

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

**COMPLAINT DATE: 12/02/2019    COMPLETION DATE: 02/22/2024    PAGE# 1 of 8**

**SUMMARY OF ALLEGATION #1:** The officer conducted an improper search and seizure of a person and vehicle.

**CATEGORY OF CONDUCT: UA**

**FINDING: IC/S**

**FINDINGS OF FACT:** The complainant, his minor daughter, and a male companion were walking toward a parking lot when he noticed a police vehicle following them. When they got into his car and exited the parking lot, he saw the police vehicle circle back and follow him. The officers stopped him for expired registration. The complainant said that the named officer contacted him, asked for paperwork, and ordered him to exit the vehicle. He complied and gave his documents, but after that, the officers ordered him and his companion out of the vehicle. The complainant said the officers searched them and the car after that.

The named officer is no longer with the Department and therefore, could not be interviewed.

A witness officer stated that he observed a large group of Hell's Angels members hanging around in the wharf area. The group wore vests with specific patches identifying them as gang members. He and his partner passed them and parked their vehicle about two blocks away. Shortly after that, the individuals dispersed and went separate ways in their motorcycles. He believed the group got anxious when they saw them. The witness officer said the complainant and his male companion entered the vehicle in question. They followed the car for about two blocks, ran its license plate, and learned it had an expired registration. The witness officer stated that he did not observe any criminal activity. They followed the vehicle because it was the last one that drove away. The witness officer said he approached the passenger side and asked the complainant's companion to lower the window. He observed nothing illegal inside when the window was lowered. The witness officer said the complainant's companion was compliant and said he had nothing when asked for weapons or drugs. Moments later, he told him to exit the vehicle and pat-searched him, which yielded negative results. The witness officer said he did the pat search for no other reason but because the person was a gang member. The witness officer said his partner searched the vehicle first and asked him to search it again. He searched the car to remove doubts that it had guns or weapons inside. The witness officer said they searched the vehicle because the complainant no longer had his vest on when he got out of the car, prompting them to think that he was concealing something in the vehicle. He acknowledged, however, that they had no information of any contraband or criminal activity in the car before the search.

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DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage showed that when the complainant exited the vehicle, after being ordered by the named officer, he was wearing a white shirt with nothing bulging on his waist or pockets that would have alarmed the officers. No visible weapons were seen in the car and from the occupants. When the named officer and a witness officer searched the vehicle, they found nothing incriminatory or anything that would have jeopardized their safety or those of other people.

The Fourth Amendment of the United States Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure.

Department Notice 21-001, Warrantless Searches of Vehicles for Identification or Registration Documents, which came into effect on January 5, 2021, reminds officers that, absent specific exceptions, they are required to obtain a warrant before conducting a search. The policy identified consent search, probation or parole search, probable cause search, seizure of items in plain view, protective search, search incident to custodial arrest, instrumentality search, vehicle inventory, exigent circumstances, and VIN search as legitimate exceptions to the warrant requirement.

Department General Order 5.03, Investigative Detention, states, in part:

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

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

5.03.03.B. Conducting a Pat Search - Members may conduct a pat search for weapons when:

1. The person is lawfully detained for an investigative purpose; and
2. The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger.

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If conditions (1) and (2) are met, the officer may perform a carefully limited search of the person's outer clothing for weapons, i.e., a pat search, whether or not the officer has probable cause to arrest. The pat search must be limited to that which is necessary for the discovery of guns, knives, clubs, or other hidden instruments which might be used to harm the officer or others nearby.

A pat search is not a search for evidence or contraband. Once a member realizes an object is not a weapon or an object that can be used as a weapon, the member may not further manipulate the object; they must move on. Any additional manipulation of the item is outside the scope of a cursory/pat search for weapons and will be considered an illegal search.

The named officer unlawfully searched the vehicle. Department Notice 21-001 instructs officers that SFPD members “shall not conduct a warrantless search of a vehicle for registration or identification documents.” Although the named officer and his partner suspected that the complainant was gang-affiliated, the named officer’s partner admitted that he did not see any criminal behavior and that both detained the complainant for expired vehicle registration at the instruction of the named officer. During the detention, the named officer ordered the complainant out of the vehicle and conducted a pat search. None of the “legitimate exceptions” to a warrantless search of a vehicle during an identification or registration stop—which include probation/parole searches, consent searches, probable cause searches, plain view searches, and others—existed at the time of the named officer search of the complainant and his vehicle. The warrantless search was in violation of Department Notice 21-001.

The named officer also unlawfully pat-searched the complainant and detained him for a prolonged period. Department General Order 5.03 instructs a member that detention of a person may only occur if there is reasonable suspicion that a crime has been committed and that reasonable suspicion can never be formed on a “hunch or an instinct.” It also provides that pat searches must be preceded by valid detention and specific and articulable facts, causing the officers to believe the suspect is armed and dangerous. Finally, an unreasonably prolonged detention will result in an unlawful de facto arrest if the officers delay the detention. In this case, the named officer saw that the vehicle had expired registration tags, which warrants a short traffic stop where a citation would be issued upon proper identification of the driver. The named officer never saw any additional criminal activity that would lead a reasonable officer to believe that a criminal act was imminent, had already occurred, or that the complainant was presently armed and dangerous. Body-worn camera footage of the incident shows that when the complainant exited the vehicle, he wore a white shirt with nothing bulging on his waist or pockets, which would have alarmed the officers. It also shows that the detention lasted close to half an hour, mainly due to the officers unnecessarily removing the complainant from the vehicle, unlawfully conducting a pat search, and unjustifiably searching the vehicle.

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

**SUMMARY OF ALLEGATION #2:** The officer conducted an improper search and seizure of a person and vehicle.

**CATEGORY OF CONDUCT: UA**

**FINDING: IE**

**FINDINGS OF FACT:** The facts from the prior section are hereby incorporated by reference.

The named officer stated that he observed a large group of Hell's Angels members hanging around in the wharf area. The group wore vests with specific patches identifying them as gang members. He and his partner passed them and parked their vehicle about two blocks away. Shortly after that, the individuals dispersed and went separate ways in their motorcycles. He believed the group got anxious when they saw them. The named officer said the complainant and his male companion entered the vehicle in question. They followed the car for about two blocks, ran its license plate, and learned it had an expired registration. The named officer stated that he did not observe any criminal activity. They followed the vehicle because it was the last one that drove away. The named officer said he approached the passenger side and asked the complainant's companion to lower the window. He observed nothing illegal inside when the window was lowered. The named officer said the complainant's companion was compliant and said he had nothing when asked for weapons or drugs. Moments later, he told him to exit the vehicle and pat-searched him, which yielded negative results. The named officer said he did the pat search for no other reason but because the person was a gang member. The named officer said his partner searched the vehicle first and asked him to search it again. He searched the car to remove doubts that it had guns or weapons inside. The named officer said they searched the vehicle because the complainant no longer had his vest on when he got out of the car, prompting them to think that he was concealing something in the vehicle. He acknowledged, however, that they had no information of any contraband or criminal activity in the car before the search.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage showed that when the complainant exited the vehicle after being ordered by the named officer, he was wearing a white shirt with nothing bulging on his waist or pockets which would have alarmed the officers. No visible weapons were seen in the car and from the occupants. When the named officer and a witness

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officer searched the vehicle, they found nothing incriminatory or anything that would have jeopardized their safety or those of other people. The BWC footage showed that a witness officer was taking more of a lead role in the incident and that the named officer's involvement was minimal.

The Fourth Amendment of the United States Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure.

Department Notice 20-181, Warrantless Searches of Vehicles for Identification or Registration Documents, which came into effect on January 5, 2021, reminds officers that, absent specific exceptions, they are required to obtain a warrant before conducting a search. The policy identified consent search, probation or parole search, probable cause search, seizure of items in plain view, protective search, search incident to custodial arrest, instrumentality search, vehicle inventory, exigent circumstances, and VIN search as legitimate exceptions to the warrant requirement.

Department General Order 5.03, Investigative Detention, states, in part:

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

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

5.03.03.B. Conducting a Pat Search - Members may conduct a pat search for weapons when:

1. The person is lawfully detained for an investigative purpose; and
2. The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger.

If conditions (1) and (2) are met, the officer may perform a carefully limited search of the person's outer clothing for weapons, i.e., a pat search, whether or not the officer has probable cause to

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arrest. The pat search must be limited to that which is necessary for the discovery of guns, knives, clubs, or other hidden instruments which might be used to harm the officer or others nearby.

A pat search is not a search for evidence or contraband. Once a member realizes an object is not a weapon or an object that can be used as a weapon, the member may not further manipulate the object; they must move on. Any additional manipulation of the item is outside the scope of a cursory/pat search for weapons and will be considered an illegal search.

While the evidence showed that the named officer was involved in the detention, had pat-searched the complainant's companion, and briefly searched the vehicle, the named officer's role was secondary in nature as another officer, who was the more senior officer, conducted the traffic stop, ran the complainant for warrants, drafted the citation, and ordered the named officer to do another search of the vehicle after he had already conducted one. The named officer merely followed the witness officer's directives as the latter orchestrated the investigation. The witness officer in question no longer works for the Department and, as a result, was not available to be interviewed.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant believed the officers stopped him because of his race.

Named officer #1 is no longer with the Department and therefore, could not be interviewed.

Named Officer #2 denied the allegation, saying that the complainant's race was not a factor in the contact.

The body-camera videos of the incident did not show any interaction from the officers that they stopped the vehicle because of the complainant's race. Additionally, the evidence was not enough to suggest that it was why they purposely followed the car from the wharf.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant said that the officer asked him to roll up his sleeve and check the tattoos on his left arm during the stop which he felt was inappropriate.

The named officer is no longer with the Department and therefore, could not be interviewed.

The officer's partner stated that he could not recall the complainant's conversation with the named officer because he was focused on the passenger.

The named officer's body-camera video of the incident shows that he asked the complainant to roll up his sleeve and view the tattoos on the complainant's left arm at one point.

A witness stated that he recalled the officer asking the complainant about his tattoos.

Officers are allowed to ask questions or perform acts relevant to their investigation. The questioned conduct occurred while the officer was conducting his investigation and while the complainant was detained. It was minimally intrusive and did not harm the complainant.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

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**FINDINGS OF FACT:** The complainant said he wanted to comfort his minor daughter, who was seated in the back passenger seat of the vehicle. He asked the officer if he could briefly talk to her daughter. The complainant said the officer did not allow him to do so.

The named officer said he did not allow the complainant to approach his daughter because officers were still searching the car. He said that people are normally not allowed to approach their vehicle during the search due to possible contraband in the car. The named officer further stated that the complainant's daughter was not in distress, and the search was done shortly after that.

An officer may use safety measures reasonably necessary during a traffic stop investigation. Thus, officers may limit the movement of a person detained during the stop.

Body-worn camera footage of the incident shows that the complainant asked the named officer if he could check on his daughter while the investigation was still occurring. He was not in handcuffs. Therefore, it was reasonable for the named officer to refuse and momentarily prevent him from approaching his daughter.

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



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**SUMMARY OF ALLEGATION #1:** The officer intentionally and improperly discharged a firearm, on or off-duty.

**CATEGORY OF CONDUCT: MANDATE**

**FINDING: PC**

**FINDINGS OF FACT:** The Department of Police Accountability (DPA) was notified that the named officer discharged his duty weapon, injuring a subject. Per San Francisco Administrative Code Section 96.11, the DPA is mandated to investigate incidents in which a member discharges a firearm which results in physical injury of a person.

The first Computer Aided Dispatch (CAD) record showed that dispatch received an A Priority Prowler call at 7:47 am. The 911 caller reported that a man broke his door, asked for someone who did not live there, and left the scene. He provided a description as a possible Latin male, 20-30's, under 6 feet, thin, dark short hair, facial hair, dark jacket, and dark pants. The named officer and his partner responded and provided an updated description of the suspect before leaving.

The second CAD record showed that dispatch received a separate call at 8:12 am about a Latin male, possibly on drugs or mentally disturbed, punching car windows and trying to get into a police vehicle. The caller description the individual as 35 years old, wearing a black baseball cap and black leather jacket. The location provided in the second call was approximately half a block away from the first call.

The third CAD record reflects the named officer and his partner communicating with dispatch at 8:34 am. The record shows multiple calls of "foot pursuit," "B of A" and "Bank of America" and then "shots fired."

The DPA conducted an interview of the named officer. He stated that he was acting as a field training officer on the day of the shooting and that his partner was a recruit still in training. The only information the named officer had prior to arriving to the first call was a description of the subject. The subject was a Latin male with facial hair in a black jacket. The named officer looked up the second CAD of a man banging on car windows and trying to get in car windows, again, matching the description of the burglar. As they were searching the areas where the man was last seen, they encountered a pedestrian who appeared to match the suspect description of black hat, Hispanic male, short goatee, black jacket, dark pants. The named officer also noticed the subject had a bare chest, which the named officer thought was odd, and that the subject was glaring at him as he crossed the street.

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The named officer lost sight of the subject when he walked behind the A-Frame of the police SUV. The officer said his partner pulled their vehicle toward the curb and prepared to get out and see if the man they saw was the burglary suspect. As he was opening the passenger door, the named officer said, there was a blur, and he perceived the man approaching him and swinging something at him, which he realized was a bottle. He said after he kicked his feet toward the man, the assault broke off and the man ran away.

The named officer tried to kick to make sure the suspect did not enter the SUV. He tried communicating with dispatch, but his initial thought was he did not want to be stabbed if the bottle were to break. The named officer thought the suspect was running away and he put out a foot pursuit call over the radio. However, he quickly realized the suspect was chasing his partner and trying to attack him with a bottle.

The named officer explained he did not shoot the suspect when he was chasing his partner because he would potentially hit his partner. The named officer recalled giving commands and triangulating the suspect. The named officer decided to attempt a less lethal option with his pepper spray. The suspect then put his arm up and ducked away. As the named officer turned to chase the suspect, he ran through his pepper spray and his eyes began to burn. He described his vision as like a strobe light, and that every time he blinked to clear his eyes, the suspect got closer to him.

The named officer recalled seeing the suspect holding the bottle by the neck, then running between two parked cars toward him. The named officer aimed at the suspect's center mass but did not have time to aim down his sights. He fired when the suspect was two to three feet away.

The officer, who described his perception that the man "was coming to assault me with that bottle, knock me unconscious, kill me," said he fired his service weapon when the suspect was within several feet of him, 2-8 times, until the man was no longer coming toward him.

The DPA also reviewed the named officer's SFPD ISD department interviews and Grand Jury testimony. The officer's descriptions of the events were substantially similar in both transcripts.

The named officer's body-worn camera footage corroborates the statements provided by the named officer. The recording started the moment the suspect attacked the named officer in the police vehicle. It was muted during the attack on the named officer's partner and unmutes during the officers' efforts to pursue. The footage captured the named officer's attempt to issue commands as well as his use of pepper spray. Finally, the footage shows the moment when the suspect ran between two parked cars at the named officer resulting in the named officer discharging his firearm.

The DPA collected video footage from private cameras in the neighborhood as well as videos from bystanders. One video, collected from a hotel security camera, captured the officers attempt to contain the suspect as well as the officer involved shooting.

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Department General Order 5.01, Use of Force (2016), states that “the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer’s underlying intent or motivation.” The DGO also includes several factors for evaluating the use of force. (DGO 5.01. III. B. 2.) Almost all the factors listed support the named officer’s decision to use force and a brief synopsis from the evidence are below:

- a. The severity of the crime at issue: Assault with a deadly weapon on two police officers as well as a suspected burglary.
- b. Whether the suspect posed an immediate threat to the safety of the officers or others: The suspect already carried out an unprovoked attack on the officers.
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight: The suspect was actively attempting to flee arrest.
- d. Whether the use of force is proportional to the threat: The suspect charged at the named officer while holding a deadly weapon. This would have been the third attack by the suspect.
- e. The availability of other feasible, less intrusive force options: The named officer had no feasible alternative to using deadly force. His prior attempt to use his pepper spray as an intermediate force was ineffective. The suspect had broken containment for a third time and was within reach of the named officer.
- f. The officer’s tactical conduct and decisions preceding the use of force: The named officer drew his firearm and issued multiple commands while containing the suspect at a safe distance. After the suspect broke containment, the officers tactically repositioned multiple times to triangulate the suspect.
- g. Whether the officer has reason to believe that the subject is mentally ill, has a physical, developmental, or cognitive disability, is emotionally disturbed or is under the influence of alcohol or drugs: The named officer was aware of odd behavior from the call details, but did not have enough information to believe the suspect was mentally ill, in mental crisis, or under the influence.
- h. Whether there was an opportunity to warn about the use of force prior to force being used, and if so, was such a warning given: The officers repeated commands to get on the ground but did not warn the suspect he would shoot.

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i. Whether there was any assessment by the officer of the subject's ability to cease resistance and/or comply with the officer's commands: The named officer stated that the suspect did not say anything during the incident. He continued issuing commands hoping the suspect would comply. He added that the suspect did not respond, as if the suspect didn't care or hear him.

j. Specialized knowledge, skills, or abilities of subjects: N/A

k. Prior contact: The named officer believed the suspect was responsible for two other calls in the area. There is no additional evidence of prior contact.

l. Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic, and other hazards: The event happened on a Thursday morning near a commercial corridor. The BWC and hotel security camera footage show vehicle traffic passing by as the officers engage in the foot chase. The security footage also shows several pedestrians initially watching the foot chase and then running in different directions.

m. Whether the subject's escape could pose a future safety risk: The suspect, armed with a bottle, charged at the named officer who was armed with a firearm.

It is the SFPD's policy "to use deadly force only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers." The evidence shows that the named officer attempted to de-escalate this situation by containing the suspect, utilizing a reactionary gap and cover, and tactically re-positioning. He also attempted to use intermediate force that was unsuccessful in gaining compliance. He ultimately discharged his firearm as a last resort when the suspect closed the distance to within approximately 3 feet. The evidence in this case supports the conclusion that the named officer's use of deadly force was objectively reasonable.

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

**SUMMARY OF ALLEGATION #2:** The officer intentionally and improperly discharged a firearm, on or off-duty.

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**CATEGORY OF CONDUCT: MANDATE**

**FINDING: IE**

**FINDINGS OF FACT:** The Department of Police Accountability (DPA) was notified that the named officer discharged his duty weapon, injuring a subject. Per San Francisco Administrative Code Section 96.11, the DPA is mandated to investigate incidents in which a member discharges a firearm which results in physical injury of a person.

Department records discussed above are incorporated by reference.

The DPA interviewed the named officer. He stated that he was still in the field training program and had been partnered with an officer who had not supervised him before. They responded to a burglary call, and the victim described the suspect as a “Latin male, I think 20-30 years of age, wearing a dark jacket.”

When the officers completed their investigation, they received a broadcast call of a mentally disturbed person hitting a police vehicle and screaming in the street. The named officer believed it was their police vehicle. Dispatch provided a description of the suspect as a 20–30-year-old Latin male wearing black.

The named officer described driving around the area to look for the suspect. When they stopped at an intersection, he saw a pedestrian matching the description of the suspect. As he opened the door, the next thing he knew, the man was in their vehicle and assaulting his partner. The named officer heard his partner calling for help and saw the man landing numerous punches to his partner’s upper body and head areas.

He exited the driver’s seat and ran toward the back of the car, removing his baton with the intent to stop the attack on his partner. At the rear of the vehicle, he ran into the attacker who hit him numerous times. He initially thought the man was using his fists but soon realized he was being struck with a bottle. He realized it was a bottle based on the sound it made when it hit his head. He said the strikes made him black out momentarily. From that point on, his vision was blurry, and he was disoriented.

The named officer said he dropped his baton and ran 25-30 feet to escape the attack and regain his senses but realized the man was chasing him. When he realized the man was chasing him, he pulled out his service handgun, turned and pointed it at the man. At this point the named officer stated he was at “30-50 percent” of his normal self. He was scared, his vision was blurry, and the suspect was continuing to chase him and not listening to commands. Additionally, he was unaware of his partner’s location until he deployed pepper spray.

