

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

COMPLAINT DATE: 08/17/2022

COMPLETION DATE: 03/19/2024

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SUMMARY OF ALLEGATION # 1: The officer inappropriately accessed a database or confidential information.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that a strange man attempted to force his way into his child's school, and his ex-wife took a photo of the suspect's license plate. The school administrator called the police, and a police report was generated. The complainant's ex-wife was not happy with the information in the police report and texted the named officer, whom she knew personally, to find more information about the suspect. The officer called the complainant's wife and shared the suspect's personal and criminal history.

Department records showed that the officer was not the investigating officer for the incident, which was outside his assigned patrol district. The complainant's ex-wife was a reporting party who provided photos of the suspect and his car. The officer ran the suspect's name multiple times in a confidential database.

The officer stated he had a personal relationship with the complainant's ex-wife at the time of the incident. The officer said that, after hearing about the school incident from the complainant's ex-wife, he looked up the incident report on his own because he was generally concerned about mass shooting incidents in the wake of the Uvalde school shooting tragedy. The officer then queried the suspect's name in a confidential law enforcement database. The officer said that it was appropriate for him to look up the suspect's criminal history information because he was investigating a potential crime on his own initiative. The officer confirmed he was not dispatched to the scene or assigned to investigate the incident at the school.

An expert on the confidential law enforcement database stated that officers must establish a "right to know" (defined as authorized access to such records by statute) and "need to know" (the information is required for the performance of official duties or functions) to query individuals or information in the system. He stated that the officer's use of the confidential system was unauthorized if it was done to satisfy a personal curiosity. Regarding the officer's concerns over a potential school shooting, the expert said that officers may self-initiate investigations into crimes that could impact multiple districts, but those investigations should be recorded in an incident report, which would be linked to the confidential queries.

Department General Order 2.01 requires officers to perform their duties according to Department rules and procedures. Rules and procedures regarding accessing confidential databases require that an officer

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has a "right to know" and "need to know" the information search for. The "right to know" is defined as "authorized access to such records by statute," and the "need to know" is defined as "the information required for the performance of official duties or functions." Officers may not search the database for their own curiosity or on behalf of romantic partners, friends, or family. Information obtained or provided without a proper need or right to know is considered "outside the course of official business."

The investigation confirmed that the officer was acting outside the course of official business when he used the confidential database to look up the suspect's information because he did not have a need or right to know the information.

A preponderance of the evidence proved that the officer's conduct violated Department policy or procedure.

SUMMARY OF ALLEGATION # 2: The officer disclosed material without authorization.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer verbally shared confidential information about the suspect with his ex-wife, including his criminal history and that he no longer lived in town. He said that the officer also shared information about unrelated homicides.

The complainant's ex-wife said she believed the officer must have given her the suspect's name because he coincidentally knew him from school. The officer told her that she did not have anything to worry about. She denied that the officer gave her the subject's criminal history or any privileged information on any homicides.

The officer admitted to conducting a records check on the subject but denied providing the subject's information to the complainant's ex-wife. He told the complainant's ex-wife that he knew the subject from high school and that she had nothing to worry about.

Department General Order 2.01 requires officers to perform their duties according to Department rules and procedures. Officers may not share information from a confidential law enforcement database outside the course of official business.

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There was insufficient evidence to prove or disprove that the officer provided the complainant's ex-wife with unauthorized information regarding the subject.

The evidence failed to prove or disprove that the alleged misconduct occurred.

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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 alleged that he was unlawfully placed under arrest regarding a stay away order and an outstanding arrest warrant. The complainant stated that neither document existed at the time of his arrest.

The named officers were working patrol when they were notified that the complainant had allegedly violated a restraining order earlier that day. Other officers responded to the protected person's residence and confirmed that the restraining order and the arrest warrant were valid. The named officers later located the complainant and placed him under arrest for the restraining order violation and for the active warrant.

DPA obtained copies of the incident reports from both the prior contact and the contact the named officers were involved with. Both incident reports were consistent with the statements the named officers provided to DPA. DPA also obtained a copy of the restraining order in question. The restraining order was valid and was served on the complainant prior to the incident.

The evidence showed that the named officers lawfully arrested the complainant due to a restraining order violation and an active arrest warrant.

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

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force on him during an arrest. The complainant specified that he was struck with a baton, which caused his fibula to be fractured.

Named officer #1 stated that she and named officer #2 attempted to place the complainant under arrest when he fled on foot. When they caught up to the complainant, named officer #1 and named officer #2 attempted to place the complainant in handcuffs, when he pulled away from the named officers. Named officer #2 attempted to perform a leg sweep on the complainant. The complainant pulled named officer #2 down to the ground with him. The complainant then threw a punch at named officer #2, which struck him in the mouth. Named officer #2 and the complainant proceeded to wrestle on the ground. Named officer #1 then deployed her Department-issued baton and delivered an unknown series of strikes to the complainant's legs to protect named officer #2 and gain the complainant's compliance. Named officer #2 stated she gave the command "stop resisting!" while delivering her baton strikes and reassessed after every strike. The complainant eventually complied and was placed into handcuffs without further incident. The complainant complained of leg pain and an ambulance was called to assess him. Named officer #1 reported her use of force to a supervisor on scene.

Named officer #2 stated the complainant was being physically resistive while being placed in handcuffs, so he attempted to perform a leg sweep, which failed. Named officer #2 stated he and the complainant then fell to the ground. Named officer #2 stated the complainant then mounted him and punched him in the mouth. Named officer #2 then proceeded to wrestle with the complainant and utilize control holds to get the complainant in handcuffs. While doing this, named officer #1 used baton strikes on the complainant's legs to gain compliance. The officers were eventually able to place the complainant in handcuffs. Named officer #2 reported his use of force to a supervisor and took pictures of his injury to his lip.

DPA obtained the named officers' body-worn camera (BWC) footage as well as their corresponding incident report and written statement. The BWC footage, the incident report, and named officer #2's written statement were all consistent with the statements they provided to DPA. DPA also obtained a copy of the use of force log as well as the supervisory use of force evaluation related to this incident. Both

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documents showed that the named officers' uses of force were properly documented and examined by a supervisor.

DPA also obtained the complainant's medical records related to the incident. While his records showed that he was treated for pain to his left knee and there was bruising and an abrasion, there was no mention of any bone injury or fracture.

The evidence showed that the named officers utilized Department trained use of force techniques to arrest the complainant who was being physically resistive and combative. The named officers' uses of force were within the guidelines of SFPD's policy and procedure.

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

SUMMARY OF ALLEGATION #5: The officer prepared an incomplete or inaccurate report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the incident report incorrectly referred to a stay away order and an outstanding arrest warrant.

The named officer denied the allegation and reiterated that the stay away order and warrant had been verified from other responding officers from the previous incident earlier that day. The named officer maintained the report she drafted pertaining to this incident accurate, complete, and properly documented the complainant's cause for arrest.

DPA obtained a copy of the corresponding incident report as well as the named officer's BWC footage of the incident. Both the incident report and BWC footage were consistent with the statement the named officer provided to DPA.

The evidence showed that the named officer drafted an accurate incident report that showed the restraining order and warrant in this case were valid at the time of the complainant'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 failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that officers failed to de-escalate the situation and provide mental health assistance to him while he was in crisis.

Department of Emergency Management records showed that officers were dispatched to the complainant's apartment regarding a report of domestic violence.

The named officer's body-worn camera (BWC) showed him making contact with the complainant and calmly interviewing the complainant about what happened. The complainant admitted having a verbal argument with his girlfriend and denied making any threats. The BWC also showed the named officer interviewing the complainant's girlfriend, who confirmed the verbal argument.

There is no evidence to support that the named officer failed to employ de-escalation strategies and techniques.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments and tried to provoke him to react.

The named officer's body-worn camera showed the named officer calmly interviewing the complainant about what happened. After the complainant's interview, the named officer asked the complainant to ask his girlfriend to come out of the apartment to interview her, which she did. When the named officer asked the girlfriend if he could interview her inside the apartment, the complainant started to interrupt, prompting the named officer to say: "You can shut up. Why don't you walk over there." The named officer did not engage the complainant further, allowing the back-up officers to deal with the complainant. After making sure the girlfriend was okay, the officers left the scene.

The named officer did not rise to a level of misconduct. The evidence fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments and tried to provoke him to react.

The named officer's body-worn camera (BWC) failed to support the complainant's allegation against the named officer. The BWC footage showed the complainant being upset and verbally abusive toward the officers at the scene. However, the named officer remained professional.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #4-6: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments and tried to provoke him to react.

The body-worn camera footage showed that the named officers did not interact with the complainant or the complainant's girlfriend. The officers responded as backup and stood by to ensure a safe scene.

The evidence proves that the accused officers were not involved.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant and another individual were in a verbal altercation that escalated to a physical altercation and theft. The officer accepted the complainant's private person's arrest and arrested the individual for taking her cell phone. However, the complainant denied touching and hitting the individual but was still issued a citation for battery.

The officer stated that he did not witness the battery or theft. He accepted the private person's arrest from both parties based on their viewpoint and what they believed occurred. He stated that the complainant refused to answer any direct question with an answer and failed to fully describe the incident which is consistent with behaviors of someone who did not want the true details of an event to be made evident. He stated that both parties were acting erratically, and he offered to mediate the situation between the two, but ultimately, they wanted each other arrested, so the citations were completed.

Police records and the body-worn camera showed that the officer and his partner conducted a thorough and complete investigation. They obtained statements from the complainant and the individual. The complainant did not show the officers her cell phone footage of the incident in its entirety. The individual alleged the complainant hit him, and then he grabbed her cell phone so she would stop recording him, while the complainant alleged that he took her phone. The complainant admitted that she did not fear for her safety and did not believe the individual intended to keep her phone. Both the complainant and the individual wanted to make a private person's arrest against each other. The officer accepted the private person's arrest from the parties, explained the terms of the citations, and completed the citations.

The complainant submitted photos and videos of the incident. The cellphone footage that the complainant provided was edited and the surveillance video was not available to the officer at the time of the incident.

Department General Order 5.04.01 establishes policies regarding a member's obligation to receive a subject arrested by a private person and procedures regarding the arrest or release of the subject. More specifically, DGO 5.04.03 states that a private person may be arrested for public offenses not committed in the member's presence, and the member is required to receive a person so arrested if there is probable cause that a crime occurred.

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The DPA's investigation confirmed that the officer acted within department policy. The body-worn camera specifically showed both parties wishing to make a private person arrest against each other and the officer receiving the requests, issuing a citation, and releasing the parties at the scene.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant believed the officer was rude and condescending, and he accused the complainant of antagonizing the individual who took her cell phone.

The officer denied the complainant's allegations, stating that he believed the complainant and the other individual were each treated fairly and respectfully. He stated that some of his comments were taken out of context, and he was not being rude but asking clarifying questions.

The officer's body-worn camera (BWC) showed the officer continuously interrupting the complainant while she attempted to explain what happened and respond to the officer's questions. He admonished her and insinuated that she was behaving rudely toward others.

Department General Order 2.01, in parts, states that members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

Although the officer denied the allegation, his body-worn camera confirms that he behaved and spoke inappropriately to the complainant.

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 #3: The officer's discourteous behavior or statements were related to ethnicity or race.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant believed the officer's comments to her were aimed to attack the complainant's integrity and ethnicity and not for the investigation of the incident.

The officer believed he treated the complainant courteously and respectfully. He believed the complainant was aggressive toward people with darker skin complexion and recalled asking the complainant not to interact with others, believing it would cause more chaos.

The body-worn camera (BWC) footage showed no evidence that the officer made comments about the complainant as a result of her race or ethnicity. However, the BWC confirmed that the complainant's comments and behavior toward the other individual were racially motivated.

Department General Order 5.17, Bias-Free Policing Policy, is the guiding principle of the San Francisco Police Department in its commitment to treating all people with dignity, fairness, and respect.

Although the complainant perceived the incident as a personal attack on her integrity, race, and identity, the officer's comments towards the complainant were based on her behavior, not her ethnicity or race. He attempted to illuminate areas where he believed the complainant may have exhibited a racial bias toward the other individual, which escalated the incident.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1

FINDINGS OF FACT: This complaint raises matters outside of the DPA's jurisdiction. This matter has been referred to:

Urban Alchemy
1035 Market Street, Ste 150
San Francisco, CA 94103

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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: Officers responded to a report of threats and harassment at a residential building involving several tenants. The complainant reported being harassed by six males, one of whom had threatened the complainant with a knife. Several other calls were received, which primarily identified the complainant as the person making threats to harm people. The complainant denied harassing or threatening anyone and said he was arrested for no reason.

The Department of Emergency Management's computer-aided dispatch report confirmed that there were several calls made that alleged the complainant had harassed and threatened several tenants in the building. More specifically, one tenant reported that the complainant had threatened to kill them with a gun. Officers responded to the scene shortly after to investigate, but the complainant left. Later that morning, two additional calls were made by tenants requesting police assistance. The tenants advised dispatch that the complainant returned and attempted to confront the tenants in a fight, and the situation escalated. Simultaneously, the complainant placed a call for service advising that he was being harassed by six adults and was threatened with a knife.

The body-worn camera footage showed that several officers responded to the complainant's residential building to investigate the initial call for service. The complainant was not on scene for the initial investigation, so no arrest was made. However, the named officers obtained statements from the reporting parties for an incident report.

The body-worn camera footage confirmed that the named officers responded to the second incident and immediately detained the complainant, who tenants identified as the person making threats. The named officers explained the reason for his detention to the complainant. The officers obtained additional statements from tenants regarding the verbal altercation and alleged knife involvement. The named officers determined there was no knife involved in the incident but that there was probable cause to arrest the complainant for criminal threats.

Per California Penal Code section 422 (a), a criminal threat occurs when a person purposely threatens to commit a crime that will cause death or great bodily injury. The person must intend to communicate the threat, and the threat must be clear, immediate, unconditional, and specific. The threat must cause actual and reasonable fear in the victim.

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The investigation determined that based on the victim statements, the officers had probable cause to arrest the complainant.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant denied attacking and threatening tenants in his residential building and believes the officer wrote a false report.

The incident report documented the officer's investigation of the incident. The report included the statements made by all the parties, the investigative steps that were taken by the officers, including what transpired after the arrest was made. The statements generally identified the complainant as the individual that threatened the tenants and got into a verbal altercation with one thereafter. The complainant's statements denying threatening and harassing the tenants were also captured on the officers' body-worn cameras.

The body-worn camera footage memorialized the incident, and confirmed the named officer's summary of the investigation was factually and thoroughly captured in the report.

The San Francisco Police Department is committed to the basic police mission of serving the public of San Francisco by enforcing the law. Part of this function requires that officers prepare incident reports to document completed, incomplete, or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature. Preparing factual and thorough incident reports is one of the most important duties of a professional police officer.

Although the complainant questioned the officer's accuracy of the incident report, the investigation showed that the incident report was supported by the body-worn camera footage.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called the police after repeatedly receiving calls from his former partner. When the officers arrived on scene, they refused to write a police report regarding the violation of the restraining order he had against his former partner.

The Department of Emergency Management records confirmed the complainant called the police regarding a restraining order violation. However, the restraining order had yet to be served.

The body-worn camera footage captured the complainant telling the named officer that the restraining order had not been served and that it would be served that evening. The named officer advised the complainant to call back once the restraining order had been served and if the violation persisted.

The DPA's investigation determined that the officer did not write an incident report, because the restraining order had not been served and, therefore, no crime occurred.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated the officer refused to provide his name or star number.

The body-worn camera (BWC) captured the entirety of the contact between the complainant and the officers. The BWC did not show the complainant asking for the officer's name and/or star number.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer has been harassing him since he was a juvenile. Recently, the named officer harassed him by towing his vehicle and saying he didn't deserve it. The complainant also alleged that the named officer told his family that he would never see the light of day.

Police department and court records showed that the complainant was involved in a multi-jurisdiction robbery investigation. The complainant was wanted, and the officer had a valid search warrant to search his person, residence, and vehicle.

DPA reviewed the body-worn camera and multiple recorded statements. The communication between the named officer and complainant was professional at all times. The named officer did not threaten or intimidate the complainant as alleged.

