

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/03/17 **DATE OF COMPLETION:** 06/20/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated two officers purposefully “tormented” him during a traffic stop by flashing lights in his face and truck cab and by continuously asking, “What are you doing?”

The Body Worn Camera recordings showed that the traffic stop occurred in the evening and that the officers used both the police car lights and their flashlights to illuminate the truck cab during the traffic stop and while the complainant signed the citation. The named officers behaved and spoke in a professional manner during the traffic stop.

The evidence established that the named officers treated the complainant with courtesy and respect.

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

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**DATE OF COMPLAINT:** 02/22/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers entered a building without cause

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on May 4, 2017.

**SUMMARY OF ALLEGATIONS #3-4:** The officers searched a building without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on May 4, 2017.

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**DATE OF COMPLAINT:** 02/22/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 4, 2017.

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**DATE OF COMPLAINT:** 01/18/17    **DATE OF COMPLETION:** 06/26/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that an officer driving a police car did not stop at the crosswalk while the complainant was crossing the street with her baby.

The complainant provided the car number; however, she was unable to confirm the exact location of the crosswalk.

Department records show that the car the complainant identified was not driven in the area where the incident occurred.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated she called the police upon returning from vacation and discovering that her residence had been burglarized. The named officer responded to the complainant's residence and performed the initial investigation. The complainant told the officer she had given an acquaintance the keys to her residence in order to pet-sit her cat while the complainant was on vacation. The complainant told the named officer that she suspected her pet-sitter as the person who committed the burglary, and explained additional reasons for her suspicion. The complainant described to the officer the items that were stolen from her residence.

The complainant stated the officer failed to file her complaint with an investigative unit. The complainant stated the named officer told her "the force is backed up. It can take 2-3 weeks till the report is made and for me to get one." The complainant stated the officer also told her that she did not have any proof the pet-sitter took the items. The complainant stated the officer's negligence in not dusting her residence for fingerprints hurt her chances of prosecuting the suspect.

The DPA investigation determined the named officer prepared an incident report the same day he was notified about this incident. The report included the information that the complainant provided to DPA regarding the burglary. The officer wrote in his report that there were no signs of forced entry and due to the lack of either physical evidence or latent prints he did not contact the crime lab. The incident report was forwarded to the Station Investigation Team (SIT) for further investigation. The CSI unit was later contacted and responded to the complainant's residence nineteen days later. The CSI unit determined fingerprints could not be obtained from pertinent surfaces. The SIT investigator attempted to contact the suspect but was unsuccessful.

The SIT investigator also brought the details of his investigation to the Assistant District Attorney who declined prosecution due to lack of corroboration.

The evidence proved that the officer's actions were proper and followed Department procedure.

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 write an incident report.

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

**FINDINGS OF FACT:** The complainant filed a complaint at a SFPD District station one year after a contact he had with the named officer. The complainant stated that she spoke to the named officer and, although she did not specifically request an incident report, felt the named officer should have asked if she wanted to file a report. The complainant failed to respond to numerous attempts to interview her for additional evidence.

The named officer said she had little memory of the year-old event, but denied the complainant reported a crime. She recalled that numerous people inside a residence complaining about a drunken relative no longer on scene who caused a disturbance at a party.

None of the identified witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant said she reported her cousin had committed a battery, gave the named officer her cousin's address and asked for a restraining order, but the named officer told her no restraining order could be issued because he was her cousin. The complainant failed to respond to numerous attempts to interview her for additional evidence.

The named officer could not recall if the complainant asked for a restraining order against her cousin or provided an address for the suspect.

None of the identified witnesses came forward.

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

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**DATE OF COMPLAINT:** 01/27/17 **DATE OF COMPLETION:** 06/03/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated he was standing on the sidewalk of an alley waiting for his friend when the named officer ordered him to leave. The complainant stated he was on the sidewalk for a short period of time. The complainant stated he was not blocking anyone and was neither drinking nor harassing other people. The complainant stated the officer had done the same thing to him several times in the past. The complainant stated the officer does not want him around and always tells him to leave.

A witness stated that she was not present during the contact but saw the complainant and the officer talking afterwards. She stated the complainant told her the officer was harassing him again, which has been an ongoing issue. She stated she heard the officer yell at the complainant, "Stay out of the alley. I don't want to warn you again." She stated the complainant is homeless and has been living in the alley.

The named officer stated that he sees the complainant in the same area everyday during his shift. The named officer stated the complainant is a known drug user, and he has documented that in the past. The named officer stated he asked the complainant not to loiter in the area per section 11532 of the Health and Safety Code.

The named officer's partner is no longer working with the Department. No other witnesses were identified.

Department records show that the complainant is a Controlled Substance Offender registrant, and has been cited and arrested numerous times in the area for various drug crimes.

Chapter 9.5 of the Health and Safety Code, Loitering for Drug Activities, states in part:

11532. (A) It is unlawful for any person to loiter in any public place in a manner and under circumstances manifesting the purpose and with the intent to commit an offense specified in Chapter 6 (commencing with Section 11350) and Chapter 6.5 (commencing with Section 11400).

The complainant has been living in the alley, and has a history of engaging in drug-related crimes in the alley and its vicinity. The named officer was familiar with the complainant's history. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act was justified, lawful and proper.

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**SUMMARY OF ALLEGATIONS #2:** The officer engaged in inappropriate behavior and/or comments.

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

**FINDINGS OF FACT:** The complainant stated the officer called him a drug addict and a liar.

The named officer denied making such statements. The named officer stated he advised the complainant not to loiter per section 11532 HSC.

The complainant's witness stated she did not hear insulting comments from the officer during the questioned incident. However, the witness stated she had heard the named officer use similar language with the complainant on previous encounters. The witness stated she works for an agency that provides syringe access, medical therapy and counseling, and that the complainant was one of her clients. The witness stated she encouraged the complainant to file the complaint and allowed him to use their facility to fill out a complaint form.

No other witnesses were identified.

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



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

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

**FINDINGS OF FACT:** The complainant stated she was involved in a fight with her roommate and her roommate's wife in the garage area of her apartment building. The complainant stated the two attacked her by the elevator causing injury. The complainant stated both parties called for police assistance. When the named officers arrived, she told them what had happened and that she wanted the two arrested. The complainant stated the officers refused to make an arrest.

One of the named officers stated that both the complainant and her roommate reported being assaulted by the other and both had visible injuries. The named officers stated both parties signed arrest forms against the other and both were cited and released at the scene.

The complainant's roommate stated that his wife and the complainant got into a fight, and he intervened to separate the two. He stated that during the fight, the complainant bit his finger and he punched her in response. The wife of the complainant's roommate confirmed that there was a physical altercation but she stated that the complainant was the aggressor.

Department of Emergency Management call records show that complainant's roommate was the first to call 911 regarding the fight. Department records show both the complainant and her roommate signed arrest forms against each other, and both were cited for misdemeanor battery.

The incident report confirms that the two were cited, but indicated that the complainant also wanted to press charges against her roommate's wife.

Body Worn Camera (BWC) footage showed the named officers interviewing all of the parties. The BWC footage showed complainant admitting to her involvement in the fight and to making physical contact initially to back off her roommate's wife.

Department General Orders 5.04 section II, Arrest by Private Persons, states in part:

Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall: ... Determine if a crime has, in fact, been committed. ... Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate.

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**SUMMARY OF ALLEGATIONS #1-2:** (Continued)

Department General Order 5.06, Citation Release, states in part:

It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offences.

D. DECISION TO CITE. When receiving an arrest from a private person, the decision to cite or book the suspect shall be made on the basis of eligibility, not the arresting person's preference (see DGO 5.04, Arrests by Private Persons). When a person is arrested for a misdemeanor or an infraction and it is a later determination that he/she is eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the Sheriff Department assuming custody.

The named officers determined after investigation that the complainant and her roommate committed misdemeanors eligible for a citation release.

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

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

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

**FINDINGS OF FACT:** The complainant stated the garage had a surveillance camera that could have recorded the incident. The complainant stated the officers failed to properly investigate the incident by refusing to look at the camera's video footage.

The officers stated they tried to locate a video of the incident by calling building management and the security office, but no one was available at the time.

The Incident Report acknowledged that there may have been surveillance video evidence, but that the named officers were unable to locate management to confirm this.

The investigation established, by a preponderance of the evidence, that the named officers did attempt to view the surveillance video. 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.

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**SUMMARY OF ALLEGATIONS #5:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated the officer wrote an inaccurate report by stating that she pushed her roommate's wife, that her roommate punched his wife in the face, and that she was inside her apartment when the incident occurred. The complainant also stated the officer failed to include in her report that she bit her roommate's finger in self-defense.

The named officer stated the complainant made pushing gestures with her two hands when she told her how she backed off her roommate's wife. The named officer stated the portion of the report that states the complainant's roommate punched his wife, rather than complainant, was a typographical error. The named officer stated the totality of her report, and the context of the error, made it clear that the complainant was the one who was punched in the face. The named officer stated that her report shows the incident took place in a residential garage. The named officer stated the complainant never used the term "self-defense," though she acknowledged that the complainant's stated reason for her action amounted to self-defense.

The officer's partner stated that he was not present when the named officer took the complainant's statement. The officer stated the error on the report was typographical, and that he could not recall if the complainant said she bit her roommate's finger in self-defense.

Video footage from the named officer's body camera shows the complainant making pushing gestures with her two hands when she explained how she had backed off her roommate's wife. The incident report states that the fight was reported to have occurred "in the garage" of the residential building. The report documents that the complainant's roommate pushed her to the ground during the fight and the complainant then bit her roommate's finger. The rest of the complaint documents that the roommate responded to the biting by punching, but at one point misidentifies the person being punched.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error cause harm to the complainant or others).

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

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

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

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

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

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

**FINDINGS OF FACT:** The officer was released from the SFPD and is no longer subject to Department discipline.

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

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

**FINDINGS OF FACT:** The complainant stated she called the police after the janitor in her hotel stole her property. The complainant stated that a very nice female officer arrived, but she did not do her job and she seemed like she was “on the other person’s side”.

The named officer stated that when she and her partner arrived at the hotel, her partner told her to standby outside because her partner knew the complainant. The named officer stated that she did not make contact with the complainant and her partner cleared the call.

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 ALLEGATIONS #1-2:** The officers failed to take a required action.

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

**FINDINGS OF FACT:** The complainant stated that she was the victim of a burglary but the responding officers did not write an incident report or take any further action.

The named officers denied the allegation. The named officers stated that they listened to the complainant's story and completed an incident report.

Department records show that the named officers prepared an incident report, which listed the investigative steps they took.

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 #3-4:** The officers failed to provide language services

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

**FINDINGS OF FACT:** The complainant stated the officers failed to provide her with an interpreter.

The officers denied the allegation. They stated the complainant spoke in fluent English and there was no language barrier. The officers stated the complainant did not request language assistance services during the incident. The officers stated that language was not a problem but that the complainant was uncooperative and would not answer questions in a coherent manner.

Medical records established that the complainant was treated by physicians who spoke English to her.

The DPA used the language line to interview the complainant in Mandarin. Even with the language services, the complainant was difficult to understand and would not answer specific questions.

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 detained the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that she called police to report a burglary. Officers arrived, detained her and sent her to the hospital for no reason.

The named officers stated they responded to the burglary call and treated the complainant as a victim of a crime. The complainant told them that she was injured and the named officers called an ambulance. The ambulance arrived and the named officers left the complainant with the paramedics. The named officers stated they never detained the complainant.

Medical records indicate that the paramedics transported the complainant by ambulance and that she was eventually held for a psychiatric evaluation. The named officers were not involved in the decision regarding the psychiatric evaluation.

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 #7-8:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that she called police to report a burglary. The complainant alleged that the responding officers told her that she had mental issues and that she should get some sleep.

The named officers stated that they did not recall saying anything to the complainant about her mental status or her needing to sleep.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATION #9:** The officer failed to take a required action.

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

**FINDINGS OF FACT:** The complainant stated that she spoke with an officer at a station who failed to take a burglary report for her.

The identity of the alleged officer could not be established.

No witnesses were identified.

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

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

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

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

San Francisco Sheriff's Department  
Investigative Services Unit  
Attn: Lt. Charles Flewellen  
25 Van Ness Avenue Suite 350  
San Francisco, CA 94102



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

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

**FINDINGS OF FACT:** The complainant stated an unknown plainclothes officer detained her at a bus stop near a grocery store where she had just purchased a six-pack of beer that she was carrying in her hands. The complainant stated the officer requested her identification and age. The complainant asked the officer why she needed to produce ID when the grocery store had demanded and she produced identification evidencing her age. The complainant stated the officer told her there had been complaints of minors illegally purchasing alcohol at the store. The complainant provided a general description of the officer.

The DPA sent Officer Identification polls to the district police station and other relevant units but was unable to identify the officer in question. DPA queried the police databases but could not locate the incident. The DPA questioned the complainant's partner, but she was unable to provide sufficient information to identify the officer.

No additional witnesses came forward.

The identity of the alleged officer could not be established.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the officer singled her out due to her Indo-Pakistani ethnicity.

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:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was waiting at an ATM for his girlfriend when the named officer approached him and told him to “move on.” The complainant stated that he complied with the named officer’s order. The complainant stated the named officer then grabbed him from behind and placed his arm around the complainant’s neck pulling him to the ground. The complainant stated that his lip and knee were injured. The complainant stated that his backpack was searched and a small amount of marijuana was found. The complainant stated other officers arrived, but he did not have complaints about them or their conduct. The complainant stated he was cited and released.

The named officer stated that he informed the complainant that he could not loiter near an ATM, and that when the complainant insisted that he had a right to be there, the named officer determined he was going to cite him and told him that he was not free to go. The named officer stated that he tried to stop the complainant as he walked away, and ended up struggling with him on the ground. The named officer was eventually able to handcuff the complainant, and cite him with resisting arrest, and a violation of SF Municipal Police Code. The named officer also found marijuana on the complainant and cited him for possession.

The named officer’s partner was initially separated from the named officer, but found him struggling on the ground with the complainant. The officer stated that he assisted the named officer in gaining physical control of the complainant, but was not part of the initial detention.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #2:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the named officer grabbed him from behind and placed his arm around the complainant's neck and pulled him to the ground. The complainant stated that he sustained a bloody lip and scraped his elbow from the contact.

The named officer stated that he asked the complainant to stop as he walked away from a lawful detention. The named officer stated that he followed the complainant, but then attempted to stop him by pulling his hair. The named officer stated that the complainant continued to walk away, and he grabbed his upper body to attempt to put him into handcuffs. The named officer stated that the complainant continued to resist, but he was eventually able to place handcuffs on him and issue him a citation. The named officer stated that he saw a scratch or scrape on the complainant's lip and that an ambulance was called.

The named officer's partner stated that he noticed an injury to the complainant's lip.

A sergeant who arrived later to conduct a Use of Force investigation stated that he determined that the force used was reasonable. He stated that he saw a "little mark" on the complainant's nose and lip. The sergeant stated that an ambulance was called, but the complainant refused medical help.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #3:** The officer placed tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that he told the named officer that his handcuffs were tight, but the named officer ignored him. The complainant stated that the named officer's partner loosened the handcuffs for him after about five minutes.

The named officer stated that he could not recall if the handcuffs were too tight or whether he initially double locked the handcuffs; however, he also stated that it is his practice to check for tightness and double lock handcuffs, and he had no reason to believe he did not do it on this occasion.

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

**SUMMARY OF ALLEGATIONS #4:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer arrested him for no reason.

The named officer stated that he initially arrested the complainant because he was loitering in front of an ATM and because he resisted a lawful detention. During a search of the complainant's backpack, he found a sufficient volume of marijuana to also cite or arrest the complainant for a CA Health & Safety Code violation, regardless of whether the complainant had a medical marijuana card.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #5:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officer threatened to arrest him for selling marijuana because he had five \$100 bills and marijuana in his backpack. The complainant stated that the officer winked and smiled at him when he told the officer that he was filing a DPA complaint.

The named officer stated he did not remember whether he threatened to arrest the complainant for selling marijuana, but acknowledged that it was possible. The named officer stated he did not recall winking or smiling at the complainant when he told him that he was going to file a complaint. When asked if that was something he would have done, the named officer stated, "I don't think so."

The named officer's partner stated that he did not see the named officer wink and smile at the complainant. The officer stated that he did not remember the named officer threatening to arrest the complainant for selling marijuana.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers kicked in the door to his home without knocking and then searched inside his residence. The complainant stated that the named officers did not have permission to enter his home or the right to search inside.

