

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/18 **DATE OF COMPLETION:** 09/07/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she pepper sprayed a pharmacy employee because he struck her in the face. She said the named officer ignored her side of the story and refused to document her swollen face at the scene. The complainant said the named officer did attempt to photograph her after she was already at the hospital. She said she did not allow the named officer to photograph her because she felt he was not taking her seriously.

The named officer stated the complainant did not have any visible injuries and she refused medical treatment at the scene. He also said that security camera footage at the pharmacy did not support the complainant's allegation against the employee.

Other officers on the scene stated the complainant was not injured or stated they did not recall if the complainant had visible injuries.

The store employee admitted to pushing against the complainant's clavicle, but not her face. He said the complainant had threatened and aggressively approached him, so he pushed her back and told her he was calling the police. The employee said she continued to move towards him, and he pushed her back again. He said the complainant then sprayed his head, neck and back with pepper spray as he tried to run away.

Another employee said she overheard the complainant cursing at the first employee. She then saw that employee covered in pepper spray.

No other witnesses were identified.

Security camera footage of the incident shows the complainant appearing to argue with the pharmacy employee. The footage shows the employee jumping away from the complainant. The footage shows the complainant following the employee and spraying him with pepper spray.

Body Worn Camera (BWC) footage shows the named officer and others responding to the pharmacy. The footage shows the officers taking statements from the employee and the complainant. The footage shows that officers reviewed security camera video. The footage does not show any obvious injuries to the complainant.

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The Incident Report documents that responding officers interviewed the employee who stated he was pepper sprayed by the complainant. The report documents that another store employee was also interviewed, who reinforced the first employee's statement. The report further documents that officers viewed store security camera footage. The report states, "When asked if she wanted to provide us with a statement, [the complainant] refused saying, 'No.'" It also states that the named officer attempted to take photographs of the complainant, but she refused to allow him to do so. Additionally, the report documents that the complainant had no visible injuries and refused medical treatment. The report documents that the complainant was taken to the hospital because she complained of residual pepper spray in her eye. The report states that the complainant was cleared at the hospital, taken to the jail, and booked.

The evidence established that the named officer did not fail to properly investigate as alleged by the complainant.

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 spoke inappropriately.

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

FINDINGS OF FACT: The complainant alleged the named officer was rude to her. The complainant said she was eight months pregnant, and the named officer treated her like she was a man.

The named officer stated, to the best of his recollection, he did not say anything rude to the complainant.

The other officers on scene said they did not witness any rude statements made toward the complainant.

Two pharmacy employees stated the officers acted normally and professionally.

No other witnesses were identified.

BWC footage shows the named officer acting professionally with the complainant.

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

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SUMMARY OF DPA-ADDED ALLEGATIONS #1-3: The officers failed to comply with Department Bulletin 17-156, Body Worn Camera Mute Function.

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

FINDINGS OF FACT: While conducting this investigation, the DPA learned that the named officers muted their BWC's and did not document the reasons for their muting.

The named officers admitted to not documenting the reasons for muting their body worn cameras in a timely manner. However, they said that they wrote memoranda after learning of the DPA's investigation. These memoranda documented their reasons for muting or deactivating their BWC's.

The named officers' BWC footage shows that they each muted their cameras for lengths of 18 to 38 minutes. Memoranda explaining their muting or deactivation were not completed until several months later, and after receiving notice of the allegations against them.

DB 17-156 states, "If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report, written statement or memorandum." While DB 17-156 does not have a time limit on when officers need to document muting their body worn cameras, the purpose of the bulletin is to allow those who request and investigate SFPD officers' body worn camera footage to know officers mute their cameras for appropriate reasons. To mute and document after the officers learn an investigation has been opened circumvents the purpose of DB 17-156.

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

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

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

FINDINGS OF FACT: The complainant stated that officers activated their lights while driving behind her. She stated that an officer told her to throw her keys out the window, open her door, exit her vehicle, raise her hands, and walk backwards. The complainant stated that an officer told her that her license plate had been reported as stolen. She stated that she had previously reported her front plate missing to the DMV and was issued a duplicate license plate.

San Francisco Police Department (SFPD) records indicated that the named officers conducted a felony stop and detained the complainant because her license plate alerted on the Automatic License Plate Reader as “stolen/lost,” which provided reasonable suspicion that the vehicle was stolen.

Department of Emergency Management (DEM) records indicated that dispatch confirmed that the complainant’s license plate was identified as stolen.

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

In this case, the named officers were alerted by their Automatic License Plate Reader that the complainant’s vehicle was stolen, confirmed by DEM. The information received by the named officers provided them with reasonable suspicion to believe that the complainant was driving a stolen car.

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

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SUMMARY OF ALLEGATION #3: The officer pat searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer patted her down in between her legs and under her breasts.

The named officer stated that he conducted a pat down search of the complainant in the interests of officer safety. He stated that the complainant was driving a vehicle that had reported stolen plates, and he believed that the car was stolen. The named officer further stated that suspects who break into vehicles, steal license plates, and steal vehicles at a minimum carry the illicit tools of the trade and often have weapons on their person. The named officer stated that officers are trained to conduct pat down searches on all suspects involved in a felony stop. He stated that he conducted the pat down search in a manner according to his training. He stated he searched only the outside of the clothing. He stated he came nowhere near the complainant's private parts.

A witness officer stated that he saw the named officer search the complainant's back and right front side. He stated he believed the officer was using a slow chopping motion with the back of his right hand when he searched her.

SFPD records indicated that the named officer conducted the pat down search of the complainant before it was determined that she was the registered owner of the vehicle.

SFPD Body Worn Camera video showed the named officer conducting the search over the complainant's clothing in a respectful and professional manner. Video evidence further showed the named officer try to calm the distraught complainant by stating, "it's just a pat search ok?"

A pat down search is warranted if the person is lawfully detained and the searching officer can articulate reasonable belief that the person is dangerous or may be carrying a weapon. In this case, the officers conducted a felony stop of the complainant based on suspicion that she was driving a stolen car.

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

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

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

FINDINGS OF FACT: The complainant stated a female officer should have conducted the pat down search.

The named officer stated that the complainant attempted to stop him from conducting the pat search for weapons by claiming that he could not search her because he is male. The named officer stated that this claim is not accurate pursuant to law and training. The named officer cited SFPD Field Training Officer (FTO) Manual, which states that in cases where waiting for an officer of the same sex would cause undue risk to the officer, an officer of the opposite sex may conduct a thorough and proper search of the subject. The named officer further stated that, based on the type of call and the surrounding circumstances in this case (felony stop, stolen plates, likely stolen vehicle, dark out), it would have caused undue risk to him and the officers on scene to sit and wait for the possible response of a female officer.

The witness officer stated that, pursuant to the FTO and Arrest and Control Manuals, officers should attempt to have a same-sex officer conduct a search, but if waiting for an officer of the same sex would cause undue risk to the officer or others, an officer of the opposite sex may conduct a thorough and proper search of the subject. He further stated that a same-sex officer was not present at the scene and waiting for one to respond to a felony stop of a possible occupied stolen vehicle would have caused undue risk to everyone at the scene.

SFPD records indicated the named officer conducted the pat down search of the complainant before it was determined that she was the registered owner of the vehicle. SFPD Body Worn Camera video showed the complainant tell the named officer to stop touching her and that he needed to get a woman. The named officer responded by telling her that he is not required to do so for a pat search. Video further showed the named officer conduct the pat down search in a respectful and professional manner.

