

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/18 **DATE OF COMPLETION:** 03/26/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on March 15, 2018.

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DATE OF COMPLAINT: 01/24/2018 **DATE OF COMPLETION:** 03/05/18 **PAGE#** 1 of 2

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 he was stopped at a red light when he answered his phone but put it down. He denied being on his cell phone while driving.

Based on the complainant's own statement, the named officer had cause to issue the citation.

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 took a photo/video of him and daughter without permission.

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

FINDINGS OF FACT: The complainant stated that the named officer took a photo and/or video of him and his daughter without permission.

Department policy requires the named officer to activate his body worn camera during traffic stops.

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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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer was rude, did not take off his dark sunglasses, did not listen to him, and he scared his 14-year-old daughter.

The BWC footage does not corroborate the complainant's allegation. The footage documents that the officer was professional and polite. He explained why he stopped the complainant and explained the citation many times. The complainant's daughter does not seem afraid or crying like the complainant alleged in his telephone statement. The named officer is not rude, and he is not mistaking the facts as complainant alleged. On the contrary, the complainant does not seem to know the hands-free law. The video shows that the named officer was not wearing sunglasses as alleged.

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

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DATE OF COMPLAINT: 01/25/18 **DATE OF COMPLETION:** 03/20/18 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 02/22/18 **DATE OF COMPLETION:** 03/16/18 **PAGE#** 1 of 1

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

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

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

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

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

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

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DATE OF COMPLAINT: 02/27/18 **DATE OF COMPLETION:** 03/09/18 **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 DPA's jurisdiction. This complaint was forwarded to:

San Francisco Municipal Transportation Agency
Department of Parking and Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

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

SUMMARY OF ALLEGATIONS #1-2: The complaint raises matters outside the 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 forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/28/18 **DATE OF COMPLETION:** 03/16/18 **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:

U.S. Customs and Border Patrol
San Francisco International Airport (SFIA)
Complaints Division
555 Battery Street
San Francisco, CA 94111

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DATE OF COMPLAINT: 02/27/17 **DATE OF COMPLETION:** 03/26/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used a racially derogatory comment.

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

FINDINGS OF FACT: The officer resigned and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer resigned and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer resigned and is no longer subject to Department discipline.

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SUMMARY OF ALLEGATION #4: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The officer resigned and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The officer resigned and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #6: The officer searched personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer searched her and the passenger's purses without cause. The named officer does not recall if he searched any purses in the vehicle.

Three witness officers on scene stated they did not recall any officers search any purses in the vehicle.

San Francisco Police Department records do not indicate that any officers searched any purses in the vehicle.

The passenger in the complainant's car did not state that any officers searched any purses.

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

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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 DPA's jurisdiction. This complaint was forwarded to:

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

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DATE OF COMPLAINT: 02/19/17 **DATE OF COMPLETION:** 03/01/18 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The anonymous complainant stated through the City’s whistleblower program that, on a specific date, an “unmarked beat-up vehicle” darted from an intersection, through a stop sign, causing the complainant to brake hard to avoid a collision. The complainant described making a lane change to pass the swerving vehicle, after which the unmarked vehicle pulled behind the complainant and effected a traffic stop. The complainant identified one of the officers in the vehicle as issuing a citation, but did not provide any contact information and could not be reached for a follow-up interview.

The named officers provided information regarding an incident matching the details described by the complainant; however, the incident occurred on a date 10 days later. The named officers stated they were in full uniform while patrolling in an unmarked police vehicle. The named officers stated they were at a stop sign that faced westbound on Foote Avenue while the complainant’s car traveled northbound on Alemany Boulevard and failed to yield to pedestrians crossing an intersection.

The person cited in the incident described by the named officers did not respond to DPA requests for an interview.

No witnesses were identified.

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

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DATE OF COMPLAINT: 02/19/17 **DATE OF COMPLETION:** 03/01/18 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The anonymous complainant stated an officer driving an unmarked car purposely drove erratically to alter the complainant's driving, resulting in the complainant receiving an expensive citation issued by the named officer. The complainant is anonymous and did not provide any contact information to conduct a follow-up interview.

The named officer denied that her partner drove erratically to alter the complainant's driving, and stated that her vehicle was positioned behind the complainant's car when she and her partner observed the complainant's car in violation of 21950(a)CVC for failing to yield to pedestrians in a crosswalk. The named officer further stated the complainant told her that he did not see the pedestrians walking in the crosswalk.

The person cited in the incident described by the named officers did not respond to DPA requests for an interview.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The anonymous complainant stated the named officer, who issued a citation to the complainant, had a "very bad attitude" during the traffic stop.

The named officer, who acknowledged issuing a citation and described the incident involving the complainant, denied displaying a bad attitude during the incident.

The person cited in the incident described by the named officer did not respond to DPA requests for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/19/17 **DATE OF COMPLETION:** 03/01/18 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer drove improperly.

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

FINDINGS OF FACT: The anonymous complainant stated through the City’s whistleblower program that on a particular date, an “unmarked beat-up vehicle” darted from an intersection, through a stop sign, causing the complainant to brake hard to avoid a collision. The complainant described making a lane change to pass the swerving vehicle, after which the unmarked vehicle pulled behind the complainant and effected a traffic stop. The complainant did not provide any contact information and could not be reached for a follow-up interview.

The named officer identified an incident on a different date, describing a traffic stop that matched the details provided by the complainant. The officer stated he was the driver of the unmarked vehicle that stopped the complainant for a traffic violation. The named officer denied driving erratically, recklessly, or unsafely, and denied darting from an intersection, stating that prior to stopping the complainant, he was completely stopped waiting for a safe time to enter an intersection. He denied violating any Vehicle Code section.

The named officer’s partner, who acknowledge issuing a citation to the complainant, denied that her partner drove the unmarked vehicle erratically, recklessly or in an unsafe manner before conducting the traffic stop of the complainant.

The person cited in the incident described by the named officer did not respond to DPA requests for an interview.

No witness was identified.

There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: NA **FINDING:** I-O2 **DEPT. ACTION:**

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

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DATE OF COMPLAINT: 03/27/18 **DATE OF COMPLETION:** 03/29/18 **PAGE#** 1 of 1

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

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

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

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

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

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

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DATE OF COMPLAINT: 03/23/18 **DATE OF COMPLETION:** 03/29/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

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

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DATE OF COMPLAINT: 03/13/17 **DATE OF COMPLETION:** 03/05/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide his star number.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she called police after she was assaulted. The complainant stated that one of the responding officers failed to provide his star number upon request.

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

The named officer stated he remembered the complainant asked him for his star number, which the named officer provided.

The named officer's body worn camera supports his statement.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested after having a physical altercation with his sister.

Department records show that the complainant was arrested for false imprisonment after the officers interviewed the victim and the complainant. Records also show that an Emergency Protective Order was obtained against the complainant.

The evidence established that the named officers had probable cause to arrest 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 #3-6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officers failed to put on his seatbelt during transport.

The named officers stated that they could not specifically recall putting on the complainant's seatbelt, but they routinely do secure prisoners during transport.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that while at the County Jail for booking, the officer knocked him out of his wheelchair, twisted and bent his fingers, arms and legs. The complainant also stated the officer dragged him and dropped him outside the cell door area.

The named officer stated he and his partner officer transported the complainant to County Jail for booking. The named officer stated the complainant was extremely uncooperative during the booking process. The complainant stated the complainant refused to remove a sock. The officer stated he grabbed the complainant's arm so that he can safely remove his sock. The named officer stated the complainant resisted and violently pulled away from him, so the named officer's partner assisted in restraining him. The named officer stated the complainant struggled and tucked his arms underneath his body. The named officer stated multiple SFSD Deputies responded and assisted in placing the complainant in handcuffs. The named officer stated he and partner officer lifted and placed the complainant into a wheelchair. The named officer stated he did not see any visible injuries to the complainant and that he did not recall if the complainant complained of pain or injuries.