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The named officer stated that the suspect was ducking and weaving and did not appear to be affected by the pepper spray. He then saw the suspect run behind a vehicle and the “straight lined” toward his partner, holding the bottle up as if he planned to use a downward strike. The named officer estimated he was 5-6 feet away when the suspect “straight lined” toward his partner. He also estimated he was 5-6 feet away when his partner shot the suspect. He did not see the shots hit the suspect.

The named officer saw the man turn toward him, take two or three steps, then go to the ground on his hands and knees. At the time, the named officer was looking at the suspect down the sights of his firearm. He felt his capacity was at 30-50 percent of normal due to the beating he had just endured. The named officer then saw the suspect start to get back up, using the bottle as leverage. He estimated the suspect got to about three-fourths of the way up before he discharged his firearm to stop the threat. The named officer stated the suspect did not close the gap between them. He estimated he was approximately 5 feet away when he fired the shot.

When the named officer fired the shot, his partner had his back to the suspect. The named officer stated he still perceived the suspect as a threat, especially to his partner who had turned his back on the suspect, and that he could still cause serious harm to both officers. The named officer explained that he fired only once because he determined the shot was successful in neutralizing the suspect.

When asked if he was aware he was experiencing stress and pain, the named officer responded that nothing was really going through his head besides trying to survive and get away from the suspect. He could not say how long the incident lasted but estimated a minute. The named officer was not aware he was injured until he started rendering aid to the suspect.

The named officer remembered a sergeant asking him 10-15 questions, but could only recall providing his social security number, stating that he fired once, and providing the street where the incident occurred.

DPA reviewed the named officer’s emergency medical records. When asked about his medical records, the named officer did not remember denying symptoms of nausea, visual changes, light-headedness, weakness, numbness, or confusion. The DPA asked the named officer about a note attributed to him stating he had blurry vision for one to two seconds during the initial impact, but he could not remember telling that to a doctor. He estimated he was not back to feeling 100 percent himself for a month or two. The DPA showed the named officer the hotel security footage of this incident, including screengrabs of when the suspect dropped the bottle and when the officer’s firearm recoiled. The named officer did not remember closing the distance toward the suspect. When asked why he did not see that the suspect lost the bottle, the named officer explained there was a lot going on at the moment. He explained he was just hit over the head with a bottle, was running for his life and the suspect was chasing him. The named officer recognized in the footage that the suspect did not have the bottle when he was attempting to get up, but that he perceived the suspect was holding a bottle at the time.

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The DPA also reviewed the named officer's SFPD ISD department interviews. The officer's descriptions of the events were substantially similar in those transcripts.

The named officer did not have BWC video, but his partner's video corroborated his story from the time of the assault through when the partner discharged his firearm. The partner's BWC did not capture the named officer's discharging his firearm.

The DPA reviewed security footage that captured the foot pursuit and the named officer discharging his firearm. While the video corroborated the named officer's recollection of the foot pursuit and some of the details of the officer involved shooting, there were relevant differences present. First, the officer recalled being much closer to his partner and the suspect during the first set of shots. The video showed the officer was at least two car lengths away and ran to close the distance. Additionally, the video showed that the suspect lost the bottle when he was shot and that he was not using it as leverage to get up.

The DPA interviewed an SFPD Subject Matter Expert (SME) on the use of force. The SME is an SFPD training instructor who has taught defensive tactics, use of force, crisis intervention, threat assessment/de-escalation. He also served as a hostage negotiator for ten years. The SME authored SFPD's disengagement policy and has contributed to other policies on CIT and mental health. The SME did not have an investigative role in the OIS. He was provided with the named officer's interview transcript as well as the videos discussed in this report so that he could opine on the reasonableness of force. The SME provided commentary on segments of the video and assessed whether the factors for evaluating the use of force were present. (DGO 5.01. III. B. 2.) The SME ultimately opined that the named officer's use of force was within policy, given his compromised state due to the suspect's assault.

DGO 5.01 states in relevant part that "the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer's underlying intent or motivation." A reasonable officer on the scene would have perceived this minute-long event to be an extremely tense and life-threatening situation. Additionally, the named officer was hit in the head several times by a large glass bottle that did not shatter. The named officer also stated that he was unaware if his partner's shots did anything and that the suspect appeared to be getting up with a deadly weapon. The video corroborates that the suspect attempted to get quickly to his feet after the initial shots were fired. The officer was under no obligation to see if the suspect could get to his feet. However, the suspect did not have a deadly weapon anymore.

The discrepancy between the named officer's perception that the suspect was holding the bottle, and the video showing the suspect lost the bottle, was considered by DPA. It can be inferred from available evidence that the named officer's abilities were compromised because the named officer was suffering from a head injury and/or a concussion that affected his perception and ability to react. His interview

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suggests that he was suffering from severe symptoms that usually result from head trauma, but this conflicts with the contemporaneous emergency room documentation which suggested that he only had blurry vision for 1-2 seconds. The DPA was informed that additional medical records exist, but DPA was not provided with copies of the records, despite requesting them. It is alleged that the additional records document the severity of the named officer's head injury.

Based on the foregoing, the DPA concluded that there was insufficient evidence to determine whether the named officer's use of deadly force was proper or improper conduct.

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

**SUMMARY OF ALLEGATION #3:** The sergeant violated Department General Order 10.11, Body Worn Cameras.

**CATEGORY OF CONDUCT: Neglect of Duty**

**FINDING: IC/S**

**FINDINGS OF FACT:** The named sergeant was responding to a reported officer-involved shooting scene when he issued an order by radio that responding officers deactivate their body-worn cameras. Most officers on scene, some who were engaged in rendering aid to the subject of the shooting, turned off their body worn cameras.

The named sergeant stated that he issued the order prevent any newer officers from inadvertently recording information that should not be recorded under Department regulations regarding officer-involved shootings. The sergeant further stated that he was concerned that witnesses would be less likely to cooperate if they knew they were being recorded. Finally, he contended that due to the complicated nature of officer-involved shooting investigations, the presence of numerous officers on scene with body-worn cameras activated would needlessly complicate the investigation.

Additionally, the named sergeant stated that he had been trained that it was appropriate to deactivate all body-worn cameras for officer-involved shootings, and that he had previously issued the same order in another officer-involved shooting two years before and was not criticized for it.

Department regulations, specifically DGO 10.11, Body Worn Cameras, does not authorize broad orders to deactivate body-worn cameras based on generalized concerns about inadvertent recordings and witness cooperation. DGO 10.11 requires that officers make individual, factual assessments about each officer's



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role in an incident. The appropriate procedure for deactivating cameras would have required officer-by-officer assessment of the need for camera activation.

DPA requested applicable training materials for the department and was unable to find any such training or a similar order by the named sergeant in the previous incident cited.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to properly supervise.

**CATEGORY OF CONDUCT: Neglect of Duty**

**FINDING: IC/S**

**FINDINGS OF FACT:** The named sergeant was responding to a reported officer-involved shooting scene when he used his radio to order that responding officers deactivate their body-worn cameras (BWC). Most officers on scene, some who were engaged in rendering aid to the subject of the shooting, turned off their BWCs.

The named sergeant stated that he issued the order to prevent any newer officers from inadvertently recording information that should not be recorded under Department regulations regarding officer-involved shootings. The sergeant further stated that he was concerned that witnesses would be less likely to cooperate if they knew they were being recorded. Finally, he stated that due to the complicated nature of officer-involved shooting investigations, the presence of numerous officers on scene with BWCs activated would needlessly complicate the investigation.

Department documents and audio records associated with the incident captured the named sergeant identifying himself as a sergeant and ordering all officers at the scene to “turn off your BWCs.” The records show that a dispatcher initially misunderstood the named sergeant’s order and instructed the officers to activate their BWCs; the named sergeant clarified his order to the dispatcher, instructing them to “have those units turn off BWCs.”

The DPA found that DGO 10.11, Body Worn Cameras, does not authorize broad orders to deactivate body-worn cameras based on generalized concerns about inadvertent recordings and witness cooperation.

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DGO 10.11 requires that officers make individual, factual assessments about each officer's role in an incident before directing any BWC deactivation.

Department General Order 1.04 states that sergeants must "require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur."

DPA requested applicable training materials for the department and was unable to find any such training or a similar order by the named sergeant in the previous incident cited.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant, a security guard at a grocery store, called 911 because he believed two individuals were trespassing and stealing from the store. The individuals had been asked to stay away from the store because they had a history of only paying for some of their items at the self-checkout register. The complainant stated that the officer failed to take any action. He did not issue citations or stop the individuals from leaving with stolen items. The complainant was unable to press charges because the officer let them leave the store.

The officer stated that the complainant was already looking inside the individuals' bags when he arrived. The complainant said that he did not see any stolen items and individuals said that they paid for all their items. After the individuals left, the complainant said that there might have been stolen items in their bags. The officer asked the complainant if he wanted to make a private person arrest, but he declined.

Records showed that the complainant called 911 to report trespassers and possible theft. The complainant was familiar with the individuals, who had been asked to stay away from the store because they often left without paying for items. The officer noted that the reporting party declined to make a private person arrest because he was unsure if anything had been stolen.

There was no body-worn camera footage for this incident. The complainant provided store surveillance footage appearing to show the officer assist him in escorting the individuals out of the store. The video did not record any conversation between the officer, the complainant, or the suspects.

There was insufficient evidence to determine if the officer failed to investigate a suspected theft or receive a private person arrest.

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

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**SUMMARY OF ALLEGATION #2:** The officer failed to activate a body-worn camera as required.

**CATEGORY OF CONDUCT: ND**

**FINDING: IC/S**

**FINDINGS OF FACT:** The DPA found that the officer failed to activate his body-worn camera.

Department Bulletin 20-175 mandates that officers activate their body-worn cameras when responding to calls for service with a potential for law enforcement activity or any mandatory recording circumstances.

The named officer believed he had activated his camera, but later confirmed he had not.

No body-worn camera footage was recorded for the incident.

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

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant and co-complainant were crossing the street when the named officers contacted them and told them to return to the sidewalk. They refused to return to the sidewalk, prompting the officers to detain them. The complainant and co-complainant felt the detention was unlawful.

The named officers said they detained the complainants because they crossed the street against a solid red light, almost colliding with them as they drove through the intersection.

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

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

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

**CATEGORY OF CONDUCT: UA**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant stated the named officer placed him in handcuffs for no reason.

The named officer stated he gave the complainant a lawful order to get back on to the sidewalk and that the complainant did not comply. The named officer said he handcuffed the complainant because he was uncooperative and was holding a cell phone, which he could have used as a weapon.

A witness officer stated that the complainant was placed in handcuffs for safety reasons because he was uncooperative.

DPA obtained the named officer's BWC footage of the incident. It appeared that the named officer attempted unsuccessfully to activate his BWC upon exiting his car. He then activated the BWC several

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seconds later. The BWC footage showed the complainant was argumentative, loud, and uncooperative during the entire contact. Any order given by the named officer was not captured on BWC. Had the named officer clearly given the complainant a lawful command, which the complainant disregarded, placing him in handcuffs would have been appropriate and within policy. However, if the complainant was put in handcuffs because he was verbally argumentative, such action would likely have violated *People v. Quiroga* (1993) 16 Cal.App.4th 961. Because an order was not captured on BWC before the complainant was handcuffed due to buffering of the BWC, DPA is unable to conclude by a preponderance of the evidence whether the handcuffing, at the time it occurred, was within Department policy.

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

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

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer twisted his wrists and tightened his handcuffs excessively.

The named officer stated he grabbed the complainant's arms as he was pulling away to place him into handcuffs. He used a rear-bent wrist lock to gain compliance to handcuff the complainant properly. The named officer said he tightened the handcuffs to the proper degree of tightness and double-locked them.

A witness officer stated that the complainant pulled his arms away while being handcuffed. She said the complainant was not injured and did not complain that his handcuffs were tight. She was unaware of any force being used during the handcuffing.

The named officer's BWC footage showed the complainant repeatedly pulling his hand away as he was being placed in handcuffs. The named officer applied a rear-bent wrist lock after multiple attempts to get control of his right hand. The complainant did not voice that the handcuffs were tight or that his hands were injured.

The evidence showed that the application of the rear-bent wrist lock was done to gain compliance from the complainant who was being resistive. Additionally, BWC footage failed to show any indication that the complainant's handcuffs were applied too tight.

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 used excessive or unnecessary force.

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The co-complainant stated that the named officer pushed him twice.

The named officer stated that she ordered the co-complainant to return to the sidewalk. When the co-complainant refused to comply with his orders, she acknowledged pushing his chest, saying that she did it to get him quickly and safely off the street and onto the sidewalk.

The named officer's BWC footage of the incident showed the complainant refusing to return to the sidewalk despite repeated orders, prompting the named officer to push him back to the sidewalk. The push was proportional and reasonable and did not result in any injuries.

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

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer snatched his phone from his hand and pressed the button to stop the phone from recording.

The named officer stated that the complainant resisted by pulling his right arm forward while being handcuffed, making it difficult for her partner to place his arms behind his back. The named officer said she removed the cell phone from the complainant's hand so his partner could safely handcuff him. The named officer said it is unsafe to allow a detainee to maintain possession of anything in their hands while being handcuffed, particularly something that may be used as a weapon.

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DPA obtained the named officer's BWC footage of the incident. The footage was consistent with their statement they provided to DPA.

The evidence showed that the named officer removed the phone from the complainant's hand due to the fact he was being handcuffed.

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



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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant called 911 to report that his girlfriend was having a mental health breakdown and needed assistance. He said the officers who responded were insensitive to his girlfriend's condition and failed to provide mental health resources. The officers knocked too loudly on their front door and failed to de-escalate the situation. He felt that the officers should have provided more mental health assistance.

The officers denied the allegations. The officers stated that they successfully de-escalated the situation. One officer calmly apologized for upsetting the complainant and explained that he knocked loudly because there was a second 911 call about a fight and loud noises. He advised that officers thought people were getting hurt inside. The officers interviewed the complainant and his girlfriend separately. The girlfriend was calm and communicative throughout the incident and told officers that she did not need services. The officers determined that the girlfriend was not in crisis and that no crime had occurred.

Department of Emergency Management records showed multiple calls-for-service regarding the incident. The complainant initially called about a mental health crisis. A neighbor also called to report hearing a fight and loud banging inside the apartment.

Body-worn camera footage showed that the named officers used de-escalation techniques while investigating reports of a mental health crisis and a fight. They met with the complainant's neighbor, the complainant, and the complainant's partner. The officers remained calm as the complainant lectured, criticized, and accused them of being aggressive. The complainant refused to answer questions about why he called for help. The complainant's girlfriend was calm and said she did not want police assistance.

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: IC/S**

**FINDINGS OF FACT:** The complainant stated that one officer called him a 'Retard'. The complainant felt insulted and belittled.

The named officer admitted making the inappropriate statement. The officer explained that he was frustrated because the complainant was calling him names and berating other officers who were trying to help. He muttered 'Retard' as he was leaving the apartment complex. He acknowledged that he could have chosen better language.

Body-worn camera footage showed the officer making several inappropriate comments near the complainant, including saying, "Let's just fucking go," "He's an idiot," and "Retard."

Officers are required to treat individuals with courtesy and respect and not use harsh, profane, or uncivil language. The named officer made several insulting comments to the reporting party, including calling him a pejorative name.

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 #1-3:** The officers displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant alleged that he and a family member were exiting the Chase Center arena after watching a basketball game when someone grabbed and threw away the hat of a man being interviewed by a TV crew. The man thought it was the complainant who threw his hat. The man then punched the complainant on the right side of his head, causing the complainant to fall to the ground. The complainant alleged that he told the named officers that he wanted to file charges against the man. The complainant said the officers refused, pushed him away, and told him to move along or they would put him inside a police wagon. The complainant alleged this threat was said multiple times by the named officers.

Named Officer #1 said they repeatedly told the complainant to leave the property after the altercation. The complainant refused to leave the property and attempted to re-engage in a fight with the other party, prompting her to push the complainant away from the other party. She believed the complainant was intoxicated and was not receptive to her verbal commands. She thought it was necessary to push the complainant because the latter was holding on to a barricade to remain on the property.

Named Officer #2 said they gave the complainant several warnings, but he refused to comply. He said that Department policies allowed him to use a low level of necessary force to gain compliance.

Named Officer #3 said the complainant and his brother displayed signs of intoxication. He said they smelled a strong odor of alcohol and refused to listen to the officers' commands. He acknowledged telling the complainant that he would put him in a police wagon due to being intoxicated, not being able to follow simple instructions, and trying to push his way back up the ramp toward officers. Named Officer #3 said that due to the complainant's behavior, he placed his hand on the complainant and extended his arm to create a safe distance. He said the actions of the complainant and his brother dictated his response.

DPA obtained the named officers' body-worn camera (BWC) footage of the incident. The footage showed the complainant and his brother displaying signs of intoxication. They refused to follow multiple orders to leave the premises after the named officers broke up the fight. At one point, one approached the other party involved in the fight and tried to re-engage with him. The named officers needed to separate them again to escort them away from the property. They kept walking back toward the officers, refusing to leave. The named officers pushing them back was necessary to get them to leave the area.

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

**SUMMARY OF ALLEGATIONS #4-6:** The officers failed to take required action.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said he told the named officers that he wanted to file a report about the incident. The complainant said the named officers refused his request and told them to leave.

Named Officer #1 said she could not recall refusing to file a police report.

Named Officer #2 said he did not hear the complainant and his brother say they wanted to press charges against the other party, which would have required a police report.

Named Officer #3 said he did not hear the complainant say he wanted a police report.

BWC footage of the incident did not show the complainant asking the officers to generate a report, and it did not show him asking to press charges against the other party.

The evidence proves that the conduct alleged did not occur.

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**SUMMARY OF ALLEGATION #7:** The officer failed to make an arrest.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant said the female officer failed to arrest the individual who assaulted him.

The named officer said no one was arrested because both parties stated they were okay after they broke up the physical altercation. Additionally, she did not hear the complainant or his family member state that they wanted to press charges.

Witness officer #1 stated that no one told her either party wanted to file charges and that nothing came up that necessitated a report.

Witness officer #2, who witnessed the incident, stated that what occurred was mutual combat, that the complainant was the instigator, and that neither party wanted to press charges.

BWC footage showed the named officer escorting the complainant away from the property. The complainant and his family member did not mention wanting to file charges.

The surveillance footage of the incident showed that the complainant's family member instigated the fight by taking off an individual's hat, throwing it, and then shoving them when confronted.

BWC footage of the incident showed the named officer and other officers responding to the scene while the fight was in progress. It failed to show the complainant or his family member requesting that the other party be arrested. Neither the complainant nor his family member appeared to have any physical injuries from the fight.

The evidence showed that the named officer had no probable cause to make an arrest nor was a citizen's arrest requested by the complainant or his family member.

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

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

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

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

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

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant said he was driving when he made a lefthand turn because two “No Entry” signs prevented him from continuing. The complainant said he was pulled over by the named officer, who told him he had made an illegal left turn. The named officer then detained him for no reason.

The named officer said he observed the complainant's vehicle drive through two “Do Not Enter” signs. The officer said he pulled out into traffic behind the vehicle and saw that the vehicle had an illegal cardboard rear license plate that said, "Traveler." The officer said that he conducted a traffic stop on the vehicle and detained the complainant for not displaying proper license plates on his vehicle in violation of California Vehicle Code (CVC) section 5202(a).

Two witness officers said that they provided backup for the named officer's traffic stop. They described the complainant's vehicle as having an illegal rear license plate, saying, "Traveler."

Department records showed that the named officer conducted a traffic stop on the complainant's vehicle following an illegal left turn and the vehicle displaying an illegal license plate. The named officer took photographs of the vehicle at the scene, which showed the complainant's vehicle had a rear license plate that read "Traveler" and included the words "Exempt" and "Right to Travel" and some Uniform Commercial Code (UCC) references.