Although the complainant believed the officer engaged in harassing and threatening behavior, the evidence showed that a magistrate ordered the officer to arrest the complainant and that the named officer followed the parameters of the search warrant. During the arrest and execution of the search warrant, the officer was professional.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer did not allow him to remove personal items from his vehicle prior to the tow. The officer only allowed him to get a car seat.

The body-worn camera captured the officer explaining to the complainant that his vehicle was part of the search warrant and that the only item that could be removed was a child's car seat.

The officer was not authorized to let the complainant remove any belongings from the vehicle other than his child's car seat because the car was included in the search warrant.

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 towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer towed his car, put a hold on it for evidence, and then released the car to the district attorney, which resulted in it being sold.

The police, court, and tow records showed that the search warrant directed the named officer to tow the vehicle to a secure lot for CSI processing.

Department General Order 9.06 and Vehicle Code Section 22655.5 (a) authorizes officers to remove a motor vehicle when any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle was used as the means of committing a public offense.

The DPA investigation confirmed the complainant's vehicle was towed with cause, and the officer complied with department policy.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated in an online submission that she filed reports about her ex-boyfriend stalking and threatening her life, and nothing had been done. Attempts to obtain additional information from the complainant were unsuccessful.

The complainant identified an incident that occurred in June 2023. Department records showed that the responding officers prepared an incident report and was subsequently investigated by the Special Victims Unit of the SFPD. The case was then presented the District Attorney's Office who discharged the case, but filed formal charges on a subsequently reported incident.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he was assaulted by grocery store employees after they accused him of stealing from the store. The complainant went to a local police station and requested to file a police report, but the named officer failed to do so.

The named officer was working as a station keeper on the day of the incident and stated that the complainant came into the station requesting a police report regarding a battery that happened that same day. The complainant stated that he did not need medical treatment. The named officer stated that he did not see any visible injuries to the complainant. The complainant advised the named officer that the battery was committed by staff members from a local grocery store. The named officer called the local grocery store in question and spoke with the manager, who informed him that the complainant was caught shoplifting from the store, had the items he had stolen confiscated by store staff, and was told to leave. The manager stated that she was not interested in pressing charges against the complainant. The named officer relayed this information back to the complainant who advised he would be filing a complaint against him and left the station.

DPA obtained a copy of the incident report pertaining to the incident. The incident report was filed by a public service aide a day after the incident at a different district police station. The report alleged that a grocery store employee grabbed the complainant's backpack, causing him to dislocate his left shoulder. The complainant declined medical treatment at the station. DPA also obtained a copy of the surveillance camera footage from the grocery store. The footage failed to show the alleged theft or the altercation between the complainant and grocery store staff.

There is no policy that requires a station keeper to generate an incident report under these circumstances. Therefore, the allegation is unfounded.

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

FINDINGS OF FACT: The complainant alleged that during his conversation with the named officer, he called him a liar.

The named officer denied the allegation and stated that he was honest and upfront with the complainant about the information he discovered about the incident.

Due to lack of additional witnesses, the evidence failed to show if the descriptions of the exchange between the complainant and the named officer were accurate.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was having ongoing issues with one of his roommates. The complainant contacted the police because he felt the recent actions taken by one of his roommates violated a restraining order he had obtained. The complainant stated that the named officer responded, took his roommate's side, and explained to the roommate how he could get the complainant evicted.

The named officer could not recall if he advised the complainant's roommate to contact their attorney to evict anyone. The named officer stated that he advised the complainant's roommate the one way the situation could possibly resolve itself would be if someone moved out or was evicted.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage showed the named officer speaking with all involved parties and advising them of possible resolution methods to their issues. The named officer did not show any bias for or against any of the parties involved in the incident and thoroughly explained all potential resolution avenues to everyone.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer failed to address his issues regarding the restraining order violation that involved his roommate.

The named officer stated that he listened to the complainant regarding the allegations against his roommate. The named officer reviewed all the relevant evidence and determined that there was no violation of the restraining order. The named officer provided the complainant with information regarding the community boards that could help resolve his issue.

DPA obtained the named officer's BWC footage. The BWC footage was consistent with the statement he provided to DPA.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that construction workers working at his place of residence provoked his partner, which resulted in a physical altercation. The complainant attempted to intervene, and a construction worker also battered him. The complainant stated that the responding officers failed to properly investigate the incident because the officers inappropriately separated the complainant and his partner while taking their statements but allowed the construction workers to remain together. Additionally, the named officers failed to provide the complainant with an opportunity to make a meaningful statement because the interviewing officer's line of questioning was hostile, and the officers brushed off an eager witness who wanted to speak with the officers regarding the incident.

DPA obtained body-worn camera (BWC) footage of the above-described incident. The BWC footage reflected that when the named officers responded to the scene, all parties were agitated and gathered in a narrow staircase. The complainant immediately demanded for an officer to go outside with him so he could speak with him regarding what occurred. At the complainant's request, named officer #2 followed the complainant outside.

Named officer #2's body-worn camera footage captured the entirety of the interaction between him and the complainant. Named officer #2 quickly realized the complainant had a heightened emotional state and interviewed him in a patient and professional manner. DPA understands that the complainant was in mental anguish at the time. Named officer #2 did not do anything to agitate the complainant or render him unable to make a meaningful statement. Rather, named officer #2 attempted numerous times to confirm the details of the incident.

Additionally, BWC footage did not reflect that any of the responding officers brushed off an eager witness.

Overall, the evidence reflected that the named officers conducted a proper preliminary investigation of the incident. The named officers interviewed all parties—several times to ensure accuracy—and reviewed surveillance footage of the incident. The officers also consulted a sergeant regarding the evidence and enforcement actions taken.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrongfully issued his partner a citation for battery when his partner simply defended himself against the construction workers, who incited the physical altercation without provocation.

The named officer conducted the preliminary investigation on-scene and with the on-duty sergeant's approval, cited the complainant's partner for battery against a construction worker. The named officer explained in his report that based on all parties' statements, he determined that enough probable cause existed to cite the partner.

The evidence, such as the BWC footage and surveillance footage of the occurrence, proved that one of the workers elected to press charges against the complainant's partner, and that probable cause existed to cite him. Surveillance footage showed that the complainant's partner approached the construction workers, initially engaging in a verbal altercation, which resulted in the construction worker attempting to defend himself with a broom. The surveillance footage revealed that the complainant's partner struck the construction worker and a physical altercation ensued. Thereafter, the surveillance footage also demonstrated that as things appeared to be calming down between the parties, the complainant's partner suddenly re-engaged in a physical altercation and struck one of the construction workers standing nearby.

BWC footage also confirmed that the named officer consulted the on-duty sergeant before citing the partner.

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 failed to receive a private person's arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he requested the named officer to arrest and/or cite the individual who battered him. However, they failed to do so.

The evidence reflected that the named officer declined to cite the construction worker who battered the complainant. The named officer documented in his report that based on his investigation, he accepted the Citizen's Arrest form, but did not cite the individual.

Department General Order 5.04, Arrests by Private Persons establishes an officers' obligations to receive a private person's arrest and states in relevant part: "[i]f probable cause does not exist, [an officer shall] accept the arrest and advise the individual that they are free to leave... In the event of no arrest or citation the member shall document the incident in a report."

The evidence reflected that the named officer followed Department policy and properly used his discretion in whether to cite the individual.

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 failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he and his partner were inappropriately taken to separate hospitals to receive medical treatment related to the incident.

DPA obtained the officers' BWC footage. The BWC footage showed that it was the medics, not the named officers, who arrived on scene to assess the complainant and his partner that made the decision to transport them to different hospitals.

The evidence proves that the accused officers were not involved.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer drove a police vehicle in pursuit of another vehicle, went through a red light, hit a motorcyclist, and then crashed into a nearby building, almost killing her family members. She said the named officer drove the patrol vehicle in a negligent and reckless manner, causing the collision and injuries to her family members and the motorcyclist.

The named officer was in a patrol vehicle and attempted to stop a suspected stolen vehicle reported to be involved in violent felonies. He got behind the suspect vehicle, activated his patrol vehicle's lights and siren and it accelerated away. He briefly pursued the suspect vehicle, approached an intersection with a red light, saw that the first lane of traffic was clear and proceeded through the intersection. A motorcyclist appeared in the next lane of cross traffic in front of his vehicle, he swerved to avoid a direct hit, collided into it, and crashed into a building. He said he knew the area of the collision as a high traffic area, and he said it was moderately busy at the time. He thought the A-pillar of the patrol vehicle may have obstructed his view of where the motorcyclist was coming from, and he may have looked too quickly to see if the lane was clear. He said he could have slowed down more and looked around the obstruction to make sure there was no oncoming traffic, both of which would have helped prevent the collision.

An officer who investigated and documented the traffic collision determined that the named officer was most at fault for the collision and was in violation of California Vehicle Code (CVC) 21056. The report noted various injuries to persons involved in the collision.

A supervising officer completed an investigative report regarding the collision and determined that the named officer was responsible for the collision and did not operate the patrol vehicle with due regard for the safety of all persons and property.

Security footage that captured the incident showed a busy intersection with numerous vehicles and pedestrians. The suspect vehicle approached an intersection at speed, slowed down, and then accelerated through. It appeared there was a red light for this direction of travel. A siren could be heard, and the named officer's patrol vehicle could be seen with its emergency lights on approaching the intersection behind the suspect vehicle. The patrol vehicle entered the intersection without stopping or slowing,

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collided with a motorcyclist who was ejected from the motorcycle, veered left, and collided into a building.

Body-worn camera footage (BWC) from inside the patrol vehicle showed the named officer driving a patrol vehicle and a collision occurring. The named officer told another officer on scene that he slowed but not enough.

Witnesses stated that the patrol vehicle drove into an intersection when facing a red light and collided with a motorcycle prior to veering off the road. Witnesses stated that there was heavy vehicular and pedestrian traffic in the area at the time.

DGO 2.01 General Rules of Conduct states in part that members shall operate Department vehicles in a reasonable and prudent manner.

DGO 5.05 Emergency Response and Pursuit Driving states in part that officers shall at all times drive with due regard for the safety of all persons. It also lists multiple factors that officers shall consider in deciding to initiate continue or terminate a pursuit which includes but is not limited to the risk to safety of the public in the area of the pursuit, speeds involved in the pursuit, and vehicular or pedestrian traffic safety and volume.

Section 21056 CVC states, "Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section."

The evidence showed that the named officer drove negligently and recklessly in pursuit of a felony suspect vehicle. He failed to effectively slow or come to a stop when facing a red light at an intersection known to have heavy pedestrian and vehicular traffic. He did not drive with due regard for the safety of all people, resulting in substantial injuries and property damage.

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 drove a City vehicle in an out-of-policy pursuit.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant said that the named officer violated the San Francisco Police Department's pursuit policy when engaging in a pursuit during this incident.

The named officer was attempting to apprehend a suspected stolen vehicle whose occupants he believed had engaged in multiple violent felonies earlier in the day. He had information that the vehicle fit the description of the suspect vehicle. The vehicle fled after he attempted to stop it, and while in pursuit, he slowed the patrol vehicle before going through a red light entering an intersection. He said he could have slowed down closer to the intersection and could have slowed down more. He was familiar with the area of the pursuit and confirmed that the intersection is a high traffic area. He thought the A-pillar of the patrol vehicle may have obstructed his view of the motorcyclist he struck, and he may have looked too quickly to see if the lane was clear or not. He said he considered his safety, his partner's safety, and the public's safety when he entered the intersection and the thought to disengage from the pursuit crossed his mind. He said he could have slowed the patrol vehicle down and looked around the blind spot to make sure there was no oncoming traffic which would have helped prevent the collision.

A traffic collision investigator determined that the named officer was most at fault for the collision and violated of California Vehicle Code (CVC) 21056. An incident report was authored for the incident and showed that the named officer pursued a suspected stolen vehicle that was involved in violent felonies.

A supervising officer completed an investigation and report regarding the collision and determined that the named officer was responsible for the collision and did not operate the patrol vehicle with due regard for the safety of all persons and property.

Security footage of the incident showed a busy intersection with numerous vehicles and pedestrians. The suspect vehicle approached an intersection at speed, slowed down, and then accelerated through. It appeared there was a red light for this direction of travel. A siren could be heard, and the named officer's patrol vehicle could be seen with his emergency lights on approaching the intersection behind the suspect vehicle. The patrol vehicle entered the intersection without stopping or slowing, collided with a motorcyclist who was ejected from the motorcycle, veered left, and collided into a building.

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Witnesses stated that the patrol vehicle drove into an intersection when facing a red light and collided with a motorcycle before veering off the road. Witnesses stated that there was heavy vehicular and pedestrian traffic in the area at the time.

DGO 5.05 Emergency Response and Pursuit Driving states in part that officers shall at all times drive with due regard for the safety of all persons. It also lists multiple factors that officers shall consider in deciding to initiate continue or terminate a pursuit which includes but is not limited to the risk to safety of the public in the area of the pursuit, speeds involved in the pursuit, and vehicular or pedestrian traffic safety and volume. Additionally, it lists various tactics that may help avoid intersection collisions including slowing down when approaching an intersection and coming to a stop at a red light or stop sign.

Section 21056 CVC states “Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section.”

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 made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant had a physical altercation with his ex-girlfriend. He alleged that she attacked him and kicked him out of their house. The complainant obtained an Emergency Protective Order and his ex-girlfriend was taken to jail. She obtained a Temporary Restraining Order against the complainant upon her release from jail. In a separate and subsequent incident of alleged domestic violence where the complainant was identified as the suspect, the named officer arrested the complainant for resisting, delaying, and obstructing peace officers' duties and transported him to a district police station. The complainant believed the arrest was unlawful and without reason.

Named Officer #1 said they arrested the complainant because he refused to comply with any part of their investigation, attempted to walk away, and delayed the performance of their duties.

Named Officer #2 said the complainant delayed their investigation and refused to identify himself.

DPA obtained a copy of the incident report and the body-worn camera (BWC) of the named officers. The incident report and BWC footage were consistent with the statements the named officers provided to DPA.

The evidence showed that the named officers had probable cause to detain and arrest the complainant for violating Penal Code section 148(a).

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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: While conducting a query at the district police station, the complainant alleged the named officer came across the unserved temporary restraining order. The named officer then served the complainant with the document and gave him a copy. The complainant said the named officer harassed him by serving him the court order that his ex-girlfriend falsely obtained. He further alleged that the officer accused him of being a violent person.

The named officer acknowledged serving the complainant with the court order. The named officer stated that the court order was valid at the time of service.

The incident report properly documented the service of the temporary restraining order.

The named officer's BWC footage was consistent with the incident report and his statement to DPA. It showed the named officer explaining the contents of the restraining order. The footage, however, did not show the complainant stating that he felt harassed as the named officer discussed the restraining order with him. It did not show the named officer accusing him of anything or saying to the complainant that he was a violent person.

The temporary restraining order was criminal in nature. The named officer, therefore, had the authority, consistent with Department policy, to serve the complainant with it.

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 issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that he was unlawfully cited because of the incident.

The named officer stated they arrested the complainant because he refused to comply with any part of their investigation, attempted to walk away, and delayed the performance of their duties.

The named officer's BWC footage and the incident report were consistent with the statement they provided to DPA. Probable cause existed to cite the complainant for violating Penal Code section 148(a).

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that unbeknownst to him, his ex-girlfriend had filed a restraining order against him. Months later, the complainant's ex-girlfriend asked him to visit her to see their baby. While at her residence, officers showed up and served him with the restraining order he believed was falsely obtained and based on lies. The complainant alleged that the named officer failed to properly investigate before serving him with the restraining order.

The named officer stated that the complainant's ex-girlfriend called for police assistance regarding an unserved restraining order against the complainant, who she saw outside her house. The named officer said he knew the complainant from prior contacts and was aware that the complainant had a restraining order. Upon arrival at the scene, he told the complainant about the unserved restraining order. The named officer said he obtained a copy of the restraining order and gave the complainant a copy. The named officer also explained the terms of the restraining order, which the complainant said he understood.

DPA obtained a copy of the corresponding incident report. The incident report showed that a couple of weeks after the restraining order was issued, the complainant's ex-girlfriend called for police assistance, reporting that she saw the complainant outside her house in violation of the restraining order. Officers responded to her home, noticed the complainant leaving the vicinity, and stopped him. She told the officers she called for assistance because she wanted the complainant served with the restraining order. The named officer obtained a copy of the restraining order, served it on the complainant, and explained its terms. DPA obtained a copy of the named officer's body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the incident report and the statement he provided to DPA.

