

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

COMPLAINT DATE: 11/05/2021

COMPLETION DATE: 04/02/2024

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

CATEGORY OF CONDUCT: UA

FINDING: IC(S)

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

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

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

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

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

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

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

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

The SFPD Peace Officer Field Training Manual Section titled "Low Risk Vehicle Stops" instructs officers to "[a]dvice dispatch that you're affecting a traffic stop, including the location of the stop, the license plate number and description of the vehicle, and the number of occupants."

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

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

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

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

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

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

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

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

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

CATEGORY OF CONDUCT: CUO

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FINDING: IC(S)

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

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

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

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

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

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

CATEGORY OF CONDUCT: UA

FINDING: U

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

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

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

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

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

CATEGORY OF CONDUCT:

FINDING: IO1/IAD

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

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

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SUMMARY OF ALLEGATION #1: The officer inappropriately disabled, deactivated, or muted a body-worn camera or intentionally obstructed an audio or video recording.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant, an attorney, stated that an officer did not follow body-worn camera procedures while arresting her client and searching his home. She stated that the officer inappropriately muted his camera and failed to document the reason for muting the recording in a report as required.

The named officer stated that the complainant's client was on probation with a search condition that allowed officers to enter and search his home without a warrant. The client also had an outstanding arrest warrant. The officer explained that, because he was a plainclothes officer, he was not required to wear or use a body-worn camera. Still, he chose to wear and activate a body-worn camera to search the home. The officer muted his recording when he needed to share confidential information and discuss tactics with the other officers.

Body-worn camera footage documented the officer searching the home and seizing property. The recording had partially muted sound.

At the time of the incident, plainclothes officers were not required to use body-worn cameras. Additionally, officers using body-worn cameras were required to deactivate their cameras when discussing sensitive tactical or law enforcement information. The officer activated his camera voluntarily to document the search and seizure of property and muted the audio for tactical purposes. Although officers are generally required to document instances and reasoning for muting required recordings, this was not a mandated recording situation and the lack of documentation did not rise to the level of misconduct.

The evidence proves that the alleged conduct did not occur.

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.01.

CATEGORY OF CONDUCT: ND

FINDING: IC

FINDINGS OF FACT: The complainant was riding her bicycle when the officer hit her with his patrol vehicle.

The body-worn camera footage and police records showed that the officer admitted to not seeing the complainant until he hit her. Additionally, the collision investigation officer found the officer at fault for the collision in violation of California Vehicle Code section 21801(a).

Department General Order 2.01 states that members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner.

The investigation conducted by the DPA confirmed the officer failed to operate his vehicle with due regard for the safety of all persons and property and failed to comply with DGO 2.01.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer told the collision investigating officer that she was not injured after he hit her, which was a lie.

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer did not attempt to interview the witness(es) at the accident scene.

The officer was involved in the traffic collision and should not have interviewed witnesses.

The body-worn camera footage and police records showed that multiple officers responded to the scene and conducted a complete and thorough investigation. The collision investigator found the officer at fault for the collision.

DGO 2.06 requires officers involved in a vehicle collision while operating a patrol vehicle to remain at the scene and notify the Communication Division. The Communication Division ensures that the member's supervisor and a collision investigator respond to the scene.

Although the complainant believed the officer should have attempted to interview witnesses, his involvement in the collision investigation could have influenced interviews. Additionally, the officer remained neutral, allowed the collision investigator to conduct the investigation, and 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 #4: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant believed the traffic collision report was inaccurate because the officer was not truthful in saying that the complainant was not using the bicycle's headlamps at the time of the accident.

Police records showed that the officer wrote that the complainant's bicycle was equipped with front and rear lights; however, neither was activated when he arrived at the scene. The body-worn camera footage corroborated that statement.

The body-worn camera footage confirmed the accuracy of the traffic collision report.

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

SUMMARY OF ALLEGATION #5: The complaint raises matters outside the DPA's jurisdiction.

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

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

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated officers hit him with their patrol vehicle causing him to crash into a parked vehicle and propelled to the ground and knocked out temporarily. As a result, his leg was split open and had a huge laceration that required a lot of stitches.

The named officer stated he was a backup officer to an unrelated traffic stop. While standing on the street he heard sirens and saw lights at the top intersection and saw an individual, the complainant, fleeing the patrol car in a motorized scooter. The named officer said he ran across the street and tried to stop the complainant. The named officer said he used both hands and tried to grab the complainant but pushed him lightly toward the sidewalk but did not believe it was enough to force affect the complainant's trajectory.

DPA obtained a subject matter expert that concluded that given the totality of the circumstances and the information the named officer had at the time that the use of force was reasonable and not excessive.

DGO 5.01 Use of Force in pertinent parts:

- Section 5.01.02 Policy,
 - A. Safeguarding Human Life and Dignity
 - D. Proportionality
- Section 5.01.03 Definitions,
 - B. Minimal Amount of Force Necessary

The body-worn camera footage showed that the named officer pushed the complainant and with the momentum and speed knocked off complainant from trajectory causing him to lose control, fall and hit a parked vehicle. The complainant was injured with a laceration to his leg.

Per the evidence, the named officer did not have all the information necessary to decide what use of force to use if any however because his sergeants were pursuing the complainant he determined he would intercept the complainant to stop him from fleeing the sergeants.

There is insufficient evidence to determine that the use of force was or was not excessive given the totality of the circumstances. The evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATIONS #2-3: The officers failed to comply with Department General Order 5.05.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer #1 engaged in a police pursuit of the complainant riding a motorized scooter for riding on the wrong side of the street and fled his command to stop. Named officer #2 failed to notify dispatch of their pursuit of the complainant. The negligent behavior resulted in another officer on an unrelated call to intercept the complainant and pushed him off his scooter causing him to crash into a parked vehicle and sustain a laceration on his leg.

The named officers both stated they were not engaged in a police pursuit and said they were following the complainant to conduct a traffic stop, adhering to the rules of the road. Named officer #2 acknowledged that he did not notify dispatch that they were following the complainant because he did not know their location but said he would have been responsible for notifying dispatch.

DGO 5.05 Emergency Response and Pursuit Driving, Section IV. VEHICLE PURSUITS, in pertinent part:

A. PURSUIT GUIDELINES

1. **WHEN A PURSUIT IS AUTHORIZED.** Except as otherwise provided in this order, an officer in an emergency vehicle may initiate a pursuit of an individual:
 - a. Suspected of a violent felony; or
 - b. When there is an articulable reasonable belief that the individual needs to be immediately apprehended because of the risk that individual poses to public safety.

An officer shall not initiate a pursuit of an individual suspected of a non-violent felony, misdemeanor, property crime, or vehicle code violation, except as specified in (b) above.

B. COMMUNICATION DURING A PURSUIT

1. **NOTIFICATION OF DEM.** When an unit initiates a pursuit, the unit shall communicate to DEM that it is in a pursuit and request a Code 33. Any other units in the pursuit and the pursuit supervisor shall also notify DEM of their involvement in the pursuit. DEM will record in CAD the number of pursuing units and the identity of the pursuit supervisor, when a supervisor acknowledges control

Department General Order 2.01 General Rules of Conduct in pertinent part:

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7. Maintaining Knowledge. Members shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System.)

The subject matter expert concluded that this incident was a vehicle pursuit and officers lacked knowledge that an electrical scooter is considered a vehicle.

The body-worn camera footage showed that the named officers pursued the complainant with lights and sirens as he was fleeing in his scooter.

The CAD did not document notification to dispatch when the complainant was being pursued.

Per the investigation, the officers violated department policy as they should have known that an electric scooter was considered a vehicle and engaged in a pursuit without notifying DEM.

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

SUMMARY OF ALLEGATION #4-5: The officers failed to activate body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC

FINDINGS OF FACT: The named officers activated their body-worn cameras after the complainant was stopped by another officer as the complainant fled from officers' attempts of a traffic stop.

The named officers believed they had complied with DGO 10.11 and DN 23-045 stating that this was a self-initiated activity, and they activated their body-worn cameras before they exited their patrol vehicle to approach the complainant.

DGO 10.11.03 Procedures C. Authorized Use. All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstance: 5. Vehicle pursuits.

DN 23-045 states Members shall ensure the entire event is captured during all mandate recording circumstances or their involvement at the incident is completed.

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The named officers were required to activate their body-worn cameras after they decided to pursue the complainant with lights and sirens after they observed the complainant commit a traffic violation and gave him commands to stop and fled ignoring commands to stop. The named officers were in violation of the department orders by not capturing the entire event.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer arrested him for a domestic violence offense and towed his vehicle without justification. The vehicle was not connected to the underlying basis for the arrest. The complainant also stated that the wrongful tow led to a hold being placed on his vehicle, preventing it from being released to him.

The named officer confirmed arresting the complainant and towing his vehicle after a records check revealed that his vehicle registration had been expired for over six months. The named officer stated that he had the authority to run the plate because the vehicle was parked on a public street. The named officer also articulated several evidentiary items and facts from the incident that connected the car to the domestic violence investigation.

The named officer correctly asserted that officer can run license plates of vehicles parked on a public street without any need for specific additional justification. Additionally, because the registration had expired by far more than 6 months, the named officer was within his rights to have the vehicle towed. Moreover, the named officer stated that due to the reason for the tow, per Department policy a hold was automatically placed on the vehicle.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In her online complainant, the complainant advised that an unhoused individual was picking plants from a home and the homeowner ran outside and tackled him. The two named officers arrived shortly after and placed the unhoused individual in handcuffs.

Records showed that the officers responded to a call for service regarding a fight. The witnesses did not know why the individuals were fighting. One witness believed the unhoused individual was looking at the homeowner's garden, and a fight broke out. Another witness believed the individuals were fighting over vandalism. Another witness reported that the homeowner caught the unhoused individual trespassing in the garage, a confrontation occurred, and the homeowner held the unhoused individual down.

A further review of the records and body-worn camera showed that a homeowner and friend were on top of an unhoused individual who was on the ground as officers arrived. Officers handcuffed the unhoused individual, then obtained statements from him, the homeowner, and witnesses. The unhoused individual provided a statement and asked to go to the hospital. The homeowner informed the officers that he wanted to press charges against the unhoused individual for breaking into his home. The homeowner requested a private person's arrest, and the subject was cited and released.

Department General Order 5.04 states that a private person may be arrested for public offenses not committed in the member's presence, and the member must receive a person so arrested. However, officers must determine if reasonable suspicion exists to justify detaining the subject pending further investigation. If reasonable suspicion does not exist, the subject is free to leave.

The officers' actions complied with department policy when they detained the unhoused individual to investigate the home break-in.

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 comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that neighbors tackled the unhoused individual to the ground and when the officers arrived at the scene, they took over the tackling. The unhoused individual was pinned face down on the ground with two officers on him. One officer threatened to pepper spray him even though he did not appear to be a threat.

Department General Order (DGO) 5.01 states that officers shall strive to use the minimum amount of force necessary to accomplish their lawful purpose. Officers are allowed to use reasonable force in the performance of their duties to effect a lawful arrest, to overcome resistance, to prevent escape, and to gain compliance with a lawful order.

Video footage from the complainant and body-worn cameras showed that the officers did not tackle, jump on top of, or assault the unhoused individual. The officers ordered the unhoused individual to roll over onto his stomach as he screamed, clenched his arm, and yelled for an ambulance. The unhoused individual resisted arrest by clenching and pinning his arm underneath his body so the officers could not handcuff him. As a result, one officer was on the side of him trying to pull his arm from underneath his body so she could complete the handcuffing. The officers ordered him to stop resisting or he would be pepper sprayed. He eventually complied with their orders and was placed in handcuffs. The officers did not tackle, assault, or pepper spray him. His face was on a bag and not on the concrete. He did not complain of pain or injury. After he was handcuffed, the officers sat him on the curb while they investigated.

Although the complainant believed that the officers were assaulting the unhoused individual there was no evidence to support her perception.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #5-6: The officers behaved or spoke inappropriately.

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CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that officers began to tell multiple bystanders that a new law would make all the homeless people mandated to treatment or jail, which the complainant believed was untrue. She believed the officer was not an expert in mental health or homelessness and was promising things that didn't help the situation and were not law.

Complainant video and body-worn camera footage documented the incident. There was no evidence of officers making the alleged statements or similar statements regarding new laws or policies.

The evidence proves that the conduct alleged did not occur.

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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 said he observed officers improperly parked on a sidewalk, that when he asked them if they could legally do that, they informed him they were allowed to park as they had, and that they refused his request to contact a sergeant.

The named officers stated that on the date of their encounter with the complainant, they were assigned to a special vendor unit. They were instructed to park on BART property adjacent to a BART stations, which was their location when complainant interacted with them. They acknowledged they did not call a sergeant. They stated that under Department policy, they had no duty to call a sergeant. Named officer #1 said he told the complainant to go to the local station and he could file a complaint and speak to a sergeant. Both the named officers said they informed the complainant that he could contact the Department of Police Accountability (DPA).

Video evidence submitted by the complainant and footage from the named officers' body worn cameras showed that the named officers directed the complainant to contact a sergeant at the District Station or to contact the DPA.

Department General Order 2.04, Complaints Against Officers, states in part:

When a complaint is made to an employee of the Department, the employee receiving the complaint shall immediately refer the matter to the senior-ranking officer on duty in the station, division, section, or unit where the complaint is being made.

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

SUMMARY OF ALLEGATION #3: The officer engaged in unwarranted action.

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CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated that when he asked the named officer for his identification, the officer closed his squad car door, striking him.

The named officer told the DPA that he did not hit the complainant with the door.

Two other officers who were at the scene said that the named officer did not hit the complainant with the squad door.

On video provided by the complainant, it is clear the complainant asked the named officer for his identification, and the officer closed the door of a patrol car he was sitting in, but it did not capture the door striking the complainant.

Body-worn camera (BWC) footage from other officers at the scene did not capture the named officer closing his patrol car door.

There was insufficient evidence to determine if the officer in fact hit the complainant.

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

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

CATEGORY OF CONDUCT: ND

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FINDING: IE

FINDINGS OF FACT: The complainant stated that he asked the named officer for his name and star number and the officer refused.

The named officer stated that, when the complainant approached him, he was sitting in a patrol car, and he did not know what the complainant wanted or why he was approaching with something in his hands. He said he was engaged in another matter and felt the complainant's somewhat hostile approach was an officer-safety issue, so he closed the car's door. He said he provided his name and star number to the complainant once the car door was closed, pointing to his name and badge number and giving the complainant the information through the door.