SFPD policy and training dictate that an opposite sex officer may conduct a pat down search of a subject if waiting for a same-sex officer to come onto the scene would create undue risk. In this case, officers were conducting a high-risk felony stop, and waiting for a female officer to arrive on scene to conduct the search would have created undue risk 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.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force. She stated that the officer used “brute force” and “violently jerked [her] raised wrist.”

The named officer admitted to touching the complainant. He stated that physical touch was necessary to place her in handcuffs. The named officer also stated he conducted a pat down search of the complainant.

The witness officer stated he did not observe impropriety in the way that the named officer handcuffed the complainant.

SFPD Body Worn Camera videos captured the entire incident. At no time do the videos show the named officer use force of any kind. The videos showed the named officer handcuffing the complainant in a professional manner. The videos further showed the named officer conduct the pat down search in a professional manner. At no time do the videos show the complainant express that she was in pain or discomfort.

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

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

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

FINDINGS OF FACT: The complainant stated that officers were conducting a traffic stop in front of his house. He stated that when he asked the officers to move down the street due to the noise, an officer made the statement, "I'll come and see you" which he took as a threat against himself and his family. When the traffic stop ended, the complainant stated that the officers left without talking to him.

The named officers stated that the complainant was yelling derogatory and profane statements at them while they were completing a traffic stop on the street in front of his house. One of the named officers stated that he apologized to the complainant for the noise. Both named officers denied making any threatening and inappropriate statements to the complainant.

Witness officers stated the complainant was aggressively yelling obscenities at the officers while the named officers were engaged in a traffic stop. One of the witness officers stated that the complainant was angry, appeared intoxicated, and posed an officer safety risk. The officers stated that they did not hear any officer make any threats towards the complainant or his family, and did not hear any officer say anything inappropriate.

Body Worn Camera (BWC) footage showed the named officers conducting a traffic stop at night, on the street, in front of the complainant's building. The footage shows the complainant was yelling at the officers about the noise and lights of their patrol cars. It shows that the named officers explained to the complainant they were conducting a traffic stop and would be done shortly. One of the named officers apologized for the noise. Another officer was heard to direct the citing officer to continue with his business to avoid aggravating the situation with the complainant.

San Francisco Police Department General Order 2.01, Section 14. PUBLIC COURTESY states in part that officers, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The BWC footage did not reveal any inappropriate statements or behavior by the officers.

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

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

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

FINDINGS OF FACT: The complainant stated he was in a verbal dispute that escalated to an assault. The complainant stated the named officer failed to interview a store employee witness. The complainant stated he was located outside the store when the officers arrived. The complainant stated the named officer went inside the store and spoke to the store employee about the incident. The complainant admitted he did hear part of the conversation between the named officer and the store employee.

The named officer stated he was dispatched to the location after the reporting party called 911 to report being assaulted by the complainant. The named officer stated he interviewed the complainant and the witnesses. The named officer stated he interviewed the store employee who told him that he did not see the battery between the complainant and the other party. The named officer stated he attempted to locate the store video footage, but he was told by the employee the video was not available. The named officer stated that the accounts of the incident given by the parties and witnesses were listed in the report after his investigation.

The store video footage showed that the named officer investigated the incident and that he spoke to the complainant and witnesses.

The Body Worn Camera (BWC) footage from the incident shows the complainant was located outside the store when the named officer went inside the store and spoke to the store employee. The footage revealed that the named officer asked the store employee about what occurred and if he witnessed the assault between the complainant and the other party. The footage further shows that the store employee declined to be part of the police report. There was no evidence that the named officer failed to contact and interview the store employee witness.

The witnesses stated they were interviewed by the named officer at the scene.

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

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SUMMARY OF ALLEGATION #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 was rude, disrespectful, argumentative and not professional.

The named officer stated that he had prior encounters with the complainant and recalled that the complainant is often belligerent. The named officer stated in this incident the complainant was rude and belligerent. The named officer stated he attempted to explain the process to the complainant, but he continually interrupted him.

The store video footage revealed that the named officer was calm and appeared professional toward the complainant.

The Body Worn Camera (BWC) footage from the incident shows the complainant displaying aggressive behavior, and using profanities toward the named officer. The footage shows the named officer remaining calm with the complainant throughout the entire contact, despite the complainant's belligerent behavior. The footage shows the named officer explaining to the complainant a private person's arrest process. The footage also reveals that the complainant, at the end of the contact, apologized to the named officer about his behavior. There was no evidence that the named officer was unprofessional, rude, disrespectful or argumentative.

The witnesses stated the officer and other officers on scene were professional and not rude.

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

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation without cause after he merely defended himself from an attacker before police arrived. The complainant stated he was offended when the other party offered him money and got into a verbal dispute that escalated into an assault. The complainant further stated the female pushed him in his chest and in response, the complainant pushed her back and struck her.

The named officer stated both the complainant and the other party were offered a private person's arrest and both elected to conduct a citizen's arrest of each other. The named officer stated he investigated the incident, interviewed and took statements from the complainant, the other party and witnesses. The named officer stated the store video was not available during his investigation. The named officer also stated the complainant and the other party were each cited for battery in violation of 242 PC. The named officer stated that when a misdemeanor is alleged to have occurred outside of the police presence, 837 PC applies. The named officer stated they were not present for the alleged misdemeanors that occurred so both parties were asked to sign forms per Department procedure and California law.

A witness stated he observed the other party push the complainant, but that he did not observe the complainant striking or pushing the other person.

The Body Worn Camera (BWC) footage revealed that the named officer explained the arrest by a private person process and the citations issued to the complainant and the other party for violation of 242 PC battery. The footage also revealed that the complainant admitted he and the other party pushed one another.

Department records included Citizen Arrest forms signed by both the complainant and the other party.

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

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

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

FINDINGS OF FACT: The complainant stated that she saw a man coming out of her basement. She asked the man to leave, but he refused, stating that he had given her sister money to stay for the night. The complainant stated that she called the police and the named officer was one of the responding officers. The complainant stated the named officer repeatedly yelled at her to step back and threatened to hit her if she did not comply.

The named officer's body worn camera recording failed to support the complainant's allegations against the named officer, showing that the named officer was calm and professional while at the scene.

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

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

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

FINDINGS OF FACT: The complainant stated she knew the man to be a drug dealer, prompting her to ask the named officer to search the man for drugs. The complainant stated that the named officer refused and released the man at the scene.

The named officer stated that no search was conducted because no crime had been committed. The named officer further stated that the man did not appear to be armed or dangerous.

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

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SUMMARY OF ALLEGATION #3: The officer seized the complainant's property

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

FINDINGS OF FACT: The complainant alleged the named officer took a pen and failed to return it.

The named officer denied taking a pen or any property from the complainant.

The named officer's body worn camera recording showed that the pen in question was returned to the complainant.

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

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SUMMARY OF ALLEGATIONS #1 - 3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers were unprofessional. The complainant stated the officers shouted at her and failed to listen to her. The complainant stated an officer told her to take her hands out of her pockets and to put her phone away. The complainant further stated the officers made her feel as if she were the aggressor and not the victim.

The named officers denied engaging in the alleged conduct, stating that they were calm and professional, while the complainant was uncooperative with their investigation. The named officers stated the complainant refused to answer their questions and repeatedly attempted to go inside her residence after being told to stay outside. One of the named officers told the complainant to stay outside her residence and to keep her hands out of her pockets during the investigation. The named officer denied he told the complainant to put her phone away. Another named officer stated the complainant repeatedly called 911 when the police were already at the scene.