A witness SFSD Deputy recalled the complainant yelled and became uncooperative during booking. The deputy stated the complainant did not follow instructions and continued to be disruptive inside a holding cell. The deputy also stated he did not recall independently that anyone at the scene used any unnecessary force against the complainant. The deputy stated he did not recall anyone at the scene dragging the complainant or dropping him outside the cell area.

SFSD County Jail videos did not record the inside of the cell during the incident. The SFSD videos also did not reveal any force used on the complainant by deputies or officers.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #8: The officer placed tight handcuffs.

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

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

The named officer stated the complainant was extremely uncooperative and non-compliant during the booking process at the County Jail. The named officer stated several SFSD Deputies arrived and assisted him and his partner officer in placing the complainant in handcuffs. The named officer did not recall if the handcuffs on the complainant were tight.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: Part of this complaint raises issues outside DPA's jurisdiction. This complaint has been partially referred to the San Francisco Sheriff's Department.

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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 he was stopped and cited for having expired registration. The complainant stated he was not aware that his vehicle registration had expired.

One of the named officers stated he saw that the complainant's vehicle had expired registration tag, prompting the traffic stop.

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 searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer searched his vehicle after the named officer's partner instructed him to do so.

The named officer stated he conducted a pat search after his field training officer instructed him to search the complainant for officer safety.

The named officer's partner stated he instructed the named officer to search the complainant for weapons for officer safety. The officer stated that the complainant was upset and that his vehicle was going to be towed.

The investigation established that the named officer conducted the search after being instructed by his field training officer. The named officer and his field training officer provided insufficient evidence to support their belief that the complainant was armed and dangerous.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched for no reason.

Department records show that the complainant's vehicle was towed and that an inventory search was conducted pursuant to Department General Order 9.06, Vehicle Tows.

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 #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he wanted to record the incident, but the officer told him he could not. The complainant stated the officer told him that he was being detained. The complainant further stated the officer told him that officers get killed every day in the line of duty.

The named officer stated it was a safety issue if the complainant used his cellular phone and not keep his hands free during the incident. The named officer also recalled that he explained to the complainant that everyday officers do get killed in the line of duty.

The named officer's field training officer stated that it was a safety issue to allow the complainant to use his cell phone.

The evidence established that the complainant was lawfully detained, requiring the officers to control his actions for officer safety. The named officer's comment about officers getting killed every day in the line of duty is a statement of fact and does 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.

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SUMMARY OF ALLEGATIONS #1-2: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated she was cited for riding her skateboard on the sidewalk. She stated there were skateboarders across the street on the sidewalk and not stopped by any officers. The complainant stated the officers stopped her because of her appearance.

Both named officers denied taking any enforcement action based on the complainant's appearance. They stated they observed the complainant riding her skateboard on a public sidewalk. One of the named officers stated the complainant pointed out the skateboarders across the street on the sidewalk after she was detained; however, he stated that to have pursued any other violators would have been an officer safety issue. The named officers stated that the complainant was subsequently cited for violating San Francisco Municipal Transportation Code (SFMTC) §7.2.13.

The DPA interviewed several officers that stated they did not recall the specific incident or did not recall details of the incident. One officer, a sergeant, stated he observed a named officer tell the complainant to stop so that she could be cited for riding her skateboard on the sidewalk.

Department records indicate that the complainant was issued a citation for violating SFMTC §7.2.13 which prohibits riding a non-motorized user-propelled vehicle (NUV) upon any sidewalk in any business district within the City.

San Francisco Police Department Body Worn Camera footage was not available prior to the complainant's detention; however, the video evidence captured the complainant making statements to the named officers indicating she was riding her skateboard on the sidewalk and had done so on previous occasions. The video did not capture any evidence demonstrating the complainant was detained and issued a citation for any other reason other than the cited violation.

No witnesses were identified by the complainant.

The DPA investigation determined that complainant was less credible than the named officers based on several inconsistencies in her statements.

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 #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that officers made inappropriate comments while she was waiting for her citation.

Both named officers denied that they made any inappropriate comments to the complainant. They stated that the complainant was argumentative and made derogatory statements to the officers during the issuance of her citation. The named officers stated that they heard other officers engage with the complainant, but were unable to identify the officers and specific statements attributed to the officers.

DPA interviewed several officers who stated they did not recall the specific incident or the details of the incident and, therefore, were not able to comment on any specific conversation between the complainant and officers. One officer, a sergeant, described the complainant's demeanor as angry during the incident.

SFPD Body Worn Camera footage showed the complainant was belligerent and uncooperative. She was yelling at both the named officers and other officers assigned to the area. The named officers appeared patient and professional. The named officers attempted to calm the complainant during their contact with her.

No other witnesses were identified.

The DPA investigation determined that complainant was less credible than the named officers based on several inconsistencies in her statements.

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 #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated officers acted unprofessionally and made inappropriate comments while she was detained.

Several officers present at the scene stated they did not recall the specific incident or its details and, therefore, were not able to comment on the substance of conversations between the complainant and officers.

SFPD Body Worn Camera footage depicted officers in the area at the time the complainant received her citation; however, the video was inconclusive in identifying the officers making statements as alleged by the complainant.

No witnesses were identified.

The identity of the alleged officer(s) could not be established.

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the day after receiving the citation she went into a police station to request assistance. She stated that an officer made the statement to her, "God is not here sweetie." The complainant could not identify the officers.

An Officer Identification Poll sent to the station yielded negative results.

The identity of the alleged officers could not be established.

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

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SUMMARY OF ALLEGATION #7-9: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she was holding her skateboard when an officer stopped her for riding it on a public sidewalk.

The named officers stated that they saw the complainant riding her skateboard when one of the named officers asked her to stop and step off. Both named officers stated that the complainant ignored the request. The named officers stated that they detained the complainant and cited her for violating San Francisco Municipal Transportation Code (SFMTC) §7.2.13.

Several witness officers stated they did not recall the specific incident or its details. One officer, a sergeant, stated he observed one of the named officers tell the complainant to stop riding her skateboard.

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

San Francisco Police Department Body Worn Camera footage was not available prior to the complainant's detention; however, the video evidence captured the complainant making statements to the named officers indicating she was riding her skateboard on the sidewalk and had done so on previous occasions. The video did not capture any evidence demonstrating the complainant was detained and issued a citation for any other reason other than the cited violation.

The DPA investigation determined that complainant was less credible than the named officers based on several inconsistencies in her statements.

Department General Order 5.03 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 officers had reasonable suspicion to detain the complainant for violating SFMTC §7.2.13.

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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SUMMARY OF ALLEGATION #10-12: The officer placed the complainant in handcuffs without justification.

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

FINDINGS OF FACT: The complaint stated she was handcuffed by officers while receiving her citation.

The named officers stated that the complainant attempted to walk away several times and lunged at an officer, which created an officer safety issue. The named officers stated the complainant was placed in handcuffs for a short period of time until she received her citation and was released.

Body Worn Camera footage depicted the complainant attempting to walk away from the named officers, ignoring their commands, and lunging in the direction of officers. The footage showed officers handcuffing the complainant until she received her citation. She was then released.

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 #13: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that officers issued her a citation for riding a skateboard on the sidewalk when there were no signs posted and she was not riding her skateboard when stopped.

The named officer stated that he and his partner observed the complainant riding her skateboard on the sidewalk. The named officer stated that she was detained and then issued a citation for violating San Francisco Municipal Transportation Code (SFMTA) §7.2.13.

The DPA investigation determined that complainant was less credible than the named officers based on several inconsistencies in her statements.

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: 03/28/17 **DATE OF COMPLETION:** 03/21/18 **PAGE#** 6 of 7

SUMMARY OF ALLEGATION #14: The officer searched the complainant's boyfriend without justification.

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

FINDINGS OF FACT: The complainant stated her boyfriend was slammed against a newsstand and searched by several officers when he approached an officer to ask about her detention.

The DPA interviewed several officers who stated they did not recall the specific incident or details of the incident. Two officers recalled observing the complainant's boyfriend walk up to an officer through a line of multiple officers just before he was taken aside. They did not recall which officers detained the complainant's boyfriend or their interactions.

