

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/05/16    **DATE OF COMPLETION:** 09/13/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer placed the complainant in tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that he was in custody at the hospital after an auto accident. He was severely injured and in a hospital bed. One of his hands was cuffed to the bed and was extremely tight, causing pain. The complainant could not identify the officer who placed him in tight handcuffs.

DPA's attempts to identify the alleged officer were unsuccessful.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** DPA's attempts to identify the alleged officer were unsuccessful.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/05/16 **DATE OF COMPLETION:** 09/13/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** DPA's attempts to identify the alleged officer were unsuccessful.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/17/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to promptly and politely provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that the named officer came to his home to check on his wellbeing. The complainant stated that the named officer verbally identified himself as an officer but refused to show his badge. The complainant stated that the named officer stood to the side of his front door, which made it difficult to see his badge. The complainant did not provide any additional details about the incident.

The named officer stated that he verbally identified himself to the complainant during a wellbeing check. The named officer stated that he was in full uniform and wearing his badge and nameplate. The named officer stated that the complainant never asked for additional identification or to see his badge. The named officer stated that he initially stood to the side of the complainant's front door as a safety precaution. The named officer stated that he moved in front of the complainant's door and was fully visible once the complainant opened the door. The named officer denied trying to prevent the complainant from seeing him.

The named officer verbally identified himself in a prompt manner.

The evidence proved 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:** 01/17/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer displayed threatening and intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officer fabricated a reason to visit him. The complainant stated that the named officer kept a hand on his gun and “was very rude for someone checking well being.”

The named officer stated that he contacted the complainant to check on his wellbeing. The named officer stated that he was responding to a call-for-service from a third party who was concerned because she had not seen the complainant in over a week. The named officer denied touching his firearm during the wellbeing check.

Department of Emergency Management records indicated that a third-party called for police assistance because she had not seen the complainant in over a week.

A preponderance of the evidence established that the named officer did not behave inappropriately as alleged by the complainant. He responded to the complainant’s home based on a wellbeing call.

The evidence proved 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:** 01/30/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to promptly and politely provide his name and star number upon request.

**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 July 1, 2017.

**SUMMARY OF ALLEGATIONS #2-3:** The officers misused police authority.

**CATEGORY OF CONDUCT:** CRD **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 April 25, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/30/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #4:** The officer misused police authority.

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

**FINDINGS OF FACT:** The complainant stated he was in his car waiting to pick up his wife from a Buddhist temple. The complainant stated he had double-parked, along with a number of other cars waiting outside the temple. The complainant stated that he was approached by a man in street clothes who informed him he was a police officer and that he needed to move his car. The complainant stated that he asked the individual to show him his badge, and the man told him he was going to call someone to give him a ticket. The complainant drove around the block and then parked in front of a driveway. The complainant said that the named officer and his partner then approached him. The complainant stated that the named officer told the complainant that he was blocking a driveway and he then issued him a citation. The complainant stated that the named officer then threw the complainant's license at his feet.

The named officer stated that he responded to a call to meet with an officer. Upon arriving, an officer in plain clothes informed him that the complainant had been impeding the flow of traffic earlier and that he was advised multiple times to leave or he was going to get ticketed. The named officer said that the officer in plain clothes then pointed out the complainant blocking a driveway and told him to issue the complainant a citation. The named officer stated he issued the complainant a citation and informed him that he was blocking a driveway. The named officer stated that he did not take the complainant's license during this incident and did not throw it at his feet. The named officer stated that the complainant was only cited for the violation he witnessed and not for what the other officer advised him of prior.

No witnesses were identified.

The Notice of Parking Violation includes a license plate number but none of the complainant's personal information. It shows that the complainant was cited for parking in front of a driveway.

Records from the Department of Emergency Management show that only the license plate number was queried.

It is more likely than not that the complainant's license was not seized. Furthermore, the complainant admitted he was blocking a driveway, and the named officer witnessed the violation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/17    **DATE OF COMPLETION:** 09/22/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers entered a residence without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers broke into his apartment through a locked bedroom window via the fire escape and told him that he could either leave or be considered a trespasser. The complainant stated that the officers should not have entered the apartment through his window without his permission. The complainant stated that he did not hear anyone knocking at his door, but acknowledged that he was playing a video game and using headphones.

The named officers stated that they entered the apartment at the invitation of a resident, who requested their assistance. The reporting party told two named officers that he had accidentally locked himself out of his apartment and that the complainant was inside and refusing to open the door. The resident also stated that the complainant was a suspect in a prior domestic violence incident. The named officers stated that the complainant did not respond when they knocked on the front door and announced their presence. The named officers stated that, with the permission of the landlord and reporting party, two officers used the fire escape to enter the apartment through an open window.

Department of Emergency Management records showed that the named officers were dispatched to investigate a domestic violence suspect.

SFPD body-worn camera footage showed that the complainant did not respond when the officers knocked repeatedly and announced that SFPD officers were at the door.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/17 **DATE OF COMPLETION:** 09/22/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #5 - 8:** The officers issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated that the named officers ordered him to leave his own apartment or be charged with trespassing. The complainant stated that he had been living in the apartment for approximately one month. The complainant did not respond to DPA's requests for an interview.

The named officers admitted ordering the complainant to leave the apartment. The named officers stated that the reporting party showed proof of tenancy and explained that the complainant was a guest of another roommate and that he was refusing to leave. The named officers stated that they consulted with building management and checked the identification of both parties before ordering the complainant to leave. The named officers stated that the complainant offered no proof that he lived in the apartment and told one named officer that he would "go home." One named officer admitted mentioning the possibility of trespassing charges to the complainant.

Body-worn camera footage showed that one named officer asked the complainant if he had anywhere to go and the complainant responded, "I can go home."

A building manager stated that the complainant was not on the lease.

San Francisco Police Department Policy regarding Landlord Tenant Disputes, Section C, states that, when handling roommate disputes, a roommate may be removed as a trespasser if he does not allege tenancy and admits that he is a guest.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/10/17 **DATE OF COMPLETION:** 09/29/17 **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 the named officer cited him for loitering and smoking a cigarette outside his workplace, a hotel. He stated the named officer knew that he worked at the hotel yet cited him after he had been standing outside smoking a cigarette for five minutes.

The named officer stated the complainant was smoking a cigarette in a doorway, which is in violation of SF Health Code Article 19F, Sec 1009.22(e). The named officer stated that issued a citation for this violation. He did not recall if he cited the complainant for loitering.

Exterior photographs of the complainant's workplace show signs clearly posted on the glass door prohibiting smoking. These signs include the language of SF Health Code Article 19F, Sec 1009.22(e).

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 made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer told him to leave the area, and said that he was in the neighborhood "to deal with punks" like him.

The named officer stated he did not recall making such a statement to the complainant.

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:** 03/10/17 **DATE OF COMPLETION:** 09/14/17 **PAGE #1** of 2

**SUMMARY OF ALLEGATION #1:** The officer displayed a rude demeanor.

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

**FINDINGS OF FACT:** The complainant stated she had an argument with her brother, prompting her to call police. The complainant stated that the named officer was rude toward her.

The named officer and his partners denied the allegation.

The complainant's father, who did not hear the complainant's conversation with the named officer, stated that the officers were professional.

No other witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated she had an argument with her brother, prompting her to call police. The complainant stated that the named officers refused to listen to her.

The named officers and their partner denied the allegation.

The complainant's father, who did not hear the complainant's conversation with the named officers, stated that the officers were professional.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/10/17 **DATE OF COMPLETION:** 09/14/17 **PAGE #2** of 2

**SUMMARY OF ALLEGATION #4:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that the named officer engaged in biased policing.

The named officer and his partners denied the allegation.

The complainant's father, who did not hear the complainant's conversation with the named officer, stated that the officers were professional.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/17    **DATE OF COMPLETION:** 09/06/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he saw three males from a building behind his house climb down into his backyard. The complainant said he called the police and the named officer responded. The complainant stated the named officer refused to cite or arrest the men, saying that the incident was civil in nature, and that it was lawful for the men to be on his property.

The named officer stated the men were working on the building directly behind the complainant's property. The named officer stated the men were able to provide documentation showing they were not on the complainant's property. The named officer stated he determined that the men were not trespassing, did not commit any crime, and that the incident was civil in nature.

The named officer's partner stated that the named officer did not cite or arrest anyone because the incident was a civil dispute over a property line.

The owner of the building behind the complainant's property stated that he was re-building a fence that the complainant had previously taken down. The owner stated he was building the fence right on his property line, and that his contractor provided the officers with documentation showing this.

San Francisco Superior Court records show that the owners of the two properties have a dispute over the property line and the use of the patio between the two properties. They include diagrams from a land surveyor filed by the owner of the property behind complainant's property.

The named officer did not have probable cause to arrest or cite the men behind complainant's house, and correctly determined that there was a civil dispute between the parties.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/17    **DATE OF COMPLETION:** 09/06/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer scolded him, was rude, and acted as if the men behind his house had a right to be there.

The named officer stated that he was respectful and professional to both parties. The named officer stated he could not recall the exact words he used during the contact, but recalled that the complainant was impatient when he explained the documentation that the men had produced.

The named officer's partner stated that he never observed the officer being rude. He stated he never saw him scold or treat the complainant as if the incident was his fault.

The owner of the building behind the complainant's property stated that the named officer was professional during his investigation. He stated that the named officer talked to both parties and politely asked his contractor to perform the work at some other time.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/25/17 **DATE OF COMPLETION:** 09/25/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officers yelled and berated him to open a locked gate into a common area on private property. He stated the named officers explained that they received a 9-1-1 call and ordered the complainant to open the gate. He stated the named officers did not identify themselves and visibility was limited. He stated the named officers continued to berate and threaten him, which led him to open the gate before getting more information.

One of the named officers stated that he was in full uniform and identified himself as SFPD. He stated that he was professional and respectful when speaking to the complainant. He stated that he nicely asked twice for the complainant to open the gate. He stated that he informed the complainant that it was against the law to restrict an officer from performing his/her duty.

The other named officer stated that he and his partner were in full uniform; identified themselves as SFPD, and told the complainant the reason they needed entry. He stated that he acted professionally.

A witness officer stated that he did not have contact with the complainant or the complainant's friend.

No other witnesses were identified.

Records from the Department of Emergency Management show that the named officers were dispatched to a call for service at the complainant's location regarding an audible alarm.

Although the complainant would not have been required to unlock the gate for the named officers, the substance of the named officers' orders to the complainant remain in dispute.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/06/17    **DATE OF COMPLETION:** 09/21/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was at a 7-Eleven store when he was assaulted by one of the employees.

A 7-Eleven employee stated that the complainant threatened to kill him and his coworker after a verbal argument. The witness asked the complainant to leave and the complainant refused, prompting another employee to grab the complainant and escort him out of the store. The witness then called 9-1-1.

The named officers stated that they responded to the 7-Eleven regarding a fight. The named officers stated that the complainant refused to sign a Citizen's Arrest Form.

No other witnesses came forward.

Body worn camera recording shows that the complainant was provided with a Citizen's Arrest form, which he refused to sign, taking the form with him.

Department records show that the named officer prepared an incident report as required.

The evidence proved that the act, which provided 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 alleged that the officers failed to properly investigate the incident by refusing to check the store's surveillance video.

The officers stated they attempted to check the surveillance cameras but were inaccessible at the time.

One of the employees stated that the officers were unable to view the video because no one was available at the time to assist the officers. 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/16/17    **DATE OF COMPLETION:** 09/29/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer accelerated in a police SUV towards him and others in Golden Gate Park, intentionally causing them to fear for their life. The complainant stated the named officer slammed on his breaks just before he would have hit them, slowly drove by them, laughing hysterically. The complainant stated the named officer and his partner had been watching them before this incident, for about 2 hours.

The named officer stated he was driving approximately 5 mph in Golden Gate Park when he saw a group of people in and around a tunnel. He stated he saw a male grab something off the ground, and he accelerated to approximately 15 mph up to a sharp turn, where he stopped and saw that the male was just moving a bag out of the roadway. The named officer said that he then continued past the group at approximately 5 mph. He said he never attempted to run anyone over, and denied accelerating towards the group of people at a high rate of speed.

The named officer's partner denied that the named officer accelerated towards the group of people at a high rate of speed, and noted the difficulty of accelerating in that location due to "physical obstacles and terrain restrictions."

A witness provided by the complainant stated he did not recall the incident described in the complaint. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/16/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #2-3:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the named officers accelerated towards him and others to intentionally make them fear for their life. The complainant stated that the named officers then slowly drove by laughing at them.

The named officers denied the allegation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/17 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was crossing an intersection when an unmarked vehicle almost hit him. The complainant did not get the vehicle's license plate and could not describe the vehicle.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/02/17    **DATE OF COMPLETION:** 09/11/17    **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 he was driving and switched lanes after passing a police car stopped in the middle of the street, and inadvertently entered a lane marked by road flares. He stated that he was pulled over by the named officer, who issued him a citation for entering a lane marked by flares, and for not having proof of insurance and registration in the vehicle.

Body Worn Camera footage recorded by the named officer, and two other officers who were on the scene of a stalled car showed that the complainant passed a marked police SUV with its emergency lights activated, and entered a lane that was marked by at least five burning road flares placed periodically on the road past the police car, marking a stalled car and three police officers in the roadway. The footage also showed that the complainant acknowledged committing the violations for which he was cited.

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 behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officer, while issuing him a citation, asked him how he could be so stupid to drive over road flares, returned his driver's license to him by throwing it in his lap, and told a passenger in his car that she might not want to drive with him because he did not have vehicle insurance, despite the complainant offering to show him the proof of insurance on his phone.