The footage from the named officers' Body Worn Cameras (BWC) revealed that the officers initially told the complainant to stay outside her residence, to separate her from her housemate, whom she had accused of threatening her. The complainant attempted to return to the residence in defiance of the officers' orders. The named officer who chiefly dealt with the complainant spoke directly and clearly to her while the complainant insisted on calling 911 to complain that the officers were not letting her inside the home. One of the named officers raised his voice, apparently in order to be heard over the complainant's conversation with a 911 dispatcher. One named officer explained to the complainant that the actions of her housemate did not meet the required elements of a crime, and suggested that she had options in civil court to protect herself and her family.

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

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SUMMARY OF ALLEGATIONS #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an officer responding to her report of a threat forcefully gripped her wrist and pulled her outside of her residence. The complainant stated she was merely trying to direct the officers to the location of the alleged suspect.

The named officer denied unnecessary force was used on the complainant. The named officer stated his initial role was to remain with the complainant as the other officers located the other party to the reported threat. The named officer stated the complainant made a sudden move and walked into the residence after being told to stay outside. The named officer stated he used a SFPD Academy trained control hold on the complainant because he was unsure of her intentions. The named officer stated he brought the complainant outside and told her again to stay out while the incident she had reported was being investigated. The named officer stated the complainant did not complain of pain nor did she request an ambulance.

A witness officer recalled the complainant being in the doorway area of the residence and said she was non-compliant with officers' requests to stay outside.

Footage from the Body Worn Cameras (BWC) of the responding officers revealed that the named officer was calm and professional while holding the complainant by her wrist and elbow and guiding her out of the residence, after she walked away from him and entered the building in defiance of officers' orders.

The BWC footage shows the complainant did not complain of pain, injuries or request medical aid.

A preponderance of the evidence established that the officer's actions were proper.

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

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SUMMARY OF ALLEGATION #1: The officer engaged in inattention to duty.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/25/2018.

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SUMMARY OF ALLEGATION #1: The officer harassed a person.

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

FINDINGS OF FACT: The complainant, who is homeless, stated she complied with a 72-hour notice to move her vehicle from its parked location. A couple of days later, she parked her car at a different location and received a second 72-hour notice. The named officer issued both 72-hour notices. The complainant stated the named officer was harassing her because it appeared she was homeless and living out of her car, and none of the other vehicles in the area had a 72-hour notice placed on it. The complainant was not cited.

The named officer denied harassing the complainant. He stated there had been several complaints from residents in the area he patrols regarding people living in their cars and cars parking in the same spot for weeks. He stated he did not personally know who owns the vehicles and during his shifts, he placed several 72-hour notices on vehicles in the area. He stated he was instructed by the captain of his District and a lieutenant to place 72-hour notices on all vehicles that appeared to be abandoned, parked in the same spot for weeks or that appeared as though someone was living in them.

The lieutenant who issued the direction stated the station had received a number of complaints regarding: drug dealing and usage; homeless encampments in front of storefronts and residences; personal waste being discarded in front of storefronts and residences; people sleeping in cars after hours; waste from pets being left or not cleaned up in front of businesses and residences, and abandoned vehicles left parked unattended for numerous days in the same location. As a courtesy, the station officers were instructed to place 72-hour notices on vehicles that appeared to be abandoned or parked in the same spot for more than three consecutive days. The 72-hour notices warn a vehicle owner to move it or have it towed if the vehicle cannot be driven.

The District Captain stated that officers were instructed to place 72-hour notices on all vehicles that appeared to be abandoned, parked in the same spot for weeks or if it appeared that someone was living in the vehicle.

A preponderance of the evidence established that the complainant was not being harassed by the named officer. The evidence established that the named officer was instructed by his superior officers to place the notices on vehicles that appeared to be abandoned or parked in the same spot for weeks.

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

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

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

FINDINGS OF FACT: The complainant alleged that officers failed to investigate his report of being assaulted while patronizing a bar. He contends he pointed out his assailant and officers failed to make an arrest.

The named officers alleged that the complainant was intoxicated, screamed at them that they were uneducated and that he paid their salary. The named officers stated that the complainant never claimed he was assaulted, never reported a crime, and never pointed out any individual whom he wanted arrested.

An employee of the bar stated that the complainant was intoxicated and was asked to leave the bar. The employee stated that the complainant reported being assaulted, but the employee of the bar could not identify any potential suspects. He stated that the complainant did not have any visible injuries and he did not hear what the complainant said to the named officers.

Another witness, the manager of the bar, stated the complainant was “really intoxicated.” She said her employee told her the complainant was punched by another patron in the bar. The manager said the suspect had been in her view at the time of the alleged fight, but she did not see a physical fight. This witness did not see or hear the complainant’s interaction with the named officers.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant alleged that officers failed to investigate his report of being assaulted while patronizing a bar.

The named officers denied failing to investigate, stating that the complainant never claimed he was assaulted, never reported a crime, and never pointed out an individual whom he wanted arrested.

An employee of the bar stated that the complainant was intoxicated and was asked to leave the bar. The employee stated that the complainant reported being assaulted, but the employee of the bar could not identify any potential suspects. He stated that the complainant did not have any visible injuries and he did not hear what the complainant said to the named officers.

Another witness, the manager of the bar, stated the complainant was “really intoxicated.” She said her employee told her the complainant was punched by another patron in the bar. The manager said the suspect had been in her view at the time of the alleged fight, but she did not see a physical fight. This witness did not see or hear the complainant’s interaction with the named officers.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to promptly and politely provide their names upon request.

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

FINDINGS OF FACT: The complainant stated that when he asked the officers for their names and badge numbers, one of the named officers stated, “Adam and Jeff.”

The named officers stated they provided their names and stars numbers when the complainant requested them. The two witnesses identified in the course of the investigation stated that they did not hear the complainant speaking to the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant alleged that officers failed to investigate his report of being assaulted while patronizing a bar. He contends he pointed out his assailant and officers failed to make an arrest.

The named officers stated that complainant never claimed he was assaulted, never reported a crime, and never pointed out an individual whom he wanted arrested.

Two witnesses at the bar where the alleged assault took place said they did not hear what the complainant said to the named officers.

No other witnesses came forward.

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

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SUMMARY OF DPA ADDED ALLEGATIONS #3-4: The officers failed to comply with DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: During the course of its investigation, the DPA requested footage from the responding officers' Body Worn Cameras (BWC). SFPD Legal responded that responsive recordings did not exist.

The named officers acknowledged that they responded to a call regarding a possible assault and battery. They acknowledged speaking to the complainant in relation to the incident, which was reported by dispatch as an "assault / battery," Both officers asserted that they did not have to turn on their body worn cameras because the complainant did not report a crime and did not appear to be a victim of battery or assault.

Two witnesses from the bar, where complainant said the alleged assault occurred, said the complainant reported being punched in the bar. One of the witnesses observed the named officers speaking to the complainant down the street from the bar, but said he did not hear the conversation.

Department records, specifically the CAD from the incident, indicate that the complainant called police and reported being assaulted and robbed.

The named officers acknowledged speaking to the complainant twice on the night of the incident.

DGO 10.11 requires officers to activate their BWC for "Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim . . ."

Because the officers failed to activate their BWC as directed by DGO 10.11, there is no objective record of what the complainant reported and how the officers responded.

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/24/2018.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/24/2018.

SUMMARY OF ALLEGATION #3: The officer entered his residence without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/24/2018.

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SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that his roommate (roommate #1) had a restraining order against him and was abusing it. He said he was walking to the kitchen when roommate #1 walked out of her room and entered the kitchen ahead of him. The complainant stated he followed her into the kitchen and roommate #2 entered and aggressively ordered him to leave. The complainant said that roommate #2 pushed him and slapped his cell phone out of his hand, which flew into a window and smashed it. The complainant stated the named officer arrived with other officers, and they arrested him for violating the restraining order. The complainant said he later read the incident report, written by the named officer, and that it contains false information.

