairs Division (IAD) thoroughly investigated the shooting.

When the incident occurred, DPA investigated only officer-involved shootings when a civilian complaint was filed. A review of DPA records revealed no complaint was filed at or near the time of the incident. DPA reviewed the complete Chronological Report of the IAD investigation. For purposes of the Government Code Section 3304 statute of limitations, IAD and DPA have the same deadline. Therefore, the statute of limitations has passed and DPA will not render a finding because any decision by DPA would be time barred.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant's neighbor called police to their residence to report a neighbor dispute involving the complainant. The complainant stated that he admitted to the named officer that he threw dog feces at his neighbor's sidewalk. He said he and his neighbor have been having issues for a long time and that his neighbor had incited unknown people to do bad things to him. The complainant said the officer was disrespectful and said, "Look at me!" three times, treating him like a criminal. The complainant said it's a cultural thing that he did not look straight into the officer's eyes. He said the officer had this combative body language.

In addition, the complainant added that the officer told him their patrol car had just run over the dog feces and lied about having to wash his car since the floor was bone dry that day. He also complained that the named officer insisted on getting the complainant's email while the complainant only had 3G on his phone and did not have internet or email. He added that the officer gave his neighbor the "get out of jail" free card and let him proceed to commit major crimes.

The named officer stated that the neighbor said the complainant had discharged cups and buckets of feces in front of his home and had video footage of him doing that. The officer said that he then observed possible human feces on the curbside. He denied yelling at the complainant. The officer said he did not mean to disrespect the complainant's culture and was sorry that the complainant perceived it in that manner. The officer said he did not intend to become combative with the complainant.

Additionally, the named officer stated that he told the complainant that the feces had made his patrol car dirty because the responding officers had driven directly over it. He explained that the patrol car had just been washed and cleaned earlier that morning. The officer said the road was not bone dry. Instead, there was heavy drizzle. The officer confirmed that the complainant had accused the neighbor of shooting pellet guns at his home in the middle of the night. However, he denied giving any leeway to the neighbor because there was no evidence or witness accounts to support his allegation.

The named officer confirmed that he did ask for both the complainant's and neighbor's email addresses for the police report. He said that the complainant refused to share his email with him. The officer said he treated the complainant with the same respect and professionalism as anyone else he had encountered. The witness officer stated that he did not see any body language that would make the complainant believe they were combative. The witness officer said no officers lied about washing the patrol car. He said it was drizzling out at the time, and the patrol car had been washed earlier that morning, and it had run over the

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feces. He said the complainant did make accusations against his neighbor but had no proof of any of that happening. The witness officer said the complainant was never treated like a criminal but was asked questions during the officers' investigation.

Department records indicated that the neighbor showed officers videos of the complainant throwing a cup and a bucket of fecal matter onto the neighbor's curbside. The incident report records that the complainant blamed the neighbor as the instigator and took no responsibility for throwing the fecal matter. The report also records that the complainant had a pager phone number and refused to provide an email address.

Body-worn camera footage captured that it was drizzling and gloomy that day. It showed the complainant admitted to throwing the fecal matter onto the neighbor's driveway because he said the neighbor had sent someone near his house to shoot with a pellet gun. However, he could not provide any proof when asked for it. The complainant stood at least 50 feet from the officer during their conversation. The video captured that the complainant did look at the officer when they were talking but would look away when the officer talked. The officer said, "We need to stop this now. First, listen to me. I'm not kidding. Look at my face. Do I look like I'm playing around?" The officer also told the complainant that there were feces all over his car and he just had a wash. The footage also captured the officer speaking firmly when explaining the situation to the complainant. The officer was not aggressive or combative.

Moreover, the footage captured that the named officer asked for the complainant's email address. However, the complainant said he had a GPS on his cell phone but did not have internet. Later, the complainant said he had a pager instead.

A witness, the neighbor in the incident, said that the complainant and the named officer were standing 30 yards away from each other. He confirmed that it was raining that day. He said the officers on the scene were cordial and tried to make peace between both parties. No officers were disrespectful, yelling, or had any combative body language. The witness said an officer asked the complainant for his email, but the complainant said he did not have one, while the witness had seen him using one before. He also said the complainant admitted to throwing the feces but could not provide any proof of his neighbor shooting a pellet gun at his house.

The collected evidence proved that while the named officer was explaining firmly to the complainant about what could happen for throwing fecal matter in public, the officer did not use disrespectful or combative body language towards the complainant or treat him like a criminal. The evidence shows that the two were standing at least 50 feet apart, and therefore, the named officer raised his voice to communicate with the complainant. The officers did not lie about washing his car earlier that day or favor the neighbor because there was no evidence that a pellet gun was shot at the complainant's house. The evidence also shows that the officer did not insist on getting the complainant's email, although the complainant did mention that he had a phone during their conversation.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The named officer is no longer with the Department and is therefore no longer subject to Department discipline.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The named officer is no longer with the Department and is therefore no longer subject to Department discipline.

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SUMMARY OF ALLEGATIONS # 1-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that while the named officers were arresting him, they used excessive force on him, causing abrasions on his body. The complainant also states he was “hog tied.”

The named officers denied using excessive force. They explained that they arrested complainant for outstanding warrants and an active incident where officers had probable cause to believe he possessed a firearm illegally, and as they were taking him into custody, he began to actively resist. The named officers used restraint techniques to gain control of him and place him into handcuffs and leg restraints.

SFPD documents stated that the named officers used force to make an arrest, and the subject of the arrest resisted their detention and arrest efforts. Documents show that the officers reported their use of force to a supervisor as required and that the supervisor reviewed the uses of force by the named officers. Documents also show that medics took over complainant’s care when he appeared to have a seizure, and he was taken to hospital.

Body camera footage shows the named officers approaching the complainant and telling him to stop. The complainant appears to run. The named officers grab the complainant, and he resists the officers’ efforts to put him in handcuffs. The named officers use body control techniques to subdue the complainant and place him in hand cuffs and leg restraints. SFPD medics arrive on the scene and place their own restraints on the complainant before placing him in an ambulance for transport to a hospital.

The level of force used by the named officers was appropriate and proportionate given the level of resistance the complainant displayed. All use of force was recorded as required by policy and reviewed by senior officers.

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

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

COMPLAINT DATE: 06/09/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant received a phone call from her former roommate's car insurance company, which inquired about his car being stolen. She advised the insurance representative the car was parked near her residence. She then called dispatch and asked to speak with an officer to document that she hadn't stolen the vehicle and that her former roommate, who was the subject of a restraining order, was harassing her. She waited for an officer to respond and was later advised by dispatch that the call was closed, and that an officer responded to the scene and spoke with her former roommate regarding the vehicle. She stated that the named officer failed to contact her.

The named officer said he responded to a call for service related to recovering a reported stolen vehicle and was advised by dispatch that the complainant reported that her roommate told his vehicle insurance company that his vehicle was stolen, but it was not and was parked near her residence. The named officer responded to the scene, checked the vehicle's records, contacted the registered owner, released the vehicle to him and later completed a recovered vehicle report. The named officer said he did not contact the complainant as she was not listed as a suspect when he checked the vehicle records. Dispatch records for the call noted a report was needed, there was a lack of additional information, and he concluded that a recovered vehicle report was needed. He also said that although the complainant had a restraining order against the other party, the vehicle insurance company was a third party, and he did not believe her request identified a crime. He felt he took the required action by assisting the registered owner in recovering his vehicle and completing the related report.