The co-complainant stated that the named officers banged on the front gate and front door before entering the home. She stated that she opened the front door for the named officers.

One named officer stated that he had a warrant to enter and search the complainant's home. He stated that the warrant did not require him to knock or announce himself before entering the complainant's home. The second named officer stated he received a search warrant ordering him to find a suspect in a shooting incident.

Court records showed that a search warrant was issued commanding the named officers to search the complainant's residence to make an arrest. The warrant allowed the named officers to enter the residence at night and without knocking.

Two witnesses stated that the named officers yelled for people inside the home to open the front door before they entered.

Several officers were interviewed as witnesses.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/12/15    **DATE OF COMPLETION:** 06/30/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3-4:** The officers detained and searched several people without justification.

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

**FINDINGS OF FACT:** The complainant stated that his co-complainant wife and nieces were detained when the named officers searched his house. The complainant stated that his wife and nieces were not criminals and should not have been detained. The co-complainant stated that the named officers detained her and her nieces and had them wait outside in the rain without shoes, blankets, or coats. The co-complainant stated that a female officer searched her and her nieces.

One named officer stated that all occupants of the home were detained to ensure officer safety while they searched the home. He stated that an officer searched the co-complainant and two other women in the home for weapons and for officer safety purposes. The other named officer stated that he was responsible for the occupants when they were outside. He stated that the occupants were detained because officers were still searching for the firearm that was linked to the shooting incident. He could not recall if anyone was searched during the incident.

One of the complainant's nieces stated she was kept outside in the cold without shoes or a coat. The other niece stated she was kept outside in the cold without socks on and made to sit on the ground. Both nieces stated that they were searched by a female officer.

Several officers were interviewed as witnesses.

No other witnesses were identified.

The warrant allowed the named officers to search the entire premises for a firearm and evidence of a shooting and to arrest a particular individual. It was reasonable for the officers to detain the occupants of the home during the search. It was also reasonable to search the residents for weapons.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/12/15    **DATE OF COMPLETION:** 06/30/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #5-6:** The officers handcuffed the residents without justification.

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

**FINDINGS OF FACT:** The complainant stated that his wife and two nieces were handcuffed and left outside in the freezing weather. The co-complainant wife stated that she was handcuffed with flexible plastic handcuffs that were too tight. The co-complainant stated that she asked officers multiple times if the handcuffs could be removed because they were too tight.

One named officer stated that it was necessary to “flex-cuff” the residents to ensure officer safety. He could not recall if the residents complained about the handcuffs being too tight. The other named officer stated that he was unsure if all of the residents of the house were handcuffed. He could not recall if any of the residents asked for the flex-cuffs to be removed due to the tightness.

The complainant’s two nieces stated they were handcuffed with flexible plastic restraints. One niece stated the handcuffs were so tight that they caused bruising on her wrists, but she was too scared to notify any of the officers that she was in pain. The other niece stated that officers left the plastic handcuffs on for too long. She stated that one officer explained that they needed to find scissors in order to remove the plastic handcuffs.

Several officers were interviewed as witnesses.

No other witnesses came forward.

It was reasonable for the named officers to handcuff occupants of the home as they searched for a suspect and a firearm.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/03/17    **DATE OF COMPLETION:** 06/20/17    **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 Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street, 4<sup>th</sup> Floor  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/07/17    **DATE OF COMPLETION:** 06/29/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he saw a group of people using and selling drugs. He asked four officers who were nearby to do something about the criminal activity. The officers were disinterested, rude, and blamed their inaction on the complainant. The complainant walked a block and asked two more officers to take action. These officers were disinterested and rude. The complainant was unable to provide names or descriptions of the six officers other than all were male and maybe two were Asian.

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 officers could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated he saw a group of people using and selling drugs. He asked four officers who were nearby to do something about the criminal activity. The officers were disinterested, rude, and blamed their inaction on the complainant. The complainant walked a block and asked two more officers to take action. These officers were disinterested and rude. The complainant was unable to provide names or descriptions of the six officers other than all were male and maybe two were Asian.

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 officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/08/17 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION # 1:** The officer misused police authority.

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

**FINDINGS OF FACT:** The complainant failed to cooperate with DPA's investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/21/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the officer botched the investigation by not identifying or apprehending the suspect who allegedly raped her.

The named officer stated he properly investigated the incident. He stated that when he was notified, he immediately responded and interviewed the complainant. The complainant told him she was inebriated and voluntarily left a bar to go with the suspect and friends of the suspect to hang out at the suspect's place. The complainant did not know the suspect; could not identify the complainant's residence of where the alleged assault took place; and could not identify the suspect's car.

The named officer stated he went to the bar and interviewed the bartenders who served the complainant; however, the bartenders did not know the suspect or the suspect's friends. The officer also obtained a video of the complainant and the suspect at the bar, but the video was of poor quality and not useful. Since the suspect was in possession of the complainant's phone, the officer called the suspect and used a ruse to lure him into capture. This attempt was unsuccessful. Furthermore, DNA analysis of the lab submission was negative.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/21/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the named officer used inappropriate language while interviewing her. The complainant stated the named officer, at a later time, also accused her of lying. The complainant stated she might have neglected to mention certain facts when other officers initially interviewed her. She stated she brought these facts out while talking to the named officer, but her lack of detail, when talking to the officers who initially investigated this incident, was due to the traumatic nature of the sexual assault that happened to her.

The named officer denied the allegation.

Two other officers who were present while the named officer was interviewing the complainant stated they did not find anything inappropriate in the way the named officer was interviewing the complainant.

A Subject Matter Expert in sexual assault cases was interviewed and did not find the named officer's language inappropriate. The complainant's initial interview with the named officer was recorded.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/21/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT:** The complainant stated she was traumatized after having been sexually assaulted. She described being misunderstood by the male officers who talked to her about this incident. The complainant stated the named officer never informed her about the local rape counseling center.

Section 264.2 of the California Penal Code states that a peace officer, or their agency, must immediately notify the local rape victim counseling center whenever a victim of an alleged violation of specified sex offenses is transported to a hospital for any medical evidentiary or physical examination.

The named officer stated he did not notify the local rape counseling center about the alleged rape because the Department did not have an established protocol for doing so. A Subject Matter Expert for sexual assault cases stated hospital personnel notifies the local rape counseling center whenever a victim is brought to the hospital for medical evaluation. However, the named officer was unfamiliar with the hospital's procedure and made no effort to ensure the hospital did this. Furthermore, California Peace Officers Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 10, Chapter 3 states "the victim has the right to have a sexual assault victim counselor and at least one other support person of the victim's choosing present at any medical evidentiary or physical examination, and notice of this right shall be provided orally or in writing to the victim by the attending medical provider prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault."

Even though Section 264.2 of the California Penal Code is taught to recruits at the San Francisco Police Academy, the DPA recommends this law be reinforced at the training of all new investigators assigned to the Department's Special Victims Unit (SVU), and that all SVU investigators be thoroughly familiar with the procedure for notifying the local rape counseling center.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/21/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The complainant stated she was traumatized after having been sexually assaulted, and she described being misunderstood by the male officers who talked to her about this incident. She stated the named officer never informed her that she had a right to a support person of her choosing to be present at the medical examination and/or law enforcement interview.

The California Peace Officers Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 10, Chapter 3 indicates the sexual assault victim has the right to have a support person of her choosing present at any medical/evidentiary examination and/or law enforcement interview of the complainant. The Department's Subject Matter Expert on sexual assault cases stated she teaches the block of instruction on sexual assaults at the San Francisco Police Academy, and informs participants that they should advise sexual assault victims of this right.

During his DPA interview, the named officer stated he did not inform the complainant about her right to have a support person of her choosing to be present at the medical examination and/or law enforcement interview. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/30/17 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 3<sup>rd</sup> Street  
San Francisco, CA 94158



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/10/17 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in inappropriate behavior and made inappropriate comments.

**CATEGORY OF CONDUCT:** CRD **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:** 03/31/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officer stopped him without reason. The complainant stated he parked in his cousin's driveway one afternoon to wait for his cousin's juvenile son. The complainant was picking up the youth on his way to a church event. The named officer, who was traveling in an unmarked car with three other officers, pulled behind him and blocked the driveway. All four officers were in uniform. The complainant was sitting in the driver seat with the door open. The complainant recognized the named officer from previous interactions. The complainant said the named officer jumped out of the unmarked car and ordered him to put his hands on his head. The complainant put his hands on his head. The named officer then asked him, "What are you doing over here?" and "Are you in a gang?" The complainant stated the named officer also asked him if he had a stay-away order. The complainant replied that he did not have a stay-away order. The complainant stated that the named officer then pushed him face first into a wall, twisted his arm like he was trying to break it, and handcuffed him.

The named officer stated he and three other officers were driving in an area known for drug sales, when he observed the complainant's vehicle backed into a driveway and blocking a sidewalk. The named officer stated that he approached the complainant to talk about the blocked sidewalk, which violated the vehicle code. The named officer stated that the complainant, who was standing outside his car, became defensive, combative, and uncooperative. The named officer stated he also smelled the odor of marijuana emanating from the complainant's car. The named officer stated that he placed the complainant in handcuffs due to his combativeness. The named officer stated that the complainant's sister later acknowledged that she had been smoking marijuana in the car.

A witness officer stated that he observed the complainant's vehicle backed into a driveway and that it was blocking the sidewalk. The witness officer stated that this was the initial reason for detaining the complainant. The witness officer stated that he also smelled an odor of marijuana coming from the complainant's car. Two other witness officers stated that he observed the complainant's vehicle backed into a driveway and that it was blocking the sidewalk.

A female cousin of the complainant saw a portion of the incident and spoke to some of the officers. She stated she told officers that the complainant was blocking her driveway at her invitation. The female cousin told officers that the complainant was not a marijuana smoker and that he did not have any marijuana. She told officers that she did not smell marijuana and that she would recognize the smell because she used prescription marijuana.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/31/15 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #1:** (continued)

A male cousin also saw a portion of the incident. The male cousin stated that the complainant was not a marijuana-smoker and that no odor of marijuana was coming from the car. The male cousin stated that he heard the female cousin speculating aloud that any smell of marijuana was probably attributable to her because she was a prescription marijuana smoker.

No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer searched the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated the named officer searched his car without permission. The named officer stated he initially approached the complainant's car because it was blocking a sidewalk, a violation of the vehicle code. The named officer stated the complainant became combative when he approached to talk about the vehicle code violation. The named officer stated that he smelled an odor of marijuana as he approached the car, which turned the incident into a marijuana investigation. The named officer stated he searched the complainant's car for drugs because he smelled marijuana. The named officer stated that the complainant's sister later acknowledged that she had been smoking marijuana in the car.

One witness officer stated he and the named officer searched the complainant's vehicle after both officers smelled an odor of marijuana coming from the vehicle. The witness officer stated that he found marijuana particles on the floorboard and in between the car seats.

The female cousin was standing next to the complainant's car when the named officer searched inside the car. The female cousin told officers that the complainant was not a marijuana smoker and that he did not have any marijuana. She told officers she did not smell marijuana and that she would recognize the smell because she was a prescription marijuana user. A male cousin also saw a portion of the incident. The male cousin stated the complainant was not a marijuana-smoker and that no odor of marijuana was coming from the car. The male cousin stated the female cousin speculated aloud that if there was a smell of marijuana, it was probably attributable to her because she smoked prescription marijuana. The male cousin stated that officers found no marijuana inside the car.

No independent witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/31/15 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated the named officer stopped him because he assumed he was a gang member or a person on probation or parole.

The named officer stated that he was aware of the complainant's past gang affiliation, but denied targeting him for enforcement activities based on his criminal history. The named officer stated that he initially detained the complainant for violating the vehicle code and that the detention was prolonged due to an unexpected marijuana investigation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer pushed him face first into a wall, twisted his arm like he was trying to break it, and handcuffed him.

The named officer denied using too much force. The named officer stated that he approached the complainant to talk after he observed his vehicle backed into a driveway and blocking the sidewalk. The named officer stated that when he approached the complainant to talk, the complainant became defensive, combative, and uncooperative. The named officer stated the complainant reached toward the inside of his car, which prompted the named officer to order the complainant to put his hands on his head. The named officer stated the complainant pulled away when he tried to place handcuffs on his wrists. The named officer stated that he moved the complainant up against a nearby wall in order to handcuff him because he was struggling to gain control.

No independent witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/12/2017 **DATE OF COMPLETION:** 06/26/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that, while he was driving on a highway, a man driving a burgundy SUV cut him off twice. When the complainant expressed frustration at the driver, the driver flashed his police badge and stated, "Are you stupid? I'm a cop! Are you stupid? I'm a cop!"

SFPD records indicate that the burgundy SUV is not part of the SFPD fleet.

The evidence established that the driver is not a member of the SFPD.

The evidence proved that a member of the SFPD was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/13/17 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 has been referred to:

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/11/17 **DATE OF COMPLETION:** 06/26/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that while she and her husband were leaving AT&T Park, Parking Lot A, a man wearing a dark blue poncho with white reflective stripes and associated with a golf cart with yellow lights, said that he did not have to be nice to the complainant.

SFPD records indicate that the man is not a member of SFPD.

The evidence proved that a member of the SFPD was not involved in the act alleged.

**SUMMARY OF ALLEGATION #2:** The officer did not provide his name upon request.

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

**FINDINGS OF FACT:** The complainant stated that while she and her husband were leaving AT&T Park, Parking Lot A, a man wearing a dark blue poncho with white reflective stripes and associated with a golf cart with yellow lights, did not provide his name upon request.

SFPD records indicate that the man is not a member of SFPD.

The evidence proved that a member of the SFPD was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/10/17 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer engaged in selective enforcement.

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

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

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate citation.

**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:** 05/04/16 **DATE OF COMPLETION:** 06/28/17 **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated the officer's report did not accurately reflect what occurred during a traffic collision between an automobile and the complainant riding his bicycle. The complainant stated the report did not accurately reflect that the complainant was properly operating his bicycle when the automobile struck him. The report indicated the driver who was operating the vehicle that struck the complainant was making a left turn when, in fact, the vehicle was making a right turn. A street was also mislabeled as the wrong street on the diagram attached to the report. These errors are readily apparent when reading the report and comparing it to the diagram and other Department reports/records.

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

**SUMMARY OF ALLEGATION #2:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer wrongfully issued a citation to him for being at fault in a traffic collision between the complainant riding his bicycle, and an automobile that struck him. The complainant stated he was properly operating his bicycle when the automobile struck him while the complainant was trying to cross an intersection at the crosswalk. The complainant stated the report the officer prepared contained factual errors that offers proof the complainant was not at fault.

The officer stated he based his decision to cite the complainant on the officer's interview of a witness. The witness told the officer that the witness saw the complainant riding a bicycle on the wrong side of the street when the complainant collided with the automobile. The officer cited the complainant for riding on the wrong side of the road.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers rode their bicycles on the sidewalk in violation of the California Vehicle Code. The complainant stated that one officer followed her closely on his bicycle as she was pushing her baby stroller, which made her feel unsafe. The complainant stated that the named officers were in plainclothes and not easily recognizable as officers.

Both named officers admitted riding their bicycles on the sidewalk. The named officers stated that, as officers engaged in law enforcement activities, they were permitted to ride their bicycles on the sidewalk. The officers stated that the California Vehicle Code and City Transportation Code contain exemptions for officers.

The complainant's daughter observed the named officers riding their bicycles on the sidewalk.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3-4:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated she pushed her baby stroller into a named officer's bicycle. The named officer stopped her, identified himself as a police officer, and asked for her identification. The other named officer joined them a few moments later. Both named officers were wearing regular clothes and she did not initially recognize them as officers. The complainant stated that they should not have stopped her.

The named officers stated they stopped the complainant because she intentionally pushed a stroller occupied by an infant into an officer's bicycle as he rode past her. One named officer stated that he was trying to ride his bicycle around the complainant when she told him that streets were for bicycles and to stop following her. She then purposefully rammed her baby stroller into his bicycle like a battering ram. The named officer stated he stopped the complainant because she rammed a stroller into his bicycle. The named officer stated he identified himself as an officer and asked her for identification. The named officer stated the complainant initially refused to comply. Once the complainant provided her identification, the named officer checked for warrants and released her.

The other named officer stated that he saw the complainant push her baby stroller into his partner's bicycle. The other named officer stated that his partner stopped the complainant, identified himself as a police officer, and asked the complainant for identification.

