

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

COMPLAINT DATE: 07/28/22 **COMPLETION DATE:** 07/05/23 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was refused service at a café and that a server threatened him with a golf club. The complainant stated that when officers arrived, he was detained for no reason.

Department of Emergency Management records showed that officers were initially dispatched to investigate the complainant for a trespassing and destroying property at a café. The complainant also called 911 to report that a café employee was threatening him with a golf club.

Body-worn camera footage documented the incident. The officers separated and took statements from all the parties. The café workers reported that the complainant was behaving belligerently, yelling at staff, destroying property, and refusing to leave. The complainant asked officers to arrest a café worker for threatening him with a golf club. The named officer reviewed cell phone video, which showed that the café worker did not use the golf club as a weapon or in a threatening manner.

The named officer denied detaining the complainant. The officer stated that he obtained statements from the complainant because he was accused of trespassing and because he requested a private person arrest. The officer explained that he requested the complainant's identification card because it was necessary to verify the complainant's identity for the incident report.

Body-worn camera footage showed that the officer detained the complainant midway through the incident when he warned the complainant that he would be arrested for disobeying orders if he failed to produce identification.

Officers can conduct brief detentions when specific facts exist that would lead a reasonable person to believe that a crime was committed and the person under suspicion is reasonably connected to the crime. Although he was trying to make a private person arrest, the complainant was also a trespassing suspect, and it was therefore appropriate for the officer to detain him. The officer released the complainant when the café employees stated that they did not want the complainant arrested or cited.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

FINDINGS OF FACT: The complainant stated that the officer spoke rudely and acted aggressively toward him while he was trying to report a crime.

Department General Order 2.01, General Rules of Conduct, requires officers to treat people with courtesy and respect and not use harsh, profane, or uncivil language.

Body-worn camera footage documented the incident. The officer made various inappropriate statements while interacting with the complainant, a trespassing suspect who attempted to make a private person arrest of an employee at the café where he was trespassing. The complainant was agitated, demanding, and talked over the officer, and the officer responded with various inappropriate statements that included telling the complainant to “Get the fuck out of here.”

The officer felt that he complied with Department General Order 2.01 but acknowledged that he was frustrated by the complainant’s behavior and that he made profane statements.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that while investigating an assault/ battery, the named officer lacked professionalism and was discourteous.

The named officer denied the allegation, stating that based on the totality of the circumstances, she did not believe her comments were inappropriate or rude.

Department records showed that the named officer and her partner responded to a domestic violence related assault that was reported by a bar employee. The security guard detained the complainant's client until officers could arrive. The officers obtained statements from the complainant's client, witnesses, and the victim. After a thorough investigation, the complainant's client was subsequently arrested for public intoxication and assault.

Body-worn camera (BWC) footage showed that the complainant's client was visibly intoxicated and failed to comply with the named officer's commands. However, the BWC also showed that the named officer made several discourteous and inappropriate comments to the complainant's client. The named officer told the complainant's client to "shut up", "you are a little misogynistic", and "you disrespect those girls tonight, those young girls, because you are sick."

Department General Order 2.01 states that any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

DPA's investigation determined that while investigating an assault, the named officer made rude, unnecessary, and inappropriate comments to the complainant's client. 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 knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer's comments illustrate a bias against the complainant's client based on unfounded beliefs and preconceived ideas about who he is. He also stated that the named officer accused the complainant's client of harboring bias against women without providing evidence to substantiate her claim.

The named officer denied the allegation stating she was not biased toward the complainant's client or toward men.

Body-worn camera (BWC) footage showed that the complainant made inappropriate comments; however, the footage showed that the named officer conducted a thorough investigation and had probable cause to arrest the complainant's client.

Department General Order 5.17 establishes the San Francisco Police Department's commitment to just, transparent and bias-free policing and reinforces existing policies and procedures that serve to assure the public that the SFPD is providing services and enforcing laws in an equitable manner.

DPA acknowledges that the named officer's comments were inappropriate; however, based on the preponderance of evidence, the named officer did not illustrate a bias against the complainant's client or men.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to use de-escalation tactics during the investigation of the incident at issue. He stated that the named officer failed to remain calm and neutral during the investigation and she resorted to force more quickly than the situation required.

The named officer denied the allegation stating that she used de-escalation tactics and complied with Department General Order 5.01. She stated that the complainant's client failed to comply with her lawful order to sit down. She stated that he was passive, non-compliant and made uncooperative type movements. She stated that for officer safety and to maintain control she sat him down.

Department records confirmed that there was no reportable use of force.

Body-worn camera footage corroborated the named officer's statement that the complainant's client was passive non-compliant and failed to comply with her lawful order to sit down. The named officer used a low level of force to sit the complainant's client down.

Department General Order 5.01 states that officers may use reasonable force options in their performance duties to effect a lawful arrest, detention, or search, or to gain compliance with a lawful order. Passive non-compliance resister is defined as an individual that does not respond to verbal commands but also offers no physical form of resistance. Low level force is defined as the level of control necessary to interact with a subject who is or displaying passive or active resistance. This level of force is not intended to and has a low probability of causing injury. DGO 5.01 also states that when encountering a non-compliant subject, officers shall when feasible, use de-escalation tactics in an effort to reduce the need or degree of force such as attempt to isolate and contain the subject, continue using de-escalation techniques and take as much time as reasonably necessary to resolve the incident, without having to use force, if feasible.

DPA's investigation showed that the named officer used verbal commands and then a low level of force to gain compliance, The named officer's actions complied with 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 #1-#4: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers conducted a probation search of her residence although there was no one home at the time, and the probationer was already taken into police custody a couple of days prior to the search.

Officer #1 received information that an associate of the complainant's boyfriend was in unlawful possession of a firearm near the complainant's residence. The officers were aware that the complainant's boyfriend had an active search condition and lived with the complainant. When the associate was not located, officers executed a search of the residence to locate the associate and/or the firearms.

Officer #2 had reason to believe that the complainant's boyfriend was at the residence based on the presence of his vehicles outside of the residence.

Body-worn camera footage showed that officers knocked on the complainant's door and waited for someone to answer for a few minutes. Officer #3 unlocked and opened the front door of the residence. Prior to the officers entering residence, the complainant arrived and told the officers that the probationer was in custody, and the home was empty. The officers entered the residence, conducted a brief search, and left. Officer #1 then informed the complainant that the probationer's warrantless search condition was still active.

Department records confirmed that the complainant's boyfriend had an active search condition.

According to Department Notice 21-012 Entering Residences: Houses, Apartments, Hotels, including SRO's, members must confirm the search condition prior to conducting the search, and the search must be conducted for a legitimate law enforcement purpose.

The evidence showed that the officers entered and searched the complainant's residence lawfully.

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

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SUMMARY OF ALLEGATION #5: The officer engaged in an unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer unlawfully unlocked her front gate to enter her residence.

The named officer stated that he was trained on what he could and could not do while conducting probation and parole searches and there was no Department policy that prevented him from unlocking the complainant's door or entering the residence by any means to conduct the search.

Department Notice 21-012 Entering Residences: Houses, Apartments, Hotels, including SRO's states that members must confirm the search condition prior to conducting the search, and the search must be conducted for a legitimate law enforcement purpose.

The investigation showed that there was no Department policy in place that prohibited an officer from entering a residence to conduct a warrantless probation search of a residence by means of force, which includes reaching through a gate or using a tool to unlock the door. DPA interviewed a subject matter expert. The expert confirmed that the officers are trained that they may enter a residence forcibly, if necessary, to conduct a probation or parole search.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer failed to properly supervise because he allowed the officers to enter the complainant's residence.

The investigation showed that the named officer was aware of the active search condition and had a legitimate law enforcement purpose to search the residence. Furthermore, the named officer and members of his unit exceeded Department expectations by wearing and activating body-worn cameras when at the time, there was no Department policy in effect that required it.

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

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

CATEGORY OF CONDUCT: ND

FINDING: TF

FINDINGS OF FACT: *People v. Downey* (2011) 198 Cal.App.4th 652 states that prior to entering a residence to conduct a probation search, an officer must have (1) a reasonable belief that the probationer lives at the address, and (2) a reasonable belief that the probationer is present. The probationer need not *actually* be present. In 2012, the Department published Department Bulletin 12-001, 2012 Legislative Updates, which discussed *Downey's* holding. However, the Department has not incorporated the law in their Basic Academy training nor Advanced Officer Training.

