DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/12/18 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he met with the named officer at the station. The complainant stated that the named officer ignored and dismissed his concerns about getting his security deposit back from his landlord. The complainant stated the named officer told him to "Chalk it up! Take it as a loss!" The complainant also stated the named officer failed to review his court papers.

The named officer denied that he dismissed and ignored the complainant's concerns over his landlord/ tenant dispute. The named officer also stated that the complainant failed to provide new information. The named officer further stated that he never saw or reviewed any supporting documentation from the complainant.

No witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that during his meeting with the named officer, he asked for a police report regarding his landlord/tenant dispute from the named officer, but a report was not generated.

The named officer stated the complainant did not request for a written report. The named officer stated the complainant's matter was civil in nature. The named officer further stated he did not see or review any of the complainant's documentation and that there was no new information from the complainant.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/29/18 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she went to the police station to report an individual she believed was involved in criminal activity. She stated that one officer hid upon seeing her, and another officer told her that no crime had been committed and there was nothing to report.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established.

No witnesses were identified.

There was insufficient information to either prove or disprove the allegation

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/30/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers failed to write an incident report. The complainant stated she reported unauthorized people in her apartment stealing and moving her personal property. The complainant's boyfriend, who was present when she made her report, did not respond to requests for additional evidence.

The officers stated their investigation determined a crime had not taken place, and that the complainant and her boyfriend were in altered mental status, and there was no merit to the complainant's allegations.

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

The officers described the complainant and her boyfriend making statements about "little people" burrowing through walls and floors, creating holes in the apartment. The officers further stated that while the complainant and her boyfriend were apparently delusional, they did not meet the criteria for involuntary psychiatric evaluation. The officers stated they handled the call as a well-being check.

Dispatch records indicated that the complainant phoned 911 to report that there had been 5-6 people in her room and that they were hiding under the sofa, in closets and under the bed. Body Worn Camera (BWC) video footage associated with the call documented that the officers responded to the complainant's room.

Body Worn Camera (BWC) footage documented that the officers responded to the scene and contacted the complainant. The BWC video revealed that one of the officers entered the crowded room and apparently interacted with its occupants. However, the actions of the officer could not be fully ascertained, and the occupants could not be seen, as personal items stacked floor-to-ceiling and the officer's body in the doorway blocked the view of the room.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/30/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers did not fully investigate her complaint about unauthorized people being in her apartment, stealing and moving her personal property.

The officers stated they investigated the incident properly and professionally. The officers stated they listened and questioned the complainant and her boyfriend, who appeared to be in altered mental states. The officers stated at no point did the complainant and her boyfriend identify what specific property had been stolen. The officers stated they did look behind the couch and in other locations of the apartment for people and property damage but to no avail. The officers stated the complainant was agitated and rambled senselessly. The officers further stated they determined that there were no "little people" burrowing through the complainant's walls or floors. The officers determined that no crime occurred.

The Body Worn Camera (BWC) video footage documented that the officers responded to the scene and contacted the complainant. The BWC video revealed that one of the officers entered the crowded and cluttered room and apparently interacted with its occupants. However, the actions of the officer could not be fully ascertained, the occupants could not be seen as there were personal items stacked floor-to-ceiling and the officer's body in the doorway blocked the camera view of the room.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/01/18 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NF/W **DEPT. ACTION:**

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

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/02/18 **DATE OF COMPLETION:** 02/20/18 **PAGE#** 1 of 1

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

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

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, 4th Floor
San Francisco, CA 94158

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/14/18 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO-2 **DEPT. ACTION:**

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

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/14/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers did not take down information, such as her name. The complainant stated the officers left even though she asked for help and a case number.

The named officers stated they responded to a well-being check involving the complainant. Upon their arrival, the officers observed the complainant talking to herself. She appeared distracted, confused and was wandering. One officer said when they attempted to gather information from the complainant, she was scattered and rambling about people following her, but she could not provide any descriptions of the subjects. Both officers said the complainant provided inconsistent answers. The officers stated they looked around for possible subjects in the area with no results. They offered the complainant homeless resources, but she refused. The officers also evaluated the complainant for a 5150 WI hold, however, she did not meet the criteria.

The evidence established that there was no evidence of a crime having occurred, nor was the complainant involved in an incident.

SFPD detailed event history shows evidence that Dispatch reported the reporting party (complainant) states she is being followed by subjects, everywhere she goes she is followed, subjects are mixed raced, biracial, female is 20s-30s, male is 20-30s and they had been following her since Tuesday. Dispatch reported that the reporting party was not being very forthcoming.

No witnesses were identified.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/14/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated she wanted a case number. When she requested a case number the officers told her to go to a police station. The complainant stated she went to the police station, asked for a case number and was told they could not find the incident.

The named officers stated there was no evidence of a crime having occurred, nor was the complainant involved in an incident. One of the officers stated the complainant could not provide a statement why she felt the threat to be credible and if the subjects who were following her were doing so with a specific intent to place her in a reasonable fear for her safety. The officers stated they evaluated the complainant for 5150 and offered homeless resources. Both officers stated they did not recall the complainant requesting a report.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street, 4th floor
San Francisco, CA 94158

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/16/17 **DATE OF COMPLETION:** 02/20/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he just came from the doctor where he got his prescription medication. He was walking through the city plaza and stopped to take a pill when suddenly, two officers arrived and arrested him. They accused him of selling the drugs to someone in the plaza, which he denied.

The named officers stated that they saw the complainant hand over a pill to another man who was handing him money. They went up to detain the two men and arrested the complainant for drug sales. The complainant had a container of prescription drugs that was confiscated.

Body worn camera footage shows the detention and arrest at the plaza, but it does not capture the alleged sales transaction.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/16/17 **DATE OF COMPLETION:** 02/20/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-6: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that officers took all his property before going to jail. One of his items was a wheeled dolly that contained several valuable art supplies and other personal property. The complainant stated when he was released from jail, the dolly was never returned to him.

The first two named officers stated they arrested the complainant and gathered his property. They called the third named officer to come and transport the complainant and his property. The first two named officers then walked back to the station and became involved with another call that involved force. The first two named officers went to the hospital for injuries. By the time they returned to the station to write their reports, the complainant and his property had been transported to jail.

The third named officer stated that he transported the complainant and his property to the station and gave it to the station keeper. The fourth named officer, the station keeper, stated that he did not remember the complainant. The fourth named officer listed the complainant's property in the "station property inventory form" as 2 jackets, 1 pair of socks, miscellaneous property, a SFPD issued property receipt and 2 cents. There were no further details about the "miscellaneous property."

Body worn camera footage shows the third named officer receiving the complainant's property from the initial two named officers and the property is placed in the trunk of the patrol car. The body worn camera of the third named officer ends before he takes the property out of the car.

A supervisor with the Department of Public Works stated that there was no property related to the complainant's belongings in the storage area.

A property receipt from the sheriff's department does not show the complainant's property; however, there is a listing for miscellaneous items in a clear plastic bag with no further description.

No witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/16/17 **DATE OF COMPLETION:** 02/21/18 **PAGE**# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer cited her for "unsafe starting and vandalism," which she denied. The complainant stated the officer did not appear to issue the bicyclist (other party) a citation. She said the officer gave her a ticket based on what the other party claimed she did.

The named officer stated the violations did not occur in his presence and were not a bookable offense. The complainant and the bicyclist told the officer they wanted to press charges against one another. Therefore, the officer accepted the citizen's arrest forms from each party and cited the parties to appear in court. The officer stated the bicyclist admitted he struck the complainant in her mouth and the officer observed blood on her mouth area. The office said the bicyclist stated the complainant ran over his toe with her car and vandalized his bike.

The incident report established that *each* party was issued a citation for the alleged offenses. The bicyclist was cited for battery and the complainant was issued a citation for unsafe starting and vandalism. Both parties signed citizen's arrest form against one another.