There was no body-worn camera footage from the named officer, who said he was not engaged in the encounter with the complainant, nor was he involved with a criminal investigation.

DPA was unable to determine if the named officer provided his name and star number to the complainant.

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

SUMMARY OF ALLEGATION #5: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

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FINDINGS OF FACT: The complainant said the named officer was parked on a sidewalk in the absence of an emergency and had not activated the car's lights or siren.

Then named officer stated that he was on a special assignment on a transit agency's property and was parked on the transit plaza, as instructed by superiors. He and other officers on the assignment said parking patrol cars on the plaza deters crime and makes officers more easily accessible to civilians in the area that need help.

Body-worn camera footage from officers at the scene showed that the named officer's patrol car was parked on a transit plaza.

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

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

COMPLAINT DATE: 05/28/2023

COMPLETION DATE: 04/04/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant took a taxi to a hotel after attending a wedding. Someone shot at the complainant as he approached the hotel entrance. The complainant suffered an injury to his upper body but managed to run into the hotel for shelter. Police and medical personnel responded to investigate and assist. Medics cut away the complainant's clothing and transported him to a hospital for treatment. The complainant's personal property was left at the incident location. The complainant stated that the lead investigator kept the complainant's expensive watch and cell phone in his desk instead of booking it with the rest of his property. Although the officer returned the watch and cell phone, the complainant questioned the officer's authority and reason for keeping the property in a separate place. The complainant believed the officer intended to keep his watch if he did not survive.

The officer stated that he took proper care of the complainant's property. The officer documented in a report that he booked the watch and phone for safekeeping at the district station because he did not believe it was evidence of the shooting crime. The officer explained that property is booked for safekeeping when it does not have evidentiary value, but still needs to be accounted for and kept in a safe place. Once the officer determined that the cell phone belonged to the complainant rather than one of the suspects, the officer personally returned the phone and watch to the complainant. Because the complainant resided out-of-state and suffered major injuries, the officer made a special trip to bring the complainant's personal belongings to him at the hospital.

Department General Order 6.15, Property Processing, outlines procedures for booking and releasing property recovered at crime scenes. Officers are required to book non-evidentiary property for safekeeping. Property may be returned to its owner if it is not connected to a crime or if keeping the property causes substantial inconvenience to the owner.

The officer adhered to Department procedure by booking the complainant's property for safekeeping. Additionally, the officer appropriately returned the complainant's property to him once he determined that the property did not have evidentiary value.

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 care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant reported that the department failed to return over a thousand dollars that was in his pocket after he was shot and transported to the hospital. Although the complainant had limited recollection of the incident, he recalled someone cutting off his pants while the money was inside his pocket to treat his injuries at the scene. The complainant said less than a hundred dollars was returned to him which was the amount reportedly recovered at the scene. The complainant was unable to provide receipts or bank records to substantiate the amount of cash he had on his person at the time of the incident.

Body-worn camera footage showed that officers and medics cut away the complainant's clothing to treat his gunshot wound and search for additional injuries. A thin fold of cards, paper, and cash secured with a small band fell from one of the complainant's pockets. The outermost bill was a one dollar bill. The cash was not visible in all the footage.

Department General Order 6.15 requires that money recovered at a crime scene be booked as evidence.

The named officer was responsible for watching the complainant's property until investigators could book the property as evidence. The officer denied touching, taking, or moving the complainant's money from the scene of the incident while preserving the scene.

The CSI Unit marked, collected, and processed the cash. The amount processed was less than one hundred dollars.

Although the complainant believed he had over a thousand dollars missing from his pocket, he provided no evidence that he had that amount of money in his pocket. There was no video evidence showing the named officer touched, moved, or stole the complainant's money.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the lead investigating officer made rude comments, did not return phone calls, and was dismissive toward the complainant.

Department General Order 2.01 requires officers to treat the public with courtesy and respect.

The named officer denied behaving inappropriately or making rude comments to the complainant. The officer believed he treated the complainant professionally and respectfully. Because the complainant was from out-of-state and suffering major injuries, the officer made a special trip to return the complainant's personal belongings to him to the hospital. The officer maintained that he returned all the complainant's phone calls, even though the complainant said he would not cooperate with the investigation once he left the state. The officer believed the complainant was upset about matters beyond police control.

Thus, there was insufficient evidence to prove or disprove the allegations made in the complaint.

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DATE OF COMPLAINT: 05/13/2023 DATE OF COMPLETION: 04/16/2024 PAGE# 1 of 5

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly search an arrestee or detainee.

CATEGORY OF CONDUCT: ND FINDING: IC/S DEPT. ACTION:

FINDINGS OF FACT: The complainant, an EMT, stated that they responded to the scene of an incident to assist with a 5150 transport. During the transport, the 5150 detainee attempted to remove her seatbelts and tried to jump out of the ambulance. The complainant, with the assistance of another EMT, tried to restrain the patient. While trying to restrain the patient, the patient reached into their front left jacket pocket and attempted to pull out an unknown item. The complainant was able to gain control of their hand and later discovered that the item the patient held was a knife. The complainant alleged that the named officers failed to properly search the patient prior to being placed in the ambulance.

Named officer #1 stated that they responded to a call for service regarding an individual who was threatening to jump off a roof. Named officer #1 stated that at the time, there was no mention that the subject was in possession of any weapons. When named officer #1 contacted the subject, they learned that the subject had a knife on their belt. Named officer #1 stated that named officer #2 secured the knife from the subject. Named officer #1 assisted named officer #2 with placing the subject in handcuffs. Named officer #1 stated that he did not conduct an additional search of the subject. Named officer #1 stated that the subject did not need to be searched because he did not believe the subject was a danger to officers or others around him at the time and felt a search would have violated their Fourth Amendment rights.

Named officer #2 stated that when he contacted the subject, he removed a knife that was on their waistband. Named officer #2 placed the subject in handcuffs with the assistance of named officer #1. Named officer #2 did not search the subject after securing the knife. Named officer #2 felt that the subject did not commit a crime, so there was no reason to search them.

Named officer #3 stated that he observed named officer #1 and #2 place the subject in handcuffs. Named officer #3 stated that the incident was not a custodial arrest, and they were not transporting the subject. Named officer #3 stated that due to these points, he felt the subject did not need to be searched prior to being placed into the ambulance.

DPA obtained a copy of the incident report pertaining to the incident. The incident report, which was drafted by named officer #2, documented that the named officers responded to a mental health detention. The report stated that the named officer determined that the subject was a danger to herself and was therefore detained pursuant to Welfare and Institutions Code section 5150. Included in the incident report

was a supplemental report submitted the same day of the incident. The supplemental report documented that witness officers responded to a local hospital because the complainant was assaulted by the subject

**DEPARTMENT OF POLICE ACCOUNTABILITY
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inside of the ambulance. During the assault, the subject reached into their pocket and attempted to pull out a small knife.

The supplemental report stated that the knife was seized on scene and the subject was given a property receipt for it. DPA also obtained the named officers' body-worn camera (BWC) footage of the incident. Their BWC footage showed named officer #2 taking a knife the subject had on their belt prior to placing them into handcuffs. The BWC footage showed that named officer #1 and named officer #2 did not search the subject after being placed into handcuffs or before being placed into the ambulance.

DPA interviewed a Subject Matter Expert from the Department that teaches prisoner transportation. The Subject Matter Expert stated that officers are responsible for the medics' safety when there is a 5150 call they are assisting with. The Subject Matter Expert stated that before being placed into the ambulance, 5150 detainees need to be searched. The Subject Matter Expert described the named officers' search of the subject as "poor" and stated that it was done in a "laissez-faire manner." The Subject Matter Expert stated that the search was done quickly and "not as thoroughly as I teach."

Department General Order 5.21, "CIT Response To Person In Crisis Calls For Service" states, "D. Detention/Transport: When detaining an individual for a psychiatric evaluation and no criminal charges are pending, officers shall, when feasible, explain to the person in crisis they are not under arrest, but only being transported to a medical or mental health facility for evaluation. Officer should also explain that it is necessary to search and temporarily handcuff them for their safety while being transported to the facility."

Department General Order 6.14, "Psychological Evaluation of Adults" states, "B. Detention. When detaining an individual for psychiatric evaluation and treatment, follow these procedures: b. Firearms/Weapons. List any confiscated firearms or deadly weapons in the incident report."

The evidence showed that the named officers failed to properly search a 5150 detainee in violation of Department General Order 5.21 and Department General Order 6.14. The failure to properly search the 5150 could have resulted in serious injury to the EMTs that assisted with the transport.

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

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

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

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FINDINGS OF FACT: The complainant stated that the named officers failed to ride with them in the ambulance to the hospital with the 5150 detainee. The complainant stated that had the named officers rode with them in the ambulance, it would have deescalated the situation and prevented them from being assaulted.

The named officers stated that, at the time, neither EMT that was assisting with the incident requested that they ride in the ambulance with them back to the hospital. The named officers stated they were unaware of any current policy that required them to ride in the ambulance to the hospital when transporting a 5150 detainee.

DPA obtained the BWC footage from the incident. The BWC footage showed the medics advising the officers that they did not have to come with them to the hospital. One officer also called a sergeant to obtain approval to not accompany the EMTs.

DPA interviewed a Subject Matter Expert on the topic of Department General Order 6.14. The Subject Matter Expert stated that Department General Order 6.14 is currently being revised to provide officers with clearer advisement on when they have to go with medics to the hospital.

Through the course of DPA's investigation, it was determined that the current Department General Order is thirty years old, and does not reflect current, post-Covid practices. DPA suggests that the updated DGO 6.14 include specific instructions and guidance on searching individuals who are detained pursuant to Welfare and Institution Code section 5150. Additionally, the updated DGO should address when officers should ride to the hospital with the medics, follow the medics to the hospital, respond to the hospital, or may simply hand off custody of the individual to the medics.

Therefore, a preponderance of the evidence proves that the alleged conduct occurred, but the Department policy or procedures are out of date and do not provide clear instructions to officers. The DPA recommends that the policy or procedures be changed or modified.

SUMMARY OF ALLEGATION #7: The officer failed to properly supervise.

CATEGORY OF CONDUCT: ND FINDING: IC/S DEPT. ACTION:

FINDINGS OF FACT: Through the course of DPA's investigation, it was determined that the named officer was supervising two officers who failed to properly search an individual being placed on a 5150 hold.

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The named officer stated that the incident was not a custodial arrest, and they were not transporting the subject. The named officer stated that due to these points, he felt the subject did not need to be searched prior to being placed into the ambulance.

DPA interviewed a Subject Matter Expert from the Department that teaches prisoner transportation. The Subject Matter Expert stated that officers are responsible for the medics' safety when there is a 5150 call they are assisting with. The Subject Matter Expert stated that before being placed into the ambulance, 5150 detainees need to be searched. The Subject Matter Expert described the named officers' search of the subject as "poor" and stated that it was done in a "laissez-faire manner." The Subject Matter Expert stated that the search was done quickly and "not as thoroughly as I teach."

Department General Order 5.21, "CIT Response To Person In Crisis Calls For Service" states, "D. Detention/Transport: When detaining an individual for a psychiatric evaluation and no criminal charges are pending, officers shall, when feasible, explain to the person in crisis they are not under arrest, but only being transported to a medical or mental health facility for evaluation. Officer should also explain that it is necessary to search and temporarily handcuff them for their safety while being transported to the facility."

Department General Order 6.14, "Psychological Evaluation of Adults" states, "B. Detention. When detaining an individual for psychiatric evaluation and treatment, follow these procedures: b. Firearms/Weapons. List any confiscated firearms or deadly weapons in the incident report."

The evidence showed that the named officer failed to properly supervise the officers who failed to properly search a 5150 detainee in violation of Department General Order 5.21 and Department General Order 6.14. The failure to properly search the 5150 could have resulted in serious injury to the EMTs that assisted with the transport.

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

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that there were no Daily Observation Reports from the day of the incident drafted pertaining to the officers the named officer was supervising.

The named officer stated that he did Daily Observation Reports from the day of the incident, but that they were backlogged and could not remember when he submitted it.

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A witness officer stated that he did sign off on the Daily Observation Report drafted by the named officer pertaining to the day of the incident.

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

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COMPLAINT DATE: 07/05/2023

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: In an online complaint, the complainant stated that he was assaulted at a shelter and when he visited a district police station to make a report, officers treated the assault like a joke and told him to come back later because they were busy.

Department of Emergency Management records showed that the complainant called 9-1-1 to report that he sustained injuries from an assault at a shelter that occurred the night before. When officers arrived at the incident location, the complainant did not answer the phone, the front desk was unfamiliar with the incident, and the officers could not locate the complainant. There is no record of the complainant calling 9-1-1 and requesting the officers return to the incident location to take a report.

DPA interviewed the complainant. He made inconsistent statements and did not describe the officer who refused to take his report. Additionally, DPA could not obtain video surveillance from the district police station because the complainant filed the DPA complaint more than three weeks after the incident.

DPA was unable to identify the officers based solely on the information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that an officer assaulted him as he rode his bicycle at a pier.

The officer denied assaulting the complainant. He stated that he was directing traffic in a potentially dangerous situation and observed the complainant moving his bicycle in an unsafe manner that was putting him in harm's way. The named officer said that he gave the cyclist multiple commands to comply with the directions of multiple officers who were directing a heavy flow of traffic related to a cruise ship. As the complainant repeatedly failed to comply with the directions, the named officer used his hand to move his bicycle out of the path of crossing car traffic. As the complainant rode forward again, in opposition to the officers' direction, he rode into the back of a second officer, and the named officer again used his hand on the complainant's backpack to guide the complainant out of the roadway he was blocking.

Body-worn camera footage shows the named officer attempting to direct the complainant's process through traffic, shows the complainant stopping, then proceeding when told to stay where he was. The named officer used his hands in a manner meant to direct the movement of the complainant when he failed to follow traffic directions issued by the sergeant and other officers.

Department General Order 5.01. Use of Force, provides that some force considered non-reportable, occurs when an officer's physical interaction with a subject is reasonable and unlikely to cause pain or injury. The complainant made no complaint of pain and refused the named sergeant's offer of medical treatment.

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

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that he was assaulted by the named officer while bicycling near a pier.

The named officer denied the allegation that he assaulted the complainant, stating that the complainant actually ran into the officer from behind, as the officer was directing traffic at a cruise ship terminal.

Body-worn camera footage corroborated the named officer's statements.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated in an online complaint that officers showed disrespect by shouting at him.