The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #15: The officer damaged property.

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

FINDINGS OF FACT: The complainant stated that her skateboard was damaged when an officer took it away from her. She acknowledged that there was also pre-existing damage on her skateboard from a previous incident.

Two officers who recalled the incident stated that they could not identify the officer holding the skateboard in Body Worn Camera footage, nor did they know how the skateboard was handled.

SFPD Body Worn Camera footage showed the complainant's detention and an officer holding her skateboard. The footage did not show an officer damaging the complainant's skateboard.

Photos of the skateboard provided by the complainant did not clearly distinguish between prior damage and any alleged damage caused by officers during this incident.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/17 **DATE OF COMPLETION:** 03/21/18 **PAGE#** 7 of 7

SUMMARY OF ALLEGATION #16: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she was not helped by two police officers at a police station when she requested assistance with her citation.

The complainant could not identify the officers.

An Officer Identification Poll sent to the station yielded negative results.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 1 of 8

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

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

FINDINGS OF FACT: The complainant stated he was erroneously arrested for being intoxicated.

The named officer stated the complainant was arrested for a violation of 647PC, public intoxication. She stated she observed that the complainant was slurring his speech, having trouble concentrating, and that he had a strong odor of alcohol on his breath. Additionally, the named officer stated that the complainant posed a safety risk to himself and to the public due to repeatedly walking into a city street; therefore, she made the determination that he could not care for himself.

The DPA interviewed several officers who stated the complainant was intoxicated. The named officer's partner stated he made repeated requests for the complainant to remain out of the street, which were ignored. Another officer, the station-keeper, stated that upon check-in at the district station, the complainant was un-cooperative and threw a shoe at an officer.

No other witnesses came forward.

Department records show that the public intoxication form and the incident report, completed by the named officer, described the complainant's behavior as irate and aggressive and documented his physical signs of intoxication. The records show that the complainant was walking into traffic, and disobeying multiple orders to get out of the street. The named officer documented that, because of these facts, she determined that the complainant was unable to care for himself.

Body Worn Camera (BWC) footage showed the complainant having some of the physical signs of intoxication described by the named officer; however, it did not show him walking into the street.

CA Penal Code section 647(f) states that a person is guilty of a misdemeanor if they are, "found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others ..."

While the DPA found the complainant less credible than the officers at the scene, the BWC failed to establish that the complainant was unable to care for himself. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 2 of 8

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

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

FINDINGS OF FACT: The complainant stated he was assaulted at a bar and requested police assistance. He stated that when officers arrived they did not fully investigate, and that a female officer did not obtain any available video from the bar.

The named officer stated she and her partner responded to a call for service involving an alleged assault on the complainant. She stated she assumed the responsibility of the lead investigator. She stated that the complainant told her that he was drinking at the bar with his uncle and that a bartender assaulted him on the way back from the bathroom. The named officer stated the complainant told her that the bar manager and security guard escorted him out of the bar after reporting the bartender's actions. The named officer did not recall the complainant stating that the bar employees assaulted him. She stated the complainant did not have any visible injuries. The named officer stated she conducted her investigation which included obtaining statements from the complainant, the bartender, bar manager, witnesses, and bar security. She stated she tried to obtain surveillance film from the bar, but was unable to do so as the manager with the access was not on-scene at the time. She stated she told a sergeant upon her return to the police station about the bar video and he obtained the film the following day. The named officer stated that, at the time of her investigation, she was not able to determine whether a crime had occurred. She stated she explained the situation to the complainant and wrote a police report. The named officer stated that the report and investigation were then forwarded, to be assigned to an investigator.

Two witness officers stated that the named officer was the primary investigating officer on scene. The officers said that the named officer conducted interviews, but they did not recall the specific parties interviewed and did not have knowledge of her other investigative steps. Another officer, a sergeant, stated that he retrieved the bar's video, wrote a supplemental report, and forwarded the case to an investigator for further handling.

No other witnesses came forward.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 3 of 8

SUMMARY OF ALLEGATION #2 continued:

Department records show that the incident report included the named officer's investigative steps, the interviewed parties, and her attempt to obtain the bar's surveillance video.

A supplemental report written by a sergeant shows that the bar's surveillance video was retrieved and booked into evidence.

SFPD Body Worn camera footage shows the named officer meeting with the complainant, bartender, bar manager, and security. The footage shows the named officer interviewing the complainant in Spanish and English, and explaining the status of the investigation. The named officer told the complainant that the bar staff wanted him to leave and if he attempted to re-enter, he would be trespassing. The complainant was evaluated by the officers for being drunk in public, arrested, handcuffed, and then placed in the back of the patrol car.

Video footage from the surveillance cameras show the complainant and bar staff, but do not show any assault on the complainant.

SFPD Bulletin 17-109 requires officers investigating a crime to search for and attempt to obtain any video footage that may have captured the circumstances surrounding the crime. The bulletin states that, if the officer is unable to obtain the video, the officer is to describe the efforts made to do so.

SFPD General Order 5.04, Arrests by Private Person, describes the procedure for officers responding to a request for an arrest by a private person. It states that officers shall, "Determine if probable cause exists to believe the individual committed the crime in questions. 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...If probable cause does not exist, the individual is free to leave."

The complainant did describe criminal acts committed by the bar staff, but there was insufficient cause to arrest bar staff at that time. The named officer, nonetheless, assisted the complainant by documenting what he reported in a police report, and ensuring that someone followed up to retrieve the video.

The evidence established that the officer's actions were proper. As such, 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: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 4 of 8

SUMMARY OF ALLEGATION #3: The officer wrote an incomplete and inaccurate report.

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

FINDINGS OF FACT: The complainant stated that when he reviewed the incident report a few months after the alleged assault and battery incident, the report was incomplete due to the exclusion of witness statements from another bar employee. He also stated that the officer inaccurately reported the complainant's actions of repeatedly walking into the street.

The named officer denied the allegations and stated that the report was accurate. She said she recorded all the witness statements that provided substantive information regarding the crimes allegedly committed against the complainant.

A witness officer stated that he observed the named officer interviewing parties on scene, although he was not able to specifically name those parties. He stated that he directed the complainant to remain out of the street, but was ignored.

The incident report, written by the named officer, describes the complainant's allegations, and includes information from witnesses. The report also documents the named officer's attempt to obtain the bar's surveillance video. The report also states that the complainant was walking into the street and ignored orders to get out of the street. The public intoxication report, also written by the named officer, also documented the complainant's behavior.

The BWC footage does show the complainant exhibiting signs of intoxication, but does not show him entering traffic or any other evidence that he was unable to care for himself.

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

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DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 5 of 8

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that when he contacted the named officer months later to have the incident report corrected, she left a phone message, identifying herself as a lieutenant, and stating the case was closed and the report could not be changed.

The named officer denied the allegation and stated that she had no further contact with the complainant after he was released.

No witnesses were available.

The DPA investigation determined that the complainant was less credible than the named officer based on several inconsistencies in his statements.

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 ALLEGATION #5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that while he was detained at a police station, the named officer made inappropriate comments.

The officer denied the allegation.

DPA interviewed several officers who stated they did not hear the named officer make any inappropriate comments while in their presence.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 6 of 8

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he was not offered medical treatment by the named officer at the police station when he told him he was injured and in pain.

The named officer, the station keeper, denied the allegation. He stated that the complainant completed the required check-in procedures when he arrived at the station, including the medical screening form. The named officer stated that the complainant answered in the negative as to injury and the need for medical treatment. The named officer acknowledged that the complainant's wrist was observed bleeding prior to his release. He stated that another officer documented the injury and offered the complainant medical treatment, which he declined.

A sergeant stated that he offered medical treatment to the complainant for his wrists, and the complainant declined.

Department records show the medical screening form completed and signed by the complainant denying injury and declining medical treatment.

The incident report documented the complainant's injury to his wrists and the fact that he declined medical treatment.

No other witnesses were available.