Body-worn camera (BWC) footage showed that the named officer explained to the complainant that the officer conducted the traffic stop and detention because of the illegal rear license plate.

California Vehicle Code section 5202(a) states that a license plate issued by the State, or any other jurisdiction must remain attached to the vehicle it is issued for while it is being operated within the State.

The evidence shows that the named officer lawfully stopped and detained the complainant due to the illegal rear license plates.

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 used unnecessary or excessive force.

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer removed him from his vehicle without his consent. He said that the officer pulled him from the vehicle.

The named officer said that through his training and experience, he knew that someone using a license plate that read "Traveler" was likely a member of the sovereign citizen movement. This movement believed that normal laws do not apply to them and they have been linked to attacks on law enforcement. The officer explained that for this reason, he requested a backup unit for the traffic stop. The officer said the complainant failed to provide his driving license, registration, and insurance when requested. Instead, the complainant provided a passport card and documents related to a Trust for the vehicle. The officer said he ordered the complainant to provide his license and car keys, but the complainant refused. The officer said he ordered the complainant out of the vehicle, opened the vehicle door, and the complainant got out of the vehicle. The named officer said he took hold of the complainant's left arm while other officers handcuffed him. The named officer said that the complainant was showing passive resistance, with a brief period of low-level active resistance when being handcuffed.

Two witness officers said that when the complainant failed to comply with the named officer's orders, the complainant got out of the vehicle, and they handcuffed the complainant.

Body-worn camera (BWC) footage showed the exchange between the named officer and the complainant when the complainant failed to provide the requested documentation. The named officer ordered the complainant out of the vehicle and opened the driver's door. The complainant can be heard saying, "All right," takes off his seatbelt and exits the vehicle himself. The named officer held the complainant's left forearm while the other officers applied handcuffs. The footage showed a brief escalation between the complainant and the officers during the handcuffing process.

Department General Order (DGO) 5.01(5)(B) Use of Force defines "passive resistance" as "not respond[ing] to verbal commands but also offers no physical form of resistance."

DGO 5.01(5)(C) defines active resistance as "[p]hysically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody."



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DGO 5.01(7) states one example of Type I Non-Reportable force: "The use of hands or equipment to stop, move, direct, or otherwise exercise control of a person or situation."

DGO 5.01 8(B)(1) states, "When a subject offers some degree of passive or active resistance to a lawful order... officers may use physical controls consistent with department training to gain compliance."

The evidence shows that the named officer did use force when he held onto the complainant while he exited the vehicle. However, this use of force complied with Department policy.

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

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant said the named officer cited him for having a private plate and for an illegal left turn. The complainant said the citation was illegal because he was a Tribal Government member, and the named officer was obligated by treaty to hand him over to tribal authorities. The complainant provided a copy of his alleged Tribal Government card that showed his tribal affiliation as "Sharakhi."

The named officer said that based on his training, he knew that some sovereign citizens claim tribal authority to try and remove themselves from government oversight. The named officer stated the complainant failed to provide him with his driving license, registration, or insurance documents. The officer conducted computer checks on the complainant and the vehicle and discovered that the complainant had a valid drivers license on record. The query also showed that the vehicle's registration expired over a year ago. Also, the officer discovered that the complainant had been cited a year ago for failure to provide a license, no insurance, no registration, and no license plates. The named officer said he issued the complainant a citation for violating California Vehicle Code sections 4000(a)(1), "Driving a vehicle without proof of valid registration," 5202(a), "Driving a vehicle without a valid license plate attached," 16028(a), "Driving a vehicle without proof of insurance," and 12951(a), "Driving a vehicle without possession of a driver's license."

Two witness officers stated that the named officer issued the complainant a citation.

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Department records and body-worn camera footage showed that the named officer issued the complainant a citation and corroborated the named officer's account. The footage recorded the named officer explaining the citation process and the violation to the complainant.

The Indian Affairs Bureau website showed that the Sharakhi tribe is not on the federally recognized Tribal Entities list. The only record found of the Sharakhi tribe was a Facebook page where it described itself as "a sovereign tribal government."

Department General Order 9.01(II)(A) Traffic Enforcement, states. "Rules governing the disposition of traffic offenses depend on the kind of offense and the age of the violator. When issuing a citation, answer reasonable questions and inform the person of the nature of the violation and the proper means of disposing of the citation."

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

**SUMMARY OF ALLEGATION #5:** The officer knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated the officer did not consider his tribal government status and was not interested in the complainant's attempts to educate the officer on tribal treaties or trust law. The complainant said he felt discriminated against and considered his race an issue in the traffic stop.

The named officer said that he could not see the vehicle's occupants until after conducting the traffic stop. He initially saw the vehicle from about 500 feet away and then pulled out into traffic behind the vehicle to conduct the traffic stop. The officer said his attention was drawn to the vehicle due to the car driving through "No Entry" signs, and he decided to stop the vehicle for the illegal rear license plates. The officer said he was unaware of the number of occupants or their race, ethnicity, or color.

The two witness officers said that they understood the traffic stop was conducted due to the vehicle's illegal license plate displayed at the rear.

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Body-worn camera footage showed that the complainant told the officers that because he was a tribal government member and the vehicle was held by a trust, he did not have to have California-mandated driving documents. The footage showed that the named officer and other officers took time to explain that the complainant was mistaken in his belief. There is nothing on the footage that suggests that the race or tribal status of the complainant was the cause of the traffic stop or the law enforcement action. The named officer cited the complainant for violations of the California Vehicle Code and towed the complainant's vehicle under section 22651(o).

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATION #6:** The officer displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: IC(S)**

**FINDINGS OF FACT:** The complainant said that the named officer was belligerent and wanted a confrontation. He said that after he handed the officer documents, the officer requested that he get out of the vehicle. When the complainant asked what crime he had committed, the named officer raised his voice. The officer said that if he did not get out of the car, the officer would break the vehicle's windows, put him on the ground, injure him, and break his arm. The complainant said he had never heard an officer talk this way before, and he started to fear for his life.

The named officer stated that he previously spent two and a half years at the Academy full-time, training recruits in report writing, and was also one of the Use of Force instructors.

The named officer said that when he decided to make the traffic stop, he knew the vehicle's occupants were sovereign citizens due to the illegal "Traveler" rear license plate. The officer said that based on his knowledge of sovereign citizens, contacts could sometimes present a greater danger to the police. When the complainant refused to provide his license, registration, and insurance documents, the named officer said he decided to order the complainant out of the vehicle to prevent any chance of the complainant fleeing in his car. The officer explained that he provided a force warning when the complainant did not follow his order to exit the vehicle. This warning was that if the complainant did not cooperate, the officer would use physical force to break the window and remove the complainant from the vehicle. The complainant still did not comply, so the named officer said he provided additional force warnings until the complainant eventually exited the vehicle.

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The named officer said that he was using the force warnings in compliance with DGO 5.01. He said the warnings were an effort to de-escalate the situation.

The named officer also stated that he told the complainant multiple times during the incident that he did not want to use force.

Body-worn camera footage captured the incident. The footage recorded that after the complainant refused to provide the correct documents, the named officer asked the complainant to hand him the car keys. The complainant asked the named officer why he needed the keys. The named officer replied, "I am ordering you to, Sir. Otherwise, I will break the window. I am going to pull you out of the car and put you in handcuffs. I am giving you a lawful order to give me the car key. I will physically use force against you, and you will get hurt." The complainant replies that he is a "National." The named officer said, "I am giving you orders as a peace officer. I am going to put hands on you. I will hurt you. I will put you in handcuffs if you do not follow my orders, Ok?"

The footage captures comments from the named officer that threaten use of force. These included, "Ok, Sir. I really don't want to have to go sideways with you. I would really prefer to just cooperate and for you to be cool with us. Ok?" Also, "Sir... we...Listen... we don't want to hurt you, ok? If you resist, you're going to get hurt, ok? I do not want that to happen. Ok? I am trying to use the minimum amount of force."

However, during the scuffle to handcuff the complainant, the named officer said, "That's fine. If you are going to flex on me, I'm going to break your arm. Ok. Do not flex on me, Bro."

DGO 5.01(3)(K) Use of Force defines de-escalation as "The process of using strategies and techniques intended to decrease the intensity of the situation."

The SFPD Arrest and Control Manual 2005 provides procedures for verbal escalation. It states:

"A simple tactical plan to use when attempting to direct a subject's actions involves the acronym ATOM.

Ask: When the subject's first name is unknown, preface your requests/orders with Sir, ma'am, or miss, etc. For example, "Sir, please move away from the vehicle and keep your hands visible." or "Sir, please keep your hands where I can see them and step over by the wall." Appropriate demeanor when dealing with a compliant subject.

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**Tell:** Drop the cordial preface and elevate your demeanor to a stronger command presence. For example, "Sir, I said to keep your hands where I could see them and to step over to the wall." At this point, you are not committed to a use of force, but the subject is not compliant.

**Order:** This step may preface a use of force, so you are now commanding or ordering the subject to comply. For example, "Put your hands where I can see them and step to the wall. DO IT NOW."

**Make: Use of Force.** When appropriate, a use of force may be required to gain control of the situation/subject.

In some circumstances, it may be appropriate to process through each step-in order, A-T-O-M. In others, you may choose to begin at a higher level. For example, when the need for control is immediate due to the potential for threat or escape, it may be appropriate to begin the contact by ordering the subject to comply. When responding to a robbery in progress and you see a possible suspect on the street with a firearm, you would order him/her to comply since the subject's actions might force you to use deadly force immediately."

DGO 2.01, Rule 9, General Rules of Conduct, states, "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."

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

The named officer made multiple statements to the complainant that he did not want to use force. However, in contrast, the named officer made additional explicit and specific comments of property damage and serious assault. These comments amount to threatening behavior above what was acceptable under the circumstances. The named officer did not moderate his language with "I might" or "this could result in," which would be more consistent with a warning. Instead, he said, "**I will** break the windows... **I will** physically use force against you, and you will get hurt... **I am** going to put hands on you. **I will** hurt you," and "If you are going to flex on me, **I'm going** to break your arm," which is more consistent with a threat.

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The named officer's argument that these comments were designed to de-escalate the situation is not credible. Telling someone you are going to break their property, hurt them, and break their arm does not "decrease the intensity of the situation."

DGO 2.01 states that any conduct that reflects discredit upon the Department shall be considered unofficer-like behavior and subject to discipline. DGO 2.01 also explicitly states officers should treat the public with courtesy and respect and not use harsh or uncivil language. DGO 5.01 and the Arrest and Control Manual do not provide an exemption to the 2.01 requirements.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IC(S)**

**FINDINGS OF FACT:** The complainant said the way the named officer handled the traffic stop was unprofessional. The complainant said the officer made a comment about flexing, messing around with SFPD, and taking his vehicle. The complainant stated that he had encountered and dealt with police before, but this incident was the worst experience.

BWC footage showed that the named officer commented as the complainant described. The officer had just told the complainant that he would impound the vehicle. The officer said, "You want to come to San Francisco and mess around with us? This is how it goes, Mr. [Complainant]. You want to flex on us? We will flex on you."

BWC footage also recorded a comment made by the officer when providing the reason for the traffic stop. The officer said, "That's not a real license plate, ok? That's some sort of sovereign citizen bull[profanity] plate that doesn't fly here in San Francisco. Ok?"

The named officer confirmed that he had made the comments recorded on the BWC footage. He admitted that he used profanity.

However, the officer stated that the City Mayor had used the same profanity in a press release, so it was appropriate for him to use this language. He also argued that the Mayor had also made comments in the

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same press releases about coming down hard on people who come to the city to commit crimes. The officer said his words reflected the City Mayor's sentiments, so it was appropriate for him to make these comments, too.

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

The officer's comparison to the Mayor's press release comments is irrelevant. Unlike the named officer, the Mayor is not under investigation, is not a sworn member of the Department, and is not subject to Department DGOs.

The evidence shows that the officer used profanity. He also used disrespectful, discourteous, and uncivil language. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

**SUMMARY OF ALLEGATIONS #8-9:** The officers conducted an improper search or seizure.

**CATEGORY OF CONDUCT: UA**

**FINDING: IC(S)**

**FINDINGS OF FACT:** The complainant stated that after being removed and handcuffed by the officers, he told the officers he was invoking his 4<sup>th</sup> and 5<sup>th</sup> Amendment rights. The named officers then conducted an illegal frisk and search. The complainant explained that he did not do or say anything that would pose a threat to the officers.

Named Officer #1 stated that he previously spent two and a half years at the Academy full-time, training recruits in report writing, and was also one of the Use of Force instructors. He said he currently assists occasionally at the Academy with the Learning Domain 43 Terrorism Awareness training, which includes Sovereign citizens.

Named Officer #1 initially stated that he did not pat-search the complainant and was unaware that any other officer conducted a pat-search. When shown the body-worn camera footage, Officer #1 confirmed that he did a cursory pat-search of the complainant but did not remember doing it. However, he then said he conducted the pat-search because he believed the complainant was armed and dangerous. He explained

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that he believed the complainant was a sovereign citizen, and sovereign citizens have a significant history of being armed and attacking police officers. Officer #1 explained that he had requested a backup unit, had the backup unit place their patrol car in front of the complainant's vehicle to prevent escape, ordered the complainant out of the vehicle, and placed him in handcuffs because of safety concerns. Officer #1 also said the complainant was armed and dangerous because the complainant was wearing baggy clothes, was handcuffed, didn't have a driving license, and made it clear the law did not apply to him. Officer #1 explained that he had five to ten interactions with sovereign citizens before, and in one incident, the sovereign citizen had an illegal firearm. Officer #1 confirmed that, in this instance, he did not find anything on the complainant.

However, Officer #1 also said that he thought the complainant was new to being a sovereign citizen. He said the complainant tried using the sovereign talking points but kept changing his words. Officer #1 said the complainant was hesitant like he was trying to find the correct answers. Officer #1 described the complainant's demeanor as defiant, although "he kind of cooperated, at least to the extent of getting out of the vehicle." When asked if the complainant was aggressive towards officers, Officer #1 said, "I would say overall, his demeanor was more defiant and some mild resistance, but I wouldn't say he was." When asked if the complainant made any threats to officers, Officer #1 confirmed that he did not.

Named Officer #2 confirmed that he conducted a pat-search on the complainant. Officer #2 confirmed that the complainant did not consent to the search. Officer #2 said he believed that the complainant was armed and dangerous. He said the reason he believed this was because the complainant was a Sovereign citizen, and sovereign citizens have a disdain for law enforcement. The complainant was also wearing bulky clothing, was of a bigger build, was non-compliant, and was nighttime. Officer #2 confirmed that, in this instance, he did not find anything on the complainant.

However, Officer #2 also said that the complainant did not display aggressive or hostile resistance to officers. He said the complainant appeared to be "a bit agitated." Officer #2 also confirmed that the complainant made no threats towards officers. Officer #2 said the complainant was initially argumentative and slightly aggressive, "but not much." Officer #2 described having a civil conversation with the complainant after the pat-search, discussing sports and current events.

A witness officer said that he believed the complainant was armed and dangerous. He said the complainant had failed to comply with basic traffic commands, had to be told to stop flexing, was bigger than the officers, had baggy clothes that covered his waistband, and was a sovereign citizen. The witness officer also said that the complainant offered low-level resistance to Officer #1, which delayed the investigation. The witness officer confirmed the complainant did not make any threats towards officers.



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Stop Data records showed that at the end of his shift on the day of the incident, Officer #1 recorded the statutory information required by the State and included that a pat search was conducted for weapons.

The Incident Report by Officer #1 records that the complainant failed to provide Officer #1 with a driver's license, registration, or insurance documents. However, it does state that the complainant did provide identification [a passport card] and a trust document for the vehicle. The report documents that Officer #1 ordered the complainant out of the vehicle and was placed into handcuffs. Officer #1 wrote that he had received training and instructed training on Sovereign citizens who hold anti-government beliefs, refuse to register vehicles, drive without licenses, and mount violent attacks against police locally and nationwide.

Officer #1 took photographs of the vehicle at the scene, which showed the complainant's vehicle had a rear license plate that read "Traveler" and included the words "Exempt" and "Right to Travel" and some UCC references.

Body-worn camera footage showed Officer #1 asking for and ordering the complainant to provide his driver's license, registration, and insurance documents. The complainant provided some documents but said he did not need the documents requested because he was a Tribal Government officer and a "National." The footage showed Officer #2 placing a patrol vehicle in front of the complainant's vehicle. The footage showed the complainant eventually exiting the vehicle and standing while handcuffed by Officer #2 and the witness officer. Officer #1 held the complainant's left arm, while Officer #2 held the complainant's right arm. The complainant complained about the handcuffing, and Officer #1 told the complainant not to flex or struggle. The footage does not show any large movements from the complainant while he is being handcuffed to suggest he was trying to stop the officers from handcuffing him.

The footage showed Officer #2 asking the complainant if he had any weapons. The complainant replied he did not and asked to exercise his 4<sup>th</sup> Amendment rights. Officer #2 proceeded to pat down the complainant while controlling the complainant's right arm. Officer #1 stood beside the complainant, holding his left arm, when the pat search occurred.

The footage showed that the complainant was moved to the front of a patrol vehicle. Then, about two and a half minutes after the first pat search by Officer #2, Officer #1 asked the complainant if he had any guns or knives on him or in his vehicle. The complainant said no. Officer #1 proceeds to do another pat search on the complainant.

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At no point in the footage did the complainant become threatening or aggressive toward the officers. The footage also showed the complainant was wearing combat pants and a hooded top. These clothes were not excessively baggy but were also not tight-fitting. The complainant was bigger than the officers.

California POST Learning Domain 43 (Version 3.1) Terrorism Awareness Training describes sovereign citizen extremists as an example of domestic extremist ideologies. However, the training reminds officers that, "It is legal to have hateful or extremist beliefs as long as you don't commit crimes or violence on those beliefs." The document states that one of the sixteen indicators of defined criminal and terrorism nexus activity is "presenting false information of ID to misrepresent one's affiliation to conceal possible illegal activity."

The Department uses a sovereign citizen and law enforcement training video when training officers on sovereign citizens. The video provides footage and information about a 2010 West Memphis, Arkansas incident where two officers were shot and killed by a sovereign citizen father and son during a traffic stop. The video links the sovereign citizen movement to the right-wing anti-government movement that also caused the 1993 Oklahoma City bombing, the 1992 Ruby Ridge shootings, and the 1993 Waco Texas massacre. The video states that the main tactic of sovereign citizens is filing bogus claims, complaints, suits, and liens against law enforcement. The video described indicators and warning signs of sovereign citizens, including strange vehicle license plates referencing bogus embassies, nations, or tribes. Also, sovereign citizens frequently refer to themselves as "Nationals," present official-looking but bogus paperwork, and make references to "Traveler" or "traveling."

Named Officer #1 provided a 2020 academic paper that reviewed the implication of sovereign citizens and violence to law enforcement. The officer said the article was an example of the prevalence of sovereign citizens towards violence against police officers. The article, called "Sovereign Citizens – A Narrative Review with Implications of Violence towards Law Enforcement," was published by Chatham University. The article described a sovereign citizen as "any individual who is legally considered to be a citizen of the US and who simultaneously believes that the U.S. is not a legitimate government and, as a result of that illegitimacy, believes themselves to be immune to all U.S laws." The paper notes that "The best estimates indicate that in the U.S., there are approximately 300,000 to 500,000 sovereign citizens ." Also, "demographically, many sovereigns are white, middle-aged, or older, with leaders being in their 60s or 70s. The biggest growth ... has occurred among African Americans, many of whom identify as Moorish sovereign citizens, or Moor or Muurs." The paper goes on to report that, based on the research, there have been seventy-five verifiable incidents of successful or unsuccessful sovereign citizen violence towards police since February 1983. Of these seventy-five, only four occurred in California. Of the California incidents, only one instance occurred during a traffic stop in September 2012.