The named officers denied being disrespectful. One officer stated that he did give the complainant multiple commands, but he was calm and rational. The named officer said that his interaction with the complainant was short, and he was mild mannered.

Footage from the named sergeant's body worn camera shows that the named officers gave the complainant multiple commands during a potentially dangerous traffic control situation involving the confluence of numerous types of vehicles and pedestrians as thousands of cruise ship passengers were arriving and leaving a Port of San Francisco pier. While the officers briefly raised their voices, one after the complainant's bicycle struck that officer from behind, neither of the officers used uncivil or profane language, but forcefully directed the complainant to follow their directions and comply with traffic rules.

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The evidence showed that the officers' statements to the complainant were reasonable given the potentially dangerous situation and the actions of the complainant in ignoring directions and operating his bicycle unsafely.

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

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

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COMPLAINT DATE: 07/17/2023

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SUMMARY OF ALLEGATION #1: The officer engaged in conduct unbecoming of an officer.

CATEGORY OF CONDUCT: CUO

FINDING: IC

FINDINGS OF FACT: The complainant stated that he watched the named officer dispose of his latex gloves in the middle of the street.

The named officer stated that he conducted a traffic stop pertaining to a vehicle that had a stolen license plate. The traffic stop resulted in the driver being placed under arrest. The named officer acknowledged that he inappropriately disposed of his latex gloves during the traffic stop.

DPA obtained a copy of the named officer and a witness officer's body-worn camera (BWC) footage of the incident. The BWC footage showed the named officer removing his latex gloves and later, they were retrieved by a witness officer and properly disposed of in a nearby trash can after the complainant brought it to the witness officer's attention.

California Penal Code 374.4 states, "It is unlawful to litter or cause to be littered in or upon public or private property." Additionally, Department General Order 2.01 General Rules of Conduct rule 9 "Misconduct" states, "Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order efficiency or discipline or the Department, or reflects discredit upon the Department of any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

The evidence showed that the named officer littered and was in violation of California Penal Code 374.4 and Department General Order 2.01.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer scoffed and told him “not to worry about it” when he advised that his partner had disposed of his latex gloves in the middle of the street.

The named officer stated that he threw away the latex gloves after the complainant brought it to his attention. He stated that he told the complainant that he understood his frustration. The named officer denied speaking to the complainant in a sarcastic or mocking tone.

DPA obtained the named officer’s body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statement he provided to DPA and proved that the officer did not make the alleged statement.

The evidence proves that the conduct alleged did not occur.

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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 reported his bike stolen from his residence. The responding officer asked building management to preserve security footage from the building. He later spoke with the named officer who said he did not retrieve the security footage because building management told him it would not be useful due to poor video quality. He felt dismissed by the named officer and thought police improperly deferred to the building personnel to decide if the footage was useful.

The named officer said he told the complainant that video footage of the incident was no longer available because it had been deleted. He also informed the complainant that staff from the building told him they watched the video footage prior to it being deleted and it did not capture any images of a suspect. He said he was respectful when speaking with the complainant.

Department records showed a call-for-service regarding a theft. The records showed an officer responded to the call and prepared an incident report. The report detailed that the officer asked building management for any relevant video footage.

An email exchange submitted by the complainant showed that a Department employee emailed the complainant stating that building security informed him that the security footage had been deleted.

There was insufficient evidence of what was said during the named officer's interaction with the complainant.

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

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

CATEGORY OF CONDUCT: ND

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FINDING: IE

FINDINGS OF FACT: The complainant said he went to a police building to speak with a supervising officer regarding his case. He provided contact details to another officer, who said they would pass the information to the named officer to call them back. He said the named officer never contacted him.

The named officer stated that no one told him that the complainant wanted a call back. He stated that he did not call the complainant because he was unaware he wanted to be contacted. He was not involved in the complainant's case in any capacity.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer, a supervisor, did not respond to emails and refused to assign the case for further investigation.

The complainant submitted emails showing that he contacted multiple officers regarding the status of his case. Other officers responded to the complainant informing him that the case was not being assigned for investigation and that staff at the residence advised there was no security footage because it had not been retained.

The named officer stated that he did not assign the case for investigation because it did not fit the assignment criteria because there was no existing video of the incident and there was little follow-up an investigator could do. He references San Francisco Police Department Bulletin 20-107 Case Assignments for Investigation when deciding to assign case. This case was discussed with his supervisor, who makes the ultimate decision regarding case assignments, and it was determined and agreed upon that the case should not be assigned. He stated that he did not contact the complainant because he was already in communication with his supervisor who told him that the case would not be assigned.

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Department Notice 20-107 (Case Assignments for Investigation) states, in part, that when assigning cases for investigation, staffing levels and other factors should be considered, including the severity of the crime, the solvability of the crime, the presence or lack of physical evidence and video footage. Cases are assigned for investigation at the discretion of the officer in charge of the assigned bureau or division.

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

SUMMARY OF ALLEGATION #4: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer claimed to have reviewed his case regarding the stolen bicycle and determined it would not be assigned. He stated that the named officer conveyed inaccurate information regarding the case during their correspondence.

The complainant submitted an email exchange with their complaint showing communication with the named officer. The complainant disagreed with the named officer's assessment of the case and his determination to not have the case assigned. The named officer advised that there was no physical evidence of a theft and no preserved video footage. The complaint replied that there was a cut bike lock, which was physical evidence.

The named officer stated that he supervises and consults with the officer responsible for assigning cases. He stated that he was briefed on the complainant's case, reviewed it, and decided not to have it assigned. He stated that he told the complainant that the case would not be assigned and provided details pertaining to the case and department policy he followed in making the decision. He stated that he did not communicate inaccurate information.

Department records showed an officer responded to the call regarding a theft and a report was prepared for the incident. The report detailed that the officer inquired with building management regarding obtaining any relevant video footage and took a photograph of a damaged bike lock.

Department Notice 20-107 (Case Assignments for Investigation) states, in part, that when assigning cases for investigation, staffing levels and other factors should be considered, including the severity of the crime, the solvability of the crime, the presence or lack of physical evidence and video footage.

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The evidence showed the named officer did not act inappropriately when he provided his assessment of the case. The named officer had the authority and the discretion to assign the case for further investigation based on existing and potential evidence and the likelihood it would result in the solving of the crime. His determination that the cut bike lock did not amount to pertinent physical evidence does not constitute misconduct.

The evidence proves that the alleged misconduct did not occur.

SUMMARY OF ALLEGATIONS #5-6: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers discriminated against him during this incident because of his financial standing and because he lived in below market housing.

The named officers stated that none of their actions were affected in any way because the complainant lived in below market-rate housing. His economic status had no bearing on determining the case assignment.

The evidence proves that the alleged misconduct did not occur.

SUMMARY OF ALLEGATION #7: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

San Francisco Police Department
Internal Affairs Division

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1245 3rd Street
San Francisco, CA 94158
Attn: Lt. Lisa Springer

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SUMMARY OF ALLEGATION #1: The sergeant failed to receive a private person's arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named sergeant failed to arrest a man who pushed him at a hotel.

The complainant said he arrived at the hotel to check into his room and there was a problem with his reservation, so he waited to speak with the hotel manager. The complainant said he was mistakenly associated with an altercation, the police were called, he was told to leave the premises and a hotel employee pushed him. The complainant found the named sergeant, who returned with him to the hotel.

Body-worn camera footage shows the sergeant and the complainant speaking with a man who identifies himself as the acting manager of the hotel. He says the complainant is not welcome to check into the hotel and denies hitting or pushing the complainant. The complainant then walks outside the hotel, where he shows the named sergeant a cellphone video he says captured the battery. When the sergeant views the video, he declares it did not show any crime, provides a Private Person's arrest form, and asks the complainant sign it. He explains to the complainant that he would not be arresting the hotel employee due to a lack of probable cause that a crime occurred. The named sergeant then arranges with another officer to complete a report documenting the incident.

Department records showed that a second officer documented the incident in a report.

The evidence showed that the named sergeant received the requested Private Person's Arrest, determined a lack of probable cause, and had the incident documented in a police report.

Department General Order 5.04, Private Person's Arrest. says in part, "Arrest by private persons may be made in the following circumstances (see Penal Code 837 for further) A misdemeanor or felony committed in the presence of a private person. A felony has been committed and the private person has reasonable cause to believe the subject committed the felony.... In any case, a report shall be written."

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

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COMPLAINT DATE: 08/10/2023

COMPLETION DATE: 04/05/2024

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: Officers with a search warrant searched the complainant's home. The complainant stated that the named officers interviewed him without a lawyer present despite his repeated requests for a lawyer.

The named officers denied the allegations and stated that they explained the complainant's rights to him, and he confirmed that he understood and did not request a lawyer at that time. Partway through the interview the complainant speculated that he might need a lawyer, but then stated he was willing to continue without one. The officers also stated that a judge made a ruling on this case stating that the officers did not violate the complainant's rights.

The officers' interview with the complainant was audio recorded. An officer read the complainant his Miranda rights, which include informing the complainant of his right to have a lawyer. The complainant acknowledged that he understood his rights. When the complainant mentioned partway through the interview that he might need a lawyer, the officers explained why they were there and showed him the search warrant. One officer asked the complainant if he wanted a lawyer and if he would continue the interview. The complainant confirmed that he would continue the interview without a lawyer. The complainant made no further mention or request for a lawyer.

The complainant mentioned that he might need a lawyer, but then agreed to continue being interviewed without one. There did not appear to be any coercion from the named officers, who calmly explained his right to counsel. The complainant decided to continue with the interview.

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 take required action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not let him use the bathroom when searching his home and interviewing him.

Neither officer could remember the complainant requesting to use the bathroom during the search or during their interview. The named officers stated they would usually allow people to use the bathroom.

Video recording of the interview showed that the complainant did not request the use of a bathroom during the interview process. Although portions of the search were not recorded due to the sensitive nature of the investigation, there is no recording of the complainant asking to use the restroom while he was detained.

The officers treated the complainant respectfully and politely answered his questions about why they were searching his home. There was back and forth dialog between the complainant and the officers, and the complainant gave no indication that he needed to use the facilities.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: Officers had a warrant to search the complainant's home. The named officer detained and then arrested the complainant once he found the materials listed in the warrant. The complainant stated that the named officer violated his rights by refusing to provide a lawyer upon request.

The named officer denied violating the complainant's right to legal counsel. The officer explained that he was not required to provide the complaint with a lawyer because he did not question him while he was in custody beyond asking his name.

Department records, including video footage, showed that the officer asked the complainant to verify his identity and explained that he wanted to ask the complainant some questions. The complainant refused to verify his identity and requested a lawyer. The officer did not ask the complainant any further questions.

A person who is being questioned in police custody has a right to legal representation. However, the named officer did not interview the complainant about any alleged crime without an attorney present. The officer explained that he planned to read the complainant his Miranda rights and ask him questions, but first he needed to verify the complainant's identity by asking his name. The complainant refused to identify himself and the officer did not ask any substantive questions after the complainant asked for a lawyer.

The officer did not need to provide a lawyer for his interaction with the complainant.

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 improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer ran a finger down the complainant's lower back toward his buttocks in a sexual manner while handcuffing him.

The named officer denied running his finger down the complainant's back or touching the complainant in any inappropriate manner.

Video footage showed the named officer handcuffing the complainant. There was no indication of inappropriate touching.

The evidence proves that the alleged misconduct did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer slammed a car door on his shoulder.

The named officer acknowledged putting the complainant into a patrol vehicle and closing the car door. He did not know if he closed the door on the complainant's shoulder. The named officer remembered speaking to the complainant when he was in the rear of a police vehicle and then closed the door. The named officer was unaware of the door hitting the complainant.

Department records showed no documentation of the officer's alleged behavior in closing the door. There is no video footage of the incident after the officers made entry for the search warrant. There were no known witnesses to this incident.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: In an online complaint, the complainant stated that the officers had failed to write an incident report. The complainant did not respond to DPA's requests for an interview.

Officer #1 stated he and his partner responded to a call for service at an apartment complex regarding a battery call. The officer spoke to the complainant, who told him that the property manager had pushed her up against the wall. The officer then spoke to the property manager who told him she was in a meeting with another tenant when the complainant came to her office and said she needed to speak to her immediately. The property manager told the complainant to wait because she was meeting with another tenant. The property manager went to shut the door for the office so she could continue her meeting with the tenant and told the complainant she would have to wait. The property manager stated there was no physical contact between her and the complainant.

Officer #1 said he reviewed the surveillance footage to see if any battery had taken place. The video surveillance footage did not show the subject pushing the complainant up against the wall or any physical contact between the parties, as the complainant described. It showed the subject closing the door to the office and the complainant being outside the office. After getting the video footage and speaking with the subject and the third-party witness, who also stated there had been no battery and no one had assaulted anyone, the officer determined there was no merit to the crimes. Officer #1 went back outside to speak to the complainant. By that time, Officer #2 had reviewed the complainant's history, and they tried to evaluate the complainant for a mental health evaluation, but the complainant did not meet the criteria. Officer #1 stated he determined there was no further police action necessary because the complainant did not fit the criteria for a mental health detention. They could not proceed further, so they left the scene.

Officer #1 acknowledged that the complainant said she wanted the property manager arrested. He stated he did not write an incident report because he determined there was no probable cause to arrest the property manager and no merit to any crimes.

Officer #2 stated they responded to a possible battery call between the complainant and housing management. The video evidence showed no actual battery occurred, and the victim made up the allegations, and they cleared the call. Officer #2 stated he did not recall the complainant saying she wanted the subject arrested.

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Officer #2 said he was the cover officer, while Named Officer #1 met with the complainant. He later waited outside with the complainant while Officer #1 interviewed the housing manager and the other witness and confirmed no physical contact. Officer #2 stated that no incident report had been written because no crime had been committed. There was no merit to the allegations. Officer #2 stated that, in this instance, because no crime occurred, they wouldn't accept a citizen's arrest because there is nothing to arrest for. Named Officer #2 stated there was no probable cause or truth to any of the allegations, and the complainant did not request a report, so they didn't take one.