The FTO witness officer activated his body worn camera. The body worn camera footage establishes that the witness officer was the FTO and supervised the named officer. The FTO witness officer explained the citizen's arrest process in detail to both parties and that the citations are required to state the charges against the parties for the court to decide on the legal outcome.

SFPD Department General Order 5.04 establishes the "Arrests by Private Persons," II. Procedures:

> …
> (4) 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

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/16/17 **DATE OF COMPLETION:** 02/21/18 **PAGE**# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she was shocked that the other party was not arrested for assaulting her.

There is no evidence that the officer failed to take required action. The body warn camera footage and incident report established that the incident was handled appropriately according to laws of arrest and DGO 5.04. The issuance of the citation is an arrest.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3: The officer engaged in biased policing, due to race and sex.

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

FINDINGS OF FACT: The complainant stated she was treated unfairly. The complainant believes her sex and race played a factor in how the incident was handled by police. She stated that when the officer interviewed her it did not appear that he was writing anything down. She also stated the named officer kept telling her to calm down and to not interfere with his interview with the bicyclist.

The named officer stated that the complainant's race and sex had no bearing on how he handled the investigation and the complainant was not treated differently.

The body worn camera footage depicts no evidence of biased policing or disparate treatment towards the complainant. The FTO witness provided both the complainant and the bicyclist with the same information while explaining the citizen's arrest process. The body worn camera does not capture the named officer telling the complainant to calm down.

The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/22/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-2: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered her home looking for her brother, who lives in the unit next door. The complainant stated that officers also entered her brother's home without a warrant.

The complainant was not present at the scene. Her brother did not come forward.

Records from the Department of Emergency Management (DEM) show that DEM received a 911 regarding a male on top of a female, who was "screaming violently" for him to get off of her. It was also reported that the male subject "kicked the door closed."

Records from the San Francisco Police Department show that the named officers and other officers responded to the complainant's brother's home regarding a domestic violence call. When one of the named officers attempted to enter the complainant's brother's home, the complainant's brother "forcibly pushed the door," locking it – prompting the officer to forcibly push open the door. A search of the complainant's brother's home produced negative results. During the search, however, officers discovered that the back door was open. There was a stairwell outside leading to the backyard and to the unit downstairs. A search of the backyard also produced negative results. The complainant's brother was then located in the complainant's unit, hiding in one of the rooms.

The above-mentioned circumstances provided the officers the right to enter both units. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that her brother's door was damaged during the entry.

The complainant was not present at the scene. Her brother did not come forward.

SUMMARY OF ALLEGATION #3: (continued)

As stated above, when the named officer attempted to enter the complainant's brother's home, the complainant's brother "forcibly pushed the door," locking it – prompting the officer to forcibly push open the door. The 911 call and the complainant's brother's action provided the named officer the right to force the door open. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-11: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers searched her home looking for her brother, who lives in the unit next door. The complainant stated that officers also searched her brother's home without a warrant.

The complainant was not present at the scene. Her brother did not come forward.

Records from the Department of Emergency Management (DEM) show that DEM received a 911 regarding a male on top of a female, who was "screaming violently" for him to get off of her. It was also reported that the male subject "kicked the door closed."

Records from the San Francisco Police Department show that the named officers responded to the complainant's brother's home regarding a domestic violence call. When one of the named officers attempted to enter the complainant's brother's home, the complainant's brother "forcibly pushed the door," locking it – prompting the officer to forcibly push open the door. A search of the complainant's brother's home produced negative results. During the search, however, officers discovered that the back door was open. There was a stairwell outside leading to the backyard and to the unit downstairs. A search of the backyard also produced negative results. The complainant's brother was then located in the complainant's unit, hiding in one of the rooms.

The above-mentioned circumstances provided the officers the right to enter and search both units. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/22/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #12-17: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated officers had their guns displayed while searching both her and her brother's homes. She stated that the officers pointed rifles at her brother during his arrest in front of young children. Furthermore, she stated that her young grandchildren were present in her residence at the time and frightened by the officers' actions.

Two of the named officers stated that they had their weapons displayed; however, they did not point them at anyone while searching for the suspect. Another two named officers did not recall if they displayed their weapons during the incident and another named officer denied displaying his weapon as he was coordinating the officers during the incident.

SFPD General Order 5.02, Use of Firearms, section I.B.2. states, in part:

> An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

Given the circumstances, it was reasonable for the officers to believe that their safety or the safety of others may be at risk.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/22/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #18-19: The officers made a detention without justification.

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

FINDINGS OF FACT: The complainant stated officers erroneously detained her son and one of her brothers who resided with her at her home.

Department records show that individuals were detained while the officers searched for the suspect. The detained individuals were later released and given Certificates of Release as required.

Department General Order 5.03, Investigative Detentions, allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 02/22/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #20: The officer used unnecessary force.

CATEGORY OF CONDUCT: UF **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that her son was thrown against a police car.

The complainant was not present at the scene. Her son did not come forward.

The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #21: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that officers arrested her brother for domestic violence without merit.

Department records show that the named officer had probable cause to arrest the complainant's brother.

The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/01/17 **DATE OF COMPLETION:** 02/20/18 **PAGE#** 1 **of** 4

SUMMARY OF ALLEGATIONS #1 - 2: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant and her son went to the Juvenile Justice Center (JJC) for a hearing. After passing through the metal detector, the complainant saw the named officers waiting for her son. The complainant stated her son ran outside, and the named officers chased him. The complainant stated the named officers slammed her son to the ground, and one of them began punching him in the chest.

One of the named officers stated that he and his partner went to JJC to arrest the complainant's son, who on two prior occasions, had evaded arrest. The named officer stated the complainant's son tried to escape again by running towards the entrance door. The named officer stated he chased the complainant's son and tackled him to the ground. The named officer stated the complainant's son struggled with him and clenched his hands around him. The named officer stated the complainant's son was placed in handcuffs with the assistance of his partner, the other named officer, and some sheriffs' deputies. The named officer stated the force used was reasonable and necessary because the complainant's son resisted and tried to escape.

The other named officer stated that he saw the complainant's son tightly clench his hands around his partner's body. The named officer stated he told the complainant's son numerous times to stop resisting, and that he was being taken into custody. The named officer stated that the complainant's son refused to comply with his commands. The named officer stated that he believed the complainant's son was a threat to him, his partner, and the deputies that assisted. The named officer stated one of the deputies struggled to gain control of one of the complainant's son's arms. The named officer stated he punched the complainant's son's body three or four times, prompting the latter to separate his hands. As a result, the named officers were able to handcuff the complainant's son. The named officer stated the force used was reasonable, necessary and proportional to the level of resistance.

The complainant and her son failed to come forward with additional information.

The related incident report documents an earlier vehicle chase in which the named officers pursued a vehicle they believed to be driven by the complainant's son. The report documents that the car was found and the complainant's son was believed to have fled the scene. A firearm, photos of the complainant's son, and the ID of a shooting victim, were all found in the vehicle.

SUMMARY OF ALLEGATIONS #1 – 2 continued:

A supplemental to the initial report documents the arrest of the complainant's son at the JJC. It states that the complainant's son ran from one of the named officers to evade arrest, that the named officer tackled him, that the complainant's son continued to resist, and that the other named officer intervened to help. One of the named officers wrote in the report, "In order to release [the complainant's son's] grip and overcome his resistance I struck [him] 3-4 times with a closed right fist, impacting the left side of [his] torso while giving him commands to stop resisting." The report documents that the complainant's son had no complaint of pain, and that a medic examined him and determined he had no injury. The report further documents that the complainant's son admitted possessing the firearm found in the abandoned vehicle.

SFPD General Order 5.01, Use of Force, states, "Officers may use reasonable force options in the performance of their duties … To effect a lawful arrest … To overcome resistance … In defense of others … To gain compliance with a lawful order." The order states that, "Intermediate force will typically only be acceptable when officers are confronted with active resistance and a threat to the safety of officers or others. Case law decisions have specifically identified and established that certain force options such as OC spray, impact projectiles, K-9 bites, and baton strikes are classified as intermediate force …"

The named officers used intermediate force to carry out the lawful arrest of the complainant's son, who was actively resisting the named officers' efforts. The amount of force used was objectively reasonable under the circumstances.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3: The officer arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainant alleged the officers arrested her son without cause.