A supervising officer stated that he probably reviewed and signed off on the Department Bulletin in 2012 but did not remember it and was not trained on these requirements.

A second supervising officer joined the Department after 2012 and was not aware of the Department Bulletin.

The DPA interviewed a subject matter expert who indicated that officers are not trained to know that they need a reasonable belief that the person with the search condition is home at the time of the search.

The evidence proves that the Department provided inadequate or inappropriate training.

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SUMMARY OF ALLEGATION #8: Policy or Procedure Complaint

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: DPA's investigation determined that the San Francisco Police Department's policies and training are lacking when it comes to probation and parole searches of residences, plainclothes officers' duties and responsibilities to notify Dispatch of their location, and to document searches.

Each of the involved SFPD members and the subject matter expert (SME) stated that the officers were trained that they could make entry into a home to conduct a probation search by any means, including breaking a window or otherwise damaging property. California POST Learning Domain 16 does not specifically address this issue.

The DPA discovered that there is no policy that requires plain clothes officers to document the entry and search of residence when no one is detained, property is not seized, and no property is damaged.

The investigation further showed that based on the current policy, plain clothes officers were not required to notify Dispatch of their location. As a result, this incident did not have a CAD or incident report, and this caused problems locating the body-worn camera footage.

The DPA interviewed an SME who stated that prior to April 2023, there was no Department policy in place that required or gave parameters for the Investigations Bureau plainclothes officers to notify Dispatch of their location, to activate their body-worn cameras, or write incident reports absent any damage, seizure or arrest for probation searches of residences.

The Department is actively working with the DPA on updating Department General Order 5.08 (Non-Uniformed Officers) which should provide more clarity for non-uniformed officers on documentation procedures.

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.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that an officer unfairly threatened him and held him at gunpoint outside a club. The complainant stated that the named officer unholstered his firearm and aimed it at the complainant while yelling at him. The complainant further stated that based on his perception, the officer attempted to kill him for touching his patrol vehicle.

Department records showed that the officer was investigating a trespassing and battery incident where the complainant was the suspect.

The named officer denied the allegation. The officer stated that he ordered the complainant to stop shouting, to stop pumping his fist, and to not hit the hood of his patrol car. The officer denied taking out his firearm and said that he did not use any force while dealing with the complainant.

Body-worn camera footage corroborated the officer's version of the incident.

The evidence showed that the officer used verbal control and did not use force.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that he felt threatened and believed the named officer was angry enough to kill him.

Department General Order 2.01, General Rules of Conduct, require officer to treat the public with courtesy and respect. Department General Order 5.01, Use of Force Policy and Proper Control of a Person, allows officers to use verbal commands to control an actively resisting subject.

Body-worn camera footage showed the stark contrast between how the named officer spoke with the alleged victim versus the complainant. During his conversation with the victim, the named officer used a mild tone, and made confirmation biased comments such as, "I believe you." He allowed the victim to finish speaking before continuing his questioning. In contrast, when speaking to the complainant, the named officer's tone was loud and condescending. He spoke over the complainant repeatedly and did not let the complainant finish his sentences without interruption. Unsurprisingly, this agitated the complainant, and without warning, the named officer became irate, began to shout, took complainant's belongings from the hood of the patrol vehicle, and placed them on the ground, and began to threaten the complainant with force and arrest.

The named officer denied behaving in a threatening manner. He admitted using profanity, explaining that he was attempting to use verbal persuasion to avoid using force because the complainant had ignored his orders to leave and had hit the hood of his patrol car.

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 provide medical treatment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her father was not given medical aid by the named officers after being assaulted.

The named officers denied they failed to provide medical attention. The officers stated the complainant's father initially refused to accept medical aid when they offered it. A different officer asked if the father wanted medical care and he accepted. The officer then called an ambulance to take him to a hospital.

SFPD documents showed that an officer called an ambulance and that paramedics transported the complainant's father to a hospital.

Body camera footage showed that officers asked the complainant's father if he wanted medical aid and he refused. Later, a different officer asked the father if he wanted medical aid, and upon the father's acceptance, the officer called an ambulance.

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

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SUMMARY OF ALLEGATIONS #5-8: The officers failed to comply with Department General Order 5.20

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to utilize an interpreter when speaking to her father, whose first language is not English.

The named officers denied this allegation. All the named officers stated that they did not have any issues communicating with the complainant's father in English. The named officers stated they asked the complainant's father if he wanted an interpreter, and he said no.

Body camera footage showed that the named officers asked the complainant's father if he wanted an interpreter. The complainant's father said he did not want an interpreter and confirmed that he wanted to communicate with the officers in English.

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

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SUMMARY OF ALLEGATIONS #9-11: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to properly investigate the assault on her father.

The named officers denied failing to investigate the assault, stating that their efforts to gain necessary information from the victim were initially impossible due to the fact the victim was irate, unfocused and failed to answer relevant questions. The officers said they each made attempts to explain the process they needed to follow, and that the victim would not listen to their instructions, insisting only on an immediate arrest. An officer who arrived on scene later was able to develop a rapport with the victim and conduct a full investigation of the alleged crime.

SFPD documents showed that while the named officers arrived on the scene first, another officer took the lead in investigating the alleged crime. The documents showed that the case was investigated fully with witnesses interviewed and suspects arrested.

Body camera footage shows the named officers speaking with complainant's father and explaining what information they needed from him to complete a full investigation. The footage showed that the complainant's father was irate after being assaulted and insisted that officers arrest his alleged assailant. Another officer arrived on scene, developed a rapport with the complainant's father, re-explained the investigation process. Despite a hectic scene with several onlookers yelling and interrupting the officers, the third named officer was able to control the scene and conduct a full investigation.

The evidence showed that the first pair of named officers could not start their investigation due to their inability to obtain facts from the complainant's father. Another officer was able to take the lead in the investigation and ultimately arrest the suspects.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer was inappropriate and rude to her father.

The named officer denied this allegation and stated that he was not rude or inappropriate to the complainant's father.

Body camera footage showed the named officer speaking to the complainant's father. Both the named officer and the complainant's father appear frustrated. The named officer attempts to explain the investigation process to the complainant, who refuses to listen to the named officer. This continues until another officer takes over and builds rapport with the complainant's father. There were no comments that rose to the level of misconduct.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: IC

FINDINGS OF FACT: The named officer is accused of failing to activate his body worn camera in compliance with SFPD policy.

The named officer admitted that he failed to turn his body camera on when he initially arrived on scene. The named officer stated he believed he had turned it on and when he noticed it was not recording, he turned it on. The named officer admitted that he did not follow policy by documenting his failure to activate.

SFPD documents showed that the named officer did not report or explain his failure to activate his body worn camera.

Body worn camera footage from other officers showed that the named officer was on scene and in contact with witnesses, suspects and a victim of a crime for over 20 minutes before activating his camera.

SFPD Department Bulletin 20-175 States: When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene.

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 issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a physical altercation with another party while she attempted to serve restraining order papers on an individual that was harassing her neighbor. The complainant alleged that the officer improperly cited her for battery.

The named officer stated that the other party involved in the altercation requested a citizen's arrest for battery regarding the complainant. She stated that since the fight did not occur in the officer's presence, the other party was within their right to request that the complainant be cited.

The DPA obtained the officer's body-worn camera footage (BWC) and the incident report drafted by the named officer. Both the BWC and the incident report were consistent with the statement the named officer provided to DPA.

Department General Order 5.04 "Arrests by Private Persons" states under Policy that, "Arrests by private persons may be made in the following circumstances: 1) A public offense either attempted or committed in the presence of the private person. 2) A misdemeanor or felony committed in the presence of the private person. 3) A felony has been committed and the private person has reasonable cause to believe the subject committed the felony. A private person may arrest for public offenses not committed in the member's presence, and the member is required to receive a person so arrested."

The evidence showed that the named officer properly received and processed the request for a citizen's regarding the complainant per Department policy.

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

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

CATEGORY OF CONDUCT: CUO

FINDINGS OF FACT: The complainant stated that she served the restraining order papers on the individual that was harassing her neighbor. She alleged that the officer lied to her when said her attempted service of the order was invalid.

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The named officer stated there was no proof of service or verification from the served individual that they fully understood the terms of the restraining order. Therefore, she determined that the complainant's service of the order was invalid.