A witness, the property manager, stated she was in her office in a private meeting with a resident when the complainant opened the door, interrupted the meeting, and asked the resident if she was an employee. The complainant never said what she wanted. The witness told the complainant she was in a private meeting and to wait in the lobby, and she would assist her when she finished her meeting and shut the door. The witness stated she did not know who the complainant was. The witness stated that minutes later, she saw a police officer knocking on the door. She explained to the officer she was in a private meeting and asked him to wait in the lobby, and he waited for her. The officer asked her to tell him what happened. She told him she was in a private meeting, and the complainant interrupted the meeting and asked her to wait in the lobby. The complainant did not listen and kept trying to get in, so she stood up and said to wait in the lobby. Then she shut the door. The witness stated the officer was a "gentleman and professional." She saw the police officers speaking to the complainant outside. One officer spoke with the complainant, and the second officer spoke with her. The witness stated she did not hear anything the officer said to the complainant as they were outside, and she was inside with the other officer. The witness showed the video surveillance footage to the officer, who said he would speak to the complainant. The witness stated she did not know why the complainant called the police. The witness denied physical contact with the complainant, corroborated by the video footage.

The body-worn camera (BWC) evidence captured the two named officers arriving on the scene, approaching the complainant, and asking if she had called. The complainant is heard telling the officers they are putting her out for an illegal eviction. She told the officers the project manager "thought it would be a good idea to put her hands on me...like with aggressive force...like combat...like guide me...something to do ...like all this place here is like a hostage situation...like nobody can leave their home." The complainant told the officers she has 5 or 10 things to do and that she is being "abused." The complainant said, "I want her arrested on account of the long history in the [redacted]."

The footage showed Officer #1 asking the complainant what happened. The complainant told the officer the subject put her hands on her and threw her against the wall. The officer asked what started this, and the complainant said she approached the subject of a situation with a tenant. The complainant told Officer #1 that the subject was causing her pain and anguish and that tenants were harassing her day and night.

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The BWC showed Officer #1 spoke with the property manager and asked her what happened. The manager said she was meeting with a resident, and the complainant opened the door to her office halfway and asked the resident, "Are you an employee?" She told the complainant to wait outside because they were in a meeting. The manager got up and shut the door, and that was it. Officer #1 spoke to the resident in the meeting with the subject. The female resident told the officer the subject just shut the door. There was nothing physical. The video shows there was no contact between the parties. Officer #1 told the complainant that there was a third party and that "video cameras don't lie." The complainant said, "The camera is lying." Officer #1 told the complainant that the property manager would not be arrested and that no charges would be pressed against her. Officers tell the complainant there was no assault.

The Computer Aided Dispatch (CAD) records show this was prioritized as an "A" priority 240 Assault/battery call. The complainant told the dispatcher that the leasing office employee had just assaulted her, and she wanted the employee arrested.

Department General Order 5.04. Private Person Arrest, Section 4 Procedures, states in part:

"The following are the responsibilities of the Responding Member:

3) Bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

The complainant told the dispatcher she wanted the subject arrested and this is documented in the CAD. The complainant also told the officers at the scene she wanted the subject arrested. DGO 5.04.04 requires officers to write an incident report when probable cause does not exist to arrest. Here, the officers conducted a thorough investigation and properly concluded there was no probable cause to arrest the subject as no crime occurred. However, the officers failed to accept the arrest and write an incident report documenting the incident or the investigative steps they took. The named officers neglected their duty when they failed to prepare an incident report pursuant to Department General Order 5.04.04.

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

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

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CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: In an online complaint, the complainant stated she told both officers what happened, and that one officer remained with her while the other officer went inside the building to talk to the subject. After a long time of waiting, the police officers returned outside, and the named officer told the complainant the subject, and the witness said no assault occurred. The named officer also told the complainant he watched the video and did not see the subject assault the complainant. The complainant stated, "He also called me a liar for saying that." The complainant did not respond to DPA's requests for an interview.

The named officer stated he does not believe he called the complainant a liar to her face. The named officer stated he recalled telling the complainant that the subject did not hit her and did not assault her. He also told the complainant a third-party witness and the video cameras didn't lie. The named officer stated that what he said to the complainant was nothing inaccurate.

The BWC evidence captured the named officer telling the complainant that there is a third party and that "video cameras don't lie." Complainant responds, "The camera is lying." The named officer says, "Everything you have told me is not true. She did not assault you. She's not going to be arrested. No charges are going to be pressed against her."

The named officer's comments to the complainant were factually correct and supported by the evidence. The comments do not rise to a level of misconduct.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers did not properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she took her son to target practice and was walking into the house with the BB gun. Her next-door neighbor's dog then ran up to her. She yelled out of fear and said, "Get your dog before I shoot your dog with a BB gun." They argued and 15 minutes later, the police came. The neighbor told the police the complainant threatened her, which the complainant denied. The complainant said she had witnesses, but officers refused to interview her witnesses. The complainant did not specify in her interview who her witnesses were.

Officer #1 said he did not interview any witnesses on the scene because no witnesses were located. He said the complainant mentioned that her neighbors had witnessed the dog being aggressive and off-leash in the past. The officer said he spoke with the complainant, who told him she was having issues with the neighbor's dog and stated she retrieved a "real BB gun" from inside her residence to protect herself. He said, with the complainant's consent, he located the BB gun that she was using from inside her residence.

Officer #2 spoke with the neighbor and her son, who told him that the complainant was yelling and threatening to shoot them with her gun while waving it in the air. He said he did not interview any witnesses because he did not locate any on the scene. He also said the neighbor showed him a video of her "Ring" doorbell on her phone.

The DPA interviewed the neighbor, who confirmed that she had been interviewed by the police on the scene. She provided security camera footage of the incident to the police later and said that the complainant waved her BB gun around and threatened to shoot the dog and her son. She said she did not know whether the gun was real or not at the time.

Department records indicate that the neighbor, who was the 9-1-1 caller, said her son took their dog outside to play. She overheard a verbal argument and went outside. The complainant yelled, "Get your [profanity] dog. I don't give a [profanity]. I'll shoot your dog. You can get it too!" The neighbor believed that the complainant was holding a real gun and meant to shoot her and the dog. The records show that named officer #2 also spoke with the neighbor's son, who corroborated the neighbor's statement, while named officer #1 spoke with the complainant, who admitted that she told the neighbor, "I'm gonna shoot your dog."

The incident report records that Officer #1 located the BB gun from inside the complainant's home. It was

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a black Glock replica, made to look like a real firearm. The Department records also captured the case's lead investigator asking the neighbor for her security camera videos.

Body-worn camera (BWC) footage captured Officer #1 speaking with the complainant, who admitted to pointing a BB gun at the neighbor's dog. The officer then located the BB gun that looked like a real gun from the complainant's residence and took it as evidence. BWC footage did not capture the complainant providing the contacts of witnesses on the scene or other officers' actions.

The evidence proves that the officers on the scene spoke with all the involved parties, attempted to find witnesses with negative results, searched for evidence, and obtained security camera footage.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that Child Protective Services (CPS) told her that officers referred her to them to interview her son because her son was a witness. The complainant stated that her son was not present with her during the incident. She said that SFPD lied to CPS regarding her son's involvement. The complainant said that during the incident, officers asked for her cousin's name and called CPS to confirm that he was cleared to take care of her minor son.

Officer #1 confirmed contacting CPS because the son was a minor and needed to be turned over to a parent/adult relative or responsible adult since the complainant was placed under custodial arrest. He contacted CPS per Department protocol. The officer reiterated that he had not told CPS that her son had witnessed the incident.

Officer #2 said Officer #1 informed CPS about the incident and that the complainant's son was not a witness. He clarified that CPS was informed because the complainant's son would be left in the care and custody of a family member after the complainant's arrest.

CPS staff confirmed that the police contacted them to determine if the adult relative was cleared to care for the complainant's son. CPS staff confirmed that no documents on the case file indicate that the complainant's son was a witness or present in the incident.

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Department records indicate that Officer #2 specified in the incident report that the complainant's son was not involved or present during the incident. In addition, he was left in the care and custody of the complainant's family after the complainant was arrested.

Body-worn camera footage captured Officer #1 talking on the phone towards the end of the incident, telling the person on the line that the complainant's son was not involved or present.

The evidence proves that although the named officers contacted CPS regarding the son, they needed to determine if the adult relative was cleared to care for the son while the complainant was away. A preponderance of the evidence proves that no officers had lied to CPS about her son's involvement.

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

SUMMARY OF ALLEGATIONS #5-6: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant denied threatening her neighbor but admitted having a BB gun in her hand and yelled, "Get your dog before I shoot your dog with a BB gun." The complainant said the officers took her to jail for nothing.

Officer #1 stated that based on the investigation, probable cause existed to arrest the complainant for Penal Code sections (PC) 422(a) and 273a(b).

Officer #2 stated that the complainant was in possession of a replica firearm that the neighbor and her son believed to be real. The complainant did not tell the neighbors at any point that it was a BB gun she was holding. While holding the replica firearm, the complainant shouted, "You (the neighbor) can get it too." The neighbor believed the threat to be credible and was in fear for her safety. That was a violation of Penal Code section 422(a). He added that this incident occurred in front of the neighbor's minor son, violating Penal Code section 273a(b).

The neighbor confirmed that her minor son was playing with the dog outside when the complainant threatened to shoot her and her dog while holding a BB gun in her hand. She said she did not know it was a BB gun at that point.

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Department records indicate that the neighbor told the police that the complainant threatened to shoot her dog and that she could get it too while holding a BB gun. The neighbor's son's statement corroborates with hers. The incident report documents that the BB gun that was made to look like a real firearm was located at the complainant's residence. The complainant was arrested for Penal Code sections 422(a) and 273a(b).

Body-worn camera footage captured Officer #1 locating the BB gun that looked just like a real firearm from the complainant's residence after she gave consent to look for it.

Penal Code section 422(a) Criminal Threat states:

“[A]ny person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, ... and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.”

Penal Code section 273a(b) reads:

“[A]ny person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.”

The evidence proves that the complainant had willfully threatened to shoot at the neighbor and her dog. The officers had probable cause to arrest the complainant for the two penal code violations.

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 at gunpoint without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated she was outside her apartment when she witnessed two suspects across the street attempting to steal an ATM from a liquor store. She called the police, and upon arrival, they immediately exited their vehicles with their guns drawn in her direction. She told the officers she was on the phone with 9-1-1 and reported the burglary. The complainant stated she was handcuffed and eventually released when the officers confirmed she was not involved in the burglary. The complainant stated that officers should not have pointed their weapons in her direction.

The named officers stated they responded to a call regarding an active burglary. Both officers denied pointing their weapons towards the complainant. Officer #1 stated he had his Extended-Range Impact Weapon (ERIW) in his hand. However, he stated he did not point it at the complainant. Officer #2 stated she did not have her weapon out when she detained the complainant.

Department Records indicate that the named officers were dispatched to a call early in the morning regarding an active burglary at a liquor store. The information provided by the reporting party was that there were two suspects wearing unknown clothing. The named officers arrived on the scene within minutes of being dispatched. Upon arrival, the named officers observed the complainant as the lone person standing in front of the store. Officer #2 placed the complainant in handcuffs while other officers searched the store for possible suspects. Once officers determined the complainant was not a suspect, she was released and issued a Certificate of Release Form.

Body-worn camera footage showed the complainant standing directly outside the liquor store, which had its door open and an ATM lying on the ground in the doorway. The complainant was the only person standing in front of the store. When the named officers approached the complainant, Officer #1 was holding an ERIW pointing towards the ground, and Officer #2 did not have her weapon drawn. Officer #2 placed the complainant in handcuffs while other officers searched the store with negative results. Once it was determined that the complainant was not a suspect, Officer #2 apologized to the complainant and explained that she handcuffed her based on the information she had at that time and did not know if she was a suspect.

The evidence shows that officers did not point their weapons at the complainant. 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 #3-4: The officers detained a person without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she was outside her apartment when she witnessed two suspects across the street attempting to steal an ATM from a liquor store. She stated she called the police, and upon arrival, they immediately exited their vehicles with their guns drawn in her direction. She told the officers she was on the phone with 9-1-1 and reported the burglary. The complainant stated she was handcuffed and eventually released when the officers confirmed she was not involved in the burglary. The complainant stated that the officers did not have just cause to detain her.

The named officers stated they detained the complainant because when they responded to an active burglary at a liquor store within minutes of the report, the complainant was the only person standing in front of the business that had its door open and ATM lying on the ground. The named officers stated they did not know if she was a suspect as the only description provided was that they were wearing unknown clothing.

Department Records indicate that the named officers were dispatched to a call early in the morning regarding an active burglary at a liquor store. The information provided by the reporting party was that there were two suspects wearing unknown clothing. The named officers arrived on the scene within minutes of being dispatched. Upon arrival, the named officers observed the complainant as the lone person standing in front of the store. Officer #2 placed the complainant in handcuffs while other officers searched the store for possible suspects. Once officers determined the complainant was not a suspect, she was released and issued a Certificate of Release Form.

Department of Emergency Management (DEM) dispatch audio showed that the named officers were provided with a suspect description of two subjects with an unknown description. DEM audio recordings showed that the named officers asked dispatch to verify the reporting party's identity. Dispatch reported that the reporting party was male. The complainant is perceived as female.

Body-worn camera footage showed the complainant standing directly outside the liquor store, which had its door open and an ATM lying on the ground in the doorway. The complainant was the only person standing in front of the store. When the named officers approached the complainant, Officer #1 was holding an ERIW pointing towards the ground, and Officer #2 did not have her weapon drawn. Officer #2 placed the complainant in handcuffs while other officers searched the store with negative results. Once it was determined that the complainant was not a suspect, Officer #2 apologized to the complainant and explained that she handcuffed her based on the information she had at that time and did not know if she was a suspect.

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Department General Order 5.03 (Investigative Detentions) states in the relevant part that officers may detain an individual if they have reasonable suspicion to believe that a crime has or will occur and that the person detained is reasonably connected to the crime.

The named officers had reasonable suspicion when they detained the complainant. The complainant was the only person standing outside the liquor store, with its door open and the ATM lying on the ground. The named officers confirmed with dispatch the reporting party's identity, which did not match the complainant's identity. Because the officers arrived on the scene within minutes of the burglary report and lacked a description of the suspects, any reasonable person would conclude that the complainant could be associated with the burglary.

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

SUMMARY OF ALLEGATION #5: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she was outside her apartment when she witnessed two suspects across the street attempting to steal an ATM from a liquor store. She called the police, and upon arrival, they immediately exited their vehicles with their guns drawn in her direction. She told the officers she was on the phone with 9-1-1 and reported the burglary. The complainant stated she was handcuffed and eventually released when the officers confirmed she was not involved in the burglary. The complainant stated that the named officer did not have just cause to place her into handcuffs.