Dispatch records showed the complainant initially reported that her roommate told his insurance company she stole his car but that the car was not stolen and was parked nearby. The call was canceled after the complainant called dispatch and said she could not wait for police and would call back. Records showed the complainant renewed her call the next day, but there was no information about a restraining order violation. The dispatch records show that the named officer responded to the scene and a report was completed detailing the recovery of the reported stolen vehicle. The dispatch records showed that dispatch categorized the second call as fraud, which then became a stolen vehicle, and then a recovered stolen vehicle. The fact that the complainant was the reporting party regarding a stolen car but not a registered owner of the car, created confusion regarding what report she was asking for and what crime was being reported.

Body-worn camera (BWC) footage showed the named officer responded to the scene, located the vehicle that had been reported stolen, called and met with the registered owner and released the vehicle to him

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after determining his ownership. The named officer later called the registered owner back and advised him that the vehicle had been removed from the stolen vehicle system.

The evidence shows that the named officer did not contact the complainant. However, dispatch never informed the named officer that there were additional matters to attend to. The named officer's explanation for not contacting the complainant is plausible, given the confusing nature of her calls to police, the reported stolen car and the multiple parties listed on the CAD. Therefore, the manner in which the named officer conducted himself with regard to the dispatched call was appropriate.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/13/23 COMPLETION DATE: 12/07/23 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: While working as a security guard at the incident location, the complainant said the named officer approached him. He said that the officer asked if he had a gun or was armed, to which he said no. The officer told him they suspected him because he matched the clothing description of someone with a gun. The complainant said he pulled his phone out of his pocket to show he did not have a gun. He believed that it was an inappropriate detention.

The named officer said that he received a call regarding a person with a gun at the location. He arrived on the scene, and the security guard was the only person who matched the suspect's description. The officer denied detaining or pat-searching the security guard but admitted to asking whether he had a gun on him. When the complainant pulled out his phone, the officer believed the reporting person mistook the silver phone as a weapon. The named officer said he could not confirm whether the complainant was the suspect because he could not speak with the reporting party during the incident.

Department records indicate that there was a person with a gun call for service at the location. The suspect was described as wearing a baseball cap, black shirt, black jacket in hand, gun in right hand, alone and wandering, and had a metallic gun. It also recorded that a security guard with a cell phone was the possible person matching the description.

Body-worn camera (BWC) footage captured that when the officer arrived, he approached the security guard, who matched the suspect's description. He asked the complainant whether he had a gun and was armed, and the complainant said no. The named officer then proceeded to pat down the complainant. The complainant then removed his phone from his pockets to show the officer he was not armed. A few minutes later, the officer told the complainant he was free to go.

Department General Order (DGO) 5.03.02(3) Detention states, "A detention is a seizure of a person by an officer that results from submission to unequivocal verbal commands, physical restraint, and/or words or conduct by an officer resulting in a reasonable person believing that they are not free to leave or otherwise disregard the officer."

The DGO Section D, Reasonable Suspicion to Detain states, "Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or about to occur and the person under suspicion is reasonably connected to the crime."

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The named officer denied detaining the complainant. However, a reasonable person would believe that they are not free to leave or disregard an officer if approached, asked if they were armed with a gun, that they matched a description of a person with a gun, and patted down as the officer looked for a gun. As such, the officer did detain the complainant as described in DGO 5.03.02(B).

The specific facts of this incident provided the named officer with reasonable suspicion to detain the complainant because the complainant matched the suspect description, who allegedly was carrying a gun.

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 during his interaction with the named officer, the officer patted his jacket pockets and belt but did not remember whether the officer searched the pockets. He stated that the action made him feel uncomfortable and harassed.

The named officer denied pat-searching the complainant but said he did a “quick tap” on the complainant’s jacket pockets and waistband area where security guards usually carry their guns. He denied putting his hands into or searching the complainant’s pockets or body.

The named officer’s BWC footage captured that while the officer was questioning whether the complainant had a gun on him, he did a pat search on the complainant’s outer jacket pockets. The officer was able to articulate why the complainant had been stopped. The complainant matched the description of a subject described as holding a gun and acting strange. The officer did not request the complainant’s consent before conducting the pat search.

SFPD DGO 5.03.03 B. Conducting a Pat Search states that “Members may conduct a pat search for weapons when:

1. The person is lawfully detained for an investigative purpose.
2. The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous.”

Although the named officer denied pat searching the complainant, BWC footage showed that he conducted a pat search on the complainant. There is no provision in DGO 5.03 or the 4th Amendment for a

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“quick tap.” The evidence proves the complainant was lawfully detained because he matched the suspect description. Additionally, the named officer had reasonable suspicion to believe that the complainant was armed and dangerous because it was a person with a gun call. Therefore, the officer had reasonable suspicion to conduct a pat search on the complainant.

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

SUMMARY OF ALLEGATION #3: The officer failed to issue a Certificate of Release.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that he was not given any paperwork after the interaction.

The named officer stated that he was not required to issue the complainant a *Certificate of Release* because the complainant was never detained. The officer said the complainant was free to go at any point during the interaction. The officer said it was a “high-priority” call, but there was nothing exigent when he got to the location.

Department records show that a *Certificate of Release* was not issued.

Body-worn camera footage captured that the officer detained the complainant and told him he was free to go a few minutes after pat-searching the complainant. The footage shows that the officer did not issue any paperwork to the complainant after telling him that he was free to go.

DGO 5.03.03 C. Certificate of Release reads in pertinent part, “Except in exigent circumstances, members shall issue a Certificate of Release in instances when a person is not free to leave.”

The evidence proves that a lawful detention happened, and the complainant was not free to leave while the officer detained and pat searched. The officer was required to issue him a Certificate of Release after the detention. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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SUMMARY OF ALLEGATION #4: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer did not write an incident report documenting the incident.

The named officer confirmed that he did not write an incident report because it was unnecessary. He explained that since no laws were broken, no investigation was ongoing, and no one was detained, it was unnecessary to write an incident report.

Department records indicate that a police report was not written regarding this incident.

DGO 5.03.03 D. Incident Reports reads, "Members shall prepare an incident report in all cases when a Certificate of Release is issued. Members shall include "Investigative Detention" as one of the titles of the incident report...and articulate the specific set of facts that established the reasonable suspicion to detain the person. If a pat search was conducted, the officer shall also articulate the specific set of facts that established the reasonable suspicion to conduct the pat search."

Since the named officer did detain and pat search the complainant, the named officer was required to issue the complainant a Certificate of Release and prepare an incident report to document the detention, pat search, and issuance of Certificate of Release.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her property manager and some maintenance workers trespassed into her apartment and changed the showerhead and door key. She said the property manager put cameras in the shower head, lowered it, and it showed a big reflection. She said the officer spoke to the property manager first, who lied to the officer. The officer did not make an arrest. The complainant later told the DPA that she did not have proof that the Property Manager installed cameras in her home but had proof that she lied to the officer. However, the complainant did not provide any further evidence to the DPA.

The named officer stated he spoke with the property manager before speaking with the complainant to gather information from her as the call was directed at her and anyone must check in before going to the units. He stated the property manager told him that they do not enter the complainant's apartment unless the complainant is notified or in case of emergency. The property manager stated they had changed the complainant's lock multiple times because of her complaints. She explained that it all started two years ago when there was a leak from the complainant's apartment, and they had to put a camera into the wall to locate and fix a leakage. Then, the complainant became paranoid about cameras remaining inside her property.

The officer said he did not arrest the property manager and the maintenance workers because there was no evidence or proof of trespassing. The officer said the complainant showed her a hole in the ceiling in the shower area. The hole had been patched, but the complainant poked her finger through the patch, creating a new hole and claiming that the property manager and maintenance workers had put a camera there.