Department records documented that a witness at the scene captured video footage of the altercation. The DPA obtained and reviewed the video footage from the witness. It showed the complainant throwing the restraining order papers at the individual. The individual did not pick up the papers to review them.

The named officer's BWC footage showed that she viewed the witness's video footage while she was at the scene.

DPA interviewed a witness that was on scene, and he stated that the court acknowledged that the complainant's service of the restraining order was valid. He stated that the court granted it after this incident had occurred.

The evidence showed that the named officer's determination that the complainant improperly served the restraining order was wrong, but not untruthful. Whether she was legally correct or not, she did not misrepresent the truth.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officers failed to perform a record search for the individual that had been harassing her neighbor. She stated that if the officers had done so, they would have determined that the individual had multiple warrants out for their arrest requiring them to intensify their search for him.

Named Officers #1 and #2 stated that they conducted a record search for the individual. Named Officer #3 could not recall the specifics from the incident.

The CAD showed that the named officers ran queries for the individual's name to verify if they had any active warrants.

The evidence showed that the named officers conducted the queries required for their investigation and did not see that there was a need for an increased response.

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

SUMMARY OF ALLEGATIONS #6-8: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officers failed to arrest the individual.

The named officers stated that the individual in question was no longer at the scene when they arrived. They stated that the complainant and her neighbor had told them that the individual fled into a nearby apartment unit. The named officers stated that they tried to knock on the door of that unit, but they were denied access by the unit's tenant who also told them that the individual was not there.

The named officers' BWC footage showed that the individual was no longer at the scene and that the officers tried to determine if he was at the nearby apartment unit.

The evidence showed that the named officers could not arrest the individual because he was not in their presence at the time and were denied access to his apartment by another tenant.

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

SUMMARY OF ALLEGATION #9: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that she was not allowed to access police records for this incident because her name was on a Department list that blocked specific individuals.

The DPA received confirmation from the Department that the complainant was not on a list that denied her access to police records.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that he was involved in an incident at a bar in or around 2011. An employee at the bar called the police. When officers arrived, the complainant said he was arrested for no reason, and officers used excessive force on him. This force caused permanent injury to the complainant's chest.

Named Officers #1 and #2 stated they had no independent recollection of the incident aside from reading the police report since the incident took place over ten years ago. They stated they did not recall anyone using excessive force.

Witness #1, a Special Patrol Officer who attended the call for service, stated he did not recall the incident in 2011. He said he had been called to the bar many times on calls and had never seen Department officers act outside of policy.

Witness #2, who was at the bar at the time of the incident, stated she recalled the event but did not recall any physical contact between the officers and the complainant. She stated she did not witness the complainant being handcuffed.

Witness #3, who was present at the bar at the time of the incident, stated that the complainant was the person who instigated a bar fight with him and his friends. Witness #3 said he and other witnesses described what happened to officers when they arrived at the bar. Officers approached the complainant, who was drunk, and became aggressive toward the officers and tried to hit one of the officers. In reaction, the officers pinned the complainant on the ground and handcuffed him. The complainant was placed in a patrol car, and the officers asked Witness #3 and the others with him if they wanted to press charges, and they all said they did. Witness #3 said that the force used was acceptable because the complainant threw a punch at an officer. The officer dodged the blow, and the complainant was pinned against a patrol car and handcuffed. At no time did the officers use excessive force.

The Incident Report [IR] showed that Named Officers #1 & #2 responded to a call for assistance from Witness #1 [the Special Patrol Officer], who was at the bar dealing with a fight. The IR documents witness statements describing the complaint as starting a fight by kicking and punching someone in the face. The IR documents that Witness #1 arrived first and handcuffed the complainant. Victims of the assault signed two citizen arrest forms, and the complainant was arrested for Battery. The IR showed that Officers #1 & 2 only arrived on the scene after Witness #1 and bar security placed the complainant on the ground. Officer #1 only used a control hold on the complainant to assist him to a patrol car for transport. Officer #2 never had physical contact with the complainant.

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Contained in the IR was a statement written at the time by Witness #1. In the statement, Witness #1 stated he received a call from the bar security requesting assistance with a fight and advised the complainant had hit someone causing a cut to the face. Witness #1 attempted to handcuff the complainant, who resisted, and security had to help get the handcuffs onto the complainant. Witness #1 stated that, without warning, the suspect became combative, and he and security placed the complainant on the ground. The complainant continued to fight, so Witness #1 held the complainant on the ground while Witness #1 called for police assistance. Police arrived and arrested the complainant.

Department documents contained copies of the two Citizen Arrest forms signed by the victims of the assault.

The evidence shows that Witness #1 and security were the people who used force on the complainant to effect an arrest. Officers #1 and 2 did not use force to take the complainant to the ground.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was arrested for no reason.

The Named Officer stated he had no independent recollection of the incident aside from reading the police report since the incident took place over ten years ago.

Witness Officer #1 stated she had no independent recollection of the incident aside from reading the police report since the incident occurred over ten years ago.

Witness #1, a Special Patrol Officer who attended the call for service, stated he did not recall the incident in 2011. He said he had been called to the bar many times on calls and had never seen Department officers act outside of policy.

Witness #2, who was present at the bar at the time of the incident, stated that the complainant was the person who instigated a bar fight with him and his friends. Witness #3 said he and other witnesses described what happened to officers when they arrived at the bar. Officers approached the complainant, who was drunk, and became aggressive toward the officers and tried to hit one of the officers. In reaction, the officers pinned the complainant on the ground and handcuffed him. The complainant was placed in a patrol car, and the officers asked Witness #3 and the others with him if they wanted to press charges, and they all said they did.

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The Incident Report [IR] documented witness statements describing the complaint as starting a fight by kicking and punching someone in the face. The IR documents that Witness #1 arrived first and handcuffed the complainant. Victims of the assault signed two citizen arrest forms, and the complainant was arrested for Battery by the Named Officer.

Department documents contained copies of the two Citizen Arrest forms signed by the victims of the assault.

The evidence showed that the Named Officer had probable cause to arrest the complainant.

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

SUMMARY OF ALLEGATION #4-5: The officer improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that he was taken to the hospital the next day due to injuries he suffered during his arrest. At the hospital, the complainant said an officer sexually touched him while he was on the toilet and in his bed.

Named Officer #1 stated he did not recall the 2011 incident except that he was at the City Jail with the complainant, who complained of pain to his jaw sustained during the arrest. Officer #1 said he could not see any injuries on the complainant. Named Officer #2 stated he had no independent recollection of the incident. Both officers denied improperly sexually touching the complainant.

The Incident Report [IR] contains a written statement from Officer #2 made at the time. This statement documents that Officers #1 and #2 transported the complainant to City Jail. During the booking process, the complainant became uncooperative and refused to return to the holding cell. The complainant became combative, and Sheriff's Deputies used a rear-bent wrist control to gain compliance. The complainant told the Jail Nurse that he had jaw pain as officers hit him when he was arrested. The complainant had no visible injuries but was medically refused from the Jail, and Officers #1 and #2 transported the complainant to the hospital.

Department records showed that a criminal investigation was conducted into Sexual Battery. The complainant was interviewed by investigators and told them that a police officer touched him and made sexual advances while he was at the hospital. The complainant told investigators there were no witnesses. He then provided a description that differed from the one in his complaint. The investigators composed two photo lineups, including photos of Officer #1 and #2. The complainant looked at the photo of Officer

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#1 and did not say anything. When he looked at the photo of Officer #2, he said, “Definitely not this one.” The complainant then picked out two filler photos of officers who were off work at the time of the incident. Department records show the two incorrectly identified officers were not working. The criminal case was closed as unfounded.

The complainant provided inconsistent descriptions of the offending officers. He also identified two officers from a photographic lineup as the suspects, but both officer’s pictures were placed in the line up as “filler” pictures and both were off duty on the day of the alleged incident. Based on these facts, it is more likely than not that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT:

FINDING: Referral/ISD

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

SF Police Department - ISD
1245 Third Street
San Francisco, CA 94158

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

CATEGORY OF CONDUCT:

FINDING: Referral/ISD

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

SF Police Department - ISD
1245 Third Street
San Francisco, CA 94158

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SUMMARY OF ALLEGATIONS #1-3: The officers intentionally defrauded a person or entity.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The anonymous complainant stated that she became aware that Named Officers #1 and #2 had dined at a restaurant and left without paying. The complainant said it was customary for the restaurant not to charge officers, but officers always pay the meal costs as a tip. The complainant did not know when this occurred other than when the officers were on private employment (10B) duty in the city center.