A witness stated that the complainant pushed the stroller into the officer's bicycle.

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 evidence established that the named officers had reasonable suspicion to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer made threatening and inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer followed her, harassed her, called her “crazy” to passersby, and threatened to call child protective services.

The named officer denied harassing the complainant and stated that the complainant was acting irrationally during the entire interaction. The named officer stated he and his partner were riding bicycles in plainclothes when the complainant rammed her baby stroller, carrying her baby, into his bicycle. The complainant yelled at him and did not initially comply when he asked for identification. The complainant eventually provided identification. The named officer stated the complainant caused a scene by telling passersby that he was stalking her and that he was a pedophile. She also yelled that police were harassing her and trying to rape her. The named officer told the complainant that pushing her stroller that had a child in it into his bicycle was a crazy thing to do. He did not recall mentioning child protective services to the complainant.

The named officer’s partner stated he was in plainclothes and riding his bicycle ahead of his partner when he heard the complainant yelling at his partner. He turned around and witnessed the complainant push her stroller into his partner’s bicycle. He helped the named officer try to calm her, as she was very upset, but was unable to do so. He stated the complainant refused to cooperate or engage in a conversation with the officers; that she was acting in an over-excited manner. The named officer stated that it appeared that the woman did not believe that they were police officers so he requested a marked unit to respond to the scene.

The witness officer did not recall hearing the named officer call the complainant “crazy” or mention child protective services.

The complainant’s daughter did not mention that the named officer called the complainant “crazy.”

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/11/17 **DATE OF COMPLETION:** 06/30/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The anonymous complainant emailed an allegation of racism from a flicker account. Any evidence or context of the alleged racism disappeared due to the inactivation of the flicker account.

Although the complainant named an officer in his one-sentence complaint, there is no evidence or context on which to name the officer or conduct an investigation.

The complainant failed to provide sufficient information for DPA to proceed with its investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 1 of 7

**SUMMARY OF ALLEGATIONS #1-2:** The officers conducted a traffic stop without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer conducted a traffic stop without justification. The complainant admitted he drove his vehicle and peeled off with his wheels screeching, “burning rubber.”

The named officer stated he observed the complainant’s vehicle engage in an illegal display of speed in violation of the California Vehicle Code. The officer stated he observed smoke coming from the vehicle’s tires, giving him sufficient cause for further investigation.

The co-complainant stated that when the complainant hit the gas, the vehicle spun off and away from the area.

The complainant admitted he peeled off, his tires squealing, in violation of the statute.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he received a citation for exhibition of speed without cause. The complainant stated that he “burned rubber” and screeched off when he drove away from the area.

The named officer stated he saw a vehicle driven by the complainant driving with smoke coming from its tires and performed a traffic stop of the vehicle. The named officer issued the driver a citation for violating California Vehicle Code Section 23109, subsection (c).

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 2 of 7

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

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

**FINDINGS OF FACT:** The complainant stated two officers conducting a traffic stop used unnecessary force during the stop. The complainant stated the principal officer did not ask him for his driver's license, instead instructing him to turn off his engine and step out of the car. The complainant stated he complied, and turned off his engine. The complainant stated the named officers then pulled him out of his car, slammed him onto the ground, and hit him for no reason.

One named officer stated he requested the complainant's driver's license, registration, and proof of insurance numerous times, but the complainant failed to comply. Following several requests, the initiating officer opens the driver-side door, undid the complainant's seatbelt and removed the complainant from the car. Both named officers stated the complainant would not place his hands behind his back for handcuffing as ordered, instead balling up his fists. The first named officer stated his partner grabbed the complainant's hand in an attempt at a control hold, but the complainant pulled his hand away. The initiating officer stated he grabbed the complainant by the back of his neck area and the parties went to the ground. The named officers stated they used reasonable, necessary force to take the complainant into custody. They denied hitting or kicking the complainant.

The Department of Police Accountability reviewed local video footage (no audio) that showed the removal of the complainant from his vehicle. The video shows that the officer asks the complainant several times for something and there is no compliance from the complainant. The officer then opens the car door and attempts to take the complainant from the vehicle but the complainant resists. The officers eventually pull the complainant into a standing position in the street outside the car. There is a short conversation and the officers grab the complainant's hands but the complainant pulls away. The officers then take the complainant to the ground and place him in handcuffs. Two backup officers arrived and assisted the named officers in taking the complainant into custody.

The initiating named officer reported and recorded the use of force as required by SFPD policy. The complainant complained of injury at the station, but refused hospital transport.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 3 of 7

**SUMMARY OF ALLEGATION #6-7:** The officers engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The co-complainant stated he was speaking to the complainant as he stood on a street corner while the complainant was idling his car. He observed the complainant drive away, screeching his tires and get stopped by police within the same block. The co-complainant walked up the block after seeing that the stop was taking some time and his friend ordered out of his car. The complainant stated the named officers “stereotyped” the complainant. He stated the named officers thought the complainant was “probably a criminal.” The co-complainant stated he did not understand why the co-complainant was required to step out of his car and give up his keys for a “normal traffic stop.”

The named officers were interviewed pursuant to DPA’s biased policing protocol. They denied engaging in biased policing based on race, stating they observed the traffic violation (Exhibition of Speed) prior to their knowledge of the complainant’s race or appearance.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #8-9:** The officers made inappropriate comments and acted in a threatening manner to the complainants.

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

**FINDINGS OF FACT:** The complainant stated he was arrested following a traffic stop. The complainant stated that the named officer asked him if he wanted to be “walked or dragged” into the police station. The co-complainant was an onlooker watching the complainant’s traffic stop but was eventually arrested for an outstanding traffic warrant. The co-complainant stated the second named officer told him to shut up, then threatened to break his little finger if he did not comply during handcuffing at the scene of his arrest. The co-complainant was in custody at the same time as the complainant. However, he was walked into the same police station ahead of the complainant and did not mention any inappropriate comments to the complainant by the named officers.

Both named officers denied making any inappropriate or threatening statements to the complainants. There was insufficient evidence to either prove or disprove the allegation.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 4 of 7

**SUMMARY OF ALLEGATION #10:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer picked him up and used the handcuffs to bend his arms and hands backwards, out of view of the station video camera, causing the handcuffs to tear his skin. The co-complainant said he complained of pain, saying he thought the officer was going to break his arm.

The named officer denied picking up the co-complainant as described. He stated the co-complainant turned his head repeatedly, hitting the officer in the face with his dreadlocks. The officer stated he utilized a bent wrist control hold on the co-complainant and walked him through the booking hallway into the holding area of the station.

The DPA obtained and reviewed station video of a portion of the described incident. However, the co-complainant and the named officer are not in view of the camera throughout the entire incident. The named officer looks directly into the camera lens and pulls the co-complainant out of the camera's view during a portion of the incident so the viewer cannot observe what occurred.

Another officer brought the complainant into the same police station after the co-complainant. The complainant reported hearing the co-complainant screaming, but did not see the entire incident.

The named officer's partner denied that his partner engaged in any misconduct.

No additional witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 5 of 7

**SUMMARY OF ALLEGATION #11:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The co-complainant stated he stood on a street corner, speaking to a friend stopped in his car when his friend peeled off, tires squealing. Officers stopped his friend's car at the end of the same block and the co-complainant walked up the block, watched the traffic stop, and everything seemed fine. The co-complainant stated he saw his friend on the ground, his lip bleeding. The co-complainant asked an officer what happened, and he was told to back up because the police were performing an investigation. The co-complainant denied interfering, stating he just wanted to know what happened to his friend. Soon after, the named officer came up to the co-complainant and placed him under arrest for an outstanding warrant.

The named officer stated he recognized the co-complainant as a person he has had previous contacts with. The named officer stated he saw the co-complainant on the sidewalk in the vicinity of a traffic stop trying to incite a gathering crowd. The named officer ran the co-complainant for wants and warrants and learned the co-complainant had an outstanding traffic warrant. The named officer detained the co-complainant. Following confirmation of the warrant, the named officer took the co-complainant into custody.

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

**SUMMARY OF ALLEGATION #12:** The officer used profanity.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer used profanity while taking him into custody, during the ride to the station, and at the station.

The named officer denied using profanity.

The complainant was not present for the named officer's entire contact with the co-complainant.

No additional witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 6 of 7

**SUMMARY OF ALLEGATION #13:** The officer used a sexual slur.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer called him a sexual slur at the station.

The named officer said he did not use a sexual slur.

The complainant was not present for the entire incident.

No additional witnesses came forward.

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

**SUMMARY OF ALLEGATION #14:** The officer used a physical restraint without justification.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer restrained him with a hobble at the police station following the co-complainant's arrest on an outstanding warrant.

The named officer stated he did not use a hobble restraint. The officer stated he removed the co-complainant's shoes and socks because he did not want to be kicked.

The DPA reviewed the station video with the station keeper on duty the day of the incident. The named officer can be seen holding the co-complainant's feet up in the air as the co-complainant faces down on the floor, with numerous other officers monitoring and holding the co-complainant's legs and/or feet until his shoes and socks are removed. The video shows the officers allow the co-complainant to stand up and walk to the holding bench, where officers handcuff him there. The video indicates the co-complainant's feet were free and that he walked normally to the holding bench. The co-complainant had no further contact with the named officer afterward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16      **DATE OF COMPLETION:** 06/23/17      **PAGE#** 7 of 7

**SUMMARY OF ALLEGATION #15:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer negligently handcuffed him. The co-complainant complained of pain at a local police station.

The named officer stated he handcuffed the co-complainant, double locking the cuffs and checked them for appropriate tightness.

The DPA reviewed the station video with the station keeper on duty the day of the incident. The co-complainant can be seen speaking with the named officer's partner regarding pain to his wrists and receiving first aid. The station keeper noted the co-complainant's complaint of pain on the medical screening form.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1:** The San Francisco Police Department failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that SFPD officers failed to properly investigate the case involving her boyfriend. The complainants stated members of the SFPD Tactical Division wrongfully detained the co-complainant following an entry and search of their residence.

An outside law enforcement agency obtained and executed a search warrant in their court jurisdiction. The outside agency requested the services of the Tactical Division and furnished the Tactical Division with a lawfully signed, out of county search warrant identifying the co-complainant as a suspect to a specific felony. The detectives cited the complainant's address as the correct location for the operation. The Deputy Chief of Police approved the Tactical Division's proposed operation following the review of an inter-agency memorandum issued by the Tactical Division's Officer in Charge.

The Tactical Division was not required to perform an independent investigation of the requestor jurisdiction's statement of facts and had the right to rely on the requestor jurisdiction's statement of facts, as sworn to in the search warrant affidavit.

The evidence proved that the act alleged in the complaint did not occur, or that SFPD members were not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #2-4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainants stated the officers failed to take the needed steps to plan and maintain the best possible environment for their children during a search warrant execution and subsequent detention of a subject, his girlfriend and their children by the San Francisco Police Department Tactical Division. The complainants said two of their children were removed from their home in the early morning hours when they were just out of the shower and were cold, wet and had little clothing, and were in towels as they exited the residence.

The named officers were supervisors and participated in the planning, logistics and execution of a high-risk search warrant requested by another jurisdiction. They stated they knew of children in the residence when accepting an interagency request from the other jurisdiction and included in their planning the manner and method that they always do, balancing all relevant risk factors at stake. They did not specifically discuss Department General Order 7.04, Children of Arrested Parents, with regard to the operation during a pre-operation meeting.

DGO 7.04 (III)(D) states: "when planning an arrest or search warrant, officers shall consider the ages and likely location of the children when determining the time, place and logistics of executing the arrest and/or search warrant... DGO 7.04 further states its policy is to "minimize(e) unnecessary trauma to the children of an arrestee...and (i)f safe to do so, officers should attempt to make the arrest away from the children or at a time when the children are not present." DGO 5.14 IID, Interagency Operations states "Interagency operations or investigations shall be the subject of a briefing or meeting between the Department and the outside agency to discuss law enforcement issues unique to San Francisco to...ensure that outside agents are aware of applicable DGOs before the operation commences."

The named officers denied they could safely detain the co-complainant away from his children, based on the parameters of the warrant and officer safety. In this case, the named officers stated they were unable to take the ages and likely location of the complainants' children into consideration when planning their operation because of the elevated risk factors posed by the search warrant. The named officers further stated the members of the outside jurisdiction who investigated the case had knowledge of the minor children in the case and were invited to the briefing, but did not attend.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT:** The complainants stated officers wrongfully broke locks to enter a bedroom door. The complainants stated the keys to the door were hung right next to the door.

The named officers stated they were executing a high-risk search warrant and they breached the bedroom door. The officers stated they breached the door because any unnecessary delay to locate and use keys might provide an opportunity for someone to obtain an unfair advantage over them and risk their safety. The officers documented the damage they caused in the incident report.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #7:** The complainant stated an officer made inappropriate remarks.

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

**FINDINGS OF FACT:** The complainant stated a SFPD Tactical male officer made inappropriate comments. The complainant stated that the officer stood by her outside stairs and wore a mask. The complainant was unable to obtain additional identifying information of the Tactical officer.

All entry officers were questioned as well as the officer in charge. The officers denied making inappropriate remarks.

Witnesses did not observe the entire contact.

The identity of the alleged officer could not be established.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #8:** The complainant stated an officer failed to provide his identification upon request.

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

**FINDINGS OF FACT:** The complainant stated she requested the name and star number of a masked SFPD Tactical officer while she was being detained. The complainant stated the officer told her she would have to wait until officers from another jurisdiction arrived. The complainant provided limited descriptive information regarding the officer's appearance and location.

The officers most likely to have had contact with the complainant were questioned and denied having any verbal contact with the complainant.

The identity of the alleged officer could not be established.

There was insufficient evidence to prove or disprove the allegation.

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

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

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

Daly City Police Department  
ATTN: Internal Affairs  
333 90<sup>th</sup> Street  
Daly City, CA 94015



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/13/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he parked his vehicle at a meter but when he tried to place a coin in the meter, he discovered the meter was broken and would not accept his payment. The complainant stated the named officer then wrongfully issued him a parking citation for an expired meter.

The named officer stated she issued the complainant's vehicle a parking citation for an expired meter. The officer stated that the complainant told her that the meter was broken but when she examined the meter it was not broken. The officer stated she advised the complainant that he could contest the citation with MTA.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that during the issuance of a parking citation, the officer detained him without justification when she asked for his identification.

The named officer stated she checked the complainant's identification before he drove away to make sure that he had a valid license in order to ensure the safety of others.

The officer was aware the complainant had committed a violation (although minor) for which she was going to issue a citation. The officer acted in a lawful and proper manner when she asked for the complainant's license to ensure that it was valid and that the complainant could legally drive away.

The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/13/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in racially biased policing.

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

**FINDINGS OF FACT:** The complainant stated the officer racially profiled him.

The named officer denied the allegation. The officer stated that she did not know the complainant's race until she walked up to the vehicle. The officer denied that race played any role in this incident.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:**The officer retaliated against the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer retaliated against him because the officer knew the complaint had previously filed complaints against SFPD officers.

The named officer denied the allegation. The officer stated she did not know of any other complaints filed by the complainant.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/13/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant stated that the officer use profanity during their contact.

The named officer denied using profanity.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #6:**The officer used a racially derogatory language.

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

**FINDINGS OF FACT:** The complainant stated that the officer used racially derogatory language.

The named officer denied the allegation.

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:** 05/16/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer filed false charges against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that while in court on a recent charge, a deputy District Attorney questioned him regarding a detention that occurred when the complainant was a juvenile, and which the complainant believed had not resulted in charges.

The Juvenile Probation Department stated it was barred by law from releasing the complainant's record, despite the presentation of a consent form signed by the complainant. Due to that, the DPA was unable to obtain the juvenile records that would have identified the officers involved in the arrest and showed whether the officers had brought charges against the complainant.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/18/16      **DATE OF COMPLETION:** 06/26/17      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS:** The officers used unnecessary force during a detention.

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

**FINDINGS OF FACT:** An anonymous complainant stated that two white officers chased a black man into an alley “for no good reason” and struck him with batons. The complainant stated that additional officers arrived on scene and beat the man.