The complainant said the named officer wrote in his report that he said he followed roommate #1 into the kitchen. He said that he actually told the named officer that he was walking down the hallway when roommate #1 walked out of her room ahead of him, and they both continued into the kitchen. The complainant also stated the report documented that he got into an argument with roommate #1. He said that he never said that to the named officer and he did not actually get into an argument with her. The complainant stated the report documents that he told officers that roommate #2 hit roommate #1's hand, causing her phone to "slightly crack" a window. He said that he reported that roommate #2 hit his hand, not roommate #1's hand. He also said that he told the named officer that the window was smashed, not slightly cracked. The complainant said that the named officer wrote in his report that he told the complainant he was placing him under arrest. The complainant said the named officer never told him he was under arrest.

The named officer stated that, unless he placed a statement in quotes, he was paraphrasing the complainant's statements. He stated the complainant admitted to whistling next to roommate #1 and to violating the restraining order. The named officer said that the complainant's roommates said that the complainant was asked to leave roommate #1 alone and he refused. The named officer stated he considered this a non-verbal argument and harassing behavior. The named officer also said that he made an honest mistake when he wrote that roommate #2 struck roommate #1, rather than the complainant. He said he was not attempting to misrepresent the truth. The named officer added that he believed "smashed" and "cracked" were synonyms, and the addition of the modifier "slightly" did not significantly change the meaning. The named officer acknowledged that he did not specifically say the complainant was under arrest. He said he told the complainant he believed the complainant had violated roommate #1's restraining order and he was going to come down to the station.

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SUMMARY OF ALLEGATION continued:

No witnesses came forward.

The incident report, authored by the named officer, includes the following: “[The complainant] stated that prior to our arrival, he got into an argument with [roommate #1]. [The complainant] stated that he walked into the kitchen behind [roommate #1] to get food, and she started an argument with him ... [The complainant] said [roommate #2] then hit [roommate #1’s] hand away causing the phone to hit a nearby window causing the window to crack slightly.” The report also documents that roommate #1 told the named officer that the complainant violated the restraining order by being too close to her, and that he was whistling and humming. The report documents that roommate #2 told the named officer that the complainant refused to leave the kitchen and began arguing. A third roommate confirmed the statement of roommates #1 and 2, according to the report. The report also states, “I told [the complainant] I was going to place him under arrest for the violation.”

Body Worn Camera (BWC) footage shows the named officer questioning the complainant. The footage shows the complainant saying he did not speak or engage with roommate #1, but admitting that he was whistling in the kitchen next to her. The footage shows the complainant saying that he was walking to the kitchen, saw roommate #1 enter the kitchen, and continued into the kitchen behind her. The footage also shows the complainant explaining that roommate #2 struck his cell phone from his hand with enough force that the phone hit and smashed a nearby window. The footage shows the complainant saying he had been told by other officers that restraining orders, such as his, are not enforced. He admits, in the video, to violating the restraining order. The footage shows the named officer telling the complainant he believes the complainant violated the TRO and wants him to come to the station.

The SFPD Report Writing Manual states, “The narrative must describe the facts surrounding an incident, and answer the questions: who, what, when, where, how, and why ... An accurate and comprehensive narrative must, as applicable ... Describe the nature and details of the incident ... Identify all involved persons and describe their actions prior to, during, and after the incident ... Include any statement or unsolicited comment of potential evidentiary value.”

The POST Basic Course Workbook states a “factual report provides an objective accounting of the relevant facts related to the event or incident under investigation.” A clear report should have, “no doubt or confusion on what the investigating officer is reporting...Clarity is achieved by the use of appropriate language and logical order.” Appropriate language is “simple, common language.” A concise report, “should be brief yet, contain all relevant information the users will need to do their jobs.”

Section 273.6 of the Penal Code states, “Any intentional and knowing violation of a protective order...is a misdemeanor punishable by a fine of not more than one thousand dollars, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.”

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SUMMARY OF ALLEGATION continued:

For the named officer to demonstrate a protective order had been violated, he must collect and document enough evidence to show the complainant knowingly and intentionally violated the restraining order. The facts relating to that charge are what the named officer was tasked with establishing in his incident report, while keeping his narrative factual, clear, and concise. The complainant admitted he knew about the restraining order, and he admitted he violated the restraining order when he entered his apartment's kitchen behind roommate #1. The named officer documented his statements and those of his roommates. In some cases, statements are in quotations, but none of the statements objected to by the complainant are in quotations. So, they should not be taken as word-for-word quotations, but as descriptions of the complainant's statements. Whether or not roommate #1 walked out in front of the complainant, he still followed her into the kitchen, knowing that it was a violation of her restraining order. Furthermore, the discrepancy between cracked and smashed is immaterial. The addition of the word "slightly" does change the definition; however, the change is minimal and the level of damage to the window is immaterial to the underlying investigation. The named officer did include a clerical error in his report when he wrote that roommate #2 struck roommate #1 and knocked the phone out of her hand, but it is obvious in the report this is an error because the sentence before places the phone in the complainant's hand. The named officer admitted to the mistake and, again, the detail is immaterial to the underlying investigation for violating a restraining order. Lastly, although the named officer may not have used the precise words, "under arrest," he nonetheless informed him of the violation and told him he was going to take him to the station.

The disputed statements within the incident report are factual, clear, and concise; and none are material to the underlying investigation the incident report is documenting – the violation of a restraining order.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to complainant or others). Overall, the named officer's report properly documented his investigation and the justification for the complainant's arrest.

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

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

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

FINDINGS OF FACT: The complaint stated that the named officer took a report for vandalism but failed to discover that the suspect was under a stay-away order.

The co-complainant stated that when he was in the complainant's apartment, he heard the officers receive a call on the radio stating that there was a stay-away order against the suspect. The co-complainant did not respond to DPA requests for additional information.

The named officer and his partner stated they responded to the complainant's apartment for a report of vandalism. In the apartment, the officers were unable to locate any damage to the window or the object that struck the window. The officers told the complainant they would write a report, but were unable to arrest or cite the suspect without probable cause. The officers stated, during their investigation, they discovered that there was a stay-away order against the suspect, which required him to stay 150 yards away from a person who resided at the location. Both officers stated they could not arrest the suspect for violating the stay-away order because the person protected by the order was not involved in this incident and they were unable to determine through Department records if the stay-away order was valid.

Footage from the officers' body worn cameras showed the named officer and his partner told the complainant that because there was no damage, they would not be able to arrest the suspect. The complainant requested a written report, and the officers agreed to prepare one. While collecting information for the report, another officer told the named officers that there was a stay-away order against the suspect for the location. The named officer's partner stated in the presence of the complainant they would deal with the protective order afterward.

Department records (an incident report) stated that due to the fact there was no damage to the window or the property, officers were unable to arrest the suspect for vandalism. Furthermore, officers were unable to locate the object alleged to have been thrown at the complainant's window. The named officer provided the complainant with a case number for an investigation.

Records from the Superior Court of California showed that a temporary restraining order had been issued four years before the current incident, but that the order had expired without having been made permanent, and did not name either of the complainants as protected persons.

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SUMMARY OF ALLEGATION #1 (cont'd):

Department General Order 6.09 states “if a complainant states that a restraining order has been issued, members shall verify its existence and proof of service. A restraining order is verified when the complainant shows a copy of the order that has been officially stamped by the court that issued the order or when the order is on file with the Department.”