Officer #1 denied failing to pay for a meal at the restaurant. He did state that he has eaten at the restaurant while working private employment duties. He revealed that his partner for these duties is not Named Officer #2 but Named Officer #3. Officer #1 described an incident in 2022 at the restaurant. Officer #1 said he and Officer #3 were working private employment duty and went to the restaurant for a meal. A staff member approached Officer #3 and said that Officer #3 had failed to pay for a meal two weeks earlier. Officer #3 denied not paying for a meal two weeks earlier.

Officer #2 denied going to the restaurant on private employment duties. He also denied ever eating at the restaurant and not paying.

Officer #3 confirmed eating at the restaurant several times when working private employment duties with Officer #1. Officer #3 denied ever having a meal at the restaurant and not paying for it. Officer #3 recalled an incident when he was approached by a restaurant manager who told him that he had failed to pay for a meal a few weeks earlier. Officer #3 told the manager he did not fail to pay for any meals but offered to make the payment anyway. The manager declined the outstanding payment. Officer #3 described the payment scheme at the restaurant, which he stated was payment before the food was served.

Witness #1 confirmed they were a manager at the restaurant. Witness #1 declined to be formally interviewed but stated that they were not a witness to the incident but were told about it by a restaurant server. Witness #1 stated that the restaurant did not keep the receipt for the unpaid meal.

Witness # 2 confirmed they were the restaurant server who reported that an officer did not pay the bill. Witness #2 declined to be formally interviewed.

Department records show that Officer #1 and Officer #3 regularly partnered on private employment duties in and around when the alleged incident occurred. Officer #2 did work some private employment duties around the time of the incident but did not work these duties with Officer #1.

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Department documents showed that a criminal investigation was conducted regarding violating Penal Code sec. 537, "Defrauding an Innkeeper." In this investigation, Witness #2 was interviewed. Witness #2 stated that within a two-month time frame, they served a uniformed officer a meal, who then left without paying. The description provided by Witness #2 matched Officer #1's general description [age range, gender, build, ethnicity, and height.] The height description did not match Officer #2 or Officer #3. Witness #2 described seeing the same officer enter the restaurant a few weeks later to order take-out food. Witness #2 said he approached the officer and challenged him on the bill he did not pay. Witness #2 said the officer did not attempt to pay. Witness #2 said they consulted Witness #1, who did not want to take further action.

Department records record that Witness #2 was shown two photo line-ups; one included a photo of Officer #1, and the other included a photo of Officer #3. Witness #2 failed to identify either officer as the officer who failed to pay for the meal.

Department records show that Witness #1 signed an Affidavit of Termination of Investigation, requesting the criminal investigation cease.

All three officers deny eating at the restaurant and failing to pay for it. Department records show that Officer #2 was not working in the area when the alleged nonpayment occurred. The restaurant witnesses cannot specify exactly when the nonpayment of a meal occurred. No paperwork is available from the restaurant to even show that a meal was not paid for. Although the general description of the officer who failed to pay for a meal fitted Officer #1, the restaurant worker could not identify the two officers who admitted to being challenged for nonpayment of a meal. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION: This complaint was partially referred to the SFPD.

CATEGORY OF CONDUCT: IO-1

FINDING: IO-1/SFPD

FINDINGS OF FACT: This complaint was partially referred to the SFPD.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant was the victim of a burglary. The complainant alleged that the named officer was assigned to their case and failed to investigate it. The complainant further alleged the named officer was non-responsive to the case leads they provided and their requests for updates.

The named officer stated that he was never assigned to the complainant's burglary case. He stated that he spoke to the complainant once on the phone when they called the unit's phone line to inquire about their case. He stated that he also exchanged emails with the complainant later that day. The named officer stated that he then discussed the complainant's case with his supervising officer, and they advised him that it would not be assigned to anyone in the unit for investigation. The named officer stated that he recalled receiving emails from the complainant after the initial contact but did not reply because the complainant's case was inactive, and the named officer was only able to focus on his assigned caseload. The named officer stated that due to the unit currently having a high case load and a limited number of investigators available, they are forced to have a more selective set of criteria for the cases they can investigate.

DPA obtained the chronological of investigation for the complainant's incident but was advised none existed because the case was not assigned for a follow-up. The burglary unit is not required to follow up on all cases. However, this failure meant that the burglary unit missed a solid lead that could have been followed with relative ease.

DPA is aware that the Department is short-staffed and that an investigator cannot be assigned to follow up on every burglary report. However, it does not reflect well on the Department when a member ignores multiple requests for updates from a crime victim, and when solid leads go unfollowed. The Department does not currently require these things of its members; therefore, this behavior does not rise to the level of misconduct.

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

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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 instead of citing illegal vendors, officers were loitering and failing to act.

The officers stated that they appropriately performed their duties. The named officers explained that their assignment was to provide a safe working space for a separate municipal agency tasked with non-permitted vendor enforcement action.

Department of Emergency Management records showed that the named officers were dispatched to meet with Department of Public Works staff at a designated vending program enforcement location. The hours were assigned to that call for approximately six hours.

Article 5.9 of the San Francisco Public Works Code, "Permit Regulations for Vendors," created a vending program to regulate and issue permits to street vendors to sell merchandise or prepackaged food or beverages on City property, the public right-of-way or any other street, sidewalk, alley, walkway, or pedestrian path available to the public and a framework for outreach, education, and code enforcement. The Department of Public Works (DPW) enforces the vending program.

Department Notice (DN) 23-046, Steet Vendor Enforcement, reiterated SFPD's role of supporting DPW's enforcement of street vendor violations. Officers are authorized to provide security and assist DPW employees as they enforce the vending program under Article 5.9 of the Public Works Code.

DPA's investigation showed that the named officers followed Department rules by assisting DPW staff at a designated vending program enforcement location.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he was the victim of a mugging. The complainant stated that he saw individuals who resembled his attackers still walking in the nearby vicinity. He alleged that the named officers failed to arrest these individuals after he told them that they were the ones who had likely robbed him.

The named officers both stated that when they arrived on the scene, they met the complainant and another mugging victim. The named officers stated that the complainant and the other victim told them that they were mugged by a group of three people. The named officers stated that while they were speaking to the complainant, he told them that he thought he saw his attackers walking near their location. Named officer #1 stated that he did not see anyone in the area the complainant pointed to that matched the provided description of the suspects. Named officer #2 stated that the complainant pointed to a group of people walking towards them, but he did not see anyone that matched the description. Named officer #2 stated that they chose not to pursue the group because the complainant did not sound certain that they were his attackers. Both named officers stated they did not want to leave their partner behind to pursue potential suspects, citing officer safety concerns. The named officers broadcast information about the suspects' descriptions and their location to other supporting units.

DPA obtained the named officers' body-worn camera (BWC) footage, and it showed the named officers responded to the scene and interviewed the complainant and another victim. The BWC footage showed the complainant pointing to a group of people and telling the officers, "I think that's them right there" and "That's probably them." The BWC footage showed named officer #2 telling the complainant that he only saw two people, instead of the three people he had told them about. The BWC footage showed that named officer #1 radio broadcast information about the suspects. The BWC footage showed named officer #2 telling named officer #1 that the group of people the complainant pointed to may have been the suspects, but there was some confusion due to them having to attend to both the complainant and the other victim.

The Computer-Aided Dispatch (CAD) record showed that the named officers relayed information between other supporting units about the suspects and their location.

DPA interviewed another witness that was at the scene. The witness stated that the scene was chaotic with the named officers communicating with Dispatch to help ascertain the location of the suspects. The witness stated that the officer he spoke with was thorough in his interview. The witness stated that they did not see the suspects still in the vicinity when they met with the officers.

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The evidence showed that although the suspects may have still been in the area, the named officers acted properly by attending to the scene, obtaining information from the victims, and broadcasting the suspects' description and potential location to other units in the area that were better positioned to search for and apprehend them.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers knowingly arrested him for fabricated crimes and directly contradicted his brain development diagnosis.