DPA also obtained a copy of the restraining order. The restraining order, which was signed by a judge, directed the complainant not to contact his ex-girlfriend and to stay away at least one hundred yards from her and their minor child.

Under section 13710 of the California Penal Code, the named officer had a duty to serve the restraining order. He had no duty to question or investigate its terms, which, according to section 13710 of the California Penal Code, could only be changed by court order.

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 used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said he witnessed a pedestrian versus vehicle collision. He ran to the scene with a car jack and used the jack to free the pedestrian from underneath the car. The complainant leaned against a nearby wall because he injured his knee while operating the car jack. The named officer approached the complainant and told him to “get out of here.” The complainant told the officer that he had just jacked up the car and was resting. The officer then used profanity and ordered him to “Get over there.” When the complainant tried to tell the officer he lived at that location, the officer grabbed the complainant by the front of his shirt with both hands and threw the complainant up against the wall. Another officer ordered the complainant down to the end of the street, and the complainant complied.

Named officer #1 stated he responded to a call for service regarding a male trapped underneath a vehicle. He and other officers arrived on the scene with fire department personnel, and he observed several members of the public moving around a vehicle and shouting for assistance. San Francisco Fire Department (SFFD) personnel asked him to clear the area so they could perform a rescue. Officer #1 declared the scene a crime scene, approached the complainant, and asked the complainant to move away from the vehicle. The complainant refused and moved closer to the immediate vicinity of SFFD personnel. Officer #1 placed his arm to block the path of the complainant to show the complainant he should stop. The complainant continued to walk closer to the scene and pushed past the officer’s arm. Officer #1 took hold of the complainant because he had directly disregarded a lawful order and initiated physical contact with the officer. Officer #1 said it was necessary to stop the complainant from entering an active crime scene. The complainant tensed his arms and pushed the officer away. Officer #1 restated the order to the complainant to leave the area.

Officer #1 stated that restraining the complainant was the minimum amount of force needed to gain compliance after giving a lawful order. Officer #1 did not believe the force was unnecessary or excessive and amounted to a Type 1 Use of force, which is non-reportable.

Named Officer #2 stated that he attended a vehicle collision incident with Officer #1. SFFD was working on a victim on the ground who had been run over by a car. Officer #1 asked the complainant multiple times to leave the immediate area to secure the crime scene. Officer #2 directed the complainant to leave

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the crime scene, and Officer #1 placed his right hand on the complainant's left shoulder to direct the complainant to leave. The complainant immediately took a wide stance and placed both hands on Officer #1's body. In response, Officer #2 pushed the complainant away from Officer #1 against the wall.

Officer #2 stated that the force was necessary because the complainant had placed both hands on Officer #1. Officer #2 said the force used was not reportable as no control holds were used that would cause pain, and the complainant did not complain of any pain. The force was used to direct the complainant out of the crime scene.

Body-worn camera (BWC) footage showed that SFFD personnel instructed officers to clear the scene. Officer #1 instructed other officers to set up a crime scene. The named officer approached the complainant, standing beside the vehicle and casualty. Officer #1 told the complainant, "I need you to take off." The complainant pointed to a jack and said, "My jack is right there." Officer #1 said, "Do me a favor, just stand over there," and gestured away from the scene. The complainant turned and walked the opposite way towards the SFFD personnel and the vehicle and touched Officer #1's outstretched arm. The complainant said, "Get your hand off me. I live right here. I'm going home." Officer #1 said, "I understand. You're going to go over there now." Officer #1 took hold of the complainant's left shoulder, then right shoulder. Officer #2 stepped in to assist and pushed the complainant against the wall. The officers tell the complainant to relax and direct him to walk away. Officer #2 said, "Get out of the crime scene," and let the complainant go. The whole incident lasted about seven seconds.

Witness #1 stated that there was a lot of commotion at the collision scene. However, he did see two officers trying to push the complainant away from the scene.

Witness #2 said she saw the complainant pushed against a wall by two officers. She explained that it looked like the complainant fell and reached for the police officer's lapel jacket to steady himself. Witness #2 believed the officer must have thought the complainant was getting aggressive with him.

Department documents recorded the Traffic Collision investigation.

Department General Order (DGO) 5.01.4(A)(5) Use of Force and Proper Control of a Person, states that officers may use objectively reasonable force options to gain compliance with a lawful order.

DGO 5.01.5(C) Use of Force and Proper Control of a Person, describes "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."

DGO 5.01.5 Use of Force and Proper Control of a Person, states that officers could use "force option" for active resistance that would include anything up to "[u]se of personal body weapons to gain advantage

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over the subject” or “[p]ain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.”

DGO 5.01.7 Use of Force and Proper Control of a Person, defines “Type 1 Non-reportable force” as “[t]he use of hands or equipment to stop, move, direct, or otherwise exercise control of a person or situation.”

The body-worn camera (BWC) footage supported the officers’ account of the incident. The officers gave the complainant lawful orders to leave the crime scene. Instead of complying, the complainant offered active resistance when he tried to push past officers to walk deeper into the active scene. The officer used minimal Type 1 force options to exercise control over the complainant to gain compliance.

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

SUMMARY OF ALLEGATION #3: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the officer used profanity when ordering him to leave.

The named officer denied using profanity.

Body-worn camera footage showed that the officer did not use profanity.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-2: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that several officers responded to a Fourth of July gathering near her residence. The complainant saw the officers monitoring the crowd for hours before taking police action. The complainant felt that the officers' decision to finally act was arbitrary and that their failure to act sooner escalated the incident, requiring the officers to engage in force.

DPA obtained several documents regarding the planned Fourth of July gathering in question. DPA obtained an SFPD Operational Order and PowerPoint presented to the responding officers before the incident and SFPD incident reports from a previous Fourth of July gathering in the same area. The past incident was similar in nature to the one that occurred here and involved an unlawful gathering which resulted in violence and required police intervention.

DPA interviewed the named members, who were assigned leadership roles for the incident in question. They were responsible for overseeing the official and unofficial Fourth of July events and gatherings occurring in the city and in the district where this gathering occurred. Named officer #2 was responsible for overseeing the specialized units who were tasked with deploying to the events, if necessary.

The named officers explained that they were acutely aware of the formation of an unlawful assembly in this area due to the past Fourth of July incident as well as several other celebratory events that have occurred there. The named officers explained that the assemblies, such as the one here, typically consist of illegally lighting off commercial fireworks, blocking and disrupting traffic, engaging in sideshow activity, and drinking in public. The named officers emphasized that per the Penal Code, such criminal activity requires police action.

Named officer #1 arrived on scene first to monitor the gatherings that had formed. Named officer #1 hoped that the crowd would cease their illegal behaviors and dissipate on their own without official police intervention, and that their mere presence would serve as a deterrence for the continued formation of a crowd and unlawful behaviors. As the crowd did not dissipate, named officer #1 summoned named officer #2 to the scene for assistance. Named officer #2 who oversees the specialized units, responded to the scene. He too observed the crowd and their unlawful behaviors.

As the night went on, the crowd continued to grow, and the named officers noted that they needed to disperse the crowd to bring the event safely and effectively under control. The named officers attested that

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based on the continued illegal activity and behavior of the crowd, they believed that if they did take action to disperse the crowd, their conduct would continue to pose a clear and present danger of imminent violence as the individuals began lighting fires, physically fighting, engaging in illegal side show activity, throwing glass bottles towards the officers, and lighting fireworks in their general direction. The named officers consulted each other, formulated a plan to disperse the crowd, and briefed the units on-scene accordingly.

Pursuant to the plan, the officers formed a scrimmage line and gave several dispersal orders which explicitly warned the crowd of what could occur if they did not comply, such as use of force and/or arrests. After some time, the crowd dispersed. However, during this process, several officers engaged in reportable uses of force as individuals threw glass bottles at others and the officers and set off illegal fireworks in their direction.

The named officers explained why they did not take immediate action upon arrival. They explained that they used time and distance to their advantage, and they wanted to strike a balance between allowing the community to gather and celebrate the holiday and ensuring adequate public safety. They hoped that their mere presence would serve as a deterrence for continued illegal behavior. However, when the crowd did not disperse and continued their unlawful and dangerous actions, the officers felt it necessary to intervene.

Based on the available evidence and officer statements, the named officers' decisions, tactics, and actions utilized throughout the incident were reasonable and complied with Department Policy concerning crowd control.

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

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers inappropriately utilized what appeared to be rubber bullets as a use of force option.

The evidence reflected that the named officer, as a superior officer on scene, authorized the use of the less lethal 40mm foam baton projectiles, otherwise known as an Extended Range Impact Weapons (ERIW) to be deployed during the incident in accordance with the Department's policy and law, if warranted.

Three of the on-scene officers discharged their ERIWs, striking members of the crowd. The evidence reflected that prior before deployment of the ERIWs, individuals were throwing glass bottles at others and towards the officers. The ERIW deployment was deemed proper by superior officers as well as the named officer considering the immediate threat of a member of the public or an officer being struck by a bottle.

DPA obtained body-worn camera (BWC) footage of the incident which showed the uses of force. The BWC showed that prior to discharging the ERIWs, the officers made several verbal commands for the individuals to cease their actions and disperse from the area. It appeared that several individuals failed to comply and continued to engage in unlawful activity and throw glass bottles.

Based on the available evidence and statements by the named officer, the named officer's authorization to utilize ERIWs as a force option, when necessary, was proper and common practice for these types of incidents.

Additionally, the deployment of the ERIWs in response to the threats posed by the crowd was reasonable, proportionate, and within Department Policy.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated in an online complaint that several years ago she was pulled over without cause, and the officers informed her that her license plates did not match her vehicle. She explained that the license plates on her car were not stolen. The complainant declined to participate further in the investigation.

Officer #1 confirmed detaining the complainant with Officer #2 for a high-risk felony stop. He explained that Officer #2 conducted a computer check on the complainant's license plate before conducting the stop, revealing that the license plates were reported stolen. It also revealed that the license plates were registered to a different car. Officer #2 confirmed that he conducted the computer check on the license plate and informed his partner of the result.

Department records indicate that Officer #2 checked the complainant's vehicle, revealing that the license plates were stolen and belonged to a different vehicle.

California State Records show that the license plates were registered to a different vehicle the complainant was driving with a different VIN.

Body-worn camera footage shows that both named officers detained the complainant and that the vehicle she drove was not the vehicle that was registered to the license plates the car was bearing.

Department General Order 5.03.3(D) Investigative Detention, defines reasonable suspicion to detain as: "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. Reasonable suspicion cannot be based solely on a hunch or instinct."

The evidence collected proves that the named officers had reasonable suspicion to detain the vehicle because a computer query of the license plates showed the plates were stolen from another city and belonged to a different car. The officers had articulable reasons to believe that the vehicle and the complainant were connected to a crime. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that after she was pulled over, the officers screamed at her to get out of her vehicle. She said the officers were screaming different words and phrases, not in unison, as if they did not want her to hear them properly. The complainant declined to participate further in the investigation.

Officer #1 stated that he used the patrol vehicle's public announcements (PA) system to command the complainant to exit the vehicle. Officer #2 then took over to give the commands. The officer stated that several police units with activated sirens responded to this incident while he was giving commands. As a result, he had to project his voice louder over the surrounding noise. Officer #2 stated that he and named Officer #1 gave verbal commands to the complainant. He explained that multiple police vehicles arrived on the scene with sirens, and officers must yell to ensure the commands were being heard.

Department records indicate that several units did respond to the scene after the named officers arrived.

Body-worn camera footage showed that Officer #1 calmly and professionally gave verbal commands over the PA system for the complainant to exit her vehicle. However, the complainant failed to follow the orders correctly, got irritated, and stomped on the ground, resulting in Officer #2 taking over communication efforts and shouting out instructions. The footage also shows that more units arrived as the officers were giving commands. Loud sirens can be heard in the background.

The evidence proves that both officers shouted instructions towards the end of the complainant's extraction from the vehicle. However, the complainant was not following commands correctly, showing signs of irritation, and the officers were trying to make themselves heard over the noise of arriving police units with activated sirens. At no point during the interaction did the officers say or do anything that would be considered inappropriate.

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

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SUMMARY OF ALLEGATIONS #5-7: The officers detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated as she was being instructed to walk towards the officer from her vehicle, she saw 6-7 officers all with their pistols pointing at her with their fingers on the triggers. The complainant declined to participate further in the investigation.

All named officers denied pointing their guns at the complainant while she was being extracted from her vehicle. Officer #1 explained that he used the PA system and hand gestures to instruct the complainant. After both occupants were extracted, he then drew his firearm and pointed it at the vehicle. He did not recall any officers pointing their guns at the complainant. Officer #2 said he drew his firearm after the occupants had exited the vehicle. Officer #3 said he pointed his firearm at the ground at the low ready and holstered it after the complainant was removed from the vehicle.

Department records did not capture any firearm drawing or pointing during the incident.

Body-worn camera footage captured the named officers drawing their firearms out during the incident. However, they did not point their firearms at the complainant at any point during the interaction. The footage shows that officers either pointed the firearms at the ground at low ready or at the vehicle after the occupants were extracted from the vehicle.

The 2013 SFPD Field Training Officer Manual states that when conducting high-risk felony stops, officers should consider using shotguns and draw firearms while searching the vehicle.

The evidence proves that although the officers did draw their firearms, at no point did they point them at the complainant while she was being extracted.

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

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to properly investigate.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the license plates on her vehicle were the same as when she bought her car, and the officers did not look at all the evidence. The complainant declined to participate further in the investigation and clarify what she meant by evidence.

Officer #1 stated that the complainant told him she bought the vehicle from Craigslist and was unaware that the license plates on the vehicle were stolen. She also said that she did not steal the vehicle. Additionally, she said she bought the vehicle over two months ago. However, she had yet to register the vehicle with the DMV. The officer stated that after he detained the complainant, he checked the license plates and the vehicle's VIN, revealing that the vehicle had a "release of liability" from three months prior and was registered to a company name out of San Diego. Officer #2 confirmed that Officer #1 further checked the vehicle and license plates.

Department records indicate that Officer #1 checked the vehicle's VIN, revealing a different license plate. The records also documented that the license plates were reported stolen.

Body-worn camera footage shows that Officer #1 checked the vehicle's VIN with dispatch and that the complainant said she bought her vehicle from Craigslist and had not yet registered it with the DMV.

California State Records show that the license plates on the complainant's vehicle were registered to a different vehicle.

The evidence proves that the officer checked the complainant's vehicle license plates and VIN via the patrol vehicle computer. The officers confirmed that the license plates were reported stolen and did not belong to the vehicle the complainant was driving and took a statement from the complainant.

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

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SUMMARY OF ALLEGATIONS #10-11: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated in the online complaint that she was arrested and taken to jail without reason. The complainant declined to participate further in the investigation.

Both named officers stated that Officer #1 confirmed that the license plates affixed to the vehicle the complainant was operating were stolen. Additionally, Officer #1 confirmed that the VIN on the vehicle did not match the license plates. They both said the complainant was arrested and taken to jail for violating California Vehicle Code (CVC) section 4463(a)(1) and Penal Code (PC) section 496(a).

Department records indicate that the complainant was charged for CVC sec. 4463(a)(1) and PC sec. 496(a) because of the stolen license plates on the vehicle she was driving. The CAD (Computer-Aided Dispatch) also shows that the VIN on the complainant's vehicle was registered to a different license plate number.

Body-worn camera footage captured that the complainant was booked and taken to jail after the arrest.

California State Records show that the license plates on the complainant's car were registered to a different vehicle.

CVC section 4463(a)(1) reads:

"A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years, or by imprisonment in a county jail for not more than one year:"

"(1) Alters, forges, counterfeits, or falsifies a certificate of ownership, ... or have in their possession a blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license, license plate, temporary license plate... "

PC 496(a) reads:

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"(a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year,..."

The evidence proves that the officers had probable cause to arrest the complainant for driving a vehicle with stolen license plates affixed to it, meaning that she possessed a false license plate and received property that had been previously stolen. The offenses are punishable by imprisonment according to the laws.

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

SUMMARY OF ALLEGATIONS #12-13: The officers failed to provide required information.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that no officers told her what was happening and that officers later told her the license plates on her car were stolen. She then asked why she was being taken to jail, and no one responded. The complainant declined to participate further in the investigation.