Department records indicate that the complainant called the police to report the property manager for trespassing. It also records that there was no merit to the property manager entering the apartment without permission or in an emergency.

Body-worn camera footage shows that the named officer checked in with the front desk and spoke with the Property Manager before entering the complainant's property. The property manager denied entering the apartment without the complainant's permission, which is by schedule only. She also told the officer that the complainant showed extreme paranoia. The footage captured the officer speaking with the complainant, who showed him a hole in the bathroom ceiling. The complainant admitted poking a hole in the ceiling herself and said the maintenance workers came in and patched it in. When the officer asked if the complainant had seen them come in, she said, "Of course not." The complainant went on to show the officer an old showerhead and said three water holes were blocked off. Towards the end of the interaction,

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the officer advised the complainant to obtain a security camera for the apartment to capture any illegal entry.

The collected evidence proves that the officer could not find evidence regarding the property manager and maintenance workers trespassing on the complainant's property or installing any cameras in the unit. Therefore, the officer had no probable cause to make an arrest. No witnesses or security cameras were available, and the complainant admitted that she had poked a hole in the ceiling after the workers had patched it in. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that the officer did not do anything regarding the trespassing or called her back.

The named officer said he spoke with the suspect, who denied entering the apartment. The officer obtained a statement from the complainant and checked for evidence inside the complainant's house, which showed no merit. The officer said he called the complainant back at a later date, and she asked if he had arrested the property manager. He said the complainant kept yelling at him about various things and then hung up on him.

There were no witnesses or security camera footage available.

Department records did not record the officer's investigative steps or any communication between the two.

Body-worn camera footage shows that the officer spoke with the suspect, obtained a statement from the complainant, and checked for evidence of trespassing. The footage shows that no security cameras captured anyone entering the apartment.

The evidence shows that the officer took the required investigative steps to obtain statements from both parties and checked for relevant evidence. However, he could not find proof that a crime had been committed. On the balance of probabilities, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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COMPLAINT DATE: 06/13/23 COMPLETION DATE: 12/07/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she called the police because someone was trying to steal her outside security cameras, which she had installed without the landlord's permission. She said when the police came, they found out that it was the maintenance workers that the landlord hired to remove the unapproved cameras. She complained that once the officers found out it was a civil matter, they did nothing and left even though the complainant insisted it was a criminal act.

Named officer #1 stated that officers on the scene found out that the subjects who took down the unauthorized cameras worked for the landlord after speaking with the parties involved. The case then turned into a civil matter. She explained that no crime had been committed and advised the complainant that she needed to work with the landlord.

Named officer #2 stated that the initial suspect, according to the complainant, was the master tenant. Then, officers ascertained that the landlord hired workers to remove the cameras because they were installed without permission. The investigation was then deemed a civil matter and not a criminal matter. He explained that officers would be considered neglecting duty if they failed to discover crimes committed in their areas. In contrast, in civil matters, officers can act as a mediator if both parties are willing to speak with each other. He said, per CAD, the complainant was currently in an eviction process with the landlord. Therefore, the complainant would not speak to property management, which made mediation impossible.

Department records indicate that initially, the complainant believed that the master tenant was illegally removing the security cameras from outside her house. Later, officers found out that the landlord hired the subjects to remove unauthorized cameras from the property, which turned the matter into a civil one. The records also indicate that the complainant would not speak with the landlord because of eviction proceedings.

Body-worn camera footage captured the officers speaking with the complainant and the property management, ascertaining that the landlord hired the workers to remove unauthorized cameras. After the officers determined that it was a civil matter, an officer suggested the complainant talk with her landlord, but she said no because she was being evicted. The footage showed that named officer #1 provided the CAD number to the complainant and encouraged her to call the Victims Conversation program and obtain a victim's advocate.

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SFPD Training Material indicates that landlord-tenant disputes are considered a type of civil dispute, and officers are to remain impartial and preserve the peace.

The evidence proves that officers correctly determined the removal of the unauthorized cameras was a civil matter between the landlord and renter. Officers are not obliged to investigate and settle civil disputes. However, the officers did offer social resources to the complainant and acted as middlemen between the parties.

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

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COMPLAINT DATE: 06/20/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant saw numerous vehicles making illegal turns, speeding, and double parking on a street corner. The complainant stated that SFPD failed to enforce the traffic violations that occurred. The complainant did not wish to be contacted and therefore no further information was available to DPA.

Using the reported date and time, DPA reached out to the Department's Stunt Driving Response Unit (SDRU). The lead SFPD member in charge of SDRU stated that no sideshow was reported in the area or on-viewed by any patrol unit based on their records. This information was confirmed by Dispatch. He said that upon learning of the DPA complaint, he checked with the businesses in the area to obtain possible video of the reported events. He received neither videos nor complaints pertaining to sideshows. The officer received general complaints (but no video or other evidence) from the area businesses related to drug dealing, stolen property being sold, public drunkenness, motorcycles speeding up and down the streets, and vehicles driving and speeding in the bus red zone.

DPA researched related calls for service for that area during the time in question. Department records did not show any officers being dispatched to calls for sideshow events or speeding motorcycles and vehicles.

DPA was unable to issue a finding in this matter due to the limited information provided by the complainant.

The complainant failed to provide additional requested evidence.

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

COMPLAINT DATE: 06/26/23 COMPLETION DATE: 12/06/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant alleged that while the named officer was patting him down the named officer did a “martial arts move” and deliberately hit the complainant in the crotch.

The named officer responded to a call about an individual that was trying to break into a residence. When he and his partner arrived on scene, they detained the complainant. During their investigation, they determined that the complainant was attempting to break into his mother’s residence. The named officer and his partner placed the complainant under arrest for trespassing, vandalism, and elder abuse. The named officer stated that he conducted a pat search, an arrest search, and a booking search on the complainant. During the pat search of the complainant, the named officer acknowledged that his hand inadvertently touched the complainant’s groin area. The named officer stated that he was attempting to search the complainant’s waistband and that the complainant’s pants were hanging low off his hips, which caused the contact. The named officer denied deliberately hitting the complainant’s groin area during any of the searches.

DPA obtained the named officer’s body-worn camera (BWC) footage of the incident. The BWC footage showed the named officer search the complainant. Before the search, the named officer explained that he was going to pat the complainant down to search for weapons. The complainant stated that his crotch area was touched but did not say he was deliberately hit. DPA also watched the BWC footage showing the arrest search and booking search of the complainant. Neither of those additional searches showed the named officer hitting the complainant in the crotch area.

The evidence showed that the named officer did not deliberately hit the complainant in the crotch area during the search. While the complainant’s crotch was touched during a pat search, it was inadvertent and was not a deliberate act.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 06/26/23 COMPLETION DATE: 12/06/23 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that his social security card was missing from his wallet after his arrest.

Named officer #1 denied the allegation. Named officer #1 confirmed that the complainant had his wallet on his person at the time of the arrest, but the named officer did not remove the contents of the wallet at any point during the incident.

Named officer #2 was the station keeper at the police station where the complainant was booked. Named officer #2 inventoried the complainant's property, which included the complainant's wallet. Named officer #2 stated that there was a driver's license and credit cards in the wallet, but she did not see a social security card. Named officer #2 documented the wallet's contents on a property inventory arrest record form.

DPA obtained named officer #1's BWC footage of the incident. The BWC footage was consistent with the statement he provided to DPA. DPA also obtained a copy of the property inventory arrest record form completed by named officer #2. The property inventory arrest record form did not mention that a social security card was located inside the wallet.

It can be inferred from the evidence that the complainant's social security card was not in his wallet at the time of the arrest.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT DATE: 06/26/23 COMPLETION DATE: 12/06/23 PAGE# 3 of 3

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

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

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 06/26/23 COMPLETION DATE: 12/03/23 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.