The DPA investigation determined that the complainant was less credible than the named officer based on several inconsistencies in his statements.

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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SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that, while he was in handcuffs, the named officer dropped him on the ground causing muscle strain and lacerations on his wrists. He stated that while on the ground, the named officer stepped on his left shin, leaving severe bruising. The complainant also said that, earlier in the evening, staff from a bar had assaulted him.

The named officer denied the allegation. He stated that officers brought the complainant to the station due to public intoxication and he conducted the initial check-in procedures. The named officer said he did not observe any injuries on the complainant at the time nor did he recall the complainant stating he was injured or in pain. He recalled that the complainant appeared intoxicated and was not cooperative. The named officer stated the only contact he had with the complainant was checking his handcuffs upon the complainant's request. The named officer said that the complainant was handcuffed to a bench by one of the arresting officers and remained so during his detention. He said that he could view the complainant through a glass window, and he observed the complainant moving and shifting his body. Prior to the complainant's release, the named officer stated he noticed bleeding on the complainant's wrists which he reported to the initial arresting officers, who documented the injury and offered medical treatment. He stated that a sergeant performed a Use of Force Investigation. The named officer stated that the complainant declined medical treatment and did not complain of any other injuries. He denied stepping on the complainant's ankle and stated that he did not use any type of physical control or force.

A witness officer stated that when the complainant was arrested he was placed in handcuffs, which were removed at the station then re-applied because of the complainant's conduct. Witness officers stated they observed that the complainant appeared to have a pre-existing condition on the skin of his wrists and that there were minor abrasions with some bleeding at the handcuffing site. The officers said that this was documented prior to the complainant's release.

Department records show the medical screening form completed and signed by the complainant, denying injury and declining medical treatment. The incident report documented the complainant's injury to his wrists and the fact that he declined medical treatment.

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SUMMARY OF ALLEGATION #7 continued:

Body Worn Camera footage shows that the complainant was non-compliant when the officers were placing him into the patrol car, and that it took two officers from different directions to get him fully into the car. Video footage was not available for the police station.

SFPD General Order 5.01 authorizes officers to use force to make an arrest and to protect themselves, but requires that it be reasonable. Although the complainant provided photos of his ankle, they were not conclusive as to the cause of injury. The photo evidence available for the complainant's wrist was consistent with the officers' accounts.

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

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

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

FINDINGS OF FACT: This complaint raises matters outside the 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: 04/27/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **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
San Francisco, CA 94158

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant's grandfather and her vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that her vehicle had been stolen and recovered by SFPD. The complainant stated that several weeks after her vehicle was recovered, the named officers pulled her over while her 67-year-old father was driving, and she and others were passengers. The complainant stated that the named officers ordered her father to drop the keys out of the window, exit the vehicle, and walk backwards towards them. The complainant stated that the named officers had their guns drawn, and the whole encounter was embarrassing and stressful for her father, who has heart problems.

The named officers stated that they queried the complainant's license plate and discovered that it had been reported stolen. They stated that they stopped the car, drew their guns, and ordered the complainant's father to exit, just as the complainant described. The named officers stated that if the plate had been stolen, the stop could potentially have been a very dangerous situation. The named officers stated that, upon investigation, they realized that the plate was incorrectly marked as still missing when the vehicle had been previously recovered. One of the named officers stated that he wrote a supplemental report documenting that the plate was recovered and ensured that it was no longer reported stolen in law enforcement databases.

A subject matter expert confirmed that the way the recovery of the vehicle was reported led to this later stop. The expert stated that officers that queried the license plate would see that the plate was still considered stolen, although the car itself was recovered.

The related incident report documents that SFPD officers responded to the complainant when she reported her vehicle stolen. A supplemental report documents that different SFPD officers recovered the vehicle two days later. The face sheet from that supplemental report indicates that the front plate was missing on the recovered vehicle, but the narrative portion clarifies that the plate was actually located in the back seat of the car.

The evidence established that the officers had reasonable suspicion to stop the vehicle in question.

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: 04/25/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 2 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant's car was stopped because its license plate appeared stolen when queried. However, the named officer had recovered the vehicle several weeks prior to the stop.

The named officer stated that he and his Field Training Officer (FTO) recovered the complainant's stolen vehicle. The named officer stated that the vehicle's front license plate was not attached to the bumper, but was found in the back seat. The named officer stated that he indicated that the front plate was "missing" on the face sheet of his supplemental incident report, but wrote in the narrative, that it was found in the back seat. The named officer said he completed his incident report with the guidance of his FTO. The named officer stated that he believed it was correct to mark the plate as "missing" because it was not attached to the vehicle's front bumper.

The named officer's FTO stated that he assisted the named officer with the vehicle recovery and reviewed his incident report.

A subject matter expert (SME) stated that reporting officers are required to report stolen and recovered vehicles to a section of the SFPD called "Auto Statis." The SME stated that the incident report face sheets would normally be faxed to Auto Statis, and the reporting officer would call to confirm that the report was received. The SME stated that if the face sheet indicated that the front plate was "missing" when a stolen vehicle was recovered, Auto Statis would keep that plate in a law enforcement database. The expert stated that officers that queried the license plate would see that the plate was still considered stolen, although the car itself was recovered. The SME stated that it would be the responsibility of the reporting officer to inform Auto Statis if the plate was actually recovered along with the automobile, even if this was indicated in the report's narrative. The SME stated that if the named officer had done this, he would have been told to correct the face sheet, and the plate would have been removed from the database altogether.

Three SFPD officers who stopped the car after it was previously recovered stated that they had queried the license plate and found that it was still considered stolen. Those officers stopped the vehicle with guns drawn and forced the driver, the complainant's 67-year-old father, out of the car. Those officers determined that the information about the front plate had been incorrectly reported when the vehicle was recovered. Those officers added a supplemental report to the original stolen vehicle report, and ensured that the plate was removed from the law enforcement database.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 3 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1 continued:

SFPD General Order 2.01 section 9 states:

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

The named officer acted improperly by marking the front license plate as “missing” on the supplemental incident report and not alerting Auto Statis that the plate was actually recovered with the car.

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: 04/25/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant's car was stopped because its license plate appeared stolen when queried. However, the named officer had recovered the vehicle, along with his recruit, several weeks prior to the stop.

The named officer stated that he was a Field Training Officer on the date of the vehicle recovery. The named officer stated he assisted his recruit with the vehicle recovery and then reviewed his recruit's incident report to evaluate his abilities. When asked whether it was accurate to mark the front plate as "missing" when it was actually located in the vehicle, the named officer stated, "I don't know if that was an error or not." He did not recall reviewing that portion of the report with his recruit.

The named officer's recruit stated that he marked the front plate as missing on his report, because it was not attached to the bumper, although it was in the back seat of the recovered car. The officer stated he believed this was the correct procedure, and was not told by the named officer that there was any problem with his report.

A subject matter expert stated that marking the plate as missing on the face sheet of the recovered vehicle report was a mistake, and that it would have caused the plate to still show as stolen when queried by law enforcement.

SFPD General Order 1.06, Duties of Superior Officers, states that superior officers shall, "Guide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superiors."

As a Field Training Officer, the named officer was responsible for reviewing his recruit's work and should have ensured that he corrected the report error or, at the very least, clarified the issue with Auto Statis.

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: 05/12/17 **DATE OF COMPLETION:** 03/26/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to communicate with the deaf complainant.

CATEGORY OF CONDUCT: ND **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 05/15/17 **DATE OF COMPLETION:** 03/30/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was harassed by three street vendors, and that the named officers failed to take any action against the vendors who were selling items illegally near the ballpark.

The named officers denied the allegations and said that they did not recall the presence of three vendors. The named officers stated that the complainant was upset that she was not allowed to sell items, while others were. The named officers recalled that there may have been another individual in the area trying to sell items, but he was not doing so at the time. One of the named officers remembered the complainant said she was being harassed, but she did not describe threats or any illegal activity.

No witnesses were identified.