Footage from the body worn camera of the named officer showed that the named officer was polite and professional throughout the contact with the complainant.

The complainant lacks credibility because the footage of the incident showed that the named officer engaged in none of the alleged actions and made none of the statements alleged by the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/17 **DATE OF COMPLETION:** 09/08/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant called the police to report that his caretaker stole his cell phone. He believed the caretaker stole the phone because the caretaker changed the name on the account to his own and was subsequently terminated from his employment. The complainant alleged that the officers did not conduct a thorough investigation because they did not contact the phone company representative.

The named officers stated that they interviewed both the complainant and the caretaker and found that there was no evidence of theft.

San Francisco Police Department (SFPD) records indicate that the officers spoke with both the complainant and the caretaker, assisted them with their written statements to attach to the incident report, reviewed documents submitted by the complainant and made the determination that there was no evidence that a crime had been committed.

The witness caretaker stated that he bought the phone from the complainant.

The named officers conducted an investigation of the complainant's allegation that his caretaker stole his phone. They interviewed both the complainant and caretaker, reviewed documents submitted by the complainant, assisted the parties with their written statements and based on their investigation determined that there was no evidence a crime had been committed. The officers prepared an incident report, documenting their investigation.

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/17 **DATE OF COMPLETION:** 09/08/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the named officers were biased against him because of his race and religion.

The named officers denied the allegation.

SFPD video shows that the named officers were patient, courteous, and professional with the complainant throughout their interaction. The video does not show biased or discriminatory conduct on the part of the named officers.

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/17 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that police failed to take required action regarding a woman who had threatened her.

The named officers stated that although they did not have a specific recollection of the details of the conversations, both the complainant and the suspect were been interviewed, along with other parties in the building. Additionally, one named officer stated: “We spoke with both parties, and with the information provided no crime appeared to have been committed, so no further was required and that the complainant did not request any.”

Records from the Department of Emergency Management showed that the officers were dispatched to the complainant’s apartment regarding “threats/harassment.” The officers were provided a description of the subject, noted that the incident was an ongoing verbal dispute between the parties, and the call was abated with no further assistance requested.

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:** 05/07/17 **DATE OF COMPLETION:** 09/14/17 **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 he was at the San Francisco International Airport when the named officers, in plain clothes, approached and greeted him. The complainant said that one of the named officers, whom he has had many encounters with over two decades, asked for his driver's license, which he provided. The complainant said that the same named officer then started asking him why he was there, and began raising his voice. The complainant stated that he explained to the named officers that he had a right to be there. The complainant said that the named officers eventually issued him a warning for trespassing and told him to leave. The complainant admitted he had been cited multiple times in the past for various offenses involving ground transportation at the San Francisco Airport. The complainant never explained his presence at the airport during this incident.

One of the named officers stated he has had multiple contacts with the complainant, and issued him citations in the past for illegal transportation or passenger solicitation at the airport. The named officer stated that the complainant used to operate a limousine business at the airport and, although he had lost his permit to operate, he continued to do so illegally at times. The named officer stated that when he arrived at the terminal, several taxi drivers alerted him to the fact that there were "hustlers" inside. The named officer said he saw the complainant near his partner in the arrival section and began a consensual encounter with him, asking him how he was and what he was doing there. The named officer said the complainant told him he had a right to be there and that he had to "hustle" because his license was revoked. The named officer stated that, at that point, he revealed his badge and asked for the complainant's license. The named officer stated he was very cordial and did not raise his voice at the complainant.

The other named officer stated that the contact occurred because of her partner's prior contacts with the complainant. The officer stated her partner knew the complainant used to own a limousine service at the airport, had lost his permit to operate and had violated numerous airport rules in the past.

No witnesses were identified.

A copy of the SFO Airport Commission Ground Transportation Administrative Citation provided by the complainant shows that one of the named officers signed the document and wrote that it was a 1<sup>st</sup> warning for a violation of Penal Code 602.4.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/17 **DATE OF COMPLETION:** 09/14/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #1 – 2 (continued):** CA Penal Code § 602.4 (a) states, “A person who enters or remains on airport property owned by a city, county, or city and county, but located in another county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, including transportation services to, on, or from the airport property, to members of the public without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.”

The evidence established that the named officer had reasonable suspicion to detain the complainant due to the totality of information available to them: the complainant’s history of violations involving ground transportation at the airport; the “flagging down” from taxi drivers; and the complainant’s presence at the arrival section of the terminal without a legitimate reason for his presence.

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 display star.

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

**FINDINGS OF FACT:** The complainant stated that the named officers were in plainclothes and did not have their stars identifying them as police officers.

The named officers denied the allegation and stated that they had their stars outside their outermost clothing when they detained the complainant.

No witnesses were identified.

The complainant lacks credibility.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/17 **DATE OF COMPLETION:** 09/14/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers spoke and behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officers interrogated him aggressively and made him look like a criminal to other people at the airport. The complainant also stated the named officers had previously bullied, harassed, intimidated and humiliated him.

One of the named officers denied behaving and speaking inappropriately. The named officer stated he was professional, courteous and friendly during the incident. The named officer stated that in the past, the complainant had always been respectful and understanding of his duties even when he was issued a citation.

The other named officer stated that she and her partner did not behave inappropriately. She stated they were calm and understanding towards the complainant.

No witnesses were identified. The complainant lacks credibility.

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

**SUMMARY OF ALLEGATION #7:** The officer issued a written warning without justification.

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

**FINDINGS OF FACT:** The complainant stated the named officer issued him a warning citation without justification.

The named officer stated she issued the complainant a warning for solicitation on an airport administrative citation form because the complainant refused to answer questions and provide any reasonable explanation for his presence at the airport. The named officer had sufficient information to issue the warning to the complainant. Although the citation appeared to apply to licensed limousine and/or taxi drivers, the presumption was that the complainant was attempting to engage in illegal ground transportation services. Furthermore, the complainant was not actually cited, but merely warned. 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:** 05/19/17 **DATE OF COMPLETION:** 09/28/17 **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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/15 **DATE OF COMPLETION:** 09/28/17 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1-4:** The officers detained the co-complainant without justification.

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

**FINDINGS OF FACT:** The co-complainant stated an unmarked police car followed him for about three blocks and detained him when he pulled into his driveway. The co-complainant stated that the named officers, who were in plainclothes, accused him of speeding, which he denied.

Three of the named officers stated the co-complainant was detained as part of an “ongoing criminal investigation.” They each stated that co-complainant was driving over the speed limit in a high crime area before taking a wide right turn into a driveway. The fourth named officer stated the detention was a traffic stop, which required immediate attention.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The co-complainant stated he was arrested for threatening an officer, which he denied.

The named officer stated the co-complainant said to him, “I got something for you.” The officer stated he believed that “something” was a gun and took this as a threat to harm him and the other officers present.

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:** 04/28/15 **DATE OF COMPLETION:** 09/28/17 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #6-7:** The officers arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The co-complainant stated that, upon his release from jail, he went to the police station to make a citizen's complaint. He stated he was arrested when he walked into the station.

The named officers stated that the complainant was arrested for threatening police officers.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #8:** The officer used profanity.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer used profanity.

The named officer denied using profanity.

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:** 04/28/15 **DATE OF COMPLETION:** 09/28/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #9:** The officer used unnecessary force during the co-complainant's arrest.

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

**FINDINGS OF FACT:** The co-complainant stated he was handcuffed and escorted by the named officer and another officer to an area behind closed doors near police lockers. The complainant stated the named officer then used a combination left and right hand strike to slap him on his head and face with such force it caused his ear to pop. The complainant stated he stumbled to the ground from being struck in the face when the named officer slapped him again and possibly one more time in the head and face. The co-complainant stated the named officer proceeded to kick him in the ribs a couple of times. The complainant stated the named officer yelled out to nearby officers that the co-complainant had tried to head butt the named officer. The co-complainant denied he attempted to head butt the named officer and denied resisting.

Medical records documented contusions on the co-complainant's chest and facial/scalp area.

A witness officer stated he and the named officer were escorting the co-complainant to the holding cell when the co-complainant made a sudden, violent thrusting motion with his head down toward the named officer's head. He stated the named officer sidestepped the head butt and delivered an open palm strike to the co-complainant's head. The co-complainant began yelling and refused to walk. The witness officer stated the named officer delivered a second open palm strike to the co-complainant's head, which knocked the co-complainant to the ground. While on the ground, the co-complainant kicked the named officer, and the named officer delivered two additional strikes with his open hand to the co-complainant's head.

The named officer stated he and the witness officer were escorting the handcuffed co-complainant into the secure hallway when, without any warning, the co-complainant attempted to head butt the named officer. The named officer stated he delivered an open palm strike to the complainant's head and took the co-complainant to the ground. The co-complainant lay on his back and kicked the named officer, who struck the co-complainant's head a second time with an open palm as a "distraction blow." The named officer denied kicking the co-complainant.

The station's Use of Force Log contains an entry for two open palm strikes employed by the named officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/15 **DATE OF COMPLETION:** 09/28/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #9 continued:**

Department General Order 5.01 states that officers are permitted to use whatever force is reasonable and necessary to protect or themselves, but no more. Officers also must be able to articulate the reasons for employing such force.

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

**SUMMARY OF DPA-ALLEGATIONS #1-4:** The officers failed to comply with Department General Orders 5.08 and 9.01.

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

**FINDINGS OF FACT:** The co-complainant stated an unmarked car followed him for about three blocks and detained him when he pulled into his driveway. The co-complainant stated that the named officers, who were in plainclothes, accused him of speeding, which he denied.

Three of the named officers stated the co-complainant was detained as part of an “ongoing criminal investigation.” They each stated that co-complainant was driving over the speed limit in a high crime area and then drove into the opposite lane before making a wide right turn into a driveway. The fourth named officer stated this was a traffic stop, which required immediate attention. He stated he wanted to make sure the co-complainant wasn’t fleeing from a robbery or a shooting but acknowledged that he had no actual knowledge that the co-complainant was fleeing from anything.

San Francisco Police Department General Orders 5.08 and 9.01 prohibit non-uniformed officers from initiating traffic stops, issuing traffic citations or making minor traffic arrests except when the activity is related to an ongoing criminal investigation or when witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.

The evidence established that the named officers failed to comply with DGOs 5.08 and 9.01 when they stopped the co-complainant for a traffic violation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/17    **DATE OF COMPLETION:** 09/15/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she drove through an intersection to avoid another vehicle that had run a stop sign. The complainant stated she had to take evasive action to avoid a collision with the vehicle. She was then pulled over and cited. The complainant told the officer she did not see the pedestrian step down into the crosswalk on the other side of the street.

The named officer stated he was working a joint pedestrian operation with SFPD and CHP motorcycle officers positioned on both sides of the street. The officer said a pedestrian walked across the intersection and the complainant violated the pedestrian's right of way. The officer stated that the complainant admitted she did not see the pedestrian. He recalled the complainant say that she was cut off by another vehicle, which caused her to violate the pedestrian's right of way.

A preponderance of the evidence established that the officer had cause to cite the complainant, who admitted not seeing the pedestrian.

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:** 06/04/17 **DATE OF COMPLETION:** 09/08/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated that while on a long distance run in her neighborhood an officer yelled out, "Get it girl". The complainant stated that she felt objectified, scared, and threatened. She stated that the officer's comment was a sexual phrase and she considered the comment street harassment.

The complainant was unable to identify the officer.

An identification poll was sent to the District Station, with negative results.

The identity of the alleged officer could not be established.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/20/17 **DATE OF COMPLETION:** 09/06/17 **PAGE#** 1 of 2

**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 that she called her medical provider to discuss a cut on her inner thigh. She stated that she told the medical provider she was fine, but her provider then called the police and told them the complainant was going to slit her wrists. The complainant said that several SFPD officers responded to her house. She stated that she told the officers she was not a danger to herself and did not need to go to the hospital, but nevertheless the officers detained her for a psychiatric evaluation.

The named officer stated that he responded to a 911 call that originated from the complainant's medical provider, reporting that she had just cut her wrist. When officers reported to the complainant's apartment, she showed them several bleeding lacerations on her thigh. The complainant then said she had cut herself because she was depressed over the death of her mother, the end of her romantic relationship, and her father's rejection of her when she wanted to talk about her depression. The named officer stated that, based on these statements and his own observations, he believed the complainant was a danger to herself. He therefore made the decision to detain her per W&I Code Section 5150.

Department of Emergency Management records of the incident confirmed that dispatchers sent the officer information that the complainant had cut her wrist. An incident report written by the named officer detailed his actions at the scene, which were consistent with the testimony he provided to the DPA.

The complainant's medical records of treatment following her detention state that, although she had a history of anxiety, PTSD, and depression and she cut herself, she denied suicidal or homicidal ideation. After treating her for superficial scratches and abrasions, the hospital released her shortly after her arrival.

Body-worn camera footage captured the complainant admitting to officers that she cut herself, and showing them the lacerations. The footage also shows her telling officers the factors in her personal life that were depressing her, including her mother's death, a breakup, and her father's disinterest.

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:** 06/20/17 **DATE OF COMPLETION:** 09/06/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer spoke to her rudely and tried to intimidate her. She also stated that he read her journal and followed her into her bedroom and watched while she put on her underwear.