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Department General Order 5.03(2)(E) Investigative Detentions states,

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

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

DGO 5.03 Investigative Detentions Section 3B states,

"Conducting a Pat Search - Members may conduct a pat search for weapons when:

1. The person is lawfully detained for an investigative purpose; and
- 2 The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger.

If conditions (1) and (2) are met, the officer may perform a carefully limited search of the person's outer clothing for weapons, i.e. a pat search, whether or not the officer has probable cause to arrest. The pat search must be limited to that which is necessary for the discovery of guns, knives, clubs, or other hidden instruments which might be used to harm the officer or others nearby.

A pat search is not a search for evidence or contraband. Once a member realizes an object is not a weapon or an object that can be used as a weapon, the member may not further manipulate the object; they must move on. Any additional manipulation of the item is outside the scope of a cursory/pat search for weapons and will be considered an illegal search."

The evidence showed that Officer #1 lawfully detained the complainant for not displaying proper license plates on his vehicle in violation of CVC section 5202(a).

The evidence showed that the named officers suspected the complainant was a sovereign citizen. The license plate, the documents provided to officers, the refusal to provide legitimate driving documents, the comments about Tribal Government officials, describing himself as a "National," and indicating that the

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State traffic legislation did not apply to him are all known indicators of the sovereign citizen movement. However, aside from the complainant's inclusion in this group, there were no other circumstances during the traffic stop that would warrant a reasonable officer to believe the complainant was armed and dangerous. DGO 5.03 and applicable case law requires officers to point to facts attributable to the detainee that would warrant suspicion that the detainee is armed and dangerous. The named officers argue that the fact that extremist Sovereign citizens have committed attacks on police officers in the past provides them grounds to believe that the complainant was armed and dangerous. However, affiliation or participating with a group, by itself, does not warrant a reasonable belief of dangerousness.

The named officers also mention the fact that the complainant wore baggy or bulk clothing as a reason to believe he was armed and dangerous. BWC shows that the clothing was not particularly baggy or bulky, but appropriate for the nighttime weather conditions.

Officer #2 said that he believed the complainant was armed and dangerous because the complainant was bigger than the officers. However a pat search is only warrant to detect weapons. The fact that someone is bigger than an officer does not mean he is armed, and that is where the "dangerous" aspect for a pat search originates.

Officer #2 also said that it was nighttime. Again, this was true and would factor into how the officers approached the complainant. However, the fact it was dark does not mean that the complainant was armed.

The evidence showed that the complainant failed to provide his driving license, registration, and insurance. However, the complainant did provide legitimate identification documents to Officer #1 in the form of a passport. He also provided a legitimate document relating to the vehicle and the trust. Officer #1 was able to conduct computer checks against the complaint's details, and Officer #1 did not mention anything about a violent criminal history. Instead, he found similar traffic violations.

The evidence showed that the complainant made no threats, complied with the order to exit the vehicle, and offered minimal resistance to officers.

The evidence showed that officers had already taken action to mitigate risk before searching the complainant. Officer #1 had called for backup; the complainant's vehicle was boxed in between two patrol cars, and the complainant was ordered out of his vehicle and placed in handcuffs behind his back. All these actions were sensible precautions to take without the risk of violating the complainant's 4<sup>th</sup> Amendment rights.

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The evidence showed that Officer #1 pat searched the complainant after a pat search had already been completed by Officer #2, and the complainant was found not to be armed. Officer #1's account that he did not recall that the complainant was searched is undermined by the Stop Data report he submitted the same day. Also, the BWC footage of Officer #1 showed Officer #1 literally holding the complainant while Officer #2 searched him.

The evidence showed that this incident was a traffic stop for traffic violations that resulted in the complainant being cited. There is no evidence to suggest that a weapon was involved. There was no call for service involving a weapon, no member of the public passing information to officers that the complainant was armed, no weapon-related paraphernalia was seen in plain view in the vehicle, no bulges in clothing in common areas where weapons can be concealed, and no aggressive or threatening behavior was aimed toward the officers.

Based on the totality of the circumstances, there were insufficient facts to warrant a pat search on the complainant. 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:      IE      DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated he went to a police station to file a police report for an assault incident that occurred on an unknown date six months prior. The named officer was “rude” when speaking to the complainant and told the complainant, “You’re wasting your time.”

The named officer stated he was not rude to the complainant during the interaction and did not recall telling the complainant he was wasting his time. The named officer stated the complainant told him the security at a bar asked him to leave the premises. He told the complainant that security had the right to ask him to leave and that the complainant would be trespassing if he did not leave. The officer stated he explained the implications and options for a report to the complainant based on the information provided to him by the complainant.

No body-worn camera (BWC) evidence is available to substantiate the allegations because the contact occurred inside a district station where officers are restricted from activating BWC.

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

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**SUMMARY OF ALLEGATION #2:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant stated he went to a police station to file a police report for an assault incident that occurred on an unknown date six months prior. The complainant stated he believed the officer would not take the report because the officer was friends with the employees of the business where the incident occurred and because the complainant is a former member of a gang.

The named officer stated he had never met the complainant before speaking with the complainant at the station, nor was he familiar with the business or its employees. The named officer stated since the complainant was unknown to him, he did not know the complainant was affiliated with a gang. This would not have been a factor in taking a report from the complainant.

No body-worn camera (BWC) evidence is available to substantiate the complainant's allegations because the contact occurred inside a district station and officers are prohibited from using the BWC inside the district stations.

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

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

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

**FINDINGS OF FACT:** During a traffic stop, the complainant stated that the named officer took him out of his car and slammed him on the ground, which hurt his knee and hip.

The named officer confirmed that after opening the complainant's car door, he removed the complainant from his vehicle for further investigation. However, he denied physically pulling him out or applying force or take-down techniques. The officer said the complainant went limp on him and went to the ground himself, which the officer did not expect. He, however, confirmed telling the complainant to stay down during the interaction. The officer denied slamming the complainant on the ground. He said he naturally put his right hand behind his neck to ensure the complainant safely got to the ground.

Department records did not log any use of force.

The complainant's medical record indicates that the complainant had an injury to his left knee consistent with a soft tissue injury.

Body-worn camera footage contradicted the named officer's assertion. It showed that the complainant started to record the traffic stop on his cell phone. The footage captured the officer's statement, "Either you can keep doing that, or I'm gonna pull you out of your car and put you in handcuffs." After the statement, the officer immediately opened the car door, put his hands on the complainant's left arm and the complainant went face down to the ground. As soon as the complainant was out, the officer placed his right hand on the back of the complainant's neck and said, "Stay down." The complainant quickly went to the ground and lay on his left side.

Department General Order (DGO) Use of Force 5.01.07 Types of Force states that Type II force is reasonably likely to cause pain or injury; an example is when "an officer uses a take-down technique to gain control of an actively resisting subject."

DGO 5.01.03(E) states that all uses of force are reportable except Type I force.

DGO 5.01.04 A states:



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"USE OF FORCE MUST BE FOR A LAWFUL PURPOSE - Officers may use objectively reasonable force options in the performance of their duties, in the following circumstances:

1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order. 6. To prevent a person from injuring themselves."

DGO 5.01 defines "force" as force "that is likely to cause pain or injury." An example of such force is when "an officer uses a take-down technique to gain control of an actively resisting subject." All uses of force above Type I shall be reported. Here, the complainant was already detained due to the traffic stop. The complainant was in the driver's seat, complying with all of the named officer's requests for documents. None of the six DGO 5.01.04(A) criteria justified the use of force in this case because the detention was already under way, the complainant was not resisting or trying to escape, the public offense (traffic violations) had already been committed and no new offenses were likely to occur, there was no need for self-defense or the defense of others, there was no order given before force was used and the force was not needed to prevent injury.

The officer mentioned that the complainant was a "big 148." Still, none of the complainant's actions on the officer's BWC footage show that his conduct rose to the level of violating Penal Code Section 148. It appears the named officer was frustrated with the complainant for recording their interaction. The officer used a "take-down" technique to remove the complainant from the car, even though the complainant was not "actively resisting" as required to use such technique in DGO 5.01.07. Grabbing the complainant and forcing him out of his car was unnecessary considering the surrounding circumstances and a violation of DGO 5.01.04(A).

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 applied handcuffs without justification.

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

**FINDINGS OF FACT:** The complainant said the named officer handcuffed him during the interaction to try to break his wrist.

The named officer said he decided to place handcuffs on the complainant while he was on the ground. He said he did that because he was investigating a felony because the license plate did not match the vehicle. He denied trying to break his wrists.

Body-worn camera footage shows that the named officer placed handcuffs on the complainant while he was lying on the ground. The complainant did not complain of pain at any point during the interaction. *People v. Glaser* (1995) 11 Cal.4th 354, 356, states that a police officer must be able to point to specific and articulable facts to justify the need for handcuff use during a detention. Here, records reveal that the named officer's suspicions of a felony were a direct result of mistakes he made during his investigation and cannot be attributed to the complainant. Therefore, the decision to handcuff the complainant was unjustified.

The evidence showed that the named officer became frustrated with the complainant for recording their interaction. The complainant posed no danger to himself or the officer.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was stopped and pulled over by officers without cause.

The named officer confirmed that he initiated the traffic stop because the complainant's vehicle did not have a rear license plate and had tinted windows. He stated that he could not see anything inside the vehicle because of the heavily tinted windows.

Body-worn camera (BWC) footage and Computer Aided Dispatch (CAD) documents show that the routine traffic stop became unreasonable due to the named officer's actions and the length of the stop. The

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officer made mistakes during the investigation that resulted in his heightened suspicion, a prolonged detention, and the complainant's handcuffing, resulting in a de facto arrest that violated applicable policy.

The BWC and CAD showed that the complainant gave the named officer his valid driver's license and the correct license plate, even moving the paper where the VIN was positioned in the car. However, the officer did not run the complainant's correct license plate and ran a VIN number he obtained from a paper that clearly did not belong to the vehicle. After receiving advice from another officer, the named officer eventually ran the correct license plate and VIN number that confirmed that the vehicle belonged to the complainant. Thereafter, the officer issued the complainant a citation for traffic violations.

Department General Order 5.03.02(F) states that a "de facto arrest" occurs when "an officer takes unreasonable or unnecessary actions during an investigative detention. An investigative detention becomes a de facto arrest when the officer uses safety restraints without officer safety justification, the use of force is beyond what is necessary to effect the detention, and the transportation of a detainee without valid consent."

*People v. Quiroga* (1993) 16 Cal.App.4th 961, 966 citing *Houston v. Hill* (1987) 482 U.S. 451, 462–463. Stated that "[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state."

The named officer initially conducted a valid traffic stop. This routine traffic stop turned into a de facto arrest because the officer made mistakes during his investigation that heightened his suspicion and led him to unreasonably prolong the detention and use unnecessary force.

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

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**SUMMARY OF ALLEGATION #4:** The officer failed to report the use of force.

**CATEGORY OF CONDUCT:      ND      FINDING:      IC(S)      DEPT. ACTION:**

**FINDINGS OF FACT:** The named officer did not report the force he used when employing the take-down technique on the complainant.

The named officer said the complainant went limp on him as soon as he got out of the car. He denied using any force or take-down technique on the complainant. Therefore, there was no force to report on.

Department records did not reveal any use of force logged or evaluated.

Medical Records showed that the complainant sustained a soft tissue injury to his left knee.

Body-worn camera footage shows that the officer opened complainant's car door and as complainant was getting out of the car, the named officer put his left hand on the complainant's wrist, his right hand on the back of the complainant's neck, and said, "Stay down." Then, the complainant went to the ground. The movements of the officer appear to be a take-down technique that requires the named officer to report the force to his superior.

DGO 5.01.07 Types of Force states that Type II force is reasonably likely to cause pain or injury; an example would be an officer who uses a take-down technique to gain control of an actively resisting subject.

DGO 5.01.03(E) Reportable Force reads, "Types II, III, and IV force are reportable."

The evidence shows that although the officer denied using any force or take-down technique, he applied them to the complainant. A take-down is categorized as a Type II force and is reportable.

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 #5:** The officer failed to write an incident report.

**CATEGORY OF CONDUCT:      ND      FINDING:      IC(S)      DEPT. ACTION:**

**FINDINGS OF FACT:** The DPA also found that the named officer did not write an incident report documenting the use of force and detention.

The named officer explained that since the complainant was ultimately released with a citation and there was no reportable use of force, that would have required him to write an incident report.

Department records indicate that no incident report was written for this incident.

Body-worn camera footage shows that the officer used a take-down technique on the complainant, which is a Type II reportable force.

DGO 5.01.09 Use of Force Reporting reads, "Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Descriptions shall be in clear, precise, and plain language and shall be as specific as possible."

The evidence proves that since a reportable use of force was used, the force should be documented in detail in an incident report.

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

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**SUMMARY OF ALLEGATION #6:** The officer failed to comply with the Department's Stop Data Collection requirement.

**CATEGORY OF CONDUCT:      ND      FINDING:      IC(S)      DEPT. ACTION:**

**FINDINGS OF FACT:** The DPA found that Stop Data was not entered at the end of the officer's shift during the investigation.

The named officer admitted that he did not enter the Stop Data following the stop because they were dispatched to multiple calls in different locations. He said he did not realize that he had failed to complete it until he received the complaint and completed it.

Department records show that the named officer failed to enter stop data at the end of the shift.

Body-worn camera footage shows that the stop was a self-initiated activity by the officer.

Department Bulletin (DB) 21-062 states that "members shall enter all stop data into SDCS prior to end of their shift, unless exigent circumstances prevent entry, in which case officers shall enter data by the end of their next shift.

The evidence proves that the named officer did not enter the Stop Data by the end of his shift, as required by the DB.

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

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**SUMMARY OF ALLEGATION #7:** The officer detained a person without reasonable suspicion.

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

**FINDINGS OF FACT:** The complainant stated that he was pulled over by officers without cause.

Another officer confirmed that he initiated the traffic stop because the complainant's vehicle did not have a rear license plate and had tinted windows. He stated that he could not see anything inside the vehicle because of the heavily tinted windows. The named officer confirmed that before pulling the vehicle over, the officer pointed to him that the vehicle did not have license plates and tinted windows, and he also observed the violations.

Department records indicate that the complainant's vehicle was stopped and was issued a citation for no plates attached to the vehicle and no proof of insurance and registration, which are California Vehicle Code violations.

Body-worn camera footage captured that when the complainant's vehicle was pulled over, it did not have a rear license plate, and the windows were heavily tinted, making it hard to see inside.

Department General Order (DGO) 5.03.02, Section D. Reasonable Suspicion to Detain states, "Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law."

The collected evidence proves that the named officer had articulable facts to support their reasonable suspicion to detain the complainant because of the violations of the vehicle codes.

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

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**SUMMARY OF ALLEGATION #8 & 9:** The officers knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT:      CUO      FINDING:      U      DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that he was pulled over because of his race.

Named officer #1 confirmed that he initiated the traffic stop because the complainant's vehicle did not have a rear license plate and had tinted windows. He stated that he did not see the driver's race before pulling it over because the windows were heavily tinted. He said race was not a factor in the stop. Officer #2 confirmed that he also observed the vehicle code violations and did not see the driver's race because of the tinted windows.

Department records indicate that the complainant's vehicle was stopped, and the complainant was issued a citation for no proof of insurance, no registration, and no plates, which are California Vehicle Code violations.

Body-worn camera footage captured that when the complainant's vehicle was pulled over, it did not have a rear license plate, and the windows were heavily tinted, which made it hard to see inside.

The collected evidence proves that the complainant was stopped because of a violation of vehicle codes.

The evidence proves that the conduct alleged did not occur.



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**SUMMARY OF ALLEGATION #10:** The officer behaved or spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that after the officer found that his license plates or VIN did not match up to the car, the officer told him, "Stop doing what you're doing, or I'll take you to jail" while he was trying to record the officer. After the complainant exited the car, the officer had him stand up and face the wall like a child.

The named officer stated that after finding out that the complainant's documents did not match up, he returned to the complainant's car. He said, "Remove that, please," to tell the complainant to remove the piece of paper covering the VIN on his car. He said the complainant later removed the paper. He then told the complainant, "Either you keep doing that, or I'm gonna pull you out of your car and put you in handcuffs." The officer denied telling the complainant to stop recording with his phone during the interaction. He said he did not remember ordering the complainant to face the wall, but it would have been a standard procedure to have a detainee turn and face a wall while handcuffed.

The witness officer did not hear any conversations between the complainant and the named officer.

Department records did not indicate any conversations between the parties.

Body-worn camera footage captured that the officer went and told the complainant, "Remove that, please," and explained that the documents did not match up. The complainant did not respond. The officer then said, "Either you keep doing that, or I'm gonna pull you out of your car and put you in handcuffs." The officer did not tell the complainant to stop recording during the interaction. He also did not order the complainant to face the wall while being handcuffed, but when the complainant walked to the sidewalk, he was already facing the wall.

The evidence proves that the officer did not tell the complainant to stop recording with his phone or to stand and face the wall, although the order the officer gave was unclear.

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

**SUMMARY OF ALLEGATION #11:** The officer engaged in unwarranted action.

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

**FINDINGS OF FACT:** The complainant stated that after interacting with the officers, he received a call from his wife saying that officers and a patrol car were outside their residence asking them about a stolen vehicle.

The named officer stated that because of the false information they received from the complainant, he made an emergency contact with Dispatch to send another unit to contact the vehicle's registered owner and see if they knew where their vehicle was. They confirmed that the vehicle belonged to the complainant and was not stolen.

Department records indicate that an emergency contact was made to Dispatch.

Body-worn camera footage captured that the named officer told Dispatch about making an emergency contact with the registered owner.

The evidence proves that the officer requested an emergency contact at the registered owner's residence to confirm that the vehicle was not stolen.

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

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**COMPLAINT DATE: 05/11/2023**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer refused to consider that their landlord had committed a crime by locking them out of the apartment. The named officer told the landlord and the tenant that their dispute was a civil matter and that both the tenant and the landlord would need to go to court to address the situation.

Records showed the complainant called 911 to report that his landlord changed the locks to his unit without notice. Body-worn camera footage showed that the complainant was not locked out. The landlord showed the officer an eviction notice that he had just served and explained that the complainant had not paid rent in months. The tenant said he was not paying rent because his unit was damaged and expressed worry that his landlord might lock him out. The officer told both parties that their dispute was a civil matter.

The officer correctly determined that no crime occurred.

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 take required action.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant, a security guard, was doing rounds when he heard loud noises and saw flashes. He stated the officers bypassed the security office, putting him in danger with their use of weapons. Also, officers did not provide him with information for his report after the incident.

Officer #1 stated that he was not required to notify the building security or management of their presence; but, he spoke to the building manager, who provided officers with access and a general layout of the building. The security guard was not notified of the arrest plan so the officers could maintain operation security. The officers did not plan on arresting the wanted individual with the security guard in the vicinity; however, their plan was compromised when the wanted individual's friend recognized the officers and alerted the wanted individual. He stated the SFPD's highest priority is the protection of human life, and their plan was not to attempt an arrest if innocent bystanders were affected by their actions.

Officer #2 confirmed there was no requirement to notify building security of their presence on the premises. He stated that an officer provided a report follow-up form with the case number and spoke to a security guard at the front desk of the building after the police report was completed.

Department records and body-worn cameras corroborated the officers' statements. The officers were involved in a high-risk arrest of a wanted individual. Officers could not wait for the complainant to finish his rounds before arresting the wanted individual because the wanted individual was alerted and subsequently fled the scene. The complainant was not harmed. An officer later provided security personnel with the incident report number.

The building manager confirmed that he granted officers access to the building for the operation, and an officer provided them with the incident report number for their security report.

The investigation determined that there are no rules or guidance that officers are required to notify building staff before servicing an arrest warrant. However, in this case officers provided limited information to the building manager. Although the complainant officer spokewith the information when he requested it, an officer did speak to the complainant's supervisor and provided information and a report number.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant believed the officers did not properly investigate an incident where his motorcycle was stolen. The officers did not attempt to review possible surveillance near where his property was taken.