SFPD records show that the complainant has been cited on more than one occasion for illegally peddling sports and political items near the ballpark. Records also show that she has called 911 to report unsubstantiated crimes committed by other vendors.

The complainant lacks credibility due to her interests and history. 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.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she told the named officer she was going to file a complaint against him, and he responded by laughing at her. The named officer denied the allegation. The named officer's partner said he did not hear or see the named officer laugh at the complainant. The complainant lacks credibility. As such, a preponderance of 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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SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she went to the district station to report an incident regarding harassment by vendors and illegal peddling. She said she spoke to someone at the front desk and was told that someone would contact her, but nobody ever did. The complainant also mentioned that she wanted to complain against one of the responding officers, but was never told about filing a complaint with the Department of Police Accountability. The complainant also called to follow up, but never was able to speak with anyone who could help her.

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.

SUMMARY OF ALLEGATION #5: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant said she tried to report a crime at the district station, but nobody ever helped her, and she never received an incident report number.

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: 05/16/17 **DATE OF COMPLETION:** 03/05/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers initiated a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated he was stopped for being on his cell phone, which the complainant denied.

One of the named officers stated he observed the violation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was cited for being on his cell phone, which he denied.

The named officer stated he observed the cell phone violation, prompting the named officer to issue the citation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/17 **DATE OF COMPLETION:** 03/05/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that when he challenged the violation, the named officer said, "I know what I saw."

The named officer's body worn camera captured that alleged inappropriate comment.

The evidence established that the named officer's comment was not inappropriate, and that the comment was made in response to the complainant's statement.

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 ALLEGATION #5 - 6: The officers engaged in biased policing based on race/gender.

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

FINDINGS OF FACT: The complainant believed he was profiled as a young black male in a nice car.

The officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/17 **DATE OF COMPLETION:** 03/08/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant stated that her brother was driving her to her job interview on a suspended driver's license when they were pulled over. The complainant stated that backup officers arrived and detained her at gunpoint.

Department records show that the complainant and her brother were pulled over initially for a seatbelt violation. The complainant's brother was subsequently cited for the seatbelt violation and for driving on a suspended license.

The officer who stopped and cited the complainant's brother stated that he called for a backup unit, but he could not recall why.

The backup officers could not recall the incident in question. The backup officers stated that while the records show that they were responding as a backup unit, the records do not show them being on scene.

The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #3: The officer used excessive force

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

FINDINGS OF FACT: The complainant stated that the named officer threw her against the car and scratched her in the face while cuffing her.

The named officer stated that he did not recall the complainant being outside the vehicle or him restraining her.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer sexually harassed her by placing his body weight and penis on her back to hold her against the car.

The named officer stated that he did not recall the complainant being outside the vehicle or him restraining her. He also stated that he did not remember placing the complainant's hands behind her back and placing his body weight and penis on her back to hold her against the car.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The officer retired and is no longer subject to Department discipline.

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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 has been referred to:

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

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SUMMARY OF ALLEGATIONS #1 - 2: The officers issued a citation without cause.

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

FINDINGS OF FACT: Department records show that the complainant was cited for brake lights violation and license plate violation.

During her interview, the complainant admitted that her brake lights operated intermittently.

Photos taken by the DPA of the complainant's vehicle show the license plate violation.

The evidence proved that the acts, which provided the basis of the allegation, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3 - 4: The officers conducted a biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that she was stopped for being African-American and her partner being Latino.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. Both denied the allegation, stating that they could not see or did not know the race of the occupants prior to the traffic stop.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #5 - 6: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched her vehicle after they smelled marijuana coming from the vehicle.

The evidence established that the named officers had probable cause to search the complainant's vehicle based on the marijuana smell coming from the vehicle.

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 #7 - 8: The officers pat searched the complainant without cause.

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

FINDINGS OF FACT: Body worn camera show the complainant being briefly pat searched by one of the named officers before being handed over to a female officer for further search for weapons.

Department policy states officers should attempt to request for an officer of the same sex, but allows officers of the opposite sex to conduct a weapons cursory search when suspicious activity leads that officer to conclude based on experience that criminal activity may be afoot, and the officer justifiably believed that the person may be armed and dangerous.

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: 05/22/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was stopped and kicked out of the airport. The complainant stated that a report should have been taken.

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

The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was stopped and kicked out of the airport.

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

The identity of the alleged officer could not be established.

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SUMMARY OF ALLEGATION #3: The officer failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated in her written complaint that during a robbery, she called the police, but they never responded.

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

The identity of the alleged officer could not be established.

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The SFPD Body Worn Camera (BWC) video documents that the named officer used profanity during the incident. During the review of the BWC video from the named officer, the named officer acknowledged saying, “Shut up,” and “Shut the fuck up,” while he was speaking to a detainee.

The named officer’s Cadet partner stated during the incident, he did not recall the incident and did not recall hearing the named officer say, “Shut up” and “Shut the fuck up.”

SFPD General Order 2.01, General Rules of Conduct, Rule 14 states that members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

The evidence established that the named officer used profanity during a contact with the public.

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

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SUMMARY OF ALLEGATION #1: The officer threatened someone.

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

FINDINGS OF FACT: The complainants stated that they saw footage of a San Francisco police officer threatening several people. The video shows the officer threatening several people.

The named officer stated he was threatening the people because he believed they were engaged in sales of stolen goods. The threats were meant for them to stop their illegal behavior. The officer admitted that he was angry because people were openly engaged in illegal behavior and did not listen to multiple warnings to stop.

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.

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.15, Enforcement of Immigration Laws.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer threaten to report several people to immigration authorities, in violation of department policies. The video records the officer saying he would get I.N.S. involved and deport several people.

The named officer stated he saw the video and that was him saying the words about I.N.S., which he explained was the Immigration and National Service. He stated he witnessed people selling illegal goods despite being warned several times not to do it. He stated he was angry and he used the threat of immigration services as a ruse to get the people to stop committing crime. The named officer stated that he had no intention of contacting immigration services despite the threat.

DGO 5.15, Enforcement of Immigration Laws, states that “A member shall not... threaten to release information to the INS regarding an individual’s identity or immigration status.”

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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SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.17, Policy Prohibiting Biased Policing.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer threaten people under the assumption that they came from another country. This assumption is backed by the officer being recorded saying that he wanted to return the people to their own country. Because the officer assumed the people he was talking to, who appear to be Asian or Latino, were reportable immigrants, and since he based his policing strategy on that assumption, the officer violated DGO 5.17, Policy Prohibiting Biased Policing.

The named officer denied engaging in biased policing. He stated that he did not know the nationality or race of any of the people he was talking to. He stated that just because he threatened to send them back to their own countries does not mean he was assuming they were of a different nationality. The named officer stated he did not know the identity of any of the people he was talking to.

DGO 5.17 states that perceived national origin cannot be used as a basis for stopping an individual. Furthermore, DGO 5.17 states that officers are required to be courteous and professional in their interactions with the public in order to prevent widespread perception that law enforcement is biased. Because the officer's behavior was broadcast to a wide audience, the public's perception that the Department is biased was reinforced, damaging the Department's reputation.

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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SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.20, Language Access Services.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer talking with people who possibly use English as a second language. The complainants alleged that the officer did not provide an interpreter to assist in his communication.

The video presents at least one person talking to the officer in English, but with an accent.

The named officer stated that he only had a brief interaction and nobody was detained. The person who did speak, spoke in English, and that everyone appeared to understand what he was saying in the brief encounter.

DGO 5.20 states that in general interviews members should seek out language assistance whenever the member encounters someone “who requests an interpreter or is unable to communicate with or is experiencing difficulty communicating with the member.

There is no evidence in the video that any of the people the named officer spoke with had difficulty communicating in English, and one person in the video did speak English. The video also shows a very brief encounter and did not lead to a detention.

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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SUMMARY OF ALLEGATION #5: The officer engaged in biased policing due to race/national identity.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer threaten people under the assumption that they came from another country. This assumption is backed by the officer being recorded saying that he wanted to return the people to their own country. Because the officer assumed the people he was talking to, who appear to be Asian or Latino, were reportable immigrants, and since he based his policing strategy on that assumption, the officer violated DGO 5.17, Policy Prohibiting Biased Policing.