The named officer denied that he was rude to the complainant. He stated that he was courteous, professional, and sympathetic to her throughout the encounter. He also stated that he was not behaving in any intimidating manner. The named officer stated that the complainant's diary was lying face open on the kitchen counter during the encounter, and he looked at the open page to see if she may have been writing a suicide note. When the complainant stated that she did not want him reading her diary, he stopped immediately. Finally, the named officer stated that he and his partner followed the complainant into her bedroom to allow her to collect personal items and also ensure that she did not obtain objects that could harm herself or others. He stated that when the complainant went into her walk-in closet to put on underwear, he walked away and turned his back to her while she did so. He stated that he provided her with the appropriate amount of privacy while also performing his duties safely.

Body-worn camera footage shows the named officer speaking calmly and courteously with the complainant throughout the encounter. The footage also shows the officer picking up what appears to be a sketchbook and then putting it down when the complainant tells him that it is her journal and she does not want him to read it. The body-worn camera shows him explaining to the complainant that he cannot allow her to go into her room alone in case she retrieves a dangerous object with which to hurt herself or others. The footage shows the named officer accompanying the complainant into her room and nearing the entrance to her walk-in closet, but turning around and taking several steps away when she says she is going to put on her underwear.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/17 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated her case was not referred to the District Attorney's Office because the named officer did not write down pertinent information and include it in the incident report.

The named officer denied the allegation, stating she had a difficult time ascertaining new coherent information from the complainant. She stated that she was not required to take notes and did not recall the complainant providing any specific names.

Records show that the named officer wrote the initial incident report. In the report, the named officer determined that a crime had not been committed and that the complainant experienced a mental health issue that did not meet the 5150 requirement.

Department Body Worn Camera (BWC) footage shows that the complainant made allegations that were implausible.

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 behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the named officer treated her like she was inferior.

The named officer denied the allegation, stating she acted professionally and was very concerned for the complainant's mental state and well-being.

A witness officer stated that the named officer was professional and courteous toward the complainant.

BWC footage shows that the named officer acted professionally.

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:** 06/21/16 **DATE OF COMPLETION:** 09/15/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she was being cited for smoking in a public park. When she refused to sign the citation, the complainant stated she was taken to the station. The complainant denied smoking and stated that her friend was the one who was smoking in the park.

The complainant's friend did not come forward.

The named officer stated that the complainant was taken to the station where she ultimately signed the citation.

There was insufficient evidence to either prove or disprove that the complainant was smoking.

No other witnesses were identified.

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

**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 she was cited for smoking in a public park. The complainant denied smoking and stated that her friend was the one who was smoking in the park.

The complainant's friend did not come forward.

The named officer stated he saw the complainant smoking inside the children's playground of a public park.

There was insufficient evidence to either prove or disprove that the complainant was smoking.  
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:** 06/21/16 **DATE OF COMPLETION:** 09/15/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer made inappropriate comments toward her.

The named officer and his partner denied the allegation.

The complainant's friend did not come forward.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** 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 and his partner denied the allegation.

The complainant's friend did not come forward.

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:** 07/06/17 **DATE OF COMPLETION:** 09/26/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer pulled her over for no reason and cited her for running a stop sign. The complainant did not think the named officer stopped her for a stop sign violation, and stated that she had already passed the stop signs when she saw the named officer enter the street behind her.

The named officer stated that he was watching traffic at an intersection; parked on the street perpendicular to the one the complainant was driving on. The named officer stated that he witnessed the complainant roll through the intersection, where a stop sign was posted, at approximately 4+ miles per hour. He stated that he then turned to follow the complainant, stopped her, and issued her a citation.

No witnesses were identified.

The Notice to Appear issued to the complainant by the named officer indicated a violation of CA Vehicle Code 22450(a).

The Body Worn Camera (BWC) footage did not show the traffic violation, but it did show the stop of the complainant. The footage shows the complainant explaining that she saw the named officer turn onto the street and did not know how he could have seen her go through the intersection. The footage shows the named officer explaining that he saw her roll through the intersection but did not see her stop. The footage shows the complainant telling the named officer that she did stop. The footage shows the named officer explaining that he was monitoring the intersection because of community concerns and a recent accident involving a collision between an automobile and a bicycle.

CA Vehicle Code 22450(a) requires drivers to come to a complete stop at an intersection with a stop sign.

The evidence established that it is more likely than not that the complainant did not stop 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/17 **DATE OF COMPLETION:** 09/27/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the San Francisco Police Department has failed to investigate the numerous crimes he had reported.

Department records show that the complainant's calls for service were either civil matters, well-being checks, or miscellaneous calls that did not meet the assignment criteria.

The complainant could not be reached for additional information.

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:** 07/27/17 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer issued her a citation for violating a prohibited left turn at an intersection. The complainant revisited the intersection and took photos to prove that the intersection had no posted signs prohibiting left turns. The complainant stated the officer issued her a citation without due cause.

Department Body Worn Camera footage proved that the complainant made a left turn at an intersection which had posted “No Left Turn” signs on all four corners of the intersection. The footage showed the officer explaining the reason for the traffic stop to the complainant. The complainant responded that she had just recently moved to the area, was unaware of the posted signs and did not have her California Driver’s License in possession.

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:** 07/25/17 **DATE OF COMPLETION:** 09/15/17 **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 Department of Human Resources  
1 South Van Ness Avenue, 4th Floor  
San Francisco, CA 94103

Office of the Controller  
Attention: Whistleblower Program  
1 Dr. Carlton B. Goodlett Place, Room 316  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/09/17 **DATE OF COMPLETION:** 09/20/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer was at her house, outside of San Francisco, and that he stated that he was conducting a welfare check on his godson. The complainant stated that the named officer called the local police. The complainant stated that the named officer was not in uniform but informed her that he was a police officer and that he had a gun. The complainant stated that the named officer showed her his badge. The complainant stated that the named officer was trying to intimidate her with his conduct and that he behaved inappropriately.

The named officer stated that he went to the complainant's home to check on his godson, who had been taken there by his father without notifying his mother, who lived out of state. The named officer stated that he called the local police because he wanted to make sure he covered all his bases, and he wanted to make sure the incident was documented. The named officer showed the complainant his badge once while explaining that he was a police officer. The named officer stated that he acted professionally throughout the incident.

The complainant's boyfriend, who is also the named officer's godson's father, stated that he and his son met the named officer outside of his house. He said that his son hugged the named officer and the three of them had a conversation. The complainant's boyfriend said that the named officer was rude towards the complainant when she arrived. He said that the complainant asked the named officer if he was a police officer, and the named officer responded that he was.

An audio recording of the incident, provided by the named officer, reveals that the named officer's demeanor was firm but professional. The recording further reveals that the named officer was involved in a tense, but consensual, conversation with the complainant and his godson's father.

The investigation established that the named officer did not behave inappropriately as alleged.

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:** 07/19/17 **DATE OF COMPLETION:** 09/25/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she and her husband were driving when she stopped at a red light at an intersection. She stated a female motorist came around the corner and struck her vehicle head-on. The complainant stated she felt the female driver made statements consistent with a person under the influence. Her husband called 9-1-1. The complainant repeatedly asked the officer to test the other motorist to see if she was intoxicated, but the officer refused. She stated the officer told her he had conducted the “eye test” on the other driver. The complainant did not observe the officer conduct any sobriety test. The complainant also stated the officer did not get the other motorist’s insurance information.

The named officer stated he arrived at the traffic collision and separated the parties. He stated that another officer performed a sobriety test on the female driver and she appeared sober. The named officer told the complainant that the other motorist had been tested but she did not seem to believe him. The named officer also stated he gathered all the other motorist’s information because her vehicle was a company car self-insured by her father’s business. The named officer retrieved the driver’s license number, name, cell phone number, make and model of the vehicle, license plate information and provided them to the complainant. He stated that none of the parties were injured and the complainant and her husband refused medical care. The officer stated he facilitated the exchange of collision information, as he is required to do for a property damage only traffic collision. He called a tow truck and both vehicles were towed.

A witness officer stated that he conducted a horizontal gaze nystagmus test on the other motorist, who did not exhibit signs of intoxication. The witness officer had advanced training for impairment enforcement and had enforced approximately 30 D.U.I. arrests in his career.

The other party stated that the officers were very helpful and helped exchange information. She said the officers asked if she had been drinking and she responded no. She was not certain about taking any sobriety tests, though she recalled being traumatized and the complainant was frustrated. The other party stated she called the complainant the following day and provided her with more of the self-insured information from a more official card.

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:** 07/19/17 **DATE OF COMPLETION:** 09/25/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she was in a traffic collision that was clearly the other driver's fault. When police arrived, the complainant asked the officer to write a police report and cite the other driver. The complainant mentioned that she was injured in the collision but was unsure if she specifically told the officer that she was injured.

The named officer stated that he received a call from dispatch about a traffic collision and a disagreement about exchanging insurance information. The named officer arrived and investigated the collision. The named officer asked multiple times if either party was injured and whether they needed medical attention and all the parties said no. One of the motorists was clearly at fault and gave the other party her information. The named officer stated he did not cite the complainant or write a report because it was a non-injury collision and he used his discretion per DGO 9.01.

A witness officer stated that he did not hear anyone involved in the crash claim that they were injured.

The SFPD Event History Detail (CAD) records indicate that the 9-1-1 report was initially dispatched as a "Fight No Weapon" due to a party refusing to exchange information. Within four minutes, the call was changed to a "Vehicle Accident-No Injury." There is no mention of any injuries reported from the collision in the event history detail.

SFPD General Order 9.02, Vehicle Accidents, section H states:

**H. NON-INJURY VEHICLE ACCIDENTS.** When arriving at the scene of a non-injury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report, follow these procedures:

1. **EXCHANGE OF INFORMATION.** Assure proper exchange of the Collision Information Form (SFPD 19) and, if necessary, assist each party in completing them. Ensure that any witness information is provided to the parties involved.
2. **TOWS.** Arrange for tows and direct traffic if necessary.

The evidence established that the named officer's actions were proper.

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:** 08/21/17 **DATE OF COMPLETION:** 09/08/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complaint raises matters outside DPA's jurisdiction. This complaint has been referred to:

San Francisco Recreation and Parks Department  
501 Stanyan Street  
San Francisco, CA 94117

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded 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:** 08/31/17 **DATE OF COMPLETION:** 09/07/17 **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 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:** 09/01/17    **DATE OF COMPLETION:** 09/25/17    **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/04/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she tried multiple times to get her keys back after they were confiscated during an arrest. Multiple officers told her to contact the named officer who was in charge of her case. The complainant stated she called multiple times and was told that the named officer was not available and for her to call back.

The named officer stated that he never had contact with the complainant and does not know if she called him. He was on vacation during her arrest and knows nothing about it.

Department records show that the named officer was on vacation for two weeks after the complainant was released from the county jail.

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

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

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

**FINDINGS OF FACT:** The complainant stated she was arrested and her phone was taken from her. Before the phone was taken, she wrote down some important phone numbers on a piece of paper. An officer took the paper away from her and told her not to worry because she will give it back. The officer never gave the paper back.

The named officer stated that she does not recall her contact with the complainant or the piece of paper the complainant claims went missing.

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:** 08/04/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she asked an officer for help and the officer responded, "Don't commit crimes. This won't happen." The complainant could not identify the officer.

The DPA was unable to identify the officer.

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/05/17 **DATE OF COMPLETION:** 09/20/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/16 **DATE OF COMPLETION:** 09/11/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated officers entered her residence without a search warrant. She denied that her son was on probation.

The DPA made several attempts to contact the complainant's son with negative results.

The named officers and several witness officers stated they entered the residence to exercise a probation search of the complainant's son, who was on felony probation with a search condition.

Department records confirmed that the complainant's son had a warrantless search condition until further order of the court.

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 detained the complainant.

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

**FINDINGS OF FACT:** The complainant stated officers repeatedly told her to sit down when she tried to follow them through the house. She was not handcuffed.

The named officer stated the complainant was detained for safety reasons while they conducted a probation search of the complainants' son's room, common areas of the house and a protective sweep.

Department records confirmed that the complainant's son had a warrantless search condition until further order of the court.

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:** 08/08/16 **DATE OF COMPLETION:** 09/11/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #4:** The officer arrested her son without justification.

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

**FINDINGS OF FACT:** The complainant stated that her son was arrested without cause.

The DPA made several attempts to contact the complainant's son with negative results.

The named officer stated that when they initially knocked on the door and announced that police were present, a man's voice responded and the officer heard footsteps running through the house. The named officer stated the complainant's son was arrested for having possession of a firearm.

One of the witness officers reported that upon entering the house, the complainant's son was observed coming from the rear of the house. He stated that the complainant's son was out of breath and was running up the stairs from where the firearm was located. He said there was probable cause to believe that the complainant's son had placed the firearm outside the rear door of the residence.

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:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated her residence was searched without cause and denied that her son was on probation. The DPA made several attempts to contact the complainant's son with negative results.

The named officer and several witness officers stated they entered the residence to exercise a probation search of the complainant's son, who was on felony probation with a search condition.

Department records confirmed that the complainant's son had a warrantless search condition until further order of the court.

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:** 08/15/16    **DATE OF COMPLETION:** 09/05/17    **PAGE #1** of 2

**SUMMARY OF ALLEGATIONS 1-4:** The officers drove improperly.

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

**FINDINGS OF FACT:** The complainant stated the officers double-parked, parked in a bike lane, and parked in a crosswalk without any hazard or red flashing lights activated. The complainant stated the pedestrians and cyclists had to swerve to avoid the vehicles and use the main lane of traffic to get around them.

The named officers stated that the California Vehicle Code exempts emergency vehicles from the relevant parking restrictions. The named officers stated there are no department requirements that discuss vehicle lights when parking. The named officers stated they were responding to an A-priority call in the area.