The named officer stated that the complainant's son was arrested for unlawfully possessing a firearm found in his vehicle on a previous date.

The named officer's partner stated that the complainant's son was arrested for a firearm violation. The officer stated that the complainant's son was interviewed after his arrest and admitted possessing the firearm and having fired it.

SUMMARY OF ALLEGATIONS #3 continued:

The related Incident Report documents that the named officer pursued the complainant on a previous date and eventually found a handgun in his vehicle. A supplemental report prepared by the named officer documents that the complainant's son was arrested at the JJC and booked for the firearms charge and resisting arrest. A transcript of the complainant's son's interrogation shows that he admitted having and shooting the handgun. Court documents show that the complainant's son is still awaiting trial.

A preponderance of the evidence establishes that the named officer had sufficient probable cause to arrest the complainant's son.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer threatened to arrest the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer stated, ""If you don't shut the fuck up, you'll be arrested too."

The named officer stated he did not recall making this statement.

The named officer's partner stated that he did not recall the statement or even if the named officer spoke to the complainant.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DATE OF COMPLAINT: 03/01/17 **DATE OF COMPLETION:** 02/20/18 **PAGE#** 4 **of** 4

SUMMARY OF ALLEGATION #5: The officer used profanity.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer stated, ""If you don't shut the fuck up, you'll be arrested too."

The named officer stated he did not recall making this statement.

The named officer's partner stated that he did not recall the statement or even if the named officer spoke to the complainant.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: This complaint raises matters outside DPA's jurisdiction.

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

FINDINGS OF FACT: This complaint was partially referred to the San Francisco Sheriff's Department.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/08/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that while being arrested, the named officer physically assaulted him. He stated that the named officer used the grip of his gun to strike him in the face even though he was trying to comply with the named officer's orders.

The named officer acknowledged striking the complainant, but stated that the complainant had a gun in his lap, ignored his commands, and attempted to evade arrest. He stated that he used reasonable force to take the complainant into custody.

The named officer's partners stated that they did not recall witnessing the incident.

One of the witness officers stated that he grabbed the gun from the complainant's lap as his car was still moving and the named officer attempted to take him into custody.

No other witnesses were identified.

Department of Emergency Management records show that the named officer was responding to a report of shots fired. The call included a description of the complainant and his car.

The related incident report includes a statement from the named officer stating that he struck the complainant because he would not stop his car and had immediate access to a firearm.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody.

There was insufficient evidence to either prove or disprove in the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/15/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated they did not recall committing a vehicle code violation of not signaling to make a lane change. The co-complainant stated the complainant only made a lane change to allow the police car to pass them.

The named officer stated he observed the complainant violated section 22107 of the California Vehicle Code for the failure to use a turn signal when making a turn from one lane to another.

The SFPD Body Worn Camera (BWC) of the named officer did not record the vehicle code violation by the complainant.

No witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated the officers were disrespectful, aggressive, intimidating, harassing, unprofessional, and failed to explain why they were being detained in the traffic stop. The complainant stated the main officer failed to address them properly. The complainants further stated the officers returned the driver's license and vehicle insurance information in a disorganized manner.

Department records showed that the named officers detained the complainants in a traffic stop and one officer issued a citation to the complainant for vehicle code violation 22107CVC for failing to use his turn signal.

The SFPD Body Worn Camera (BWC) of the named officers showed that the named officers were respectful, polite while the complainant was agitated and angry. The complainant used profanity and repeatedly called

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COMPLAINT SUMMARY REPORT

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SUMMARY OF ALLEGATIONS #2-3 **continued:**

the named officers "jerks" and told them they were "cocky." The co-complainant could be heard on the recording telling the complainant to calm down. The named officers explained to the complainants the reasons for the traffic stop and the citation. The main named officer addressed the complainants as "Sir" and "Your friend." The complainant repeatedly used his cellular phone after being told by the named officers not to use it. The main named officer returned the complainant's driver's license and vehicle registration information to the complainant in a semi-wrinkled manner as it was initially provided by the complainant. The BWC from the named officers contradicted the complainant's allegations against the named officers.

The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATIONS #4-5: The officers engaged in biased policing due to race.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainants stated the officers stopped their vehicle due their race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officers stated that the complainant's race played no role in the way they treated the complainants.

Department records showed that the named officers conducted a traffic stop of the complainant's vehicle and issued the complainant, the driver, a citation.

The SFPD Body Worn Camera (BWC) of the named officers showed that the named officers were calm and professional with the complainants. The BWC of the named officers captured no overt signs of bias on the part of the officers.

No witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/20/17 **DATE OF COMPLETION:** 02/28/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was pulled over by the named officer for making an illegal left-hand turn. The complainant stated the named officer pulled him over for suspicion of DUI. The complainant stated the named officer administered field sobriety tests. The complainant stated the named officer asked him to submit to a breathalyzer test, which he refused. The complainant stated the named officer told him that since he refused to take the breathalyzer test, he was placing him under arrest for suspicion of DUI. The complainant stated he was placed in handcuffs and placed into the back of the named officer's patrol vehicle. The complainant stated the named officer began to tell him what was going to happen for refusing to submit to a breathalyzer test. The complainant stated he told the officer, "fuck off and bring me to jail". The complainant stated the named officer responded with, "what mother fucker?" The complainant stated that he responded back with, "suck my dick, bring me to jail asshole". The complainant stated the named officer then grabbed him by the collar of his shirt and neck and slammed his head multiple times into the divider of the patrol vehicle. The complainant stated that the named officer's partner had to yell at him to stop. The complainant stated that the incident resulted in a laceration on his forehead that he was treated for at a local hospital.

The named officer stated he pulled the complainant over after watching him disobey a traffic sign regarding left hand turns on a specific street. The named officer stated that when he approached the complainant, he could smell alcohol on him. The named officer stated he administered field sobriety tests which the complainant performed poorly. The named officer stated he then administered the Preliminary Alcohol Screening Device on the complainant. The named officer stated the complainant blew a .177 which is two times over the legal limit. The named officer stated he informed the complainant he was being placed under arrest for suspicion of DUI. The named officer stated he then handcuffed the complainant and placed him in the back of the patrol vehicle. The named officer stated that while reading the complainant the complied consent form, the complainant spat on him. The named officer stated that he grabbed the complainant by his neck and hair and forced his head downward to prevent the complainant from spitting on him. The named officer stated he was never restrained by any other officer on scene or told to "stop" at any point. The named officer stated that when he pushed the complainant's head down, he did not recall feeling any resistance.

The named officer's body cam footage shows the named officer reading the complainant the complied consent form regarding getting a breath or blood alcohol test. The named officer asks the complainant

SUMMARY OF ALLEGATION #1: (Continued)

which test he would like to take. The complainant replies, “the suck my dick test”. The complainant goes on to state to the named officer, “go fuck yourself pow ping”. As the named officer reads the consent

The named officer’s body cam footage shows the named officer reading the complainant the complied consent form regarding getting a breath or blood alcohol test. The named officer asks the complainant which test he would like to take. The complainant replies, “the suck my dick test”. The complainant goes on to state to the named officer, “go fuck yourself pow ping”. As the named officer reads the consent

form, the complainant spits inside the patrol vehicle. The complainant then states, “suck my fuckin dick homie! Drive me to prison! Suck my fuckin’ dick!” The complainant then attempts to spit on the consent form and spits on the named officer’s hand. The named officer grabs the complainant by the neck and hair and forces his head downward.

A witness officer’s body cam footage shows a view point from the adjacent side of the prisoner compartment of the patrol vehicle. It shows the named officer holding the complainant’s head down. The witness officer doesn’t tell the named officer to stop at any point nor does he have to separate the two. Earlier in the witness officer’s body cam footage, prior to the use of force incident, the complainant can be heard stating, “remember when you threw my head against the wall back here?” Additional review of both officers’ body cam footage does not show the complainant being slammed or thrown against any wall.