The evidence established that the named officer’s actions were proper, responding to the call for service and documenting his investigation in an incident report.

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

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

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

FINDINGS OF FACT: The complainant stated that she was told by her neighbor that her husband had been arrested for domestic violence. She was also told that the police used force on her dog, grabbing it by its collar, beating it with a baton, and spraying the dog with pepper spray.

The named officer stated that he was pursuing a domestic violence suspect into an apartment when the named officer was confronted by a mixed breed 60-pound dog. The named officer stated the dog was on the bed that was two feet away, directly in front of him. The domestic violence suspect was standing to the left side of the bed and was in fighting stance. The named officer stated that the dog was crouched back, barking, with its teeth bared. Fearing that the dog was going to jump at him, the named officer struck the dog twice with his baton. He was not sure where his strikes landed. The named officer stated he continued to give commands to the suspect to get on the ground, but he refused. The named officer stated that the suspect then tried to run towards him with a small shopping cart. At that point, the named officer stated that the dog leaped up towards the officer's face. The named officer quickly moved backwards and swung his baton in a downward motion. He was not sure where his strike landed. The dog then ran away. With the assistance of other officers, the suspect was taken into custody. The named officer denied grabbing the dog by its collar and denied using OC on the dog. The named officer stated that he did, however, deploy his OC spray at the suspect.

The suspect admitted fleeing, running into his wife's apartment and attempting to close the door on the officer, who kicked the door open. The suspect stated that their dog immediately growled at the officer when the officer entered the apartment, prompting the named officer to strike the dog three times. The dog then runs out of the room. The suspect stated that after the named officer struck the dog once, the dog attempted to bite the officer.

The named officer's body worn camera recording shows him telling the suspect to turn around. The suspect responds, "For what bro?!" The officer tells him to turn around a second time and the suspect takes off running. The named officer chases the suspect down a hallway and he makes a quick right turn into the complainant's apartment. The named officer hits the door and the door swings open. At this point, his body worn camera pops off and lands on the ground. The view point from the camera is from the ground facing up at the named officer, who was just outside the door of the complainant's apartment. The named officer is in full view. The dog can be heard barking aggressively. The named officer is giving commands to the suspect to exit the apartment and get on the ground. At one point, the dog charges at the

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SUMMARY OF ALLEGATION continued:

outside the room. The body worn camera did not show the named officer grabbing the dog in any way.

The evidence established that the named officer was pursuing a domestic violence suspect, who was refusing to comply with the officer's commands. While dealing with the suspect, the named officer was also confronted by a dog that was aggressively barking at the officer and, at one point, charged at the officer. Based on the totality of the circumstance, the officer's use of force was proper.

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

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

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

FINDINGS OF FACT: The complainant stated he was present at a night club, when the named officer and his partner responded to a fight that had occurred. He stated the named officer immediately grabbed his arm, took him to the ground, placed a knee to his back, put his foot on his head, and delivered several strikes to his body. The complainant stated he was transported to the district station, where he was offered medical treatment. The complainant said he refused treatment at the time, but sought medical treatment the same day and was told that he has two bulging discs in his back and bruises. The complainant said he should not have been considered a suspect. The complainant stated he wanted the named officer to help his friend, who had been assaulted.

The named officer stated he detained the complainant and was investigating whether he was involved in the fight. He stated that the complainant refused his lawful order that he sit down, so he used an academy taught bar arm take down against him. The named officer denied placing his knee on the complainant's back, placing a foot on the complainant's head, or striking the complainant's torso. He stated the complainant had a visible injury on his elbow, which was possibly the result of the bar arm take down.

The officer's partner stated he did not fully recall the incident, but he supported the named officer's contention that the complainant disobeyed a lawful order.

Medical records document that the complainant complained of elbow pain and said that he had been thrown to the ground by officers and hit his head. After an examination the final diagnosis was elbow pain and abrasions. The records show the complainant was treated with Ibuprofen.

No witnesses came forward.

The medical records contradict the most serious injuries claimed by the complainant, and do not correlate with much of the force described by the complainant.

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

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SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant, whose primary language is Spanish, stated the named officer responded to a nightclub where a fight had occurred and treated him as a suspect. He stated the named officer did not speak Spanish and did not give him an opportunity to explain what happened. The complainant said he was not provided an interpreter until he got to the district station, where he was finally able to explain that he was not the suspect.

The named officer stated he requested that a Spanish-speaking officer respond to the scene; however, no Spanish-speaking officer was available. He stated it was not practical to use Language Line – a phone service that provides real-time translation – at the scene because it was chaotic, and there were dozens of people present. He stated the complainant was detained for further investigation, but he would not obey his lawful order to sit down, and he was ultimately arrested for delaying and resisting. The named officer stated he used Language Line at the district station to communicate with the complainant.

Records from the Department of Emergency Management show that a call was first received at 1:13 a.m. regarding an assault with a bottle. Additional individuals called 911 and reported that a person was seriously bleeding from his head, and the suspect was near that individual, armed with a bottle. The records confirm that the named officer's unit requested a Spanish-speaking officer respond to the scene; however, no officer was available.

SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, states, "Members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances ... Direct Communication by Qualified Bilingual Member ... Use of Qualified Civilian Interpreter ... Telephone Interpreter ..." General Order 5.06, Citation Release, dictates that individuals being charged with a misdemeanor should be cited and released at the scene. However, there are exceptions, including when, "There is reasonable likelihood that the offense would continue or the safety of persons or property would be in [*sic*] imminently endangered by the release of the person " The named officer requested a bilingual officer respond to the scene, but none was available. In the meantime, he and other officers were trying to sort out who assaulted whom among a crowd of people at a nightclub as 2 a.m. approached. The initial

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SUMMARY OF ALLEGATION #2 cont'd - exigency was that the named officer considered the complainant a suspect and he needed to ensure he was not in a position to flee or cause additional harm

while he investigated. When the complainant refused to sit down, the named officer would have been justified in using reasonable force to apply handcuffs and move him into a safe position. Once the complainant was in handcuffs, and with no bilingual officer responding, the named officer faced the additional exigency of a chaotic situation. By that time, the named officer was already justified in arresting the complainant for delaying and resisting. It was reasonable to remove the complainant to the district station rather than cite and release him at the scene, both due to the safety of persons and the need to safely communicate with the complainant in his native language.

While there were delays in providing translation to the complainant, the delays were justified due to exigencies.

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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested because he was mistaken as the suspect in an assault.

The named officer stated that upon arrival to the scene he saw that the complainant was in a verbal confrontation with the club manager. He said he told the complainant to sit on the ground as he matched the description of the perpetrator of the assault and he was being detained for further investigation. The named officer said the complainant refused to sit down, so he ordered him to sit down again, and the complainant refused again. The named officer said he was forced to take the complainant to the ground and place him in handcuffs. The named officer stated that the complainant was transported to the station, while another unit determined a different individual was the perpetrator of the assault. The named officer said that the complainant was nevertheless arrested for delaying and resisting.

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SUMMARY OF ALLEGATION #3 cont'd - The named officer's partner confirmed that the complainant refused a lawful order to sit down.

The incident report documents the fact that the complainant was initially a suspect, and that he refused to sit down when ordered by the named officer. It documents that he was charged with a violation of California Penal Code section 148(a)(1).

California Penal Code section 148(a)(1) states, "Every person who willfully resists, delays, or obstructs any ... peace officer ... in the discharge or attempt to discharge any duty of his or her officer or employment ... shall be punished by a fine ... imprisonment ... or by both that fine and imprisonment."