Records from the Department of Emergency Management document that the named officers were responding to a call of a mentally disturbed individual, who was vandalizing cars. Photos submitted by the complainant show the named officers' vehicles parked in bicycle lanes and a crosswalk.

California Vehicle Code section 21055 exempts emergency vehicles from many rules of the road, including parking restrictions, when "the vehicle is being driven in response to an emergency call ... or is being used in the immediate pursuit of an actual or suspected violator of the law ... If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians."

SFPD General Order 5.05, Emergency Response and Pursuit Driving, states, "Officers shall at all times drive with due regard for the safety of all persons." Section III contrasts an emergency response with a non-emergency response, stating that when engaged in a non-emergency response, "The officer shall respond directly to the assignment and observe all traffic laws and regulations." An emergency or Code 3 response is appropriate "when an emergency response appears reasonably necessary to prevent serious injury to persons, whether or not a criminal offense is involved." The Order also dictates that an emergency response is, "When an emergency vehicle is displaying a lighted red light visible from the front and is sounding the siren as necessary under the circumstances to provide suitable warning to afford other users of the highway an opportunity to yield right-of-way."

Department regulations do not explicitly discuss parking of marked, police vehicles. Parking is, nonetheless, part of driving: an officer drives into a parked position and makes decisions about where and how to safely park while driving. All of the named officers were engaged in a law enforcement activity and were attempting to find a "violator of the law." However, the California Vehicle Code would require

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/16    **DATE OF COMPLETION:** 09/05/17    **PAGE #2** of 2

**SUMMARY OF ALLEGATIONS 1-4 continued:** them to display a red light, and the named officers did not believe that Department regulations required them to do so, or may even restrict their ability to do so. If they were not engaged in a Code 3 response, they were to follow all traffic laws rather than respond with lights and sirens. Furthermore, the red light requirements seem to presuppose that the vehicle is being driven; and the light is to alert those ahead of the vehicle. When a vehicle is parked, however, it may be more necessary to warn those behind the vehicle.

Department regulations should clarify when, where and how officers should park their vehicles; particularly when their actions are not being carried out to prevent serious injury to persons. It may be reasonable for officers to park in bike lanes, bus zones, red zones, and handicap spaces when engaged in law enforcement activities, but they may still be creating a hazard that should require the display of lights as a warning to bicyclists, motorists, and even pedestrians. It may also be more acceptable to park safely in a bicycle lane than to park in a crosswalk, which may be used by people with disabilities. Department regulations should provide guidance.

Unfortunately, when officers are parked in locations where non-emergency vehicles would normally be restricted, the public may make assumptions about what the officers are doing. This is particularly true when the officers' vehicles do not have lighted emergency or hazard lights and are parked near coffee shops or restaurants. These scenarios reflect discredit upon the Department.

To avoid negative perceptions of the Department and for the safety of others using the roadway, Department regulations should provide guidelines for the parking of marked police vehicles. The evidence proved that the acts by the members were justified by Departmental policy, procedure, or regulation; however, the DPA recommends a change in the particular policy, procedure, or regulation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/17 **DATE OF COMPLETION:** 09/26/17 **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/17 **DATE OF COMPLETION:** 09/29/17 **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:

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:** 09/08/17 **DATE OF COMPLETION:** 09/29/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/30/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was assaulted in the City and did not file a report with SFPD, but instead flew home to southern California where he received treatment for his injuries and filed a report with the local police department. The complainant stated that despite numerous phone calls and certified mail to the SFPD Chief of Police, there had been no follow up from the Department.

An SFPD lieutenant stated the Chief's assistant forwarded the letters and email complaint in a timely manner to the captain of the appropriate station where the incident allegedly occurred.

The captain stated he received the email letters from the chief's assistant and forwarded the email complaint to his station investigation lieutenant for follow up the next day.

The named officer acknowledged that he received the email complaint and letters from his captain. He searched the CADS (computer assisted dispatch) for any call for service or incident to locate a record of the event in the City, he contacted the hotel regarding the incident and left a voice message for the complainant to contact him. The named officer stated he could not locate any incident in the CAD system matching the complainant's incident, did not recall receiving any information from the hotel and did receive a call back from the complainant. The named officer stated that the complainant mentioned that he intended on handling this issue through mediation, so he thought that might be the reason he failed 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:** 09/09/16 **DATE OF COMPLETION:** 09/07/16 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1-2:** The officers used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated an officer threw him to the ground and kicked his face while taking him into custody.

The named officers stated and body worn camera (BWC) showed that the complainant physically resisted detention, and was taken to the ground with a bar-arm take down. The officers also stated the complainant resisted handcuffing, but denied kicking the complainant during his arrest.

BWC footage showed the complainant sustained a minor facial abrasion during the take down, but the footage of the detention in a dark parking lot at midnight was inconclusive as to the alleged kicking.

No witnesses were identified.

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

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

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

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

**FINDINGS OF FACT:** The complainant was involved in a non-injury collision. He stated that he was cited for failure to provide proof of insurance when he refused to provide his proof of insurance to the other motorist involved in the collision.

Based on the complainant's own statement, the citation was properly issued.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/09/16 **DATE OF COMPLETION:** 09/07/16 **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated his vehicle was towed without cause.

The evidence established that the complainant's driver's license was suspended. Department General Order 9.06, Vehicle Tows, section II.A.2. states, in part: "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver 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:** 09/09/16 **DATE OF COMPLETION:** 09/07/16 **PAGE#** 3 of 4

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to prepare an accurate and complete report.

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

**FINDINGS OF FACT:** The named officer wrote a Traffic Collision Report following his investigation of a non-injury traffic collision. The motorist found at fault was cited for driving on a suspended license.

The report failed to include all required information regarding the three Limited English Proficient parties involved in the collision and the actions taken by the officer who was called to provide Spanish-language interpretation services. DGO 5.20 requires that an officer preparing a report in such a circumstance include in the narrative of the report the identification of the interpreter, the primary language of the persons to whom the interpretation services were provided, and how the services were provided.

The named officer stated he did not include in the report one of the persons to whom the interpreter spoke because he did not hear the man speaking Spanish. The officer's own Body Worn Camera footage, however, indicated that the complainant spoke to medics in Spanish while in close contact with the named officer, and that the complainant failed to understand that he would receive a citation and his car would be towed until it was explained to him in Spanish.

Further, Department Bulletins 16-114 and 16-115, New Reporting Procedures 14601/12500 CVC Enforcement, established comprehensive guidelines for information required in a Traffic Collision Report pertaining to a collision with a driver whose license had been suspended. The named officer acknowledged that numerous items required were not included in the report he completed.

A sergeant who approved the report stated he did not find any deficiencies, and stated that while some of the required information was not specifically mentioned in the narrative of the report, there was sufficient information included in the report and attached documents that a reviewer could conclude that the complainant had engaged in the behavior for which he was cited.

A sergeant identified by the Department as a subject matter expert in the requirements for traffic collision reports stated that the information required by DB 16-114 and 16-115 applied in this instance, and that there were numerous elements missing from the named officer's report. That sergeant also stated that, while the bulletins had changed the procedures for reporting the information, the information officers were required to gather and document had not changed. A preponderance of the evidence established 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:** 09/09/16 **DATE OF COMPLETION:** 09/07/16 **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The named sergeant acknowledged that he reviewed and approved a Traffic Collision Report that did not include information specified by DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons. The report also failed to contain information required by Department Bulletin 16-114, New Reporting Procedures –14601/12500 CVC Enforcement, and 16-115, Vehicle Tow Policy and Procedure – 14601/12500 CVC Enforcement.

The named sergeant said that while some information required was not specified in the narrative of the report, there was sufficient information included in the report and attached documents that a reviewer could conclude that the complainant had engaged in the behavior for which he was cited. The named sergeant stated also that while some information required in documenting an LEP interpretation was not spelled out in the report, a reviewer could infer from the included information what interpretation took place and how it was provided.

A sergeant identified by the Department as a subject matter expert in the requirements for traffic collision reports stated that the information required by DB 16-114 and 16-115 applied in this instance, and that there were numerous elements missing from the named officer's report. That sergeant also stated that, while the bulletins had changed the procedures for reporting the information, the information officers were required to gather and document had not changed. That sergeant stated she would not have approved the report as it was not in compliance with the controlling Department Bulletins.

A preponderance of the evidence established 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:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated she was talking to a male friend about money when the named officer intervened. She stated her conversation was none of the named officer's business. She stated the named officer requested her identification and placed her in handcuffs. She stated the named officer told her that she would be released when a sergeant arrived. She stated that she had to wait a long time before the sergeant arrived at the scene.

The named officer stated he believed the complainant and her male friend were in a domestic dispute. The named officer stated that when he tried to investigate further the complainant became hostile and uncooperative. The named officer stated that when he placed the complainant in handcuffs she complained that he had injured her. The named officer stated he notified his sergeant, who responded to the scene to conduct a Use of Force investigation. The named officer stated that while waiting for the sergeant he determined that there was no merit to the domestic dispute between the complainant and her male friend. The named officer acknowledged that he prolonged the complainant's detention for the Use of Force investigation. Department records show that the sergeant did not arrive on scene until approximately 50 minutes after the named officer made the request.

The named officer's partner stated that he thought the named officer prolonged the detention because he was going to cite the complainant for resisting arrest.

The sergeant stated that the Use of Force investigation alone would not have justified prolonging the detention.

DGO 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. Additionally, a detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation.

A preponderance of the evidence proved 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:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 2 of 6

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

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

**FINDINGS OF FACT:** The complainant stated that she was talking to a male friend about money when the named officer intervened. She stated she was detained for no reason.

The named officer stated he observed the complainant being aggressive and yelling at her male friend about money for a baby. The named officer stated that he believed the complainant and her male friend were engaged in a domestic dispute and he detained the complainant to investigate further. The named officer stated that the complainant resisted his and his partner's efforts to detain her. The named officer stated that his partner was taking the lead on the investigation, and he assumed that he was extending the complainant's detention due to a potential resisting arrest citation. The named officer stated that he knew that the Use of Force investigation alone was not justification for a prolonged detention.

The named officer's partner corroborated the named officer's statement regarding the initial detention. The named officer's partner stated that he prolonged the complainant's detention because he needed to wait for a sergeant to conduct a Use of Force investigation.

The sergeant stated that the named officer's partner had called her and asked her to go to the scene to conduct a Use of Force investigation.

An independent witness stated the named officer acted professionally even though the complainant was physically and verbally combative.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #3:** The sergeant behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the sergeant wanted her to sign a piece of paper that would exonerate the officers that arrested her.

The sergeant stated that she told the complainant that an officer would issue her a Certificate of Release, which states that the complainant was detained and not arrested.

Department Records show that a Certificate of Release was issued to the complainant.

SFPD General Order 5.03, Investigative Detentions, states, "If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 4 of 6

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers grabbed her by the arm and slammed her to the concrete. The complainant stated that she had a scratch on her arm due to the actions of the named officers.

The named officers denied the allegation. One of the named officers stated he tried to verbally de-escalate the situation, but his efforts were ineffective. The named officer stated he used intermediate force to restrain the complainant.

The second named officer stated he made multiple attempts to deescalate the incident prior to restraining the complainant. He stated he used the lowest level of force necessary to detain the complainant.

An independent witness stated that the complainant was verbally and physically combative. She stated the officers and the complainant's male friend made multiple attempts to calm the complainant down, but their efforts were unsuccessful.

SFPD General Order 5.01, Use of Force, states that control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, members should not resort to using force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.

The investigation established by a preponderance of the evidence that the complainant was not slammed to the ground and the force used by the named officers was neither excessive nor inappropriate under the circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 5 of 6

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The sergeant failed to comply with DGO 5.01, Use of Force

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

**FINDINGS OF FACT:** The DPA investigation revealed that the named officer did not record the use of force in her district station's Use of Force Log.

The named officer acknowledged that one of the detaining officers summoned her to the scene because of a complaint of pain from the complainant. The named officer stated that she was not required to record the incident in the Use of Force Log, because when she arrived to investigate, the complainant told her that the detaining officers did not cause her injury.

The detaining officer stated that the complainant alleged that his use of physical control had caused a scratch on her arm. The officer stated that he believed the complainant may have sustained the abrasion because of the force used to detain her, so he requested a sergeant respond to the scene to conduct a Use of Force investigation. The officer stated that the named officer responded and completed a Use of Force investigation. The detaining officer's partner corroborated his statement.

In the Incident Report, the detaining officer stated that he requested a sergeant to conduct a use of force investigation. The named officer's statement, included with the Incident Report, stated that she responded to the scene to conduct a use of force investigation.

The district station's Use of Force Log did not include an entry for this incident.

SFPD General Order 5.01, Use of Force, states that officers must report, "Physical control, when the person is injured or claims to be injured." It states that the officer is required to report such a use of force to his supervisor. That supervisor, in this case the named officer, "shall" take additional steps including the recording of the use of force in the Use of Force Log.

A preponderance of the evidence proved 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:** 09/23/16 **DATE OF COMPLETION:** 09/07/17 **PAGE#** 6 of 6

**SUMMARY OF DPA-ADDED ALLEGATION #2:** The sergeant drove improperly.

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

**FINDINGS OF FACT:** The DPA investigation revealed that the named officer drove unsafely and improperly when leaving the scene of the incident.

The named officer stated that she absolutely complied with department regulations regarding driving and that she was a safe driver. The named officer stated that she thought she had turned her Body Worn Camera off, but actually turned it on just before she drove away from the incident. The named officer stated that she used her cell phone while driving to inform another officer that they had left their radio in her car.