A witness stated that she did not see the named officer initially grab the complainant but said that the named officer was on top of him and that the officer’s partner had to pull him off the complainant.

No other witnesses were identified.

The evidence established that the named officer’s actions were necessary to prevent the complainant from spitting at the officer.

The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT

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SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that he told the officer, “fuck off and bring me to jail”. The complainant stated that the named officer responded with, “what mother fucker?”

The named officer’s body worn camera failed to support the complainant’s allegation.

The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/27/17 **DATE OF COMPLETION:** 02/14/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she sent her 15-year-old son, the co-complainant, to the grocery store at approximately 7:45 p.m., assuming he would return in ten to fifteen minutes. The complainant became worried when he did not return as expected, and she and her daughter began looking for him. The complainant said that at approximately 9:02 p.m. she received a call from the co-complainant, who told her where he was and that he was being detained by an SFPD officer. The complainant stated she dropped everything and ran to the location about two blocks away from her home, where she was reunited with the co-complainant and met the named officer. She said that the named officer explained why he detained the co-complainant, but she was still upset that he was held outdoors, at night, in the rain for over an hour. The complainant said that the named officer explained that the co-complainant matched the description of a suspect and was wearing a similar hooded sweatshirt. She said that the co-complainant was very scared and told her he thought he was going to die.

The co-complainant stated that his mom, the complainant, sent him to the store. He said that he was walking, turned around, and saw two SFPD officers start to run towards him. The co-complainant said he thought they were chasing someone else, so he moved out of their way and walked between two parked cars. He said that the officers told him to stop, searched him, and asked him for identifying information. He stated that he provided his name and age. The co-complainant said that the named officer made him sit on the ground in the rain and wait a long time. He stated that the named officer told him he was stopped because he was wearing a grey sweatshirt and matched the description of a criminal suspect. The co-complainant said that a witness came and told the officers he was not one of the suspects. The co-complainant said he was eventually able to call his mother, who arrived and spoke to the named officer.

The named officer stated that he was working in plain clothes and, along with other officers, was involved in an investigation immediately following a robbery. The investigation involved multiple suspects, some juveniles, and several foot pursuits. He stated that he saw the co-complainant hiding between cars and looking at a uniformed officer involved in the same investigation. The named officer said that the co-complainant started to walk away, and he instructed the uniformed officer to detain him. The named officer said that the co-complainant was wearing a grey hooded sweatshirt, similar to what he had observed one of the suspects wearing earlier. He stated that the suspect was also African American and had a similar build to the co-complainant. In addition, the named officer said that the co-complainant's behavior and proximity to the events justified his detention. The named officer said that other suspects were detained in different areas and the robbery victim had to be moved between the different locations to conduct "cold shows." The named officer said that the robbery victim was brought to the location of the

SUMMARY OF ALLEGATION #1 continued: co-complainant, but did not identify him as one of the suspects. The named officer said the co-complainant was subsequently released to the complainant and given a Certificate of Release.

The uniformed officer, also involved in the detention of the co-complainant, is no longer a member of the SFPD.

Records from the Department of Emergency Management document that the named officer reported the co-complainant's detention at 20:10:53.

The related incident report includes a statement by the named officer. He states that he responded to a robbery call and began surveilling a group of individuals as suspects. The named officer detailed descriptions and clothing of each individual, including one with a "gray hood" protruding from a blue jean jacket. He also documented that, while watching these individuals, one of them "dawned a dark colored Michigan jacket," and he explained that it was common for suspects to change clothes to avoid identification. The named officer documented that he saw the co-complainant hiding between parked vehicles, then walking swiftly away, while looking back at the uniformed officer. Although he did not have a denim jacket, his hooded sweatshirt was similar to the suspect's "gray hood." That fact, coupled with his behavior and location, provided reason to detain him. The report further documents that the co-complainant remained detained until a cold show was conducted with the victim.

SFPD General Order 5.03, Investigative Detentions, states:

> A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

It also states, "A detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation."

The named officer was engaged in foot chases and an active investigation in the immediate aftermath of a robbery when the co-complainant was detained. The named officer was able to articulate specific facts connecting the co-complainant to the robbery: his clothing, physical characteristics, and behavior, along with the fact that he was in the area where the suspects had been seen earlier. The named officer detained the co-complainant only as long as necessary to bring the victim to his location for the "cold show."

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 03/27/17 **DATE OF COMPLETION:** 02/14/18 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The complainant stated that her son was detained by the named officer for over an hour. She said that she was worried and did not know where he was. The complainant said that the named officer did not allow her son to call her. She said that she lived within two blocks of where he was being detained and, "even if we would have had to wait in the rain together, we would have sat on that curb together and waited for these people because I know my son didn't do anything. Somebody could have just called me, he's 15."

The co-complainant stated that he asked to call his mother, the complainant, multiple times but was told that he could not. He stated, "I told them that like more times than they were talking to me. It's like the main thing I let them know, can I call my mother." The co-complainant said that it was not until after a witness cleared him, and the named officer finished his investigation, that he was able to call his mother.

The named officer stated that during the detention of the co-complainant, he obtained a phone number of his mother, the complainant. The named officer acknowledged that the co-complainant requested to call the complainant during the detention, but he did not recall when. He said that he later called the complainant, but he did not recall whether he called her before or after the "cold show."

The named officer said that he provided a Certificate of Release and that, to the best of his knowledge, the time written on the Release was accurate and would have reflected when he wrote it out, just before issuing it. He also stated that the actions recorded in his Incident Report would have been chronological. The named officer said he could not recall specific times, and those he wrote down would have been roughly correct. The named officer explained that, "when we have a limited amount of officers on-scene, having the potential suspect or people being detained, giving them opportunity to call people to come over, is probably not the best idea for anyone." He further explained that notifying parents under these circumstances might lead to interference causing safety concerns and jeopardizing the investigation. The named officer said that there was no crowd forming, that it was dark, and there was little pedestrian traffic at that time. Regarding whether he took "immediate steps to notify the juvenile's parents," as required by Department General Order 7.01, the named officer said his immediate step was obtaining the complainant's contact information, and he noted that the rule does not require that the parent be immediately notified.

Records from the Department of Emergency Management document that the named officer reported the co-complainant's detention at 20:10:53.

SUMMARY OF ALLEGATION #2 continued:

The related incident report documents that the named officer detained the co-complainant. The named officer wrote that there was a "cold show," then he issued the co-complainant a Certificate of Release. "While doing so, I contacted [the co-complainant's] mother … by telephone, who responded to our location."

An SFPD Cold Show Admonition and Report shows that the victim viewed the co-complainant at 2101 hours. The Certificate of Release issued to the co-complainant was signed by the named officer. The certificate documented that the co-complainant was taken into custody at 2011 and released at 2102 hours.

SFPD General Order 7.01, Policies and Procedures for Juvenile Detention, Arrest, and Custody, states that when a member takes a juvenile into custody they shall, "Take immediate steps to notify the juvenile's parent, guardian, or a responsible person that the juvenile is in custody and the place where he or she is being held." The order also states that the parent and juvenile should be allowed to speak with each other if contact is made and, "Should an initial attempt to contact a parent, guardian or responsible person fail, renewed attempts shall be made by phone every thirty minutes until the processing and investigation has been completed."

The co-complainant, a juvenile, was detained for at least 49 minutes. During this time the named officer obtained his mother's phone number, but did not call her. In fact, he did not call the complainant until after the investigation, when the co-complainant was being released from detention. DGO 7.01 is clear that this procedure should be followed when taking a juvenile into temporary detention, not when the juvenile is being released. Furthermore, obtaining a phone number cannot be a step to notify a parent as required by this order. If that were the case, an officer need not contact a parent at all, as long as he obtains the phone number. The clear directive of 7.01 is that officers should actually attempt to contact the parent when detaining a juvenile and allow them to speak to each other if contact is made. The parent may not answer a phone call, but the call itself would be an "immediate step" under DGO 7.01 that should be repeated every thirty minutes until the investigation is complete. The named officer had ample opportunity to contact the complainant, but chose not to do so, in direct violation of DGO 7.01.