The named officers involved in an incident that took place near the location cited by the complainant stated an officer initially attempted to contact a man for littering, but the man ran from the officers and refused to stop and get on the ground. The officers stated the arrestee was resistant and aggressive. The named officers stated they used baton, closed-fist and knee strikes to gain compliance with their orders to stop, subdue and handcuff the fleeing arrestee. One of the officers pushed the arrestee against a wall and stopped him from fleeing the scene. Officers stated the arrestee kept his hands and arms underneath his body and refused to follow orders to put them behind his back. The named officers stated they were concerned that the arrestee was reaching for a weapon and were in fear for their safety. The officers stated an ambulance was summoned to the scene but the arrestee refused medical transport.

Eight other officers stated they arrived after the arrestee was taken into custody and denied seeing the initial detention or the use of force.

The arrestee did not respond to DPA’s attempts to contact him.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/26/17 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** N **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:** 08/15/16    **DATE OF COMPLETION:** 06/23/17    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the execution of a search warrant.

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

**FINDINGS OF FACT:** The complainant stated the named officer had arrested the complainant's son for possession of a firearm. The complainant's son lived with the complainant and her husband. She stated the named officer and other officers came to her house to serve a search warrant. She stated she did not want to open the door for the officers until she was shown a hard copy of the warrant. The complainant stated that officers entered her home and that one officer took her to the floor with force. The complainant stated that she did not complain of injury or pain at the scene.

The named officer stated he and his subordinates were executing a search warrant following the arrest of the complainant's son for possession of a firearm. The named officer stated he performed a bar arm takedown of the complainant when she impeded entry. The named officer stated he obtained the warrant in order to search the complainant's house, where her son resided, for indicia and further evidence of the commission of a violent felony with a firearm. The named officer stated he was not required to show the complainant a copy of the search warrant at the start of the search warrant execution, due to officer safety risks of clearing the complainant's residence at the onset of the search warrant execution. The named officer's report indicated that the complainant did not complain of pain or injury at the scene, which was consistent with the complainant's account to DPA.

The evidence established that the named officer's use of force was proper.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/16    **DATE OF COMPLETION:** 06/23/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #2:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that an officer she described as having “peanut” colored skin told her “You want a warrant? Here’s your warrant,” when she asked police to see a copy of a search warrant during the execution of a search warrant at her residence.

The named officer performing the takedown denied the allegation and did not match the physical description provided by the complainant.

Other officers denied making the alleged comments.

No witnesses came forward.

The identity of the alleged officer could not be established.

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

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

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

**FINDINGS OF FACT:** The complainant stated an officer executing a search warrant at her residence searched through her zip pouch and removed her driver’s license. The complainant stated she had two IDs and discovered one of them was missing hours after the incident was over. The complainant concluded an officer conducting an identification check on her had improperly processed her property.

The officers who searched the residence were questioned. None of the officers recalled searching the complainant or her possessions.

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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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/16    **DATE OF COMPLETION:** 06/23/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4:** The officer displayed a weapon without justification.

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

**FINDINGS OF FACT:** The complainant stated officers came to her residence to execute a search warrant after her son was arrested for illegal possession of a firearm. The complainant stated that one of the officers who participated in the execution of the warrant drew his firearm prior to making entry into the residence. The complainant did not provide additional details and did not make witnesses available.

The officers who searched the residence were questioned. They denied drawing their service weapons.

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNT ABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/26/17 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 has been forwarded to:

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated a female supervisor improperly initiated a narcotics investigation. The complainant stated that the female officer had stopped him at least four times in the past. The complainant admitted that he was on probation with a search condition

The named female officer stated she knew the complainant from prior contacts and had knowledge he was on probation with a search condition. The named female officer detained the complainant and requested the named male officer to respond to the scene for a narcotics search.

No witnesses came forward.

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

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant stated the named officer engaged in biased policing based on race. The complainant stated he was on misdemeanor probation with a search condition. The complainant stated the officer had stopped him at least four times prior to this incident. The complainant stated that the officer told him he looked like a known drug dealer.

The named officer stated she did not recall if she made the statement. The officer stated that she had prior contacts with the complainant and knew that he was on probation with a search condition.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #4:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated the named officer issued an invalid order to another officer to conduct a cavity search of the complainant's rectum at the scene of the detention.

The named officer denied that she ordered another officer to conduct a cavity search.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #5-7:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant alleged that he was taken to the ground and was kicked.

Two of the named officers stated the complainant was not initially handcuffed when he was given the opportunity to remove contraband from between his buttocks. The officers stated that the complainant did not comply and instead pushed the contraband deeper into his buttocks area. Two named officers stated the complainant fell to the ground and they struggled to handcuff him on the ground. A third named officer assisted the first two named officers, holding the complainant's head, neck and shoulders down. All officers denied that any reportable force was used.

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:** 05/31/17 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/07/17    **DATE OF COMPLETION:** 06/23/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 has been forwarded to:

Marin County Sheriff's Department  
Headquarters  
1600 Los Gamos Dr. #200  
San Rafael, CA 94903

**SUMMARY OF ALLEGATION #2:** This complaint raises matters outside 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 has been forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/17 **DATE OF COMPLETION:** 06/20/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 has been forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/02/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was driving a vehicle and making a left turn at a controlled intersection. He stated he had stopped the vehicle in the intersection while the traffic signal was green, and allowed oncoming traffic to pass through the intersection. By the time oncoming traffic had cleared the intersection, the traffic signal changed from green to yellow. The complainant stated the traffic light had changed to red by the time he completed his left turn. The complainant stated that after he completed the left turn, the officer stopped him a short distance later. The complainant stated the officer cited him for running a red traffic light. The complainant denied the violation.

The named officer did not recall the incident but stated he would not have issued the citation had he not seen the violation occur.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the named officer engaged in biased policing when the officer issued a citation to the complainant for committing a traffic infraction. The complainant denied committing the violation and alleged the officer issued the citation only because of the complainant's race.

The named officer and a witness officer were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Neither officer recalled the incident but both officers denied the allegation, stating that the complainant was cited for the violation, not because of the complainant's race.

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:** 06/07/17 **DATE OF COMPLETION:** 06/26/17 **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 stated that her and her family were victims of an auto burglary. She stated an unknown suspect smashed their window and stole their hidden property. She stated she called 9-1-1 for assistance, but was told SFPD did not respond to thefts and burglaries. She stated simultaneously her husband flagged down an officer driving by in his patrol vehicle, but the officer refused to take their complaint. She stated next they drove to a police station and her husband filed a report. She stated that the officers at the station had a laissez faire attitude. She stated she was horrified by the lack of customer of service, compassion and assistance exhibited by members of the SFPD.

The complainant stated that she could not identify the officers involved in her complaint.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated that she was meeting her cousin and as she parked her car an officer rode up on his bicycle and detained the complainant and her cousin.

The named officer stated that he detained the complainant after observing a traffic code violation and then witnessing what he believed to be a hand-to-hand narcotics transaction between the driver and a subject standing next to the car.

Dispatch records document a C Priority suspicious vehicle.

An incident report documents that the officer observed the car with no license plates and what the officer believed to be a hand-to-hand narcotics transaction. The officer removed the complainant from the vehicle, handcuffed and searched her and the vehicle.

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer 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.

Several officers who responded to the scene stated they had no recollection of the incident.

Two identified witnesses did not respond to the DPA's request for an interview.

The complainant did not respond to the DPA's request for a second interview.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #2:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that she was removed from the car, handcuffed, searched and told she was under arrest for possessing narcotics. The complainant admitted that she had narcotics in her vehicle for which she did not have a prescription but stated that she should have never been detained in the first place.

The named officer stated that after detaining the complainant for what he had believed was a hand-to-hand narcotics transaction, he observed a marijuana cigarette in the vehicle ashtray and suspected narcotics in the vehicle console. Based on this evidence, the officer said, he placed the complainant under arrest.

An incident report documents that the complainant was arrested for possession of narcotics.

The evidence is inconclusive as to the reasonable suspicion to detain the complainant.

The complainant did not respond to the DPA's request for a follow-up interview.

Neither witness could be reached for an interview.

Back-up officers who arrived on scene had no recollection of the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #3:** The officer handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that she was detained and handcuffed without justification.

The named officer stated that he handcuffed the complainant because he had been assaulted by the passenger door, because he was outnumbered, and because he was conducting a narcotics investigation in an extremely violent area of the city after observing marijuana and a suspected narcotics transaction.

Dispatch records document the incident as a C priority suspicious vehicle.

In an incident report, the named officer stated that he handcuffed the complainant after he found suspected narcotics inside her vehicle.

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

**SUMMARY OF ALLEGATION #4 - 5:** The officers pat searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that after being detained, she was pat-searched. The complainant stated that the officer had no reason to detain her and, therefore, he had no justification to search her. The complainant stated that the officer was male and he denied her request for a female officer to conduct the search. The complainant stated that the officer touched her in places that made her uncomfortable. The complainant stated that after being transferred to the station she was searched four additional times by three unknown male officers and one unknown female officer.

The named officer stated that after placing the complainant under lawful arrest, he was justified in conducting a pat-down search for weapons, as he had been trained.

The dispatch documents that a female officer did respond to the scene and that the complainant was transported to the station. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #6:** The officer searched a vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that after being removed from the car and informed that she was under arrest, the arresting officer searched the car she was in. The complainant stated that she did not give the officer permission to search the car and questioned his right to do so. The complainant admitted to having narcotics in her car, which she acknowledged purchasing illegally. The complainant said back-up officers arrived after the vehicle had been searched.

The named officer stated that he was justified in searching the car and referred to the incident report.

The officer wrote in the incident report that he observed the vehicle in violation of the California Vehicle Code, observed what he suspected to be a hand-to-hand narcotics transaction and, upon approaching the vehicle, smelled marijuana and observed a marijuana cigarette inside the car. The officer stated that during the detention the passenger in the car kicked the vehicle door, striking him. The officer said he called for back-up and then placed the complainant under arrest. The officer stated that as the complainant exited the vehicle he observed suspected narcotics inside the car. The officer stated that after removing the complainant and a passenger from the vehicle he conducted a search thereof.

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

**SUMMARY OF ALLEGATION #7:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that the officer used profanity. The officer denied using profanity and specifically denied making the profane statements the complainant alleged.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 5 of 6

**SUMMARY OF ALLEGATION #8:** The officer failed to provide his name upon request.

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

**FINDINGS OF FACT:** The complainant stated that after she was handcuffed, she asked the officer for his name and he refused to provide it.

The officer denied refusing to provide his name and star number.

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

**SUMMARY OF ALLEGATION #9:** The officer failed to read the complainant her Miranda Rights.

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

**FINDINGS OF FACT:** The complainant stated that after being informed that she was under arrest and while being escorted to a transporting unit, she demanded to be read her Miranda rights. The complainant stated that the officer told her that he did not have to read her the rights.

The officer stated that he is not required to Mirandize a subject unless the subject is being interrogated. The officer said he did not interrogate the complainant.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 6 of 6

**SUMMARY OF ALLEGATION #10:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that while being moved around the station, an unidentified officer pushed her and that other unidentified officers laughed at and mocked her.

The identity of the alleged officers could not be established.

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

**SUMMARY OF ALLEGATION #11:** The officer failed to properly handcuff the complainant.

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

**FINDINGS OF FACT:** The complainant stated that while detained at the station she asked an unidentified officer to loosen her handcuffs because they had began to cause pain to her wrists. The complainant stated that instead of loosening the handcuffs, the officer tightened them, causing her increased pain for which she continued to complain but no officer relieved the pressure.

The identity of the alleged officers could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/19/17 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** NA **FINDING:** IO2 **DEPT. ACTION:**

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/17 **DATE OF COMPLETION:** 06/30/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside 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 has been forwarded to:

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/22/16 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated on his complaint form that he was detained by officers and transported to a hospital. The complainant did not respond to requests for an interview.

The named officers stated they responded to a call with multiple reporting parties regarding a mentally disturbed person. They stated that when they arrived on scene they observed a man, later identified as the complainant, standing in the traffic lanes, facing oncoming traffic and smacking vehicles as they passed him. The officers stated they could not have a conversation with the complainant because he did not make sense while trying to answer the officers' questions and instead became increasingly agitated. They stated that, based on the multiple calls for service and complainant's behavior, they believed him to be a danger to himself. They, therefore, detained him for W&I §5150 evaluation.

A witness stated he called 911 after he witnessed a man in the middle of the road. He stated the man was smacking cars as they went past and was also shouting threatening things. The witness stated that he reported the activity because he was concerned for the safety of others.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers used force during a detention.

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

**FINDINGS OF FACT:** The complainant stated that officers "took him down hard," causing him to be disabled. The complainant did not respond to requests for either an interview or for him to sign a HIPAA release for his medical records.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/24/16 **DATE OF COMPLETION:** 06/09/17 **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer behaved inappropriately and made inappropriate comments. The complainant called police to report that his iPhone had been stolen from the homeless shelter. The complainant stated the named officer asked him, "What are you doing with an iPhone in a homeless shelter?" The named officer also stated to the complainant, "You shouldn't be flaunting an iPhone around in a homeless shelter." The complainant was offended by the officer's comments.

SFPD General Order 2.01, Rule 14 states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language." SFPD General Order 2.01, Rule 9 states, "Any ... conduct by an officer ... 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 ... shall be considered unofficer-like conduct subject to disciplinary action."

The named officer denied the allegation. The officer stated that he believed the complainant misconstrued the conversation and comments of what other people at the front desk were saying about the complainant's iPhone with his comments.

The officer's partner corroborated the complainant's statement that the named officer asked the complainant questions about his phone and stated that he shouldn't be flaunting an iPhone around a shelter or words to that effect.

A witness stated he did not hear the conversation between the complainant and the officers.

No other witnesses were identified.

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:** 06/24/16 **DATE OF COMPLETION:** 06/09/17 **PAGE #** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to write an incident report after he reported his iPhone was stolen by his bunkmate at a homeless shelter.

DGO 2.01 Rule 25 On-duty written reports states that while on duty, members shall make all required written reports of crimes or incidents of the assignment.

The named officer stated he asked the complainant if he wanted to make a report and the complainant replied, "No, if you're not going to help me, then I don't want a report." The officer stated a report was not required because he was unable to determine if a crime had occurred.

The officer's partner stated they did not prepare an incident report because they gave the complainant a form provided by the front desk staff to file a claim with the shelter. The officer stated they were never able to establish if the phone actually belonged to the complainant.

SFPD Records indicate the complainant called dispatch on June 18, 2016 and on June 19, 2016 to report his iPhone was stolen by his bunkmate at the homeless shelter. The call was coded as Petty Theft. Regardless of what action the complainant wanted to take, the named officer, as the Senior Officer, had a duty to prepare an incident report pursuant to DGO 2.01, Rule 25. By preparing an incident report, the officer would have documented the crime reported to him by the complainant, his investigation, and the complainant's refusal to cooperate further.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/16    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer falsified the description of an incident and thus wrongfully issued him a citation for violating VC §21950(a), failure to yield to pedestrians in a crosswalk or at an intersection. The complainant stated only that the right turn he made from 5<sup>th</sup> Street onto Townsend Street was “slow, cautious, and clear.” The complainant failed to respond to requests for additional evidence.

The face of the citation provides that officer issued it at 9:11 AM on a Tuesday morning at a usually busy intersection.

The named officer stated that the complainant did not yield to two sets of pedestrians who were attempting to cross in a crosswalk. He stated that people crossing both Townsend and 5<sup>th</sup> Street were forced to stop midway across the intersection to yield to the complainant’s car. Additionally, the named officer recounted his conversation with the complainant, wherein the complainant first denied seeing any pedestrians in the intersection and then later said he was not even close to hitting them.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated he was pulled over and told he had an obstructed windshield and broken brake light. The complainant admitted that he had a broken brake light.

The officers stated that they stopped the complainant because they observed that his middle brake light was not working.

SFPD General Order 5.03, Investigative Detentions, states, “A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.” SFPD General Order 9.01, Traffic Enforcement, states, “Officers shall act on moving violations in any of the following circumstances: After witnessing a violation ...”

The named officers had more than reasonable suspicion to stop the complainant, as they witnessed a violation of the vehicle code. There was no dispute that there was a violation.

The evidence proved the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #3:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer issued a citation for 4462 (b) VC Improper Use of Tab and for a broken taillight. The complainant stated that the named officer removed his registration tab and he had to get another one from the Department of Motor Vehicles.

The officer stated that he cited the complainant for his taillight, but also for a registration tab that did not match the vehicle's registration. The officer acknowledged that he wrote the wrong date on the citation.

DMV records document that the complainant's registration and registration sticker were valid and matching.