The named officer's Body Worn Camera footage showed her driving on a busy street, at times with no hand on her steering wheel, and at other times with one hand on the wheel while simultaneously entering information into the vehicle's computer or speaking on a mobile phone.

SFPD General Order 2.01 rule 23, Use of Department Property, states, "Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner ..."

General Order 5.05, Emergency Response and Pursuit Driving, states, "Officers shall at all times drive with due regard for the safety of all persons."

Department Bulletin 15-211, Use of Cellular Phones and Electronic Communications Devices by Motorists and Members, states, "Only under articulable exigent circumstances should a cell phone or MVT be used while driving."

A preponderance of the evidence proved 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:** 09/29/16    **DATE OF COMPLETION:** 09/21/17    **PAGE#** 1 of 3

**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 she went to the station and the bilingual officer refused to translate completely and to fully understand her dialog during the interview.

The named officer stated the complainant is proficient in English and Cantonese languages. The named officer stated he translated entirely what the complainant told him that occurred in her complaint about the incident and the suspect. The named officer stated he is a Cantonese bilingual officer. The named officer stated there was no miscommunication with the complainant. The named officer stated his Cantonese is very good because he speaks it daily.

No witnesses were identified.

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:**        U        **DEPT. ACTION:**

**FINDINGS OF FACT:** The co-complainant, the complainant's husband, stated that the officer who was responsible for assigning his wife's case failed to do any investigation while the assigned officer was out. The co-complainant stated his wife's investigation should have been handled quicker to avoid any delays in the investigation.

The named officer stated he assigned the complainant's case to one of his officers within his unit at the station pursuant to Department Bulletin 15-149. The named officer stated the assignment of cases was based on the nature of the incident and evidence collected. The named officer denied that there was any delay in the investigation.

Department records show that the assignment and investigation of the complainant's case was completed timely. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/16    **DATE OF COMPLETION:** 09/21/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the named officer protected the suspect and allowed him to leave the area because the suspect was in law enforcement. The complainant further stated the named officer intentionally misspelled her name in order to confuse the courts.

The named officer stated she did not know if the suspect was part of law enforcement.

Department records show that the complainant's name was consistently spelled correctly.

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

**SUMMARY OF ALLEGATION #4:** The officer wrote an incomplete incident report.

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

**FINDINGS OF FACT:** The complainant stated the report was brief and appeared incomplete.

The named officer stated an initial counter report was made regarding the incident. The named officer stated she completed her investigation and documented it in a detailed supplemental report and in her case file.

Department records show that the named officer thoroughly investigated the complainant's case and that the case was submitted to the District Attorney's Office for review.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/16    **DATE OF COMPLETION:** 09/21/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer engaged in bias policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the officer was racist and discriminated against her based on her race as Asian.

The named officer was interviewed pursuant to DPA's Biased Policing Investigation Protocol. She denied the allegation, stating that race did not play a part in her investigation.

Department records show that the named officer thoroughly investigated the complainant's case and that the case was submitted to the District Attorney's Office for review.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer intentionally did not want to investigate her case. The complainant stated the officer went on vacation after it was assigned to her. The complainant stated a few weeks after the incident, she saw the suspect and notified the officer, but the officer refused to contact the subject.

Department records show that the named officer thoroughly investigated the complainant's case and that the case was submitted to the District Attorney's Office for review. Records also show that when the complainant saw the suspect and contacted the named officer, the named officer responded to the scene and cited the suspect for the alleged battery.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/30/16 **DATE OF COMPLETION:** 09/11/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The named officer and other officers responded to a call-for-service involving the detention of a suspected burglar by the complainant and his neighbor. Upon the officers' arrival at the scene of this incident, the complainant requested the named officer to arrest the suspect.

The named officer stated he and the other officers conducted an investigation and determined that no burglary or break-in had occurred. The named officer allowed the suspect to leave. The named officer informed the complainant of the officers' findings. The complainant expressed frustration with the process and questioned why the officers were not able to take the suspect into custody. The named officer stated the suspect told him that an unknown resident allowed the suspect inside the lobby.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to arrest a suspected burglar.

The named officer stated he and the other officers conducted an investigation and determined that no burglary or break-in had occurred. The named officer allowed the suspect to leave. The named officer informed the complainant of the officers' findings. The complainant expressed frustration with the process and questioned why the officers were not able to take the suspect into custody. The named officer stated the suspect told him that an unknown resident allowed the suspect inside the lobby.

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:** 09/30/16 **DATE OF COMPLETION:** 09/11/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant and his neighbor detained a suspected burglar. When the police arrived, the complainant asked that the suspect be arrested. The complainant stated that the named officer refused.

Department General Order 5.04, Arrests by Private Persons, section II.8. states, "In all instances involving requests for a private person's arrest, an incident report shall be prepared.

The named officer acknowledged that the complainant wanted the suspect arrested. Because the request was made, the named officer was required to prepare an incident report.

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:** 08/31/15    **DATE OF COMPLETION:** 09/29/17    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated he was detained without justification. He stated two officers and the building manager knocked on his door and told him they had to enter his unit. They told him that they had to turn off the water to the building because there was a leak coming from his bathroom that was flooding the downstairs. He stated he refused to let the officers into his unit because they were demanding entry without giving him 24 hours notice.

The named officers stated they detained the complainant on a 5150 detention because they believed he was a danger to others. The complainant refused to let them into his apartment after repeatedly explaining to him that there was an emergency in the building being caused by the complainant's toilet leaking which was damaging the business downstairs. The officers stated the complainant was agitated, sweating, shaking, his eyes were dilated and he was yelling.

A witness stated she called police because the complainant refused to allow her and building repair personnel to enter his unit to investigate a leak coming from his bathroom. When the officers arrived they knocked on the complainant's door and asked him to open the door. He refused. The complainant was yelling, screaming and using profanity at her and the officers.

A second witness stated there was some sort of discussion going on about water between the complainant and his building manager. Somebody knocked on the door and it turned out to be a police officer. The complainant wasn't going to let the officers in and he did not really know why.

There was insufficient evidence to either prove or disprove that the complainant was a danger to himself or others.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 09/29/17    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the officers detained him at gunpoint without justification.

Both of the named officers denied the allegation, stating they did not draw or display their weapons.

Two witnesses stated they did not see the officers draw their weapons.

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

**SUMMARY OF ALLEGATIONS #5-6:** The officers entered a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered his residence without cause.

The named officers stated they entered the complainant's apartment after responding to a 9-1-1 call from the building manager that there was a major water leak coming from the complainant's unit, which was causing damage in a doctor's office below.

The major water leak, created an exigent circumstance allowing the officers to enter the unit.

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:** 08/31/15    **DATE OF COMPLETION:** 09/29/17    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #7-8:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant was handcuffed without justification.

As previously stated, there was insufficient evidence to either prove or disprove that the complainant was a danger to himself or others.

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

**SUMMARY OF ALLEGATIONS #9-10:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers behaved inappropriately and made inappropriate comments.

The named officers denied the allegation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 09/29/17    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #11-12:** The officers failed to state the reason for the detention.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to state the reason for the detention. During his DPA interview, the complainant stated the officers told him they wanted to have a doctor look at him and that he was being held on a 5150.

Based on the complainant's own statement, 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#13-14:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the officers dragged him in his underwear to the street. The complainant stated that while at the hospital the doctor found some clothes and gave them to the complainant.

Both officers stated they had no recollection of what the complainant was wearing.

A witness stated the complainant was wearing jeans and a t-shirt or shirt when he was brought out.

The incident report documents the complainant was wearing blue jeans.

DPA obtained the complainant's medical records. The records do not mention the complainant being admitted in his underwear and there is no mention of the hospital providing any clothing to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/16    **DATE OF COMPLETION:** 09/22/17    **PAGE#** 1 of 2

**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 she was in a confrontation in a retail store, left the store, and was wrongfully detained while walking home. The complainant stated the named officer took her to a hospital where she was held for a day.

The named officer stated he was by himself when he made contact with the complainant on the street about 50-60 feet from a store to which he had been dispatched. The officer said the complainant was uncooperative and noncompliant so he called for back up. The officer said he had the complainant handcuffed because she was aggressive toward passersby, store customers and employees, and was yelling, screaming and making no sense. The officer said he detained the complainant for psychological evaluation because he believed her to be a danger to others. The officer documented the detention in an incident report and Application For Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment.

According to Department records and witness statements, employees of a retail store called 9-1-1 and reported the complainant was behaving in a threatening and harassing manner. A witness who worked in the store said the complainant had confronted him in a rude manner, cursed and threatened him and refused to leave the store when he asked her to. The employee said he related the above to the named officer upon his response to the store. The employee said he observed the named officer contact the complainant. He said the complainant was uncooperative and aggressive toward the officer. The employee said the officer unsuccessfully tried to calm the complainant and she resisted the officer's efforts to handcuff her. The employee said the officer asked if he wanted to press charges and he refused.

Several officers who arrived as back up recalled either that the complainant was yelling and screaming and a possible danger to others, or did not recall her behavior.

The dispatch record documented the reported threats and harassment by the complainant, identified the responding officers, and their intent to detain the complainant for psychiatric assessment.

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:** 09/29/16    **DATE OF COMPLETION:** 09/22/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that an officer searched her purse after she was placed in a police car.

The officer, who acknowledged detaining the complainant, denied he or any officer searched her purse. Three back-up officers denied searching the complainant's purse or seeing any officer do so.

A witness who was present at the detention stated he did not recall any officer searching the complainant's purse.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer improperly processed the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that before being detained she had three cell phones with her property. The complainant stated that upon her release from SFGH she only had one. The complainant said the detaining officer was responsible for her missing property.

The named officer had no recollection of any cell phones and stated that all of the complainant's property was sent with her to SF General Hospital.

Three other officers who responded to the call denied taking any cell phone belonging to the complainant or seeing any officer with a cell phone belonging to the complainant.

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:** 10/12/16 **DATE OF COMPLETION:** 09/06/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made racially derogatory comments.

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

**FINDINGS OF FACT:** The complainant stated that he saw the named officer on the sidewalk outside of a police station. He stated that the named officer said to him, “N\*\*\*\*r, we’re going to get you out of this neighborhood one way or another.”

The named officer stated that he encountered the complainant on the sidewalk while he was walking to dinner with his wife and child. He stated that they saw the complainant crossing the street. The officer said that the complainant walked over to them, made eye contact with the officer, and began using harsh, profane, and inappropriate language. The named officer said that when he and his family returned from dinner, the complainant was still standing at the same intersection. The officer stated that the complainant seemed aggressive and made threatening comments as they walked by. Although the officer said that he ignored the complainant, the complainant continued to follow them and say threatening things while focusing intently on the officer. The officer stated that although this was only his second contact with the complainant, he was familiar with his threatening behavior toward others.

The named officer stated that when he and his family returned to the station, his wife and daughter went inside while he stood on the sidewalk. The officer said that the complainant approached him, very animated and speaking loudly. The officer stated that he believed the complainant was in an altered mental state and in need of medical attention. He stated that he motioned to other officers who came outside and assisted him in detaining the complainant. The named officer stated that he then requested that the other officers call the complainant an ambulance.

The named officer stated that at no time was he ever alone with the complainant, nor did he engage the complainant in a conversation or make any comments as alleged.

The complainant did not sign a medical release allowing the DPA to access his medical records, but provided emergency room records from the night of the incident that indicated a diagnosis of “Altered Mental Status.”

Based on the evidence gathered, the DPA finds the named officer more credible than the complainant.

The evidence proved that the act alleged 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:** 10/12/16 **DATE OF COMPLETION:** 09/06/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he went into the Mona Lisa restaurant to use the restroom when officers from Central Station grabbed him and handcuffed him.

The named officer stated he responded to the Mona Lisa restaurant, but by the time he arrived several other officers had already detained the complainant. The named officer stated that he went inside and spoke to the manager while the other officers dealt with the complainant. The named officer stated that he did not have any verbal or physical contact with the complainant. He also stated that he did not hear any of the other officers' conversations with the complainant. The named officer said that by the time he came back out onto the sidewalk, the complainant was walking away shouting obscenities.

Department records on the call indicate that the named officer was on scene of a call involving the complainant at the Mona Lisa restaurant, that he reported a detention, and that after about 6 minutes, he reported that the detainee was told to stop causing problems and sent on his way. No other officers are listed as having responded.

A witness who manages one of the restaurants at the location stated that the complainant causes many problems with neighborhood businesses, including the two restaurants. The witness did not recall this particular incident, but stated that the complainant has come into the Mona Lisa on numerous occasions and harassed patrons with threats and foul language. The witness stated that the complainant regularly harasses his brother, who works at the door of the Mona Lisa restaurant.

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 there was a call for service regarding the complainant, providing the named officer 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:** 10/18/16    **DATE OF COMPLETION:** 09/06/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was detained at gunpoint for no apparent reason.

Department records show that the complainant was detained because he fit the description of the suspect in a bank robbery. The suspect was reported to have a gun.

Department General Order 5.02, Use of Firearms, section I.B.2. states, in part: "An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her safety or for the safety of others."

The evidence established that the named officers were justified in drawing their firearms.

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 handcuffed the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was detained and handcuffed for no apparent reason.

Department records show that the complainant was detained and placed in handcuffs because he fit the description of the suspect in a bank robbery. The suspect was reported to have a gun.

The evidence established that the named officers were justified in placing the complainant in handcuffs.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/16    **DATE OF COMPLETION:** 09/06/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #4:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The co-complainant stated that while questioning the actions of the officers, the named officer behaved in a hostile, angry and condescending manner toward her.