Both named officers stated that they explained to the complainant multiple times that the vehicle she was driving had a stolen license plate.

Body-worn camera footage shows that both officers tried to explain the situation of the stolen license plates to the complainant while she insisted that her vehicle was not stolen.

The evidence proves that officers did explain to the complainant multiple times what she was being arrested and taken to jail for during the incident.

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

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SUMMARY OF ALLEGATIONS #14-16: The officers towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that her vehicle was towed after the incident and had not received it back. The complainant declined to participate further in the investigation.

Officers #1 and #2 stated that they decided to tow the vehicle under the CVC section 22651(h)(1). The officers were unaware of the vehicle's current location.

Officer #3 was the officer who signed the tow slip. However, that officer is no longer with SFPD.

Department records showed that the vehicle was towed for violating CVC sec. 22651(h)(1), and Officer #3 was the towing officer.

Auto Return records showed that the vehicle was towed at the request of SFPD.

CVC section 22651(h)(1) reads, "A peace officer,... may remove a vehicle...if an officer arrests a person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody."

Department General Order (DGO) 9.06(II)(A)(a) Vehicle Tows, states, "It is the policy of the Department that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is needed for evidence."

The evidence shows that the officers had justification to tow the complainant's vehicle.

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

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SUMMARY OF ALLEGATIONS #17: The officer prepared an inaccurate and incomplete incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the police report was “completely” wrong because the plates were not stolen. The complainant declined to participate further in the investigation.

The named officer stated that the report he authored included the facts, observations, actions on the scene, and other officers' actions to show they had reasonable suspicions or probable cause during the incident. He conducted multiple record checks, revealing that the vehicle's license plates were stolen.

Department documents recorded the statement the complainant provided on the scene, and the records check the officers made led them to believe that the license plates were stolen. The incident report documented the stolen license plate number, which belonged to a different vehicle, and that the complainant's vehicle was registered to a different plate other than the one on the vehicle at the time of the traffic stop.

California State Records show that the license plate on the complainant's vehicle was registered to a different vehicle.

Body-worn camera footage captured the statement from the complainant and the computer query results, which corroborate the incident report.

The evidence proves that the incident report captured accurate and complete information regarding the stolen license plates.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that while she and her partner were in jail, their residence was burglarized. Her friends were staying at the home when this occurred but were outside when burglars entered. Another individual with ties to the home reported to police that the complainant's friends were inside the residence without permission. The named officers responded to the home but arrived after the burglars left. The complainant stated that the officers locked up the residence and spoke with her friends but failed to properly investigate the burglary.

Department records showed a call-for-service regarding a possible burglary. Dispatch records showed that an individual told a dispatcher that her former spouse was in jail, and she received a call from a neighbor that people were inside his residence. The named officers were dispatched as the primary investigating unit and arrived on scene with backup officers. The named officers later cleared the call and advised that it had been handled.

Body-worn camera footage showed that officers responded to the complainant's residence, found the front gate to the entry area of the residence and front door open. Officers found no one present and locked and secured the home. Officers spoke with a neighbor, who was unclear what happened but had heard noise and saw vehicles outside. Officers spoke with the complainant's friend outside the home, asked him questions regarding the incident, and he stated that he was watching the home and while he was outside, people entered the home, rushed out with items, possibly some of his, and one of them had a firearm. An officer asked him if he wanted to make a report and he declined. Named Officer #1 commented that the residents would need to call back and make a report later if they wanted and if they found items missing.

The evidence showed that the named officers investigated the reported possible burglary and were confronted with a situation that was unclear. The front door of the subject home was standing open, the residents were absent and unable to identify if items were missing, or if an unauthorized entry had occurred. Additionally, a witness at the scene who had been staying at the property refused to make a report regarding any personal belongings.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant's friends were watching her residence while she and her partner were in jail. She stated that the named officers responded to their residence regarding a call that people were inside the home without permission. The named officers locked the residence without making sure her friends could get back inside.

Body-worn camera footage showed that officers found the entryway gate and front door open. No one was present inside the home. Officers locked and secured the home for safekeeping. They spoke with the complainant's friend, who was outside. The friend said the front door was open when he arrived. He told officers that he had a code to get inside and that he was housesitting for the owner. One officer advised the complainant's friend that they could not let him back inside as it was not his residence.

The evidence showed that the named officers acted reasonably in not letting the complainant's friend inside the home. The friend gave no evidence to prove that he had permission from the owner to be inside the residence and advised officers that it was not his residence.

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 improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated he was detained and placed in tight handcuffs.

Department records showed that the complainant was detained for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code, because the complainant was deemed to be a danger to others.

The named officer, who admitted placing the complainant in handcuffs, stated that as he began to check the handcuffs for the appropriate degree of tightness, as trained at the police academy, the complainant began tensing his body and yelling for him to loosen the handcuffs, preventing the named officer from checking the handcuffs. The named officer, however, was able to double lock the handcuffs to prevent them from tightening.

DPA obtained the named officer's body-worn camera (BWC) of the incident. It is unclear from the BWC whether the handcuffs were placed too tightly. While the complainant initially complained about the handcuffs being too tight, he did not continue to complain about the handcuffs. Instead, the complainant continued to yell incoherently.

DPA obtained a copy of the complainant's medical records from the day of the incident. The complainant's medical records show the complainant was able to move all his extremities equally. There was no mention regarding any injury made to the complainant's wrists because of the handcuffs. Additionally, there was no mention of a complaint of pain from the complainant pertaining to his wrists.

While the named officer's BWC showed the complainant making a brief statement regarding the handcuffs being tight, his medical records showed there was no documented injury from the handcuffing.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/UCSF

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

UCSF Medical Center
505 Parnassus Ave
San Francisco, CA 94143
Attn: Patient Relations

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers responded to her residence and arrested her. During the arrest, the complainant stated that the named officers were unnecessarily rude towards her and treated her poorly.

Department records showed that the named officers responded to a call for service generated by the complainant's neighbor. The named officers arrested the complainant for violating a restraining order under which the neighbor was a protected person.

The named officers denied being rude towards the complainant or otherwise treating her poorly at any time. The named officers attested that they conducted themselves in a polite and professional manner throughout the incident.

DPA obtained body-worn camera (BWC) footage of the above-described incident. The BWC footage proved that the named officers were not rude to the complainant and did not treat her poorly during the incident. The officers conducted themselves professionally. Additionally, due to her age and her declining mental status throughout the incident, the officers summoned an ambulance to ensure she had proper medical care rather than transport her to the station.

The evidence proves that the alleged conduct did not occur.

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SUMMARY OF ALLEGATIONS #3-4: The officers improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers administered the handcuffs in a manner causing her pain.

The named officers confirmed that they handcuffed the complainant during the incident. The named officers denied administering the handcuffs in a manner causing her pain. The named officers attested that they applied the handcuffs within the guidelines of Department policy and stated that they placed handcuffs on the complainant and placed her in the patrol vehicle without incident. Additionally, the named officers stated that the complainant did not complain of pain during the incident.

DPA obtained body-worn camera (BWC) footage of the incident. The footage did not show that the named officers engaged in any excessive force when applying handcuffs on the complainant or at any point during the incident. The footage proved the named officers applied the handcuffs and placed her into the patrol vehicle without incident and in compliance with Department policy.

The evidence proves that the alleged conduct did not occur.

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers did not properly investigate a vandalism incident in a community space. The complainant believed that the officers took the other party's side and should have treated the incident as a civil issue rather than a criminal vandalism matter.

Records showed that the officers encountered the complainant and another person damaging property. The officer interviewed all involved parties and viewed surveillance footage. The officers concluded their investigation by verbally warning the complainant for damaging the other party's property.

Body-worn camera footage showed the officers arriving as the complainant was actively damaging property. The officers spent nearly two hours interviewing all parties involved, viewing surveillance footage, and seeking supervisory advice on how to resolve the situation. The officers determined that the matter was criminal because of the high value of the damaged property, however the property owner did not want to press charges, so the matter was resolved with a verbal warning.

The evidence showed that the officers thoroughly investigated and documented the situation and explored options to resolve the matter in the interests of all involved parties.

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

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SUMMARY OF ALLEGATIONS #4-6: The officers issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that she was given a citation for an incident that should have been a civil matter.

There was no record of officers issuing a citation. However, the complainant was issued a detention release and a follow-up form.

Body-worn camera footage showed that the officers gave the complainant a release form as required by SFPD policy for people who have been detained. At no point do any of the officers issue the complainant or her friend a citation.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATION #1-2: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was arrested and taken to jail for criminal threats. He was inside his partner's vehicle at the time. The complainant said the named officers asked if they could search the vehicle. The complainant refused to give permission. The officers searched the vehicle anyway after he was arrested while he and his girlfriend were not present. The complainant believed that the officers had no right to search the vehicle.

The co-complainant, the complainant's partner, said she was in the vehicle when she and the complainant were arrested. She said that officers asked if she would consent to a vehicle search, and she refused. The officers told her that the vehicle was to be towed. The officers informed her that she was detained but was not arrested. She stated that she was taken to the police station for an ongoing investigation, and she guessed that the vehicle was searched.

Named officer #1 stated that he responded as backup to a call for service from a security guard who had been threatened. While Officer #1 was on the scene, he heard a loud bang inside the parking lot. After further investigation, it was revealed that the suspect, the complainant, had discharged his firearm into the rear seat of the co-complainant's vehicle. Officer #1 said he searched the co-complainant's vehicle and found a bullet fragment inside. Officer #1 said that the co-complainant initially permitted the vehicle search but changed her mind, and the complainant said no. However, consent was unnecessary for a search as there was probable cause to search the vehicle because officers had probable cause to believe that complainant threatened to shoot the security guard and displayed a bag from the vehicle's window to convey to the security guard that he had the means to carry out the threat. Also, before the search, the suspects were standing outside the vehicle with the doors open, and a gun could be seen in the footwell of the driver's seat and a bullet hole in the side of the rear seat.

Named officer #2 said he did search the vehicle. He said the complainant and co-complainant did not permit the vehicle to be searched. However, there was probable cause to search the vehicle for stolen goods because the security guard accused them of stealing from the grocery store shortly before he was threatened. Also, an arrest tow inventory was necessary as both suspects were arrested, the vehicle was on private property, and the property owner requested the vehicle be removed. Officer #2 said he found stolen groceries in the backseat of the vehicle and a firearm shell casing on the floor behind the driver's seat. He also found a firearm with an extended magazine under the driver's seat of the vehicle.

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The computer-aided dispatch (CAD) documented a call for service from a security guard at a grocery store who complained that two suspects had just stolen from the store and threatened to kill him when he confronted them. The guard described the suspects and the vehicle associated with them.

The incident report (IR) confirmed that the guard saw the complainant and co-complainant fail to pay for several grocery items at the self-checkout register. When they left the store, the security guard challenged them. The two subjects shouted at the guard, and the complainant threatened to kill the guard while miming shooting the guard with his fingers. The two then walked over to the co-complainant's vehicle. As the vehicle drove past the security guard, the complainant held up a black bag and told the guard, "This is for you." The guard believed there was a gun in the bag and that the complainant was going to shoot him. The IR also described that while officers were on the scene, they heard a loud bang that sounded like a gun shot coming from the vicinity of the co-complainant's vehicle. The vehicle matched the security guard's description, and the complainant and co-complainant matched the description of the subjects that threatened the guard. The guard identified the two as the people involved to officers.

The IR documents that Officer #2 conducted a search of the vehicle for evidence of the theft, a firearm, and a vehicle inventory as the vehicle was being towed under section 22651(h) of the California Vehicle Code (CVC). Officer #2 recovered groceries matching those stolen from the store, a loaded firearm with an extended magazine under the front driver's seat, a black shoulder bag, and a single fired cartridge casing in the rear driver's side footwell.

The IR records that Officer #1 subsequently searched the vehicle when it was at the vehicle impound. Officer #1 found a bullet fragment inside the vehicle's frame directly below a large hole in the vehicle's floor.

Body-worn camera footage, property records, and tow documentation corroborate the officers' accounts, the CAD, and the IR.

Department General Order (DGO) 9.06(II)(A) states that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is needed for evidence, or the vehicle is not parked in a place that will be legal for at least 24 hours from the time of the arrest.

DGO 9.06(III)(B) states that when towing a vehicle, officers shall inventory the contents of the vehicle.

Department Notice 21-001 states that if officers have probable cause to believe the vehicle contains contraband or evidence of a crime and a magistrate would sign a search warrant, it is legal to search the vehicle without a warrant.

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The officer had probable cause, based on the security guard's statements and descriptions of the subject and vehicle involved, the sound of a suspected gunshot observed by officers from the vehicle, and identification at the scene by witnesses. There was probable cause to believe the vehicle contained stolen groceries and a firearm. Furthermore, as the vehicle was towed, the officers could also search the vehicle to conduct a tow inventory search.

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

SUMMARY OF ALLEGATION #3-4: The officers failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said his partner's vehicle was searched following their arrests. He said his house keys were on the seat in the vehicle. However, his house keys were not returned to him when he was released from jail.

The complainant's partner said that the complainant had her keys at the time of her arrest. An officer took her keys from the complainant and handed them to the partner. The officer then removed the car key from the key ring and told her they would need to use it to tow the vehicle. The police kept the car key, returned the other keys to her, and put them with her belongings.

Named officer #1 said he did not take any keys from the vehicle. He explained that while searching the vehicle, he heard Officer #2 on the phone talking with another officer about the complainant's house keys. The complainant had said to officers that the house keys were on a separate lanyard from the car keys. Officer #1 looked in the vehicle for the house keys but found none.

Named officer #2 stated that she responded as backup to the scene. She said there was a set of keys on the vehicle's roof. She took these keys and set them on the driver's seat of the vehicle just before the tow truck's arrival. Officer #2 could not describe the keys and did not know if they belonged to the complainant or the co-complainant.

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Body-worn camera footage showed officer #1 conducting a search of the vehicle. He picked up a set of pink keys from the vehicle and handed them to another officer. The officer placed these keys into an evidence envelope with other property belonging to the co-complainant.

Body-worn camera footage showed that officer #2 asked the complainant's partner if she needed anything from the car. The complainant's partner said no. Officer #2 took some car keys from the vehicle's back seat and placed them on the car roof while assisting in the search. Officer #2 took a call from another officer and told the officer that the house keys were not on the same chain as the car keys. Officer #2 took the keys off the car roof and placed them on the driver's seat.

Body-worn camera footage showed that officers did not take keys from the complainant after arrest.

Body-worn camera footage from the search at the vehicle pound showed that the keys placed by officer #2 on the driver seat are still in the vehicle.

The Station Booking Property record for the complainant showed that he had no keys booked into his property when he was transported to the city jail. The record for the complainant's partner showed that she had two sets of keys in her property when she was transported to jail.

The inventory tow document records that there were keys in the vehicle when it was towed. The vehicle was put on a criminal hold.

The evidence shows that the complainant did not have keys on him at the time of arrest, and no officer took any keys from the vehicle to place into the complainant's belongings to go to city jail. Two sets of keys were placed in the complainant's partner's belongings, and the car keys remained in the vehicle on the driver's seat. When he was released from jail, the complainant did not get keys because he was not booked into jail with keys in his property.

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

SUMMARY OF ALLEGATION #5-6: The officers intentionally damaged property.

CATEGORY OF CONDUCT: UA

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FINDING: U

FINDINGS OF FACT: The complainant said that when he returned home from jail, the front door of his apartment had been forced open and damaged. He believed that officers had caused the damage to the door when they searched his apartment. The complainant did not want to complain about the search but did want to complain about the damage.

The named officers stated they attended the complainant's address to conduct a well-being check on a two-year-old child left alone inside the residence with two dogs. The officer said San Francisco Fire Department (SFFD) personnel forced entry.

Body-worn camera footage showed SFFD personnel forced entry to the complainant's apartment, not SFPD.

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

SUMMARY OF ALLEGATION #7: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The co-complainant stated that the investigating officer would not allow her to retrieve her personal property from her impounded vehicle because it was being held for evidence.