The named officer stated she placed the complainant in handcuffs because she wanted the scene to remain safe. She stated she had reason to believe there was a second suspect, possibly in the store, and she was unclear if the complainant was involved in the burglary because, upon arrival, the complainant was the only person standing in front of the business that had its door open and an ATM lying on the ground. The suspects were described only as wearing unknown clothing.

Department Records indicate that the named officer was dispatched to a call early in the morning regarding an active burglary at a liquor store. The information provided by the reporting party was that there were two suspects wearing unknown clothing. The named officers arrived on the scene within minutes of being dispatched. Upon arrival, the named officer observed the complainant as the lone person standing in front of the store. The named officer placed the complainant in handcuffs while other officers

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searched the store for possible suspects. Once officers determined the complainant was not a suspect, she was released and issued a Certificate of Release Form.

Body-worn camera footage showed the complainant standing directly outside the liquor store, which had its door open, and the ATM lying on the ground in the doorway. The complainant was the only person standing in front of the store. The named officer placed the complainant into handcuffs while other officers searched the store with negative results. Once it was determined that the complainant was not a suspect, the named officer apologized to the complainant and explained she handcuffed her based on the information she had at that time and did not know if she was a suspect.

The San Francisco Police Department Arrest and Control Manual states in the relevant part that officers may place suspects into handcuffs when the officer deems it necessary.

The named officer appropriately placed the complainant into handcuffs to ensure the safety of the officers and the complainant during the investigation.

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

SUMMARY OF ALLEGATION #6: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she was outside her apartment when she witnessed two suspects across the street attempting to steal an ATM from a liquor store. She called the police, and upon arrival, they immediately exited their vehicles with their guns drawn in her direction. She told the officers she was on the phone with 9-1-1 and reported the burglary. The complainant stated she was handcuffed and eventually released when the officers confirmed she was not involved in the burglary. She stated the named officer took her photograph without her permission.

The named officer stated that she took the complainant's photograph because her supervisor instructed her to do so and for documentation because the complainant was detained.

Department Records indicate that the named officer was dispatched to a call early in the morning regarding an active burglary at a liquor store. The information provided by the reporting party was that there were two suspects wearing unknown clothing. The named officer arrived on the scene within

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minutes of being dispatched. Upon arrival, the named officer observed the complainant as the lone person standing in front of the store. The named officer placed the complainant in handcuffs while other officers searched the store for possible suspects. Once officers determined the complainant was not a suspect, she was released and issued a Certificate of Release Form.

Department policy does not prevent officers from taking photographs of detained subjects.

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

SUMMARY OF ALLEGATION #7: 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 partially referred to:

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers failed to write an incident report. The complainant arrived at his business and found five garage doors had been graffiti-tagged. The complainant called Dispatch to request an officer respond to take a report. Later that same day, the complainant discovered that a security guard who works for another business had called Dispatch in the early morning hours to report it and that the named officers responded to the scene. The officers did not write an incident report. The complainant believes the officers should have written a report.

The named officers stated they responded to a “Priority B” call for service of vandalism/graffiti. When the officers arrived on the scene, they were flagged down by the reporting party (“RP”), who told them he was a security guard for another building. The RP stated he observed two males possibly tagging across the street. The RP was concerned over an ongoing issue on the street regarding tagging. The RP stated he did not recognize the suspects and gave a vague description. The RP told them there was no damage to his property. The RP did not know the suspects and would be unable to recognize them if he saw them again. The officers stated that the address they responded to differs from the complainant’s business. The named officers stated they did not document the incident in a report because the reporting party’s property was not vandalized, and the reporting party did not request an incident report when they spoke to him. The complainant was not on scene, and the reporting party was not the victim. If the victim were on the scene and pointed to evidence of a crime, they would have taken a report. The call was from a security guard calling the police to alert them about possible criminal activity in the area, and they responded. Officer #2 stated that based on her training and experience, she knew the area had murals and graffiti. Based on the information provided by the RP, she could not determine if any of the tagging was new. Both officers observed a mural near the RP, but he did not indicate that was the tagging he was concerned about. They searched the area for suspects with negative results.

DPA interviewed the reporting party. The witness stated he was outside his workplace at around 1:50 a.m. and saw someone walking. Tagging has been a problem in the area, so he suspected it was a tagger. The witness walked around trying to be discreet and not seen by the taggers. As he moved around, he saw overspray coming up and saw two guys tagging the complainant's building at the corner.

The witness stated he called the police, and two officers responded within about three minutes. The witness spoke with the officers and told them what he saw. By the time the officers arrived, the two taggers were gone. The witness stated he did not ask the officers to take a report because it was not his

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building. The witness stated he thought the officers did a great job. They responded quickly, but there was nothing to do as the taggers had left the area.

DPA located four Dispatch records (CAD) associated with the incident. The first CAD shows the reporting party (RP) called at 1:54 a.m. and identified himself as security. The call was prioritized as a B priority. The RP reported graffiti vandalism and described two Latin male adults in their 20s, medium-sized, unknown heights, and wearing dark clothing, tagging the building. The RP can be contacted if needed. A unit was dispatched at 01:59 hours, and the officers arrived on the scene at 02:03 hours. Disposition is coded as "HAN" which means handled.

The second CAD shows a call at 11:05 a.m. from the complainant, who tells Dispatch he is the owner. The CAD records that the "RP wants to make a report on the 3rd time same subj 595'd building...901 for 909." At 11:08 a.m., the call was placed on hold as no units were available to respond to take a report. At 1:26 p.m., the complainant calls again and is advised that the call is pending. At 5:19 p.m., the complainant calls a third time, and Dispatch advises him the call is still pending. At 7:51 p.m., the complainant called a fourth time and said he had been waiting for over 9 hours for a report. The complainant calls a fifth time at 9:27 p.m. and is advised of delays. At 9:48 p.m., the complainant calls for the sixth time and is very upset that he has been waiting so long to file a report. He requests a sergeant or lieutenant to respond. The complainant was upset that security called earlier this morning referencing the first CAD and that no report was filed. At 11:53 p.m., the complainant called for the 7th time and advised that he had gone to the police station and had to cancel the call for service.

The third CAD at 11:06 p.m. is a priority B vandalism call, and a report is made. The call was closed at 11:53 p.m.

The fourth CAD on the following day, at 12:45 a.m., documents a sergeant meeting with the complainant at a station. The call was closed at 1:15 a.m., and the disposition was "HAN."

The incident report documents the complainant going to a station and filing a report. The reporting victim (RV1) stated that unknown suspects had vandalized the garage doors of his business using spray paint. RV1 stated his neighbor notified him of the incident, and he confirmed the damage and then conducted his own investigation. RV1 located a security guard who stated he had observed the incident and called the police. The report references the first CAD. The officer who took the report contacted the security guard and obtained his statement. The security guard stated he had no further incident details to add as he was trying not to be seen by the suspects. He stated the police arrived on the scene quickly. However, the suspects were gone before the police arrived.

The body-worn camera (BWC) evidence captures the named officers speaking with the RP, who describes the suspects who were tagging. He tells them about ongoing tagging problems, public urination, and

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underage drinking in the area. RP says he did not get a good look at them because he was trying not to be seen. He saw a police car drive by and saw one guy watching. It looked like one of the guys, but he could not say for sure. RP did not ask the named officers for a report. The named officers told the RP they would be around and to call back if needed. The RP thanked the officers and told them to have a safe evening. There is no evidence of tagging/graffiti captured in the BWC footage.

Officers need to meet with the victim and see evidence of a crime. In this instance, the named officers promptly responded to the scene and met with the reporting party, who was not the victim, who told the officers he observed two males possibly tagging across the street. The RP stated he did not recognize the suspects and gave a vague description. The RP told them there was no damage to his property. The RP did not know the suspects and would be unable to recognize them if he saw them again. The officers stated that the address they responded to differs from the complainant's business. The named officers stated they did not document the incident in a report because the reporting party's property was not vandalized, and the reporting party did not request an incident report when they spoke to him.

The owner of the building across the street was not on the scene, and the reporting party was not the victim in this instance. The officers observed a mural near the RP, but he did not indicate that was the tagging he was concerned about. The complainant did not report the damage to his building until later that morning after he arrived at his business and saw the tagging on his building. The officers were not required to write a report because they did not see evidence of a crime, and the complainant/victim was not present when they responded to the call for service in the early morning hours. The DPA recognizes that after the complainant called Dispatch and reported the incident, there was a lengthy delay in responding to his call for service because no units were available to take a report. The complainant canceled his Dispatch request after deciding to go to a district station to file a report.

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

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

CATEGORY OF CONDUCT:

FINDING: Partial Referral/DEM

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

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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 improperly arrested him for a warrant.

The named officers stated that they arrested the complainant for a confirmed, “no bail” felony warrant from the U.S. Marshalls. The named officers stated that the warrant was confirmed with the Central Warrants Bureau (CWB) prior to contacting the complainant.

Department records indicated that the named officers arrested and booked the complainant for a U.S. Marshalls full extradition, no bail warrant. The complainant was also arrested for resisting arrest (California Penal Code §148(a)(1)) and possession of a controlled substance (California Health & Safety Code §11350(a)).

Body-worn camera (BWC) footage showed that the named officers contacted the complainant outside of his vehicle, which was parked in a loading zone. The named officers told the complainant that they were going to detain him because he might have a warrant. One of the named officers grabbed the complainant’s arm, and the complainant pulled away and began running. The named officers chased the complainant and took him down to the ground, broadcast a “148” on the radio, and handcuffed the complainant. BWC footage showed that the named officers confirmed the complainant’s warrant with CWB.

The evidence shows that the named officers had probable cause to arrest the complainant for a 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 that the named officers used excessive force on him, causing injury to his left shoulder and left knee.

The named officers stated that when they attempted to detain the complainant in handcuffs, the complainant pulled away and ran. Named officer #2 stated that he chased the complainant and tackled him around the waist to prevent him from escaping and to effect an arrest. Named officer #1 stated that once the complainant was on the ground, he resisted by tucking his arms under his body, so named officer #1 used a control hold on the complainant to overcome his resistance and to place him in handcuffs. Both named officers stated that they used the least amount of force necessary to accomplish their lawful purpose. The named officers stated that the complainant complained of pain to his shoulder and received medical attention after the incident.

Body-worn camera (BWC) footage confirmed that the complainant pulled away from the named officers and ran when they attempted to place him in handcuffs. The named officers chased the complainant approximately one car length and named officer #2 took the complainant to the ground between the back of a parked car and a wooden parklet. As the complainant fell to the ground, his left shoulder appeared to slam into the corner of the wooden parklet. As the complainant lay on the ground on his stomach, his right arm was concealed under his body as the named officers yelled at him to stop resisting. Named officer #1 pulled the complainant's right arm from under his body and placed it behind his back. The named officers handcuffed the complainant, who complained of left shoulder and knee pain. The complainant was transported to the hospital by ambulance.

Department records indicated that the named officers reported their force to a supervisor on scene and documented their force in an incident report and use of force log. Department records indicated that a supervisor conducted a use of force evaluation and determined that the named officers' use of force was within policy. Department records indicated that the named officers were later notified by a doctor that the complainant had a fractured scapula.

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

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

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

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SUMMARY OF ALLEGATION #1: The officer failed to properly care for, or monitor, a person in custody.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that her son requested medical attention while in the patrol vehicle, and the request was denied.

The named officer contacted and interacted with the complainant's son after he was placed in handcuffs after evading officers on foot. The complainant's son appeared to have exerted all his energy as he willfully ran from officers. While catching his breath in the back seat of the patrol vehicle, with the rear passenger door open, complainant's son vomited, the named officer asked him if he wanted a medical assessment, but he declined and said, "No." Other officers at the scene also stated they witnessed the named officer inquire about the complainant's well-being and declining medical attention.

Evidence was requested from the San Francisco Police Department regarding this incident, including the footage from the body-worn cameras (BWC) of the responding officers and the incident report. The complainant's son was viewed running away from officers on foot after crashing a vehicle. The complainant's son was handcuffed and placed in a patrol vehicle with the door open, at his request, because he needed air. Sometime later, the complainant's son vomited outside of the patrol vehicle. The named officer was heard on the BWC asking the complainant's son if he needed an ambulance, to which the complainant's son shook his head and said, "No." The named officer then told the complainant to let the named officer know if he felt as though he would pass out. The named officer also inquired if the complainant consumed any alcohol or drugs.

Department General Order 1.03 Rule 12(a) states that officers need to be alert for medical/physical conditions that apparently intoxicated arrestees may display, which could indicate an injury or dangerous level of intoxication rather than mere inebriation. If any such condition is observed or suspected, medical evaluation shall be obtained prior to booking.

The BWC footage showed that the named officer asked the complainant's son if he needed medical treatment, and the complainant refused. The officer assessed the nature of the complainant's son's vomiting as not being due to ingesting any substance but appeared to be related to overexertion.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer put his foot on the complainant's son's neck and caused bruising to his face.

The named officer was pursuing an armed robbery suspect who was attempting to get away in a vehicle. The pursuit ended in Oakland, CA. The named officer pointed his Department-issued firearm at the complainant's son after he fled from the armed robbery vehicle with a firearm in his hand after the armed robbery vehicle became disabled. The named officer ordered the complainant's son to show him his hands; however, the complainant's son continued to flee on foot with a firearm in his hand. The named officer caught up to the complainant's son after a brief foot pursuit. He assisted in handcuffing him. Force was used to make the arrest. The named officer stated that he was not the officer who was near the complainant's neck during the arrest. The named officer could not recall who was near the complainant's son's neck due to his body-worn camera not capturing the complainant's son's neck region.

Footage from numerous body-worn cameras was reviewed. The complainant's son and another subject were seen running away from the named officer and his partner after crashing their vehicle. The officers embarked on a foot pursuit of each of the subjects. The named officer ordered the complainant's son to stop running. However, the complainant did not obey his orders. The named officer briefly drew his Department-issued weapon at the complainant's son before he was apprehended and handcuffed without incident. The named officer's use of force was recorded in the incident report and the SFPD's Supervisory Use of Force Evaluation form. A CHP officer in a tan color uniform was using control holds closest to the complainant's neck.

Department General Order (DGO) 5.01.08, Section G.1(d) states, "No officer shall point a firearm at a person unless there is an objectively reasonable cause to believe the situation may escalate to justify deadly force."

DGO 5.01.08, Section B.1 states, "When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance."