Named Officer #1 stated that she and Officer #2 went to where the complainant's property was taken. Named Officer #1 and Officer #2 spoke to a security guard to see if any surveillance video was available. The employee told the officers that there wasn't any available footage because cameras were not pointed in the direction of where the property was taken. The cameras stopped short of the location. Officer #1 attempted to explain this to the complainant; however, the complainant did not believe her. The officers went to the police station to enter the stolen motorcycle in the system. As the officers inputted the motorcycle information, they received a call regarding a suspicious motorcycle left in a garage. The officers responded to the location and confirmed that the motorcycle was the complainant's stolen motorcycle. The officers then notified the complainant. The named officers stated no witnesses were available to be interviewed.

The named officers' body-worn camera footage captured the complainant's statement regarding his stolen motorcycle. A second body-worn camera then showed the complainant retrieving his motorcycle from a parking garage sometime later.

The San Francisco Police Department incident report showed that the named officers responded to the scene. The incident was reported several hours after the theft occurred. Named Officer #2 wrote the report within the next hour after it was reported, and it was noted that the motorcycle was already recovered.

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 officer failed to activate a body-worn camera as required.

**CATEGORY OF CONDUCT: ND**

**FINDING: IC/S**

**FINDINGS OF FACT:** DPA found that the named officers failed to activate their body-worn cameras in a timely manner as required during the investigation.

Department General Order 10.11 requires members equipped with body-worn cameras to activate them to record detentions, arrests, or encounters where the member suspects that a member of the public may have knowledge of criminal activity as a suspect, witness, or victim.

Furthermore, Department Bulletin 23-045 clarified members shall ensure the entire event is captured during all mandated recording circumstances by beginning the recording prior to approaching the person, vehicle, and location.

The named officers activated their body-worn cameras after arriving at the scene for the call of service and after an interview had begun with the complainant for this incident.

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 #5:** The officer failed to properly investigate.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The officer did not report the complainant's motorcycle as stolen into their computer system.

The named officer stated that she was inputting the stolen motorcycle into the stolen vehicle system when she received a phone call from a parking garage regarding a motorcycle that was left. The named officer and her partner went to the scene and confirmed that this was indeed the complainant's stolen motorcycle upon viewing the motorcycle. The officer then contacted the complainant to inform him that his property was located and could be retrieved.

The named officer's body-worn camera showed the complainant retrieving his motorcycle from a parking garage.

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



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

**CATEGORY OF CONDUCT: ND**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant called and requested to speak with a sergeant at a district station but was told to call the Burglary Unit.

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

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

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**COMPLAINT DATE: 06/15/2023**

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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 the victim called 9-1-1 due to a restraining order violation. Officers responded and detained the perpetrator but failed to confirm the Temporary Restraining Order (TRO) was served by the San Francisco Sheriff's Department and released the perpetrator, putting the victim in an unsafe position.

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

The body-worn camera (BWC) evidence is outcome-determinative regarding the allegation of failure to take the required action. The named officers conducted a thorough investigation, including the suspect's detention. The suspect was handcuffed and subsequently released after it was confirmed by officers that the restraining order had not been served on the suspect and that the court partially denied the order until a court could hear the matter. The BWC captures the court documents that the officers relied on. The named officers advised the victim that the TRO had not been served and that the court had denied it until the parties could appear in court. The BWC captures the named officers contacting a supervisor for guidance. The officers' actions were proper under the circumstances. The named officers had no basis to arrest the suspect for violating a restraining order he was not served with and did not receive proper legal notice.

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

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**COMPLAINT DATE: 06/28/2023**

**COMPLETION DATE: 02/18/2024**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said the officer threatened to break the complainant's other arm and used profanity. Attempts to interview the complainant to obtain further information to substantiate the allegations were not responded to.

The named officer stated that consideration was given to the complainant as it was evident that his arm was in a cast. The named officer only handcuffed the complainant's non-injured hand, leaving the complainant's alleged injured arm free - at significant risk to the named officer's safety until he was able to ensure that complainant did not have any weapons or contraband concealed on him. The named officer did not recall ever threatening the complainant.

The named officer stated that he was the primary and arresting officer for this complaint. The named officer did not recall ever telling the complainant to "shut the f—k up" or threatening to "break his other arm." The named officer stated that the complainant was treated with due courtesy, even during his initial contact with the complainant, when he ignored and did not obey the named officer's commands.

The named officer's body-worn camera footage, which began as the named officer arrived on scene, contradicted complainant's allegations. The named officer attempted to handcuff the complainant, and despite the complainant attempting to yell out to passerby that the officer was purposefully trying to break his arm, the footage did not show the officer exhibiting any aggressive actions towards the complainant.

The evidence proves that the conduct alleged did not occur.

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**SUMMARY OF ALLEGATION #2:** The officer failed to activate a body-worn camera as required.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant alleged that the officer's body-worn camera was not activated when he was threatened.

The named officer stated that his body-worn camera was in buffering mode before he arrived at the call for service and was activated during the entire incident.

The named officer's body-worn camera footage showed that the camera was activated before the officer arrived at the scene, throughout the incident, during the transport of the complainant to the district station (which included a pat search), and was turned off once the complainant was booked into the district station.

The complainant did not respond to attempts to interview/or provide more information regarding the complaint, and the evidence did not support the allegation.

The evidence proves that the alleged conduct did not occur.

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**COMPLAINT DATE: 06/29/2023**

**COMPLETION DATE: 02/01/2024**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant found out that her vehicle was recovered after it was reported stolen, but she only found out about that years later, despite allegedly calling SFPD's non-emergency line periodically for months to check to see whether her vehicle had been recovered. The complainant made this discovery through her request for the SFPD Supplemental Report. The complainant's contact had not changed since the vehicle was reported stolen.

The named officer stated that he makes it a practice to contact every registered owner of any stolen vehicle recovered to inform the owner that their stolen vehicle was recovered by calling the phone numbers that are listed on the Stolen Vehicle System (SVS) CLETS. If the registered owner does not answer their phone, he always leaves a message explaining the process/procedures required by SFPD on how to recover their stolen vehicle and what steps they need to take to retrieve their vehicle from Auto Return. He always indicates on the SFPD Vehicle Supplemental Report whether he could leave a message for the registered owner, if he could contact the registered owner, or if the stolen vehicle was released to the owner at the scene. He then faxes his Solen/Recovered Vehicle Report to Auto Statis. The named officer believed the complainant's voice message was full and, therefore, not accepting messages, or the listed phone number was incorrect.

Department records were reviewed for the complaint. The SFPD Incident Report showed the complainant's vehicle was stolen. The report listed February 19, 2020, as the date the vehicle was reported stolen, but that the theft occurred one or two days prior. Additionally, a San Francisco Police Department Vehicle Signature Card was signed by the complainant, which, in its most relevant part, stated that "I authorize any Police Officer to tow my vehicle when it is recovered, and I am unable to respond to the location within 20 minutes." SFPD Supplemental Report stated that the vehicle was recovered on September 29, 2020, and was towed because the named officer was unable to contact the reporting party.

Department General Order 9.06, II(B)(2) states that when a stolen vehicle is recovered, the Communications Division shall make an attempt to contact the person who reported the theft, regardless of the operability of the vehicle. The Communications Division will advise the reportee that he/she or an authorized representative must take custody of the vehicle at the recovery location within 20 minutes. If the person cannot respond or does not arrive within 20 minutes, the vehicle shall be towed.

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Given that the named officer stated that contact was attempted but may not have been received due to the complainant's voicemail possibly being full, the evidence fails to prove or disprove that the alleged misconduct occurred.

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**COMPLAINT DATE: 07/17/2023**

**COMPLETION DATE: 02/01/2024**

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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 was with her husband and two minor children at the San Francisco International Airport, waiting for their flight, when she encountered the named officers. The complainant said the officers told her she was not supposed to be with one of her children. The officers arrested her and booked her into jail. Department records show she was booked for violating a court-issued protective order. The complainant stated the case ended up being dismissed. The complainant believed that the arrest was unlawful because nothing prohibited her from being with her children. She said the officers missed the peaceful contact provision in the protective order.

Named Officer #1 stated that the Customs and Border Protection (CBP) agents routinely check passengers flying in and out of the country on their system. He said one of the federal agents at the scene told him that the complainant was traveling with one of her children, who was identified as the person protected by the protective order. A federal agent initially detained the complainant. Named officer #1 stated the protective order prohibited the complainant from being within one hundred yards of the protected person. Named officer #1 said they decided to arrest the complainant based on the information available to them at the time. He conducted a query and learned that the protective order had no terms or conditions for peaceful contact. Named officer #1 said Named Officer #2 contacted the local law enforcement agency of the county where the protective order was issued and obtained the same result about the lack of a peaceful contact provision.

Named Officer #2 stated that the federal agent told him it is the protocol of their office to call the local authorities when they encounter people who are wanted or have restraining order violations. The agent informed him they routinely check passengers who fly in or out of the country. Law enforcement databases returned information showing the complainant had violated a duly served protective order. The federal agent called for officers to arrest the complainant for violating the protective order. Named officer #2 stated he conducted a query on the complainant and confirmed the existence of the protective order and the identity of the protected person. He also contacted the local law enforcement agency of the county where the protective order was issued and was told that they had the same information on their system and that no peaceful contact provision was indicated. Named officer #2 said that based on the information gathered, he arrested the complainant for violating the protective order.

DPA obtained a copy of the incident report related to this incident. The incident report supported the officers' contentions. It documented how and why the federal agent detained the complainant. It showed that the named officers exerted efforts to verify the existence and status of the protective order and

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whether it allowed the complainant to have peaceful contact with the protected person. Their investigation did not reveal that the protective order had a peaceful contact provision.

The complainant submitted a copy of the protective order. The protective order, issued in a pending criminal case, prohibited contact with one of her children. The issuing judge checked the box for “peaceful contact” between the complainant and the protected person, but only in limited situations, such as the safe exchange of children and court-ordered visits. It included no *general* “peaceful contact” clause. The named officers acted upon information from and at the direction of a federal agent and at least two separate database checks. If the “peaceful contact” clause was omitted from CLETS or any other database, that fault lies with the agency responsible for the data entry. Here, that would not be the SFPD, as the order was issued in another county.

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

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1**

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

The Clerk of Court  
Placer County Superior Court  
10820 Justice Center Drive  
Roseville, CA 95678  
(916) 408-6000

US Customs and Border Protection  
555 Battery Street  
San Francisco, 94111



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**COMPLAINT DATE: 07/18/2023**

**COMPLETION DATE: 02/05/2024**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant stated that she was had a neighbor dispute that resulted in damage being done to her car. The complainant stated that when she spoke to the named officer over the phone about her case, his demeanor was negative, and he did not want to listen to what she had to say.

The named officer denied the allegation and stated he was professional during their contact.

DPA was unable to locate any additional evidence to prove or disprove the complainant's or the named officer's accounts of the telephone conversation as the conversation was not recorded.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant said the named officer failed to return her calls in a timely manner.

The named officer reviewed the case and interviewed the complainant, but her complaint was not assigned for follow up under Department guidelines. The named officer did not have any recollection of receiving any further messages or requests from the complainant.

While DPA encourages officers to return phone calls, the Department has no policies or procedures requiring officers to return all messages.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The officer failed to investigate the complainant's assault at a store. At the time of the interview, no officer had been assigned, nor had they reviewed the video potentially captured from the store's surveillance.

Before the named officer's assignment to the case, another officer obtained the surveillance video of the incident. The named officer spoke with a store employee who provided the statements from the security guards involved. The named officer reviewed the surveillance video and determined there was insufficient probable cause to make an arrest. The named officer also attempted to obtain the roster of the employees to interview the guards but was unsuccessful.

DPA reviewed department records, including the SFPD Incident Report and The SFPD Chronological of Investigation report. The named officer received detailed written statements from the security guards detailing their interaction with the complainant. The named officer interviewed the complainant and explained that based on what was viewed from the surveillance footage, it appeared that the complainant started the argument with the security guards by being hostile and pointing his finger in the face of one of the security guards. This resulted in the argument turning physical. The named officer told the complainant that a definitive battery charge would be hard to prove beyond a reasonable doubt.

Department General Order 6.02.04 (H) states in the relevant part that at non-major crime scenes, when specialized units are not required, the responsibility for proper collection of physical evidence rests with the responding officers present. The complainant filed a report at a local precinct six days after the incident occurred. Therefore, a response to the scene to immediately collect evidence could not be made.

Requests were made to the store to obtain and/or review their surveillance video and speak with store employees who may have witnessed the incident. These requests were not responded to.

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

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**COMPLETION DATE: 02/05/2024**

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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 said the incident was not adequately investigated due to the complainant's race. He believes that because he is Black and the security officers are Asian, the officers are not investigating the battery that was committed against him.

The named officer stated that race did not play a factor in the investigation. The named officer obtained evidence, reviewed it as it was presented, and determined that there was not enough probable cause to proceed with making an arrest. As it stands, the investigation is currently open/inactive.

DGO 5.17 regarding bias-free policing establishes the San Francisco Police Department's commitment to just, transparent, and bias-free policing and reinforces existing policies and procedures that assure the public that the SFPD is providing services and enforcing laws equitably. It also clarifies the limited circumstances in which members can consider race, color, ethnicity, national origin, religion, age, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status when making law enforcement decisions. Furthermore DGO. 5.17 Section 3 (A) (4) states that members should use their critical decision-making skills drawing upon their training to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members should be cognizant of racial and identify profiling, implicit bias, and bias by proxy.

The evidence proves that the conduct alleged did not occur.

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**SUMMARY OF ALLEGATION #3:** The officer failed to provide his or her name or star number.

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant stated that the named officer failed to identify herself.

The named officer stated she contacted the complainant to interview him. The named officer did not recall if the complainant asked to identify herself. If he did, she would have.

Given that calls to civilians are not recorded, the DPA cannot verify whether or not the complainant asked for the officer to identify herself, or if asked, the officer declined to provide her information.

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

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**SUMMARY OF ALLEGATIONS #1-3:** The officers displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated in an online complaint that officers were in the area to intimidate Black children and all Black people, as the officers did not belong there. The complainant believed the officers were in the area to target Black children getting on the bus. The complainant questioned why the officers were on the scene and stated that there are fraudulent calls against Black people in San Francisco when they are in communities that are predominately white. The complainant provided an SFPD vehicle number for the complaint. DPA tried to interview complainant to obtain more details about the incident, but the complainant did not respond to DPA's request for an interview.

Based on the time, location, and description of the incident in the complainant's online complaint, DPA identified an incident that matched the description provided by the complainant. Department records showed a record of a 9-1-1 call reporting an outdoor fire that a person started on a golf course. The named officers responded to the scene to assist firefighters. Given that no identifiable crime occurred, there was no SFPD incident report written or body-worn camera associated with this incident.

The named officers stated they responded to a call for service regarding a fire. The named officers spoke to a San Francisco Fire Department firefighter who said a fire had since been extinguished. The named officers responded as backup to assist and left after speaking with the firefighter about another call for service. The named officers had no contact with other individuals in the area- including the complainant.

Given that the named officers responded to a call for service in the area in which the complainant determined that they had no right to be, as well as no further information provided to substantiate the allegations raised in the complaint, the evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

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**COMPLAINT DATE: 08/02/2023**

**COMPLETION DATE: 02/05/2024**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers made an arrest without cause.

**CATEGORY OF CONDUCT:** UA

**FINDING:** PC

**FINDINGS OF FACT:** The complainant stated that the named officers arrested him for vandalism without cause.

The named officers stated that they arrested the complainant for violating California Penal Code §594 after observing the complainant repeatedly hit a tree with a metal pole, causing visible damage to the tree.

Department records indicated that the named officers arrested and booked the complainant for felony vandalism (California Penal Code §594(b)(1)), and that the custodian of the tree submitted a receipt showing that the replacement cost of the damaged tree was \$1,448.

Body-worn camera (BWC) footage showed the complainant hitting the tree with a long pole in the named officers' presence, causing visible damage to the tree. BWC footage showed that the custodian of the tree told the named officers that the value of the tree was over \$1,000. BWC footage showed that the named supervisor then instructed the named officers to arrest the complainant for vandalism.

California Penal Code §594(a) states that “[e]very person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism: (1) Defaces with graffiti or other inscribed material; (2) Damages; (3) Destroys.” California Penal Code §594(b)(1) classifies the crime as a felony “[i]f the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more.”

The evidence shows that the named officers had probable cause to arrest the complainant for felony vandalism.

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

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

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officers used excessive force on him.

The named officers stated that when they attempted to place the complainant under arrest, the complainant failed to comply with lawful orders and fled from the named officers on foot. When they caught up to the complainant, the complainant took an aggressive stance with clenched fists. The named officers stated that when they grabbed the complainant's arms, the complainant physically resisted by tensing his body. They brought the complainant down to the ground so they could place him in handcuffs. The complainant continued resisting by tensing his body and flailing his legs, kicking one of the named officers in the face before the named officers placed him in handcuffs. The named officers stated that they used the least amount of force to accomplish their lawful purpose.

Witness officers stated that they observed the named officers take the complainant to the ground after the complainant failed to comply with lawful commands, fled from officers, and actively resisted by tensing his body. Witness officers stated that they did not observe the named officers use any excessive or unnecessary force on the complainant.

Department records indicated that the named officers reported their uses of force to a supervisor on scene and documented their uses of force in an incident report and use of force log. Department records indicated that a supervisor conducted a use of force evaluation and determined that the named officers' use of force was within policy.

Body-worn camera (BWC) footage showed that the complainant yelled at the named officers to get away from him as they approached him and ordered him to stop. The complainant began running from the named officers, and the named officers pursued him. The complainant stopped in the entryway to a building and turned toward the named officers as they caught up to him. The named officers grabbed onto the complainant's arms, and the complainant appeared to push his body weight backward as the named officers pulled him out of the entryway by his arms. The complainant continued to physically struggle with the named officers as they pulled him out of the entryway and brought him down to his stomach on the sidewalk. The named officers ordered the complainant to put his hands behind his back, and the complainant yelled, "No!" The complainant appeared to pull his arms away from the officers and tucked them under his body. The complainant kicked his legs as the named officers attempted to control him. The

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named officers placed the complainant in handcuffs, sat him up, and called for an ambulance. BWC footage showed that the complainant refused all medical attention.

Department General Order 5.01, Use of Force, allows officers to use reasonable force to effect a lawful arrest, to overcome resistance or to prevent escape, and to gain compliance with a lawful order. Physical control holds and takedowns are authorized to gain compliance of and/or gain control over uncooperative or resistant subjects when necessary.

The named officers had probable cause to arrest the complainant for vandalism. The complainant actively resisted when he failed to comply with lawful orders, fled on foot, and physically struggled with the named officers when they attempted to handcuff him. The evidence shows that the named officers used reasonable, minimal force to overcome the complainant's resistance and place him under arrest.

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

**SUMMARY OF ALLEGATIONS #6-7:** The officers behaved or spoke inappropriately.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officers harassed and insulted him on the way to jail.

Body-worn camera (BWC) footage showed that the named officers transported the complainant to jail. BWC footage showed that the named officers did not say anything to the complainant during transport.

The evidence proves that the alleged conduct did not occur.



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**COMPLAINT DATE: 08/03/2023**

**COMPLETION DATE: 02/05/2024**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers made an arrest without cause.

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant was at the San Francisco International Airport when officers arrested her. The complainant said she lost her travel documents, and the officers put her in jail. She believed that the arrest was unlawful.