Although the named officer cited the complainant correctly for the brake light violation, he cited the complainant without cause for the improper registration. The named officer also wrote the wrong date on the citation, which was dismissed in SF Superior Court.

Therefore, the officer was in violation of DGO 2.01 General Rules of Conduct Rule 5. Performing Duties and in violation of DGO. 9.01 Traffic Enforcement I. D. Mechanical Violations.

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:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 3 of 6

**SUMMARY OF ALLEGATIONS #4-5:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that during the detention the named officers accused him of stealing his own registration tab, called him a liar when he denied it, and told him to stop playing the victim.

The named officers denied the allegation.

No witnesses were identified.

The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #6:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that the named officer removed his registration tab because it did not match the vehicle's registration. The complainant stated that he later realized he gave the named officer his old registration card, and that must have been why the numbers did not match. The complainant was upset that the officer removed the sticker, requiring him to spend part of his day obtaining a new one from the Department of Motor Vehicles (DMV).

The named officer stated he did remove the registration tab because it did not match the car's registration and he believed it was tampered with. However, the named officer did not recall what he did with the sticker after he took it off the license plate. The named officer stated he was not required to book it as evidence because the complainant was only cited for an infraction, which does not require a police report to be written. The named officer stated if he would have listed the violation as a misdemeanor then he would have booked the sticker and written a report.

SFPD General Order 6.15, Property Processing, states, "The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section." It further states that property related to or possibly related to a crime is classified as evidence.

DMV records document that the complainant's registration and sticker were both valid and matching. The named officer failed to properly retain the registration tab, book it as evidence, and write an incident report regarding it. He did not recall what he did with the registration tab, but he did not properly book it as evidence. DGO 6.15 does not make an exception for evidence related to an infraction and no other Department regulation provides that DGO 6.15 shall not be followed for evidence seized regarding a traffic infraction.

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:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 5 of 6

**SUMMARY OF DPA-ADDED ALLEGATIONS #1-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** One of the named officers stated that he split from his partner during his shift and logged onto the other named officer's vehicle computer with his username and password. The named officer stated that although his unit history indicated that he queried the complainant's license plate, he was not present for the traffic stop and did not have any contact with the complainant. He further stated that they are not trained, it is not required, and it is not practical to log on and off of a vehicle computer each time it is used.

One of the other named officers stated that he did not recall the incident, but he acknowledged that there was no record (CAD) of the incident documented in his unit history and that there was no indication that he or any other officer notified dispatch about the traffic stop. Another officer stated he could not find the CAD for the traffic stop and could not show that they communicated with dispatch regarding this call. The named officer did not log onto the vehicle computer with his username and password. The officer acknowledged that another officer may have logged on to his unit's vehicle computer, but stated that he and his partner could continue to use the computer as long as they abided by the "Need to Know, Right To Know" standard.

Records from the Department of Emergency Management showed that the named officers did not communicate with dispatch regarding the traffic stop of the complainant. A sniffer request indicated that the username or "A number" of the officer not present at the incident, was used to query the complainant's license plate number. The E585 entry for the traffic stop had the name of one of the named officers present at the incident, but the A number of the named officer who was not present.

SFPD General Order 1.03, Duties of Patrol Officers, states, "Patrol officers shall ... Notify the Communications Division when an on view incident or a station assignment makes them unavailable for other assignments"; and to, "Immediately notify the Communications Division when: (1) Arriving at the scene of an assignment (10-97). (2) Proceeding to another location during an assignment (10-98). (3) Completing an assignment (10-8 )."

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 6 of 6

**SUMMARY OF DPA-ADDED ALLEGATIONS #1-3 continued:**

SFPD General Order 10.08, Use of Computers and Peripheral Equipment, states, “No member shall access any Department computer for any purpose by using a user name and password other than those issued to the member by the Department.” It also states, “Members shall be responsible for **all** computer access as logged under their user name and password. (emphasis in original)”

The evidence established that the named officers did not communicate with dispatch regarding the traffic stop of the complainant. As a result, there was no record of the stop that would have helped determine the identity of the involved officers, whether or not the complainant’s license plate or name was queried, or the length of the detention. The named officers failed to properly log-on to the MVT computer with their own username and passwords, while another named officer failed to log off the vehicle computer as required. The query of the complainant’s license plate was associated with the incorrect officer and unit as a result. Additionally, the identification of the named officer not present for the traffic stop was associated with the E585 traffic stop entry, however, another named officer actually made the entry. These are all substantial and very serious violations of DGO 10.08.

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:** 06/08/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 1 of 5

**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 that she was arrested at the Carnival festival. After she was handcuffed, two officers walked her backwards about a block in public, humiliating her. She also told the officers several times she needed to urinate but the officers would not listen and she urinated in her pants.

The named officer denied that he walked the complainant backwards and said it would not make sense to do so. The officer also stated he did not hear anything from the complainant that she needed to urinate.

Witness officers stated that they did not see the complainant walked backwards or saying she needed to urinate.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 2 of 5

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated she was at the Carnival festival and saw a man who had stolen her bike. After an argument with the man, she walked away. Without any warning or orders, two officers came up and grabbed the complainant. The officers handcuffed her and the male officer wrenched her wrists up in a painful manner. The officers searched her for a knife but did not find any knife. Despite not finding a weapon, the officers kept her in handcuffs and kept wrenching her wrists up. The male officer then shoved her against a taco truck.

The named officer stated that he was told to detain the complainant because she had been accused of assaulting someone and that she might have a knife. Several witnesses pointed her out to the officers and they approached the complainant and ordered her to stop. The complainant turned and acted hostile towards the officers, waving her arms around and shouting obscenities. The complainant's face was flushed and she was slurring her words. Not knowing if the complainant was armed, the two officers grabbed her arms and put her in handcuffs. The complainant still struggled and the named officer used an academy-trained wristlock to get her to stop struggling. The complainant became more compliant and did not complain of pain. A crowd was gathering, so the named officer moved the complainant against a food truck but he did not shove her in any way. A pat search determined the complainant did not have a knife.

Witness officers stated that the complainant was struggling and yelling and that she was accused of assault by a reporting party to 911.

A video taken by an officer shows a portion of the arrest. The complainant is seen struggling, yelling and not complying with officer orders. The officers used a wristlock technique and there is no reportable use of force captured on video.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 3 of 5

**SUMMARY OF ALLEGATION #3:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated she was at the Carnaval Parade in the Mission District when she spotted a man and woman who had stolen her bicycle. She approached to ask about the bicycle and the three argued for a while. The other woman called police and falsely told them the complainant had a knife. When the complainant heard the false accusation, she walked away. Officers then approached and arrested her for no reason.

The named officer stated that she was assigned to patrol the Carnaval festivities when she received a call that a female had assaulted someone. The named officer responded and interviewed the reporting parties who said the complainant and her son had assaulted them. One of the parties had clear red marks on the face as evidence of an assault. The named officer told other officers to detain the complainant, who then struggled with the officers and appeared intoxicated. The named officer arrested the complainant for assault based on the available evidence.

A video taken by an officer shows a portion of the arrest. The complainant is seen struggling, yelling and not complying with the officers' orders.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #4:** The officer searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated she was at the Carnaval Parade in the Mission when she was arrested. The complainant stated that she had an argument with a man and woman who had stolen her bicycle. The other woman called police and falsely told them that the complainant had a knife. When the complainant heard the false accusation, she walked away. An officer approached her and searched her and her purse for no reason.

The named officer stated that she had information from the victims that the complainant might have a knife. The named officer approached the complainant while she was in handcuffs and searched her and squeezed her soft purse to look for a knife and did not find anything.

Witness officers stated there was a minimal search to make sure the complainant was not armed with a knife.

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

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that while she was being transported, the complainant asked two officers if they were going to let her go and they laughed at her. A female officer told her, "You need to go to the drunk tank," and the complainant replied that she did not have anything to drink.

The named officers denied laughing at the complainant. One named officer stated she did not remember saying anything about the drunk tank but that the complainant did appear intoxicated.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force during the transport.

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

**FINDINGS OF FACT:** The complainant stated she was arrested and put in the back of a wagon. She was sitting on a small seat alone in the wagon when the driver drove off, accelerated very fast and the complainant fell off the seat and bruised her thigh.

The named officer denied driving in a reckless manner.

No other witnesses were identified.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/16 **DATE OF COMPLETION:** 06/26/17 **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he resigned from the SFPD following his conviction on several felony charges. The complainant stated he requested that the named officer retrieve the complainant's personal property from his Department locker at the station of his last assignment. The complainant stated the officer completed the task but this was not done in the complainant's presence (although the complainant admitted he would not be allowed in the station). The complainant further stated that the retrieval of his property was not documented in any manner and that items including files of misconduct regarding other officers were missing when he received his property at the POA office.

The named officer stated the complainant called and asked him to retrieve property from the complainant's station locker. The named officer received approval from his supervisors to do so. The named officer stated that he learned the complainant could not enter the station due to a stay away order. The named officer and two other officers from his unit proceeded to the station and emptied the complainant's property. The property was divided into three sections, personal property, Department property and garbage. The personal property was placed into a cardboard box and hand carried to the POA office so that it could be given to the complainant; Department property was returned to the SFPD to be reutilized; property perceived to be garbage was thrown away. The named officer did not recall any files in the locker. The named officer admitted that he located contraband in the complainant's locker including a knife engraved with a racially derogatory slur on it and open bottles of tequila. He stated that he threw the alcohol into the garbage and gave a station Sergeant the knife. He also seized a police star from the locker and gave it to Staff Services.

The named officer did not videotape or document in any manner the property located and removed from the complainant's locker. The complainant was not given any documentation about the items the Department seized, destroyed, or retained.

The DPA found that the named officer violated DGO 2.01 and brought discredit to the efficiency and discipline of the Department when he failed to document or record the property retrieval.

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:** 06/28/16 **DATE OF COMPLETION:** 06/26/17 **PAGE #** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately

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

**FINDINGS OF FACT:** The complainant stated that the officer was present at his resignation. The complainant stated that the officer advised the complainant to remove the items from the locker.

The named officer denied the allegation. She admitted that she was present at the complainant's resignation. The named officer stated that she had nothing to do with the removal of property from the complainant's locker.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/30/16 **DATE OF COMPLETION:** 06/09/17 **PAGE #** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was driving as a Lyft driver with a passenger when he made a right turn onto Market Street, while heading south on Montgomery Street. The complainant stated that the named officer stopped him at Powell and Market Street and told him that he observed him driving in the transit only lane. The complainant stated that the officer ultimately issued him a citation for failure to obey a posted sign at Montgomery and Market Street prohibiting right turns.

The named officer stated that he made the traffic stop because he observed the complainant driving in the transit only lane of Market Street, which is only meant for buses, taxis, and emergency vehicles.

The named officer's Field Training Officer (FTO) observed the traffic stop.

No other witnesses came forward.

SFPD General Order 9.01 Traffic Enforcement states, "Officers shall act on moving violations in any of the following circumstances: (a) After witnessing a violation ..." The San Francisco Municipal Transportation Agency's (SFMTA) Safer Market Street program does not include rideshare vehicles in those authorized to use a transit only lane.

The named officer was justified in stopping the driver for driving in the marked transit lane on Market Street. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/30/16 **DATE OF COMPLETION:** 06/09/17 **PAGE #** 2 of 3

**SUMMARY OF ALLEGATION #2:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was driving as a Lyft driver with a passenger when he made a right turn onto Market Street, while heading south on Montgomery Street. The complainant stated that the named officer asked him about where he had turned onto Market Street, and he provided the named officer the information. The complainant stated that the officer ultimately issued him a citation for failure to obey a posted sign at Montgomery and Market Street prohibiting right turns.

The named officer stated that turns onto Market Street from Montgomery are prohibited.

The named officer's FTO admitted that the citation was inaccurate and confirmed that he had counseled the named officer on that date about incomplete and inaccurate citations.

Photographs of the intersection did not show signs prohibiting turns onto Market from Montgomery. An SFMTA map did not include Montgomery Street as a "no turn onto Market Street" location. The citation issued in the incident was dismissed by the Superior Court.

Department General Order 2.01 section 7 requires officers to "maintain a working knowledge of all information required for the proper performance of their duties."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/30/16 **DATE OF COMPLETION:** 06/09/17 **PAGE #** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing.

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

**FINDINGS OF FACT:** The complainant stated that his race was the primary reason for the traffic stop.

The named officer denied biased policing and stated that the FTO supervising him was African American.

The officer's FTO denied the allegation and stated that the complainant was stopped due to violations observed and not his race. The FTO stated that he was offended by the allegation because he is African American.

The evidence established that there was a valid reason for a traffic stop and a preponderance of the evidence confirms that the officer did not stop the complainant because of his race.

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

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to supervise.

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

**FINDINGS OF FACT:** The named officer was acting as a Field Training Officer (FTO) during a traffic stop. The named officer admitted that the citation written by his recruit officer was incorrect or inaccurate when he examined it at the DPA interview. The named officer stated that his recruit officer was in phase 3 of FTO training, and in that stage the recruit officer is acting as a solo officer while the FTO is just observing. The named officer stated that he did not review the citation prior to it being issued to the complainant.

The FTO daily report documented that on the date of the incident, the recruit officer was on day 9 of phase three of FTO training.

The FTO training manual states that the 3<sup>rd</sup> Phase encompasses weeks 11 through 16 of the Field Training Program, and that, "Weeks 15 & 16 are evaluation only; trainee performs as a solo officer."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/05/16 **DATE OF COMPLETION:** 06/26/17 **PAGE#** 1 of 2

**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 in February 2006, he had an altercation with his neighbor. He stated that same evening, while in the hospital and without a court hearing, he obtained a restraining order against his neighbor. He provided the name of an officer he stated was with him at the hospital, but stated that when she drove him home, she failed to serve his neighbor with the restraining order.

No officer with the name provided by the complainant is currently a member of the San Francisco Police Department. No Department records exist from 2006 involving an officer with the name provided by the complainant.

The complainant's hospital records for this incident describe his injuries as "superficial."

No incident report exists for the incident cited by the complainant.

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/05/16 **DATE OF COMPLETION:** 06/26/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant stated that in June of 2006, he had an altercation with a neighbor. He stated that despite the fact that the neighbor was the aggressor, the complainant was arrested. He further stated that, at his trial, a female officer perjured herself when she testified that the complainant attacked his neighbor.

An SFPD report documenting the incident stated that the complainant's neighbor called the police after the complainant and his daughter forced their way into his apartment and struck him with closed fists and a metal baton. The neighbor sustained a deep wound to his head. The responding officers immediately called an ambulance and obtained an EPO against the complainant, who was arrested. The complainant himself was uninjured.

The named officer stated that she has no memory of the incident outside of what is written in the incident report. She also did not recall whether she gave testimony regarding this case, but she stated that if she did testify she did not perjure herself.

Another officer stated that the complainant said he was assaulted by his neighbor on the same floor and pointed towards a closed apartment door. When the witness officer knocked on that door, it was opened by an 85-year-old man who had a large open wound on the top of his head and was bleeding profusely. The neighbor said that the complainant struck him on the head with an object. The officer asked the complainant if he struck his neighbor on the head with an object. The complainant produced a metal baton from his apartment and said that he had hit his neighbor with it.

Court records indicate that the neighbor successfully obtained a restraining order against the complainant the day after this incident.

Two additional officers who were present did not recall the incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/07/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he reported to the police ongoing incidents of break-ins and vandalism to his room dating back several years. The complainant stated that initially he received a police report for a specific incident; however, he has not heard back from the assigned officer and the district station on his multiple requests for status. Additionally, the complainant stated since that incident he had requested for police assistance regarding other similar incidents without any response and no reports were taken by officers.

Department records show that the named officer was not assigned 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:** 07/11/16    **DATE OF COMPLETION:** 06/22/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The co-complainant said she was walking alone when the named officers detained her for no legitimate reason. The complainant was not present during this incident.

The named officers denied they detained the co-complainant and stated they were not working together that day.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that according to the co-complainant, the named officer told her that the complainant had “snitched” on her. The complainant stated she did not hear the alleged conversation.

The co-complainant said the named officer told her that the person standing next to her, the complainant, was the one who had reported to police regarding her actions.

The named officer denied he told the co-complainant that the person next to her was the one calling in on her. The named officer said the complainant lied and is a known violent narcotics dealer who, on the day in question, was admonished per Section 11532 of the Health & Safety Code.