Department of Emergency Management records showed that the officers were dispatched to an “A” priority call regarding a restraining order violation. Earlier the same day, the complainant was served with a temporary restraining order barring him from being within 100 yards of the incident location, which included a rear parking lot and adjacent sidewalk. An officer commented that he witnessed the complainant violate the restraining order.

Body-worn camera showed that the complainant standing on the sidewalk in violation of the restraining order. When officers approached, the complainant gathered his belongings into a backpack and asked why he was being arrested. One officer indicated that the complainant was under arrest because he was actively violating a restraining order. He reminded the complainant that he had been served a few hours prior. The complainant became visibly upset that he was not given more time to move from the location. The complainant had a copy of the restraining order in his possession. The officer and his partner transported the complainant to the station for booking.

The investigation showed that officers responded to a call-for-service regarding a restraining order violation. They observed the complainant violating the restraining order and arrested him.

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 failed to properly process or care for property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the officers failed to contact the Department of Public Works (DPW) to properly process his property when he got arrested.

Body-worn camera showed that the complainant had a backpack and two jackets, which he was able to carry. The complainant was with a friend who had more property. The complainant expressed that he wanted to help his friend move his belongings. The friend said that he “would be okay” moving his own things.

Department Notice (DN) 20-167, Protocol for Processing Homeless Property, requires officers to contact the Department of Public Works for removal of unattended property that is left behind following an arrest.

The complainant was able to gather and carry his personal effects using a backpack. The complainant’s friend remained at the location and in possession of his bedding, a reclining chair, a cooler, and food items.

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

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SUMMARY OF ALLEGATIONS #5: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated the officer arrested him for fabricated crimes.

Department records showed that the named officer was not involved in any of the incidents identified by the complainant.

The evidence proves that the accused officer was not involved.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said the named officer failed to contact the Department of Public Works (DPW) to properly process his property when he got arrested.

Department records showed that the named officer was not involved in the incident.

The evidence proves that the accused officer was not involved.

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

CATEGORY OF CONDUCT: IO-2

FINDING: IO-2

FINDINGS OF FACT: There is no clear allegation against any specific member of the San Francisco Police Department. In an abundance of caution the DPA referred the complaint to the San Francisco District Attorney's office due to the complainant's refusal to give a recorded interview and based on the complainants off the record statements to an investigator at the DPA. The complaint does not appear to be against the San Francisco Police Department.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFDA

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

San Francisco District Attorney's Office
ATTN: Administration
350 Rhode Island Street, Suite 400N
San Francisco, CA 94103

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a domestic incident between the complainant and her sibling. The complainant's parents called for police assistance to deescalate the situation. The complainant stated that the named officer yelled at her without reason.

Department records and body-worn camera footage showed that several officers responded when the complainant's parents called 911 for help deescalating a domestic dispute. The officers separated the complainant and her sibling and took statements. While officers were talking to the complainant's sibling, the complainant appeared irate, pacing back and forth and yelled at her sibling. The named officer yelled for the complainant to stop interrupting.

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

Department General Order 5.01, Use of Force, advises officers to use verbal commands with noncompliant subjects.

The investigation showed that, although the complainant perceived the officer's behavior as inappropriate, his behavior complied with Department policies.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer approached her very upset and irritated, as if the complainant messed up her day. The complainant stated that the named officer rolled her eyes, laughed at the complainant as if the complainant was a joke, and told the complainant to calm down when all the complainant wanted to do was leave.

Body-worn camera footage showed the complainant yelling and using profanity. The named officer attempted to deescalate the situation; however, the complainant was very upset. The named officer did not laugh at the complainant at any time; however, she did smile.

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

The investigation showed that although the complainant perceived the name officer's behavior as inappropriate, her behavior complied with Department policies. Smiling or rolling of the eyes while being cursed at does not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer made her feel less than human because he rolled his eyes and acted callously towards her.

The sergeant denied the allegation stating he did not roll his eyes at the complainant. He stated that he maintained a calm and professional demeanor toward the complainant.

The body-worn camera footage showed that the named officer maintained a professional demeanor toward the complainant.

The investigation showed that although the complainant perceived the name officer's behavior as inappropriate, his behavior complied with Department policies.

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 officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer rolled his eyes at her and joked by asking her if she wanted an ambulance after she said her arm hurt.

Body-worn camera footage did not capture rolling of eyes, but it did capture the named officer asking the complainant if she needed an ambulance after she had said that her arm hurt. She responded yes and then told another officer that the named officer was trying to be cute and joke about the ambulance. However, the named officer told the complainant that he was not joking and was required to offer her an ambulance.

The investigation showed that the officer's behavior complied with Department policies.

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

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SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer aggressively grabbed her arm causing a bruise.

The named officer denied grabbing the complainant's arm; however, he acknowledged that he used minimal force when he extended his arm towards the complainant's shoulder and bicep area to de-escalate the situation and prevent the complainant from approaching her sibling to do her harm. The named officer did not believe the contact would have resulted in bruising.

Department General Order 5.01, Use of Force, defines the minimum amount of force necessary as the lowest level of force within the range of objectively reasonable force necessary to effect an arrest or achieve a lawful objective without increasing the risk to others. In addition, officers may use reasonable force options to perform their duties to defend others or in self-defense.

Department records showed that the use of force was reported to a supervisor and the supervisor investigated. The supervisor obtained statements from the complainant and named officer and reviewed body-worn camera footage. The supervisor determined that the officer's force was reasonable.

Body-worn camera footage showed that the named officer quickly touched the complainant's bicep and arm area to prevent her from approaching her sibling after they were separated.

The complainant submitted a photograph of her bruised arm; however, the alleged bruising in the photograph is not in the area where the named officer contacted the complainant.

The investigation showed that the named officer employed minimal force to deescalate the situation and prevent the complainant from harming her sibling.

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

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SUMMARY OF ALLEGATION #6: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officer lied to his sergeant.

Body-worn camera footage showed the complainant becoming visibly upset when the named officer gave the sergeant a statement regarding the incident, which she disagreed with. Department records supported the named officer's statement made to the sergeant.

Although the complainant perceived the named officer's statement as a lie, his statement to the sergeant was a summary of the investigation, which involved statements from three involved parties with different versions of the incident and a resolution. As such, the officer did not engage in the alleged misconduct.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant called a district station and spoke with an officer. The complainant stated the officer made an unacceptable statement in response to the various complaints being reported by the complainant.

DPA conducted multiple query searches and sent an ID Poll to the district station in question in an attempt to identify the officer. All methods produced negative results.

The officer could not be reasonably identified.

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COMPLAINT SUMMARY REPORT**

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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 he wanted to refill his water cup at a fast-food restaurant and was refused by the security guard. He said he had a few verbal exchanges with the guard. Then he threw his cup in front of the restaurant. The security guard came up behind him, knocked him to the ground, and then beat his head against the pavement. The complainant said he flagged down the police across the street, but the officers did not arrest the guard.

The named officer stated that when he arrived, he observed the complainant arguing with the security guard. He interviewed the complainant, who said he threw a cup of water at the guard, and then the guard pushed him to the ground and hurt his face. The named officer's partner interviewed the security guard, who confirmed the argument over water. The guard said the complainant became agitated, walked outside, threw the cup at the door, and started slamming his hands on the window, yelling unknown phrases.

The named officer said his partner spoke with witnesses who said there was no physical altercation and looked for security camera footage. He added that the complainant later became upset with the police and stated he no longer wanted police assistance. The named officer said his partner concluded that no battery had happened because of witness statements. The named officer added that he could smell the strong odor of alcohol from the complainant, and complainant tried to instigate a fight with the security guard by calling him racial names and yelling at him. The complainant's description of the incident changed slightly, and the injuries on his face did not look fresh.

Department records indicate that the complainant told officers that he was struck by the security guard five times with a closed fist. He also admitted to drinking alcohol and suffering multiple facial injuries from the night before. The complainant was also agitated and kept yelling racial slurs at the security guard. The record indicates that the security guard walked outside to tell the complainant to stop hitting the glass, and then the complainant flagged down the police. The Incident Report recorded that the complainant signed a Citizen Complaint Form, that officers accepted the arrest but did not arrest or cite due to insufficient probable cause of a crime.