The evidence showed that the complainant's son was involved in an armed robbery, was armed with a firearm, and fled from officers. The officer pointed his firearm and used physical control holds to pin the complainant's son to assist in capture and handcuffing. The named officer, nor any other SFPD officer, was applying holds or pressure to the complainant's son's neck.

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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/CHP

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

CHP-Office of Internal Affairs Household
601 North 7th Street
P.O. Box 942898
Sacramento, CA 94298

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers failed to enforce her restraining order against her neighbor because they sided with the neighbor instead of her.

The named officers stated that they responded to the complainant's residence, where the complainant alleged that her neighbor had lunged at her with a mobility aid. After speaking with both parties and reviewing the cell phone video from the complainant, the officers determined that there was insufficient reasonable suspicion to believe that a violation of the restraining order had occurred. Accordingly, follow-up forms were provided, and a police report was prepared, but no law enforcement action was taken.

The incident report, written by the second named officer, reflected that the officers responded regarding a stay-away order violation involving two tenants in an apartment complex. The officers spoke to both tenants, reviewed a copy of the restraining order provided by the complainant, and watched video footage from the complainant's cell phone. The complainant stated that the neighbor pushed her down the stairs. The officer noted that he observed the neighbor at the top of the landing on the cell phone video but could not understand anything she said. He did not see any footage of the neighbor pushing the complainant, nor did he observe any physical injuries consistent with being pushed down the stairs. The report reflected that the officer observed some misinformation regarding the neighbor's age in the restraining order and believed the complainant instigated contact with the neighbor. The complainant stated she would provide a copy of the video footage from this incident, but the officer had not received it as of the time of writing the report.

DPA also requested but did not receive a copy of the complainant's video, so it was unable to review the footage.

Body-worn camera footage was broadly consistent with the actions described in the incident report.

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 receive a private person's arrest (citizen arrest).

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she called the police because another resident in her building had vandalized her property. The named officers responded but didn't arrest the resident or grant the complainant's request for a citizen's arrest.

The named officers stated that two citizen arrest forms from the complainant were accepted and booked into evidence at the police station. Officer #1 accepted the arrest forms from the complainant and explained that based on the complainant's statement and video, he could not determine whether a crime occurred. Due to a lack of physical evidence, he did not issue anyone a citation. As this was a non-violent misdemeanor not committed in his presence, he exercised discretion and did not make an arrest.

The incident report showed that the named officers responded to a call regarding possible vandalism with a knife at the complainant's address. They spoke with the complainant and watched the cell phone video that she took. The complainant advised she wanted to press charges against two other residents for vandalism, and Department records included two completed citizen arrest forms.

The body-worn camera footage showed the complainant completing and signing the two citizen arrest forms. The footage is clear that the officer gave the complainant a follow-up form with his contact information and report number.

Department General Order 5.04 Arrest by Private Persons, Section 4.3 states:

"Bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

The evidence showed that the officers completed the citizen's arrest forms and provided the complainant with details regarding this call for service, including the incident report number. The officer correctly determined that there was no probable cause to arrest anyone. 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 stated that once officers arrived, she had to force them to interview two suspects.

The named officers explained that they were on the scene for 40 minutes, spoke with one resident, and later attempted to contact a second resident who did not answer the door.

The incident report showed that the named officers responded to a call regarding possible vandalism with a knife at the complainant's address. They spoke with the complainant and watched the cell phone video that she took. The complainant advised she wanted to press charges against two other residents for vandalism, and Department records included two completed citizen arrest forms. The incident report showed that the officers contacted the building manager, informed him about the citizen's arrest, and discussed the situation. After that, they attempted to contact the other resident, but he did not respond.

Body-worn camera footage is consistent with the incident report. During a discussion between the two named officers and the complainant regarding possible solutions, given that the garage is shared, the complainant can be heard asking the officers to speak with the others. The officers proceed to attempt to do so, reaching the manager but not the other resident. Nothing is observed in the footage supporting the allegation that the complainant had to force the officers to contact the other parties.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer told her that “nobody liked” her.

The named officer denied having said anything that could have been interpreted this way.

Body-worn camera footage did not show any officer making such a statement.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer did not take her complaints seriously due to her race and sexual orientation.

The named officer stated that he was not aware of the complainant’s race or sexual orientation and denied that either played any role in his assessment of the complaints.

Body-worn camera footage did not show anything that would support this allegation. The footage did include the complainant inferring that the building manager does not listen due to gender and race biases.

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

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SUMMARY OF ALLEGATION #1: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she called the police because her neighbor had violated a restraining order. The complainant stated that the named officer did not enforce the order to retaliate due to a prior complaint the complainant had made against the named officer.

The named officer stated that the neighbor was the initial caller and, therefore, considered to be the “reporting party” and victim in this matter. She stated that she took no enforcement action against the neighbor because there was insufficient evidence that the neighbor willfully or maliciously violated the restraining order.

The incident report, which the named officer wrote, reflected that the named officer responded to a call from the neighbor who alleged that the complainant was harassing her. While the named officer was *en route* to the call, the complainant called the police and stated that the neighbor was banging on her door. The named officer spoke with each party and watched segments of the complainant’s security footage. Ultimately, the named officer said she did not believe the neighbor intentionally violated the restraining order.

Body-worn camera footage did not show anything to support that the named officer acted out of retaliation.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her neighbor violated a restraining order, and the named officer refused to accept the requested citizen's arrest.

The named officer stated that there was insufficient evidence that the neighbor willfully or maliciously violated the restraining order, and that the complainant violated her own order to instigate an altercation. Although the complainant initially requested a citizen's arrest, after the officer explained to her that the neighbor was the victim in the incident, that the neighbor's actions were a direct result of the complainant throwing water at the neighbor, and that the named officer would document both parties' statements in a police report, the complainant no longer expressed interest in a citizen's arrest.

The incident report, which the named officer wrote, reflected that the named officer responded to a call from the neighbor who alleged that the complainant was harassing her. While the named officer was *en route* to the call, the complainant called the police and stated that the neighbor was currently banging on her door. The named officer spoke with each party and watched segments of the complainant's security footage. Ultimately, the named officer said she did not believe the neighbor intentionally violated the restraining order.

Body-worn camera footage showed that the complainant told the named officer that she wanted to file a citizen's arrest against her neighbor for pounding on her door. The named officer told the complainant that she wanted to try to work this out and advised that if the complainant threw water at the neighbor, that would be considered a battery against the neighbor. The footage showed that the named officer called a senior officer and discussed the scenario with him. Afterward, she returned to the complainant and explained that the neighbor called the police first. If the complainant alleged that the complainant created the situation by initially spraying water and signed her own citizen's arrest form, the neighbor could claim elder abuse. The named officer stated that she could document the situation. The footage showed that the complainant was upset but did not reiterate her request for a citizen's arrest.

Department General Order 5.04 (Arrests by Private Persons) provides in part, "Members shall advise private persons about their right to make a private person's arrest. When advising any individual regarding [this right] members should remain neutral when providing guidance . . . and should limit advice to the legal requirements for such an arrest." The DGO also provides, "If probable cause [to believe the individual committed the crime in question] does not exist, accept the arrest and then advise the individual that they are free to leave."

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Although the named officer should have accepted the arrest to be in technical compliance with the DGO, given the totality of the circumstances, this did not constitute misconduct. The named officer documented the incident in a report and provided follow-up forms to both parties.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer refused to obtain video footage of the incident.

The named officer stated that part of her investigation included reviewing all evidence, including all videos. She stated that she viewed the surveillance video on the complainant's phone and provided the complainant with her department email to obtain a copy. She stated that the complainant emailed the video, which she uploaded to the report.

The incident report, which the named officer wrote, reflected that the complainant showed the named officer segments from her security footage and emailed video footage of the neighbor in front of her door, which the named officer stated she uploaded to the report.

Body-worn camera footage recorded the complainant showing a video of the neighbor to the named officer and a discussion between the complainant and the officer regarding emailing the video.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #102: The officers displayed threatening, intimidating or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: In an online complaint, the complainant stated he was aggressively intimidated by the police. He said they came to his house and sat outside with their lights on for about 45 minutes. The DPA reached out to the complainant multiple times but was unable to conduct an interview with him for further details.

Both named officers confirmed they responded to a well-being check call on the day in question. Dispatch informed them that 9-1-1 callers heard a male screaming, cursing, and rolling on the ground in his underwear and shoes, going in and out of a house. Dispatch also informed them that an ambulance was on its way. Both officers denied being aggressive or intimidating the complainant during the incident and were only there for less than 30 minutes.

Officer #1 said he calmly and explicitly explained to the complainant that they were there to ensure his well-being and wait for an ambulance to arrive and assess him. Officer #2 stated that he observed an abrasion on the complainant's elbow and asked questions about his health to make sure he was well mentally and physically and to see if he met the 5150 mental health detention criteria. The complainant said he was fine and did not need an ambulance. The officer determined that the complainant did not meet the criteria.

Department records indicate that two callers reported describing an individual screaming and yelling, rolling on the ground, and going in and out of the house. The records show that the named officers were sent to the address for a well-being check.

Body-worn camera footage captured that the complainant matched the description of the individual described by the callers. It shows that Officer #1 approached the complainant calmly and politely explained why officers were sent there. Officer #2 asked the complainant about the abrasion on his arm and questions related to his health, which the complainant refused to share, stating he was okay. The footage shows that the complainant appeared nervous and could not stand still. No use of force or any signs of aggression from officers was captured in the footage.

The evidence proves that although the complainant felt intimidated by the police, there was no use of

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force reported or any signs of aggression from the police. The named officers asked questions concerning the complainant's health and well-being to check for the 5150 mental health criteria.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that his car was stolen. Complicating the matter was the fact that the complainant kept a firearm in a backpack in the trunk. The complainant reported the car stolen to the police and was able to retrieve the car but not the firearm. The complainant spoke with the named officer, who told him that the firearm had been seized and the matter was under investigation. The complainant admitted that he was not the registered owner of the firearm.

The named officer confirmed that he had seized a firearm in connection with this incident. He stated that the suspect in the case was a prohibited person, and the firearm was booked as evidence associated with the crime. He stated that he spoke to the complainant on the day of the incident and received no messages or inquiries from him after that. He explained that when speaking with the complainant, he would have given him a general idea of the process regarding releasing evidence but would not have provided a specific timeline. The named officer added that he does not handle property after it is booked.

Department records showed that the complainant reported the car containing a firearm stolen. A few hours later, the named officer spotted the vehicle and conducted a felony stop with several additional officers. The incident report, prepared by the named officer, reflected that the named officer conducted a vehicle search and located the firearm, which he seized. The complainant responded to the scene, and the named officer explained that the firearm was now evidence. He issued the complainant a property receipt and later booked the firearm at the station.

Body-worn camera footage of the named officer is consistent with the incident report. The officer is seen searching the car in a preliminary manner for the firearm. He found ammunition in a backpack on the front passenger seat, and another officer located a gun under the driver's seat. He then took photos of the gun, including its serial number, placed it in an evidence envelope, and stored the envelope in the trunk of the patrol car.

The footage shows that the complainant arrived on the scene, and the named officer told him where the firearm was recovered, which the complainant confirmed was not how he had stored it originally. The named officer then explained that meant that someone had had contact with the gun, so they needed to handle the situation carefully because it might have been used in a crime. The named officer also explained the process regarding the release of the gun to the complainant's relative (the car's owner) over the phone. The named officer discussed the scenario with a superior officer and then released the car to the complainant, stating that they would book the gun as evidence.

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The named officer did not give a definitive timeline for retrieving his gun. He told the complainant to bring his legal ownership documents, property receipt, and other forms regarding the gun when he came to pick it up since the complainant did not have this documentation available on hand.

The evidence proves that the named officer seized the firearm in a stolen car as evidence and explained the necessary procedure for the complainant to retrieve it.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant said he called various numbers at the San Francisco Police Department and left voicemail messages, but no one called him back. He also stated that when he reached a person by telephone, she told him that was not the proper division for his concerns. The complainant did not have any officer's names, badge numbers, or officer descriptions aside from the name of the officer with whom he interacted when the car was recovered.

Given the complainant's limited information, the DPA is unable to identify the officers who spoke with him on the phone. No findings are made if the officer cannot reasonably be identified.

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was on a walk with her dog. The dog defecated on the sidewalk in front of a person's home. Two residents of the home then attacked the complainant and her dog. The complainant called for police assistance. It took an hour and a half for officers to arrive, which the complainant felt was unreasonable.

Records showed that officers arrived within five minutes of being dispatched to the call-for-service.

The evidence showed that the named officers responded to the scene in a timely manner after being preempted to another call.

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

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer directed her to sit down on a curb, which made her feel like a criminal.

Body-worn camera (BWC) footage for this incident did not show the named officer instructing the complainant to sit on a curb. BWC footage showed that the complainant told the named officer that she had to sit down, and she sat down on a curb. The named officer replied that it was alright and for her to do what she needed to do.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer laughed and giggled with the other person whom she was involved in the altercation with.

Body-worn camera (BWC) footage for this incident showed the named officer speaking with the other involved individual in the incident. The named officer appears to have only slightly chuckled at one point when talking with the other individual. The footage did not show the named officer laughing or giggling inappropriately or excessively.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #6: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she informed the responding officers that she wanted to press charges against the individual who struck her, but no arrest was made. The officers presented her with a form to sign but she refused to sign it and the officers told her nothing would be done.

The named officer authored the incident report that confirmed that the complainant declined to sign a citizen's arrest form for battery against the other party, became uncooperative with the investigation, and walked away from the scene.

Body-worn camera footage showed that the named officer asked the complainant if she would be willing to sign a Citizen's Arrest Form against the person who struck her. The complainant asked the named officer what would happen to the person if she signed the form, and the named officer said they would document the incident. The complainant expressed that she wanted the person arrested and another officer stated that the person would not be arrested as it was a misdemeanor violation. The footage showed that the complainant declined to sign the form and walked away from the area.

Department General Order 5.04 Arrests by Private Persons states in part that "[t]he private person may withdraw their request by refusing to cooperate with the member's investigation and declining to sign a

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Private Person's Arrest form (SFPD Form 80). The subsequent refusal and lack of cooperation by the private person does not relieve a member from completing an incident report under DGO 5.04.”

The named officers were unable to take any further steps without the complainant’s willingness to press charges and sign the citizen’s arrest form. The incident was documented in an incident report as required by department policy.

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

SUMMARY OF ALLEGATIONS #7-10: The officers failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers covered their name tags on their uniforms and failed to provide their names when requested.