Another officer on scene during the contact with the co-complainant said he lawfully admonished the co-complainant per Section 11532 H &S, and denied the named officer told her that the person standing next to her had made reports about her.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/16 **DATE OF COMPLETION:** 06/20/17 **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The co-complainant reported to 911 and to responding officers an attempt by a motorist to assault the bicyclist co-complainant with his vehicle. The co-complainant stated the responding officers discouraged him from filing a report and failed to prepare a required incident report.

Department Bulletin 13-233, Traffic Collisions/Incidents Involving Bicycles, states, in part:

Members who receive complaints from bicyclists about a motorist forcing the bicyclist off the road or committing an assault **shall** document the incident using an incident report form. If the incident lacks the elements of an assault, but the reportee is insistent on reporting the incident, members **shall** document the incident using an incident report, not by using a CAD number.

Members should complete investigations and reports as appropriate and **shall not** dissuade bicycle riders from making collision or incident reports.

The named officers stated that there was no collision and no merit to the road rage by a motorist, so they were not required to prepare an incident report.

A witness motorist stated the bicyclist ran the stop sign and when he drove forward from the stop sign and veered slightly to the right, the bicyclist struck his truck. The witness stated an officer told him the bicyclist claimed he had tried to kill him.

A witness officer on scene stated he heard the co-complainant tell the named officers twice something along the lines that the truck driver had cut him off.

No other witnesses came forward.

The evidence established that the named officers were required to prepare an incident report pursuant to DB 13-233.

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:** 06/18/15    **DATE OF COMPLETION:** 06/30/17    **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 he ordered and paid for food at a restaurant and was subsequently asked to leave. The complainant stated he had not yet received his food and refused to leave without being issued a refund. He stated that a restaurant security guard slammed him to the ground unnecessarily. The complainant stated the named officers arrived after the guard slammed him to the ground and assumed that the complainant was at fault. The complainant stated that the named officers took him to jail, even though he was the victim.

One named officer stated he detained the complainant and brought him to jail because the complainant was intoxicated and unable to care for himself. The named officer stated that he first saw the complainant outside of the restaurant fighting with another person. The named officer broke up the fight and waited outside the restaurant to make sure the complainant did not instigate another altercation. The named officer stated that, within minutes, a security guard escorted the complainant out of the restaurant and flagged him down for assistance. The security guard told the named officer that the complainant was belligerent and instigating fights with customers and employees. The named officer stated that he did not see the security guard take the complainant to the ground. The named officer stated he decided to detain the complainant for his own safety because the complainant appeared to be too intoxicated to care for himself. The named officer stated that the complainant's speech was slurred and that he had trouble maintaining his balance. The other named officer did not recall the incident.

A witness stated the complainant was intoxicated when he arrived at the restaurant. He stated the complainant became visibly upset because an item he wanted to order was unavailable and a security guard asked him to calm down. The witness stated the security guard tried to coax the complainant out of the restaurant and eventually grabbed his arm and took him to the ground. The complainant then left the restaurant and was immediately approached by the named officers, who told the complainant that they would take him to a place where he could sober up.

Department records indicated that the named officers reported approaching the complainant after witnessing him fighting with another person. Records indicated that the named officers booked the complainant for being drunk in public with instructions to be released when sober.

No other witnesses came forward. The evidence proved that the act, which provided the basis for the allegation, occurred. However the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/18/15    **DATE OF COMPLETION:** 06/30/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers handcuffed his wrists too tightly, yanked on his arms, and slammed his head into their patrol car as they loaded him into the backseat.

One named officer stated that he handcuffed the complainant, checking for the proper degree of tightness. The named officer stated that the complainant did not mention that his handcuffs were too tight. The named officer denied yanking on the complainant's arms or handling him roughly. The named officer denied slamming the complainant into the patrol car. The named officer stated that the complainant did not hit his head on the patrol car. The other named officer did not recall the incident.

A witness stated that the officers roughly handcuffed the complainant. He stated that the complainant told the officers the handcuffs were too tight, but it did not appear that the officers adjusted the handcuffs. The witness was not present when officers put the complainant into the back of the car.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove that the handcuffs were placed tightly.

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

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

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

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

San Francisco Sheriffs Department  
Investigative Services Unit / TLO  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer engaged in biased policing, due to race.

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

**FINDINGS OF FACT:** The named officer is no longer a member of the San Francisco Police Department.

**SUMMARY OF ALLEGATIONS #2-3:** The officers engaged in biased policing, due to race.

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

**FINDINGS OF FACT:** The complainant stated that his apartment was burglarized and clothing was taken. He stated that after talking with him, the responding officers assured him that they would check the building surveillance cameras and come back to his apartment to fingerprint the chest of drawers from where the clothing had been removed. The complainant felt disrespected and not taken seriously when the officers failed to return. The complainant believed he was mistreated because he is black.

The named officers denied misrepresenting their intentions to the complainant and articulated in the report why fingerprints were not taken and why surveillance video was not obtained at the time of the initial police investigation.

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:** 07/15/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The named officer is no longer a member of the San Francisco Police Department.

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

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

**FINDINGS OF FACT:** The complainant stated he believed the officers did not thoroughly investigate his reported burglary because they told him they would get back to him to take fingerprints and to advise him of the existence of video surveillance and they failed to do so.

The named officer denied the allegation. He stated he told the complainant that he would look into the building's video surveillance footage. He stated that he spoke with the hotel desk clerk about any surveillance footage and the clerk stated that he did not have access to the equipment and the person that did was not at the building. The officer stated he concluded that CSI would follow-up if necessary. The officer documented the information in an incident report. The officer denied promising the complainant that he would fingerprint anything. The officer stated that his field training officer made the decision not to take fingerprints. The named officer stated that the complainant reported that the missing clothing had been in a plastic bag next to his bed, not in a chest of drawers.

One witness officer said the complainant discussed the building video surveillance cameras with the officers but did not recall meeting with the hotel clerk about the video. Another witness did not recall any discussion regarding building surveillance footage or meeting with hotel staff.

The incident report documents that, due to the lack of physical evidence and the contamination thereof, that Crime Scene Investigations would not be contacted. The report documents that the officer spoke with the hotel manager who reported that he did not have access to the surveillance system.

There is conflicting evidence as to what the officer(s) told the complainant they intended to do after leaving his apartment. The incident report included all required information. There is conflicting evidence as to the location of the stolen property. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/16    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1:** The officer seized the complainant's property without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was drinking beer with friends in a city park when the named officer saw him with the beer and ordered him to pour the beer out. He stated that he refused to comply with the named officer's order because the beer was his medication. The complainant stated the named officer grabbed his beer and intentionally poured it out.

The named officer denied the allegation. The named officer stated that he saw the complainant drinking beer in the park, in violation of San Francisco Park Code section 4.10, SF Police Code section 21(a), and CA Business and Professions Code section 25620(a). The named officer stated that he asked the complainant to pour out the beer several times and the complainant refused. The named officer stated that he did not want to cite the complainant, but instead seized the complainant's beer.

No witnesses came forward.

The event history detail record established a suspicious person call corresponding to the time and date of this incident. The location was at a lake in the city park.

San Francisco Park Code 4.10 states in part that no person shall consume alcoholic beverages of any kind in certain parts of the city park, including a certain meadow area, which encompasses the lake area where the incident occurred.

The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/16    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #2:** The officer engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that he believed the named officer was unstable and crazy and should be fired. He stated the named officer threatened to arrest him for not pouring out his beer. The complainant stated that the named officer had an arrogant attitude and approached him in an “assaultive” manner. The complainant also stated that he argued with the named officer and refused to pour out his beer.

The named officer stated that he showed the complainant a posted city park sign prohibiting alcohol and asked him nicely to pour out his beer. The named officer stated that the complainant repeatedly refused to pour out his beer. The named officer denied speaking to the complainant in a threatening tone.

There was a preponderance of evidence that the complainant’s allegation against the named officer was unreasonable, based on the complainant’s admission of his continuous noncompliance and his admitted violations of the city and state codes.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/16    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers engaged in intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated that the officers engaged in intimidating behavior when they grabbed him and allowed Child Protective Services workers to remove his children from him.

The named officers stated that they engaged in a civil stand-by that was justified by a removal warrant, and stated that they grabbed the complainant's arm because he attempted to obstruct the Child Protective Services workers from executing their Court Order.

Two Child Protective Service workers who called for the officers stated that neither of the officers engaged in intimidating behavior. One of the Child Protective Service workers stated that the officers did hold the complainant's arm - not in a forceful manner, but to calm him down and to prevent him from interfering in the lawful removal of the children.

Dispatch records documented the Child Protective Services workers' request for an officer stand-by while they took custody of the complainant's children.

The City Attorney's Office verified that the Child Protective Services employees had a Removal Warrant for the complainant's two children.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/25/16 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer responded to her agency – a social services organization – on two separate dates regarding 5150 detentions and was rude, dismissive, unprofessional and demeaning toward the staff. The complainant stated the first incident involved a client that was suicidal, and the second involved a person that was a danger to others. The complainant stated that on both occasions, the named officer told staff, “We’re not a taxi service.” The complainant stated that on the first occasion, the named officer told a staff member that she needed an attitude adjustment.

The named officer denied telling anyone that they needed an attitude adjustment, but she admitted telling the complainant and staff, “We’re not a taxi service.” The named officer stated she was attempting to explain department policy to the staff, but they were not listening. The named officer stated she generally speaks loud, and her volume may have been misinterpreted, but she was not rude to the complainant or other staff.

A witness officer stated he was present during the first incident, but did not recall the demeanor of either the named officer or the staff of the social services organization.

A Police Services Aide (PSA) who was on a ride along with the named officer during the first incident stated the named officer was direct and did not come across as rude. The PSA stated she could not recall exactly what the named officer said, but that, “the phrase ‘not a taxi service’ does sound familiar.”

Statements from five different staff members of the social services organization supported the details provided by the complainant.

A preponderance of the evidence established that the named officer failed to treat the complainant and the staff at the social services organization with courtesy and respect.

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:** 08/01/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant complained that he was arrested, and indicated that it was an atypical arrest for a domestic violence incident.

The named officer stated that he responded to the complainant's address regarding possible threats and/or suicide. The named officer stated that the complainant was arrested because there was sufficient probable cause that he had stabbed his wife; the victim was injured and when asked if the complainant had stabbed her, she nodded affirmatively.

Witness officers corroborated the named officer's statement, and said that the complainant's wife had been stabbed, and that the complainant had barricaded himself inside his house.

The related Incident Report documented that the brother of the alleged victim had contacted police because he was concerned about his sister after hearing the complainant yelling and other loud noises coming from his residence. The report stated that the alleged victim was able to leave the house and revealed a stab wound. The report stated that the named officer notified a commanding officer and began to take steps to secure the area. The report documented that the complainant barricaded himself in the house, coming out occasionally with a possible weapon, threatening officers, and asking that they shoot him. The complainant was taken into custody after a standoff that lasted several hours.

SFPD General Order 6.09, Domestic Violence, states, "Members shall make an arrest whenever reasonable cause exists to believe a felony has occurred."

The injury to complainant's wife, her admission regarding who had stabbed her, and the complainant's evasive actions, were more than enough to justify probable cause for an arrest.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/08/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was driving and became stuck in traffic. The complainant stated he positioned his car in the middle lane of three lanes and when he felt it was safe, made an illegal right turn from the middle lane onto another street. The complainant stated that two officers pulled him over and told him that he had made an illegal turn and cited him for the turn. The complainant gave the officer his out of state driver's license because he had only been in California a few days. The officer told him he was not considered licensed in California and gave him a citation for being an unlicensed driver.

The named officer stated that she saw the complainant make an illegal right turn. The named officer and her partner followed the vehicle and pulled the vehicle over. The named officer asked for the complainant's license and he gave her a license from out of state. The named officer asked if the complainant had a California driver's license and he said no. The witness officer queried the complainant and saw that the complainant had a suspended and expired California driver's license. The named officer cited the complainant for driving without a license and for the illegal right turn.

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 handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The evidence established that the complainant was placed in handcuffs after the officers determined that the complainant had a suspended and expired driver's license.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/08/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that he was placed in handcuffs and that the handcuffs were so tight that they caused him injury. The complainant stated he asked the officers to loosen the handcuffs, but the officers ignored him.

The named officer stated that she did not place the complainant in tight handcuffs and that the complainant never complained of the handcuffs being too tight nor did the complainant indicate that he was in any pain.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #4 - 5:** The officers intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated that he was detained for driving without a license. The complainant stated the officers “ransacked” his car and damaged the interior of the vehicle during their search of his vehicle.

The named officers denied the allegation. The officers stated that they looked in the front area of the car to try and find registration or any other identifying information related to the car but did not locate any such documents. The officers stated they did not “ransack” the complainant’s car or cause any damage.

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:** 07/08/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was detained and let go for driving without a license. One of the officers told him something to the effect that they were only letting him go because he was being so nice, which the complainant thought was inappropriate.

The officer did not recall saying anything to that effect.

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:** 07/15/15 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The complainants stated the named officer entered their home without cause. A gun battle involving several persons and the complainants' two sons occurred approximately 2 blocks away from their home. One son was shot and bleeding. The complainants stated there were blood drops, but the drops stopped inside the front gate leading to the home. The complainants told the officers their sons were not inside of their house. The officers told the complainants that because the drops led to their home, they had the right to enter the home to see if anyone was hurt. The complainants' stated SWAT and Gang Task Force officers stormed the house breaking into two bedrooms. The complainants stated officers told them items were found that were deemed to be evidence. The house was then placed on lock down until a search warrant could be obtained.

The named officer stated he was in charge of the investigation. He observed a blood trail that led from the scene of the shooting to the complainants' home and a hooded sweatshirt was discarded on the stairs inside the front door. Officers entered the house initially without a warrant based on exigent circumstances because they believed a victim and/or a suspect were in the house based on the blood trail. A gun was observed on a chair in a bedroom. No victims or suspects were found inside the house. The house was secured until a search warrant could be obtained to search for evidence related to the shooting. The named officer stated the complainant's sons pled guilty to firearm charges in court.

Warrantless entries by police into a residence are presumed illegal unless justified by consent or exigent circumstances. "Exigent circumstances" means an emergency requiring swift action to prevent: (a) imminent danger to life or welfare, (b) serious damage to property, (c) imminent escape of a suspect; or (d) the destruction of evidence. While other reasons are important, the most pressing emergency of all is rescue of human life, injured occupant or to protect an occupant from imminent injury. The existence of an emergency may also be based on circumstantial evidence.

Based on these circumstances, the officers had an objectively reasonable belief that an injured person and/or suspect(s) may be inside the home.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/15 **DATE OF COMPLETION:** 06/27/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The complainants stated the officer searched their home without cause.

Officers initially entered the residence based on the exigent circumstances discussed in Allegation #1. Evidence was observed and the named officer then ordered the house secured until he could obtain a search warrant. The named officer stated he prepared a search warrant that included a Statement of Probable Cause. The search warrant was reviewed and signed by a judge. The named officer returned to the house, served the warrant on the complainants, and the house was searched.

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

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

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

**FINDINGS OF FACT:** The complainants stated the officer failed to properly process property. The complainants stated that after the house was searched, the named officer and two other officers put several items in bags. They were not allowed to see what was put in the bags and were not provided with a list of what was taken until two days later. The primary complainant stated she called the named officer a few days after the search and asked about the list. The named officer apologized to her stating he had been very busy and asked if he could bring the list over to them that day. He brought the list over that afternoon.

The named officer stated he spoke to the complainants prior to the search warrant being obtained and allowed them in the house while officers executed the search warrant. He talked to them after the warrant was served. He also recalled speaking to them a couple of days after the incident when he gave them an inventory of the items that were seized as evidence. They were told that a gun was found in one of the rooms and they believed it was related to the shooting. He gave a receipt to one of the sons and the parents because they all lived in the house. The named officer stated that the complainants knew exactly what was being taken and the complainants identified each room where evidence was found. There was insufficient evidence to either prove or disprove the allegation.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 1 of 5

**SUMMARY OF ALLEGATION #1:** The officer behaved in an inappropriate manner and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that two male Caucasian officers joked and laughed with the other driver at the scene, which he said was inappropriate.

The named officer denied laughing with a party to the collision.

SFPD records indicated that the named officer was the only male Caucasian officer on scene.

Witness officers and other witnesses stated that everyone acted appropriately and professionally. One witness acknowledged he joked and laughed with officers about matters not related to the incident. A second witness stated he left the scene before police arrived.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to interview the other party to a collision or to consider photographs taken by the complainant and the officer as part of the investigation.