Body-worn camera footage shows that the officers on the scene spoke with the complainant, the security guard, witnesses and looked for security cameras. It captured that the named officer smelled alcohol from the complainant's breath, and the complainant admitting to drinking. A witness confirmed that there was a verbal argument but denied seeing a physical altercation. The footage also captured that the complainant wanted the security guard arrested and signed a citizen's arrest form. However, he also said he did not need police assistance. Another officer informed the complainant that they were accepting the arrest but

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

COMPLAINT DATE: 01/20/23 COMPLETION DATE: 07/02/23 PAGE# 2 of 3

that the officer would not issue a citation or make an arrest. The injuries on the complainant's face looked like old bruises.

Department General Order 5.04 Arrests by Private Persons Section 4(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."

Although the complainant did ask officers to arrest the security guard, evidence shows that he was not beaten to the ground or punched five times from behind with a closed fist by the security guard, as he claimed because witnesses denied seeing any physical altercation. Therefore, the officers did not make an arrest. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was beaten by a security guard, but the officer did not make an arrest.

The DPA could not interview the named officer as he is no longer with the SFPD.

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

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

COMPLAINT DATE: 01/20/23 COMPLETION DATE: 07/02/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the police report was titled “Suspicious Occurrence” instead of “Assault” and did not list him as a victim.

The DPA could not interview the named officer who authored the report as he is no longer with the

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

In this case, the named officer is no longer with the Department and is therefore not subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/23 **DATE OF COMPLETION:** 07/31/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer arrested her daughter without cause. The officer arrested the complainant's daughter for an outstanding warrant from another jurisdiction.

The named officer stated he responded to a call for service regarding a female needing help. When the officer arrived, he observed an intoxicated female talking to a male near an intersection. The officer conducted a computer check of the female, showing an active warrant from another jurisdiction. The officer contacted the Central Warrant Bureau (CWB) to verify that the warrant was valid and arrested the female based on the outstanding arrest warrant.

Department records show the officer responded to a call for service for a well-being check of a female who was yelling at persons when they approached her on the street. A records check confirmed the female had an outstanding warrant from another jurisdiction.

The body-worn camera (BWC) footage corroborates the named officer's statement and the incident report narrative.

Department General Order 6.18 Warrant Arrests states, "When a warrant has been verified and the identity of the subject is confirmed, the subject shall be taken into custody."

The named officer conducted a warrant check, verified that the warrant was active, and arrested the female as required by Department policy.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 07//02/23 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer interfered with rights of onlookers.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated he saw officers arresting someone at a street corner. The complainant said he stopped and observed the incident from approximately one hundred feet away. The complainant said the named officer yelled at him, improperly ordering him to move along. He believed the named officer did it because of the previous complaint he had filed against the officer.

The named officer saw an arrest taking place and approached the officers. The complainant approached where the officers were making the arrest. The named officer saw the complainant in the street, he ordered the complainant to return to the sidewalk, and the complainant complied. The named officer said he raised his voice for the complainant to hear him but did not yell at him. He said he naturally speaks loudly. He felt he did not violate the complainant's rights as an onlooker. The complainant did not have a right to be that close to the incident, as it occurred in the middle of the street. The complainant could have interfered with the arrest or gotten hurt. He said ordering the complainant to get back to the sidewalk was for the complainant's safety and the safety of the officers and arrestee.

The named officer's body-camera footage of the incident showed that the arrest occurred at or close to a street intersection. At some point, the complainant was jogging in the crosswalk toward the arrest scene. When he reached the southwest corner of the intersection, it appeared that he wanted to cross to the southeast corner. He was approximately twenty feet away from the officers. The named officer briefly talked to him, prohibiting him from crossing the street. The complainant complied and remained where he was situated. He observed the incident for some time and decided to jog back in the direction where he came from. The video shows the named officer's voice was slightly elevated but not enough to consider him yelling at the complainant. His actions did not interfere with the complainant's rights as an onlooker. He allowed the complainant to observe the incident at a safe distance.

Department records show that two witness officers were at a fixed post at the street corner when a rideshare driver flagged them down and asked for assistance in removing a passenger. The witness officers talked to the passenger, who refused to get out of the vehicle. Department records show the witness officers arrested the person for public intoxication and resisting arrest and transported him to jail.

A witness officer stated he did not remember the named officer yelling at anyone at the scene. The evidence proves that the act alleged in the complaint did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 01/31/23 COMPLETION DATE: 07//02/23 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 2.04.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officer violated Department General Order 2.04. He said the named officer's order for him to move along was a form of retaliation because of a previous DPA complaint he had filed against him.

The named officer denied the allegation.

The facts from the prior section are hereby incorporated by reference. The BWC footage showed that the named officer allowed the complainant to observe the incident at an appropriate and safe distance. No evidence proved that the named officer even knew the identity of the complainant, nor that he ordered the complainant to get back on the sidewalk in retaliation for a previously filed DPA complaint.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 02/18/23 COMPLETION DATE: 07/03/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated he was leaving his apartment building when he saw two officers talking to a person from the building across the street. He approached the officers after they finished their conversation with the person and told them about two homeless persons who urinated and defecated on the corner close to his apartment building. He told them that one of the homeless individuals had built an encampment on a sidewalk, leaving a small space for people to pass through. The complainant said the officers did nothing to alleviate or resolve the situation.

Named Officer #1 stated that after talking to the caller, the complainant contacted them and asked that they remove the homeless individuals from the area. The officer stated he neither saw homeless individuals nor encampments on the street. He said that after speaking with the complainant, he notified the Department's homeless unit to conduct passing calls in the area.

Named Officer #2 stated that there was nothing for them to resolve at the scene because there were no homeless persons or trash visible at the time. She said she gave the complainant resources to report homeless complaints via 311 or Health Street Operations Center (HSOC).

The complaint was predominantly based on the complainant's perception or understanding of the officers' statements. There were no body-worn camera videos that DPA could use to review the contact. The officers were not required to activate their body-worn cameras (BWC) since the trespassing call investigation had already ended when the complainant contacted them. The caller was no longer around and did not witness the contact.

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

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COMPLAINT DATE: 02/18/23

COMPLETION DATE: 07/03/23

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that when he asked if what the homeless persons did was legal, the named officers answered affirmatively, saying it was fine as long as the persons cleaned the area. He recalled the named officers saying it was acceptable to block the sidewalk if there was a small space for people to pass through. He stated the named officers said they were not responsible for the situation because they lived elsewhere. The complainant described their behavior as inappropriate and dismissive.

Named Officer #1 stated he did not see anybody doing illegal activities at the scene. He said the complainant asked if it was legal for someone to obstruct a sidewalk. He told the complainant that there were several factors to consider regarding whether the obstruction was legal. He told the complainant that it would be legal if two people were standing on the sidewalk and there was enough space for people to pass through. Named Officer #1 stated the complainant's allegation that he claimed no responsibility because he lives elsewhere was invalid. He said he had responsibility and wished he could resolve the situation.

Named Officer #2 stated that she could not recall conversing with the complainant about whether what the homeless individuals had done was legal, whether she and her partner had responsibility for the situation, or saying to the complainant that he should vote. Named Officer #2 recalled telling the complainant that it was okay to obstruct the sidewalk as long as there was enough space for a wheelchair or a stroller to pass through.

There was no BWC footage of the incident.

The complaint was based on the complainant's perception of what the named officers had said during the contact.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/14/23 COMPLETION DATE: 07/17/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said they saw three city workers from an unknown department clearing a homeless encampment. The complainant did not see the city workers throw anything away but was informed by a homeless person that the city workers were throwing items away. The homeless individual told the complainant that the city workers had told them to leave. The complainant spoke to a city worker who said that the homeless people were not told to leave. The complainant said there were four uniformed officers present. The complainant spoke to one officer who said they provided security for the city workers. The complainant said it was illegal in San Francisco to take down encampments, and the police are allowing the city workers to do so.

The homeless individual who spoke to the complainant could not be identified.

An interview was conducted with an employee of the Department of Homelessness and Supportive Housing. The employee confirmed that a Federal Judge's Order is in place preventing enforcement activity for homeless encampments. The employee stated that no enforcement actions are being conducted by city workers against homeless individuals. The employee said city workers conduct "sweeps," which are cleaning activities around homeless encampments for public health reasons. The employee explained that the streets are cleaned, and people experiencing homelessness can stay or return to the locations afterward.

Department records show that the named officers were assigned to meet with City employees for a Homeless-related incident on the date, time, and location described by the complainant.