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The co-complainant, who was the complainant's business colleague, stated that the incident involving the complainant was racially motivated.

The complainant who was detained did not allege biased policing.

Department records show that the complainant was detained because he fit the description of the suspect in a bank robbery.

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/16    **DATE OF COMPLETION:** 09/06/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #7:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The co-complainant stated that while questioning the actions of the officers, one of the back up officers told her to go inside the business. The co-complainant was unable to identify the officer.

All back up officers denied the allegation.

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:** 10/24/16    **DATE OF COMPLETION:** 09/20/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 3:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the named officers arrested him on the street while he was looking for his dog. The complainant said the named officers handcuffed him, hogtied him, and took him to a police station. The complainant stated that, at the station, the named officers slammed his face into the floor, knocking out some of his teeth and causing him to lose consciousness. The complainant admitted that he was yelling and cursing at the named officers throughout the incident. The complainant admitted he was “over intoxicated” during the incident.

The named officers stated they responded to a call regarding a fight in the area, and were dealing with an assembled crowd, when they encountered the complainant. The named officers described the complainant as intoxicated, yelling, jumping, and running. The named officers stated they arrested the complainant for public intoxication and took him to the station, where he continued to act combatively and resist their attempts to safely move him. The named officers stated the complainant injured himself as they attempted to carry him down a hallway and he thrashed his body around, slipping from their grips and falling on his face. The named officers stated they called an ambulance for the complainant, and he was taken to the hospital.

Department records show that an entry was made into the Use of Force Log.

Medical records document that the complainant had broken front teeth, and lacerations to his lip that did not require sutures. The records show that medical personnel placed the complainant in restraints because of his violent behavior. The records also show that the complainant acknowledged drinking, and that he was disoriented and made incomprehensible sounds.

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:** 10/24/16    **DATE OF COMPLETION:** 09/20/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #4 - 6:** The officers detained and arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers jumped on him and put him in handcuffs. The complainant admitted he had been drinking a lot and he may have been resisting because he was upset that they detained him and would not let him go on his way and look for his dog.

The named officers stated the complainant approached them yelling, running and jumping. The named officers stated that there was a strong odor of alcohol on the complainant, and they determined that he was a danger to himself due to excessive intoxication. The named officers stated that they arrested the complainant, and he resisted their attempts to detain him and take him to a holding cell by physically pushing back at them and moving about.

Citations and the related Incident Report show that the complainant was charged with violations of CA Penal Code §§ 148(a)(1) and 647(f). The Incident Report documents that the complainant ran up to the officers, had a strong odor of an alcoholic beverage, had bloodshot eyes, and was slurring his speech. The report documents that the complainant was handcuffed and walked to the station, but he would “become enraged and push and pull his body away from us and yell at us.”

Penal Code § 148(a)(1) makes it an offense to willfully resist, delay, or obstruct any peace officer in the carrying out of their duty. Penal Code § 647(f) makes it a misdemeanor to be intoxicated in a public place when a person “is unable to exercise care for his or her own safety” because of their intoxication.

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:** 10/18/16    **DATE OF COMPLETION:** 09/15/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #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:

BART Office of the Independent Police Auditor  
P.O. Box 12688  
Oakland, CA 94612-2688



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/31/16    **DATE OF COMPLETION:** 09/25/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that while parked on the 400 block of John Muir Drive on October 28, 2016, the officers told her she had to move. The complainant stated that one of the officers kicked her trailer and threatened to tow her vehicle. The complainant stated that the officers were selectively enforcing parking codes.

The complainant stated that on the evening of October 29, 2016, she was awakened by two unidentified officers who flashed lights in her vehicle windows, banged on her trailer and shouted for her to get out. The complainant stated that she saw through the windows of her vehicle that an SFPD vehicle was outside when she heard the banging on her trailer.

The named officers acknowledged that on October 28, 2016 they were in the area in response to complaints regarding homeless encampments but denied kicking the complainant's trailer or threatening to tow the complainant's vehicle. The officers stated that street signs in the area restrict parking and they were there to advise the complainant and others of the restrictions.

The officers denied engaging in the behavior alleged to have taken place on October 29.

There was no record of officers having made contact with the complainant on October 29.

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:** 10/31/16    **DATE OF COMPLETION:** 09/25/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that in her absence an officer placed a citation on her unattended trailer for not having a visible month sticker on the trailer's license plate. The complainant said she had the sticker and it was visible.

The named officer confirmed that he issued the citation for the above referenced violation. The citation verifies the violation, which also included a handwritten notation, "MISSING MO. TAB."

The complainant provided a photograph of the license plate. The photo corroborates that the month sticker on the license plate was faded, bleached and not apparently legible.

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 engaged in harassing behavior.

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

**FINDINGS OF FACT:** The complainant believes she is the victim of harassment.

The named officer denied targeting or harassing the complainant and stated that the citation he issued to her was valid based on the evidence.

The evidence established that the named officer had no personal contact with the complainant at the time he issued the citation. There is no evidence that demonstrates that the actions of the officer were for any other reason than to issue her a valid citation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/01/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was at the San Francisco International Airport charging his phone and resting before work when he was placed under arrest. The complainant told DPA that he worked at a catering company at the airport, but he did not have identification. He stated he was previously admonished for trespassing at the airport.

Department records show that the complainant was arrested for trespassing pursuant to a private person's arrest.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was searched without cause.

Department records show that the complainant was arrested for trespassing pursuant to a private person's arrest.

The named officer stated the complainant was searched incident to his arrest for trespassing.

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:** 11/01/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3:** The officer detained the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was at the San Francisco International Airport charging his phone and resting before work when he was detained. The complainant told DPA that he worked at a catering company at the airport but did not have identification. He stated he was previously admonished for trespassing at the airport.

The named officer stated he detained the complainant for trespassing. The named officer stated he had previously admonished the complainant for trespassing at the airport. The named officer also stated that the complainant had previously been arrested at the airport for trespassing and for an outstanding warrant.

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 or the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that he was being harassed.

The evidence established that the complainant is a known trespasser at the airport. Department records indicate that prior to this incident, the complainant was arrested for trespassing at the airport. Department records also indicate that he was previously admonished for trespassing at the airport.

A preponderance of the evidence established that the complainant was not being harassed. 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:** 11/09/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was double parked in the roadway when the named officer motioned for him to move his vehicle. The complainant stated that his wife was approaching the vehicle at the same time the named officer motioned for him to move. The complainant stated his wife jumped in the vehicle and as the complainant was preparing to drive away the named officer stopped and cited him. The complainant stated that his vehicle was moving so he should not have been cited.

The complainant's wife stated the complainant was double parked, but he should not have been cited.

The named officer stated he was on a foot patrol assignment on a main street in the Mission District in full uniform when he observed the complainant stopped in the roadway and impeding traffic. He stated traffic had to go around the complainant's vehicle into oncoming traffic, in violation of VC 22400(a). The officer said he waved at the driver to get his attention and then saw a female come out of a nearby business and get into the passenger seat. The vehicle began to move toward him. He used another hand motion to stop the complainant's vehicle and told the driver he was stopping him for impeding the flow of traffic. The officer cited the complainant for violating Vehicle Code section 22400(a).

California Vehicle Code section 22400(a) states that no person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of grade, or in compliance with law.

Court records show the complainant appeared in court and a bench trial was conducted. The court found the complainant guilty of violating California Vehicle Code section 22400(a), and the court imposed a fine.

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:** 11/09/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officer made an inappropriate comment by stating, "Are you gonna stop talking so I can tell you" when the complainant asked what he was being cited for.

The named officer stated the complainant and the complainant's wife repeatedly asked him questions, and then interrupted him when he attempted to answer those questions. The officer stated that rather than interrupt the complainant and the complainant's wife he asked them if they would stop talking so he could answer their questions. The officer stated he was professional toward the complainant.

The named officer's body worn camera recording showed that the named officer acted professionally toward the complainant and his wife, who was verbally abusive toward the officers.

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

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing, due to race.

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

**FINDINGS OF FACT:** The complainant stated that he was racially profiled.

The named officer stated he observed the complainant's vehicle impeding traffic, prompting him to approach the complainant's vehicle and issue the drive a citation.

The evidence established that the officer had reasonable suspicion to detain the complainant. In addition, the evidence also established that the officer had probable cause to issue the citation.

A preponderance of the evidence proved that the named officer did not engage in biased policing as alleged. 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:** 11/09/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4:** The officer opened the complainant's vehicle door without justification.

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

**FINDINGS OF FACT:** The complainant stated that when he pulled his vehicle over to the curb six officers rushed his vehicle. One of the officers opened his driver door. The complainant stated that his two children were seated in the back seat and screamed, "Don't shoot my dad".

The named officer stated that after he attempted to engage the complainant through the open passenger side window, but the female passenger began to roll up the window and reached down. The complainant and his female passenger used profanity towards the officers throughout the traffic stop. Due to the female's furtive movement, their hostile demeanor and statements the officer perceived as a threat, the named officer opened the passenger door to determine if the female passenger was reaching for a weapon.

The named officer's body worn camera recording shows that both doors of the vehicle were open. The opening of the passenger door by the named officer was reasonable in light of the complainant's actions as well as those of the passenger. The recording also shows the complainant and his wife abusive behavior toward the officers. The named officer and other officers remained calm during the entire encounter.

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:** 11/15/16 **DATE OF COMPLETION:** 09/21/17 **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 forward to the Captain of Bayview Station.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/07/16 **DATE OF COMPLETION:** 09/14/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated he went to a hotel to meet an escort, but when he knocked on the door, people came out of another room and identified themselves as police. The complainant stated that there were 6 to 10 officers present. The complainant stated the officers were in plain clothes but displayed badges. The complainant stated that a male officer placed him in handcuffs that were so tight that they left a cut and bruises on his wrist. The complainant stated he was cited for solicitation and released.

Officers present either did not recall who placed handcuffs on the complainant, denied placing handcuffs on the complainant, or stated they were in another room during complainant's arrest.

No witnesses were identified. 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 made rude comments.

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

**FINDINGS OF FACT:** The complainant stated that during his detention in a hotel room, the officers were very unprofessional, condescending and rude.

Officers present denied making any rude comments and many explicitly stated that no officer made such statements.

No witnesses were identified. 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:** 12/07/16 **DATE OF COMPLETION:** 09/14/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated that during his detention a white, male officer with blonde hair called him a “little bitch.”

Officers present denied the allegation.

No witnesses were identified. 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:** 12/12/16 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to follow the rules of the road.

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

**FINDINGS OF FACT:** The complainant stated that, while riding her bicycle, she witnessed the named officer cross the bicycle lane without signaling. The complainant stated that she then saw the named officer park his vehicle partly on the sidewalk.

The named officer could not recall the incident in question.

No witnesses were identified.

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

**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 she pulled along side the named officer and asked him to use his turn signal. The complainant said that the named officer responded aggressively, saying, "Aww, shut up. I'm so sick of you people. You know how many times I have let you people off?"

The named officer could not recall the incident in question.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/13/16 **DATE OF COMPLETION:** 09/27/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was about to make a left hand turn and realized it might be an illegal turn. There was an officer on the opposite side of the intersection. The complainant said that the officer did not go when the light turned green and instead waved at the complainant to make the left hand turn. The complainant made a left hand turn and the officer pulled him over and cited him.

The named officer stated he cited the complainant for a left-turn violation and denied waving him through.

A witness officer stated the complainant was cited for a left-turn violation.

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 made inappropriate comments and engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated he was pulled over and was asked for his license and registration. He complied but did not have any registration because the car was a rental. The officer asked, "Are you sure it's not stolen?" He said no. The officer then asked if the complainant's license was fake. The complainant felt these questions were getting rude and the officer seemed to infer that the complainant should not be in San Francisco. The officer then asked the complainant if he belonged to a gang and the complainant said no. The complainant asked if the officer would be talking like this if the encounter were being filmed. The officer responded, "Probably not."

The named officer stated he did not recall making any of those comments.

A witness officer stated he did not recall the named officer making any of those comments.

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:** 12/13/16    **DATE OF COMPLETION:** 09/27/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he felt racially profiled because of his race.

The named officer denied profiling the complainant due to race. He said that he does not profile people based on race, religion, sex, sexual orientation, or any other profile, other than criminal.

A witness officer stated he did not recall the verbal contact between the named officer and the complainant.

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:** 12/14/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant was stopped and cited for failing to obey posted sign (No turn on red). The complainant stated he did not see the sign prohibiting a turn on the red light.

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 officer 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.

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

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate comments, which upset him. The officer asked him for his license, registration and insurance and he complied. The officer then asked him for his car keys. When he asked why, the officer replied, "So you don't run off." The complainant stated that when his passengers attempted to exit the vehicle, the officer slammed the door shut and said, "Don't get out of the car."

The named officer stated she asked for the complainant's keys to prevent him from driving off. The named officer stated the complainant was upset for being pulled over. The named officer denied slamming the passenger door shut, but admitted closing the door for officer safety when the passenger attempted to exit the vehicle.

The Body Worn Camera recording shows that the named officer was calm and professional during the contact. The recording failed to support the complainant's allegations against the named officer. The evidence proved that the acts alleged in the complaint did not occur, or that the named officer was not involved in the acts alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/14/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** Based on the complainant's own statement, the citation was properly issued.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officers engaged in biased policing due to race. The complainant stated he felt the officers were implying he was a street criminal or thug because he is black. He felt insulted and disrespected.

One of the named officers could not be interviewed because the officer has resigned from the Department.