Named officer #1 stated that they received a call for service regarding a well-being check. Upon arrival at the scene, the reporting party identified the complainant to the named officers. Named officer #1 recognized the complainant from a prior contact where she had placed her on a mental health detention. Named officer #1 said the complainant made statements at the scene that the government was stealing from her and was using her for trafficking. She recalled the complainant asking for help to get her out of the country. Named officer #1 said the complainant did not have a passport or a boarding pass for a flight. Named officer #1 said the Airport Duty Manager asked the complainant several times to leave. Named officer #1 said she offered the complainant a courtesy BART ticket and that they gave her multiple warnings, but the complainant refused to leave and demanded to be arrested.

Named officer #2 said he recognized the complainant from a prior contact, where he had admonished her for trespassing. Named officer #2 said he took photos of the complainant, placed her property in the Department's airport substation, and provided her with a property receipt. He said he put the complainant in handcuffs after she refused to leave, and that the Airport Duty Manager signed the citizen's arrest form against her.

Named officer #3 stated that he questioned the complainant and determined that she was not the victim of a crime and was violating the airport's trespassing rules. Named officer #3 said he accepted a citizen's arrest form from the Airport Duty Manager against the complainant.

DPA obtained a copy of the incident report. The incident report documented that the complainant was arrested for trespassing. The report stated that she did not have travel documents and was a known trespasser to the named officers. The report further stated that the Airport Duty Manager signed a citizen's arrest form, and the named officers booked the complainant at county jail.

DPA also obtained a copy of the airport surveillance camera footage of the incident. The airport surveillance camera footage of the incident showed the named officers contacting the complainant and detaining her afterward in handcuffs. The named officers searched her pockets and had her seated in a

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nearby chair. The named officers then inventoried her belongings, put them on a cart, and escorted her out of the airport.

The evidence showed that the named officers had probable cause to place the complainant under arrest for trespassing and a signed citizen's arrest.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant went to a store to shop when a security guard contacted her and told her to get off her bicycle if she wanted to enter the store. The complainant refused, resulting in a verbal dispute between her and the security guard. The security guard told her to leave. When she refused, the security guard approached an officer inside a police vehicle parked near the store and asked for assistance. The complainant said the officer told her to leave because she could no longer enter the store. The complainant believed the officer behaved inappropriately by siding with the security guard who harassed her.

DPA was unable to identify the officer in question through research of Department records. Additionally, DPA sent an ID Poll to two district stations. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify the officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

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**COMPLAINT DATE: 08/15/2023**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant believed the named officer was harassing him. The complainant stated that the officer showed up at his residence for a welfare check and wanted to arrest the complainant. The complainant stated that his relative calls the police multiple times per week and the named officer frequently responds to the calls for service.

The Department of Emergency Management records confirmed numerous calls for service to the complainant's residence for well-being checks and fights. The named officer was dispatched to some of those calls for service. Records further showed that the complainant's relative called the police for a checkup on the well-being of another relative. The officer contacted the complainant's relative and determined that he was safe.

The officer's body-worn camera (BWC) footage disproved the complainant's allegation of harassment. The BWC showed that the officer contacted the complainant's relative, who advised that he did not require police assistance. The officer acknowledged that no law enforcement action was needed, and he advised dispatch that the call was handled. At no time did the officer request or attempt to contact the complainant. Before the officer left the scene, the complainant accused the officer of harassing him. The officer advised the complainant that no one was arrested. The complainant initiated all contact with the officer.

Department General Orders 1.03, Duties of Patrol Officer, mandates officers to respond promptly to assigned calls, regardless of the area of assignment and that it is considered negligence if they fail to discover serious crimes committed in their area which could have been discovered through the exercise of reasonable diligence.

While the complainant perceived the officer's actions as harassment, the DPA's investigation determined the officer never attempted to speak to the complainant. The officer merely responded to a call for service in his area and ensured the complainant's relative was safe.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that officers did not properly investigate this incident before removing her from the vehicle.

Department records showed that the named officers responded to a call for service about a stolen vehicle. The named officers' body-worn cameras were also reviewed for the complaint. Named Officer #1, Officer #2, and Officer #3 met with the reported caller and owner of the reported stolen vehicle. The reported owner of the vehicle stated that no one had permission to use his vehicle, which was reported stolen from a different county. The named officers repeatedly stated to the complainant that she needed to exit the vehicle as it was reported stolen. The complainant refused to comply with their orders. This resulted in the officers removing the complainant from the vehicle. Officer #2 accepted a Citizen's Arrest from the vehicle's registered owner. The complainant was then provided with a citation for the incident.

The DPA additionally requested and reviewed the out-of-county police report. The report was filed a week before the complainant was detained. In the report, the reported vehicle owner stated that an unknown suspect took the vehicle without his knowledge or consent.

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

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

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated the handcuffs hurt.

Department records were reviewed for the complaint. In the call for service, the complainant was noted as being very uncooperative as officers attempted to get her to leave the vehicle. The body-worn cameras from the responding officers, which included the named officers, showed that multiple commands were given for the complainant to vacate the vehicle, to which the complainant declined and instead requested the officers speak to her while she stayed in the vehicle. Officer #1 and Officer #2 both extracted the complainant by guiding her out by her arms, and despite her resistance, they subsequently placed her in handcuffs. The complainant expressed pain from the handcuffs. Officer #2 informed the complainant that she would adjust the handcuffs, but she needed to stop moving away from the officer. Officer #2 continued to hold the complainant's arm as she refused to de-escalate. The handcuffs were loosened upon the arrival of paramedics to allow the complainant to receive medical attention for a self-reported panic attack. The complainant continued to express that she was having a panic attack due to the anxiety caused by being handcuffed.

Department General Order 5.01, Use of Force, allows officers to use reasonable force options to detain a person. Officers may use control holds, takedowns, and techniques to direct movement in response to active resistance.

The complainant actively resisted officer orders during the detention through physically evasive movements while being handcuffed. The DPA understands that the complainant perceived the officer's actions as unnecessary or excessive. However, it was proportionate to the complainant's resistance level.

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

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**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to Mirandize.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant's rights were not read to her.

The named officer's body-worn camera was reviewed for the complaint. Officer #2 attempted to *Mirandize* the complainant; however, she declined and requested a lawyer. Officer #2 did not attempt to speak with the complainant any further. Officer #1 was present when this occurred.

DPA understands that there is a common misconception that everyone must be given *Miranda* warnings immediately upon arrest. However, *Miranda* warnings are only required when officers wish to interrogate a person in police custody, otherwise known as "custodial interrogation." The complainant was not questioned and was, instead, cited and released.

The evidence does not reflect that the named officer interrogated the complainant while she was detained. Thus, *Miranda* warnings were not required.

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

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**SUMMARY OF ALLEGATION #8:** The officer behaved or spoke inappropriately.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant recorded the exchange when she dropped her phone. The officer then kicked the phone.

Department records were reviewed, including the named officer's body-worn camera. The named officer's body-worn camera footage showed that the complainant dropped her phone upon being removed from the vehicle. The named officer's interaction with the complainant was additionally viewed on other responding officers' body-worn cameras, which further showed that the named officer nor any other officer kicked the complainant's phone when it fell from her person.

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



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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant alleged that the officer failed to properly investigate complainant's car accident. The named officer did not speak to the complainant until after speaking with the other involved parties. When the named officer did speak with the complainant, he appeared to have already taken a position and was not interested in what the complainant had to say. The named officer told the complainant he was "just checking the boxes."

The named officer said another officer took the complainant's statement at the collision scene. He said the CHP 555 Traffic Collision Report has several sections requiring an officer to gather information from a driver. These include whether they were wearing a seatbelt, drinking, or using a cell phone. The responses are recorded by checking a box on the report.

Department records were requested for this complaint, including the incident report and the body-worn camera footage of the responding officers. The named officer and several other officers responded to the call for service for this incident. Upon arriving at the scene, the named officer approached a superior officer, who informed the officer that no one had reported any injuries. The named officer was also informed that another officer was getting a statement from the complainant.

The named officer followed up with all involved parties regarding any injuries and collected their information. One of the parties involved in the accident was the closest to the named officer. The driver of that vehicle noted that the complainant pulled out of the parking lot quickly and collided with another vehicle. The named officer then approached the complainant, who was already providing a statement to another officer, and then proceeded to speak with another involved party as another officer had not taken their statement or information. The driver also stated that the complainant's vehicle was quickly exiting the parking lot when it "jumped out into the street," which caused the driver to slam on the brakes and collide with a separate vehicle.

The named officer returned to the complainant. The officer who she was speaking to provided the named officer with the complainant's statement. The officer told the complainant that the other two parties were maintaining the same speed despite the complainant's assertion that one of the drivers was indeed driving at a high rate of speed. The named officer asked how fast the complainant believed the vehicle(s) were going. When the complainant responded that she didn't know, the named officer asked the officer helping

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the complainant if he was staying with her to retrieve her information. At the conclusion of the named officer's interactions with the complainant, she was asked if she had been wearing her seatbelt, drinking, or on her phone as it is required to ask, "We have a check box and have to ask."

It should be noted that all of the other involved parties were asked the same questions after their interaction with the named officer for the CHP 555 Traffic Collision Report.

The evidence shows that the named officer did speak to some of the other parties before speaking to the complainant. However, that is not improper conduct. The named officer did mention checking boxes, but this accurately described the process of completing the required Traffic Collision Report.

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

**SUMMARY OF ALLEGATION #2:** The officer knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said the named officer exhibited extreme bias in this incident, treated the complainant terribly at the scene, and dismissed the complainant by not asking if the complainant was okay but checking in on the wellbeing of the other drivers.

The named officer stated that no bias was shown to the complainant. Additionally, another party of the same gender was involved in the incident, and their treatment was not different on the scene.

Body-worn camera footage showed the named officers speaking to all involved parties. From the footage, the named officer spent the least time speaking to the complainant, as she was already being assisted by another officer who had arrived on the scene before the named officer. The named officer asked the involved parties the same questions to complete the California Highway Patrol 555 Traffic Collision Report. The named officer informed the complainant that the other parties stated that she was exiting the parking lot at a high speed, which precipitated the cause of the accident. The complainant stated that another driver was at fault due to their driving speed and being in a HOV lane. The complainant was then

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informed that a single occupied vehicle may utilize the lane if they were in the process of making a right turn. The complainant asked if this driver was making a right turn, to which the named officer responded, "... Ma'am." The complainant then stated that she would be quiet.

There is no evidence the named officers knowingly engaged in biased policing.

The evidence proves that the conduct alleged did not occur.

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The named officer asked the complainant if she had been drinking that morning or was on her phone at the time of the accident. The complainant replied, "Absolutely not," to both questions. The complainant said the named officer responded that he was "just checking the boxes" while sighing and rolling his eyes at her. He then walked away and told the complainant that she could review the police report for his findings. The complainant alleged the named officer did not inquire about her wellbeing.

The named officer stated that he gathered information from all involved parties as required to complete the California Highway Patrol 555 Traffic Collision Report, which included inquiries about the parties wearing a seat belt, whether they had been drinking, and whether they were using their cell phone. The named officer could not recall sighing or rolling his eyes at the complainant.

The named officer's body-worn camera showed that the officer asked the remaining parties the same questions. Upon arriving at the scene, a superior officer told the named officer that none of the parties involved had reported any injuries. Another responding officer was present with the complainant to assess for injury and obtain her information. This information was then presented to the named officer, who, at the conclusion of his body-worn camera footage, asked the complainant if she had any further questions and inquired about her injury, given that some time had passed.

At no point in the footage is the named officer seen to roll his eyes or heard sighing. At no point in the footage does the complainant comment that the named officer had rolled his eyes.

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Department General Order 9.02.02.II(C)(1) states that it is the policy of the San Francisco Police Department for its members to follow the California Highway Patrol's Crash Investigation Manual ("CIM") format to complete the Traffic Crash Report forms, diagrams, and narrative to provide a complete, accurate, and standardized report.

The evidence showed that the officer did ask the questions as described by the complainant. However, the officer was required to ask those questions to complete the Traffic Collision Report. There is no supporting evidence of the sighing or eye-rolling behavior.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant reviewed the incident report the named officer wrote. The named officer believed the speed limit on the street where the accident occurred was 35 mph when it is, in fact, 25 mph.

The named officer said he believed the speed limit was 35 mph because it was a major thoroughfare. The named officer attempted to use the internet to gather information regarding the speed limit and went to [data.sfgov.org/transportation/map-of-speed-limits](https://data.sfgov.org/transportation/map-of-speed-limits) and could not locate the speed limit. The officer noted that since receiving this complaint, he has discovered that the speed limit is posted at 25 mph.

More importantly, DPA reviewed the incident report, which specifically states that all times, speeds, and measurements are approximations.

The officer admitted that the speed limit recorded on the report was incorrect, although he believed it was correct when he wrote it. There is no other evidence to support or refute the officer's account. However, the report clearly states that all times, speeds, and measurements are approximations.

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The mistake does not rise to the level of misconduct. Furthermore, the evidence fails to prove or disprove that the alleged conduct would have resulted in a different outcome for the incident due to the other involved parties stating that the complainant was at fault for the accident.

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant was taking her two minor children out of her vehicle at the loading/unloading zone of the San Francisco International Airport departure area when a male officer with a dog contacted her. The complainant said the officer screamed at her to hurry up and move the car. The officer's dog was also barking and was about to jump on her. The complainant said the officer's aggressive behavior caused her to fall, injuring her leg. She said the officer took pictures of her car and said he would report her. When the complainant said she would report the officer as well, the officer said, "Go ahead. Don't tell me that you fell because of me."

DPA obtained surveillance camera footage from the day of the incident. The hour-long airport surveillance video showed no officer with a dog approaching any civilian at the loading/unloading zone.

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

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**SUMMARY OF ALLEGATION #1:** The officer compromised an official investigation.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officer "hand-picked" an investigator to investigate another officer she knew had a prior working relationship as partners, creating a conflict of interest, thus covering up and compromising the investigation.

The named officer stated she assigned an investigator to investigate another officer and was unaware whether the assigned investigator and the officer subject to the investigation had a prior working relationship as partners. She stated the assigned investigator was likely assigned because she was the on-call investigator at the time and categorically denied "hand-picking" the investigator. She also stated she did not attempt to cover up the internal investigation or destroy evidence.

The assigned investigator denied having a prior working relationship with the officer subject to the investigation.

The officer subject to the investigation denied having a prior working relationship with the assigned investigator.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part, "If a member is assigned to an investigation in which the member knows or suspects, or should reasonably know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the member's immediate supervisor."

The Department of Police Accountability could not discover any evidence that the investigating officer and the officer subject to the investigation had a prior working relationship or a conflict of interest. The anonymous complainant did not wish to be contacted, nor did they provide any evidence supporting their allegations.

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

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**SUMMARY OF ALLEGATION #2:** The officer compromised an official investigation.

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that an officer destroyed evidence to cover up another officer's misconduct.

Witness officers were unable to identify an officer who had allegedly destroyed evidence.

The Department of Police Accountability was unable to identify the officer due to the lack of information provided by the anonymous complainant. No findings are made if the officer cannot reasonably be identified, or the officer has left the Department and is, therefore, no longer subject to discipline.

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer took over a week to retrieve surveillance footage regarding an investigation into officer misconduct.

The named officer stated there was a slight delay in collecting video surveillance footage because the owner of the business was unavailable. She stated that once the owner became available, she collected surveillance footage in a timely manner.

Department records show that the named officer collected surveillance footage promptly, which did not compromise the investigation of another officer.

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 compromised an official investigation.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officer attempted to cover up an investigation by agreeing to make the investigation confidential.

The named officer stated he did not make the investigation confidential. He stated he conducted a thorough interview of the reporting parties to determine misconduct allegations. In addition, he stated that he reported the incident to the Night Captain.

Department records indicate that the named officer responded to a report of officer misconduct.

Body-worn camera footage showed the named officer conducting a thorough and prolonged interview with the two men reporting officer misconduct. In addition, the footage showed the named officer providing the Night Captain with a detailed summary of the reported incident.

Moreover, state law mandates that all investigations of police misconduct are deemed confidential with narrow exceptions that apply only after the investigation has concluded.

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

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**SUMMARY OF ALLEGATION #5:** The officer compromised an official investigation.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officer deemed an investigation confidential to cover up an investigation of another officer.

The named officer stated he responded to a call for service regarding officer misconduct. He stated he spoke with the on-scene sergeant and the two men reporting the misconduct. He notified Command Staff and Internal Affairs through a Department Memorandum. He stated the investigation was deemed confidential to maintain the integrity of the investigation due to the nature of the allegations.

Department records indicate that the named officer sent a memo regarding the incident to Internal Affairs and Command Staff.

Body-worn camera footage showed the named officer interviewing the reporting parties and discussing the incident with officers on the scene. The reporting parties indicated that the officer at issue was off duty.

Department General Order 2.04 (Complaints Against Officers) states in the relevant part that a complaint regarding misconduct of an off-duty officer "shall be written on an SFPD Memorandum form and forwarded through the chain of command to IAD."

The named officer acted in accordance with Department Policy. Moreover, state law mandates that all investigations of police misconduct are deemed confidential with narrow exceptions that apply only after the investigation has concluded.

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

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**SUMMARY OF ALLEGATION #1:** The officer used profanity.

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that an officer used profanity toward them.

Department records were requested and reviewed for the complaint. A search for calls for services pertaining to the location provided showed that only one incident occurred during the timeframe provided by the complainant. This call was reported as a misdial. Therefore, no officers were dispatched. The patrol car number provided identified the district station to which the vehicle was assigned. An ID poll was then requested. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers who were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

No witnesses were identified at the time of the incident, and requests to the complainant to provide further information were not responded to.

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

**SUMMARY OF ALLEGATION #2:** The officer behaved or spoke in a manner unbecoming an officer.

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that an officer used homophobic expletives towards them.

Department records were requested and reviewed for the complaint. A search for calls for services pertaining to the location provided showed that only one incident occurred during the timeframe provided by the complainant. This call was reported as a misdial; therefore, no officers were dispatched. The patrol car number provided identified the district station to which the vehicle was assigned. An ID poll was then requested. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers who were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

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No witnesses were identified at the time of the incident, and requests to the complainant to provide further information were not responded to.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that officers were contacted by another resident in his building to threaten and harass him.

Department records were obtained to review the calls for service to the complainant's address by the person the complainant believed made them. The investigation included reviewing the calls for service several months back from the date of the complaint. This search found that there were calls to the residence where the complainant resided; however, the nature of the calls did not pertain to the complainant. The caller requested assistance from law enforcement regarding another resident due to ongoing issues between the two parties. No call for service was made to the residence on the date in question when the complainant raised an issue with law enforcement being contacted.

Multiple attempts were made to the caller that the complainant referenced; however, these calls were not answered or returned.

Given that no law enforcement was requested on the date on which the complainant provided, additionally, no law enforcement was requested in response to the complainant by the caller, the evidence proves that the alleged conduct did not occur or that the accused officer was not involved.

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

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant reported an incident involving her neighbor. The complainant had video footage she wanted to show the officer, but the officer did not want to review the video footage. The officer told the complainant to call the police next time this happens. The complainant felt like the officer was not helpful.

The named officer, who was assigned as the Station Keeper, could not remember the alleged interaction.

No witnesses were identified.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant requested DPA look at the body-worn cameras (BWC) pertaining to a specific incident. The complainant did not provide any additional information regarding what her complaint was about. DPA's attempts to contact the complainant were unsuccessful.

DPA obtained all the officers' body-worn camera (BWC) footage of the incident. All the BWC footage was thoroughly reviewed. DPA was unable to identify any misconduct by the officers on scene.

The complainant did not provide additional requested evidence.

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

**CATEGORY OF CONDUCT: UA**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant submitted a complaint to DPA in which she advised to check body-worn cameras from a specific date. The complainant did not provide any additional information about the specifics of her complaint. DPA's attempts to contact the complainant were unsuccessful. The complainant did not provide details of the event or articulate any allegation(s).

Department records showed that the complainant was involved in an incident on the date in question. DPA obtained all body-worn camera (BWC) footage of the incident. All the BWC footage was thoroughly reviewed. DPA was unable to identify any misconduct by the officers that arrived on scene.