The complainant may have been detained because he was a suspect in the assault, but he was arrested for resisting, delaying and obstructing the investigation and lawful orders of the named officer.

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

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

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

FINDINGS OF FACT: The complainant stated that during his daily commute he frequently encountered drug activity in the stairwell and street levels of a BART station. The complainant stated he approached both SFPD and BART police officers and informed them it was a dangerous situation. The complainant stated the officers told him that it was not their assigned area.

The complainant did not provide the dates of the contacts and could not identify the officers he contacted.

The complainant provided insufficient information for the DPA to proceed with its investigation.

The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #2: The complaint raises matters outside the DPA's jurisdiction.

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

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

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

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SUMMARY OF ALLEGATION #1: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his car was unlawfully searched during a 2009 incident.

The named officer stated that he detained the complainant for sitting in a parked car inside Golden Gate Park after 10:00 p.m. in violation of Park Code 3.02. As he approached the parked car, the complainant appeared nervous and moved away from his car, trying to distance himself. The named officer smelled burnt marijuana emanating from the car. He also observed suspected marijuana near the gear shift of the car. He arrested the complainant and a passenger for possession of marijuana. He searched the complainant's car for additional marijuana and found four large bags of marijuana in the trunk.

San Francisco Police Department (SFPD) records indicated that the named officer arrested the complainant for possession of marijuana after seeing suspected marijuana on the center console. The records documented that the officer searched the car for additional marijuana.

Probable cause to search a vehicle exists if there is a fair probability that evidence is located inside. In this case, the named officer smelled burnt marijuana and observed suspected marijuana near the gear shift of the car in plain view. Probable cause existed to search the car for more contraband.

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

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

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

FINDINGS OF FACT: The complainant stated that he was legally in possession of \$10,000 worth of marijuana, because he was a medical marijuana card holder and because he resided in Oakland, where individuals with a medical marijuana cards could legally possess up to three pounds of marijuana.

The named officer stated that the complainant was unable to produce a medical marijuana card. He further stated that the quantity of marijuana found in the complainant's trunk exceeded an amount that was reasonable for a patient's medical use. The named officer stated that this fact coupled with the smell of marijuana emanating from the car, cash found on the complainant, and marijuana found in plain view in the vehicle provided probable cause to arrest the complainant for possession of marijuana for sale.

SFPD records indicated that the named officer arrested the complainant for possession of marijuana and possession of marijuana for sale in violation of Health and Safety Code (HSC) §§11357(b) and 11359.

Under the 2009 Health and Safety Code, it was an infraction to possess less than 28.5 grams of marijuana and a misdemeanor to possess more than that amount (HSC §11357). Qualified patients were allowed to possess more than eight ounces of dried cannabis only with a doctor's recommendation (HSC §11362.77). Possessing marijuana for sale was punishable by imprisonment in state prison (HSC §11359).

The amount of marijuana in the complainant's possession was unlawful. The complainant did not have a medical marijuana card or doctor's recommendation in his possession.

The named officer had probable cause to arrest the complainant for unlawful possession of marijuana.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer should have verified that he had a valid driver's license and medical marijuana card.

The named officer stated that he took steps to identify the complainant by running his name through dispatch. The named officer stated that, in 2009, there was no means to verify a medical marijuana user's status while in the field.

SFPD records indicated that the named officer ran the complainant's name to identify him while still in the field; however, the complainant did not have a picture ID, and the officer was unable to confirm the identification.

At the time of the incident, there was no policy, procedure, or training on how to verify if a person has a medical marijuana card.

The named officer looked up the complainant's name in the field and then confirmed his identity at the station. He was unable to verify that the complainant had a medical marijuana card because there was no mechanism to do so in 2009.

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

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DATE OF COMPLAINT: 04/17/18 **DATE OF COMPLETION:** 09/25/18 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #4: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that the officer wrongfully took his marijuana.

The officer stated that he searched the complainant's car and found four large bags of marijuana. He stated that the quantity exceeded the amount reasonable for a patient's medical use. The named officer arrested the complainant for possession of marijuana and possession of marijuana for sales. He seized the marijuana as evidence.

San Francisco Superior Court documents indicated that the complainant possessed 800 grams of marijuana. Court documents further indicated that the complainant was charged with possession of marijuana for sale. Court records stated that the complainant filed a motion for return of the marijuana, which was denied by the Court.

The complainant was arrested for possession of marijuana and possession of marijuana for sale. The officer lawfully seized the marijuana as contraband and evidence of a crime.

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

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SUMMARY OF ALLEGATION #5: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that the officer towed his car even though he was not violating the law.

The named officer stated that he had the complainant's car towed because it was not parked in a place that was legal to be parked for at least 24 hours from the time of his arrest. The named officer stated that, in 2009, it was unlawful to park a vehicle in Golden Gate Park between the hours of 10:00 p.m. and 6:00 a.m.

SFPD records indicated that the complainant's car was parked in Golden Gate Park after 10:00 p.m. at the time of his arrest. SFPD records further indicated that the car was towed, because the car could not be parked legally.

SFPD Department General Order (DGO) 9.06 permits an officer to tow a vehicle driven by a person, who is arrested and taken into custody, when the vehicle is not parked in a place that will be legal for at least 24 hours from the time of the arrest.

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

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SUMMARY OF ALLEGATION #6: The officer caused property to be destroyed without justification.

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

FINDINGS OF FACT: The complainant stated his marijuana was unlawfully destroyed.

The named officer stated that the marijuana was booked as evidence. He stated he did not know why the marijuana was not returned to the complainant and did not know what the complainant could have done to recover the marijuana.

San Francisco Superior Court records indicated that the complainant filed two motions to recover the marijuana. Court records indicated that the court denied the complainant's requests and ordered the marijuana destroyed, pending appeal of the ruling. There was no record of the complainant filing an appeal.

The court denied the complainant's motion for return of the marijuana and ordered the marijuana destroyed.

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

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that his car should have been returned to him.

The arresting officer stated that he knew of no reason why the complainant could not have retrieved his car.

SFPD records indicated that the complainant's car was towed because it was illegally parked at the time of his arrest. Records further indicated that there was no type of hold on the car.

The complainant was responsible for retrieving his car after his arrest. The evidence proved that no member of the San Francisco Police Department was involved in the act alleged.

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DATE OF COMPLAINT: 04/18/18 **DATE OF COMPLETION:** 09/21/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was in a fight and that the responding SFPD officers tackled him causing him to suffer a separated shoulder. He stated he was too inebriated to remember many details of what happened. The complainant did not remember if he was still actively fighting when he was tackled, whether officers said anything to him before tackling him, or how many officers tackled him. He said he told officers right away that he was in pain, and he believed the officers noticed his injury immediately. The complainant said he was arrested, but he does not remember which station he was booked in. The complainant refused to supply any medical records.

All of the responding officers denied using any level of force against the complainant.

The complainant's friend was arrested with the complainant. He initially said he could not recall if the complainant was tackled. He later said both he and the complainant were tackled by the police at the same time.

Body Worn Camera (BWC) footage shows neither the complainant nor his friend were tackled by SFPD officers. The footage shows the complainant was placed in handcuffs and sat on the front step of a residence. The complainant appeared to have trouble speaking or standing. The footage does not show the complainant complaining of pain. The BWC clips show that the responding officers learned the complainant had been thrown to the ground by another party.

The incident report documents the complainant was taken to the hospital for shoulder pain after his arrest. In a recorded interview of the complainant, conducted at the hospital, he appears to have little to no memory of his recent fight.

Photographs of the complainant taken at the hospital show he has a bump in his shoulder area.