The named officer denied engaging in biased policing. He stated that he did not know the nationality or race of any of the people he was talking to. He stated that just because he threatened to send them back to their own countries does not mean he was assuming they were of a different nationality. The named officer stated he did not know the identity of any of the people he was talking to.

DGO 5.17 states that perceived national origin cannot be used as a basis for stopping an individual. Furthermore, DGO 5.17 states that officers are required to be courteous and professional in their interactions with the public in order to prevent widespread perception that law enforcement is biased. Because the officer's behavior was broadcast to a wide audience, the public's perception that the Department is biased was reinforced, damaging the Department's reputation.

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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SUMMARY OF ALLEGATION #6: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer making several inappropriate comments. The video shows the officer using profanity to accuse the listeners of buying stolen property, and threatening to deport them. The comments were crude, threatening and biased.

DGO 2.01, rule 9 states, “Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

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.

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated that they watched an investigative news show in which a hidden camera captured a San Francisco police officer use profanity.

The video shows that the named officer used a profane word.

The named officer stated that he used a profane word and that he regretted doing it.

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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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 that he went to a district police station to report that his former landlord had used his identity to engage in fraud, and that it resulted in the IRS claiming he owed a large amount of money to them. The complainant stated that five months had passed and the SFPD had taken no action.

A sergeant from the district station acknowledged that he had reviewed the incident report created by a Police Services Aid (PSA) documenting the information reported by the complainant. He stated that after review, it would have been routed to the appropriate department or departments.

A sergeant at the appropriate investigative unit, who was listed as the person to whom the report was reported, stated that he recalled speaking with a PSA about the complainant's report. He stated that he determined the matter did not require an immediate response, and assumed that the report would then go to an assignment officer at his unit.

The captain at the investigative unit stated that the Supplemental Incident Report was received nearly four months after the complainant made his initial report at the district station. She stated that the unit did not receive the Initial Incident Report until more than five months after the complainant made his report. She stated when the initial report was finally received, the issue was immediately forwarded to the IRS.

Another sergeant at the investigative unit stated he is an "assignment officer." He said that the complainant's case would be assigned to an investigator if it was within the unit's jurisdiction. The sergeant stated that he reviewed the complainant's supplemental report, but it lacked substance, so he filed it away. He stated that he assumed the initial report had already come to the unit and been dealt with. The sergeant said it would create too much work to re-review initial reports, when supplemental reports arrive.

The initial incident report has a timestamp indicating it was received at the SFPD RMS Unit the day after the complainant made his report at the district station. It is a report of "False Impersonation to Receive Money or Property." The report shows that it was reported to the appropriate unit, and has the name of a sergeant from that unit. The report indicates that it was assigned to the appropriate investigative unit, and that hard copies were sent to that unit as well. A supplemental report was made nearly four months later, and indicates that it was also forwarded to the same unit. An additional supplemental report shows that the unit referred the matter to the IRS about two months later.

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SUMMARY OF ALLEGATION #1 continued:

SFPD Bulletin 17-055, Delivery of Incident, Coplogic and Collision Reports to the Crime Information Services Unit, states, "Department members shall send completed reports ... with printed copies of all attachments to the Crime Information Services Unit (CISU), Records Management Section." It further states:

There are several reasons why printed copies of reports are still required. Currently, in order for a report to be routed to an investigative unit or to an outside agency (i.e. District Attorney and OR Bail Project), it must be scanned into the Laserfiche system. Once scanned into Laserfiche, CISU staff must enter information into multiple CABLE and CLETS fields and send collision reports to the California Highway Patrol.

The DPA's investigation determined that the district station, likely, routed printed copies to the Records Management Section appropriately. After that, it is unclear why there was a delay of several months before the initial report was identified at the relevant unit. Although it appears likely that somebody failed to take required action to avoid the delay in the complainant's report being forwarded to the IRS, it is unclear who made the error, and whether it was a sworn member of the SFPD.

The identity of the alleged officer could not be established.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was sitting on a fire hydrant waiting for a bus when the named officers drove up to him, exited their vehicle and issued him a citation. The complainant said the citation was for the violation of sitting on a fire hydrant, Municipal Police Code section 74. He stated that it was later dismissed by the court as invalid.

One of the named officers – the senior officer – stated that he and the other named officer saw the complainant sitting on a hydrant and stopped to cite him for obstructing the hydrant. The named officer stated that “obstructing” a hydrant could mean sitting on, leaning against, or building a structure around a hydrant. When asked if a person who put his foot on a hydrant to tie his shoe or placed a bag next to a hydrant would be obstructing it, the named officer said he’d have to see it. The named officer stated that he has cited people for violations of this code 2 to 3 times before, including specifically for sitting on a hydrant. The officer stated that he did not suspect the complainant of any other criminal activity, but acknowledged that his location was also known for fleecing stolen goods and drug sales.

The other named officer stated that he and the first named officer saw the complainant sitting on a fire hydrant while driving, made a u-turn, stopped, and cited him for a violation of San Francisco Municipal Police Code 74. The named officer said that he did not ask the complainant to move before deciding to cite him. The named officer stated that he considers sitting on a fire hydrant a type of obstruction. When asked whether putting a backpack next to a hydrant, or putting one foot on a hydrant would be obstruction, he stated he’d have to see it. The named officer said that this was the only time he had ever cited anyone for this violation, and that he had discussed the matter with the first named officer as they drove up to the complainant.

A sergeant assigned to the SFPD Professional Standards and Principal Policing Bureau was interviewed as a subject matter expert. He stated that Municipal Police Code section 74 is not discussed in his course, though he does discuss how to look up the various codes and interpret them. The officer stated, “... if you’re gonna issue a citation for 74, then you’d better read it, understand it, discuss it with a sergeant, and before you issue the citation they should have ensured that the elements of the crime have been met.” The officer stated that “obstruction” of a fire hydrant would include leaving construction equipment within 15 feet of one, or building a tent around one. He stated that the purpose of the law is to ensure that the fire department can have immediate access to a hydrant: “[T]hey can’t wait for people to move tents and structures and piles of sand if it’s a construction project.” The officer stated that he would not apply MPC 74 to someone sitting on a hydrant, and that the civil sidewalk ordinance would be more applicable in

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SUMMARY OF ALLEGATIONS #1-2 continued:

such a case. He stated that the intent of the law was to ensure public safety, not to prohibit sitting on or near a hydrant. He said it would be most applicable to situations where homeless individuals build structures or set up tents obstructing a hydrant, or when contractors leave materials close to hydrants.

No witnesses were identified.

Court documents show that the complainant's infraction was found to be an "Invalid Statute," by San Francisco Superior Court. An Expanded Course Outline for the SFPD course titled, "Municipal Codes," states that, "Peace officers must be able to develop probable cause to [s]top, detain, and arrest offenders." The outline covers a number of laws, including obstruction of streets and sidewalks and sitting/lying in certain public premises, but not MPC 74.

San Francisco Police Code section 74, Hydrants, Obstruction Of, Prohibited, states, "It shall be unlawful for any person to obstruct any hydrant on any public street, or to place or deposit any lumber, rock, sand, or other substance within 15 feet of any hydrant on the roadway of any street."

SFPD General Order 2.01, General Rules of Conduct, Section 7, Maintaining Knowledge, states: "Members shall maintain a working knowledge of all information required for the proper performance of their duties."

Section 9, Misconduct, states:

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

SFPD DGO 5.03, Investigative Detentions, states, "It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity."

It also 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.

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SUMMARY OF ALLEGATIONS #1-2 continued:

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.

In this case, neither named officer was able to articulate how the complainant was obstructing the hydrant, other than that he was sitting on it. There was no justification for citing the complainant under these circumstances.

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.

SUMMARY OF ALLEGATIONS #3-4: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that he didn't understand why the named officers cited him, and after finding out that the statute was invalid, he assumed they were harassing him.