The named officer stated he contacted the co-complainant to arrange for the co-complainant to retrieve her items from the vehicle tow yard. He said he drove out to the yard, met the co-complainant, and requested access to the vehicle. The officer and the co-complainant were escorted to the vehicle by a tow yard employee. The car keys were with the vehicle, and the co-complainant had access to the entire vehicle. The co-complainant retrieved several items from the vehicle, including personal items, baby items, car seats, and a stroller. The officer asked the co-complainant if she had everything she needed, and she stated she did. The officer advised the co-complainant that he would release her vehicle to her as soon as the District Attorney's Officer provided permission. The vehicle was released just over a month after it had been seized as evidence.

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Vehicle impound records show that the named officer and the co-complainant attended the yard, and the property was released from the vehicle to the co-complainant's custody.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that a female officer, possibly a sergeant, woke him up in the police cell and asked for his apartment keys. He said the officer threatened to have the Fire Department break the car window to open it if he did not provide the key. The complainant later stated that the female officer commented on breaking a window while he was being *Mirandized*.

The named officer denied asking for the complainant's apartment key and denied stating that the fire Department would break the car's window if he did not provide the key.

Body-worn camera footage showed the officer mirandizing the complainant in the police cell. The footage also showed that the officer did not ask for a key or mention breaking a window, as the complainant had described.

The complainant's account is not internally consistent. He stated that the officer asked for apartment keys, but then threatened to have the car window smashed if he refused. The body-worn camera footage showed that the officer did not make the comments described.

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

SUMMARY OF ALLEGATION #9: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING:

IO-1/SFFD

DEPT. ACTION:

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

San Francisco Fire Department
698 2nd Street
San Francisco, CA 94107

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to handle an assigned radio call.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that he was held hostage against his will on a MUNI bus. He said the MUNI driver stopped the bus and locked passengers in the bus while the driver made a drug deal. The complainant said the bus driver did not tell anyone why the doors were closed. The complainant banged on the middle and front doors. The driver asked the complainant if someone was "messaging with him" and kept asking, "What's your problem." The driver told the complainant he had to handle his business. After five minutes or so, the driver got back on the bus. The complainant said he called 911 after he got off the bus, but no officer came.

The named officers said that they responded to a call for service in which the complainant called about a MUNI bus driver not letting people off the bus. The officer explained that at the time of the 911 call, supervisors instructed them to stay available for "A" priority calls for service due to staff shortages. When more police units became available, they responded to the scene. The complainant could not be located, so dispatch conducted a callback to the complainant, but with negative results.

Computer-aided dispatch [CAD] records show that the complainant made the 911 call about the incident described. The call was graded by dispatch as a "C" priority. The CAD showed that the named officers were the only police unit available and were placed on standby for "A" priority calls only. The CAD records that the "On Duty" Sergeant was notified of the delay. A few hours later, the named officers attended the scene. A call back was conducted with no answer.

The evidence shows that the officers did attend the call for service, although they were delayed for staffing reasons.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 911 again five days after the bus incident. He said the named officers attended but failed to investigate the incident properly.

The named officers denied failing to investigate. They stated that they gathered the information provided by the complainant and wrote an incident report, which they submitted for potential further investigation. The officers stated that they were not responsible for assigning cases for investigation.

Body-worn camera footage corroborated the officers' accounts.

An Incident report was written by Officer #1. In the report, he documented the complainant's account, including the time, date, location, MUNI bus number, and the bus line number. In the report, Officer #1 notes that San Francisco MUNI buses have numerous manual controls to let passengers exit the bus at any time. The complainant did not use these controls to exit the bus.

The evidence showed that the officer conducted an initial investigation, which included writing a report. The report was submitted for consideration for further investigation.

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

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SUMMARY OF ALLEGATION #5: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate report. He said that the office wrote in the report that the incident was not reported until five days after the incident occurred.

The named officer denied writing an inaccurate report. He pointed out that he was not on duty when the initial incident occurred. He was on duty five days later when he spoke with the complainant, who reported the incident to him.

The Incident report written by the named officer records that the incident occurred on the same date as the complainant stated. The report also records that the incident was reported to the named officer five days later. This information is factually correct.

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

SUMMARY OF ALLEGATION #6: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate report. He said that the officer wrote in the report that the incident was not reported until five days after it occurred.

The named officer stated he did not write the incident report.

The incident report showed that the named officer did not write the report. The evidence proves that the accused officer was not involved.

SUMMARY OF ALLEGATIONS #7-8: The officers behaved or spoke inappropriately.

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CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officers covered up a felony kidnapping investigation when the officers falsely stated that the incident was reported five days after the incident occurred, when, in fact, the complainant called 911 the same day the incident occurred.

The named officer denied covering up a felony kidnapping investigation. Officer #1 explained that the incident was not a felony kidnapping. He said the complainant could have used the manual door latch to exit the bus at any time. The complainant never alleged that the bus driver physically held the complainant or continued to drive the complainant around against his will. Officer #2 stated that based on what the complainant had told the officer, the incident would not meet the required elements of kidnapping. Officer #2 explained that a kidnapping must meet all the following criteria. The victim is held by force or fear, the victim has moved a substantial distance, the victim did not consent to be moved, and the suspect did not actually and reasonably believe the victim consented to be moved.

Body-worn camera footage showed that the officer acted appropriately when interacting with the complainant.

The Incident report written by the named officer records that the incident occurred on the same date as the complainant stated. The report also records that the incident was reported to the named officer five days later. This information is factually correct.

The San Francisco Municipal Transport Agency (SFMTA) was contacted for a copy of the MUNI bus video. SFMTA stated that the video was not available, having been deleted due to retention policy guidelines.

California Penal Code Section 201(a) defines kidnapping as taking or holding someone through fear and moving the person a substantial distance, and the other person didn't consent, and the suspect didn't believe the person consented.

As described by the complainant, the incident does not amount to a felony kidnapping. Also, nothing that the officers said or did could be construed as the officer covering up a crime. The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that twelve days after the complainant was given the incident report, he called the police station for an update. The named officer answered the phone call, put the complainant on hold, and then read the report to him. The officer told the complainant that his case would not be passed to an investigator because the report was not made on the day the incident occurred. The officer said the incident would not be investigated, and officers could not find or identify the individuals involved. The complainant said the officer told him a "false story."

The named officer stated that the complainant called and was provided a case number. The officer searched for the report in the Crime Data Warehouse and told him that it had not yet been assigned and that no suspects had been identified.

There is no evidence to support or refute either account of the phone call.

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

SUMMARY OF ALLEGATION #10: The officer failed to take required action.

CATEGORY OF CONDUCT: CUO

FINDING: PC

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FINDINGS OF FACT: The complainant said the named officer failed to assign his case for ongoing investigation.

The named officer stated that she is not responsible for determining which cases are assigned for follow-up investigations.

Department Notice 22-040 General Work Detail states that The General Works Detail will be responsible for the decision to assign an investigator to a case,

Department records showed that the named officer was assigned to a Police Station, not the General Works Detail.

The officer did not assign the case for investigation, but the evidence showed that this was not her responsibility.

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 knowingly engaged in biased policing.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that Named Officer #1 pulled his vehicle over and informed him that something was incorrect related to the vehicle's license plate. Named Officer #1 later told him that there was a registration issue, and the complainant needed go to the Department of Motor Vehicles (DMV) to fix it. The complainant alleged that Named Officer #1 decided to run the vehicle's license plate number and stop him because of his race. The complainant also said that Named Officer #2 became defensive and aggressive after he brought up white supremacy showing that he was racist.

Both officers denied engaging in biased policing. Named Officer #1 ran the license plate number as a regular traffic enforcement duty and stopped the complainant's vehicle because records showed the license plate linked to a different type of vehicle. Named Officer #1 first saw the complainant when he approached the driver's side window and said the complainant's race was not a factor in his decision to make the stop. Named Officer #2 denied trying to silence the complainant when he brought up white supremacy and said he did not display or engage in any biased or discriminatory actions.

Body-worn camera footage (BWC) for the incident corroborated Named Officer #1's account of the incident. The complainant commented that he was targeted for the stop because of his race and brought up white supremacy. Named Officer #2 disagreed and engaged in a back-and-forth interaction with the complainant.

The evidence does not support that the officers knowingly engaged in biased policing.

The evidence proves that the conduct alleged did not occur.

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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 said he spoke with the named officer who was rude and antagonistic during their interaction.

The named officer denied behaving rudely and engaging in an antagonist manner. He felt that engaging with the complainant in a back-and-forth conversation deescalated the situation. He said he treated the complainant with respect and courtesy during the incident.

Body-worn camera (BWC) for the incident showed the named officer speaking over the complainant, cutting him off and speaking condescendingly. The named officer called the complainant entitled and privileged multiple times and behaved rudely during their conversation.

Department General Order 2.01 states in part that members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

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

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SUMMARY OF ALLEGATION #4: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant said that during the traffic stop the named officer attempted to intimidate him by constantly engaging with him and standing nearby. He also said that the officer's mannerisms and language showed intimidating behavior.

The named officer said he was the cover officer during the incident and denied displaying any intimidating behavior towards the complainant. He engaged with the complainant rather than standing by and staring at him to show respect as staring could appear intimidating. The named officer said the complainant was upset he was pulled over and wanted to draw attention to his race as the factor for the stop regardless of the actual circumstances. The named officer said he made clear to the complainant that there were no biased intentions by any officer.

The body-worn camera footage showed the named officer standing beside the complainant's vehicle and verbally engaging with the complainant in a back-and-forth conversation.

It is unclear from the evidence if the named officer attempted to intimidate the complainant.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he asked the named officer to call a supervising officer to the scene because he did not feel safe, and the named officer refused to do so.

The named officer said he did not call a supervisor to the scene as the complainant requested because it was not required. He stated that based on the circumstances there was no department policy that mandated he request a supervisor to the scene.

Body-worn camera (BWC) footage for this incident showed that the complainant asked the named officer to call a supervisor to the scene because he did not feel safe. The named officer declined and said that he was not going to call a supervisor to the scene unless one was required. Another officer later offered to call a supervising officer to the scene, but the complainant declined and elected to file a complaint independently later.

Department policy did not mandate that the named officer call a supervisor to the scene based on the circumstances of the request.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated he called the police after being assaulted. The complainant wrote, "I wanted a report/record of the event and I wanted them/SFPD to care in catching the suspect...to find out why she was even so aggressive out of nowhere at the very late of night with no one else hardly around and no other demands made like trying to rob me...."

Records from the Department of Emergency Management show the complainant calling the police and reporting that a female had hit him in the head with a crowbar. The initial call was made at 0511 hours, the call was put on "HOLD," the named officers were assigned the call at 0606 hours, arriving on scene at 0610 hours. Notes reflect, "SUBJ GOA Making 909," meaning that the suspect was gone when the officers arrived on scene.

Records from the San Francisco Police Department show that both officers were the primary unit. A police report was generated, documenting the complainant's statement. The case was never assigned to an investigator.

The named officers' body-worn camera footage captured the officer(s)' interview of the complainant. The complainant said, in part, "I just want to make a report."

Department Notice 20-107, Case Assignments of Investigation, states, in part, "When assigning cases for investigation, staffing levels and the following factors should be considered:

- The severity of the crime (violence during the commission of a crime is a major contributor to the severity of the crime).
- The solvability of the crime.

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The evidence established that the named officers took the appropriate investigative steps at the scene. The evidence proves that the conduct alleged did not occur.

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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 forwarded to:

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he called the police for help because he was threatened by unhoused persons on the street, but the police took a long time to respond.

The named officer stated he does not recall the incident, but from looking at the CAD, he responded to the call after it had been pending since 1143 hours. He was placed on the call for service at 1839 hours and arrived on the scene at 1842 hours. The call was a low-priority call for service, and depending on how busy the district is, there can be a delay for officers to respond.

Computer-aided dispatch [CAD] records show that the complainant made a 9-1-1 call regarding suspicious persons – 15 or more subjects doing and selling drugs. Dispatch labeled the call as a "C-priority", and the call was placed on hold by Dispatch due to higher priority calls. The named officer was dispatched approximately seven hours after the initial call and responded to the scene.

The evidence shows that the named officer did attend the call for service, although he was delayed due to the prioritization of higher-priority calls.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: When the officer arrived, the complainant walked up to the patrol car to speak with the officer in the passenger seat. The complainant said the officer shrugged his shoulders and left.

The named officer did not recall the incident. The officer stated he does not recall anyone ever approaching him at the location regarding someone harassing or threatening anybody. As he does not recall the incident, he could not speak to any investigation that may or may not have occurred.

There is no evidence to support or refute either account of the contact.

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

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

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:

Division of Emergency Communications

Department of Emergency Management

1011 Turk Street, San Francisco, CA 94102

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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 stated that she was pulled over for an alleged traffic violation and the named officer automatically had her hand on her gun as she approached the complainant's vehicle.

The named officer stated that traffic stops are inherently dangerous and that based on her training it is not uncommon for her to have her hand on the hood of her firearm holster while making her approach during such encounters. She explained that it is unknown in traffic stops who is aboard and what weapons may be in arms' reach.

Computer Aided Dispatch showed that the named officer was involved in a traffic stop during which the complainant's information was queried. Ultimately, the call was closed after an advisement was given.

Body-worn camera footage showed that the named officer had her right hand on the pistol grip of her holstered firearm while walking toward the complainant's vehicle and during their initial interaction. The footage did not show the named officer drawing or pointing her firearm.

The complainant provided photos of her vehicle to DPA which showed a decal in the rear windshield with a handgun style firearm and a warning that the owner of the property is armed.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer sounded irritated and rude when she responded to the complainant asking why she was pulled over.

The named officer disagreed with the complainant's characterization.

Computer Aided Dispatch showed that the named officer was involved in a traffic stop during which the complainant's information was queried. Ultimately, the call was closed after an advisement was given.

Body-worn camera footage did not support the complainant's allegation. The officer patiently explained the reason for the traffic stop, even repeating herself when the driver asked her a second time.

Department General Order 2.01 (14) provides that "members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that prior to the traffic stop, the patrol car nearly rammed the back of her vehicle.

The named officer stated that she conducted a routine traffic stop approach based on her training.

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Body-worn camera footage showed that the named officer was driving but did not provide a view of the complainant's vehicle before the officer approached on foot.

The complainant provided dashboard camera footage to DPA. This footage did not show evidence supporting the complainant's allegation. No other video evidence captured the officer's driving.

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

SUMMARY OF ALLEGATION #4: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she did not run a red light and was wrongfully pulled over. She stated that the named officer gave inconsistent reasons as to why she was stopped.

The named officer stated that she observed the moving violation and the reason for the stop did not change.

Computer Aided Dispatch showed that the named officer was involved in a traffic stop during which the complainant's information was queried. Ultimately, the call was closed after an advisement was given.

Body-worn camera footage showed that the named officer explained to the complainant that she pulled her over because she did not stop at a stop sign. She referred to this as "running a stop sign" and "failing to come to a complete stop," but these were two ways of explaining the same offense, not inconsistent reasons. Body-worn camera footage also showed that the named officer did not issue a citation and that two other officers were present supervising the named officer.

Department General Order 9.01 provides that "[o]fficers shall act on moving violations . . . [a]fter witnessing a violation." Officers have the discretion to admonish a driver rather than issue a citation.

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

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

COMPLAINT DATE: 08/19/2023

COMPLETION DATE: 03/25/2024

PAGE# 4 of 4

SUMMARY OF DPA ALLEGATION #5: The officer failed to comply with Department Bulletin 21-062.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer stated that she conducted a traffic stop and inadvertently forgot to submit the required Stop Data at the end of her shift.

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

Body-worn camera footage for this incident showed that the named officer conducted the traffic stop and ultimately allowed the complainant to leave without issuing a citation.

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

The Department Notice also explains that "SDCS entries are required when a stop is initiated based on information developed by the member's own observation, the direction/and/or information from another member, DEM (Dispatch), or members of the public."

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

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

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

COMPLAINT DATE: 08/23/2023

COMPLETION DATE: 03/22/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant's mother went missing. She accompanied her mother's partner to a police station so that the partner could file a missing person report. A few weeks later, a City department informed a different relative that the complainant's mother was deceased and that she had been identified through her fingerprints. The complainant stated that the officer failed to investigate the missing person report and never followed-up to inform the complainant about her mother's death.