The BWC video contradicts the claims of the complainant. The fact that he had been in a fight, and was intoxicated, makes it more likely than not that he was injured during the fight, not by officers.

While the identity of the alleged officers could not be established, the evidence showed that none of the officers on scene used force on the complainant. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: While investigating the incident, the DPA discovered the named officer had turned off her BWC during the incident. During the time that her BWC was deactivated, she spoke with the complainant and searched his backpack. She turned her BWC back on when she began transporting the complainant.

The named officer admitted to not documenting the termination or reactivation of her BWC. However, she believed it was proper to turn off her BWC because her investigation had concluded, and then proper to reactivate when beginning a prisoner transport. The named officer admitted she searched the complainant's backpack and asked the complainant about its contents while her BWC was deactivated.

The named officer's BWC footage shows her deactivating her camera after a victim is escorted away from the scene. It shows she reactivated her BWC when transporting the complainant to the district station. Her partner's BWC footage shows the named officer speaking with the complainant about the content of his backpack and searching his backpack.

SFPD General Order 10.11 states, "If a member deactivates a BWC recording prior to the conclusion of an event, the member shall document the reason(s) for terminating the recording in CAD, an incident report, a written statement or a memorandum...If a member reactivates the BWC after turning the equipment off, the member shall document the reason(s) for restarting the recording in CAD, an incident report, a written statement or a memorandum." Additionally, the DGO states, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances...Detentions and arrests...Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim...Conducting any of the following searches on one's person and/or property...Incident to an arrest...Transportation of arrestees and detainees...In any situation when the recording would be valuable for evidentiary purposes."

The named officer should have had her BWC activated while searching the complainant's backpack and speaking with the complainant. She also should have documented her deactivation and reactivation.

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

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DATE OF COMPLAINT: 05/21/18 **DATE OF COMPLETION:** 09/04/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated she was stopped at a red light behind a large white commercial box truck. She said when the light turned green, the truck began to move forward, then stopped abruptly, causing the complainant's vehicle to strike the rear-end of the truck. The complainant stated the driver of the truck got out of his vehicle and told her he stopped abruptly because a police car cut him off. The complainant said she did not see the police vehicle and no police were called to the scene of the collision.

The truck driver stated he proceeded to drive ahead when the traffic light turned green, but he then saw a black and white SFPD patrol car with its emergency lights activated enter the intersection. The truck driver said the officer stopped for him, and he immediately braked to stop his truck, so the police vehicle could proceed through the intersection. The truck driver stated that a few seconds later he was rear-ended by the complainant's vehicle. He said he did not get the license or vehicle number of the patrol vehicle and does not know if the officer was male or female. The truck driver stated there was not anything improper about the officer's driving.

No other witnesses were identified.

While the identity of the alleged officer could not be established, the officer's actions were proper based on the statement provided by the truck driver.

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

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DATE OF COMPLAINT: 05/21/18 **DATE OF COMPLETION:** 09/04/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers were called to his residence on two occasions on the same day. The complainant said that the people who run his building are an “all black force,” and everyone who works there should be fired immediately. He said he has called the police hundreds of times about the problems there. The complainant said, on the date in question, the responding officers did not want to go down the hall to talk to people who had threatened him. He stated the officers played the “shame game” and did not want to do their job.

A witness stated she called the police because the complainant was causing a disturbance in the building and his behavior was escalating. She said he was harassing people in the hallways, yelling and screaming at them, and that he closed the fire doors, which are to remain open. The witness stated officers always treat the complainant nicely, despite the complainant calling 911 frequently. The witness stated the officers are familiar with the complainant and were able to de-escalate the complainant’s behavior.

Body Worn Camera footage shows the complainant raising his voice frequently and yelling at the named officers and nearby tenants. The footage shows the complainant making statements about staff members in the building all being African American. The footage shows the complainant closing a fire exit door. It also shows that the named officers spoke to other tenants in the building and attempted to speak to people in apartments identified by the complainant. The footage shows one of the named officers telling the complainant to meet him in the lobby for an incident report number. It shows named officers waiting in the lobby for a considerable amount of time, then providing an incident number to a person at the front desk. The incident report documents these facts as well.

Records from the Department of Emergency Management show that dispatch received a call for a well-being check because the complainant was uncooperative and stating “thugs” from other units were verbally threatening him. Responding officers determined the complainant did not meet all of the criteria to detain him for a psychological evaluation. Records show that police were called out a second time regarding a mentally disturbed person who was yelling at people and slamming doors.

The video recordings do not corroborate the complainant’s version of events. The named officers did a thorough investigation and responded appropriately.

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

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DATE OF COMPLAINT: 05/22/18 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that while he was detained, he believed he was having a heart attack. The complainant stated that he asked the named officers for aspirin, and the officers refused to provide him with aspirin.

The named officers stated they did not administer aspirin to the complainant, because they were not trained to issue medications to individuals. In addition, they stated an ambulance was summoned to assist the complainant with his medical needs.

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

SUMMARY OF ALLEGATION #5: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that while he was detained, his property was removed from his person. He stated that when he retrieved his property, items were missing.

The named officer stated he placed the complainant's property in a paper bag, which was transported with the complainant to the hospital.

Two other officers at the scene denied taking any of the complainant's property and stated they did not witness any officer take the complainant's property. Another officer at the scene stated the medics transported the complainant and his property to the hospital.

No other witnesses were identified.

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Body Worn Camera footage shows the named officer collecting items from the complainant's pockets and placing them in a paper bag. He then takes the bag, along with the complainant, to the awaiting ambulance. At times, the paper bag was out of the view of the BWC. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was illegally detained.

One named officer stated that the complainant was detained as he felt further medical evaluation was appropriate based upon his previous encounters with the complainant, statements made by independent witnesses, and the complainant's erratic behaviors and actions.

The second named officer stated that due the complainant's erratic behavior, he was placed in handcuffs for his safety and for the safety of the officers.

An officer who arrived at the scene but who was not present when the complainant was detained, stated that the complainant was detained due to the complainant's obstreperous behavior, which caused him to be restrained.

Another officer at the scene stated that he was not present when the complainant was initially detained; however, he stated that the complainant had to be handcuffed as he was in an altered mental state.

A witness stated that she called the police because she feared for her safety after receiving a threatening email and picture from the complainant. She stated that the officers handcuffed the complainant with dignity after he would not calm down. She stated the complainant was resisting while being handcuffed.

Body Worn Camera footage shows the complainant acting erratically. He is screaming incessantly, making racially insensitive comments and irrational statements.

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

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SUMMARY OF ALLEGATIONS #8-11: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that when officers who detained him placed him in handcuffs, it caused bruising to his wrists. In addition, the complainant alleged the officers used excessive force when he was restrained on the ground and given a sedative injection.

The named officers, who were present at detention or assisted in restraining the complainant, each denied using any force on the complainant and did not recall any complaint of pain from the handcuffs.

A witness stated that she observed officers handcuff the complainant with “dignity” after he would not calm down. She stated the complainant was resisting while being handcuffed.

No other witnesses were identified.

Department records from the time of the detention included no use of force report by either of the four named officers.

Body Worn Camera footage shows one named officer asks the complainant to turn around so he can check for weapons. The complainant refuses to comply, and that named officer and another slowly handcuff the complainant. Immediately, the complainant drops to the ground and screams at the officers. While the complainant appears to complain of pain while he is being handcuffed, there is no apparent continuing complaint of pain or request that the officers loosen the handcuffs.