The named officers asserted that they cited the complainant because they felt he was obstructing a fire hydrant. The named officers denied harassing the complainant and stated that they were not familiar with him.

There was no evidence of repeated contacts between the complainant and the named officers. It is more likely than not that the named officers' detention and citation of the complainant was not an act of harassment.

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 #5: The officer engaged in threatening and intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer made him uncomfortable because of his body stance and how he stared at him.

The named officer admitted he made eye contact with the complainant, but stated that his demeanor was professional and respectful. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that he was stopped by the named officer and was accused of doing “doughnuts,” while driving. The complainant stated that his vehicle was towed, and that the named officer told him that he could immediately retrieve his vehicle.

The named officer’s Body Worn Camera shows that when the named officer asked if he knew why he was being pulled over, the complainant said, “I do...I just got excited. I borrowed my boss’ car.” The complainant admitted speeding but denied doing “doughnuts.”

Department records showed that the named officer did not place a “HOLD” on the complainant’s vehicle. The “HOLD” was placed by SFPD’s Traffic Admin.

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 ALLEGATION #2: The officer seized the complainant’s vehicle.

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

FINDINGS OF FACT: The complainant stated that a 30-day vehicle hold was placed on his vehicle without justification.

The named officer stated that the complainant’s vehicle was place on “HOLD” pursuant to California Vehicle Code section 23109.2.

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

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

FINDINGS OF FACT: The complainant stated he was assaulted and robbed. The complainant stated the named officer should have done more to investigate, such as visiting the area where he was assaulted to locate suspects, witnesses or evidence of the crime. The complainant stated he has had major reconstructive surgery from the injuries sustained during the assault. The complainant also said that the robbery was a hate crime.

The named officer stated he responded to a robbery call and interviewed the complainant. The named officer stated the complainant told him that he had been robbed by seven individuals. The named officer stated the complainant sustained visible injuries to his face, bleeding and swelling, abrasions covering his body, and the loss of multiple teeth. He said the complainant was confused and disoriented during the interview. The named officer stated he received physical descriptions of the suspects from the complainant. The named officer stated the complainant could not provide an exact location of the incident at that time, but that he searched the area for suspects. The named officer stated there were no witnesses to the incident. The named officer stated the complainant never told him that the crime against him was a "hate crime." The named officer stated he was not aware of any information that the crime committed was a hate crime and there was no evidence to indicate that a "hate crime" had occurred.

The related incident report was consistent with the named officer's account of his investigation. The report documented no suspects were located at the scene. According to the report, the complainant told the named officer that his backpack, which contained prescription medication and a black tablet, was taken by one of the individuals who had attacked him. The report documented that two officers assisted the named officer in searching for suspects. The report further documented that no video footage was located, due to the unknown occurrence area. The report documented that the complainant said he had been two blocks south of his current location earlier. The supplemental report indicates that, between four and five weeks later, the complainant went to the district station and reported that "he has slowly been able to recall more specifics regarding the location of the attack..." The supplemental report establishes that the complainant, "... advised me that at the time of the attack...he was able to provide very little regarding specifics due to the fact that he lost consciousness at least two times." The complainant also relayed in his narrative that he lost consciousness at least two times during the assault. In the supplemental, the complainant stated he strongly believes this was a hate crime.

Records from the Department of Emergency Management show that Dispatch received a call from a community housing partnership at 0329 hours regarding a male covered in blood who said he had been

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SUMMARY OF ALLEGATION #1 continued:

robbed by 9 males. The records included a statement from the reporting party regarding where the suspects had last been seen.

The complainant was badly injured, was in and out of consciousness, and by his own admission did not remember where the attack had taken place when the named officer responded. He was able to provide information about where he had been earlier, and that area was searched. It wasn't until several weeks later, and long after the named officer was involved in the investigation, that the complainant provided a different location.

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 failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate his case.

The named officer stated the case was never assigned to him.

The related incident report and supplemental incident report both indicate that the complainant's case was assigned to other officers for investigation.

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: 08/06/17 **DATE OF COMPLETION:** 03/14/18 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated the case was eventually assigned to the named officer. The complainant said he did not know if the named officer actually did anything. The complainant stated that the named officer would not take his composite sketches.

The named officer stated he was assigned the case approximately six weeks after the event. He said the captain, a lieutenant, and an officer assigned as the video retrieval officer, assisted him on this case. The named officer said he interviewed the complainant at the station and prepared a supplemental to the incident report. The named officer stated he canvassed for videos and detailed the video retrieval officer to search for video of the incident. The named officer said the video retrieval officer contacted a building manager, however, he was not successful in retrieving any video of the robbery. The named officer said the complainant told him that he believed the crime against him was a "hate crime." However, the named officer stated that the Department's subject matter expert told him that the complainant's case did not meet the criteria of a hate crime. The named officer said he took the composite sketches from the complainant.

The chronological report of investigation established the named officer was assigned the case approximately six weeks after the incident. The chronological documented that the complainant went to the district station and provided an update to his case. The named officer consulted with a subject matter expert on hate crimes, and it was determined that the incident did not meet the criteria for a hate crime. The report also documented that the area was canvassed for video with negative results.

The named officer was not responsible for the timing of the case assignment. There was no evidence that the named officer was neglectful while investigating the strongarm robbery against the complainant.

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: 08/06/17 **DATE OF COMPLETION:** 03/14/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer – the captain at the district station – did not properly handle the assignment of the case and did not properly oversee the investigation. The complainant stated the named officer should have assigned the case to a sergeant in a timely manner. The complainant stated the named officer inappropriately determined the crime against him was not a hate crime.

The named officer stated she was not responsible for assigning the case. She acknowledged that the case was not assigned immediately, but she did not believe that all the relevant information was available to the investigators. The named officer stated she had experience leading the unit tasked with investigating hate crimes and was aware of the importance of investigating hate crimes. The named officer stated she spoke to the assigning sergeant and the investigating sergeant about the case. She also reviewed the case and spoke to the subject matter expert on hate crimes. The named officer said she and the subject matter expert both agreed that the case did not fit the criteria of a hate crime. The named officer stated that, once the case was assigned, the investigating sergeant and the subject matter expert sergeant did their best based on the information provided to them.

Email communication between the named officer and the complainant reveal that the named officer was diligent in responding to the complainant's concerns and offered, on two occasions, to meet with all involved parties to discuss the investigation. The investigation did not uncover evidence that the named officer failed to take required action.

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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SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he contacted a civil liberties organization about his case, and then contacted the named officer a couple of hours later. The complainant said that he mentioned to the named officer that he had contacted the civil liberties organization, and she told him that she knew somebody that worked there. The complainant stated that someone from the civil liberties organization contacted him later that evening and told him they would not take his case. The complainant believed the named officer used her influence to convince the civil liberties organization not to take his case.

The named officer denied the allegation. The named officer stated she did not recall ever speaking to anyone from the civil liberties organization regarding the case, and that she would never do such a thing.

It was unclear what case a civil liberties organization would take on the complainant's behalf at the time he contacted the named officer. Furthermore, the allegation is based only on a hunch on the part of the complainant. It is more likely than not that the named officer did not dissuade the civil liberties organization from taking the complainant's case.

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: 08/27/17 **DATE OF COMPLETION:** 03/07/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he owns a café and that there have been ongoing noise complaints by his neighbors in the area. The complainant stated there was a crowd that formed inside and outside his café regarding a boxing match that aired on his café's TV. The complainant stated that an unknown officer ordered him to get the people off the sidewalk.

The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated he owns a café and that there have been ongoing noise complaints by his neighbors in the area. The complainant stated there was a crowd that formed inside and outside his café regarding a boxing match that aired on his café's TV. The complainant stated that an unknown officer ordered him to get the people off the sidewalk and used profanity towards the complainant.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/17 **DATE OF COMPLETION:** 03/20/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a vehicle collision where she was found to be at fault. The complainant alleged that the named officer reviewed and approved an inaccurate Traffic Collision Report.