The named officer said that he searched records to find the complainant's mother. He also contacted the mother's partner, who had filed the missing person report. The records checks showed that the complainant's mother was no longer listed in the missing person database, there was no information regarding her being deceased or incarcerated, and there was no record of any recent contacts with her. The person who took the initial report contacted the medical examiner's office, which had no record of her being deceased. The named officer stated that he kept the case open.

Department records showed that the mother's partner filed the missing person report. The author of the police report contacted the medical examiner's office, the county jail and a local hospital and did not locate the complainant's mother at any of the facilities. Department records also showed that another officer completed a missing person bulletin which was emailed within the Department. The officer also called the complainant's mother's partner for any updates, and he had none. The complainant was not listed as an involved party in the report.

The evidence showed that the missing person report was under investigation, calls to the reporting party were made, and multiple investigative steps were taken to locate the missing person.

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: 8/27/2023

COMPLETION DATE: 03/22/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that when he pointed out an issue with a patrol car, the officers yelled at him.

DPA previously conducted a combined mediation session addressing and resolving thirteen (13) of the complainant's complaints. The underlying issues raised in the instant complaint were similar to those already addressed by way of mediation. Accordingly, DPA determined that it was unable to complete an investigation into this matter as it would be inequitable to recommend any discipline for the specific officers involved in this single case.

SUMMARY OF ALLEGATION #3: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer double parked in front of the station and did not signal when making a turn.

DPA previously conducted a combined mediation session addressing and resolving thirteen (13) of the complainant's complaints. The underlying issues raised in the instant complaint were similar to those already addressed by way of mediation. Accordingly, DPA determined that it was unable to complete an investigation into this matter as it would be inequitable to recommend any discipline for the specific officers involved in this single case.

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

COMPLAINT DATE: 08/28/2023

COMPLETION DATE: 03/05/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was sleeping in his car when he was awakened by loud music from an unoccupied vehicle nearby. He called 911 to report the noise. A patrol car arrived as the vehicle's occupants returned and drove away. The complainant said the officers did not stop the occupants and question them about the loud music.

The named officers said the car was already driving away when they arrived. Neither officer heard any loud music coming from the vehicle. The complainant did not make themselves known to the officers. The officer stated there was no active noise violation, such as California Vehicle Code section 27007. Therefore, it was unnecessary to detain anyone for questioning.

Department General Order 9.01 Traffic Enforcement, Section 2 states, "Members enforcing traffic and parking laws should use discretion when enforcing violations."

The officer stated that the noise issue had been resolved before their arrival on the scene. Even if there was a noise violation in progress, the officers have discretion when dealing with minor traffic enforcement.

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

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

COMPLAINT DATE: 08/28/2023

COMPLETION DATE: 03/05/2024

PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the vehicle was parked blocking a driveway. He said the officer failed to issue the driver a citation for blocking the driveway.

The named officers said the car was already driving away when they arrived. Neither officer knew the vehicle was blocking a driveway until it pulled away. The complainant did not make themselves known to the officers. The officers explained that the location was outside a busy community store, and many vehicles were parked there. The officers stated that, as the vehicle was no longer blocking the driveway when they arrived, they felt it was unnecessary to detail or cite the driver.

Department General Order 9.01 Traffic Enforcement, Section 2 states, "Members enforcing traffic and parking laws should use discretion when enforcing violations."

The officers stated the vehicle left as they arrived, abating the parking issue. Even if the vehicle was blocking the driveway, the officers have discretion when dealing with minor traffic enforcement.

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

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

COMPLAINT DATE: 08/28/2023

COMPLETION DATE: 03/22/2024

PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer conducted a traffic stop about five years ago and illegally seized his truck. The complainant explained that the registration on the truck had expired a month before, and he believed that the officer can only tow vehicles with an expired registration of six months or more.

The named officer stated that he did seize the complainant's vehicle. He stated that the vehicle was seized because the complainant was arrested, and the vehicle was blocking the roadway.

Body-worn camera footage showed the officer conducting a traffic stop on the complainant's truck. The truck was overloaded with cardboard and other items. The load appeared unsteady and dangerous, covered the rear license plate, and caused the back of the truck to nearly touch the ground. The complainant handed the officer driving documents, including a temporary operating permit that expired a month earlier. The officer checked and found that the registration had been expired for about a year. The officer tried to issue a citation, but the complainant refused to sign the citation despite being offered numerous opportunities. The officer eventually arrested the complainant. The officer also towed the vehicle.

The incident report and other Department paperwork confirmed that the registration for the vehicle had been expired for approximately a year. The tow documents recorded the reason for the tow as California Vehicle Code section "22651(o)." It should be noted that there is minimal space to record the reason for the vehicle tow on the forms. Only one reason can be entered.

Section 22651(o)(1) of the California Vehicle Code states that "a vehicle may be impounded if it is found or operated on a highway, public land, or an off-street parking facility if its registration is more than six months expired."

Department General Order 9.06(II)(A)(d) Vehicle Tows states, "It is the policy of the Department that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is a traffic hazard, and cannot be released immediately to a person at the scene who is authorized by the arrestee."

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

COMPLAINT DATE: 08/28/2023

COMPLETION DATE: 03/22/2024

PAGE# 2 of 3

The evidence shows that the officer towed the vehicle, and the recorded reason he wrote on the tow documents was the expired registration. Video footage and documents show that the complainant's vehicle was not registered for about a year, although he did have a temporary operating permit that expired a month prior. The officer stated the tow was due to the complainant being arrested and the vehicle blocking the highway, as well. The year-expired registration and the arrest are legitimate reasons for the complainant's truck to be towed.

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

SUMMARY OF ALLEGATION #2: The officer failed to properly care for, process, or book property

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not take care of the property on the back of his truck when it was towed. The complainant said that the property was missing when he went to collect his truck later.

The named officer said he did not touch any of the complainant's belongings or remove anything from the back of the truck during the incident.

Body-worn camera footage corroborates the officer's account. The footage showed the named officer leaving with the arrested complainant before the vehicle was towed. The officer does not touch the property on the back of the truck.

The computer-aided dispatch (CAD) records show that the Department of Public Works employees attended the scene to remove property from the truck before it could be towed.

The evidence proves that the accused officer was not involved.

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

COMPLAINT DATE: 08/28/2023

COMPLETION DATE: 03/22/2024

PAGE# 3 of 3

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

CATEGORY OF CONDUCT:

FINDING:

IO-1/DPW

DEPT. ACTION:

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

Department of Public Works
Operations Bureau
Larry Stringer-Public Administrator
2323 Cesar Chavez Street
San Francisco, CA 94110

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

COMPLAINT DATE: 08/30/2023

COMPLETION DATE: 03/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The officers failed to take any actions regarding a man who was naked in the middle of the street.

The named officers stated they responded to the call for service and spoke with the complainant approximately 45 seconds after they arrived at the scene. Officer #2 spoke with the complainant, who told him that the subject was throwing things at people and had left the scene. The complainant told the officer, "Good luck," and walked away. Officer #1 did not speak with the complainant but heard the interaction between Officer #2 and the complainant. The named officers observed a male on the street who matched the description. However, the subject was not exposing themselves or throwing objects at people at the time. The named officers also stated that no other witnesses were available, nor did anyone approach them while they were at the scene.

The named officers' body-worn camera footage was reviewed for this complaint. While reviewing the call for service on their vehicle's computer, the officers discussed that the "909" (caller) did not state that they wanted the subject to be arrested. The "909" described the subject. Upon arriving at the scene, Officer #2 immediately spoke with the complainant after exiting the patrol vehicle. The complainant pointed out the direction the subject was walking, and Officer #2 stated that he would attempt to speak with the subject. The complainant then told the officers, "...good luck with that," and then walked away in the opposite direction of the officers. Upon the officers' arrival, the subject was not seen in the vicinity of the location. The complainant did not indicate they wanted this individual arrested, and no witnesses came forward to request the officer's help.

CAD Audio showed that the complainant called for service regarding the subject. The complainant provided the location and a description of the subject. The complainant did not request that the subject be arrested and declined to provide their name or phone number to dispatch.

The evidence shows that the subject was not committing a crime when the officers were present. The complainant did not request an arrest and left the scene soon after speaking with the officers. Given that the officers did not see the subject in the commission of committing a crime, there were no identifiable victims, and the complainant did not request the subject to be arrested, the officers lacked the probable cause to take law enforcement action. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 01/01/2023

COMPLETION DATE: 08/29/2023

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS # 1-5: The officers displayed a weapon without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In an online complaint, the complainant wrote, “The cops came with guns stating I wanted to kill myself.”

Department records show that the complainant was detained pursuant to Section 5150 of the Welfare and Institutions Code after the complainant sent a text message to her employer stating that she wanted to end her life. The text message, states, in part: “I will kill myself if I don’t [sic] allowed to return to work!...I need someone to respond to me! I’m getting the knife. Life is filled with sorrow and pain...Please tell my mom and sister that I love them!”Fc

Body-worm camera footage showed the named officers responding to the scene, with two (2) officers having their Extended Range Impact Weapon (ERIW) strapped around their shoulders. The other three (3) did not draw their weapon and none of the officers pointed their weapon at the complainant.

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

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

COMPLAINT DATE: 09/05/2023

COMPLETION DATE: 03/14/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1

FINDINGS OF FACT: The complaint raises matters outside DPA's jurisdiction and has been forwarded to the Berkeley Police Department.

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

COMPLAINT DATE: 09/07/2023

COMPLETION DATE: 03/22/2024

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 DPA's jurisdiction. This complaint was partially forwarded to:

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

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

COMPLAINT DATE: 09/07/2023

COMPLETION DATE: 03/22/2024

PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The named officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she had always been a victim of crimes and had been harassed by various people. She provided the DPA multiple Computer Aided Dispatch (CAD) numbers and said no officers had filed police reports for her. However, she did not provide any further evidence regarding the crimes or calls she made.

Officers #1 and #2 from the first incident stated that the complainant said she received a text message from an unknown phone number, which she believed was her harasser and people from Texas. She showed Officer #2 a text message that was not a criminal threat and did not meet the elements of Penal Code section 422. Officer #1 said the complainant requested to file a police report. However, he did not do so because he determined no crime was committed. Officer #2 explained that he also determined that no crime occurred after reading the notes from Dispatch, listening to the complainant's statement, and reviewing the text message.

Officers #3 and #4 responded to a second incident involving suspicious activity. Officer #3 stated that the complainant requested a phone call via Dispatch. She told the officer that it was a civil issue and wanted to report suspicious activity in her apartment. She would go to the building manager for further information and requested no further information from the police. The officer determined that no incident occurred that involved a police investigation and, therefore, did not write a police report but provided a CAD number for the complainant. Officer #4 said he did not speak with the complainant over the phone, and the complainant did not provide any evidence of crime.

Department records show that the complainant requested to file a harassment report for the first incident. The CAD report for the second incident shows that the complainant requested a phone call from the officer and did not meet with them. She wanted to report suspicious activity but said she would go to the building management for further information. Department records did not capture phone conversations between the complainant and the officers.

Body-worn camera footage from the first incident recorded that the complainant showed the text messages she received, believed that they came from different people, and threatened to evict her if she continued her behavior. Officer #2 reviewed and took pictures of the messages. The officer advised her to contact the Federal Trade Commission for potential scams.

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

COMPLAINT DATE: 09/07/2023

COMPLETION DATE: 03/22/2024

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There was no body-worn camera footage for the second incident because they did not meet in person with the complainant.

Department General Order 1.03, Duties of Patrol Officer, Section 5d states officers shall “[m]ake written reports on crimes observed or brought to their attention that have not been previously reported.”

The evidence shows that the complainant requested police reports on both incidents, but officers did not write them. The officer involved stated that the complainant did not provide any evidence that a crime had occurred, so no police reports were written.

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

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

CATEGORY OF CONDUCT: FINDING: IO2 DEPT. ACTION:

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 09/12/2023

COMPLETION DATE: 03/23/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: A search warrant was executed at the complainant's address for a federal agency. The named officers were present during the search warrant execution as representatives of SFPD, the associated local police authority. The complainant stated that the named officers should have known that the federal agency was conducting the search at the wrong address.

The warrant and its execution were obtained and led by the federal agency. The named officers were at the scene in a supporting role. There is no requirement in SFPD policy for SFPD officers to ensure that information used by an outside agency is correct. The onus of ensuring the information used to obtain the warrant is correct lies with the federal agency in this instance.

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

SUMMARY OF ALLEGATION #5: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: The officer failed to provide his or her name or star number.

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not provide his name and star number on request as required.

Body camera footage showed that the complainant asked officers around him for "all of your badge numbers," while the named officer was near him and within earshot. The footage also showed that the complainant received a copy of the warrant and a release form from the named officer. The release form has the officer's name and star number on it. The evidence proves that the alleged conduct did not occur or that the officer was not involved.

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

COMPLAINT DATE: 09/12/2023

COMPLETION DATE: 03/23/2024

PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #6-8: The officers failed to provide their names or star numbers.

CATEGORY OF CONDUCT: The officer failed to provide his or her name or star number.

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers did not provide their names and star numbers on request as required.

Body camera footage showed that the complainant did not ask the named officers for their names or star numbers. The complainant asked the leading officer of a federal agency that was working alongside SFPD for names and star numbers. The footage also showed that the named officers were not in the vicinity when the complainant made his request for names and star numbers. As the complainant did not ask any of the named officers for their names and badge numbers, they had no requirement to provide them.

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: IO-1/IAD

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

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF),
San Francisco Metro Field Office
450 Golden Gate Avenue
PO Box 36045 -15th Floor
San Francisco
CA 94102

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

COMPLAINT DATE: 09/21/2023 COMPLETION DATE: 03/22/2024 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was followed by a male who wanted to kill him or videotape him on the street for an insurance claim. He flagged down an officer and told him about the situation, but the officer failed to act.

The named officer stated that he observed the complainant following a man who did not appear to be engaging him. When the complainant flagged the officer down, he pointed to the man he alleged was following him. The officer observed that the man did not engage and appeared to be standing, waiting to cross the intersection. The officer stated that he advised the complainant that he would stand by and keep an eye on the subject in question if the complainant wanted to safely walk in another direction. The officer stated that the complainant wanted to file a police report. The officer advised the complainant that he was actively looking for a missing person at risk and that he could call a marked patrol unit to take the complainant's report, or the complainant could go to any police station to file the report more quickly. When he provided the complainant with these options, the complainant said "ok" and walked away.

Department records confirmed that the named officer was involved in a missing person's call for service on the date and time and in the general location of the incident.

The complainant provided a video of the encounter. The video began with the complainant following a man who was not engaging. The complainant then flagged down a patrol vehicle and spoke briefly with the officer inside. The audio was not fully intelligible, but the complainant could be heard indicating that he wanted to file a police report, then stating that he would go to the police and thanking the officer.

Department General Order 6.10 provides that certain types of searches for missing persons can only be terminated when the person is located or with the approval of the officer-in-charge.

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

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

COMPLAINT DATE: 09/21/2023 COMPLETION DATE: 03/22/2024 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that when he spoke to the named officer, the officer said he did not have time and had to do something else.

The named officer stated that he told the complainant that he was actively looking for a missing person at risk and that he could call a marked patrol unit to come to take the report or that the complainant could go to any police station to file the report more quickly. The officer stated that it was not his intention to speak disrespectfully.

Department records confirmed that the named officer was involved in a missing person's call for service on the date and time and in the general location of the incident.

The complainant provided a video of the encounter to DPA. The video showed the complainant flagged down a patrol vehicle and spoke briefly with the officer inside. The audio was not fully intelligible, but the complainant could be heard indicating that he wanted to file a police report, then stating that he would go to the police and thanking the officer.

There was insufficient evidence to show that the named officer had rudely told the complainant that he did not have time for him.

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

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

COMPLAINT DATE: 09/29/2023

COMPLETION DATE: 03/23/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant claimed that an actor hired her to investigate a copyright infringement involving the actor's book, the original of which was stolen back in 2011. The complainant said that in her investigation, she learned that the person who stole the book had a scheduled book tour, so she went to the event and obtained a copy. The complainant said that after leaving the book event, three officers stopped her and told her that she was under arrest for stalking the actor. She also recalled a civilian serving her with a restraining order. The complainant alleged that the named officer twisted her arms behind her back and attempted to handcuff her.