The named officer stated he was responsible for the traffic investigation. The named officer stated each driver's information was collected, the scene was reconstructed in a diagram, statements were taken from both drivers and a report was submitted to the Traffic Unit. The named officer stated he and second officer interviewed the complainant and the other driver. The named officer stated he did not take photos at the scene, explaining that photos were not needed for the investigation. The named officer stated fault was determined by the vehicles' damages at the scene, statements from the complainant and the other driver, and a continued investigation at the police station.

Other officers and witnesses at the scene stated that the named officer received statements from the complainant, the other driver and an independent witness investigating the collision. An additional witness stated he left the scene before police arrived.

Other officers at the scene stated that photos were not necessary, due to the minor damage sustained by the vehicles.

A witness stated he did not recall anyone at the scene taking pictures of the scene or the collision.  
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No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 3 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not inform him that he was getting a citation by mail or that the complainant was at fault for the traffic collision.

The named officer stated he did not inform the complainant that he would receive a citation by mail, because a collision investigation to determine fault had not been completed. The named officer stated he followed Department General Order 9.02 and Department Bulletin #14-130 regarding mailing citations to Vehicle Code violators in a traffic collision. The named officer stated his report and the citation were forwarded to the Traffic Collision Investigations Unit and that unit sent a citation to the complainant by mail.

The Department regulations cited by the named officer indicated that he followed the regulations governing a situation such as that described by the complainant. The citation issued to the complainant was marked, "mailed," as required by the Department's regulations.

The evidence established that the officer's actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#**4 of 5

**SUMMARY OF ALLEGATION #4:** The officer wrote an inaccurate incident report.

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

**FINDINGS OF FACT:** The officer wrote an inaccurate traffic collision report.

The complainant stated that the named officer wrote inaccurately in a collision report that the complainant was at fault for the collision, and that the complainant did not have insurance. The complainant acknowledged that he saw another vehicle in the intersection before he entered to turn left. The complainant also acknowledged that he could not produce the proof of insurance to the named officer.

The named officer stated he completed an accurate traffic collision report. The named officer stated the complainant was found to be at fault because the investigation showed that he had violated section 21802(a) of the Vehicle Code by failing to make sure the intersection was clear of oncoming traffic before proceeding into an intersection. The named officer stated his report was initially reviewed by his FTO. The named officer stated he submitted his report to the Traffic Company for further review and a subsequent citation was mailed to the complainant.

A witness stated the officers on scene interviewed both drivers, conducted measurements, and reviewed the cars' damages.

An independent witness left the scene before the officers arrived.

California Vehicle Code 21802(a) states in part that "[t]he driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450. The driver shall then yield the right-of-way to any vehicles which have approached from another highway ... until he or she can proceed with reasonable safety."

The evidence established that the officer's actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/16      **DATE OF COMPLETION:** 06/20/17      **PAGE#** 5 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the officer should not have issued him a citation for failing to yield the right of way. The complainant admitted that his path was controlled by a stop sign, while the other driver did not face any traffic controls. The complainant stated he stopped his vehicle at the intersection and looked for traffic and pedestrians. The complainant admitted he did observe the other vehicle before he proceeded into the intersection to make his turn. The complainant admitted he was not able to locate his proof of insurance.

The named officer denied issuing a citation without cause. The officer stated a citation was completed and issued by mail to the complainant for violations of 21802(a) CVC (failing to yield to traffic) and 16028(c) CVC (failing to present proof of insurance). The named officer stated he investigated the traffic collision by taking statements from drivers and a witness, reviewing car damages, and creating a scene diagram.

Witnesses who were at the scene of the collision confirmed the complainant had a stop sign, while the other party in the collision was facing no traffic control at the intersection.

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 #1:** This complaint raises matters outside DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/16 **DATE OF COMPLETION:** 06/30/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to promptly respond to the scene.

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

**FINDINGS OF FACT:** The complainant stated that she observed a man at her locked front gate yelling. Frightened that the man was trying to force his way into her gate, she called 911. The complainant stated that the police did not respond for approximately two hours by which time the man had left.

The named officers stated that they were responding to the complainant's 911 call when they were directed to respond to a higher priority call for service. The officers stated that after completing the higher priority call, they responded to the complainant's call.

The named officers stated that upon their arrival neither the suspect or reportee was present. The officers stated that they had dispatch telephone the complainant but there was no answer and the call went to voicemail. A voicemail was left and the officers cleared the call.

The Communications Dispatch records corroborate that the officers were preempted to a higher priority call after which they responded to the complainant's call. The delay was approximately two hours.

The evidence established that the officers' actions were proper and within Department policy.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/16    **DATE OF COMPLETION:** 06/30/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the responding officers made no attempt to contact her.

The named officers stated that upon their arrival at the complainant's address, they attempted to reach her by having dispatch telephone her but there was no answer and the telephone call went to voicemail. A voicemail message was left.

Dispatch records document that the complainant was requesting a 909 – interview a citizen, and that the responded officers attempted to contact the complainant via telephone but the telephone answered to a voice mailbox upon which dispatch left a message. There is no documentation on the dispatch record of any attempt to make contact with the complainant at her front entrance.

One officer stated that in addition to the telephone call, an attempt was made to contact the complainant at the front entrance of her residence. The second officer did not recall if any attempt was made to contact the complainant at her front entrance.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** Part of this complaint raises matters outside DPA's jurisdiction.

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

**FINDINGS OF FACT:** Part of this complaint has been referred to the S.F. Department of Emergency Management.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/15    **DATE OF COMPLETION:** 06/19/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The named officer has separated from the Department and is no longer subject to Department discipline.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/22/16 **DATE OF COMPLETION:** 06/19/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant called 9-1-1 about threats from another tenant in her building. The complainant later went to Tenderloin Police Station seeking help. A Police Service Aid (PSA) at the station assisted her but did not take her report. The complainant stated no officers ever responded to assist her.

The named officers did not recall the incident but, after viewing records from the Department of Emergency Management, they stated that they were dispatched to a higher priority call. The named officers also stated that this incident was not in their sector and the higher priority call was.

Department records show that the named officers were dispatched to the complainant's residence, but were preempted by a higher priority call while en route. Department records show that another unit composed of three officers was later dispatched to Tenderloin Station to meet the complainant. That unit responded, but the complainant was no longer at the station when they arrived. Department records show a high volume of calls received for the district on the date of the incident.

SFPD General Order 1.03, Duties of Patrol Officers, states, "Patrol officers shall ... When out of service on a lower priority incident, and directed by Communications Division to take a more urgent assignment, acknowledge and respond to the more urgent assignment."

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:** 08/22/16 **DATE OF COMPLETION:** 06/19/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-5:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that she went to Tenderloin Police Station when officers had not responded to her earlier call for help. The complainant stated no officers ever responded to assist her at the station and she returned to her residence.

The named officers did not recall the incident but acknowledged that they arrived at the station and the complainant was no longer present. The named officers did not know why they did not then respond to the complainant's residence, the original location of the call.

Department records show that the named officers were dispatched to Tenderloin Station to meet the complainant. They responded but cleared the call as "Gone on Arrival," meaning the complainant was no longer present. Audio from the Department of Emergency Management indicate that a Police Service Aid notified dispatch that the complainant had returned to her residence, and that officers should now be dispatched to that location. Department records show that the named officers responded to a call regarding shots fired, soon after they cleared this call.

It is unclear what the officers knew when they arrived at Tenderloin Station.

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

**SUMMARY OF ALLEGATION #6:** 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 partially referred to:

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/29/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The named officer stated he stopped and cited the complainant for failing to stop at the limit line.

The complainant denied the violation, stating that the light was yellow.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer repeatedly yelled at him, ordering him to open his car door and hand over his keys. The complainant stated the named officer had his hand on his holster, which made the complainant scared and fear for his life. The complainant admitted that he did not provide his driver's license and his car keys upon request.

The named officer stated that during the traffic stop, the complainant continuously refused to cooperate when requested to provide his driver's information, turn off his car and hand over his car keys. The named officer stated that in an effort to diffuse the situation, he raised his voice to get the complainant to comply with his commands. The named officer stated he opened the car door to overcome the complainant's resistance during the traffic stop and to make a detention or arrest if needed. He stated that based on his training and experience and the complainant's body language and vocal demeanor, the complainant appeared to be looking for a physical altercation. He stated that due to officer safety, he kept his hand on his gun holster in the event the interaction escalated.

No independent witnesses came forward.

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

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**DATE OF COMPLAINT:** 08/29/16 **DATE OF COMPLETION:** 06/21/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that the named officer used profanity.

The named officer denied using any profanity.

The witness officer stated he did not see the entire interaction between the named officer and the complainant.

No independent witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/19/16 **DATE OF COMPLETION:** 06/06/17 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers used excessive force.

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

**FINDINGS OF FACT:** The complainant stated that her husband called her and told her that he was in the hospital because officers had beaten him up. The complainant stated she went to San Francisco General Hospital to visit him, saw that he was handcuffed to the bed, but was not able to see any injuries. The complainant stated that two white, male officers ordered her out of the room. The officers told her that she wasn't supposed to be in her husband's room and that he was under arrest for resisting and assault. The complainant stated that her husband had told her that he was being held by the hospital because of a cut on his finger that needed surgery.

One of the named officers stated he was the first officer to arrive at the incident. He stated that he saw the complainant's husband, who matched the description provided by dispatch, and he decided to take him into custody. The named officer stated that he had to use force against the complainant's husband because he was met with resistance. The named officer stated that he did not recall ever lifting the complainant's husband off of his feet, while the other named officer stated that he never saw the complainant's husband lifted off of the ground. The other named officer stated that he helped get the complainant's husband's right hand out from under his body when he was on the ground and may also have helped apply handcuffs. The officer stated that the complainant's husband did not complain of pain until he was in custody and at Mission Police Station. The officer stated that two days later, by chance, he was assigned hospital duty and watched the complainant's husband, but there were no visitors at that time.

A witness officer stated that he was focused on keeping bystanders back and did not witness any of the physical control of the complainant's husband.

Two independent witnesses were interviewed by the DPA. They both witnessed the complainant's husband assaulting another individual with a stick or bat. They both, separately, called 911. The witnesses corroborated the fact that the complainant's husband dropped his weapon when the named officers arrived, and that he would not comply with orders from one of the named officers. One of the witnesses stated that he spoke out and told the complainant's husband that he should not chase people with a stick. The witness stated that the complainant's husband then took a step towards him, and it was at that point that the named officer attempted to handcuff him. One witness stated that the complainant's husband was lifted off the ground when he was taken down. One witness stated that he did not remember the complainant's husband expressing that he was in pain and he did not see any injuries, while the other recalled the complainant's husband shouting in pain when he was lifted up. One witness did not feel the force used was excessive, while the other stated that he felt it was.

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**DATE OF COMPLAINT:** 09/19/16 **DATE OF COMPLETION:** 06/06/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #1-2 continued:**

No other witnesses came forward.

The related incident report documented that the complainant's husband was upset and yelling and would not comply with orders to turn around and put his hands behind his back so he could be searched for weapons. The report stated that one of the named officers went to assist the other named officer when he noticed he was struggling with the complainant's husband. The report stated that both named officers used force to get the handcuffs secured on the complainant's husband. The report also documented that the complainant's husband complained of pain in his left hand at Mission Station. SFPD documentation confirmed the use of force used, but also that the complainant's husband did not need immediate medical attention, did not have any open wounds, and was not seriously injured. Records also indicated that the complainant's husband was refused by the County Jail and transported to San Francisco General Hospital. The Field Arrest Card showed that the complainant's husband was not booked into County Jail until four days after his arrest.

SFPD General Order 5.01, Use of Force, in effect at the time states, "Officers may use force in the performance of their duties ... To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention." It further states, "The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task."

Based on the scene described by officers and witnesses, along with the description from dispatch, the named officer was justified in detaining the complainant's husband and searching him to ensure he did not have additional weapons. The named officers were then justified in using physical force to accomplish this when the complainant's husband refused to comply and, according to one witness, may have made a move towards a bystander. It is not clear that the officers were directly responsible for the injury that resulted in the complainant's husband's hospital stay. However, even if the injury resulted from the arrest, there is no evidence that it was caused maliciously or that it was the result of an unlawful use of force. The amount of force used appears to have been reasonable under the circumstances.

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:** 09/19/16 **DATE OF COMPLETION:** 06/06/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated that she went to San Francisco General Hospital to visit her husband. The complainant stated that two, white, male officers ordered her to leave, telling her that she wasn't supposed to be in her husband's room and that he was under arrest for resisting and assault.

Attempts to identify the officers involved were unsuccessful.

No witnesses were identified.

SFPD General Order 5.09, Absentia Bookings and Prisoner Security, regarding prisoners in SFPD custody at San Francisco General Hospital, states, "Visitors shall not be allowed in any treatment area or allowed to interact with prisoners."

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:** 09/30/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The named officer stated he initially observed the complainant's vehicle run a stop sign. He followed the complainant's vehicle and was positioned directly behind her car when she stopped in the right lane. The officer stated the complainant proceeded to make a left turn from the right turn lane in violation of a posted sign, which read, "Right Lane Must Turn Right, Except Muni."

The complainant admitted making a left turn when she was in the right lane.

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 issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated the officer demanded that she give her designer sunglasses she was wearing to the officer. The complainant thought the officer was trying to steal her sunglasses. The complainant stated the officer looked at the sunglasses then returned it to her.

The named officer stated he believed the complainant might have been driving under the influence when he saw the complainant fail to stop for a stop sign and make an improper left turn. The complainant's driver's license had a restriction, which indicated the complainant could only drive while wearing corrective lenses. The officer stated the complainant was wearing sunglasses at the time he stopped her, but the sunglasses appeared to be non-prescription sunglasses. The officer requested the complainant's sunglasses to determine whether they were either prescription or non-prescription sunglasses. He determined the lenses were prescription lenses, and returned the sunglasses to 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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**DATE OF COMPLAINT:** 09/30/16 **DATE OF COMPLETION:** 06/29/17 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that after the officer stopped her, he “got out of his car, approached me without saying hello and nastily told me to advance my car in a hostile manner. I asked him why he was stopping me and he did not answer me. Again, I asked him and he still refused to answer. All he said was give me your insurance, registration, and driver’s license, which I promptly did.”

The named officer stated he informed the complainant of the reason for the stop. The officer stated he acted in a professional manner and denied being disrespectful in any way to the complainant.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer engaged in biased policing due to age discrimination.

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

**FINDINGS OF FACT:** The complainant stated she believed she was cited because of her age.

The named officer and another officer were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. The named officer denied the allegation. The other officer did not recall the stop. The named officer stated he was operating the patrol car behind the complainant’s vehicle and could not identify the race, gender or age of the complainant from his vantage point. The named officer stated he saw the complainant’s vehicle commit two traffic infractions; failing to stop for a stop sign and for making an illegal left turn. The named officer stated these were the only factors for him making the traffic stop.

The preponderance of the evidence established that the complainant was stopped and cited based on the violation she had committed.

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 failed to provide his name.

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

**FINDINGS OF FACT:** The complainant stated she asked the officer for his name, but he refused to give it to her.

The officer denied the allegation. The officer stated he did not remember the complainant asking for his name. He stated there was no reason for him not to provide his name. Furthermore, the officer stated his name appeared on the nametag of his uniform and on the citation that he issued to the complainant.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 10/03/16 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated his neighbor was spray painting a bicycle in the hallway of their building. The complainant stated his neighbor sprayed at face level when he passed and later blocked his way down the building stairway. The complainant stated that a statement by his neighbor indicating he was blocking him should have been captured on the 911 call. The complainant also stated the building surveillance video should have captured his neighbor's actions. The complainant stated the named officers arrived and spoke with his neighbor, who claimed that his lease allowed him to spray paint in the hallway. The complainant stated the named officers did not ask for proof of the lease provision, and did not try to listen to the 911 call. The complainant acknowledged the named officers attempted to talk to the building manager, but she was not present at the time.

The named officers stated the complainant told them that his neighbor had sprayed paint at him, and that he had blocked an exit to the building with an object. One of the named officers stated that no object was found blocking an exit, and that he advised the complainant's neighbor about blocking exits. The named officers stated there was no evidence that the complainant's neighbor sprayed paint at the complainant. They also stated they attempted to meet with the building's manager, but nobody was present.

No witnesses came forward.