The complainant is unclear about the complaint. Specifically, who her complaint is about and what the issue was during her contact with the police.

The complainant did not provide the additional requested evidence.



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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated she called the police because she believed her immediate neighbor intentionally poured gasoline into his house, putting her family in danger as the fumes seeped into her home. She stated the named officers responded to the scene and did not conduct a proper investigation.

The named officers stated that they responded to a call for service regarding an ongoing neighbor dispute regarding the smell of gasoline. They stated that before their arrival, the fire department responded to investigate the smell of gasoline, which they deemed safe. The named officers stated that they met with the complainant and her partner, who directed them to the area in their house where the odor of gasoline was detected. The named officers stated they smelled gasoline. However, they did not observe any obvious signs of a gasoline leak or spill and could not locate the origin of the smell. The named officers then went to the neighbor's house in an attempt to speak with him regarding the gasoline. The neighbor stated he did not want to speak to them and abruptly left in his vehicle. The named officers stated they spoke with the neighbor's elderly mother, who also resided in the home, and she said that her son accidentally spilled the gas.

Department records indicate that the named officers responded to the complainant's home regarding the smell of gasoline caused by the complainant's neighbor. Before the officers' arrival, the fire department cleared the complainant's home, which was deemed safe.

Body-worn camera (BWC) footage showed the named officers speaking with the complainant, who informed them of their ongoing dispute with their neighbor regarding the destruction of their property. The named officers entered the complainant's home to investigate the gasoline smell. BWC footage showed no signs of gasoline spillage in the home, but the named officers confirmed smelling the odor. The complainant informed the named officers that she spoke with the neighbor's elderly mother, with whom he resides. The complainant stated the elderly mother informed her that her son had a small gas spill in their house. The complainant told the named officers that she believed the spill was intentional. The complainant's partner suggested that the neighbor should be placed on a mental health hold. The complainant became frustrated and told the named officers that the least they could do would be a wellness check on the neighbor's elderly parents. The named officers went next door and attempted to speak with the neighbor. The neighbor was adamant he did not want to speak with the officers and abruptly left in his vehicle. The named officers spoke with his elderly mother, who stated she did not

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know if her son was intentionally pouring gas inside her home. She allowed the named officers inside her home, but they did not observe any signs of gasoline spills, just the odor.

The named officers took appropriate investigative steps by interviewing the complainant and witnesses, attempting to interview the suspect, and inspecting the scene.

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

**SUMMARY OF ALLEGATIONS #3-4:** The named officers failed to make an arrest.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officers failed to arrest her neighbor for intentionally pouring gasoline inside his home, putting her family in danger as the fumes seeped into her house. In the alternative, the complainant stated that her neighbor should be placed on a mental health hold.

The named officers stated they did not arrest or detain the neighbor because they lacked reasonable suspicion that he was involved in a crime. They stated there was no evidence that he intentionally spilled gasoline inside his home, and therefore, they could not establish a crime occurred. In addition, the named officers stated the neighbor's behavior did not meet the criteria to place him in mental health detention. They stated they attempted to speak with the neighbor. However, he refused and left in his vehicle. They stated a request to conduct a well-being check is not an element of detention and would not justify detaining the neighbor. The named officers stated that based on the witness statements, the neighbor did not immediately appear to be someone who needed mental health detention, which is the reason why the neighbor was not detained.

Department records indicate that the named officers responded to the complainant's home regarding the smell of gasoline caused by the complainant's neighbor. Before the officers' arrival, the fire department cleared the complainant's home, which was deemed safe.

Body-worn camera (BWC) footage showed the named officers speaking with the complainant, who informed them of their ongoing dispute with their neighbor regarding the destruction of their property.

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The named officers entered the complainant's home to investigate the gasoline smell. BWC footage showed no apparent signs of gasoline spillage in the home, but the named officers confirmed smelling the odor. The complainant informed the named officers that she spoke with the neighbor's elderly mother, with whom he resides. The complainant stated the elderly mother informed her that her son had a small gas spill in their house. The complainant told the named officers that she believed the spill was intentional. The complainant's partner suggested that the neighbor should be placed on a mental health hold. The complainant became frustrated and told the named officers that the least they could do would be a wellness check on the neighbor's elderly parents. The named officers went next door and attempted to speak with the neighbor. The neighbor was adamant he did not want to speak with the officers, refused to answer questions about a mental health hold, and abruptly left in his vehicle. The named officers spoke with his elderly mother, who stated she did not know if her son was intentionally pouring gas inside her home. She allowed the named officers inside her home, but they did not observe any signs of gasoline spills, just the odor.

Department General Order 5.03 (Investigative Detentions) states in the relevant part that officers may detain an individual if they can show specific facts that would lead a reasonable person to believe that the individual under suspicion is reasonably connected to a crime. In addition, it states that an officer may arrest an individual if there is probable cause that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the individual arrested.

The named officers acted within Department policy when they did not arrest or detain the complainant's neighbor. The investigation did not show a crime occurred; therefore, detention or arrest would be unlawful.

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

**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to write an incident report.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

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**FINDINGS OF FACT:** The complainant stated she called the police because she believed her immediate neighbor intentionally poured gasoline into his house, putting her family in danger as the fumes seeped into her home. She stated the named officers responded to the scene but failed to write a police report.

The named officers stated they did not write an incident report because a report was not requested, a crime was not committed, and this was not a matter requiring police attention. They also stated that the call for service did not rise to the level of becoming a police matter requiring a mandatory report.

Department records indicate that the named officers responded to the complainant's home regarding the smell of gasoline caused by the complainant's neighbor. Before the officers' arrival, the fire department cleared the complainant's home, which was deemed safe.

Body-worn camera (BWC) footage showed the named officers speaking with the complainant, who informed them of their ongoing dispute with their neighbor regarding the destruction of their property. The named officers entered the complainant's home to investigate the gasoline smell. BWC footage showed no apparent signs of gasoline spillage in the home, but the named officers confirmed smelling the odor. The complainant informed the named officers that she spoke with the neighbor's elderly mother, with whom he resides. The complainant stated the elderly mother informed her that her son had a small gas spill in their house. The complainant told the named officers that she believed the spill was intentional. The complainant's partner suggested that the neighbor should be placed on a mental health hold. The complainant became frustrated and told the named officers that the least they could do would be a wellness check on the neighbor's elderly parents. The named officers went next door and attempted to speak with the neighbor. The neighbor was adamant he did not want to speak with the officers, refused to answer questions about a mental health hold, and abruptly left in his vehicle. The named officers spoke with his elderly mother, who stated she did not know if her son was intentionally pouring gas inside her home. She allowed the named officers inside her home, but they did not observe any signs of gasoline spills, just the odor.

Department General Order 1.03 (Duties of Patrol Officers) states in the relevant part that officers must "[m]ake written reports on crimes observed or brought to their attention that have not been previously reported."

The evidence shows that the reported incident did not meet the criteria to be considered a crime. Therefore, the officers were not required to write an incident report as outlined in Department General Order 1.03.

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

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

**COMPLAINT DATE: 10/10/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated the named officer unlawfully placed him under arrest for domestic violence against his wife. He stated the named officer falsely claimed that he hit his wife's arm; however, the complainant stated that he only pushed his wife's arm away after he told her not to touch him.

The complainant's wife stated that her husband did not hit her arm but only pushed her hand away.

The named officer stated he arrested the complainant for violating California Penal Code §243(e)(1) after observing the complainant slap the hand of his wife with such force that caused her to drop a shoe that was in her hand.

Department records indicate that the named officer observed the complainant's wife holding the complainant's arm in a non-aggressive or threatening manner when he saw the complainant slap her hand away from him in a furtive and assaultive manner while looking directly at her. The named officer placed the complainant under arrest.

Body-worn camera footage showed the complainant and his wife standing beside each other. When the complainant's wife reached for the complainant's arm in a non-threatening way, the complainant slapped her hand, causing her to drop her shoe.

Department General Order 6.09 (Domestic Violence) states in the relevant part that officers "shall make an arrest whenever probable cause exists to believe a misdemeanor occurred in their presence."

California Penal Code §13701(b) encourages the arrest of domestic violence offenders if there is probable cause that an offense has been committed.

California Penal Code §243 states that a battery against a spouse is a punishable offense.

Body-worn camera footage clearly showed the complainant slapping his wife's hand away in an aggressive manner, which is a battery. Had the named officer not arrested the complainant, he would have violated Department Policy and state law.

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

**COMPLAINT DATE: 10/10/2023**

**COMPLETION DATE: 02/06/2024**

**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 misrepresented the truth.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated the named officer lied when he claimed that he saw the complainant hit his wife's arm.

The complainant's wife stated that her husband did not hit her arm but only pushed her hand away.

The named officer stated he was truthful when he observed the complainant slap the hand of his wife with such force as to cause her to drop a shoe that was in her hand.

Department records indicate that the named officer observed the complainant's wife holding the complainant's arm in a non-aggressive or threatening manner when he saw the complainant slap her hand away from his in a furtive and assaultive manner while looking directly at her. The named officer placed the complainant under arrest.

Body-worn camera footage showed the complainant and his wife standing beside each other. When the wife reached for the complainant's arm in a non-threatening way, the complainant slapped her hand, causing her to drop her shoe.

The named officer was truthful when he reported observing the complainant aggressively slapping his wife's arm, as supported by the named officer's statement and BWC footage.

The evidence proves that the conduct alleged did not occur.

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

**COMPLAINT DATE: 10/13/2023**

**COMPLETION DATE: 02/18/2024**

**PAGE# 1 of 5**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said that he was arrested and taken to hospital because he had recently had major surgery on his neck. He said he refused medical treatment and wanted to be taken to the city jail. The complainant said that the named officer was tasked with transporting him from the hospital to the jail. The complainant told the officer he needed a neck brace, and the officer used profanity. The complainant told the officer he was in a lot of pain, and the officer told him to "Shut up."

The named officer denied speaking or behaving inappropriately.

Body-worn camera footage showed that the named officer did not use profanity and did not tell the complainant to shut up.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATION #2:** The officer improperly used physical control.

**CATEGORY OF CONDUCT: UF**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officer handcuffed him too tightly. The complainant had red marks on his right knuckles and forearm. The complainant believed the marks were due to him lying on his side in the patrol vehicle.

Photographs were taken of the complainant's right hand, which, about two weeks after the incident, showed a red round mark on the back of the hand near the knuckles. The injury is not consistent with tight handcuffing.

The named officer denied handcuffing the complainant too tightly. He stated that he applied the handcuffs correctly.

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

**COMPLAINT DATE: 10/13/2023**

**COMPLETION DATE: 02/18/2024**

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A witness officer said he re-applied the complainant's handcuffs when he helped the named officer transfer the complainant from a patrol vehicle to a wagon. The witness officer said he re-applied the handcuffs because the complainant complained that one set was causing discomfort, so the witness officer applied two handcuffs. The witness officer said that he did not see marks to indicate the named officer had applied the initial handcuffs too tightly.

Body-worn camera (BWC) footage does not show the initial handcuffing, as this occurred in the hospital where BWCs are not allowed to be activated. However, the footage does capture the transfer and re-handcuffing of the complainant. The complainant complains of back pain and neck pain, and officers accommodate his request by re-applying the handcuffs, using two pairs of handcuffs. No marks or injuries can be seen on the complainant's wrists or hands.

Department General Order 5.18, Section II, (A)(1), Prisoner Handling and Transportation, states, in part, "Officers shall take all reasonable steps to minimize the possibility of prisoner escape by properly handcuffing or otherwise restraining the prisoner."

The evidence showed that the named officer handcuffed the complainant. However, based on the evidence from the BWC footage and the inconsistent nature of the injury the complainant claimed was caused by the handcuffing, it is more likely than not that the officer handcuffed correctly.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATION #3:** The officer drove a city vehicle in a grossly negligent or reckless manner.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant alleged that the named officer deliberately drove fast when transporting him from the hospital to jail. The complainant told the officer that he was driving recklessly, and the officer made the vehicle go airborne and chuckled. The named officer denied driving recklessly.

Body-worn camera footage showed that the named officer drove appropriately. At no point did the vehicle go airborne, as the complainant described.

The evidence proves that the conduct alleged did not occur.



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COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/13/2023**

**COMPLETION DATE: 02/18/2024**

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**SUMMARY OF ALLEGATION #4:** The officer failed to properly care for, or monitor, a person in custody.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said that he told the officer that he needed a medical neck brace because he had recent surgery on his neck, and sudden movements could cause him severe pain and potential paralysis. The officer did not do anything about this. The complainant also stated that the officer did not provide the complainant with food, water, or restroom use.

The named officer said that the complainant was wearing a neck brace for the entire journey from the hospital to the jail. The officer said that at the county jail, they were told by Sheriff's Deputies to remain with the complainant in the vehicle for some time. However, he did facilitate a restroom break for the complainant while they were waiting to get him booked into the jail.

A witness officer confirmed an hour delay in arriving at the jail and handing the complainant to Sheriff's Deputies. The witness officer said they were told to wait with the complainant in the wagon. The witness officer said that the complainant did not request water or food. He said he observed the named officer escort the complainant to a portable toilet in the waiting area of the county jail. The witness officer noted that once the complainant was inside the county jail, all amenities, such as water and food, would be provided by the Sheriff's Department.

Body-worn camera footage showed that the complainant had a neck brace on. The footage also showed that the officer asked the complainant several times if he wanted to return to the hospital. The complainant refused.

Department General Order (DGO) 5.18 Prisoner Handling and Transportation does not require escorting officers to provide water, food, or bathroom breaks.

DGO 5.18 has requirements for medical assessments and evaluations. However, none of the requirements matched the circumstances. The complainant had already been medically assessed and released from hospital and refused to go back.

The evidence proves that the conduct alleged did not occur.

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

**COMPLAINT DATE: 10/13/2023**

**COMPLETION DATE: 02/18/2024**

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**SUMMARY OF ALLEGATION #5:** The officer failed to provide required information.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant asked the named officer why he was arrested and handcuffed to the hospital bed. The officer did not tell the complainant and only said he was arrested for a felony.

The named officer said he told the complainant why he was arrested. However, he was unaware of the exact charges because he was not the arresting or reporting officer.

Department documents and body-worn camera footage of the arrest showed that the complainant was informed of the offenses at the time of his arrest. The arresting officer was not the named officer.

California Penal Code section 841 states, "The person making the arrest must, on request of the person he is arresting, inform the latter of the offense for which he is being arrested."

The evidence shows that the named officer did not tell the complainant the exact offenses for which he had been arrested. However, the officer was not required to do so.

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

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/SFSO**

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
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**COMPLAINT DATE: 10/13/2023**

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San Francisco, CA 94102

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

**COMPLAINT DATE: 10/17/2023**

**COMPLETION DATE: 02/22/2024**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that he had attended the police station on multiple occasions to report the kidnapping of his son by Turkish organized crime. He said that officers never opened an investigation or contacted him.

The complainant could not provide time, dates, or officer details for the station visits.

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

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

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/IAD**

**FINDINGS OF FACT:** This complaint raises matters outside DPA's jurisdiction. This complaint was partially forwarded to: San Francisco Police Department

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

**COMPLAINT DATE: 10/20/2023**

**COMPLETION DATE: 02/06/2024**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that on a particular date and time the named officer threatened to shoot and kill her after she refused to identify herself.

DPA ran several queries and was unable to locate any such occurrence. Additionally, the complainant was unresponsive to DPA's numerous attempts to obtain additional details regarding the alleged incident.

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant also stated that the named officer refused to provide her with his badge number.

As mentioned above, DPA was unable to locate such an incident as described by the complainant.

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

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

**COMPLAINT DATE: 10/21/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant alleged he encountered a large group of motorcycle officers driving on a recreation path in Fort Mason. The complainant indicated that one of the motorcycle officers got off their motorcycle, yelled derogatory remarks at the complainant, and threatened him. The complainant stated that the officer's behavior made him feel like he was being threatened and bullied by the officer. The officer made offensive statements and called the complainant vulgar names. The complainant provided a vague description of the motorcycle officer, but no name or star number.

Department records showed that the Traffic Unit was holding a motorcycle skills competition open to motorcycle officers from all over the Bay Area during the weekend of the complaint. DPA was unable to identify the officer based solely on information provided by the complainant. DPA sent an identification poll to the Traffic Company for assistance identifying the officer based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

**COMPLAINT DATE: 10/21/2023**

**COMPLETION DATE: 02/06/2024**

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**SUMMARY OF ALLEGATION #3:** The complainant raised matters outside of DPA's jurisdiction.

**CATEGORY OF CONDUCT:**

**FINDING: IO-1**

**FINDINGS OF FACT:** The complainant raised matters outside of DPA's jurisdiction. This complaint was forwarded to:

U.S. Park Police San Francisco Field Office  
Attn: Lieutenant David E. Williams  
1217 Ralston Avenue  
San Francisco, CA 94129

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

**COMPLAINT DATE: 10/27/2023**

**COMPLETION DATE: 02/06/2024**

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**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant saw a car parked on the side of the street. The complainant alleged that the vehicle was improperly parked because its front wheels were not properly turned against the curb line.

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  
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**COMPLAINT DATE: 10/27/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** UA

**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 1/23/24.

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

**COMPLAINT DATE: 10/27/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant, a security guard at a supermarket, stated that he and two other security guards confronted a group of shoplifters. The complainant stated that one of the suspect's dog bit him in the leg, while another suspect pepper-sprayed another security guard. The suspects then left the scene.

The complainant stated that the named officer and her partner responded to the scene and called for the paramedics to respond to the scene. The complainant stated that the named officer made inappropriate statements to the paramedics about the complainant and the other security guards. Specifically, about how the security guards handle transients at the supermarket. In addition, the complainant complained about the named officer's overall demeanor.

The named officer denied the allegation, describing her demeanor as "calm" while interviewing the complainant. The named officer denied talking about how the security guards handle transients at the supermarket.

The named officer's body-worn camera (BWC) did not capture the alleged statement attributed to her. The BWC did, however, capture comments that did not rise to the level of misconduct. Specifically, the named officer briefly told the paramedics/firefighters about her prior interaction with the security guard(s). It is not clear from the BWC whether the named officer was referring to the complainant.

Department records showed that the named officer and her partner responded to the scene and took statements from the security guards. The named officer's partner prepared an incident report, documenting their response.

The named officer's overall conduct at the scene did not rise to a level of misconduct.

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

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

**COMPLAINT DATE: 10/27/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 2 of 2**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant stated that he provided the named officer the suspects' address, and that the address was not reflected in the incident report.

The named officer stated she could not recall being told by the complainant that he had their address.

The named officer's body-worn camera (BWC) shows that while the named officer was seated in the passenger side of their patrol car, the complainant said, "They got their address." The named officer said, "How do they know where they live?" The complainant's response could not be heard in the BWC. The incident report does not reflect an address for the suspects.

While the evidence established that the complainant told the named officer that they have the suspects' address, it does not establish that the address was provided to the named officer. It is unclear from the BWC what the complainant told the named officer when she asked how the security guard(s) knew the suspects' address.

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

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

**COMPLAINT DATE: 11/01/2023      COMPLETION DATE: 02/06/2024      PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**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 3<sup>rd</sup> Street  
San Francisco, CA 94158

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

**COMPLAINT DATE: 11/02/2023**

**COMPLETION DATE: 02/22/2024**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant said he walked by the officer, who looked at him but said nothing. The complainant said the officer was trying to make him uncomfortable and walked away quickly.

The named officer stated he was not on duty at the time and was not working in the area identified by the complainant on the date and time of his complaint. The named officer denied being familiar with the complainant and said he did not believe this incident occurred.

Department records showed that the named officer was not on duty when the complainant alleged the interaction occurred. DPA could not locate any incident report or computer-aided dispatch record associated with this incident.