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

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DATE OF COMPLAINT: 04/04/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 30, 2018.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 30, 2018.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/28/17 **DATE OF COMPLETION:** 02/22/18 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the named officers approached him and asked if he was on probation. The complainant said he told the named officers that he was on probation in San Mateo County and it had expired the previous week. The complainant said the officers searched him, found methamphetamine on his person, and issued him a citation. The complainant stated that the drug possession charges against him were dropped by the District Attorney.

The named officers stated that they were on patrol in an area where there was a high number of vehicle break-ins. The named officers stated that they saw the complainant walking in their direction and looking at his phone. The named officers stated that the complainant looked up from his phone, looked at the officers and appeared to be startled. The named officers stated that the complainant then turned around and began to walk in the opposite direction at a faster pace. The named officers watched the complainant duck behind a trash area of a nearby building. The named officers stated that they approached the complainant and engaged in a consensual encounter. One of the named officers asked the complainant for his ID, and said that the complainant willfully provided it. That named officer stated in his DPA interview that the complainant was not free to leave at that point, though he did not tell him that at the time. The named officers stated that the complainant then said that he was on probation in a nearby county. The named officers ran his ID and confirmed that he was on probation. The named officers acknowledged then searching and citing the complainant.

The related incident report documented identical information about the complainant's actions. The narrative documents that one of named officers requested the complainant's ID: "I asked [the complainant] if he had any identification on him and if he wouldn't mind showing it to me. [The complainant] willingly provided me with his ID card and advised me he was on probation but could not elaborate what he was on probation for."

The named officers' body worn camera footage shows the complainant emerging from behind a building and walking towards the officers. One of the named officers asked the complainant what he was doing, and he says he was drinking water. The complainant can then be seen providing an ID to one of the named officers. The complainant is asked if he has been arrested before and responds with, "maybe." The complainant then informs the named officers that he is on probation. The footage shows that one of the named officers verifies the complainant's probation status by calling his probation officer and asking if he

SUMMARY OF ALLEGATIONS #1-2 continued:

has any search or seizure conditions. After the named officer confirms the information with the probation officer, he proceeds with a search of the complainant and his backpack.
No witnesses were identified.

SFPD General Order 5.03, Investigative Detentions, states that:

> A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or 'hunch' is not sufficient cause to detain a person or to request identification.

The complainant was likely detained when one of the named officers requested his ID. The facts to support reasonable suspicion, provided by the named officers, were that the complainant was in a high crime area and walked quickly away from them when he noticed their presence. The totality of the circumstances, particularly location and flight, provided sufficient reason to justify detaining the complainant.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers detained him and asked if he was on probation. The complainant said that he was then searched by the named officers.

The named officers stated that the complainant said that he was on probation in a nearby county. The named officers queried his name using his ID and confirmed that he was on probation and had a search condition. The named officers stated that they then searched the complainant and his backpack.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 04/28/17 **DATE OF COMPLETION:** 02/22/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant said that the named officers conducted a search of his person. The complainant stated that one of the named officers went into his patrol vehicle to draft a citation and took his wallet with him. The complainant stated that the named officer later returned his wallet, but $80.00 was missing.

The named officers stated that they conducted a probation search on the complainant. The named officers denied taking any money from the complainant.

The named officers' body worn camera footage shows the complete search of the complainant and his backpack. The footage shows that all the items from the complainant's backpack are removed and placed on the hood of the patrol vehicle. One of the named officers removes the complainant's wallet from his pants' pocket. The named officer looks through the wallet removing various items and placing them on the hood. The footage shows the named officer looks through the wallet revealing cash inside. The named officer puts the previously removed items back into the wallet and places it on the hood of the patrol car. The footage shows that the complainant's wallet remains on the hood of the patrol car, in complete view of the other named officer's body worn camera, as the first named officer drafts the citation inside the vehicle. After the complainant is given the citation, the named officer places the complainant's personal items back inside his backpack, including the complainant's wallet. The named officer gives the complainant his backpack and all parties leave the scene.

The body camera footage shows that the named officers properly handled and processed the complainant's property. No money was ever removed from the complainant's wallet during the search.

The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the acts alleged.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/27/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer refused to provide a report number. The complainant stated the officer did not assist her with her wheelchair while she was at the shelter. The complainant also stated an officer returned her wheelchair to the hospital unassembled.

The named officer stated he and his recruit officer responded to a call regarding a fight at a shelter. The named officer stated the complainant did not request a case number. The named officer stated after speaking with the shelter's staff, his investigation revealed that no assault, crime or injuries occurred between the complainant and the security staff. The named officer stated his investigation showed that the complainant refused to leave the shelter's entrance area, therefore the complainant was escorted by security to the sidewalk. There were six other officers who responded to the scene in an unrelated call and denied contact with the complainant. The named officer stated he did not have physical contact with the complainant, complainant's wheelchair or property. The named officer also stated he did not assist the complainant regarding her wheelchair at the scene and at a hospital.

The named officer's partner resigned from the Department and was unable for questioning.

A witness from the shelter stated she did not recall the incident.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/02/17 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 1 **of** 2

SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer came to his home and arrested him for domestic violence. The complainant said that the named officer never asked for his side of the story and was transported to a local police station where he was released a few hours later.

The named officer stated that he was instructed by a senior officer to serve an emergency protective order, which was signed by a judge, on the complainant. Upon making contact with the complainant, the named officer contacted a senior officer who asked to arrest the complainant for domestic violence.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer applied tight handcuffs.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer placed him in tight handcuffs. The complainant stated that he went to see a doctor regarding pain to his wrist a few days after his arrest. The complainant stated that he was diagnosed with torn ligaments and was put in a cast for four to six weeks.

The named officer stated that he applied handcuffs on the complainant and used the two-finger technique to check the tightness of the handcuffs. The named officer stated that the complainant did not complain about the tightness of the handcuffs.

A witness officer stated that the complainant was placed in handcuffs but could not recall who applied them or if the complainant complained of any pain or discomfort.

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SUMMARY OF ALLEGATION #2 continued:

The complainant provided a copy of his medical records pertaining to his hospital visit regarding his wrist. The medical records state that x-rays were performed on the complainant's right wrist. The complainant was diagnosed with "right wrist pain" and was prescribed Tylenol/Advil for the pain. The complainant was also given a long arm splint to wear.

No other witnesses were identified. There was insufficient either to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer came to his home and arrested him for domestic violence. The complainant stated that while he was riding in the patrol vehicle to the police station, the named officer played "Hotel California" by The Eagles, "We Got The Beat" by The Go-Go's, and "Whip It" by Devo on the vehicle's stereo system in an attempt to intimidate the complainant.

The named officer denied the allegation and could not recall what music was being played while they were transporting the complainant to the police station.

A witness officer could not recall if music was being played while the complainant was being transported to the police station.

No other witnesses were identified.

There was insufficient either to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated that the officer wrongly issued him a citation for resisting arrest when he was compliant.

The named officer stated that both he and his partner had seen a weapon on the floor of the passenger side of the complainant's car during a traffic stop, so it was necessary to remove him from his vehicle. The named officer stated that he and his partner issued repeated commands to the complainant to get out of his car and hand them his keys, but the complainant did not comply. The named officer stated that the complainant resisted his partner's efforts to extract him from his seat, so the officer went around to the driver's side of the car and helped his partner remove the complainant. The named officer stated that he and his partner had to physically remove the complainant from the driver's seat with a control hold. The named officer stated that it was this resistance for which the complainant was cited.