The named officer stated that the actor's security detail served the complainant with the restraining order. He and his partner tried to explain the terms of the restraining order to the complainant, but she continued walking away. He recalled holding the complainant by her sleeve, and, at that point, the complainant started ripping apart the restraining order and said that they could arrest her. The named officer said he held the complainant's left hand and released it when she bent down to pick up the restraining order she dropped.

Witness officer #1 stated that he recalled briefly detaining the complainant. He remembered the complainant ripping the restraining order at some point and telling them to arrest her. He recalled the named officer telling the complainant to place her hand behind her back and a supervisor advising her that she could be arrested if she violated the restraining order.

Witness officer #2 said he recalled the named officer holding the complainant's sleeve because the complainant attempted to walk away. Witness officer #2 stated the detention was necessary for the complainant to understand the restraining order.

DPA obtained body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statement the named officer provided to DPA. The officer did not twist her arms.

The evidence shows that aside from being necessary, the force used was minimal, reasonable, and within the guidelines of Department General Order 5.01.

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

COMPLAINT DATE: 09/29/2023

COMPLETION DATE: 03/23/2024

PAGE# 2 of 2

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

SUMMARY OF ALLEGATIONS # 2-4: The officers seized money or property without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officers took the check in her bag amounting to one billion dollars.

The named officers denied seizing any property from the complainant.

BWC footage of the incident showed no officer touched the complainant's bag or seized any property.

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

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

COMPLAINT DATE: 10/04/2023

COMPLETION DATE: 03/23/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer improperly arrested him for possession of a firearm.

The named officer stated that he obtained a search warrant legally authorizing him to search the complainant's person, the apartment where the complainant had been staying, and any vehicles under the complainant's control for a firearm, bullets, and indicia. The named officer stated that the complainant was also on probation with a search condition at the time of the search. When officers executed the search warrant, they found a firearm in a jacket located in a common area within the apartment. The named officer stated that the day before the search, he observed the complainant wearing a jacket resembling the jacket where the firearm was found.

Department records were consistent with the named officer's statement and confirmed that a judge issued the search warrant as the named officer described. Department records indicated that the named officer arrested and booked the complainant for multiple offenses, including possession of a firearm by a prohibited person. (California Penal Code §29800(a)(1)).

Court records confirmed that the complainant was also on probation with a search condition on the date of this incident.

The evidence shows that the named officer had probable cause to arrest the complainant for possession of a firearm.

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: 10/11/2023

COMPLETION DATE: 03/25/2024

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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 believes the case has not been adequately explored or investigated. Names, addresses, witnesses, and the names of other potential victims were provided to the officer, yet the case wasn't prosecuted.

The named officer said he read and reviewed the initial incident report filed with an out-of-state police department. The officer phoned and spoke to the complainant on two occasions. The first contact occurred when the officer interviewed the complainant regarding the report. The officer then contacted the San Francisco District Attorney's Office regarding the statute of limitations for the incident and was told that the report was filed after the age at which the incident would no longer be prosecutable. The named officer later contacted the complainant and explained that the statute of limitation had expired. The named officer did not contact any additional parties regarding this incident, as the case was no longer prosecutable based on the statute of limitations.

The Chronological of Investigation documented the investigative steps that the officer took. The officer shared with the complainant that he would be speaking with members of the District Attorney's Office to determine if the incident could be prosecuted due to the delay in reporting. A District Attorney's Office member told the officer that the filing charges expired on the complainant's 40th birthday. The Chronological of Investigation logged that the named officer spoke with the complainant after the initial call, left a voicemail, and shared what he was advised by the member from the District Attorney's Office. The named officer then completed a case closure report for the case. The closure report was forwarded to and reviewed by the Officer in Charge and subsequently closed.

California Penal Code 801.1(a) PC states that existing law generally requires that the prosecution of a felony sex offense be commenced within ten years after the commission of the offense. Under existing law, prosecution for the crimes of rape, sodomy, lewd or lascivious acts, continuous sexual abuse of a child, oral copulation, and sexual penetration, if committed against a victim who was under 18 years of age, may be commenced at any time prior to the victim's 40th birthday.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 10/11/2023

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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 did not notify her why the case had been closed.

The named officer stated that he spoke to the complainant after the investigation was completed to inform her that the case was not prosecutable due to the statute of limitations expiring. The complainant was not content with this finding. The officer made no other follow-up calls to the complainant after this explanation, as no additional facts and circumstances were provided that would make the incident prosecutable.

The Chronological of Investigation documented the contact between the named officer and the complainant. The officer noted that he contacted the complainant via phone to explain that the case could not be prosecuted due to the statute of limitations expiring. Additionally, the reason for the closure of the investigation was documented in the San Francisco Police Department's Supplemental Incident Report.

San Francisco Police Department Unit Order 16-01 Rule 4 states that when a case is deemed inactive, closed, or the case has been transferred to another investigator, the investigator shall immediately notify the victim of the case disposition or that the case has been reassigned to another investigator. Additionally, the investigator shall note this information in the "Chronological of Investigation."

Given that the named officer's statements and the documented contacts in the Chronicle of Investigation fall within the department's policy, 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: 10/13/2023

COMPLETION DATE: 03/18/2024

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated he called the police after witnessing three (3) males trying to break into a commercial building across the street from where he lived. When the police arrived, he was told to come down and speak with the officers. When he went downstairs as instructed, the complainant stated that the named officer grabbed his left arm tightly and forcefully attempted to put his arm behind his back, prompting the complainant to pull away and run back into his house.

Records from the Department of Emergency Management show the complainant calling the police to report a burglary in progress, reporting 3-4 subjects breaking into a commercial property. Numerous officers responded to the scene and, after investigation, it was determined that there was no merit to the reported burglary.

The named officer's body-worn camera (BWC) shows the named officer initially touching the complainant's left hand, while attempting to speak to the complainant. The officer then touches the complainant's left arm with his right hand, again while trying to talk to the complainant. The officer's left hand appears to be trying to hold and/or control the complainant's left hand when the complainant pulls away and walks back into his apartment building. The named officer remained outside and shut the complainant's door shortly thereafter. The named officer's BWC failed to support the complainant's allegation that the named officer used unnecessary or excessive force.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/19/2023

COMPLETION DATE: 03/22/2024

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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 failed to respond to a report of a battery and assault.

Records and body-worn camera footage showed that the named officers were sent to investigate an assault approximately 30 minutes after it was reported to 911. The officers interviewed the victim, a reporting party, and a witness. They then prepared an incident report.

Audio recordings from 911 showed that the complainant had left the scene of the assault to follow the suspect and was not present when police arrived. The recordings also showed that the officers attempted to contact the complainant to request that he return, but that the complainant did not answer the 911 dispatcher's phone call.

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: 10/19/2023

COMPLETION DATE: 03/23/2024

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers kidnapped her and deprived her of her liberty.

SFPD documents showed that the complainant was placed on a mental health hold by the named officers and taken to a hospital to be assessed by medical professionals. The documents also showed that the complainant was accused of assaulting a staff member at the building she was detained at. The complainant was cited for the assault.

Body worn camera footage showed that the named officers arrived on scene and spoke to the staff member who told the named officer that the complainant had assaulted her. The named officers then spoke with the complainant who was unable to answer basic questions such as who the president was and what date it was. The named officers requested medics to attend to assess the complainant and make the decision to detain her under a mental health hold due to showing signs of having an altered mental status and having already shown signs of being violent to others.

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: 10/24/2023

COMPLETION DATE: 03/23/2024

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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 alleged that the officer told him to "shut up" and that he "never got a check signed" by the complainant when asked why it took three officers to oversee an eviction.

The named officer's body-worn camera showed that the officer responded to a call for service about a person who was possibly having a mental health crisis. However, the person had left the residence. Additionally, there were two separate calls for service about the subject that the officer responded to on the date of the complaint pertaining to concerns for the subject's mental well-being.

The subject's roommate requested that officers oversee his removal of property from the residence as they felt unsafe with the subject returning. The subject was alleged to have broken a window at the residence to access the property. The subject returned to the residence and was outside with officers when the complainant, a bystander, asked them why it took three officers to "do this job?". The subject explained that the officers believed the subject was a danger to himself and others. The complainant replied, "I don't even know what you're doing here?" The named officer asked the complainant why he cared, to which the complainant stated, "...because I pay for you." The named officer then stated, "I didn't get my check in the mail from you last week. I expect my check pretty soon." The complainant then requested the named officer's badge number, to which the named officer provided.

DGO 2.01, Rule 8, states that members/employees shall understand and follow the principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process. When performing their duties, members/employees shall treat the public with courtesy and respect and not directly use discourteous or profane language toward members of the public.

Although the named officer's response may be interpreted as ill-advised, it does not rise to the level of discourteous or profane language.

The evidence fails to prove or disprove the alleged conduct rises to the level of misconduct.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 10/25/2023

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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 officers did not cite the cyclist for riding her bicycle on the sidewalk.

The named officers responded to the report of a vehicle collision with injuries. Officer #1 stated that the cyclist was not cited because the officer did not see her riding the bike on the sidewalk. Named Officer #1 also noted that the complainant did not state seeing the cyclist riding on the sidewalk before the accident occurred while providing a statement. Officer #1 did not cite the complainant for any violations despite determining him as the party most at fault. Officer #2 stated that the complainant did not request a Citizen's Arrest of the cyclist for riding on the sidewalk.

The body-worn camera of the named officers showed that the complainant spoke to Officer #1 regarding the accident. In his statement, the complainant told Officer #1 that he hit the cyclist while making a right turn. The complainant stated that the cyclist told him that she was walking her bike into the crosswalk when he hit her. The complainant could not verify if the cyclist was walking or riding her bike at the time of the accident because he did not realize she was there until he heard screaming. The complainant later heard the cyclist tell Officer #2 that she was riding her bike at the time of the accident. The complainant then asked Officer #1 if he heard this statement, to which the officer replied that he hadn't. Officer #2's body-worn camera captured the cyclist stating that she was riding her bike on the sidewalk and proceeded to enter the crosswalk at a green light when the complainant hit her.

A Traffic Collision Report was created for the accident. The report lists the cyclist as "Vehicle #2" and states that the cyclist was "riding her bicycle (V2) northbound on the west sidewalk."

Department General Order 9.01, Section II(C) states that a qualified officer investigating a vehicle collision may issue a Notice to Appear even though the violation did not occur in his/her presence. Department General Order 9.01 also states that officers have discretion to enforce traffic and parking laws.

The officers did not cite either party, at their discretion. 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 prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer's incident report did not reflect what was viewed on their body-worn camera footage. The officer failed to state that the cyclist was riding her bike on the sidewalk.

The named officer could not recall if his body-worn camera footage was reviewed while preparing the report. He stated that he used the notes of the statements, contact information, vehicle information, and insurance information obtained on the scene to complete his report. The named officer could not recall if his partner provided him with any other information or statements when he prepared the report.

Department records showed that a Traffic Collision Report was created for the accident. The report, which the named officer authored, lists the cyclist as "Vehicle #2" and states that the cyclist was riding her bicycle (V2) on the sidewalk when she approached the intersection where the accident occurred. The named officer's body-worn camera footage corroborates the information provided to the officer by both the complainant and the cyclist.

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

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COMPLAINT DATE: 10/27/2023

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant has had ongoing issues with her roommate. The complainant said that on one occasion, her roommate attacked her with a knife. She called for police assistance, and the named officers refused to arrest her roommate or do anything despite showing the named officers her injuries. The complainant said the named officers refused to believe that the attack happened, saying that they needed evidence.

Named Officer #1 said she tried to ask the complainant about the knife attack, but the complainant failed to articulate what happened. Named officer #1 said the complainant did not say where and how the incident happened, did not have any visible injuries, and did not mention that she wanted her roommate arrested. Named officer #1 said that she determined that the complainant wanted a protective order against her roommate, so she gave her relevant information on how to go about obtaining it.

Named Officer #2 stated that the complainant talked about various incidents between her and the roommate but never expressed any additional information about the knife attack incident. Named officer #2 said the complainant never showed the officers any injuries or mentioned wanting the roommate arrested.

A witness officer, who was at the scene monitoring the investigation, stated that the complainant did not say anything about being attacked by her roommate. The witness officer said the complainant neither complained of pain nor had visible injuries.

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

The evidence showed that the named officers had no probable cause to make an arrest in this incident.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant said she was cooking meals in her kitchen with her pellet gun tucked on her side when her housemate took a picture of her and called for police assistance. The complainant said her roommate reported that she allegedly assaulted her and made terrorist threats. The complainant said the named officer arrested her for no reason. She believed she had the right to carry the pellet gun for protection because she had been stalked and bothered her whole life.

The named officer said the complainant's roommate reported that she and the complainant had an altercation that resulted in the complainant pulling a gun and pointing it at her. The named officer said the roommate felt scared and believed that the complainant would shoot her at that moment. The named officer stated that in his investigation, the complainant admitted pulling the pellet gun from her waistband but denied pointing it at her roommate, saying that she held it in her chest area during the altercation. The named officer stated that after lawfully seizing the pellet gun at the scene, he learned that it was powered by a CO2 cartridge capable of firing small hard pellets. He stated that because the complainant held the weapon in close proximity to the roommate, he determined there was sufficient probable cause to arrest the complainant. He said that with the concurrence of the supervisors at the scene, he arrested the complainant and placed her in handcuffs.

A witness officer stated that because of the victim and witness statements, a photo of the complainant in possession of the gun, and the lawful seizure of the weapon, the complainant was lawfully arrested.

A witness stated that the complainant pointed the gun at her when she entered the kitchen. She was scared and shaken and thought that the complainant would shoot or seriously injure her with the gun. She said she sensed from the complainant's eyes that she had an intention to hurt her.

DPA obtained a copy of the corresponding incident report and the named officer's BWC footage of the incident. Both the incident report and the named officer's BWC footage were consistent with the statement he provided to DPA. Additionally, the BWC footage and the incident report showed that the complainant admitted to pointing the gun at her roommate.

Based on the evidence that the officers gathered, the named officer had reason to believe that the complainant had threatened the complainant with bodily injury or death and assaulted her with the pellet gun. The named officer, therefore, had probable cause to arrest the complainant.

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

SUMMARY OF ALLEGATION # 4: The officer improperly used physical controls.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant said she asked the named officer to loosen her handcuffs. The complainant stated the named officer refused and, instead, tightened her handcuffs and sarcastically asked if they were good enough.

The named officer denied tightening the complainant's handcuffs. She said she checked and adjusted the handcuffs appropriately, ensuring that they were in a proper degree of tightness. In the process, the named officer said she found out the complainant was bothered by a bracelet caught between her wrist and the handcuffs.

The named officer's body-worn camera footage of the incident supported her statement to DPA. The footage showed that the officer did improperly use a physical control.

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

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

COMPLAINT DATE: 11/07/2023

COMPLETION DATE: 03/22/2024

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: Officers executed a search warrant at the complainant's home. The complainant said that officers searched inside, even though her oldest son was not home. Officers made the complainant and another son wait outside at 5:30 in the morning. The complainant acknowledged that officers did provide her with a copy of the warrant and warm clothing while she waited.

Records showed the officer had a warrant to search the complainant's home.

The named officer said that he authored the search warrant, which was signed by a judge. The search warrant was to find evidence of a crime related to the complainant's eldest son. The named officer provided the complainant with a copy of the warrant and explained why they were there.

The officer's actions and behavior were appropriate and within policy. He provided the complainant and her son clothing to keep warm while they waited. He provided a copy of the warrant and explained the purpose.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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COMPLAINT DATE: 11/07/2023

COMPLETION DATE: 03/22/2024

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SUMMARY OF ALLEGATION # 2: The officer failed to comply with Department General Order 7.01

CATEGORY OF CONDUCT: ND

FINDING: UF

FINDINGS OF FACT: The complainant stated that her oldest son was arrested and taken into custody. She said that officers treated him as an adult, even though he was a juvenile. The complainant stated that the officers did not believe he was a juvenile until they saw a copy of his birth certificate.

The named officer stated that he checked the state criminal records system and interstate crime records to verify the son's date of birth. Both systems indicated that the complainant's son was 18 years old at the time of his arrest. While in custody, the complainant's son informed the named officer that his date of birth was wrong. The named officer obtained a copy of his birth certificate and confirmed he was a juvenile.

Criminal history records showed an inaccurate birth date for the complainant's son. The incorrect birthdate indicated that he was one year older than his actual age. Records of his previous arrests also showed the wrong birthdate, but still showed him to be under 18 years of age at the time of those arrests.