The evidence collected shows that there was no evidence proving that the named officer was involved or that the incident happened. The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

**COMPLAINT DATE: 11/02/2023**

**COMPLETION DATE: 02/22/2024**

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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 complaint stated that the officer had been stalking him a few times due to either his sexual orientation or his religion.

The named officer stated he did not recall or know the complainant and questioned how anyone could know a person's sexual orientation or religion by looking at him. The named officer stated that he did not believe this incident occurred.

Department records showed that the named officer was not on duty when the complainant alleged the interaction occurred. DPA could not locate any incident report or computer-aided dispatch record associated with this incident.

The evidence collected shows that there was no evidence proving that the named officer was involved or that the incident happened. The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

**COMPLAINT DATE: 11/03/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant reported a felony domestic violence incident that was assigned to the officer to investigate. The complainant later did not want to press charges against her former partner; however, the officer told her he would send the case to the District Attorney's Office without her cooperation. The complainant stated there was insufficient evidence for the district attorney to file charges against her former partner without the complainant's cooperation. Thus, the officer again called the complainant, informing her that her former partner had been arrested for a different crime, and he wanted to know if the complainant changed her mind about pressing charges. The complainant did not want to press charges and was upset that the officer was pressuring her to do so.

Police records confirmed that the complainant was reluctant to report the domestic violence incident initially out of fear for her and her family's safety. However, she reported the domestic violence incident, and the officer was assigned to investigate the crime. The officer determined there was probable cause to arrest the complainant's former partner for aggravated assault; however, the complainant no longer wanted to press charges.

DPA listened to the recorded calls between the officer and the complainant. The complainant wanted to put the incident behind her and move on. She told the officer multiple times she did not want to press charges. The officer remained professional and empathic. He assured her that he understood she did not want to press charges but wanted to allow her to change her mind if she wished. He explained the status of the investigation and what could happen after he presented the case to the District Attorney's Office. He also answered the complainant's questions. The complainant could have ended the calls at any time.

Although the complainant perceived the officer as pressuring her to press charges, given the seriousness of the crime, the officer would have been negligent in his duty if he had not informed the complainant of the status of the investigation and let her know that there was still time to press charges and work with the District Attorney's Office if that was her desire. The DPA's investigation determined the officer behaved professionally toward the complainant and complied with department policy.

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

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

**COMPLAINT DATE: 11/09/2023**

**COMPLETION DATE: 02/06/2024**

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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 the named officers did not take any action when his relative was assaulted by her tenant.

The complainant's relative was unwilling to provide a statement.

The named officers stated they responded to a call for service initiated by the tenant regarding a verbal argument with the complainant's relative. The tenant reported that the complainant's relative attempted to force her way into his bedroom, causing the tenant to push the complainant's relative to close his door and prevent her from entering.

The named officers stated the complainant's relative was not injured, nor did she complain of pain. They stated the complainant's relative signed a Citizen's Arrest Form. However, they did not arrest or cite the tenant because they did not have probable cause to do so. They stated there were no independent witnesses or video footage capturing the event. In addition, they stated that the complainant's relative appeared to be the aggressor.

The incident report documents that the complainant's relative admitted to preventing her tenant from leaving the house by standing in front of his bedroom door. When the tenant attempted to close the door, the complainant's relative became upset and pushed the door to prevent it from being closed. While she held the door open, the tenant pushed her twice with his hands. The named officers did not place the tenant under arrest because it was determined that no crime occurred, as the tenant was trying to prevent the complainant's relative from entering his room. There was no complaints of pain or any visible injuries.

A Citizen's Arrest Form was signed by the complainant's relative.

Body-worn camera footage showed the named officers interviewing the complainant's relative and the tenant. The footage showed the complainant's relative requested that they file charges against the tenant. The named officers provided the complainant's relative with a Citizen's Arrest Form, which she signed. The named officers explained to the complainant's relative that they would document the incident but did not find any criminal action by the tenant.



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COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 11/09/2023**

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**PAGE# 2 of 3**

The named officers did not violate Department policy as they investigated the incident and provided the complainant's relative with a Citizen's Arrest Form. The evidence shows that the named officers did not have probable cause to arrest the tenant.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to comply with Department General Order 5.20.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated his relative called for police assistance and was not provided with an interpreter.

The named officers stated the complainant's relative was provided with an interpreter through Language Line, a service sanctioned by the San Francisco Police Department, but the complainant's relative was unwilling to provide a statement.

Department records indicate that the named officers provided the complainant's relative with an interpreter.

Body-worn camera footage showed that the complainant's relative was provided with an interpreter.

The named officers utilized the services of an interpreter and did not violate Department policy.

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

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

**COMPLAINT DATE: 11/09/2023**

**COMPLETION DATE: 02/06/2024**

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**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to write an incident report.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated the named officers did not write a police report when his relative was assaulted by her tenant.

The named officers stated an incident report was prepared.

Department records show an incident report was prepared.

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

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

**COMPLAINT DATE: 11/11/2023**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant reported that he was assaulted; however, when the officer arrived, he did not believe the complainant and arrested him for a separate incident.

The Department of Emergency Management records showed that the complainant called the police to report an individual was threatening him. The officer responded to the scene and identified the complainant as the suspect in malicious vandalism. The complainant was subsequently arrested.

Police records and body-worn camera confirmed the complainant was a suspect in a felony vandalism investigation when he summoned police for a verbal altercation at a store. The officer responded to the scene, recognized the complainant as the at-large suspect, and subsequently arrested him. The BWC captured the complainant spontaneously admitting to committing the suspected vandalism as an act of civil disobedience.

The DPA's investigation determined that the officer had probable cause to arrest the complainant for felony vandalism.

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

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

**COMPLAINT DATE: 11/11/2023**

**COMPLETION DATE: 02/09/2024**

**PAGE# 2 of 2**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that he reported he was assaulted, but the officer did not believe him and instead arrested him for a separate incident.

The Department of Emergency Management records showed the complainant summoned the police because an individual was threatening him. The complainant was yelling and screaming and refused to answer the dispatcher's questions.

The body-worn camera showed that the complainant summoned police for a verbal altercation at a store; however, the complainant kept interrupting, would not allow the other involved individual at the store to speak, and kept calling the other involved individual a "pussy."

When the other involved individual walked away, the complainant asked the officer if he was going to arrest the other involved individual, and the officer said no because the other involved individual did nothing to the complainant.

Department General Order 5.04 states in part that a private person may be arrested for public offenses not committed in the member's presence, and the member must receive a person so arrested. However, if reasonable suspicion does not exist, the individual is free to leave.

The DPA determined that the complainant was not assaulted, and no crime was committed against the complainant. The officer's actions complied with department policy.

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

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

**COMPLAINT DATE: 11/14/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral IAD**

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

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

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

**COMPLAINT DATE: 11/28/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: IO-2**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 11/30/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/DEM**

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

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

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

**COMPLAINT DATE: 12/02/2023**

**COMPLETION DATE: 02/22/2024 PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: M**

**FINDINGS OF FACT:** By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 2/15/24.



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

**COMPLAINT DATE: 12/4/2023**

**COMPLETION DATE: 02/14/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated an officer displayed an orange shotgun by aiming it upward, at a 20-degree angle, in the direction of the complainant as he ran by a police station. The complainant stated that he saw nine officers outside the station carrying their weapons to and from their vehicles. The complainant stated two officers had orange shotguns.

An officer identification (ID) poll was sent to the station where the alleged incident occurred. An ID poll describes the incident and asks that the captain and/or station members review the incident description and identify the officers involved. The poll came back with negative results based on the description available.

The identity of the alleged officers could not be established.

Security footage was obtained. The footage showed the complainant walking past two patrol cars outside the police station. The first vehicle the complainant walked past had three officers standing next to a patrol car. One of these officers had an Extended Range Impact Weapon (ERIW) or "Beanbag Gun." This officer faced away from the complainant, and the ERIW was pointed up and away from the complainant. The second vehicle the complainant walked past had two officers loading equipment into the vehicle. One officer was placing an ERIW into the vehicle. None of the five officers had any interaction with the complainant.

The footage showed several officers arriving at the police station and removing equipment just before the complainant arrived. As the complainant walked past, the footage showed that other officers came out of the station and loaded equipment into the vehicles. This was a shift change.

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: 12/06/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: IO-1**

**FINDING: Referral/SFSO**

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

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

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

**COMPLAINT DATE: 12/15/2023**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated he called the police after learning that his son had purchased drugs at school. The complainant stated he did not hear back from the named officer until about 12 hours after placing his initial call to the police.

Records from the Department of Emergency Management show that the complainant's call was placed on hold for several hours. When the call was assigned to the named officer, the named officer immediately called the complainant, who told the named officer that he was not able to meet with the named officer, because the complainant was at work.

Department General Order (DGO) 1.03.I.A.8. states that patrol officers shall:

- a. Respond promptly to assigned calls, regardless of the area of assignment.

--

The evidence showed that the named officer promptly responded to the call after being assigned to it.

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: 12/19/2023**

**COMPLETION DATE: 02/14/2024**

**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 reported her husband as a missing person. She stated the named officers located her husband. However, they failed to follow protocol by not asking to see his driver's license to verify his identity.

Department records indicate that the complainant filed a report regarding her missing husband. The report indicated that the named officers located her husband. However, he informed the named officers that he did not want any contact with his wife. He confirmed with the named officers that he was up to date with his medications and did not require medical attention. The husband also informed the named officers that he frequently turns his phone off so his wife cannot locate him, and he requested that the named officers not provide his whereabouts to the complainant.

Body-worn camera footage showed the named officers meet with the complainant's husband, who informed them that he was not "missing" and that his wife threatened to kill him. He also stated that he wished his current location to be kept confidential and that he wanted nothing to do with his wife. The footage showed the named officers confirming with the husband that he was well and also confirming his phone number. The named officers informed the complainant that they would not enter his address in the police report.

Department General Order 6.10 (Missing Persons) does not require officers to verify a missing person's identity.

The named officers acted within Department policy and were not required to verify the complainant's husband's identity.

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: 12/19/2023**

**COMPLETION DATE: 02/14/2024**

**PAGE# 2 of 3**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that her husband was missing and asked the named officers to file a missing person report. She stated that the named officers were resistant to filing a report and told her that an adult could not be forced to return home. The complainant stated that the named officers should keep their opinions to themselves.

Department records indicate that the complainant filed a report regarding her missing husband. The report indicated that the named officers located her husband. However, he informed the named officers that he did not want any contact with his wife. He confirmed with the named officers that he was up to date with his medications and did not require medical attention. The husband also informed the named officers that he frequently turns his phone off so his wife cannot locate him, and he requested that the named officers not provide his whereabouts to the complainant.

Body-worn camera footage showed the named officers meet with the complainant's husband, who informed them that he was not "missing" and that his wife threatened to kill him. He also stated that he wished his current location to be kept confidential and that he wanted nothing to do with his wife. The footage showed the named officers confirming with the husband that he was well and also confirming his phone number. The named officers informed the complainant that they would not enter his address in the police report.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part that officers shall treat members of the public with courtesy and respect.

The named officers did not violate Department policy when they informed the complainant that her husband did not have to return home if he did not wish to do so. The named officers were not offering an opinion. They were stating facts.

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: 12/19/2023**

**COMPLETION DATE: 02/14/2024**

**PAGE# 3 of 3**

**SUMMARY OF ALLEGATION #5:** The complaint raises matters outside the DPA's jurisdiction.

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/IAD**

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

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

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

**COMPLAINT DATE: 12/19/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 3**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officers unjustly threatened to have his vehicle towed even though he acknowledged that his vehicle's registration had expired more than a year prior.

Department records show that the named officers responded to a call for service regarding a suspicious vehicle with reports of a verbally aggressive occupant.

Body-worn camera footage showed the named officers approaching the complainant's vehicle and explaining to him that a neighbor called, reporting that he was acting aggressively. The named officers informed the complainant that they could tow his vehicle because the registration was over six months past due; however, they told him they would not do so if he moved his vehicle. The footage showed the complainant agreeing to move his car to appease the neighbors. However, the complainant asserted that government law protected him from having his vehicle towed and accused the officers of targeting him because he was living out of his vehicle. Named officer #1 showed the complainant on the patrol vehicle's computer that a complaint from a neighbor generated a call for service. The footage showed that the named officers were extremely professional while interacting with the complainant.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part that officers shall treat members of the public with courtesy and respect.

California Vehicle Code §22650(o) states in the relevant part that officers may tow a vehicle if its registration date is more than six months past due.

The named officers did not threaten or harass the complainant when they informed him that his vehicle could be towed; they stated the law which allows for vehicles to be towed if its registration is over six months past due. The named officers acted fairly and professionally.

The evidence proves that the conduct alleged did not occur.

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

**COMPLAINT DATE: 12/19/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 2 of 3**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officers were rude and belligerent when they threatened to tow his vehicle.

Department records show that the named officers responded to a call for service regarding a suspicious vehicle with reports of a verbally aggressive occupant.

Body-worn camera footage showed the named officers approaching the complainant's vehicle and explaining to him that a neighbor called, reporting that he was acting aggressively. The named officers informed the complainant that they could tow his vehicle because the registration was over six months past due; however, they told him they would not do so if he moved his vehicle. The footage showed the complainant agreeing to move his car to appease the neighbors. However, the complainant asserted that government law protected him from having his vehicle towed and accused the officers of targeting him because he was living out of his vehicle. Named officer #1 showed the complainant on the patrol vehicle's computer that a complaint from a neighbor generated a call for service. The footage showed that the named officers were extremely professional while interacting with the complainant.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part that officers shall treat members of the public with courtesy and respect.

California Vehicle Code §22650(o) states in the relevant part that officers may tow a vehicle if its registration date is more than six months past due.

The named officers had the legal authority to tow the complainant's vehicle; instead, they suggested to the complainant that he could move his vehicle as an alternative. Body-worn cameras showed that the named officers acted fairly and professionally, and they did not display rude or belligerent behavior.

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: 12/19/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 3 of 3**

**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to provide his or her name or star number.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officers failed to provide their star numbers when requested.

Department records show that the named officers responded to a call for service regarding a suspicious vehicle with reports of a verbally aggressive occupant.

Body-worn camera footage does not show the complainant asking the named officers for their star numbers.

Department General Order 2.01 (General Rules of Conduct) states in the relevant part that officers shall provide their name or star number upon request.

The named officers were not obligated to provide the complainant with their star numbers if the complainant did not make that request.

The evidence proves that the conduct alleged did not occur.

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

**COMPLAINT DATE: 12/22/2023**

**COMPLETION DATE: 02/14/2024**    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATIONS #1-3:** The officers failed to make an arrest.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated a juvenile chased her, and then his parents attempted to hit her. She stated the family is plotting against her because she is a high-profile person, the daughter of a judge in South America.

Named officer #1 stated he responded to a call for service where a parent reported the complainant battered his child. He stated upon arrival, he recognized the complainant because he responded to a prior call for service where she accused her property manager of assault, which was contradicted by surveillance footage. Officer #1 stated the other named officers spoke with both parties and found no evidence of a crime based on the investigation. He stated that the complainant struggles with mental health issues, and her statements to police lack veracity, and an arrest was not made due to lack of probable cause.

Named officer #2 stated he responded to a call for service regarding a dispute between neighbors where the reporting party stated that the complainant was acting aggressively towards her family. He stated the complainant reported that the family was harassing her as well as many others in her building. Officer #2 stated that he is familiar with the complainant because she has made false accusations in the past and has a history of mental illness. He stated that the family was not arrested because there was no probable cause that the family engaged in criminal activity.

Named officer #3 stated he responded to a call for service as a backup unit for the other named officers. He stated the other named officers informed him they had prior contact with the complainant, who made false accusations. He advised the complainant that a crime did not occur and advised her how to apply for a restraining order if she wished to obtain one. Officer #3 stated there was no merit to the call for service and, therefore, no probable cause to arrest the other parties.

Department records show that the named officers responded to a call for service regarding an assault and battery. The record shows that the initial reporting party was the parent of a juvenile who reported that the complainant pushed his son and tried to hit him (the parent) with a dolly. The complainant subsequently called dispatch to report that the family was illegally squatting in the building and that they were kidnapping her.

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

**COMPLAINT DATE: 12/22/2023**

**COMPLETION DATE: 02/14/2024    PAGE# 2 of 2**

Body-worn camera footage showed a juvenile explaining to the named officers that the complainant was in the elevator with him, and she began yelling at him for no reason. In addition, the father reported that the complainant swung a dolly at him but missed. The complainant stated that the juvenile entered the elevator and became hostile towards her, and his father rushed towards her, attempting to start a fight. The complainant told the named officers that all the tenants in the building were harassing her because she was a child of privilege. In addition, she told the named officers that a spy lived in her building, and the landlord encouraged people to cause her harm. The named officers asked the complainant questions to determine if she met the requirements to be placed on a mental health hold, which she did not. The officers advised the complainant about the possibility of obtaining a restraining order.

Department General Order 5.03 (Investigative Detentions) states in the relevant part that an officer may arrest an individual if there is probable cause that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the individual arrested.

The complainant has a known history of making unfounded claims of assault against other parties. Based on the complainant's lack of veracity and irrational statements, the named officers complied with Department policy because they did not have probable cause to make an arrest.

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

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

**COMPLAINT DATE: 12/26/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/IAD**

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

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

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

**COMPLAINT DATE: 12/27/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that he went into an SFPD district station and asked officers at the desk for help, but the officers laughed at him and denied him service.

DPA attempted to identify the unknown officers by sending an ID Poll to the corresponding district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results.

DPA obtained surveillance camera video footage showing the lobby of the local district station on the date and time provided by the complainant (including a half hour before and after the time provided by the complainant). The video footage did not show anyone other than police officers walking in and out of the district station lobby.

The identity of the alleged officers could not be established.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/02/2024      DATE OF COMPLETION: 02/06/2024 PAGE# 1 of 1**

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

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

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

San Francisco Sheriff's Department  
Lt. Jin Yong Kim  
Internal Affairs Unit  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94102

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

**COMPLAINT DATE: 1/08/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/DEM**

**FINDINGS OF FACT:** This complaint raises matters outside the 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: 01/11/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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



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

**COMPLAINT DATE: 01/11/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 01/11/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/DEM**

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

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

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

**COMPLAINT DATE: 01/11/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 01/12/2023**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**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 3<sup>rd</sup> Street  
San Francisco, CA 94158

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

**COMPLAINT DATE: 01/12/2024**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: IO-2**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 01/14/2024**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/IAD**

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

San Francisco Sheriff Department  
Internal Affairs Division  
25 Van Ness Avenue Suite 350  
San Francisco, CA 94102

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

**COMPLAINT DATE: 01/16/2024**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1**

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

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

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

**COMPLAINT DATE: 01/16/2024**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**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 3<sup>rd</sup> Street  
San Francisco, CA 94158



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

**COMPLAINT DATE: 01/18/2024**

**COMPLETION DATE: 02/06/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/SFMTA**

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

SFMTA Department of Parking & Traffic  
11 Van Ness Avenue  
San Francisco, CA 94102

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

**COMPLAINT DATE: 01/20/2024**

**COMPLETION DATE: 02/09/2024 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 and her husband were involved in a heated dispute with a food delivery driver. Officers pulled up in a patrol vehicle and briefly interacted with them and the delivery driver. She said the officers told them to go back inside their home and the driver to get back into his car. She felt ignored and dismissed by the officers, who acted as though they did not want to deal with the situation.

A records search failed to identify the described incident.

DPA was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

**COMPLAINT DATE: 01/24/2024**

**COMPLETION DATE: 02/09/2024 PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/DEM**

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

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

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

**COMPLAINT DATE: 01/25/2024**

**COMPLETION DATE: 02/09/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 02/05/2024**

**COMPLETION DATE: 02/18/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 02/09/2024**

**COMPLETION DATE: 02/18/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: IO-2**

**FINDING: IO-2**

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

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

**COMPLAINT DATE: 01/24/2024**

**COMPLETION DATE: 02/14/2024**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

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