The named officer's partner stated that after he saw the weapon in the complainant's car, he opened the door and told the complainant to get out of the car. He stated that the complainant said, "Why? Why? Why do I need to get out?" The witness officer stated that he took hold of the complainant's arm so that he would not reach for the weapon. The officer stated that the complainant repeatedly said, "I'm getting out!" but did not get out of his car. The officer said that he used all his force to try and pull the complainant out. The officer stated that when he, with his partner's help, finally got the complainant out of the car, he flexed his arms to resist handcuffing. The officer stated that they had to take him to the ground and handcuff him that way.

Body-worn camera footage indicates the complainant spoke to an officer through his car window, but there is no audio recorded at the outset of the footage. The officer opens the car door and grasps his arm, saying, "Get out." The complainant then repeats that he is getting out, while remaining seated in his car. The named officer approaches the driver's door and helps to extract the complainant from his car. The complainant resists verbally throughout the extraction, during which the officers take the complainant to the ground to handcuff him. In the struggle to do this, one of the named officers' body worn cameras is knocked off and falls to the ground.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments to the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that, while he was seated in the back of the patrol car, the named officer told him he was going to jail.

The named officer denied that he said this or any other provocative comment to the complainant. He stated that when the complainant was seated in the patrol vehicle, he tried to talk to him about why the things that were going on were happening. He stated that he told the complainant something like, "When an officer tells you to hand him the keys and step out of the car, just go with the program," but said that the complainant did not want to listen to him and instead yelled expletives.

Body Worn Camera footage from the named officer showed that he entered the back of the patrol vehicle while the complainant was in the back seat, but there is no audio record of a conversation because the officer's camera had been muted at this point in the incident.

Five other officers who were at the scene stated that they did not hear the named officer make any provocative statements to the complainant, nor did they make any themselves.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the detention.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers used excessive force when they pulled him out of his car and forced him onto the ground.

One of the named officers stated that, upon contacting the complainant through the driver's side window during a traffic stop, he observed a paintball gun on the passenger side of the car. This caused him to open the car door, grasp the complainant's arm, and tell him to get out of the vehicle, to get him away from a potential weapon. The complainant did not comply with the order to exit the car. The other named officer stated that, upon observing this interaction, he came around to the driver's side, whereupon he, too, saw the paintball gun and took hold of the complainant's other arm. The named officers stated that even with both officers trying to remove the complainant from his car, the complainant, despite verbally stating that he was complying, did not move to get out. The named officers stated that for their own safety they needed to get the complainant away from the paintball gun, which they knew could be used as a weapon or to fire projectiles such as ball bearings. They stated that the complainant further resisted their efforts to handcuff him, requiring them to jointly execute a bar-arm takedown to get the complainant on the ground.

Body worn camera footage shows the complainant seated in the driver's seat of his car with the door open. Both officers can be seen with hands on the complainant, apparently pulling on his arms. The camera did not record the audio of the initial conversation by the complainant, but when his voice is recorded, the complainant can be heard repeatedly saying he is getting out of the car, while he remains seated. He can be heard telling the officers that if they let him go, he will get out. The officers eventually get the complainant to a standing position outside his car, but that action is quickly followed by a scuffle that results in the camera being obscured. One of the named officer's camera gets knocked off and falls to the street.

Four other officers at the scene stated that they observed no unnecessary force. One of the officers stated that she recalled only that the complainant was brought to the ground, but she did not recall which officer did so or the reason why.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to take the complainant into custody. There was insufficient evidence to either prove or disprove the allegations.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that after the officers placed him in handcuffs and escorted him to the patrol car, one officer squeezed the handcuffs on his wrists and caused them to tighten in a painful manner. He stated that he complained to the officers that the cuffs were too tight, but the officers did not loosen them.

One named officer stated that he used his normal technique to handcuff the complainant. The officer stated that he did not recall the complainant saying that his handcuffs were painfully tight, and he did not remember the complainant complaining of pain at all.

A witness officer stated that the named officer used standard double-locking technique in handcuffing the complainant. The witness officer also stated that he did not hear the complainant report any pain from the handcuffs. He stated that any pain the complainant might have felt could have been from the named officer gripping the complainant's fingers as he guided him to the patrol car.

Body-worn camera footage does not show the complainant making any comments about the tightness of his handcuffs or complaining of pain at any point.

The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 5 of 6

SUMMARY OF ALLEGATIONS #7-8: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers searched his car without his permission.

The named officers confirmed that they searched the car. They stated that the basis for their search was a paintball gun that they observed through the driver's side window when they first approached the complainant.

One of the officers noted that that a shot from a paintball gun is painful, and it is also possible to put bearings in the hopper instead of paintballs, causing serious damage. That officer also stated that the paintball gun was not concealed in compliance with CA PC 20170 (providing that a paintball gun is lawful to possess if not in public view) because it was still in plain sight despite being placed between the passenger door and the seat.

The other named officer stated that he saw the paintball gun when he came around to the driver's side to assist his partner. He then saw the paintball gun on the passenger floor of the car. He stated that he was able to see it from that perspective even though the gun was dark, and the floorboards of the car were dark.

Both officers stated that the complainant's evasive demeanor made them think that the complainant might possess other weapons or that there might be a crime afoot. They stated that they searched the car to ensure that there were no other weapons, because they stated that they have made multiple other firearms arrests in that area. They further stated that, since the complainant was already under arrest for the misdemeanor of resisting arrest, the search was a search incident to arrest and, therefore, did not require a warrant.

Body-worn camera footage shows a paintball gun visible on the floor of the passenger side of the complainant's vehicle. When one of the named officers opens the passenger side door, the gun is plainly revealed between the door and the passenger seat, with the gun stock, hopper, and the propellant tank protruding onto the floor mat.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION**: 02/28/18 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #9: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant said that the named officer searched his backpack without cause during the detention.

The named officer stated that he searched the complainant's backpack because the complainant had stated that his identification was in there. The named officer said that he continued searching the backpack even after finding the complainant's ID because the complainant was wearing the backpack while he was handcuffed in the back of the patrol vehicle. The named officer explained that he did not know what else the complainant might have in his backpack, such as a weapon or a possible method of freeing himself from the cuffs.

Body worn camera footage shows that the complainant was placed in the rear seat of a patrol car while there was a backpack strapped to his body, and that the named officer entered the back of a patrol vehicle and went into the pockets of a backpack. The audio of that portion of the video was muted, so there is no record of conversation accompanying the search.

A witness officer confirmed that the purpose of searching the complainant's backpack was to look for other weapons.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/21/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was assaulted as she was exiting her apartment building. She called for assistance and the named officer and his partners responded. The complainant stated the named officer appeared to be leading the investigation, and that he talked to both parties and the front desk clerk. The complainant stated the named officer believed the man's story and refused to arrest him.

The named officer stated that according to the Department of Emergency Management call record, one witness came forward stating that there was no merit to the incident. The named officer stated, however, that he had no independent recollection of the incident.

The named officer and his partners stated that they could not recall the incident.

The building manager stated that she was not in her office during the incident, and no one had access to the building's surveillance cameras other than her.

The video footage from the building's surveillance camera shows the complainant being attacked close to the entrance door.

An incident report written three days later by an officer at the district station documents that the complainant went to the station to report the earlier battery. The report documents that the complainant accused another resident at her building of hitting her with a cane. The report documents that the complainant had a bruise on her chest but that doctors at SF General Hospital told her she had no significant injuries.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/21/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to properly investigate. The complainant stated the named officer did not do anything and refused to check the building's surveillance cameras for possible video of the incident. The complainant also stated, however, that the named officer spoke to her, the suspect, and the front desk clerk at her building.

The named officer stated he could not recall the incident.

The named officer's partners stated they could not recall the incident either.

The building manager stated that she was not in her office during the incident, and no one had access to the building's surveillance cameras other than her.

Records from the Department of Emergency Management show that one of the officers in the named officer's unit reported that a witness reported that there was no merit to the assault and battery and that it was only a medical issue. The records also show that the unit was on scene for approximately 14 minutes.

An incident report taken by an officer at a district station three days later documents that the officer gave the complainant a follow up form with a case number on it, explained to the complainant the follow up procedures, took pictures of her and her injuries, and visited the scene to check for video.