Audio of the incident from the Department of Emergency Management revealed the complainant yelling at someone to move or get out of the way. The audio includes a different voice in the background, but the words were indecipherable. The named officers could be heard calling dispatch later and reporting that there was no merit, the neighbor was spray painting a bike in the hallway and "that was it."

The named officers were trying to determine if the neighbor had assaulted the complainant and blocked an exit in the building. They found no evidence of either and determined there was no probable cause. The named officers were not required to follow up with building management in this case.

The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 10/03/16 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 2 of 5

**SUMMARY OF ALLEGATIONS #2-4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that the named officers did not write an incident report. The complainant stated that he needed the report to support his ongoing legal action against his neighbor.

The named officers stated that the complainant had not requested a report, and that they did not file a report because they determined that no crime had been committed. One of the named officers stated that the complainant only wanted them to advise the neighbor about blocking exits.

Audio of the incident from the Department of Emergency Management revealed that the named officers called dispatch and reported that there was no merit to complainant's allegation.

SFPD General Order 2.01 section 25, On-Duty Written Reports, states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

The named officers did not find probable cause that a crime was committed

The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 10/03/16 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 3 of 5

**SUMMARY OF ALLEGATIONS #5-8:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated he was granted a temporary restraining order against his neighbor, restricting contact. The complainant stated that his neighbor violated the court order by yelling obscenities and threats at him. The complainant stated that he called 911 and the named officers arrived. The complainant stated that one of the named officers told him to read the restraining order to her, and that if he was not going to read it, they were going to leave. The complainant stated that he refused to read the order and the officers all left.

The named officers stated that the complainant was uncooperative. The named officers stated that the complainant handed them some papers and told them it was a restraining order. The named officers stated that a computer check revealed that there was no active restraining order on file. The named officers stated that, as one of them attempted to read the papers, the complainant grabbed them away from him, told them he did not want their help, and walked away.

No witnesses were identified.

The event history detail from the Department of Emergency Management included a comment from dispatch that the complainant was insistent that there was a restraining order in place and that police should have no leeway in enforcing it. The record showed that the two units with the named officers responded initially, but within three or four minutes they left, reporting that the complainant was being uncooperative and no longer wanted police action. Audio of the event history revealed that the complainant asked for different officers to respond later.

SF Superior Court records showed that a restraining order protecting the complainant from his neighbor was in effect at the time of the incident.

Generally, officers should not force a protected party to read and/or explain a court order to them. However, if an individual takes an alleged court order away from officers before they've had a chance to read it, verify it and determine if there has been a violation, officers may be justified in ending their investigation. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 10/03/16 **DATE OF COMPLETION:** 06/23/17 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that he called 911 regarding a violation of a temporary restraining order by his neighbor. The complainant stated that the named officers examined the restraining order and were able to view surveillance video. The complainant stated that the named officers told him they did not have enough evidence to act on the alleged violation. The complainant acknowledged that his neighbor's verbal threats would not have been on the surveillance video, which had no audio. The complainant stated that the officers should have, at least, admonished the suspect.

The named officers stated that the complainant's statements regarding the restraining order violation were inconsistent. The named officers confirmed that they were able to view the surveillance video. The named officers stated that the video footage contradicted the complainant's account of what had happened. The named officers stated they did not take any action regarding the restraining order.

No witnesses were identified.

Records from the Department of Emergency Management showed that the named officers reported watching the surveillance video and that it showed no contact between the complainant and his neighbor at the time of the original call for service.

There is no requirement that the named officers admonish an alleged suspect under these circumstances.

The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATIONS #11-12:** The officers threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated that one of the named officers accused him of making up a restraining order violation and told him that if he called 911 again that night, he was going to jail.

One of the named officers stated that he may have explained to the complainant that making false complaints was illegal. The named officers stated that they did not recall if “jail” was mentioned specifically.

Records from the Department of Emergency Management included a comment from the named officers that they advised the complainant regarding filing false reports and abusing 911.

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 evidence established that the named officers would have been justified in warning the complainant about frequent calls to 911 and making false reports. However, that would not have justified a threat of jail if the complainant called 911 again.

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

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**DATE OF COMPLAINT:** 10/03/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that in 2006, “they” escaped from a person who had been abusing them. They were interviewed by two officers, who have since retired from the SFPD, about their abuse. They left the State and returned in 2011. Since then, they, along with advocates, had been attempting to obtain police reports from the 2006 investigation. The complainant stated they called the named officer over 40 times and left multiple messages, but did not get a response. The complainant stated that they eventually spoke to the named officer by chance. The complainant stated the named officer acknowledged that he is difficult to get a hold of and had 10,000 people trying to reach him every year. The complainant stated the named officer was able to search for and provide a police report from the 2006 incident. The complainant believed there must be more than the brief report that they were provided.

The named officer stated he searched for the police report and provided it to the complainant. He denied failing to return any phone calls or messages to the complainant. He denied being difficult to get a hold of and stated he never told complainant that he had about 10,000 people trying to reach him every year.

A Police Service Aide, who worked in the same office as the named officer, stated that the named officer receives an average number of phone calls and that he is the kind of person who returns phone calls and responds to all queries directed to him.

A case manager who has worked with the complainant stated that a former employee at her office was unable to get a police report from SFPD on complainant’s behalf.

No other witnesses came forward.

The Incident Report from 2008 confirms that the complainant was interviewed by two former SFPD officers.

The evidence established that the named officer did not withhold or delay the release of any incident reports, and that he was otherwise responsive to the complainant’s legitimate requests.

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:** 10/03/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the SFPD Records Division was contacted multiple times but could not find the requested incident report. SFPD Records eventually produced a related report, but not the one responsive to the complainant's requests.

No other witnesses came forward.

The results of an Officer Poll sent to the SFPD Records Management office indicated that no officers or employees in that department had handled requests from the complainant.

The evidence established that it is more likely than not that an advocate was contacting the SFPD Records Division on the complainant's behalf. However, that advocate could not be reached to provide more information.

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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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/04/16 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated two unknown officers detained him without justification.

The named officers stated that they detained the complainant after an alleged crime victim identified the complainant as the man who had threatened to kill her and her dog.

A witness stated that the complainant focused on her before threatening to kill her and her dog, a threat he made in front of a friend and nearby patrons of a café.

Three witnesses verified the complainant threatened to kill the victim and her dog.

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

**SUMMARY OF ALLEGATION #3:** The officer searched the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainant stated his bag was searched.

The named officer stated he searched the complainant's bag incident to the complainant's arrest.

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:** 10/04/16 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #4-5:** The officers used excessive force while in custody.

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

**FINDINGS OF FACT:** The complainant stated two officers forced him to the ground during his arrest.

The named officers said the complainant resisted, so they took him to the ground in order to take him into custody.

A witness who had seen the complainant detained multiple times said the police always sits the complainant on the ground without mistreating him because he refuses to comply with commands, yells, and calls the officers names.

No other witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #6-7:** The officers failed to provide a Miranda admonishment.

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

**FINDINGS OF FACT:** The complainant said he was handcuffed without being read his Miranda rights.

The named officers denied asking the complainant any question while he was in custody.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/04/16 **DATE OF COMPLETION:** 06/15/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #8:** The officer used a racial slur.

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

**FINDINGS OF FACT:** The complainant said the named officer called him the “N” word inside the hospital garage.

The named officer denied he used the racial slur.

The named officer’s partner stated he was in the garage and denied the named officer used a racial slur.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The complainant said his California ID Card, which was inside his bag, was missing when he was released from the hospital.

The named officers denied they took any property from the complainant.

Itemized hospital property records documenting the complainant’s property upon admission did not include a California Identification card.

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:** 10/04/16 **DATE OF COMPLETION:** 06/13/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The named officer is no longer with the San Francisco Police Department.

**SUMMARY OF ALLEGATION #2:** The officer misused his police authority.

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

**FINDINGS OF FACT:** The named officer is no longer with the San Francisco Police Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/08/16    **DATE OF COMPLETION:** 06/20/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers refused to receive a private person's arrest.

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

**FINDINGS OF FACT:** The complainant was inside a building when a security guard contacted him. The complainant stated the security guard assaulted him by spitting on him. The complainant called for police assistance and the named officers responded to his location. The complainant stated he told the officers to arrest the security guard for assault, but the officer refused.

The named officers stated they did not make an arrest because there was no probable cause that an assault occurred, and after explaining to the complainant the situation surrounding the incident, the complainant decided not to pursue his private person's arrest.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers used unnecessary force to detain the complainant's daughter.

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

**FINDINGS OF FACT:** The complainant stated her adult daughter has OCD and was out of control when this incident occurred two years ago. The complainant stated she and her daughter had a verbal argument, prompting the complainant to call the police. The complainant stated that when the officers attempted to handcuff her daughter, the daughter moved away and a struggle ensued. The complainant stated her daughter went to the floor, scraping her face on the carpet. The complainant stated that she learned the next day that her daughter had a broken hip and alleged the officers hurt her daughter.

One named officer stated the complainant drove to a local police station requesting police assistance for her daughter who was out of control. The officer responded to the daughter's residence, assessed her, and found her to be a danger to herself and others based on her behavior and the argument with the complainant. The officer stated the daughter was unresponsive to her, walked with a blank stare and made inappropriate comments. The officer detained the daughter based on W & I Section 5150 for a 72-hour psychiatric hold. The officer requested a second unit and a male officer responded. The officer stated she handcuffed one of the daughter's hands, but the daughter pulled her other hand away. The officer stated the male backup officer assisted her as she performed a leg sweep of the daughter in order to complete handcuffing in a controlled manner. The officer stated they guided the daughter to the ground and handcuffed her. The named officers stated the daughter sustained rug burns on her face by scraping her face back and forth over the rug. Both named officers denied that the daughter complained of injury. The first named officer reported the use of physical control in the use of force log and described the justification for the use of physical control in the incident report. The officers promptly called an ambulance to the scene for the 5150 detention and the daughter was transported from her apartment to a local hospital. There was no complaint of pain or injury.

The complainant's daughter refused to cooperate with the investigation.

The complainant admitted her daughter resisted the named officers' attempt to handcuff her. There was no evidence that the complainant's daughter's hip was fractured. The evidence established that the officers' use of force was proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/16    **DATE OF COMPLETION:** 06/13/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3:** The officer failed to provide information upon request.

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

**FINDINGS OF FACT:** The complainant stated she requested that officers on scene of her daughter's detention identify themselves. The complainant stated a female and a male officer arrived at her adult daughter's apartment and handcuffed her daughter. The complainant stated the male officer did not identify himself when requested.

The named officer stated he was never asked to provide his name or star number.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated her adult daughter has OCD and was out of control when this incident occurred. The complainant stated she called the police to have officers talk to her daughter. The complainant stated that instead of talking to her daughter, the officer instead detained her daughter in handcuffs and had her hospitalized.

The named officer articulated her concerns for the safety of the complainant and her daughter in an incident report. The named officer's report contained factual, contemporaneous details regarding the incident at the time she observed the complainant and the daughter's conduct. The named officer believed that the complainant's daughter was a danger either to herself or to the complainant.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/12/16    **DATE OF COMPLETION:** 06/20/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 12, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/20/16    **DATE OF COMPLETION:** 06/26/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer wrote an incomplete/inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated that on one occasion, the police came to her residence, took her statement, and subsequently prepared an incident report; however, the author “twisted” her words. The complainant claims the incident report includes a statement attributed to her that “demons” were committing crimes. The complainant did not have the incident report number, could not produce the incident report despite promises to do so, nor could she narrow the timeframe in which the police report was written.

The alleged report could not be located.

The complainant failed to provide additional requested evidence.

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

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

**FINDINGS OF FACT:** The complainant stated that on December 4, 2016, she called police because her neighbor stuck a key in her deadbolt and tried to enter her room without permission. She stated that no police report was prepared following this incident.

A comprehensive search of Department of Emergency Management (DEM) records yielded no such call for service.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/20/16    **DATE OF COMPLETION:** 06/26/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she called police because a neighbor entered her room two times without permission. The complainant stated that the named officer did not write a report.

The named officer could not recall the call for service nor the reason no report was written.

Department of Emergency Management (DEM) records indicate that the named officer responded to two calls for service made by the complainant, and he did not write a police report.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she called police because a neighbor entered her room two times without permission. The officer did not write a report.

The officer could not recall the call for service nor the reason no report was written.

Department of Emergency Management (DEM) records indicate that the officer responded to two calls for service made by the complainant, and he did not write a police report.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/23/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that her son was stopped for no apparent reason. She was not present during the traffic stop.

The named officers stated they were driving behind the complainant's son's vehicle when they observed that the vehicle had expired registration tabs.

Records from the California Department of Motor Vehicles indicate that the vehicle in question had expired registration when the vehicle was stopped.

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

**SUMMARY OF ALLEGATION #3:** The officer towed the complainant's son's vehicle without justification.

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

**FINDINGS OF FACT:** Department records show that the complainant's son's vehicle was towed following his arrest for multiple penal code and vehicle code violations, including driving with a suspended driver's license and possession of firearm.

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:** 12/23/15    **DATE OF COMPLETION:** 06/21/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3:** The officer seized the complainant's son's cell phone without cause.

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

**FINDINGS OF FACT:** The complainant stated that her son's cell phone was seized even though it was not evidence.

The named officer stated he had the phone seized and booked into evidence.

Department records show that the complainant's son's was arrested for multiple penal code and vehicle code violations, including possession of a firearm and driving with a suspended driver's license. Seizure of the cell phone as evidence was justified in light of the multiple penal code violations.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude, disrespectful and treated her like a child.

The named officer denied that she was disrespectful, unprofessional or treated the complainant like a child. She stated that she spent time explaining to the complainant the evidence release policy.

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:** 12/11/14 **DATE OF COMPLETION:** 06/22/17 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer arrested the complainant's daughter without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers banged on his door and pushed his grandson out of the house. The complainant stated that the officers, who had their weapons drawn, searched the house without permission or a warrant and arrested his daughter.

The co-complainant stated that officers told him to get out of the way when he answered the door.

The named officer stated he received a 411 tip stating there was elder abuse happening at a residential location and that there was a person at the residence that had an active warrant. The named officer ran the individual and she came back with an active warrant. The named officer stated that a search of the address also came back with multiple elderly residents that lived at that location which gave him proper cause to go out and investigate.

Witness officers stated that they went to the complainant's house to perform a welfare check and to arrest an individual with an active warrant.

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 searched the residence without cause.

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

**FINDINGS OF FACT:** The officer stated that a protective sweep was conducted to ensure officer safety and to search for possible victim of elder abuse.

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:** 12/11/14 **DATE OF COMPLETION:** 06/22/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers banged on his door and pushed his grandson out of the house. The complainant stated that the officers, who had their weapons drawn, searched the house without permission or a warrant and arrested his daughter.

The named officer stated that he received a 411 tip stating there was elder abuse happening at a residential location and that there was a person at the residence that had an active warrant. The named officer ran the individual and she came back with an active warrant. The named officer stated that the residents were interviewed separately regarding the elder abuse allegation. The named officer stated that no other residents were detained with the exception of an additional female resident whom they mistook to be the one with the active warrant. The named officer said the other residents were free to leave.

A witness officer stated that the three male residents were not handcuffed and were not issued 849 B forms. Another witness officer stated that the named officer told the male residents that they were not being detained.

The evidence established that the police had reasonable suspicion to detain individuals in the house.

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:** 12/11/14 **DATE OF COMPLETION:** 06/22/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4:** The officer entered the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that officers banged on his door and pushed his grandson out of the house. The complainant stated that the officers, who had their weapons drawn, searched the house without permission or a warrant and arrested his daughter.

The co-complainant stated that officers knocked on the door and told him to get out of the way.

The named officer stated that he received a 411 tip stating there was elder abuse happening at a residential location and that there was a person at the residence that had an active warrant. The named officer ran the individual and she came back with an active warrant. The named officer also ran a search on the address and confirmed that multiple elderly individuals were residing there. The named officer stated that when they got to the residence, they performed a protective sweep, which was a quick and limited search of the premise to ensure the safety of the police officers. The named officer also searched for the elder abuse victim and while they located an elderly individual, they did not state that there was any elder abuse being done.

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 made inappropriate comments and behaved inappropriately.

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

**FINDINGS OF FACT:** The co-complainant stated that he stood up to see what his mother wanted and an officer grabbed his wrist and told him to sit down.

The named officer stated that he told the co-complainant that it was going to be okay and told him to sit down. The named officer stated that he did not make physical contact with the co-complainant. There was insufficient evidence to either prove or disprove the allegation.