DPA's records show that the complainant had previously filed a complaint against the officer who investigated the vehicle collision, alleging that the investigating officer pressured her into admitting that she was speeding and that the officer wrote an inaccurate Traffic Collision Report. The DPA concluded that the complainant's allegations against the investigating officer were unfounded.

Based on DPA's prior investigation into the issues previously raised by the complainant, there is no evidence that the named officer failed to properly supervise, or approved an inaccurate Traffic Collision Report.

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: 09/13/17 **DATE OF COMPLETION:** 03/01/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated she walked up to the named officer to get her “fix-it ticket” signed. The complainant stated that while the named officer signed off on her ticket, the complainant stated that the named officer looked “annoyed,” and told the complainant, “It’s probably not safe to walk up to a police officer in their car.”

The named officer could not recall the incident in question.

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: 09/29/17 **DATE OF COMPLETION:** 03/26/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she made a left turn out of the Lyft Hub parking lot and was pulled over and cited. She stated that the police officer told her that she could not make a left turn over the double yellow lines and issued a citation. The complainant stated that she had to pay the cost for and attend traffic school and her insurance premium was increased due to the citation.

The named officer stated that he issued the citation to the complainant for violating CVC §21460. He stated that he conducted a traffic stop and advised the complainant of the violation. The complainant signed the citation and was released at the scene. He stated he told her that she was being cited for crossing over double yellow lines. The named officer admitted that the violation he cited was incorrect. He admitted that, at the time he issued the citation, he did not know that CVC §21460 is not violated when a person turns left out of a driveway.

CVC §21460 states, in pertinent part:

(a) If double parallel solid yellow lines are in place, a person driving a vehicle shall not drive to the left of the lines, except as permitted in this section.

....

(d) The markings as specified in subdivision (a)...do not prohibit a driver from crossing the marking if (1) turning...into or out of a driveway...

Department General Order (DGO) 2.01 states, in pertinent part:

7. MAINTAINING KNOWLEDGE. Members shall maintain a working knowledge of all information required for the proper performance of their duties...

The evidence established that the complainant was cited without cause. The complainant did not violate CVC §21460 when she turned left out of a driveway and crossed double yellow lines.

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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 03/26/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer misled the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer gave incorrect advice about clearing her driving record. She stated the named officer advised that the ticket would be removed from her record if she went to traffic school, even though she was a licensed Class C driver. The named officer explained that the complainant did not actually qualify as a Class C driver because her medical evaluation was incomplete. Acting on the named officer's advice, the complainant went to traffic school and turned in forms to have the citation removed from her driving record. She then learned that the ticket would be removed, but a "point" would still appear on her driving record. The complainant stated her car insurance premium increased because of the point on her record. The complainant stated that she was misled.

The named officer denied intentionally misleading the complainant or offering advice on how to clear her driving record. He stated his usual practice is to advise that signing a citation is not an admission of guilt, but rather a promise to appear in court, pay a fine, or attend traffic school if eligible. He denied telling the complainant that the ticket would not show up on her record if she went to traffic school. He denied telling her any course of action that would prevent the ticket from showing up on her record. When asked how traffic school affects a person's driving record, the named officer stated his understanding is that attending traffic school can prevent a point from showing up on a person's driving record, which can prevent increases in insurance premiums. However, he stated he did not explain to the complainant how traffic school can affect a driving record because that information can be easily misconstrued.

There is insufficient evidence to prove that the named officer gave the complainant misleading advice, even if he did explain her eligibility for traffic school or that traffic school could result in the citation being removed from her driving record. Ultimately, the complainant's insurance was adversely affected even though she attended traffic school and she blames the named officer. But, she does not allege that the named officer told her that her insurance would not be affected; rather, she stated that the named officer told her that the ticket would be taken off her record. By all accounts, the citation was taken off her record after she attended traffic school. The named officer's advice did not directly or indirectly cause the complainant's insurance premiums to increase.

A preponderance of the evidence established that the acts alleged in the complaint did not occur, or that the named officer was not involved in the acts alleged.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/17 **DATE OF COMPLETION:** 03/16/18 **PAGE#** 1 of 2

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 the named officers stopped her due to illegal window tint on her car. The complainant insisted that her window tint was legal, and the stop was unjustified.

The named officers stated that they detained the complainant because they observed her windows to be tinted in violation of CVC §26708.5. They stated that they knew the tint was illegal based on their observations, knowledge, experience and training.

San Francisco Police Department (SFPD) Body Worn Camera (BWC) videos captured the complainant's car, which clearly had dark tinted windows.

Department General Order 5.03, Investigative Detentions, section I.B. allows an officer to 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 complainant's car had dark tinted windows. The officers had reasonable suspicion to detain the complainant for violation of CVC §26708.5 while they investigated.

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: 10/31/17 **DATE OF COMPLETION:** 03/16/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the officers detained her and her friend because they are African American. She stated that the officers were very racist. She stated that the officers did not say anything to disparage African Americans, but she and her friend were the only African Americans on the block and the officers are white.

The named officers deny that race was a factor when they detained the complainant.

The Body Worn Camera (BWC) recordings captured the entire police contact. Nothing in the recordings indicated that the officers were racist or detained the complainant due to her or her friend's race.

A preponderance of the evidence established that the alleged conduct did not occur.

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.

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers were very rude and one of the officers threw a backpack and ID at her cousin.

The BWC recordings captured the entire police contact. Nothing in the recordings showed the named officers acting in a rude or discourteous manner. The recordings showed one of the named officers lightly tossing the backpack back to the complainant's cousin and the cousin easily catching it. The recordings also showed one of the named officers handing the cousin back his identification. The officers chose not to cite the complainant and gave her a warning about the illegal tint.

A preponderance of the evidence established that the alleged conduct did not occur.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/17 **DATE OF COMPLETION:** 03/16/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was double-parked in front of her house when the named officer approached her and asked for her driver's license. The complainant alleged that during the contact, the named officer handcuffed her right hand to the steering wheel of her vehicle, grabbed her purse and took out her driver's license. In addition, the complainant alleged that when her dog started barking, the named officer threatened to call Animal Care and Control. Lastly, the complainant stated that the named officer wanted to enter her house to check if her nephew, who had an outstanding warrant, was inside.

The named officer stated he was in the area conducting surveillance for a wanted person with an active felony warrant when he observed the complainant's vehicle double-parked in front of the location where the wanted person frequently visited. The named officer admitted asking for the complainant's driver's license, but denied ever putting the complainant in handcuffs and denied ever touching the complainant's purse as alleged. The named officer also admitted asking if he could go inside the house to look for the suspect, but she refused.

The body worn camera (BWC) recordings from the officers at the scene failed to support the complainant's allegations against the named officer. The BWC recordings showed the complainant being double-parked. The complainant was not placed in handcuffs and no dog was seen on the BWC recordings. The named officer did ask for the complainant's permission to look for the suspect, but the complainant refused. The BWC recordings showed that the named officer and another officer were extremely patient with the complainant, treating the complainant with courtesy and respect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/17 **DATE OF COMPLETION:** 03/02/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer is no longer a sworn member of the S.F.P.D.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/17 **DATE OF COMPLETION:** 03/23/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on March 15, 2018.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on March 15, 2018.

SUMMARY OF ALLEGATION #3: The officer had a rude attitude or demeanor.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on March 15, 2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/17 **DATE OF COMPLETION:** 03/07/18 **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 forgot his keys to his apartment and tried to get help from his neighbors, who called the police. The complainant stated that one of the responding officers threatened to place him in handcuffs and pushed him against the wall. The complainant further stated that the officer had his hand on his gun, making the complainant uncomfortable.

The named officer stated he and his recruit officer responded to the scene to investigate a trespasser in the apartment building. The named officer stated the complainant was unable to provide his identification and an apartment key to prove that he lived there. The named officer stated the complainant was uncooperative, rude, and unreasonable. The named officer denied threatening the complainant and denied pushing him. The named officer admitted resting his hand on his holstered firearm.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/17 **DATE OF COMPLETION:** 03/16/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.