Body-worn camera footage for this incident did not show the complainant make any request for the named officers names or star numbers. The footage did not show any officers hiding or obscuring their names tags from the complainant.

The evidence proves that the alleged conduct did not occur.

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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 saw a man lying unconscious on a street corner. She saw the named officer standing and talking on his phone on another corner of the nearby intersection. The complainant said a passerby checked the man's well-being and performed cardiopulmonary resuscitation (CPR) while the named officer remained on his phone and did nothing to help. The complainant said the named officer only started walking toward the man after she yelled at him about the situation.

The named officer said he was performing vending enforcement duties when a man waved at him and directed him toward the unconscious man's location. The named officer said he found him unresponsive and not breathing. He broadcasted the situation over the radio and requested an ambulance and a police unit with Narcan. He began conducting cardiopulmonary resuscitation (CPR) on the person until paramedics arrived and took over the situation. The named officer said he was unaware of the complainant and could not recall interacting with her.

DPA obtained a copy of the corresponding incident report. The incident report stated that the named officer was conducting vending enforcement on the southwest corner of the intersection when a citizen on the northeast corner called his attention regarding a person lying on the street. The named officer radioed the situation and asked for medical personnel and additional units to the scene. The incident report stated that the named officer performed chest compressions on the unconscious man until additional units arrived and administered Narcan. Medical personnel then took over in reviving the person. DPA also obtained the named officer's body-worn camera (BWC) of the incident. The named officer's BWC footage showed he activated his body-worn camera when alerted to the situation. However, it did not capture who alerted him. The named officer immediately rendered medical aid and called for paramedics and officers with Narcan cartridges. In the end, the paramedics were able to revive the man.

Witness officers who responded to the scene said they saw the named officer performing CPR when they arrived. They said they did not witness anyone yelling at the named officer to assist the unconscious person.

The evidence proves that the alleged conduct did not occur.

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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 attempted to drive into her garage when she saw a black sedan blocking her driveway. The complainant honked at the driver, alerting her to move. She rolled down her window and asked the driver to move to an empty parking spot so she could enter her driveway. According to the complainant, the driver got angry and yelled expletives at her. The driver also kicked the side of her vehicle numerous times, causing damage to the car. The complainant called for police assistance, and the named officer responded to investigate. The complainant alleged that the named officer failed to investigate the incident properly by failing to speak to the driver and take the driver's information.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The named officer's BWC footage of the incident showed the named officer conducted a thorough investigation. The named officer took the complainant's statement and obtained a description of the driver. The named officer and his partner attempted to contact the driver by knocking on the door of her residence, but no one responded. The named officer and his partner also took pictures of the damage to the complainant's car and canvassed the neighborhood for a possible video of the incident. Additionally, the named officer prepared an incident report adequately documenting his investigation.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer exhibited rude behavior and talked so loudly that her neighbors could hear him repeating her personal information.

The named officer's BWC footage showed the named officer spoke with the complainant at a reasonable sound level. At some point, the named officer even whispered when the complainant asked him to lower his voice.

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 drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer failed to use a turn signal before turning.

The named officer acknowledged that he was driving a patrol vehicle and recalled seeing the complainant pointing at the patrol vehicle. The named officer did not recall whether he used a turn signal before turning, but the named officer stated that it is his normal practice to do so.

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

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

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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 when he reminded the officers to use a turn signal before turning, the officer in the passenger seat said something like, "It's none of your business."

The named officer driving the patrol vehicle stated that he did not hear the complainant say anything to the officers, and that neither he nor the named officer in the passenger seat said anything to the complainant.

Department General Order 2.01, General Rules of Conduct, requires officers to devote their on-duty time to protecting life and property, preserving the peace, and preventing crime.

Even if the named officer had engaged with the complainant as alleged, it was appropriate for the officer to end his conversation with the complainant to resume his duties.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

FINDINGS OF FACT: The complainant stated that two officers responding to his call for service thought he was wasting their time. One officer turned the conversation into an argument, and the other raised their voice to him. The complainant later requested a withdrawal of the complaint.

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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 was selling food on a cart in front of a store when the named officer asked him if he had a permit to sell food. When he told the named officer that he did not have a permit, the named officer told him to leave. The complainant said he complied and moved to another location, but the named officer followed him and said he did not want to see him again. The complainant said the named officer also threatened him, saying that if he saw him again, he would make sure he would not be able to sell food on the street.

The named officer stated he saw the complainant selling food on a cart. He asked the complainant if he had a vendor's permit. The complainant stated he did not have a permit, so he asked if he could leave the area. The named officer stated the complainant crossed the street and set up his cart to sell food again. He walked up to the complainant and advised him that he was blocking the sidewalk and to stop selling food. The named officer stated the complainant thought he was picking on him. He explained to the complainant that he said the same thing to another man selling food without a permit, and the man packed his things and left. The named officer stated he advised the complainant that he could not keep selling food without a permit and that if he continued doing it, the Department of Public Health could cite him, and that would make it hard for him to obtain a vendor's permit.

Section 5.9-3 of the Public Works Code states, in relevant part:

(a) No person may Vend on any City property, including a public right-of-way (as that term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley, walkway, or pedestrian path available to the public, except on property regulated by Article 7 of the Park Code, without first having obtained either a Roaming Vendor permit or a Stationary Vendor permit pursuant to this Article 5.9.

The complainant did not have a permit as required under the Public Works Code. The officer, therefore, had a lawful reason to advise him to stop selling food on a public sidewalk.

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: IE

FINDINGS OF FACT: The complainant stated he contacted the named officer at the San Francisco International Airport and reported that gang members were following him. The complainant said the officer refused to take his report.

The named officer stated that he spoke to the complainant and asked him questions to figure out what he wanted. The named officer stated that the complainant refused to answer his questions, never asked for a police report, and eventually left. The named officer was not issued a body-worn camera, so no footage of the encounter exists.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said the officer did not treat him seriously and questioned him as if he was a person detained.

The named officer stated that he questioned the complainant to figure out what he could assist him with. The named officer stated that the complainant refused to answer his questions and then left the scene. The named officer denied detaining the complainant or speaking inappropriately to him. The named officer was not issued a body-worn camera, so no footage of the encounter exists.

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

SUMMARY OF ALLEGATION # 3: The officer failed to carry required equipment.

CATEGORY OF CONDUCT: ND

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FINDING: PC

FINDINGS OF FACT: The complainant said the officer did have his body-worn camera.

Department policies do not require officers to wear body-worn cameras at the airport.

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 engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant's girlfriend obtained a Criminal Protective Order against him resulting from a robbery and domestic violence incident. The protective order prohibits the complainant from being near her or her residence. While investigating a separate domestic violence incident involving the same parties, the named officer secured an arrest warrant against the complainant, eventually leading to his arrest. The complainant alleged that the officer unjustly obtained the warrant by changing the girlfriend's statements and fabricating accounts.

The named officer stated that he recognized the complainant from a locate-and-arrest email that the named officer sent out to the entire Department. He said the complainant was handcuffed and taken to a district police station. He contacted the San Francisco Sheriff Department's Central Warrants Bureau, which confirmed the outstanding warrant against the complainant.

The named officer said that while investigating a domestic violence incident involving both parties, he came across numerous documented domestic violence incidents reported by the complainant's girlfriend, listing the complainant as the suspect. After establishing probable cause for the complainant's arrest, he prepared an arrest warrant that the District Attorney's Office reviewed and approved. He decided to obtain the arrest warrant because, in the case he was investigating, video evidence showed the complainant approaching the victim in violation of the protective order. He denied making false statements and fabricating narratives, saying that he documented in the warrant summaries of the incident reports he encountered during his investigation.

Department records showed the complainant was duly served with a protective order prohibiting him from contacting his girlfriend directly or indirectly. It required him to stay 150 yards away from her and her residence.

The named officer's Statement of Probable Cause for the issuance of the arrest warrant showed that he had reviewed several incident reports, statements, videos, and corroborative pieces of evidence in his investigation that led him to believe that the complainant had committed several crimes.

The arrest warrant was a felony warrant for numerous crimes.

The evidence showed that the named officer went over many documents and reviewed an abundance of evidence in support of his application for the arrest warrant. Moreover, there was no evidence supporting

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the complainant's contentions that the named officer changed the victim's statements and fabricated narratives or accounts.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT:

The complainant alleged that the named officer failed to investigate a separate incident between him and his girlfriend that occurred in his residence.

Department records showed the named officer was not assigned to investigate the incident. He only came across its corresponding incident report during his investigation of a separate domestic violence incident involving the parties.

The evidence proves that the named officer was not involved.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that his ex-wife had physically abused their child. He went to a district police station to report the injuries he observed and encountered the named officer. The complainant said the officer contacted his ex-wife and stated that he believed his ex-wife's statement that a haircut caused injuries to the son's head. The complainant said he showed the named officer pictures of his son's injuries, but the named officer did nothing and told him to go home.

The named officer acknowledged talking to the complainant's ex-wife. He said she told him the injuries happened when the child had a haircut at a barbershop. The named officer said the complainant showed him pictures of the child's neck injuries. He found the images consistent with the child getting a haircut. He said that after talking to the mother, whom he found truthful and cooperative, he determined that no crime had occurred.

DPA obtained copies of the photos showing the child's injuries. There appeared to be minor cuts to the back of the child's head. It is unclear if the cuts were the result of a haircut or some form of child abuse. Without medical records or additional evidence that the ex-wife caused the injuries, it was reasonable for the named officer to close his investigation and conclude that he did not have probable cause that a crime had occurred.

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.

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CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said his three-year-old daughter told him that her mother sexually abused her. He took her to a hospital where doctors and nurses checked on her. The complainant said he returned his daughter to her mother from the hospital and went home. He said that the following day, the named officer called him, screaming and accusing him of making false reports.

The named officer said he called the complainant after the latter came home from the hospital. He said the complainant reported the same incident that he had previously investigated. He said the complainant had previously let him listen to an audio recording of the conversation he had with his daughter. The named officer said the complainant asked the child leading questions, prompting the child to answer what he wanted her to say. When he told the complainant he was asking the daughter leading questions, the complainant dropped the complaint. The named officer said he called the complainant and told him that no crime had occurred and that he was making the same report. He also advised the complainant of the policies and procedures involved. The named officer said the officers who went to the hospital to investigate the sexual assault had to report it to him because he was their supervisor and was the one who had to approve their report.

DPA obtained a copy of the incident report. The incident report showed two officers responding to the hospital. In their investigation, the officers learned that the child suffered no injuries or trauma. They contacted Child Protective Services (CPS), who instructed them to return the child to the mother because the child was not in immediate danger.

Witness officer #1 said he talked to the nurse who cared for the child. The nurse told him that they did not find any injuries or trauma to the child. Witness officer #1 said the child appeared to be okay and in good spirits and was not distraught, in pain, or suffering from any injury. He said the CPS determined that the child was not in immediate danger and should be returned to the custody of her mother. He concluded that the child did not have injuries and no crime had possibly taken place.

Witness officer #2 said he was not able to confirm in his investigation if a crime had occurred because the complainant refused to have the child undergo a forensic sexual assault examination. Witness officer #2 said there were no witnesses, and according to the staff member who checked on the child, the latter had no visible injuries.

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

COMPLAINT DATE: 01/12/2024

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DPA also obtained a copy of the witness officers' body-worn camera (BWC) footage of the incident. The BWC footage of the incident was consistent with their statements. The videos showed the complainant refused to have his child undergo a forensic exam and was anxious when the witness officers said they would have an investigator from the Special Victims Unit come to the hospital. The videos further showed that one of the witness officers talked to the attending nurse, who said that the child had no bruising or trauma. The nurse told the witness officer they found nothing suspicious, and nothing suggested the child was in immediate danger.

As the midnight supervisor supervising the ongoing sexual assault investigation, and after receiving information from the responding officers, it was appropriate for the named officer to call the complainant in furtherance of the investigation. However, there was no recording of the phone conversation. Therefore, the DPA had no evidence that allowed a definitive finding by a preponderance of the evidence.

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

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

COMPLAINT DATE: 01/12/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 01/21/2024

COMPLETION DATE: 04/07/2024 PAGE# 1 of 2

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 unable to access his driveway and garage due to police activity in the area for an unreasonable amount of time.

Department records showed that there was a call-for-service regarding a collision between two cars and several parked cars. Several involved parties were yelling at each other, and one involved car drove away.

Body-worn camera (BWC) footage showed that the responding officers were investigating a vehicle collision. BWC footage showed that the complainant pulling up to the collision scene in his car. The named officer directed him to keep driving, told him that officers were working, and that he would have to wait to drive through the area. The complainant drove, turned around and parked his vehicle nearby.

The evidence showed the named officer responded to a call, was engaged in an investigation, and directed the complainant to keep driving through the area. The named officer's behavior did not constitute misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that due to the police activity in the area outside his residence he decided to use the sidewalk to attempt to angle his vehicle into his garage so he could park. As he pulled inside the garage, he damaged the side of his vehicle on the side of the garage. No police officers directed him to pull inside the garage and he was not injured in the process. He said he asked the named officer for a police report to document the vehicle damage and the officer declined and told him there was no reason to create a police report.

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

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Body-worn camera (BWC) footage showed that the complainant told the named officer that he damaged his car and requested a contact within the city to file a claim for the damage to the vehicle. The named officer told the complainant that he could have waited to pull into the garage and provided the complainant with a phone number to a district police station. BWC footage does not show the complainant asking the named officer for a police report.

DGO 9.02, Vehicle Crashes, states that officers do not need to investigate or report property damage only vehicle crashes.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant said he asked the named officer for his business card and his badge number. The named officer did not have a business card and did not respond to the request for his badge number and instead told the complainant to step back from the area.

Body-worn camera (BWC) footage showed that the complainant asked the named officer for a business card for any officer, and the named officer told the complainant he did not have one on him personally as he ran out but could try to find one for him. The complainant did not make any verbal request for the named officer's name or badge number.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 01/23/2024

COMPLETION DATE: 04/07/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated in an online complaint that she was crossing the street with her toddler, and a patrol vehicle came to a stop for them. Then, another vehicle turning left ran through their stop sign and narrowly missed hitting them. She said the officer witnessed the violations but did nothing about it. In her complaint, she did not provide a description of the officer or the patrol vehicle. The complainant did not answer the DPA's request for an interview or additional information about the officer or the vehicle he was driving.

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

There were no department records that captured any incidents in the area.

There were no witnesses or security camera footage at the time of the incident.