SUMMARY OF ALLEGATION #2: The officer improperly detained or transported a person.

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 07/17/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers came to his residence and told him that they were there to search the house. The complainant refused and told them they had no right to search his residence. The officers told him they had his son in custody for robbing or assaulting someone. At some point in the interaction, the complainant consented to two officers searching his apartment. According to the complainant, the officers went into his kitchen and bedrooms. They also looked into his closet and searched his clothes. Ten or fifteen minutes later, the officers apologized to him and left. The complainant believed the search was illegal because the officers had no warrant.

The named officer stated he arrested the complainant's son for a series of armed robberies. After the arrest, his team and officers from the Daly City Police Department (DCPD) went to the complainant's address to conduct a probation search on the residence. He stated a San Francisco Adult Probation Department officer confirmed that the complainant's son was on probation and had a warrantless search condition. He said the officer also provided them with his address and advised that the complainant's son's ankle monitor also showed he had been staying in the residence for several nights leading up to the search. The named officer also said the complainant allowed him and a DCPD officer to enter and search the apartment.

DPA obtained a copy of the incident report related to this incident. The incident report documented the complainant's son's arrest for various armed robberies. It indicated that he was on active probation with a warrantless search condition. The report also noted that he lived with his siblings and the complainant in the apartment that officers searched.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The footage showed the complainant giving the named officer and a DCPD officer permission to enter his apartment and conduct a search.

DPA received an email from the Adult Probation Department that showed that the complainant's son was on Post Release Community Supervision and had a warrantless search condition. A warrantless search condition allows officers to legally search a person's residence and other belongings without a warrant.

Department records show the complainant's son was under the supervision of Adult Probation while on PRCS and listed the complainant's apartment as his residence. All persons on PRCS are subject to a search condition by statute. The named officer acted reasonably by verifying the search condition and the address before responding to the complainant's residence to conduct a search.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer blocked his doorway with his foot, which scared him. He also took it as a sign of disrespect. He said the named officer acted like it was his house, told him he had no rights and behaved like he was rushing to enter.

The named officer recalled the complainant being highly agitated. The complainant was yelling, using profanity, and refusing to let officers in to search the apartment. As the contact continued, the named officer placed his foot in the door to prevent the complainant from closing it. He said he did it for officer safety reasons. He said the incident was associated with an armed robbery, and the firearm used was not yet in police custody. The named officer did not want the complainant to close the door and potentially arm himself. He denied yelling at the complainant or disrespecting or threatening him in any manner.

Witness officer #1 stated that he did not hear the named officer disrespect or threaten the complainant in any manner. He said the named officer had his foot on the doorway to prevent the complainant from closing it while they searched the apartment.

Witness officer #2 stated the named officer did not threaten or disrespect the complainant. He said the named officer placed his foot in the door to prevent the complainant from creating a serious officer safety issue since the weapon from the robbery had not been located at the time. He said it was the least intrusive means available to preserve officer safety and potential evidence.

The evidence showed that the officers had the right to be at the complainant's residence and conduct a search. As such, the named officer had the right to prevent the complainant from closing the door during the contact by placing his foot on the doorway. The video did not show the named officer disrespecting or threatening the complainant.

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

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COMPLAINT DATE: 07/17/23 COMPLETION DATE: 12/19/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT:

FINDING: IO-1

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

Daly City Police Department
Internal Affairs Unit
333 90th Street
Daly City, CA 94015

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

COMPLAINT DATE: 07/18/23 COMPLETION DATE: 12/03/23 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 filed a complaint with the Internal Affairs Division (IAD) regarding unsworn SFPD employees. The complainant called the Police Department two separate times to follow up on his complaint but did not hear anything back from IAD. The complainant received IAD's complaint disposition letter approximately one year later.

Department records indicated IAD received the complainant's case a few weeks after the complaint was submitted. IAD opened a case, then contacted the complainant. The complainant and IAD were in communication with each other by email related to the complaint. IAD concluded their investigation, then sent the disposition letter to the complainant.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant received a disposition letter from the Internal Affairs Division (IAD) regarding the findings of the complainant's complaints. The complainant disagreed with IAD's findings and believed that IAD was not transparent with him. The complainant requested DPA to instruct IAD to reopen the case and find that the unsworn members of the Police Department committed misconduct.

DPA thoroughly and completely reviewed the IAD case file related to the complainant's case in its entirety. IAD conducted an appropriate and exhaustive investigation and took all appropriate steps. DPA has no power to order any San Francisco Police Department Division to reopen a case.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/20/23 COMPLETION DATE: 12/03/23 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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 07/24/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officers ignored a vehicle driving in an area that it was not allowed to drive.

The named officers were questioned about this allegation and denied ignoring taking actions against a vehicle committing vehicle offences. The officer stated that the vehicle was allowed to drive where it was driving.

There were no SFPD records for this incident. There was no body camera footage for this incident. There were no other witnesses to this incident.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer told her to mind her own business when she tried to point out a vehicle committing a traffic violation.

The named officer denied that he told the complainant to mind her own business.

There were no SFPD records for this incident. There was no body camera footage for this incident. There were no other witnesses 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: 08/02/23 **COMPLETION DATE:** 12/03/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION # 1: The officer detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer unnecessarily pointed a firearm at him.

Department records indicated that the reporting party told dispatchers that the complainant had a knife, a pole, chains, and a sword, had threatened to kill the reporting party and was threatening people walking by. This information was broadcast over the radio to responding officers. Department records indicated that the named officer was first to arrive on-scene, where he observed the complainant on top of a staircase with a long scabbard and metal sword in his hands. The named officer reported that he drew his firearm and pointed it at the complainant to effect a detention and for the safety of officers and the public. The named officer reported that the complainant had dropped the scabbard, but the named officer could not see if the complainant was armed with additional weapons. The named officer issued warnings to the complainant to turn around and come down the stairs, and the complainant complied. The named officer detained the complainant in handcuffs and reported his use of force to a supervisor.

Body-worn camera footage showed that when the named officer arrived on-scene, the complainant was standing on a staircase holding a long object. The complainant walked down the staircase, appeared to drop the object on the ground, and walked back up the staircase as the named officer drew his firearm and pointed it at the complainant. The named officer ordered the complainant to walk down the stairs and to walk backward towards him. The complainant complied and was detained without any additional use of force.

Department General Order 5.01 states that an officer may point a firearm when an objectively reasonable officer, based on the totality of the circumstances, would believe there is a specific and articulable threat of serious bodily injury or death, or that the situation may escalate to justify the use of deadly force.

Based on the information provided to responding officers and the named officer's observations when he arrived on-scene, it was reasonable for the named officer to believe that the complainant posed a specific and articulable threat of serious bodily injury or death to the public and to responding officers. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 08/04/23 COMPLETION DATE: 12/05/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant witnessed a neighbor threaten a parking control officer. Fearing for the parking control officer's safety, the complainant called 911. The complainant said the officers should have cited his neighbor for threatening the parking control officer.

Body-worn camera footage showed the named officers meeting with the complainant, the neighbor, and the parking control officer. The complainant believed his neighbor committed a crime by threatening the parking control officer. The neighbor felt he was being unfairly targeted with parking citations. The parking control officer explained that he argued with the neighbor about issuing him citations and the neighbor threatened to "go after" his job. The parking control officer did not fear for his safety. The officers explained to the complainant and the parking control officer that they could not take action because no crime had occurred.

A criminal threat occurs when a person threatens actions that are likely to result in death or great bodily injury. The threat must be unequivocal and actually cause the victim to fear for his safety (Penal Code Section 422(a)).