The other named officer denied she engaged in any action due to the race of the complainant. The officer denied knowing the race or gender of the complainant prior to the stop. The officer stated that the complainant's race and gender were not a factor in her decision to stop him.

The Body Worn Camera recording shows the named officer telling the complainant the reason for the vehicle stop. The named officer was very clear about the reason for the contact – making a right turn on a red light where a sign is posted stating “No turn on red”.

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:** 12/14/16 **DATE OF COMPLETION:** 09/12/17 **PAGE#** 3 of 3

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to comply with SFPD Department Bulletin No. 16-208, eStop – Contact Data Collection Program.

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

**FINDINGS OF FACT:** SFPD Department Bulletin 16-208, eStop – Contact Data Collection Program, requires members to collect and enter stop data for “all stops, including but not limited to pedestrian, bicycle and vehicle stops.

The named officer, who was a Field Training Officer, stated she directed her recruit to make the eStop entry following the traffic stop. The officer acknowledged that as the senior officer she was responsible for making sure the eStop data was entered.

The Department found no record of the required traffic stop data being collected and entered as required.

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:** 11/03/15 **DATE OF COMPLETION:** 09/27/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he observed the named officer use force on an unidentified homeless man, which caused the man significant pain.

The named officer could not recall the incident in question.

The DPA reviewed an approximate 4-minute video of the incident provided by the complainant. The video was inconclusive and did show evidence of unnecessary force being used by the named officer.

The homeless man could not be identified.

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 the named officer made an inappropriate comment by stating, "This is why you don't do drugs everybody. Jeez San Francisco what's in your water?"

The named officer denied the allegation.

The audio portion of the video does not capture the officer making any inappropriate comments.

The named officer's partner stated he has 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:** 12/20/16 **DATE OF COMPLETION:** 09/19/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the date on the citation was altered.

The named officer denied the allegation, stating that the date on the citation is accurate.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer made an inappropriate comment during the traffic stop.

The named officer stated she talked to the complainant about traffic stop procedure.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/20/16 **DATE OF COMPLETION:** 09/19/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officer engaged in biased policing based on his race.

The evidence established that the named officer stopped and cited the complainant after the named officer's partner, using a Lidar gun, captured the complainant speeding.

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

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

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

**FINDINGS OF FACT:** SFPD Department Bulletin 16-208, eStop – Contact Data Collection Program, requires members to collect and enter contact stop data for “*all* stops, including but not limited to **pedestrian, bicycle and vehicle stops.**”

Department records showed that the named officer collected and entered the appropriate data for this traffic stop.

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:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 1 of 12

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

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

**FINDINGS OF FACT:** The complainant filed an anonymous complaint requesting that the DPA investigate the murder of a woman by her ex-boyfriend in light of a history of domestic violence and the numerous times the victim called the police and the police responded to her residence on the night of the murder. In granting a summary judgment motion in a lawsuit filed by the parents of the murder victim against the defendants City & County of San Francisco and responding police officers, a federal district court issued a written decision that relied upon the following evidence. On the night of the murder, the victim called the police six different times about her ex-boyfriend and the police responded to her apartment three times. Two years and eight months before her murder, the ex-boyfriend had been arrested for domestic violence against the victim but the case was not prosecuted. Two months before the murder, the victim had asked her ex-boyfriend to move out. The ex-boyfriend moved back in with the victim a few weeks before the murder.

On the night of the murder, the victim's roommate came home and found that the victim's ex-boyfriend was acting strangely. He heard the victim and the ex-boyfriend arguing and later the ex-boyfriend was outside the apartment's closed front door, pounding on the door and ringing the buzzer. The victim showed her roommate a pot of spaghetti sauce and said she thought her ex-boyfriend had tried to poison her because she saw a green substance in the sauce that looked abnormal. The victim scooped some of the sauce into a burrito wrapper. They googled rat poison and found that it had a similar lime green appearance.

Around 8:37 p.m., the victim called 911, said she and her boyfriend were fighting and that she had asked him to leave but he would not. She then told 911 that he was leaving and no police response was necessary. Around 9:14 p.m., she called 911, said she had called earlier about an escalating domestic violence issue, that they had gotten into a fight the prior night, her boyfriend had been drinking all day, and he would not stop ringing the doorbell. The victim provided additional identifying information and agreed to speak to the officers when they arrived. The call was recorded as a 417 DV, with "DV" indicating a domestic violence incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 2 of 12

**SUMMARY OF ALLEGATIONS #1-2 continued:**

Five minutes later, the victim's roommate called 911 and stated that the victim's boyfriend was trying to break in and his behavior was scaring the roommate. Dispatch upgraded the call to a 418 DV.

At 9:33 p.m., the victim called 911, stated that she and her roommate had called earlier and that she was getting more scared because of it being an escalating domestic situation. Dispatch informed her that the officers were on scene.

One of the named officers understood the call for service involved a boyfriend and girlfriend arguing and the boyfriend was outside, ringing the doorbell. The officers found the ex-boyfriend sitting on the front steps of

the apartment, between the locked metal gate and the front door. The officers pat-searched the ex-boyfriend for weapons and found none. One of the named officers recalled that the ex-boyfriend appeared somewhat under the influence. The victim spoke with one of the named officers, said that she and her ex-boyfriend had argued earlier in the evening and she had asked him to move out. According to one of the named officers, she denied that her ex-boyfriend was trying to break in and the officer found no sign of damage on the door. The victim said the ex-boyfriend was ringing the doorbell incessantly. She stated they had dated for about two years before breaking up and that he had called recently to say he was homeless and she felt sorry for him and allowed him to stay with her.

The victim's roommate came outside and informed one of the named officers that the ex-boyfriend had tried to put rat poison in the victim's spaghetti. According to the named officer, the victim denied that the ex-boyfriend would do such a thing to hurt her, said she had eaten the spaghetti and felt fine and showed the named officer the spaghetti sauce which appeared to have a green substance that looked like a garnish. Based on the victim's assertions, the named officer concluded the spaghetti had not been poisoned. He did not inform any other officer about the spaghetti poisoning until after the murder.

According to the victim's roommate, he showed one of the named officers the burrito wrapper with sauce because the victim was downplaying the incident. The roommate stated that the named officer shrugged at his request to have the sauce tested for poison. The roommate went back upstairs with the burrito wrapper.

The named officers determined that no domestic violence crime had occurred and that the incident involved only a verbal argument. This conclusion was based on the victim's denial that her ex-boyfriend had tried to hurt her in any way or that she felt threatened. Additionally, her demeanor was very calm.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 3 of 12

**SUMMARY OF ALLEGATIONS #1-2 continued:**

According to one of the named officers, the victim agreed that the solution was for the ex-boyfriend to leave and stay with a relative who lived in the East Bay. The ex-boyfriend agreed and the officers watched the ex-boyfriend leave while the victim returned to her apartment.

Right after the victim went back inside, the ex-boyfriend return and began pounding on the door and ringing the doorbell again. The ex-boyfriend demanded his property and another roommate brought down a trash bag full of items for the ex-boyfriend. The ex-boyfriend kept asking to speak with the victim and tried to force the door open on the roommate.

At 10:01 p.m., the victim called dispatch (“418DV.”) At 10:10 p.m., the 911 dispatch comments stated “Male now trying to break in front door” and the call was upgraded to a “602 DV.” Responding at about 10:20 p.m., the same named officers who had previously responded to the residence that night found the ex-boyfriend sitting on the steps. They conducted a pat-search with negative results. The ex-boyfriend’s speech was slurred and he had trouble standing. The victim informed one of the named officers that her ex-boyfriend was still ringing the bell and that she wanted him to leave; she denied that he was trying to break in. According to the named officers, the victim’s demeanor was a little more agitated. The officers determined it was not a domestic violence situation and arrested the ex-boyfriend for public intoxication. The named sergeant also responded. He was unaware of the previous calls to the victim’s residence. One of the named officers told the named sergeant that all they had was a public intoxication. One of the named officers conducted a records check and saw that the ex-boyfriend had a prior arrest for domestic violence in February 2012. The named officers took the ex-boyfriend to the San Francisco County Jail where he was held in the “drunk tank.” His belongings were search and no gun was found. The ex-boyfriend was released four hours later.

At 4:00 a.m., the ex-boyfriend returned to the victim’s apartment. The victim called dispatch twice; the calls were coded “”602” without any DV designation. Different officers from the previous call arrived at 4:15 a.m. They knew the suspect’s name, history and recent arrest for being drunk in public. One of the named officers from the public intoxication arrest texted one of the responding officers to say they had been there before. The named officers found the ex-boyfriend on the steps within the exterior gate. He had a black bag with him. Officers ordered him onto the sidewalk and pat searched him. The ex-boyfriend stated that he lived at the apartment and wanted clothing for work. One of the named officers asked dispatch to request the victim to come outside. The victim stated that her ex-boyfriend had been banging on the door.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 4 of 12

**SUMMARY OF ALLEGATIONS #1-2 continued:**

One of the named officers explained that the ex-boyfriend wanted to gather his belongings and the victim agreed. One of the named officers remained with the victim in the hallway of the apartment while the ex-boyfriend went into the victim's bedroom and retrieved clothing and shoes. The named sergeant arrived, entered the apartment and observed the civil standby. Outside the apartment, the officers and sergeant talked further with the ex-boyfriend and then watched him leave.

Forty minutes later, armed with a gun, the ex-boyfriend broke through the gate and the front door of the victim's apartment and shot the victim in her head and then shot himself. The victim died four days later.

The Department of Police Accountability recommends that this case be reviewed by a multidisciplinary group of stakeholders including representatives from the Police Department's Special Victim's Unit, the Department on the Status of Women, the Domestic Violence Consortium, the Department of Emergency Management, the District Attorney's Office, the Department of Police Accountability to determine whether current systems can be improved to protecting individuals from domestic violence. Areas to analyze include 1) communication between 911 dispatch and officers in domestic violence calls, including previous domestic violence calls for service involving the same suspect and location and the suspect's prior criminal history; 2) police policies and training, including a supervisor's role, when there are multiple domestic violence calls for service involving the same suspect at to the same address; 3) civil stand-by procedures, including consideration of circumstances when victims could decline or postpone a civil stand by and/or should be told they can refuse to consent to civil stand by; 4) the circumstances and the manner in which reporters should be told of their right to make a citizen's arrest for misdemeanor conduct observed in their presence; 5) appropriate services and assistance when circumstance may not rise to a felony domestic violence or stalking incident though the victim is leaving the relationship (the most dangerous time for a domestic violence victim) and has requested police assistance; 6) police procedures concerning third party allegations of a suspect's criminal conduct in light of a victim's denial; and 7) police policies and training on evaluating victim's demeanor, suspect threat risks, and the role of previous non-prosecuted domestic violence incidents.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 5 of 12

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

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

**FINDINGS OF FACT:** The complainant filed an anonymous complaint requesting that the DPA investigate the murder of a woman by her ex-boyfriend in light of a history of domestic violence and the numerous times the victim called the police and the police responded to her residence on the night of the murder. In granting a summary judgment motion in a lawsuit filed by the parents of the murder victim against the defendants City & County of San Francisco and responding police officers, a federal district court issued a written decision that relied upon the following evidence. On the night of the murder, the victim called the police six different times about her ex-boyfriend and the police responded to her apartment three times. Two years and eight months before her murder, the ex-boyfriend had been arrested for domestic violence against the victim but the case was not prosecuted. Two months before the murder, the victim had asked her ex-boyfriend to move out. The ex-boyfriend moved back in with the victim a few weeks before the murder.

On the night of the murder, the victim's roommate came home and found that the victim's ex-boyfriend was acting strangely. He heard the victim and the ex-boyfriend arguing and later the ex-boyfriend was outside the apartment's closed front door, pounding on the door and ringing the buzzer. The victim showed her roommate a pot of spaghetti sauce and said she thought her ex-boyfriend had tried to poison her because she saw a green substance in the sauce that looked abnormal. The victim scooped some of the sauce into a burrito wrapper. They googled rat poison and found that it had a similar lime green appearance.

Around 8:37 p.m., the victim called 911, said she and her boyfriend were fighting and that she had asked him to leave but he would not. She then told 911 that he was leaving and no police response was necessary. Around 9:14 p.m., she called 911, said she called earlier about an escalating domestic violence issue, that they had gotten into a fight the prior night, her boyfriend had been drinking all day, and he would not stop ringing the doorbell. The victim provided additional identifying information and agreed to speak to the officers when they arrived. The call was recorded as a 417 DV, with "DV" indicating a domestic violence incident.

Five minutes later, the victim's roommate called 911 and stated that the victim's boyfriend was trying to break in and his behavior was scaring the roommate. Dispatch upgraded the call to a 418 DV.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 6 of 12

**SUMMARY OF ALLEGATIONS #3 continued:**

At 9:33 p.m., the victim called 911, stated that she and her roommate had called earlier and that she was getting more scared because of it being an escalating domestic situation. Dispatch informed her that the officers were on scene.

One of the named officers understood the call for service involved a boyfriend and girlfriend arguing and the boyfriend was outside, ringing the doorbell. The officers found the ex-boyfriend sitting on the front steps of the apartment, between the locked metal gate and the front door. The officers pat-searched the ex-boyfriend for weapons and found none. One of the named officers recalled that the ex-boyfriend appeared somewhat under the influence. The victim spoke with one of the named officers, said that she and her ex-boyfriend had argued earlier in the evening and she had asked him to move out. According to one of the named officers, she denied that her ex-boyfriend was trying to break in and the officer found no sign of damage on the door. The victim said the ex-boyfriend was ringing the doorbell incessantly. She stated they had dated for about two years before breaking up and that he had called recently to say he was homeless and she felt sorry for him and allowed him to stay with her.