SFPD General Order 1.03, Duties of Patrol Officers, states that patrol officers shall, "Obtain information on witnesses, and promptly furnish descriptions of suspects to the Communications Division."

The named officer likely did not have access to view surveillance video, but he did speak to the parties and a witness. He did not take photos of the complainant, though it is unclear what the named officer knew about the complainant's injuries or whether he knew she had injuries at all.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/21/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 3 of 4

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

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer told her that charges against the suspect would go nowhere.

The named officer and his partners stated that they could not recall the incident.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/21/17 **DATE OF COMPLETION:** 02/26/18 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer refused to write a report. The named officer acknowledged that he did not write a report for the incident.

An incident report for the alleged assault and battery was written three days later by a different officer. The report documents that the complainant went to the district station to report the incident. The report documents that the complainant reported that another tenant in her building struck her with a cane approximately 5 times. The complainant was transported to San Francisco General Hospital, but was released and told she did not have significant injuries. The reporting officer documented the name and description of the alleged perpetrator. The reporting officer took photographs of the complainant, including bruising on her chest, and attached the photos to the report. The reporting officer wrote that he provided the complainant with a follow-up form with the case number, a Victim of Violent Crime Notification, and a Marsy's Rights Card. The reporting officer also documented that he went to the complainant's building to attempt to retrieve video footage.

Records from the Department of Emergency Management show that one of the officers in the named officer's unit reported that there was no merit to the assault and battery and that it was only a medical issue. The records also show that the unit was on scene for approximately 14 minutes.

Surveillance video from the complainant's building shows that she was attacked by another individual.

SFPD General Order 1.03, Duties of Patrol Officers, states that patrol officers shall, "Make written reports on crimes observed or brought to their attention that have not been previously reported." General Order 2.01, General Rules of Conduct, section 25 states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

The complainant brought a crime to the attention of the named officer. Even if the named officer determined after a brief investigation that there was not enough information to charge anyone with a crime, the incident was still one that required police attention.

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

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/23/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said that she was cited for stopping her vehicle past a limit line, but that she had in fact stopped at the line. She said that she stopped properly and then started to proceed through the intersection when a person in a wheelchair started to cross at the opposite crosswalk. The complainant said that she stopped again to let the person cross.

The named officer stated that he first observed the complainant's vehicle a block before the violation. He stated that he followed her and observed her failing to stop prior to a limit line. The named officer stated that the complainant became uncooperative, started yelling and honking her horn. The named officer stated that he cited the complainant for failure to stop at the limit line and unnecessary use of a horn.

The named officer's partner stated that he also witnessed the violations by the complainant.

Body Worn Camera (BWC) footage shows that the named officer stopped the complainant a block beyond the location of the violation. The footage shows that the complainant identified a witness at that intersection. The BWC footage shows that the complainant began yelling and honking her horn during the detention.

The evidence suggests that the complainant's explanation regarding her stopping for a person in a wheelchair after a proper stop at the intersection did not address the actual violation that would have occurred a block before. The BWC footage also contradicted the complainant's account in other ways, while confirming the facts provided by the named officer, diminishing the complainant's credibility.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/23/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the named officer said he would tow her vehicle if she did not sign the citation. The complainant stated the named officer laughed at her and told her that she would lose her driving privileges.

The named officer denied laughing at the complainant and stated that he assisted her in locating someone who could legally park her vehicle. The named officer stated that he advised the complainant of the standard citation procedures, and that signing was not an admission of guilt. He stated that he did not recall saying anything about the complainant's overall driving privileges.

Officers at the scene stated that they could not recall the named officer making comments about the complainant's vehicle and driving privileges. The officers stated they could not recall the named officer laughing at the complainant.

BWC footage shows that the complainant was refusing to sign the citation and complaining of chest pain. The footage shows that an ambulance was called, and the named officer arrived on scene to assist. The BWC footage shows that, as the complainant was about to be assisted by paramedic personnel, the named officer asked the complainant what she wanted them to do with her vehicle. The named officer asked the complainant if she wanted them to tow it or let somebody else drive it. The complainant agreed to let a female onlooker drive her vehicle. The footage showed the named officer explaining that she could contest the ticket but that she needed to sign it. The footage showed the complainant sign the ticket, and the named officer leave the scene.

The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/23/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the named officer spoke inappropriately by calling her Miss Puerto Rico.

The named officer stated he had known the complainant for over ten years, and that Miss Puerto Rico was the nickname she gave herself years ago. The named officer stated that officers and neighborhood residents address her using that nickname. The named officer stated that he has interacted with the complainant in the past, and she had generally been pleasant towards him as they both share Puerto Rican heritage.

BWC footage shows that, upon arrival at the scene and before contacting the complainant, the named officer talked briefly to a passing motorist. The named officer asked the motorist to help him out with the complainant, and referred to the complainant as Miss Puerto Rico. He was within earshot of the complainant at the time. The BWC footage showed the named officer addressing the complainant calmly and professionally.

Officers at the scene stated that they could not recall the named officer using the alleged language.

It is more likely than not that use of the nickname had been previously established, through interactions between the named officer and complainant, as acceptable and even, potentially, preferred. The named officer otherwise addressed the complainant courteously and respectfully. The questioned comment did not rise to a level of misconduct.

The evidence proved that the act, which provided the basis for the allegation occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/05/17 **DATE OF COMPLETION:** 02/05/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer issued her a meritless citation for not stopping at a stop sign and for speeding when she did nothing wrong. The complainant stated her 14-year-old daughter was in the car. The complainant stated she is very cautious about stopping at this intersection because she received a citation at the same intersection two years ago for failing to stop at the stop sign.

The named officer stated he was parked on the adjoining street 15-20 feet south of the eastbound boulevard. The officer said he had a clear and unobstructed view of the eastbound boulevard traffic at the intersection. He observed the complainant fail to stop at the eastbound limit line at an estimated speed of 4 miles an hour, a violation of 22450(a) CVC- Stop Requirement. The officer stated that the complainant then accelerated and exceed the maximum posted speed limit by travelling 39 miles per hour in a 25 MPH zone, a violation of 22350 CVC- Basic Speed Law. He conducted a solid seven second "pace" for 300 feet of the complainant's vehicle by following in the adjacent lane and matching the complainant's speed with his police vehicle.

The named officer's credibility consists of extended years as a fulltime traffic enforcement officer with acquired skills of speed estimation. He has received the California Highway Patrol visual estimation speed training. The officer had sufficient distance to "pace" the complainant's vehicle.

The main boulevard is controlled by posted arterial stop signs on the sidewalk and painted on the street. There are also posted stop signs on the center median. The speed limit is 25 MPH. From the subject intersection to the next stop sign on the eastbound boulevard, the distance is approximately 1584 feet (.03 miles)-a lengthy thoroughfare.

The named officer acknowledged this intersection is notorious for major traffic collisions. District station captains have had officers respond to this intersection for traffic enforcement regarding stop sign and speeding violations, due to numerous e-mails from concerned residents and citizens.

A preponderance of the evidence established that the citation was properly issued.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/14/17 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 1 **of** 2

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

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

FINDINGS OF FACT: The complainant stated he was getting into his vehicle when he noticed a note from a neighbor informing him that his parked vehicle had been struck. He called for police assistance and the named officers responded to the scene to investigate the incident. The complainant alleged that the officers failed to properly investigate the incident by lazily taking his report and not seriously considering the matter. The complainant stated the officers did not care about what happened and the evidence of collision. The complainant stated one of the witnesses who is an Uber driver had a camera in his vehicle, but the officers showed lack of interest over the camera's video recording. The complainant stated that the named officers also failed to take photos of his vehicle and other evidence at the scene.

One of the named officers stated she conducted her investigation thoroughly. The officer stated she collected and booked evidence, obtained statements from multiple witnesses, searched for video cameras and prepared a report as required.