The officers investigated the incident and determined that the matter was not criminal. The neighbor and parking control officer argued, but the neighbor's statements about the parking control officer's job did not rise to the level of criminal threats. Additionally, the parking control officer did not fear for his safety. There was no cause to issue a citation and the officers acted appropriately.

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

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

COMPLAINT DATE: 08/07/23 COMPLETION DATE: 12/03/2023 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers approached him, questioned him about drugs and asked him what was inside his backpack. The complainant opened his backpack and one of the officers pointed a firearm at him.

The complainant failed to respond to multiple DPA requests for more information regarding the incident.

Because the complainant could not identify the specific officers involved in the interaction, DPA sent ID Polls to district stations. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID polls were returned with no officers identified. Therefore, there was insufficient information to identify the officers.

A search of Department records failed to identify an incident involving the complainant and SFPD officers in the location and/or time identified by the complainant.

The DPA attempted to obtain surveillance footage from the location given by the complainant but was unsuccessful in doing so.

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

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

COMPLAINT DATE: 08/07/23 COMPLETION DATE: 12/03/2023 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 10.11.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers approached him, questioned him about drugs and asked him what was inside his backpack. During the interaction, both officers covered their body-worn cameras.

The complainant failed to respond to multiple DPA requests for more information regarding the incident.

Because the complainant could not identify the specific officers involved in the interaction, DPA sent ID Polls to district stations. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID polls were returned with no officers identified. Therefore, there was insufficient information to identify the officers.

A search of Department records failed to identify an incident involving the complainant and SFPD officers in the location and/or time identified by the complainant.

The DPA attempted to obtain surveillance footage with negative results.

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

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

COMPLAINT DATE: 08/07/23 COMPLETION DATE: 12/03/2023 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers approached him, questioned him about drugs and asked him what was inside his backpack. One of the officers took the complainant's backpack and searched it. The officer who searched the complainant's backpack gave the complainant back a bag full of garbage. The complainant told the officers that was not his bag and both officers left the area. The complainant provided a photo of a bag of garbage with his complaint.

The complainant failed to respond to multiple DPA requests for more information regarding the incident.

Because the complainant could not identify the specific officers involved in the interaction, DPA sent ID Polls to district stations. An ID poll describes the incident and asks that the captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID polls were returned with no officers identified. Therefore, there was insufficient information to identify the officers.

A search of Department records failed to identify an incident involving the complainant and SFPD officers in the location and/or time identified by the complainant.

The DPA attempted to obtain surveillance footage from the location identified by the complainant but was unable to do so.

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: 07/10/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer arrested him for violating a *mutual* restraining order between him and his neighbor. He stated they were both in the garage, which complies with the restraining order; however, the named officer unlawfully arrested him for violating it.

Department records indicate that the named officer responded to a call for service regarding a restraining order violation. The complainant's neighbor reported that the complainant was acting "super aggressive" and attempting to instigate a fight. The named officer ran a computer query and located a valid restraining order in the system. The restraining order was mutual and restrained the complainant from contacting the neighbor directly or indirectly by any means, including telephone, mail, email, or any other electronic means. The restraining order also stated that the complainant must stay 50 yards away unless in the shared garage, where the distance was three yards away. The neighbor reported that the complainant violates the restraining order daily. The neighbor provided the officers with videos from his camera inside the garage showing the complainant waving his arms and fists in a fighting manner. In other videos, the complainant directly spoke to the complainant's camera, challenging the neighbor to a fight. The complainant stated that the neighbor and his associates harassed him and touched his vehicle in the shared garage. The complainant denied speaking directly to his neighbor when he spoke to the camera; he spoke to no one and did not know to whom the camera belonged. The complainant was placed under arrest.

Court documents verify that the neighbor obtained a restraining order preventing the complainant from contacting and harassing his neighbor, as well as an order to stay away at least three yards inside the shared residence.

Video surveillance footage showed the complainant on numerous occasions, either speaking directly to the neighbor's camera, challenging a fight, or walking around the garage with his fists jabbing the air and making threatening statements.

Body-worn camera footage showed the neighbor reporting to the named officer that the complainant harasses him and his mother daily. He reported that the complainant yelled at his door in the middle of the night, challenging him to a fight. The neighbor also stated that the complainant spoke to him directly through the camera he placed in the garage, where the complainant challenged him to fight. The neighbor indicated a mutual restraining order, which the named officer confirmed. The neighbor provided the named officer with videos from the garage, which showed the complainant challenging his neighbor to a fight in his physical presence and through the camera. The complainant told the named officer he was allowed in the shared garage and denied directly addressing the neighbor when he spoke to the camera. The complainant was arrested for violating the restraining order and transported to the district station.

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

COMPLAINT DATE: 07/10/23 COMPLETION DATE: 12/03/23 PAGE# 2 of 3

Evidence shows that the complainant threatened his neighbor in person as well as through a video camera, which is a violation of the restraining order. The named officer complied with a court order by arresting the complainant.

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

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated a mutual restraining order is in place between him and his neighbor. He stated the restraining order allows him to be in their shared garage when the neighbor is present. He alleged that the named officer unlawfully directed other officers on the scene to arrest him for entering the shared garage because the named officer was the “leader of the crew.”

Department records indicate that the named officer was not present or involved during this incident.

Surveillance footage showed the complainant speaking directly into his neighbor’s camera, challenging a fight. An additional video showed the complainant challenging his neighbor to a fight when they were both in the garage.

Body-worn camera footage does not show the presence of the named officer, nor does it show the named officer being contacted by any officer on scene.

Evidence shows that the named officer was not involved in the complainant's arrest. The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer transported him to jail in a transport van, which was cold and dark. He stated he should have been transported in a patrol SUV, which would have been more comfortable.

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

COMPLAINT DATE: 07/10/23 COMPLETION DATE: 12/03/23 PAGE# 3 of 3

Department records indicate that the complainant was arrested, initially taken to the district station, and subsequently transported to the county jail.

Body-worn camera footage showed that after the complainant was arrested, he was initially transported to the district station in an SUV patrol vehicle. Later, the footage showed the named officer placing the complainant into a transport van, where he was subsequently taken to county jail.

Department General Order 5.18 (Prisoner Handling and Transport) states in the relevant part, "The preferred means of transporting prisoners is by patrol wagon since those vehicles are designed for that purpose."

The named officer did not violate Department Policy by transporting the complainant in a transport van.

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

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

COMPLAINT DATE: 08/13/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer came by their residence on two consecutive days bothering her by ringing the doorbell with no warrant. The complainant alleged the named officer was trespassing.

The named officer responded to the complainant's residence on two consecutive days because an outside agency submitted a call for service related to the complainant. On both days, no one responded to the named officer ringing the doorbell at the complainant's residence. The named officer said a warrant was not required for her to ring a doorbell and conduct a well-being check.

Department Records confirmed that the named officer responded to the complainant's residence on two consecutive days because an outside agency requested a well-being check.

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

SUMMARY OF ALLEGATION #2: The officer failed to provide her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer failed to provide her star number when asked by the complainant.

The named officer responded to the complainant's residence at the request of an outside agency. No one responded to the named officer ringing the doorbell at the entrance of the complainant's residence. While leaving, the complainant yelled statements from a window on the top floor of their building. The complainant told the named officer she needed a warrant and asked for her name. The named officer asked the complainant to confirm her identity then provided her name to the complainant. The named officer did not recall if the complainant asked for her star number. She further stated that if the complainant asked for her star number, then she would have provided it.

The DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage showed the named officer identified herself by her name. The BWC footage showed that the complainant did ask for the named officer's badge number. However, it is unclear if the named officer

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

COMPLAINT DATE: 08/13/23 COMPLETION DATE: 12/19/23 PAGE# 2 of 2

heard that request, as the complainant was located on the 3rd floor of a residence and the named officer was across the street during the exchange.

While the named officer did provide her named upon request, it is unclear whether she actually heard the complainant request her star number.

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

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

COMPLAINT DATE: 08/15/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant encountered a person on a sidewalk that appeared to be unresponsive.

There was no record of the call-for-service.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

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

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

COMPLAINT DATE: 08/18/23 COMPLETION DATE: 12/03/23 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 was involved in a car collision. When he stopped, a passenger in the other car punched him. Officers did not listen to his side of the story, refused to arrest his attacker, and towed his car.

The incident report, traffic collision report, and body-worn camera footage showed that the officers completed a thorough investigation of the hit-and-run collision and battery incident. Several witnesses called 911 to say that parties involved in a collision were screaming at each other, reaching into their pockets, and fighting. Officers obtained statements from the complainant, the driver and passenger from the other car, and a witness. The officers determined that the complainant hit the other driver's car during a right-hand turn. The complainant said he hit a car and drove away because the other driver's reaction scared him. When he eventually stopped, a passenger from the other car got out and attacked him. The other driver said that she followed the complainant because he drove away after hitting her car. Once stopped, her husband got out of her car to stop the complainant from running away. A witness saw someone forcefully pull the complainant out of his car. The complainant and the husband reported being attacked by one another.

Officers prepared a Traffic Collision Report documenting the hit-and-run and a separate Incident Report documenting the fight. The parties each made private person arrests and were cited and released. Officers photographed the scene, drew diagrams, and took witness statements. The complainant was cited for violating Vehicle Code 21750, for not passing at a safe distance. Both parties were cited for battery. The complainant's vehicle was towed and placed on hold for being involved in a hit-and-run.

The officers properly investigated and documented the hit-and-run collision and the mutual private person arrests for battery.

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

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

COMPLAINT DATE: 08/18/23 COMPLETION DATE: 12/03/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION # 3: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers should not have towed his car.

Records showed that the complainant had an expired driver license, and that the vehicle registration was also expired. A sergeant approved the officer to tow the car as part of a hit-and-run collision investigation.

California law and Department policy allow officers to tow a car that was driven in a hit-and-run collision. Except in limited circumstances, Department policy requires officers to tow cars driven by a person with a suspended license. (Vehicle Code Sections 22655.5 (a), 20002 (a) and DGO 9.06)

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

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

COMPLAINT DATE: 08/13/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer filed false charges.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer rebooked him on fabricated charges.

Department records indicated that the named officer was familiar with the complainant from prior contacts and investigations. Records indicated that the named officer positively identified the complainant in surveillance video from multiple burglary incidents at the same address. When the named officer discovered that the complainant was in custody for unrelated charges, the named officer rebooked the complainant for violating California Penal Code sections 459 (burglary), 487(a) (grand theft), and 496(a) (receiving stolen property) for the additional burglary incidents.

Based upon the named officer's positive identification of the complainant in surveillance video from multiple burglary incidents, the named officer had probable cause to rebook the complainant for the above-listed charges.

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

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

COMPLAINT DATE: 08/23/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said officers came to her apartment while she was throwing things out of a window during a manic episode. An officer handcuffed and detained her for a mental health evaluation. She said the officer held her arm too tightly as he escorted her from the building to the paramedics, causing bruising. Photographs of the complainant's right upper left arm showed faint bruising.

The named officer said he responded to a call-for-service regarding a mentally disturbed person throwing items out of an apartment window. He found the complainant, who was moving frantically and making nonsensical statements. He handcuffed the complainant's wrists to prevent her from hurting herself or others. The complainant tried to run away, prompting the officer to grab her arm. The officer said he used a minimal amount of force to prevent escape and minimize potential injury.

Body-worn camera footage was consistent with the officer's statement. The complainant was acting erratically and tried to pull away from the officer as he escorted her to paramedics. The officer maintained control by holding onto the complainant's arm and the handcuffs.

Department policy allows officers to use reasonable force to lawfully detain a person, to overcome resistance, or to prevent escape. Physical controls are designed to gain the compliance and control over uncooperative or resistant subjects.

There was no evidence of the officer using excessive control holds or force tactics during the incident. The named officer's physical contact with the complainant was limited to handcuffing and walking the complainant out of the building for medical personnel.

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

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

COMPLAINT DATE: 08/23/23 COMPLETION DATE: 12/30/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer used handcuffs improperly.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer handcuffed her wrists too tightly, leaving a mark on one wrist. Photographs showed a small mark on the complainant's wrist.

The named officer stated that he handcuffed the complainant because she was throwing things and therefore a danger to others and because he was detaining her for an involuntary mental health evaluation. To check for handcuff tightness, the officer placed his finger between the handcuffs and the complainant's wrist to make sure there was enough room. He then double locked the handcuffs to prevent them from tightening further.

Body-worn camera footage showed that the named officer handcuffed the complainant and then asked her permission to lock the handcuffs in place to ensure they did not tighten. There was visible space between the edge of the handcuff and the complainant's wrist. The named officer later removed the left handcuff and fastened the right handcuff to a medical gurney.

The evidence showed that handcuffs were properly applied.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 08/15/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer improperly consumed alcohol while on duty.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer consumed alcohol at a bar, in full uniform, while on duty.

The named officer admitted to consuming alcohol at a bar, but stated he was off duty and was wearing civilian attire.

Department records show that the named officer was not on duty at the time the complainant alleged he consumed alcohol.

Surveillance footage from the bar showed the named officer consuming alcohol in civilian clothing after his shift ended. Therefore, there is no evidence he consumed alcohol while on duty or in uniform.

The named officer did not violate Department policy by consuming alcohol while on-duty.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer intentionally defrauded a person or entity.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer consumed alcohol at a bar, in full uniform, while on duty. He stated that the named officer committed time theft as he was engaging in a personal matter while on duty.

The named officer admitted to consuming alcohol at a bar, but stated he was off duty and was wearing civilian attire.

Department records show that the named officer was not on duty at the time the complainant alleged he consumed alcohol.

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

COMPLAINT DATE: 08/15/23 COMPLETION DATE: 12/30/23 PAGE# 2 of 3

Surveillance footage from the bar showed the named officer consuming alcohol in civilian clothing after his shift ended. Therefore, there is no evidence he consumed alcohol while on duty or in uniform.

The named officer did not commit time theft as alleged and did not violate Department policy by consuming alcohol while off-duty.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officer drove while under the influence.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer drove under the influence of alcohol while on duty.

The named officer stated he did not drive under the influence on or off duty.

Department records show that the named officer was not on duty at the time the complainant alleged he drove under the influence of alcohol.

The named officer was not on duty at the time the complainant alleged he drove under the influence.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #4: The officer inappropriately converted an on-duty contact to an off-duty relationship.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: Through its investigation, the Department of Police Accountability discovered the named officer may have acted inappropriately when he converted an on-duty contact with two members of the public to an off-duty encounter when they later socialized at a business establishment after the named officer was off-duty. The named officer's off-duty interaction, stemming from the on-duty contact, ended negatively.

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

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The named officer stated that while on duty, he engaged in a conversation and messaging with two tourists regarding sightseeing locations and eating and drinking establishments. He stated he frequently engages with tourists as he often works in an area with high tourist traffic. The named officer admitted encountering the two tourists at a drinking establishment he recommended after he was off duty. The named officer stated he often shared his knowledge of the city as a goodwill ambassador and denied acting inappropriately.