The victim's roommate came outside and informed one of the named officers that the ex-boyfriend had tried to put rat poison in the victim's spaghetti. According to the named officer, the victim denied that the ex-boyfriend would do such a thing to hurt her, said she had eaten the spaghetti and felt fine and showed the named officer the spaghetti sauce which appeared to have a green substance that looked like a garnish. Based on the victim's assertions, the named officer concluded the spaghetti had not been poisoned. He did not inform any other officer about the spaghetti poisoning until after the murder.

According to the victim's roommate, he showed one of the named officers the burrito wrapper with sauce because the victim was downplaying the incident. The roommate stated that the named officer shrugged at his request to have the sauce tested for poison. The roommate went back upstairs with the burrito wrapper.

The named officers determined that no domestic violence crime had occurred and that the incident involved only a verbal argument. This conclusion was based on the victim's denial that her ex-boyfriend had tried to hurt her in any way or that she felt threatened. Additionally, her demeanor was very calm. According to one of the named officers, the victim agreed that the solution was for the ex-boyfriend to leave and stay with a relative who lived in the East Bay. The ex-boyfriend agreed and the officers watched the ex-boyfriend leave while the victim returned to her apartment.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 7 of 12

**SUMMARY OF ALLEGATIONS #3 continued:**

Right after the victim went back inside, the ex-boyfriend return and began pounding on the door and ringing the doorbell again. The ex-boyfriend demanded his property and another roommate brought down a trash bag full of items for the ex-boyfriend. The ex-boyfriend kept asking to speak with the victim and tried to force the door open on the roommate.

At 10:01 p.m., the victim called dispatch (“418DV.”) At 10:10 p.m., the 911 dispatch comments stated “Male now trying to break in front door” and the call was upgraded to a “602 DV.” Responding at about 10:20 p.m., the same named officers who had previously responded to the residence that night found the ex-boyfriend sitting on the steps. They conducted a pat-search with negative results. The ex-boyfriend’s speech was slurred and he had trouble standing. The victim informed one of the named officers that her ex-boyfriend was still ringing the bell and that she wanted him to leave; she denied that he was trying to break in. According to the named officers, the victim’s demeanor was a little more agitated. The officers determined it was not a domestic violence situation and arrested the ex-boyfriend for public intoxication. The named sergeant also responded. He was unaware of the previous calls to the victim’s residence. One of the named officers told the named sergeant that all they had was a public intoxication. One of the named officers conducted a records check and saw that the ex-boyfriend had a prior arrest for domestic violence in February 2012. The named officers took the ex-boyfriend to the San Francisco County Jail where he was held in the “drunk tank.” His belongings were searched and no gun was found. The ex-boyfriend was released four hours later.

At 4:00 a.m., the ex-boyfriend returned to the victim’s apartment. The victim called dispatch twice; the calls were coded “”602” without any DV designation. Different officers from the previous call arrived at 4:15 a.m. They knew the suspect’s name, history and recent arrest for being drunk in public. One of the named officers from the public intoxication arrest texted one of the responding officers to say they had been there before. The named officers found the ex-boyfriend on the steps within the exterior gate. He had a black bag with him. Officers ordered him onto the sidewalk and pat searched him. The ex-boyfriend stated that he lived at the apartment and wanted clothing for work. One of the named officers asked dispatch to request the victim to come outside. The victim stated that her ex-boyfriend had been banging on the door. One of the named officers explained that the ex-boyfriend wanted to gather his belongings and the victim agreed. One of the named officers remained with the victim in the hallway of the apartment while the ex-boyfriend went into the victim’s bedroom and retrieved clothing and shoes. The named sergeant arrived, entered the apartment and observed the civil standby. Outside the apartment, the officers and sergeant talked further with the ex-boyfriend and then watched him leave.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 8 of 12

**SUMMARY OF ALLEGATIONS #3 continued:**

Forty minutes later, armed with a gun, the ex-boyfriend broke through the gate and the front door of the victim's apartment and shot the victim in her head and then shot himself. The victim died four days later.

The Department of Police Accountability recommends that this case be reviewed by a multidisciplinary group of stakeholders including representatives from the Police Department's Special Victim's Unit, the Department on the Status of Women, the Domestic Violence Consortium, the Department of Emergency Management, the District Attorney's Office, the Department of Police Accountability to determine whether current systems can be improved to protecting individuals from domestic violence. Areas to analyze include 1) communication between 911 dispatch and officers in domestic violence calls, including previous domestic violence calls for service involving the same suspect and location and the suspect's prior criminal history; 2) police policies and training, including a supervisor's role, when there are multiple domestic violence calls for service involving the same suspect at to the same address; 3) civil stand-by procedures, including consideration of circumstances when victims could decline or postpone a civil stand by and/or should be told they can refuse to consent to civil stand by; 4) the circumstances and the manner in which reportees should be told of their right to make a citizen's arrest for misdemeanor conduct observed in their presence; 5) appropriate services and assistance when circumstance may not rise to a felony domestic violence or stalking incident though the victim is leaving the relationship (the most dangerous time for a domestic violence victim) and has requested police assistance; 6) police procedures concerning third party allegations of a suspect's criminal conduct in light of a victim's denial; and 7) police policies and training on evaluating victim's demeanor, suspect threat risks, and the role of previous non-prosecuted domestic violence incidents.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 9 of 12

**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant filed an anonymous complaint requesting that the DPA investigate the murder of a woman by her ex-boyfriend in light of a history of domestic violence and the numerous times the victim called the police and the police responded to her residence on the night of the murder. In granting a summary judgment motion in a lawsuit filed by the parents of the murder victim against the defendants City & County of San Francisco and responding police officers, a federal district court issued a written decision that relied upon the following evidence. On the night of the murder, the victim called the police six different times about her ex-boyfriend and the police responded to her apartment three times. Two years and eight months before her murder, the ex-boyfriend had been arrested for domestic violence against the victim but the case was not prosecuted. Two months before the murder, the victim had asked her ex-boyfriend to move out. The ex-boyfriend moved back in with the victim a few weeks before the murder.

On the night of the murder, the victim's roommate came home and found that the victim's ex-boyfriend was acting strangely. He heard the victim and the ex-boyfriend arguing and later the ex-boyfriend was outside the apartment's closed front door, pounding on the door and ringing the buzzer. The victim showed her roommate a pot of spaghetti sauce and said she thought her ex-boyfriend had tried to poison her because she saw a green substance in the sauce that looked abnormal. The victim scooped some of the sauce into a burrito wrapper. They googled rat poison and found that it had a similar lime green appearance.

Around 8:37 p.m., the victim called 911, said she and her boyfriend were fighting and that she had asked him to leave but he would not. She then told 911 that he was leaving and no police response was necessary. Around 9:14 p.m., she called 911, said she called earlier about an escalating domestic violence issue, that they had gotten into a fight the prior night, her boyfriend had been drinking all day, and he would not stop ringing the doorbell. The victim provided additional identifying information and agreed to speak to the officers when they arrived. The call was recorded as a 417 DV, with "DV" indicating a domestic violence incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 10 of 12

**SUMMARY OF ALLEGATIONS #4-5 continued:**

Five minutes later, the victim's roommate called 911 and stated that the victim's boyfriend was trying to break in and his behavior was scaring the roommate. Dispatch upgraded the call to a 418 DV.

At 9:33 p.m., the victim called 911, stated that she and her roommate had called earlier and that she was getting more scared because of it being an escalating domestic situation. Dispatch informed her that the officers were on scene.

One of the named officers understood the call for service involved a boyfriend and girlfriend arguing and the boyfriend was outside, ringing the doorbell. The officers found the ex-boyfriend sitting on the front steps of the apartment, between the locked metal gate and the front door. The officers pat-searched the ex-boyfriend for weapons and found none. One of the named officers recalled that the ex-boyfriend appeared somewhat under the influence. The victim spoke with one of the named officers, said that she and her ex-boyfriend had argued earlier in the evening and she had asked him to move out. According to one of the named officers, she denied that her ex-boyfriend was trying to break in and the officer found no sign of damage on the door. The victim said the ex-boyfriend was ringing the doorbell incessantly. She stated they had dated for about two years before breaking up and that he had called recently to say he was homeless and she felt sorry for him and allowed him to stay with her.

The victim's roommate came outside and informed one of the named officers that the ex-boyfriend had tried to put rat poison in the victim's spaghetti. According to the named officer, the victim denied that the ex-boyfriend would do such a thing to hurt her, said she had eaten the spaghetti and felt fine and showed the named officer the spaghetti sauce which appeared to have a green substance that looked like a garnish.

Based on the victim's assertions, the named officer concluded the spaghetti had not been poisoned. He did not inform any other officer about the spaghetti poisoning until after the murder.

According to the victim's roommate, he showed one of the named officers the burrito wrapper with sauce because the victim was downplaying the incident. The roommate stated that the named officer shrugged at his request to have the sauce tested for poison. The roommate went back upstairs with the burrito wrapper.

The named officers determined that no domestic violence crime had occurred and that the incident involved only a verbal argument. This conclusion was based on the victim's denial that her ex-boyfriend had tried to hurt her in any way or that she felt threatened. Additionally, her demeanor was very calm.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 11 of 12

**SUMMARY OF ALLEGATIONS #4-5 continued:**

According to one of the named officers, the victim agreed that the solution was for the ex-boyfriend to leave and stay with a relative who lived in the East Bay. The ex-boyfriend agreed and the officers watched the ex-boyfriend leave while the victim returned to her apartment.

Right after the victim went back inside, the ex-boyfriend returned and began pounding on the door and ringing the doorbell again. The ex-boyfriend demanded his property and another roommate brought down a trash bag full of items for the ex-boyfriend. The ex-boyfriend kept asking to speak with the victim and tried to force the door open on the roommate.

At 10:01 p.m., the victim called dispatch (“418DV.”) At 10:10 p.m., the 911 dispatch comments stated “Male now trying to break in front door” and the call was upgraded to a “602 DV.” Responding at about 10:20 p.m., the same named officers who had previously responded to the residence that night found the ex-boyfriend sitting on the steps. They conducted a pat-search with negative results. The ex-boyfriend’s speech was slurred and he had trouble standing. The victim informed one of the named officers that her ex-boyfriend was still ringing the bell and that she wanted him to leave; she denied that he was trying to break in. According to the named officers, the victim’s demeanor was a little more agitated. The officers determined it was not a domestic violence situation and arrested the ex-boyfriend for public intoxication. The named sergeant also responded. He was unaware of the previous calls to the victim’s residence. One of the named officers told the named sergeant that all they had was a public intoxication. One of the named officers conducted a records check and saw that the ex-boyfriend had a prior arrest for domestic violence in February 2012. The named officers took the ex-boyfriend to the San Francisco County Jail where he was held in the “drunk tank.” His belongings were searched and no gun was found. The ex-boyfriend was released four hours later.

At 4:00 a.m., the ex-boyfriend returned to the victim’s apartment. The victim called dispatch twice; the calls were coded “602” without any DV designation. Different officers from the previous call arrived at 4:15 a.m. They knew the suspect’s name, history and recent arrest for being drunk in public. One of the named officers from the public intoxication arrest texted one of the responding officers to say they had been there before. The named officers found the ex-boyfriend on the steps within the exterior gate. He had a black bag with him. Officers ordered him onto the sidewalk and pat searched him. The ex-boyfriend stated that he lived at the apartment and wanted clothing for work. One of the named officers asked dispatch to request the victim to come outside. The victim stated that her ex-boyfriend had been banging on the door. One of the named officers explained that the ex-boyfriend wanted to gather his belongings and the victim agreed.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/14 **DATE OF COMPLETION:** 09/21/17 **PAGE#** 12 of 12

**SUMMARY OF ALLEGATIONS #4-5 continued:**

One of the named officers remained with the victim in the hallway of the apartment while the ex-boyfriend went into the victim's bedroom and retrieved clothing and shoes.

The named sergeant arrived, entered the apartment and observed the civil standby. Outside the apartment, the officers and sergeant talked further with the ex-boyfriend and then watched him leave.

Forty minutes later, armed with a gun, the ex-boyfriend broke through the gate and the front door of the victim's apartment and shot the victim in her head and then shot himself. The victim died four days later.

The Department of Police Accountability recommends that this case be reviewed by a multidisciplinary group of stakeholders including representatives from the Police Department's Special Victim's Unit, the Department on the Status of Women, the Domestic Violence Consortium, the Department of Emergency Management, the District Attorney's Office, the Department of Police Accountability to determine whether current systems can be improved to protecting individuals from domestic violence. Areas to analyze include 1) communication between 911 dispatch and officers in domestic violence calls, including previous domestic violence calls for service involving the same suspect and location and the suspect's prior criminal history; 2) police policies and training, including a supervisor's role, when there are multiple domestic violence calls for service involving the same suspect at to the same address; 3) civil stand-by procedures, including consideration of circumstances when victims could decline or postpone a civil stand by and/or should be told they can refuse to consent to civil stand by; 4) the circumstances and the manner in which reportees should be told of their right to make a citizen's arrest for misdemeanor conduct observed in their presence; 5) appropriate services and assistance when circumstance may not rise to a felony domestic violence or stalking incident though the victim is leaving the relationship (the most dangerous time for a domestic violence victim) and has requested police assistance; 6) police procedures concerning third party allegations of a suspect's criminal conduct in light of a victim's denial; and 7) police policies and training on evaluating victim's demeanor, suspect threat risks, and the role of previous non-prosecuted domestic violence incidents.