The description of the city worker's activities matches the description of a cleaning "sweep." As such, the presence of the officers at the scene in support of the public health cleaning activity 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: 03/14/23 COMPLETION DATE: 07/17/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/DPW

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

San Francisco Department of Public Works – Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94110

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/14/23 COMPLETION DATE: 07/02/23 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 stated that an officer failed to return her son's seized phone to him after he was released.

The complainant requested a withdrawal of the complaint.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/16/23

COMPLETION DATE: 07/02/23

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 submitted an online complaint stating they “strongly disagreed with SFPD’s practice of not responding to traffic light outages.” The complainant provided an example of a location where traffic lights had stopped functioning, causing a 30-minute delay in the complainant’s commute. The complainant declined to participate further in the investigation.

The named officer oversees the district station where the specific traffic light malfunction occurred. He stated that, when available for service, Police Officers are expected to respond to calls of service without delay. Officers who observe a traffic signal not functioning correctly are expected to immediately report the fact and take appropriate action to protect life and property. The named officer also explained that the San Francisco Municipal Transportation Agency [SFMTA] is the city department responsible for managing all ground transportation in the city, including maintaining traffic lights.

Department records showed no call for police service relating to traffic light outages at the time and location provided by the complainant.

There is no evidence that officers were called to assist with traffic management for the specific incident described by the complainant. The district station commander has confirmed that officers do attend if called to protect life and property, but that SFMTA is the responsible agency for traffic light maintenance. No evidence exists that any officer has failed to comply with policy or procedure.

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: 03/28/23 DATE OF COMPLETION: 07/24/23 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to write a report or record her complaint.

The named officers deny this allegation. The named officers were called to the scene by an assault victim. The victim alleged that the complainant had assaulted him, but he did not want the complainant arrested, he only wanted her advised about her actions.

SFPD documents showed the named officer were called to a report of the complainant assaulting another person. The documents show that officers spoke to the complainant about her actions.

Body worn camera footage showed the named officers speaking to the victim about the complainant assaulting him. The victim did not want to press charges but wanted the complainant advised not to assault people. The named officers then spoke with the complainant. The complainant did not ask to make a report or file a complaint.

As the victim did not want to pursue charges, the named officers were not required to write a report. The details of the incident were recorded in SFPD documents and on body camera.

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: 03/28/23 DATE OF COMPLETION: 07/24/23 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she approached the named officers while they sat in their vehicle. When she tried to speak to them, the officers deliberately ignored her and drove away.

The named officers denied this allegation. The named officers stated that the complainant did not approach their vehicle or try to speak to them.

SFPD records do not detail any conversation when the officers were in their vehicle.

Body camera footage show the named officers speaking to the complainant inside her building. The officers conclude their conversation with the complainant and leave the building at which point they turn their cameras off. There is no footage of the complainant approaching the police vehicle.

There are no witnesses to the alleged interaction.

There is no other video footage or evidence in relation to this allegation.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 03/28/23 DATE OF COMPLETION: 07/24/23 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that she went into a police station to make a report and the officers in the station ignored her.

There is no SFPD documentation of the complainant visiting a station.

There is no body camera footage or station footage of the complainant visiting the station.

The officer/s involved could not be reasonably identified.

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: 03/31/23 DATE OF COMPLETION: 07/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

FINDINGS OF FACT: The complaint was withdrawn.

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

COMPLAINT DATE: 04/07/23 COMPLETION DATE: 07/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that officers did not file his incident report with the District Attorney's Office. The complainant filed a report at a district station regarding his phone being hacked by unknown people. The complainant followed up on a different day to provide a suspect's first name.

The named officer stated that she took the complainant's report. When making the report, the complainant did not know the name(s) of the possible suspect responsible for the incident. In the report, the named officer described the information that the complainant alleged. Therefore, there were no named suspects to investigate through the District Attorney's Office. Additionally, when the report was written, the complainant had already advised his cell phone provider regarding the problems documented in the report. The cell phone provider had already accepted the claim, and an investigation was opened through their Legal Division.

The DPA requested the SFPD Incident Report about the complaint. The incident report stated that an unknown person had hacked the complainant's phone and that the issue was ongoing. The complainant's cell phone provided a case number in which their Legal Division opened an investigation. The complainant provided the suspect's first name, which was added to the supplemental report.

DGO 2.01(25) states that while on duty, members shall make all required written reports of crimes or incidents requiring police attention.

The named officer complied with Department policy when she interviewed the complainant, took his report, and formally completed an SFPD Incident Report regarding the complainant's claims.

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

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

COMPLAINT DATE: 04/12/23 COMPLETION DATE: 07/18/23 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: The complainant stated he was detained after making a legal left turn. The complainant did not see any traffic signs prohibiting the turn. The complainant saw a patrol car pull behind him with activated lights and siren. The complainant briefly stopped and then continued driving because he did not believe the lights and siren were directed at him. The complainant stopped a short while later because the officer continued following him.

Records showed that the named officer was on a special SFMTA “Vision Zero” traffic assignment. He was also assigned to address neighborhood complaints about congestion and prostitution activity. Additionally, the street where the incident took place had barriers to slow traffic and prevent cars from turning left.

Body-worn camera footage showed the complainant failing to yield to the officer’s lights and siren and admitting to making a left turn at the incident location. The complainant spontaneously denied being in the area to solicit a prostitute.

The officer noted in his report that the complainant made an illegal left turn onto a street known for soliciting sex work. The complainant then twice failed to yield to the officer’s lights and siren.

The officer acted appropriately by stopping the complainant for making an illegal left turn. Additionally, the complainant’s evasive actions and statement about prostitution provided reasonable suspicion to detain him for further investigation.

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 improperly used physical control.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: During the traffic stop, officers ordered the complainant to get out of his car and then placed handcuffs on his wrists. The complainant told the officers that the handcuffs were too tight, but the officers did not adjust them or seem to care.

The reporting officer explained that he handcuffed the complainant during the traffic stop because he was evasive and had failed to yield to his lights and siren two times. Body-worn camera showed the named officers applying the handcuffs and double-locking them. The complainant did not complain of tight handcuffs at any time.

Department General Order 5.01, Use of Force, allows officers to use handcuffs when subjects actively resist officer orders through evasive actions.

The named officers' use of handcuffs complied with Department policy.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/12/23 COMPLETION DATE: 07/18/23 PAGE# 3 of 4

SUMMARY OF ALLEGATIONS # 4-5: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers searched his car without cause.

The body-worn camera footage showed the named officers conducted a visual check of the complainant's car with their flashlights to see if occupants were inside it.

The investigation showed that the complainant's car was not searched. Shinning a flashlight inside a car to check for occupants or evidence in plain sight is not a vehicle search.

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

SUMMARY OF ALLEGATION # 6: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was cited but did nothing wrong.

Body-worn camera footage showed the complainant admitting to violating two traffic laws. Department records showed that the complainant was cited for violations of Vehicle Code Section 22101 (d), Prohibited Turn and Vehicle Code Section 2800, Disobey Officer.

The investigations showed that the named officer had probable cause to cite and release the complainant for the two traffic violations. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/12/23 COMPLETION DATE: 07/18/23 PAGE# 4 of 4

SUMMARY OF ALLEGATION # 7: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer was rude, did not allow him to explain, and accused him of being in an area known for prostitution.

Body-worn camera footage showed that the named officer was professional when he issued commands to the complainant and spoke to him. The named officer did not accuse the complainant of being in an area known for prostitution, but rather the complainant raised the issue himself with the named officer and every subsequent officer he encountered. The named officer made one comment to a backup officer that elicited laughter; however, the comment and behavior did not rise to the level of misconduct.

DPA understands that the complainant perceived the named officer was rude and did not allow him to explain himself; however, the named officer behaved professionally and did allow the complainant to explain himself.

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

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

COMPLAINT DATE: 04/12/23 COMPLETION DATE: 07/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 05/01/23 DATE OF COMPLETION: 07/24/23 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer prepared an incomplete or inaccurate 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 6/26/23.

SUMMARY OF ALLEGATION #2: The officer engaged in other unequal treatment.

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 6/26/23.

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

COMPLAINT DATE: 05/07/23 COMPLETION DATE: 07/31/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant said that the named officer towed his vehicle without justification. The complainant acknowledged that his vehicle was parked on a sidewalk, but said it was not blocking anyone's driveway and people could still walk by.