Department General Order 2.01 states in the relevant part, “[A]ny conduct by an officer . . . that tends to . . . reflect discredit upon the Department . . . shall be considered unofficer-like conduct subject to disciplinary action.”

It is unclear if the named officer’s on-duty actions and his off-duty actions created a situation that brought discredit to the Department.

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

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/IAD and ISD

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 DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/08/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated in an online complaint that the named officer joked about him through a Department vehicle's loudspeaker and flashed the vehicle's overhead lights at him. He stated that during a prior interaction, the named officer joked about putting him in a department vehicle and sexually assaulting him. The complainant stated he had videos to provide corroborating his allegations. The complainant did not respond to requests for additional information.

The named officer denied joking about the complainant and flashing a department vehicle's overhead lights at him. The named officer said he normally turns on the emergency lights while parking the Department wagon (van) to slow traffic down behind him. He said he acknowledged the complainant using the vehicle's speaker by greeting him in a friendly manner because the complainant had been away from the area for a while. The named officer also denied joking about the complainant's song or about putting him in a Department vehicle and sexually assaulting him. He said the complainant asked him about the van, and then accused him of wanting to sexually assault him in the vehicle. The named officer ended his interaction with the complainant because of the complainant's inappropriate statement.

A witness officer said the named officer activated the emergency vehicle lights to park the vehicle during the incident and he only heard the named officer say, "you're back" to the complainant because they had not seen the complainant in the area for a while. He said the named officer did not joke about the complainant.

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

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

COMPLAINT DATE: 09/12/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS # 1-3: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: Officers came to the complainant's home because two individuals reported that the complainant's boyfriend threatened them with a gun over a parking spot. The officers searched for the gun inside the complainant's home and car. Although the complainant acknowledged giving the officers permission to search both her home and her car, she stated the search was unnecessary because there was no reason to believe her boyfriend had a gun.

SFPD records showed that the officers were investigating a report that the complainant's boyfriend threatened two individuals by pulling a firearm out of a sweatshirt pocket during a confrontation over a parking spot.

The named officers stated that the complainant gave them verbal permission to search her home and vehicle.

Body worn camera footage showed that the complainant invited the officers to search her home and car and repeatedly told officers they had permission to search.

Officers may search a home or car without a warrant if permission is given by the resident or owner.

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

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

COMPLAINT DATE: 09/12/23 COMPLETION DATE: 12/30/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer towed her car, even though no gun was found. The complainant acknowledged that her rental car payments were overdue, but stated this was not a sufficient reason to tow the car.

The named officer denied towing the vehicle. The officer stated that he contacted the rental company after running the license plate. The rental company told the officer the vehicle was past due for return and that they would be arranging to have the car towed.

Records showed that the rental company was responsible for the towing of the vehicle.

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

SUMMARY OF ALLEGATIONS # 5-7: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers only investigated because of her boyfriend's ethnicity.

The named officers denied that race played a factor in their response to the incident or how they dealt with the situation they encountered. The named officers stated they were dispatched to a priority call involving threats made with a firearm. The officers a person using a firearm in a threatening manner is always a priority call, regardless of race, and that they are required to respond and investigate.

Records showed that the officers were assigned a priority call-for-service regarding a person with a firearm.

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

COMPLAINT DATE: 09/12/23 COMPLETION DATE: 12/30/23 PAGE# 3 of 3

Body camera footage showed that the reporting party told officers that they were threatened with a large firearm concealed in a sweatshirt. The footage indicated the officers treated all the involved parties professionally.

Officers are required to quickly respond to priority calls regarding firearm crimes. There was no evidence the officers took any action based on race.

The evidence proved that the conduct alleged did not occur.

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

COMPLAINT DATE: 09/12/23

COMPLETION DATE: 12/05/23

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to take action when his husband was threatening suicide. The complainant failed to provide any further details when requested.

SFPD records showed the named officers responded to a report of a suicidal male but determined the male was not displaying signs he was a danger to himself or others.

Body worn camera (BWC) footage showed that officers spoke to all parties involved in the incident. When officers spoke to the complainant, the complainant failed to provide specific credible evidence of suicidal threats, and determined the incident appeared to be an argument. The BWC footage further shows the officers communicating with the complainant's husband through a door to his residence. The husband can be heard confirming he was not suicidal and stating that he wanted to be left alone.

Officers had no verifiable reason to believe there was a suicidal person in the residence, and therefore had no duty to take any action.

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

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 11/28/23.

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

COMPLAINT DATE: 09/17/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers were called out to her residence multiple times regarding a suspicious tenant. She said the building she resided in later caught on fire and officers failed to identify an individual and failed to check if they had any active warrants. She also said that officers failed to investigate stolen property.

The complainant failed to respond to requests for additional clarifying information regarding the incident and the involved officers.

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

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

COMPLAINT DATE: 09/26/23 COMPLETION DATE: 12/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant was made aware of a homicide that occurred on the evening of an event in San Francisco and had concerns that the San Francisco Police Department wasn't taking the means to garner attention, as this would help in providing details or information for the investigation. The complainant did not provide the name of the person murdered, the time and location where the homicide occurred, or any other identifying information.

Attempts were made to interview the complainant to discuss their complaint further; however, these requests went unresponded.

The research conducted around the named event failed to reveal any homicide related to it. Therefore, details that would have aided the investigation, such as the incident's location and the date of its occurrence, could not be followed up on without speaking to (or receiving correspondence from) the complainant. Potential incidents that may have been related to the complaint were also not found.

No witnesses were identified in this case.

Due to a lack of information, no further investigation can be conducted. No findings are made if the officer cannot reasonably be identified.

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

COMPLAINT DATE: 10/03/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: Department records contained no references to SFPD contact with the complainant. The complaint raised matters that were not rationally within DPA jurisdiction.

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

COMPLAINT DATE: 10/03/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant states that the named officer is targeting her store by talking to neighboring business about her customers and watching the store from across the road.

The named officers denied the allegations. The named officer stated that he was asked by his captain to patrol the area where the complainant's store is located. The named officer stated that he does not monitor or track anyone who enters the complainant's store.

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: 10/04/23 COMPLETION DATE: 12/12/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer filed false charges.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer rebooked him on false charges of evading police and resisting arrest.

Department records indicated that the complainant was arrested and booked for a warrant, felony evasion, and resisting arrest after he fled from officers in a vehicle. Court records indicated that the felony evasion charge was set aside on a motion, but the named officer later rebooked the complainant for the same charge. Department records indicated that the named officer was directed to rebook the complainant and refile the case by the San Francisco District Attorney's Office.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper because it was done at the direction of the San Francisco District Attorney's Office and applicable legal principles.

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

COMPLAINT DATE: 10/10/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/1/23.

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/1/23.

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

CATEGORY OF CONDUCT: CUO

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/1/23.

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

COMPLAINT DATE: 10/10/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/IAD

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

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

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

COMPLAINT DATE: 10/12/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/Daly City Police Department

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

Daly City Police Department
Internal Affairs Unit
333 90th Street
Daly City, 94015

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

COMPLAINT DATE: 10/12/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer should have halted another member's commentary during a public meeting of a municipal body.

Footage showed that an officer made commentary in a regular public meeting, during a portion of the meeting designated for public comment.

Rules pertaining to the public meetings detail in relevant part that police personnel are not required to respond to questions made during the commentary section of the meetings and should refrain from entering into any debates or discussion with speakers making comments.

The named officer was not required to stop the other officer from speaking and indeed, by refraining from commenting on the officer's statement, was complying with the rules of the public body.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 10/13/23 COMPLETION DATE: 12/19/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer did not take her report on three separate incidents, but she did not know the officers' identities.