The officer reasonably relied on several records indicating that the complainant's son was an adult. The officer discovered the birthdate mistake only after taking the complainant's son into custody. Once he discovered that mistake, the officer immediately began treating him as a juvenile and complied with the policies and procedures in Department General Order 7.01, Arrests of Juveniles.

The evidence proves that the alleged misconduct did not occur.

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

COMPLAINT DATE: 11/16/2023

COMPLETION DATE: 03/05/2024

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

CATEGORY OF CONDUCT:

FINDING: IO1/IAD

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATION #1: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: XX

FINDING: Referral/IAD

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

SFPD Internal Affairs Division
C/O Lt. Lisa Springer
1245 3rd Street
San Francisco, CA 94158

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers arrested him without cause when he was a victim of an assault and had done nothing wrong.

SFPD documentation showed that the complainant was detained for being intoxicated in public as well as the subject of a citizen's arrest for battery. The documents detailed that the complainant was accused of assaulting a Muni worker, who signed a Private Person's Arrest form. The complainant is also noted as being intoxicated and obstructive to officers.

Body worn camera footage shows that when the named officers arrived on scene the complainant was in an agitated state shouting at other people in the area. The named officers speak to witnesses, including independent witnesses, who all stated that the complainant was the aggressor in the situation and physically struck a MUNI employee. The footage also shows witnesses told the named officers that the complainant was intoxicated. One of the people on scene asked to press charges against the complainant which the named officers accept.

Officers can detain a subject for being drunk in public and unable to care for themselves based solely on their observations. Officers can arrest a subject for a crime not committed in their presence if they obtain a Citizen's Arrest form from the victim. The named officers were within policy to accept this request and place the complainant under arrest.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer laughed at him and that a supervisory officer on scene told the named officers to “take him to jail”

Body worn camera footage showed the entire interaction between the complainant and the named officers. At no point during this interaction do the named officers laugh at the complainant. There is also no supervisory officer on scene during the complainant’s arrest, who ordered him taken to jail.

The evidence showed that the named officers did not laugh at the complainant. The evidence also showed that there was no supervisor on scene who told the officer to “take him to jail.” It should be noted that as the officers were taking the complainant to jail as a result of their investigation, such a statement would not amount to misconduct.

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

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COMPLAINT DATE: 11/29/2023

COMPLETION DATE: 03/21/2024

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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 stated that an officer tried to get him to settle a car collision without involving insurance and stated to him in part, “why the [expletive] are you trying to be an [expletive]?”

Department records showed that the named officer responded to a non-injury traffic collision in which the complainant reported that his car had been rear-ended and the other party was refusing to exchange information.

Body-worn camera (BWC) footage shows the named officer attempting to mediate the traffic collision dispute and facilitates the parties’ exchange of insurance information. At one point, when the complainant states that he was not interested in settling outside of an insurance claim, the officer says, “That’s fine.” He then attempts to explain what the other driver was proposing, calmly telling the complainant: “It’s common for people to work this out, outside of insurance; he’s [the other driver] not being an (expletive).”

The DPA notes that the officer’s use of profane language in a colloquial way was ill-advised but as it was not directed toward the complainant – it does not rise to the level of misconduct. Additionally, the evidence showed the named officer did not make the second alleged profane utterance.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT DATE: 11/29/2023

COMPLETION DATE: 03/05/2024 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT:

The complainant stated that he was involved in a dispute with another party over a parking space. The other party had taken the complainant's picture which he wanted deleted. The officers failed to make the other party delete the pictures.

The Computer Aided Dispatch (CAD) reflected that the named officers were dispatched to an "A" priority assault/battery call for service. The other party stated that the complainant had assaulted him, took his phone and was refusing to give it back. Ultimately the call was cleared with a notation that the other party only wanted his phone back from the complainant.

Body-worn camera (BWC) footage showed that the officers explained to the complainant that it was not against the law for someone to take his picture in public. The officers tried several times to explain that the complainant was in the wrong for taking the driver's phone and that the driver could press charges if he wanted to.

Although the complainant believed the officer's actions were negligent, the officers had no authority to delete or order the other party to delete the pictures from his cellphone.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT:

The complainant stated that the named officer told him that the other party in the parking dispute could press charges and she could book the complainant in jail.

Body-worn camera (BWC) footage showed the complainant admitting taking the other party's cellphone and refusing to return it to him. The officer explained that the other party could have press charges and the complainant could have been arrested. However, the other party only wanted his cellphone back.

Department General Order 5.04 establishes policies regarding a member's obligation to receive a subject arrested by a private person and procedures regarding the arrest or release of the subject. If there is probable cause that a crime was committed, the officer is required to make the arrest.

Although the complainant perceived the officer's comments as inappropriate, the officer was advising and warning the complainant that his actions were unlawful.

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

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COMPLAINT DATE: 12/04/2023

COMPLETION DATE: 03/25/2024

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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 he called 9-1-1 to report that an individual wearing a green hat and a black puffy jacket was selling large quantities of drugs in a fast-food restaurant. He stated that officers did not properly investigate because they did not go inside the restaurant to look for the suspect.

The named officers stated they responded to a fast-food restaurant regarding a call for service related to an individual selling drugs. They stated another officer responded earlier to the report. However, that officer was unable to locate the suspected drug dealer. The named officers stated that when they arrived on the scene, they went inside and did not see anyone matching the suspect's description. They stated they requested the 9-1-1 dispatcher to instruct the complainant to meet with them to assist them with locating the suspect. The dispatcher, however, informed them that the complainant refused. Officer #1 stated he spoke with an employee of the restaurant who told him that they did not have knowledge of a call to the police. The named officers stated the complainant is a known abuser of the 9-1-1 system.

Department records show that the complainant made approximately thirteen calls to 9-1-1 regarding an individual wearing a green hat and a black puffy jacket selling drugs at a fast-food restaurant. Records show that the complainant was verbally abusive to 9-1-1 dispatchers, and he refused to leave his name and instead provided a fictitious name of a superhero. In addition, the records show that the complainant refused to meet with officers to assist them with locating the suspect. The thirteen 9-1-1 calls took place over two hours, eventually leading a supervising officer to place a disregard for further 9-1-1 calls for the reported drug dealer. Department records show that officers other than the named officers also responded to the restaurant and did not locate the suspect as described by the complainant.

Body-worn camera footage showed the named officers entering the fast-food restaurant with a clear view of all the tables. No one matching the description provided by the complainant was seen in the footage.

The named officers conducted a proper investigation by responding to the restaurant, speaking with restaurant staff, and requesting to meet with the complainant.

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

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

COMPLAINT DATE: 12/04/2023

COMPLETION DATE: 03/25/2024

PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated he called 9-1-1 to report that an individual wearing a green hat and a black puffy jacket was selling large quantities of drugs in a fast-food restaurant. He stated when he made contact with the officers, they taunted him, called him a snitch, and revealed his true identity to the public. He stated he wished to keep his identity hidden as he is known for apprehending criminals worldwide and now fears the officers' actions have put his life in danger by exposing who he is.

The named officers denied taunting the complainant or calling him a snitch. They stated that after they had been unable to find the suspect at the fast-food restaurant, they returned to their fixed post across the street. They stated a short time after that, the complainant, with whom they knew by name from past incidents, approached them and immediately began antagonizing them. They stated that this interaction was very brief and that they initially did not realize that the complainant was the 9-1-1 caller because he had left a false name with dispatch. The named officers stated that they did not act maliciously when they addressed him by his actual name, as his proper name was the name they knew him by. The named officers denied exposing the complainant's true identity to the public.

Department records show that the complainant made approximately thirteen calls to 9-1-1 regarding an individual wearing a green hat and a black puffy jacket selling drugs at a fast-food restaurant. Records show that the complainant was verbally abusive to 9-1-1 dispatchers, and he refused to leave his name and instead provided a fictitious name of a superhero. In addition, the records show that the complainant refused to meet with officers to assist them with locating the suspect. The thirteen 9-1-1 calls took place over two hours, eventually leading a supervising officer to place a disregard for further 9-1-1 calls for the reported drug dealer. Department records show that officers other than the named officers also responded to the restaurant and did not locate the suspect as described by the complainant.

Body-worn camera footage is unavailable because the interaction between the complainant and the officers occurred after the call for service ended.

There is no evidence to confirm or refute the complaints or the officer's account. The evidence fails to prove or disprove that the alleged conduct occurred.

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

COMPLAINT DATE: 12/05/2023

COMPLETION DATE: 03/19/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said she called a police station to develop a safety plan for herself concerning her religious beliefs and medical circumstances and an officer hung up on her. She called the station back multiple times, and the officer did not answer or picked up and then hung up immediately.

DPA sent an identification poll to the district station asking for assistance identifying the officer based on a description of the incident. The named officer was identified as possibly having been involved as they had access to the station's main phone line on the date in question.

The named officer was working as the assigned station keeper and recalled speaking with an individual who was difficult to obtain information from, refused to answer questions, and made nonsensical statements. He unsuccessfully attempted to obtain basic information from the caller several times and was forced to end the conversation to clear the phone line for others to call. He treated the complainant with courtesy and respect during their interaction. The complainant called back numerous times and the named officer did not answer due to the complainant speaking incoherently and repeatedly refusing to cooperate.

The evidence failed to clarify the nature of the interaction between the complainant and officer.

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

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

COMPLAINT DATE: 12/07/2023

COMPLETION DATE: 03/19/2024

PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide medical treatment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called 911 to request medical assistance. She stated that officers responded before the medics and that the officers stopped her from receiving medical aid.

Records showed that the complainant requested medical assistance for a mental health issue and other medical issues. When medics arrived, the complainant refused all medical services.

Body-worn camera footage showed that the named officers asked the complainant what she needed and then called for an ambulance. When the ambulance arrived, the named officers explained the medical issues to the medics as described by the complainant. Before the medics could begin providing services, the complainant told everyone to leave and shut her front door.

The named officers arranged for medical care, which the complainant refused.

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: 12/07/2023

COMPLETION DATE: 03/19/2024

PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers laughed at her and at her medical condition.

Body-worn camera footage showed that the complainant was hostile and erratic. One officer briefly laughed when the complainant unexpectedly began performing song lyrics. The officer's reaction appeared spontaneous and was unrelated to the complainant's request for medical assistance. The officers used stern voices in response to the complainant's profane statements and accusations, but their behavior remained appropriate for the situation.

The evidence proves that the alleged misconduct did not occur.

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

COMPLAINT DATE: 12/05/2023

COMPLETION DATE: 03/23/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant reported a suspicious person at his apartment building entrance. He stated that the named officer unnecessarily gave her personal opinion on people who use drugs.

Records showed that the named officer was dispatched to handle a person sleeping in a doorway.

Body-worn camera footage recorded the conversation between the complainant and the named officer. The complainant made critical comments about drug users and their life choices. He then asked the officer to agree that drugs make life wonderful and that it is ok to take drugs. The named officer calmly and politely disagreed and stated that some people choose to take drugs.

The officer was professional and courteous. She politely and appropriately answered the complainant's questions. She made neutral and factual statements when asked for her opinion.

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: 12/20/2023

COMPLETION DATE: 03/19/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: Construction was taking place in the complainant's neighborhood and traffic cones were placed throughout the area. The complainant said that some of the cones were moved in front of his driveway and his relative tried to relocate them and injured herself while doing so. He had seen police officers in his neighborhood earlier in the day and assumed that officers must have moved the cones in front of his driveway and failed to put them back in their original locations.

Department records showed officers responded to the area for a call on the date in question; however, the records failed to show any evidence of officers moving traffic cones.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/2023 DATE OF COMPLETION: 03/23/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF/W

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

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

COMPLAINT DATE: 12/28/2023

COMPLETION DATE: 03/17/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/29/24.

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/29/24.

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

COMPLAINT DATE: 01/03/2024

COMPLETION DATE: 03/06/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/2024 DATE OF COMPLETION: 03/24/2024 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to take a statement from the reporting party and failed to properly investigate a battery.

The named officers responded to the report of an assault and battery outside of a liquor store. Records indicated that while on the phone with the 911 dispatcher, the reporting party did not answer the dispatcher's questions. Instead, he engaged in a verbal argument with the liquor store owner and called the liquor store owner racially derogatory names.

Body-worn camera (BWC) footage showed that when the named officers arrived on-scene, they separated the involved parties and took both of their statements. The reporting party stated that the store owner pushed him onto the sidewalk. The store owner stated that he never touched the reporting party and that the reporting party fell on his own. The named officers asked to view surveillance video, but there was no video of the exterior of the store. The named officers asked the reporting party what they could do for him, and the reporting party stated he wanted to file a complaint with the store. The named officers told the reporting party that they would ensure the complaint was received.

The evidence showed that the named officers took appropriate investigative steps and properly used their discretion to determine that they had insufficient evidence that a crime had occurred.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/2024 DATE OF COMPLETION: 03/24/2024 PAGE# 2 of 2
SUMMARY OF ALLEGATIONS #3-4: The officers engaged in other unequal treatment.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers treated the reporting party unequally.

Body-worn camera (BWC) footage showed that the named officers were professional and courteous to both involved parties. The named officers took statements from both parties and took appropriate investigative steps and properly used their discretion to determine that they had insufficient evidence that a crime had occurred.

The named officers did not make any statements or take any action that demonstrated bias or unequal treatment during this incident.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 1/12/2024

COMPLETION DATE: 03/19/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/21/24.

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

COMPLAINT DATE: 01/13/2024

COMPLETION DATE: 03/23/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer parked a police vehicle in a red zone causing a hazard. The complainant did not see an officer in the vehicle and does not know who parked the vehicle.

SFPD vehicle fleet was contacted to confirm the station and department the vehicle was assigned to. The commanding officer of that station was contacted and stated that he did not know who was driving that vehicle on the day in question.

There are no other reasonable steps that can be taken to identify the officer involved.

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

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

COMPLAINT DATE: 01/13/2024

COMPLETION DATE: 03/23/2024

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:

Hayward Police Department
Internal Affairs Division
300 W. Winton Ave
CA 94544

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

COMPLAINT DATE: 01/15/2024

COMPLETION DATE: 03/22/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

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: 01/17/2024

COMPLETION DATE: 03/21/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer violated policy and drove through a redlight. The complainant provided no other identifying information.

Department of Police Accountability (DPA) was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the police station in the District identified by the complainant, asking for assistance identifying the officer/s based on a description of the incident. No officer was identified through the poll.

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: 01/20/2024

COMPLETION DATE: 03/19/2024

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: 01/22/2024

COMPLETION DATE: 03/12/2024

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: 01/22/2024

COMPLETION DATE: 03/13/2024

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: 01/25/2024

COMPLETION DATE: 03/23/2024

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: 01/26/2024

COMPLETION DATE: 03/23/2024

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: 01/26/2024

COMPLETION DATE: 03/23/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he has been hacked and harassed by unknown individuals for several years. The complainant stated that the police have not taken him seriously and have failed to take his reports.

DPA researched the complainant's calls for service during the time in question. Department records indicated that the complainant filed multiple reports and made multiple 911 calls regarding hacking and harassment over the past 3 years. In each instance, the police either took a police report or attempted to contact the complainant without success.

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

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

COMPLAINT DATE: 01/30/2024

COMPLETION DATE: 03/23/2024

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:

BART Police Department
Office of Internal Affairs
101 8th Street
Oakland, CA 94607

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

COMPLAINT DATE: 02/01/2024

COMPLETION DATE: 03/21/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 02/16/2024

COMPLETION DATE: 03/25/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: XX

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
Attn: Lt. Lisa Springer

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

COMPLAINT DATE: 02/26/2024

COMPLETION DATE: 03/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFMTA Department of Parking & Traffic

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

SFMTA-Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94102

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

COMPLAINT DATE: 03/05/2024

COMPLETION DATE: 03/24/2024

PAGE# 1 of 1

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 Office
Internal Affairs Division
25 Van Ness Ave Suite 350
San Francisco, CA 94102

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

COMPLAINT DATE: 03/06/2024

COMPLETION DATE: 03/25/2024

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: 03/7/2024

COMPLETION DATE: 03/24/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFSD

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

San Francisco Sheriff's Department
Lt. Jin Kim #2045
Internal Affairs Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102