The named officer stated that she saw the complainant's vehicle parked in the middle of a sidewalk, obstructing pedestrian traffic. She towed the vehicle because it created a safety hazard. She said people using strollers and mobility devices would be forced to walk into traffic. The named officer said she was authorized to tow the vehicle under California Vehicle Code section 22651(b) and San Francisco Transportation Code section 7.2.70.

Body-worn camera (BWC) footage for this incident showed that the complainant's vehicle was parked in the center of the sidewalk. The footage showed that the named officer had the vehicle towed.

California Vehicle Code section 22651(b) states that an officer can remove a vehicle "[i]f a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway." The California Vehicle Code's definition of traffic includes pedestrians.

Section 3.3 of the San Francisco Transportation Code states in part, "[a]ny Police Officer or Parking Control Officer may issue a citation to a vehicle or the owner or driver of a vehicle, and/or may order the removal of any vehicle that has been Parked on Public Property in violation of any prohibition contained in this Code or other applicable law to the extent authorized by this Code and by applicable state and federal law." Section 7.2.70 in the San Francisco Transportation Code states, "[t]o Park a vehicle in a manner to obstruct the flow of pedestrian or vehicular traffic."

Department General Order 9.06 Vehicle Tows states in relevant part that "[i]t is the policy of the San Francisco Police Department that officers tow vehicles only when authorized pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Traffic Code."

The named officer towed the vehicle in compliance with department policy and relied on the authority granted by the vehicle code and transportation code.

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

COMPLAINT DATE: 05/07/23 COMPLETION DATE: 07/31/23 PAGE# 2 of 2

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department is harassing him and others at his residence. He said officers are always coming over and bothering people at the residence.

The complainant did not provide additional information or details regarding the incidents or other individuals involved.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/23 DATE OF COMPLETION: 07/31/23 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer arrested her without cause. The officer arrested the complainant for an outstanding arrest warrant from another jurisdiction. The complainant acknowledged she was aware of the warrant.

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer told her he would tow her car if he saw her driving again.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/23 DATE OF COMPLETION: 07/31/23 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer towed her vehicle because she did not have a driver's license and the vehicle registration had expired. The complainant acknowledged her driver's license was expired and her vehicle registration was expired more than six months. The complainant also acknowledged she had an outstanding warrant from another jurisdiction.

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

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

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

COMPLAINT DATE: 05/09/23

COMPLETION DATE: 07/31/23

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 05/12/23 COMPLETION DATE: 07/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a domestic violence incident. An investigating officer applied for an Emergency Protective Order (EPO) protecting the complainant, even though the complainant specifically told the officer that he did not want an EPO.

Police records showed that the officer responded to a domestic violence related incident. Officers obtained statements from the complainant and the complainant's spouse and determined that the complainant's spouse committed battery on a spouse. The named officer applied for an EPO and the application was granted by a judge.

BWC footage showed the named officer asked the complainant for an address for the EPO application and the complainant immediately said that he did not want an EPO. The named officer told the complainant that the EPO approval was up to a judge and that Department policy required her to request one.

Department General Order 6.09, Domestic Violence, requires officers to identify a dominant aggressor and to apply for an EPO when a victim is in immediate danger of domestic violence or family abuse by a household member. Officers may not base the decision to apply for an EPO on whether a victim wants an EPO.

The officer determined that a domestic violence incident occurred, that there was a history of domestic violence incidents, and that the complainant was the victim. Under these circumstances, it was appropriate for the officer to apply for an EPO protecting the complainant.

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

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

COMPLAINT DATE: 05/25/23 COMPLETION DATE: 07/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/23 **DATE OF COMPLETION:** 07/17/23 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer improperly parked a personal vehicle on the street and failed to curb the vehicle's wheels properly.

An officer identification poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

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

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

COMPLAINT DATE: 05/30/23 COMPLETION DATE: 07/02/23 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers cited her twice for vandalism of her neighbor's property. The complainant acknowledged she damaged the taillights to her neighbor's vehicle because she was upset with her neighbor on one occasion and damaged her neighbor's landscaping on a second occasion because she believed the plants and trees were interfering with her property line.

A witness stated he was inside his business when he heard a noise. He stepped outside and observed the complainant using a metal rake to break out both rear taillights of a vehicle parked in a driveway. The witness stated he told the complainant to stop and watched the complainant walk up the street, then come back and start hitting the car again with the rake.

The neighbor stated she was in her backyard when she observed the complainant try to break a window on her property with a rake, so she called the police. Later the same day, police were called again because the complainant was hitting her car with the same rake and broke out two rear taillights on her vehicle. The neighbor stated the complainant has been destroying her front yard landscaping for years using a cane, various garden tools, etc. The complainant has thrown rotten potatoes at her, yelled at her, and hit her with her cane. The neighbor stated she is in the process of obtaining a restraining order against the complainant.

The body-worn camera (BWC) footage is outcome determinative. The video evidence documents that the complainant admitted to vandalizing her neighbor's property on both occasions, causing damage to both the taillights of the neighbor's vehicle and two trees and landscaping on the neighbor's property.

The officers prepared incident reports in both cases, which documented the property damage caused by the complainant. The neighbor signed a Citizen Arrest Form on both occasions.

Department records show the named officers cited the complainant on two dates for violations of California Penal Code sections 594(a)(1) and 594(2)(a) for vandalism.

The evidence shows there was probable cause for the named officers to issue citations for vandalism of her neighbor's property. The complainant, by her own admission, acknowledged she caused the damage. The complainant believes she was justified in vandalizing her neighbor's car and landscaping and did not seem to understand her actions are illegal.

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

COMPLAINT DATE: 05/30/23 COMPLETION DATE: 07/02/23 PAGE# 2 of 2

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

SUMMARY OF ALLEGATIONS #4-7: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers did not ask her any questions, took the victim's side, and would not listen to her.

The BWC footage is outcome determinative. The video evidence shows the named officers conducted thorough and diligent investigations of both incidents. The officers interviewed the parties involved and a witness. The BWC shows the named officers utilized Language Line Services to communicate with the complainant. The officers asked the complainant her side of things and listened attentively to the complainant. The named officers correctly determined that the complainant twice vandalized her neighbor's property. Named Officer #1 was firm and direct with the complainant in telling her she was not to touch the neighbor's property. The named officers acted professionally and were not rude or unprofessional.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/23 DATE OF COMPLETION: 07/02/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

FINDINGS OF FACT: This complaint raises matters outside 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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/23 **DATE OF COMPLETION:** 07/31/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: ND

FINDING: U

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

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

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

The evidence proves that the vehicle was parked legally.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 06/23/23 DATE OF COMPLETION: 07/31/23 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 a motorcycle officer used profanity and told her to get out of the road. When the complainant confronted the officer about the way he spoke to her the named officer swore at her again.

Video footage showed that the person on the motorcycle was involved in a funeral procession and not a uniformed San Francisco police officer.

The evidence proves that an SFPD officer was not involved.

SUMMARY OF ALLEGATION # 2: The officer drove a Department vehicle in a grossly negligent or reckless manner.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated an officer drove his motorcycle at her and nearly knocked her to the ground.

Video footage showed that the person on the motorcycle was involved in a funeral procession and not a uniformed San Francisco police officer.

The evidence proves that an SFPD officer was not involved.

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

COMPLAINT DATE: 06/25/23 COMPLETION DATE: 07/17/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: Informational

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

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

COMPLAINT DATE: 06/29/23 COMPLETION DATE: 07/31/23 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated an officer is behind the organized assaults on people on behalf of his relative. The complainant heard the officer's relative make this statement while taking public transportation. Additionally, the relative also threatened the officer would harm the complainant.

A search was conducted to identify the officer's name based on the name that the complainant provided. The name provided did not match the name of any current San Francisco Police Department member per their personnel roster.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/23 **DATE OF COMPLETION:** 07/17/23 **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 referred in full to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/23 **DATE OF COMPLETION:** 07/31/23 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause. The officer arrested the complainant at a police station following an incident between the complainant and the mother of his child. The complainant was arrested for domestic violence and child endangerment. The arrest occurred in November 2021.

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated the officer made barking sounds towards him, treated him unfairly and conspired with the complainant's girlfriend to make up the charges to allow his girlfriend to kidnap their child.

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

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