DPA obtained the district station's surveillance camera footage from the date in question. DPA was unable to locate the incident based on the footage.

DPA sent an Identification Poll (ID Poll) to the district station in question. An ID poll describes the incidents and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

The officers could not be reasonably identified.

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

COMPLAINT DATE: 10/19/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A

FINDING: IO-2

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

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

COMPLAINT DATE: 10/19/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that a police dog sniffed his bag at a bus station. An officer told the complainant that the dog was sniffing people's belongings as part of a training exercise.

DPA was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. There were no Department records of this incident happening. There were no witnesses or video footage. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 10/18/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he witnessed an officer behaving aggressively towards street vendors. He said an officer took baby strollers without babies inside from mothers. The complainant could not provide identifying information regarding the street vendor incident or the officer. The complainant did not obtain a badge number or describe the officer. The complainant refused to be interviewed or provide additional evidence.

Department records failed to locate any incidents related to street vendors at the date, time, and location the complainant provided. Since the complainant failed to provide additional information, there was insufficient information to identify the officer and conduct further investigation.

There were no witnesses at the time of the incident.

No finding outcomes occur when the complainant did not provide additional requested evidence and when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 10/27/23 COMPLETION DATE: 12/30/23 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 said she observed a rude interaction between an officer in a patrol car and unhoused individuals who were on a sidewalk. The officer rudely told the unhoused individuals that he wished he did not know them or needed to respond to complaints against them. The complainant felt the comment was unprofessional.

DPA was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant said an officer verbally harassed unhoused individuals who were on a sidewalk. She said it did not appear the officer was responding to a call-for-service because he spoke with the individuals from inside his patrol car.

DPA was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 10/30/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 11/07/23 COMPLETION DATE: 12/12/23 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

SUMMARY OF ALLEGATION #2: 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: 11/07/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that she encountered a rude and unprofessional officer at the San Francisco International Airport. The complainant momentarily left her car unattended in a no parking zone to help a friend with an urgent airline ticketing issue. When the complainant returned to her car, the officer was in the middle of issuing her a parking citation. The officer did not say a word and stared at her while filling out the citation, which felt intimidating. The complainant began to drive away, but then remembered she had her friend's boarding pass. When she pulled over to return the boarding pass, the officer used his megaphone unnecessarily and loudly ordered her to move.

The complainant decided that she no longer wanted to make a complaint but did not formally withdraw her complainant. The complainant did not provide any further information.

Without further information, the allegations did not rise to the level of misconduct. The complainant admitted violating parking laws and officers may monitor persons they cite for officer safety purposes.

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

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

COMPLAINT DATE: 11/08/23 COMPLETION DATE: 12/28/23 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS # 1: This 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 forwarded to:

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

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

COMPLAINT DATE: 11/09/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers at a district station do not take any enforcement action on open drug use and encampments blocking the sidewalk.

The named officer stated that the district station had made hundreds and hundreds of drug-related arrests this year, as they do every year. The named officer also stated that the movement of encampments has been legally constrained by the courts, which have established stringent criteria for the movement of encampments. A recent Department policy was released, and the district station now has two units dedicated to dealing with encampments in compliance with the newly issued Department policy.

The named officer stated the officers of the district station are working to combat drug use in the district, as evidenced by the hundreds of documented arrests for drug sales, drug use, and drug paraphernalia. He stated the newly established units dedicated to dealing with encampments provide evidence of the district's commitment to addressing the problem to the extent the resources and the law allow. In addition, the named officer stated that these issues continue to exist not because of police inaction but in spite of the fact that the district station officers go out and do their jobs every day. The officer said the persistence of these problems in the face of the hundreds of drug-related arrests made every year gives testimony to the magnitude of the problem. As for the encampments, while district station officers do what they can within the law, homelessness is a problem whose true solution is simply beyond the scope of police and policing.

Department Notice 23-166 addresses the authority of officers to remove encampments in compliance with a United States District Court ruling.

Drug sales, drug use, and homelessness are a city-wide epidemic. The San Francisco Police Department (SFPD) is not solely responsible for eliminating these issues; they are constrained by laws and staffing shortages.

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

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

COMPLAINT DATE: 11/10/23 COMPLETION DATE: 12/03/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NFW

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

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

COMPLAINT DATE: 11/11/23

COMPLETION DATE: 12/19/23

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that she was the victim of a sexual assault near a district police station. The complainant did not provide DPA with enough information to identify the incident. DPA's attempts to contact the complainant were unsuccessful.

The DPA conducted an extensive search in various databases in an attempt to identify the incident in question. The search produced negative results. DPA also sent an Identification Poll (ID Poll) to the district station in question. The ID poll came back with negative results as well. Therefore, there was insufficient information to identify the officer or the incident. DPA cannot issue a finding.

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

COMPLAINT DATE: 11/12/23 COMPLETION DATE: 12/05/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 11/16/23 COMPLETION DATE: 12/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/CHP

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

CHP-Internal Affairs Division
601 North 7th Street
Sacramento, CA 95811

SUMMARY OF ALLEGATION #2: 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
1011 Turk Street
San Francisco, CA 94102

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

COMPLAINT DATE: 11/21/23 COMPLETION DATE: 12/06/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/SFSD

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

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

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

COMPLAINT DATE: 11/27/23 **COMPLETION DATE:** 12/30/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant confronted an officer outside a police station as the officer was getting out of his personal car. The confrontation was about the condition of the officer's personal car. The complainant said the named officer spoke inappropriately by saying the complainant was harassing him and telling the complainant to give him space.

The complainant did not describe any inappropriate behavior. Officers have a reasonable expectation of privacy for their personal property. They may also act and make statements related to their own safety. The complainant confronted the officer while he was off-duty and getting out of a personal car. It was appropriate for the officer to tell the complainant to stop harassing him and that he needed space.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 11/22/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated in an online complaint that police officers allowed a protest march to block sidewalks and bus stops. He stated that the officers informed him that the named officer, their captain, told them they were not allowed to prevent the protesters from doing so.

The named officer stated he was not working around the First Amendment protest march and did not know why any officer would tell the complainant that they were not allowed to prevent protesters from blocking sidewalks and bus stops.

Department records show that a First Amendment protest march occurred on the incident date.

The complainant failed to respond to requests for an interview, so the Department of Police Accountability could not investigate this matter adequately.

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: 12/04/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer inappropriately accessed databases or confidential information.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that he is being harassed by a woman who claims to have a friend in the police department. He stated the woman obtained his personal information from her police officer friend. However, the complainant stated that the personal information obtained by the woman could have also been found by searching the internet. The complainant stated that he does not know the name of the police officer, only his possible initials and what unit he may be assigned. He presumed the officer was a member of the San Francisco Police Department based on clues he pieced together from text messages he received from the harassing woman.

The witness, the alleged harassing woman, denied that an officer committed any wrongdoing and refused to provide any further information.

An officer identification (ID) poll was sent to the unit where the police officer may have been assigned. An ID poll describes the incident and asks that the captain and/or station members review the incident description and identify the officers involved. The poll came back with negative results based on the description available.

The identity of the alleged officer could not be established.

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

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

COMPLAINT DATE: 12/05/23 COMPLETION DATE: 12/30/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 12/07/23 COMPLETION DATE: 12/27/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 12/14/23 COMPLETION DATE: 12/30/23 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:

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant submitted a brief handwritten complaint stating that an officer made an error in an incident report. During a phone interview, the complainant refused to explain or describe the error in the report or how the named officer included any erroneous content.

Further details were required for an investigation to occur.

A no finding outcome occurs when DPA has insufficient information to complete an investigation.