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

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

COMPLAINT DATE: 01/29/2024

COMPLETION DATE: 04/16/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated a motorist he believed was intoxicated was partially blocking his driveway. He called for police assistance, but the officers who arrived neither cited the motorist for intoxication nor told him to move his car.

The named officers stated they responded to a call for service regarding a suspicious vehicle that had been parked, partially blocking the reporting party's driveway. The reporting party was listed as anonymous with no call back number. The officers explained that they responded to the scene and contacted the driver, who appeared to be asleep, advised him about his inappropriate parking, and told him to go home. The CAD did not include any information about intoxication, and the named officers did not observe any objective signs of intoxication. Accordingly, they did not administer a Field Sobriety Test. They did not contact the reporting party as they had no name or number for him. The officers left before observing whether the driver left.

The Computer Aided Dispatch (CAD) printout showed that a call was received by dispatch from an anonymous caller with no phone number given, stating that a vehicle had been parked in front of his house, partially blocking his driveway, for 1.5 hours with its lights on. The driver was noted to be sleeping on the driver's side and there was a request to move along.

The CAD audio recording was consistent with the printout. The complainant did not mention intoxication and in response to whether he wanted to meet or talk to the police, he said no, so long as the police get in touch with the individual.

Body-worn camera footage showed the named officers speaking with the individual parked in the car. They asked him to step out of the car and told him that he was improperly parked. Named Officer #1 asked the individual whether he needed medical assistance and told him to go home.

The complainant provided video footage of the vehicle when it initially parked. The car can be seen partially blocking the driveway. However, the complainant's video does not capture any interaction involving the officers. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 01/29/2024

COMPLETION DATE: 04/16/2024

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SUMMARY OF ALLEGATION # 2: The officer failed to activate their body-worn camera.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: While investigating the complainant's allegations, DPA discovered that the named officer had not activated her body-worn camera.

Department General Order (DGO) 10.11.03(C)(11) states in relevant part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . .
1. Detentions and arrests. . . ."

Department Notice 23-045, which clarifies the policies and procedures governing the Department's body-worn camera programs, states in relevant part, "Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed. . . . When responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances to occur, members shall begin recording by pressing the *Event* button while enroute and prior to arriving on scene."

The officer responded to investigate a call for a suspicious vehicle, a call with potential law enforcement activity. Upon arrival at the scene and contacting the occupant, she and her partner briefly detained the person by having him exit the car and ask him questions. Pursuant to the foregoing Department policies, the named officer should have activated her body-worn camera while enroute and before arriving at the scene. The named officer admitted not activating her body-worn camera, in violation of the policies.

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**

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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 double-parked on the street to drop off a radio to his coworker. The complainant said the named officer pulled up and told him he was double-parked. He explained why he double-parked, but the named officer accused him of being argumentative and issued him a citation for double parking, failure to have proof of insurance, and parking in a bus zone.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The BWC footage of the incident corroborated the issuance of the citation and captured the complainant's violations. Additionally, the complainant admitted in his interview that he was double-parked in a bus zone and failed to present proof of insurance.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the named officer refused to call a captain, lieutenant, or officer higher in rank to the scene.

BWC footage of the incident showed the complainant requesting that a supervisor respond to the scene. The named officer advised that he was willing to call a supervisor to the scene to explain the citation if the complainant refused to sign it. He further provided the location of the nearest police station if he still wanted to speak to a supervisor after he was issued a citation.

Per Department policies, the named officer had no duty to call a captain or a lieutenant to the scene. The named officer did offer to have a sergeant respond if the complainant refused to sign the citation.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION # 3: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the officer threatened to take him to jail if he did not sign the citation.

BWC footage of the incident showed the named officer did not threaten the complainant. Instead, he explained the eventual outcome of the situation per Department policy if the complainant refused to sign the citation.

DPA encourages officers to slow down, listen when people talk, and be empathetic. However, the conduct complained of was not misconduct.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 01/12/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant said he called a district police station and spoke with a male officer about officers who wanted to go up the roof of his building the night before without a warrant. He said he made the call so the incident would not happen again. The complainant said the officer he had spoken with on the phone exhibited rude behavior by talking over him and insinuating that the officers had a warrant. The complainant could not provide any additional identifiable information pertaining to the person he spoke to.

DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify the officer(s) that were involved. The ID poll came back with negative results.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 02/06/2024

COMPLETION DATE: 04/07/2024

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFMTA

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

San Francisco Municipal Transportation Agency
Permits, Parking and Citations
11 South Van Ness Avenue
San Francisco, CA 94103

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

COMPLAINT DATE: 02/09/2024

COMPLETION DATE: 04/18/2024

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 almost backed a police vehicle into him as he rode his bicycle past an SFPD district station.

DPA attempted to identify the unknown officer by sending an ID Poll to the corresponding district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results.

DPA obtained surveillance camera video footage showing the parking lot and entry gate of the local district station on the date and time provided by the complainant. The video footage showed the complainant on his bicycle approaching a police vehicle that was parked outside of the entry gate to the district station. The video footage showed the emergency lights on the police vehicle activate, which obscured the surveillance camera's view of the police vehicle's movements. The video footage showed the complainant stop his bicycle on the passenger side of the police vehicle as the police vehicle turned and drove away. Neither the police vehicle number nor the vehicle occupants were visible on the video footage.

The identity of the alleged officer could not be established.

The officer could not reasonably be identified.

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

COMPLAINT DATE: 02/13/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant submitted an online complaint regarding potential misconduct after reporting a burglary to the police. The complainant, however, did not provide pertinent details regarding the misconduct.

DPA attempted to contact the complainant for additional information to no avail. Without additional information regarding the complaint, DPA was unable to identify or locate any such occurrence or officer involvement. Additionally, the complainant provided an inaccurate incident report number.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 02/13/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant submitted an online complainant alleging criminal activity by employees at a local police station after she reported several crimes. The complainant, however, did not provide details regarding the alleged misconduct.

DPA unsuccessfully attempted to contact the complainant for further information. Without such information, DPA was unable to identify or locate any such occurrence or officer involvements. Additionally, the complainant provided an inaccurate police report number.

The complainant did not provide the additional requested evidence.

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

COMPLAINT DATE: 02/21/2024

COMPLETION DATE: 04/24/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 02/21/2024

COMPLETION DATE: 04/24/2024

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

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

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

COMPLAINT DATE: 02/23/2024

COMPLETION DATE: 04/22/2024

PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she collapsed during a physical and verbal altercation with the father of her baby and his two older children during a custody dispute. She stated that the named officer told the San Francisco Fire Department medics to give her a sedative.

The named officer denied telling medics to administer the complainant a sedative. He stated the determination to use sedatives is the medic's responsibility.

Department records indicate that the complainant was engaged in a physical and verbal altercation with the father of her baby and his older children regarding a custody dispute. When officers arrived on the scene, the complainant passed out. Officers summoned medics, who then placed the complainant in an ambulance for medical assessment. The record notes that the complainant smelled of alcohol and was belligerent and uncooperative with medics. The complainant was not in police custody but was transported to the hospital by ambulance for further treatment.

San Francisco Fire Department (SFFD) medical records indicate that the complainant smelled of alcohol, was in an altered mental state, was combative, agitated, and exhibiting violent behavior. The record noted the complainant admitted to consuming alcohol. The SFFD medics administered a sedative in the ambulance. Also, they noted that while at the hospital, the complainant was given additional sedation by a registered nurse due to her continuing erratic behaviors.

Body-worn camera footage showed the complainant in the ambulance in a highly agitated state. The named officer attempted to interview the complainant; however, the complainant refused to answer questions and would reply with unrelated answers. The complainant was upset with the SFFD medics, demonstrated by her lack of cooperation and hostility directed towards the medics who were trying to provide her with medical treatment. Body-worn camera footage did not show the named officer telling the medics to sedate the complainant.

Evidence shows that the named officer did not tell the medics to give the complainant a sedative.

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

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

COMPLAINT DATE: 02/23/2024

COMPLETION DATE: 04/22/2024

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was in a physical and verbal altercation with the father of their baby and his two older children during a custody dispute. She stated the named officer lied to her child's Child Protective Services (CPS) worker by telling her that the complainant was intoxicated during the incident and in need of a mental health evaluation.

The named officer stated he was truthful with the CPS worker when he informed her that he believed the complainant was intoxicated based upon his interaction with the complainant on scene. He stated that he smelled alcohol emanating from the ambulance where SFFD medics were attempting to assess the complainant medically. The named officer stated he believed the odor of alcohol came from the complainant. In addition, the named officer stated the complainant was agitated and belligerent, making it difficult to obtain a statement from the complainant.

Department records indicate that the complainant was engaged in a physical and verbal altercation with the father of their baby and his older children regarding a custody dispute. When officers arrived on the scene, the complainant passed out. Officers summoned medics, who then placed the complainant in an ambulance for medical assessment. The record notes that the complainant smelled of alcohol and was belligerent and uncooperative with medics. The complainant was not in police custody but was transported to the hospital by ambulance for further treatment.

San Francisco Fire Department (SFFD) medical records indicate that the complainant smelled of alcohol, was in an altered mental state, was combative, agitated, and exhibiting violent behavior. The record noted the complainant admitted to consuming alcohol. The SFFD medics administered a sedative in the ambulance. Also, they noted that while at the hospital, the complainant was given additional sedation by a registered nurse due to her continuing erratic behaviors.

Body-worn camera footage showed the complainant in the ambulance in a highly agitated state. The named officer attempted to interview the complainant; however, the complainant refused to answer questions and replied with unrelated answers. The complainant was clearly upset with the SFFD medics, as demonstrated by her lack of cooperation and hostility toward the medics who were trying to provide her with medical treatment.

Department General Order 2.01 states in the relevant part that officers shall conduct themselves in a manner that reflects favorably on the Department.

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

COMPLAINT DATE: 02/23/2024

COMPLETION DATE: 04/22/2024

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The named officer did not violate Department policy when he rightfully informed the complainant's CPS worker about his concerns regarding the complainant's level of intoxication during this incident where her infant child was present. Independent records from the SFFD medics and the complainant's erratic behavior support the named officer's suspicion that the complainant was intoxicated. The named officer did not recall telling the CPS worker that the complainant would benefit from a mental health evaluation; however, if he did so, his comment would not be unreasonable given the evidence.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFFD

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

San Francisco Fire Department – Chief's Office
698 2nd Street
San Francisco, CA 94107

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

COMPLAINT DATE: 03/05/2024

COMPLETION DATE: 04/18/2024

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/2024 DATE OF COMPLETION: 04/18/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CRD

FINDING: NF

FINDINGS OF FACT: In an email to the DPA Director, the complainant stated an unknown officer was harassing the complainant and their children. No information was provided as to how and when the harassment was occurring. The complainant did not respond to DPA's request for an interview.

A search for related calls to this complaint yielded negative results.

The identity of the alleged officer could not be established. The complainant provided insufficient information for the DPA to proceed with its investigation.

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 04/07/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant was the victim of a crime and called a station requesting to speak with a supervising officer. The person who answered the station phone took a message and said that a supervising officer could call them back. The complainant said that he never received a call back.

DPA sent an identification poll to the district station asking for assistance identifying the officer based on a description of the incident. No officer was identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94157

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

COMPLAINT DATE: 03/11/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 03/11/2024

COMPLETION DATE: 04/18/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/IAD

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158
Attn: Lt. Lisa R. Springer #1901

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

COMPLAINT DATE: 03/13/2024

COMPLETION DATE: 04/24/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department (SFPD) allowed a protest to block access to the San Francisco Airport (SFO) International Terminal.

Witness officers stated that protesters picketed security checkpoints and the departure level curbside of the International Terminal at SFO. They stated that SFPD did not have advanced notice of a protest consisting of approximately three hundred people and multiple vehicles, and therefore, additional resources were not immediately available. The witness officers stated that the impact was that motor vehicle traffic was re-routed to other roadways, and passengers were redirected to other terminals with minimal impact. Witness Officer #1 stated that he was unaware of any injuries or property damage and did not observe any safety concerns. Witness Officer #2 stated that an excessive officer's response to the protesters would have caused a safety hazard if the available officers attempted to control a large number of protesters. The witness officers stated that the actions of SFPD complied with Department General Order 8.03, which states that SFPD "will not attempt to limit the size, location, time or activity at any demonstration, march, protest, or picket unless there are articulable facts or circumstances causing reasonable concern for the public safety, public health, or the safe movement of person in the area."

Media reports indicated that over 300 protesters blocked the International Terminal of the San Francisco Airport. The news reports stated that the terminal remained open, but passengers were re-routed around the protest.

Department General Order 8.03 states in relevant part that the "San Francisco Police Department will not attempt to limit the size, location, time or activity at any demonstration, march, protest, or picket unless there are articulable facts or circumstances causing reasonable concern for the public safety, public health, or the safe movement of person in the area."

The protest may have inconvenienced travelers; however, the evidence does not show articulable facts or circumstances causing concern for public safety, and therefore, SFPD acted within policy.

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

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

COMPLAINT DATE: 03/14/2024

COMPLETION DATE: 04/18/2024

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: 03/15/2024

COMPLETION DATE: 04/07/2024

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: 03/19/2024

COMPLETION DATE: 04/07/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 03/20/2024

COMPLETION DATE: 04/07/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/CHP

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

California Highway Patrol
Office of Investigations
601 North 7th Street
PO Box 942898
Sacramento, CA 94298

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

COMPLAINT DATE: 03/22/2024

COMPLETION DATE: 04/24/2024

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: 03/23/2024

COMPLETION DATE: 04/24/2024

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: 03/24/2024

COMPLETION DATE: 04/24/2024

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: 03/25/2024

COMPLETION DATE: 04/24/2024

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: 03/27/2024

COMPLETION DATE: 04/07/2024

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: 04/01/2024

COMPLETION DATE: 04/07/2024

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: 04/03/2024

COMPLETION DATE: 04/18/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 04/04/2024

COMPLETION DATE: 04/22/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/Office of the Independent Police Auditor BART

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

Russell G. Bloom
Independent Police Auditor
Office of the Independent Police Auditor
SF Bay Area Rapid Transit District (BART)
P.O. Box 12688
Oakland, CA 94612-2688

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

COMPLAINT DATE: 04/08/2024

COMPLETION DATE: 04/22/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: XX

FINDING: Referral/University Police Department – San Francisco State University

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

San Francisco State University Police Department
Attn: Reggie Parson, Assistant VP for Campus Safety & Chief of Police
1600 Holloway Avenue
San Francisco, CA 94132