The other named officer stated that she and her partner spent almost an hour investigating the incident. The officer stated they prepared a report, collected evidence, canvassed the area for cameras and waited to gather more evidence. The officer stated they attempted to view the video from the Uber driver's dashcam, gave the Uber driver a follow up form with a case number on it and instructed him what to do with the video once retrieved. Both officers stated they did not take photos at the scene because it had no evidentiary value to their investigation.

The Uber driver stated that the officers took his statement and tried to view the video from his dashcam using the complainant's laptop computer. He stated the officer could not locate or play any video because the dashcam's system was encrypted.

The evidence established that the officers obtained statements from the victims and witnesses at the scene. The officers booked evidence found at the scene and prepared an incident report as required. The evidence established that the officers' actions were proper.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/14/17 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 2 **of** 2

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

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

FINDINGS OF FACT: The complainant stated another unit arrived and offered to assist or take over the investigation, but the named officer refused and dismissed the officers for unknown reason.

The named officer stated that at the time of the officers' arrival, she was not in need of any assistance, and that the incident occurred in her assigned area, making the incident her responsibility.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/26/17 **DATE OF COMPLETION:** 02/28/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers were rude toward the complainant.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officers were rude, disrespectful, impolite.

The named officers stated they responded to a call at the complainant's residence regarding an unknown male that yelled at the complainant the prior day. The named officers denied they behaved inappropriately or made inappropriate comments. The named officers stated they were not rude or discourteous toward her, but they were professional. The named officers further stated the complainant became angry, agitated and aggressive.

No witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/03/17 **DATE OF COMPLETION:** 02/21/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to take a police report.

The named officer stated that the complainant described a pat search at an unidentified courthouse from six months prior. The named officer and his partners stated that, while trying to ascertain what had taken place and whether a crime had occurred, the complainant yelled "Just get the fuck out!" The named officer stated that he told the complainant he needed more information to write a police report, but the complainant yelled again, "get the fuck out!" The named officer said he and his partners left the apartment. The named officer stated that the search as described by the complainant was at an entry checkpoint, identical to the way others were searched, and did not sound criminal in nature.

No independent witnesses were identified.

A subsequent police report documents that other officers responded to the complainant's home the next day. The report documents that the complainant described a search, which the reporting officer recognized, "as being identical to the search I was taught to perform during pat searches for weapons on female subjects during my training at the San Francisco Police Academy." The reporting officer wrote that he, his Field Training Officer, and a sergeant, all concurred that the complainant was not the victim of a crime.

There was insufficient evidence to either prove or disprove the allegation.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/18/17 **DATE OF COMPLETION:** 02/23/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he rode his scooter on the sidewalk near UN Plaza. He stated that he was arrested for recording officers on his cell phone and he was not breaking any laws.

The named officers stated that they detained the complainant because they observed him riding his scooter on the sidewalk in violation of San Francisco Municipal Transportation Code (SFMTC) §7.2.13.

San Francisco Police Department (SFPD) records indicate that the complainant was issued a citation for violating SFMTC §7.2.13.

SFMTC §7.2.13 prohibits riding a non-motorized user-propelled vehicle (NUV) upon any sidewalk in any business district within the City.

The officers had reasonable suspicion to believe that the complainant was engaged in criminal activity because they observed him violating SFMTC §7.2.13, which prohibits riding an NUV upon any sidewalk in any business district within the City. A traffic violation alone is sufficient to establish reasonable suspicion.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/18/17 **DATE OF COMPLETION:** 02/23/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3-4: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officers told him he could not record with his cell phone.

The named officers stated that they told the complainant that he could not hold his phone due to concerns of officer safety.

SFPD Body Worn Camera (BWC) video showed the complainant holding his cell phone in his hand and recording the officers. Video further showed that, after the officers told the complainant to put down his phone, he put the phone in his backpack and later tried to retrieve the phone during the detention.

The complainant was lawfully detained. The order given to the complainant was proper given the totality of the circumstances.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #5-6: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that officers handcuffed him. The named officers stated the complainant was handcuffed because he was uncooperative, resisting, and reached into his backpack for his cell phone.

SFPD BWC video indicated that the complainant reached into his backpack to retrieve his cell phone despite orders to put the phone away, and he was verbally impeding the named officers' investigation.

Officers have the right to reasonably restrict a detainee's actions to protect themselves and to complete their investigation. In this case, the complainant kept messing around with his phone and verbally sparring with the officers, which posed officer safety risks and impeded their investigation. The evidence proved

SUMMARY OF ALLEGATIONS #5-6: (continued)

that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #7-8: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he suffered a wrist sprain a couple months prior to the detention. He stated that the officers forcefully touched his wrist and handcuffed him even though he complained of pain to his wrist.

The named officers stated that the complainant was handcuffed because he was uncooperative, resisting, and reached into his backpack for his cell phone. They stated that he complained of wrist pain due to a pre-existing injury before he was handcuffed. Both named officers deny putting additional pressure on the wrist. One of the named officers stated that the handcuffs were placed on properly and were of proper degree and tightness. The other named officer stated that he carefully removed the handcuffs after the brief detention.

SFPD BWC video indicated that the complainant stated that his wrist “kind of” hurt while named officer was interlacing his hands on top of his head. Video further showed that the complainant stated that his wrist “kind of hurt” and he was “in pain” when the named officers were handcuffing him. Nothing in the video indicated that officers were forceful when one of the named officers initially touched his hands or when they handcuffed him. The complainant did not scream out in pain at any time.

The officers had the right and duty to handcuff the complainant because he posed a safety risk and was impeding their investigation. A complaint of one’s wrist “kind of” hurting due to a prior sprain is not a medical issue that should curtail an officer’s lawful detention and physical restriction of a non-compliant subject.

A preponderance of the evidence proved that the act alleged in the complaint did not occur or that the named officers were not involved in the act alleged.

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SUMMARY OF ALLEGATION #9: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was issued a citation. He further stated that he did not break the law.

The named officer stated that he observed the complainant riding his scooter on the sidewalk in violation of SFMTC §7.2.13 and issued a citation.

SFPD records indicate that the complainant was issued a citation for violating SFMTC §7.2.13.

SFMTC §7.2.13 prohibits riding an NUV upon any sidewalk in any business district within the City.

The officer had probable cause to believe that the complainant violated SFMTC §7.2.13 because he observed him riding his scooter on the sidewalk.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/25/17 **DATE OF COMPLETION:** 02/28/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she felt suicidal and was under the influence of alcohol. She stated she called the police earlier in the evening and other officers responded and checked on her. The complainant stated she called the police again and the named officer arrived on scene. The complainant stated she called the National Veterans Suicide Prevention Hotline and was on the line during the incident. The complainant stated she wanted the officer to take or transport her from the scene to the VA Hospital. The complainant stated the officer refused to take her to the hospital.

The named officer stated he offered to transport the complainant to SFGH PES and not the VA Hospital.

The named officer's body worn camera shows that named officer telling the complainant that he cannot take her to Veterans Hospital.

The named officer had no obligation to transport the complainant to the hospital. As such, the officer's action was proper.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/20/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior and/or comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was touring the City with relatives, when officers following behind him honked the horn and yelled that he was driving ten miles below the speed limit, before passing him. The complainant was unable to provide any identifying information about the officers or the vehicle.

An Officer Identification poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer could not be established.

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/16/17 **DATE OF COMPLETION:** 02/12/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer pulled her over to issue a citation for failing to come to a complete stop at a flashing red light. The complainant stated she tried to protest and claimed she didn't do anything wrong. The complainant stated that the named officer stated that she should know California law, that he was recording, and that he could use the recording to take her license, so she will have to go to traffic school. The complainant stated that the named officer was unnecessarily aggressive.

SFPD Body Worn Camera video shows the named officer warning the complainant about DMV rule FFDL 27, which states that an officer can refer an apparently unsafe driver to the DMV to investigate and reexamine motor vehicle safety. His demeanor is professional, and he does not exhibit rude or aggressive behavior throughout the interaction.

A preponderance of the evidence proves that the acts alleged in the complaint did not occur or that the named member was not involved in the acts alleged.