While waiting for medics to arrive, the complainant screams incessantly. Once medics arrive, three named officers hold the complainant on the ground to assist a medic in giving the complainant a sedative injection. Once the complainant is sedated, the four named officers assist with placing soft restraints on the complainant’s limbs, and he is taken to an ambulance. The complainant does not have any visible injuries.

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

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SUMMARY OF ALLEGATION #12: Part of this complaint was referred to SFPD Internal Affairs Division.

CATEGORY OF CONDUCT: **FINDING:** IO-I **DEPT. ACTION:**

FINDINGS OF FACT: Part of this complaint was referred to the SFPD Internal Affairs Division.

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DATE OF COMPLAINT: 06/11/18 **DATE OF COMPLETION:** 09/07/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer stopped and cited him for speeding. The complainant stated that the named officer held onto his citation for a long time before handing it to him to sign, then unclipped his gun and hovered his hand over his gun while he signed it. The complainant said there was no reason why the named officer should have considered him a threat.

Body Worn Camera (BWC) footage documents that the officer is professional and polite when speaking with the complainant. It shows the named officer speaking to the complainant for a number of minutes with both of his hands visible. The footage shows that, just before handing the complainant his citation, the named officer has his left hand occupied on a clipboard with the citation and his right hand occupied with a pen. It shows the named officer holding onto the citation because he was explaining what it meant and how the complainant could take care of it later. The footage shows the named officer handed the pen to the complainant, the complainant quickly signed, and the named officer immediately took back the pen. His hand was out of view of the BWC for only 4 seconds while the complainant signed the citation.

There would have been very little time for the named officer to commit the alleged act. Nothing else about the incident indicated that the named officer was anything other than courteous and professional. A preponderance of the evidence established that the named officer did not behave inappropriately.

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

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DATE OF COMPLAINT: 06/14/18 **DATE OF COMPLETION:** 09/10/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she watched surveillance video showing the named officer choking her son during an arrest.

The named officer stated the complainant's son was verbally combative when he arrived to arrest him. He noted the complainant's son complied by exiting the apartment; however, he resisted being placed in handcuffs. The named officer said he used a passive-aggressive control hold to get the complainant's son into handcuffs. He stated that he applied pressure to the complainant's son's chin to bend him back towards him. He never applied pressure to his carotid or trachea. The named officer said the complainant's son did not complain of pain or injury after this maneuver.

Witness officers stated the complainant's son was being verbally combative during his arrest, and that he physically resisted being handcuffed.

The surveillance video shows the complainant's son answering a door inside an apartment. The video shows the named officer and other officers outside the door. It shows the named officer guiding the complainant's son out of the apartment. Two other officers are shown attempting to move the complainant's son's arms behind his back, while he leans forward and pulls his arms away. The video then shows the named officer placing his arm around the complainant's son's neck and pulling him backward for about three seconds, before handcuffing him with the assistance of the other officers.

Department records show that the complainant's son was wanted for a series of burglaries, including one in which firearms were reported stolen.

Department General Order 5.01, Use of Force, states, "Officers may use reasonable force options in the performance of their duties, in the following circumstances ... To effect a lawful arrest, detention, or search ... To overcome resistance or to prevent escape ... To gain compliance with a lawful order ..." It further states that chokeholds are prohibited, and defines them as, "choking by means of pressure to the subject's trachea or other means that prevent breathing."

Based on the totality of the circumstances, the named officer's actions at the scene were proper.

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

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DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION:** 09/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he called the police to address a passenger who had become offensive and threatening. When the named officer arrived on scene, the complainant stated the he appeared very disinterested and uncaring. He stated that the named officer said, "Can you finish helping them, so we can do some real police work" and left the scene before finishing with the passenger.

The named officer stated that he arrived on scene within three minutes of getting the call for service. He stated that upon his arrival he did not see anyone in a verbal altercation, and had to have someone point out the passenger in question. The named officer stated that this was a customer service issue, and the ticket agents agreed to help the passenger before he left the scene. The named officer stated that he was on-scene for 19 minutes to help resolve the problem.

The named officer stated that he did not feel he was rude, disinterested or uncaring. He did not recall stating, "Can you finish helping them, so we can do some real police work?"

No witnesses were identified.

There insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/13/18 **DATE OF COMPLETION:** 09/27/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants alleged that officers who responded to an altercation they were having with their co-tenants failed to arrest the co-tenants for violating a temporary restraining order. The co-complainant acknowledged that neither party wanted to press charges of battery against the other and that he and his wife agreed to proceed civilly regarding the dispute during a hearing scheduled eight days later.

Department records documenting the incident show that the named officers handled the call for service according to the wishes of both parties involved.

Body Worn Camera footage showed that the named officers responded to the request for the citizen arrests by explaining the process to the complainants, who told the officers that they no longer wished to proceed with citizen arrests of their co-tenants.

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

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DATE OF COMPLAINT: 07/23/18 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he called police because he was hit in the head by a security guard. He stated that the incident report was labeled as a “suspicious occurrence” rather than a battery. The complainant said he had video on his cell phone of the guard hitting him.

The complainant did not provide the DPA with a copy of his video.

The security guard told the DPA that he had hit the complainant’s hand when he pointed a cell phone at him, and it was in his face. He said he had told this to one of the named officers.

The named officer denied being told by the security guard that he had hit the complainant’s hand.

The Body Worn Camera (BWC) footage shows the complainant telling the named officer and his partner that he was assaulted by a security guard. The complainant tells the named officer he captured the incident on his phone, and he shows the footage to one of the officers, who responds that he did not see a battery on the video.

The incident report, written by the named officer, is titled a “SUSPICIOUS OCCURRENCE,” and, “MUNICIPAL CODE VIOLATION.” The narrative states that the named officer and his partner, “responded to a call regarding a battery ...” It documents that the complainant told him that he was hit on the face, but no injuries were observed.

Without the complainant’s video, there is insufficient evidence to either prove or disprove that a crime had occurred, or established what the officers saw from the complainant’s video.

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

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DATE OF COMPLAINT: 07/23/18 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the named officer incorrectly cited him for not having his dog on a leash. The complainant stated that his dog is a service animal, and he is not required to have it on a leash because it is under his voice control.

The BWC footage shows the named officer repeatedly telling the complainant to put his dog on a leash. The complainant refused, and the named officer issued him a citation.

The incident report documents that the complainant was cited for refusing to leash his dog. The report cites the Americans with Disabilities Act, then states that the dog had been leashed previously, and a determination was made that, “the dog’s ability to perform its service was not effected by the attachment of a leash.”

San Francisco Health Code Section 41.12(a) prohibits owners of animals other than domestic cats, from allowing their animal to run at large within the City and County.

Title 28 of the Code of Federal Regulations states, “A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means).”

The complainant refused to leash his dog, although he previously had his dog leashed. It was reasonable for the named officer to determine that the complainant’s dog should be leashed, even if it was a service animal.

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

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DATE OF COMPLAINT: 08/15/18 **DATE OF COMPLETION:** 09/17/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant was involved in an argument with a restaurant owner. The complainant stated that the named officer attempted to dissuade him from pursuing charges against the owner by intimidating him and threatening to charge him with a felony.

The named officer's body worn camera recording failed to support the complainant's allegation against the named officer.

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 required action.

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

FINDINGS OF FACT: The complainant believed that the named officer did not report the battery and vandalism caused to his cellular telephone by the owner of the restaurant.

Department records show that the named officer prepared an incident report documenting the reported battery and vandalism.

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

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DATE OF COMPLAINT: 10/18/17 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he called 911 after a threatening incident in his building. He stated that he waited for officers all day, but no one came.

Records from the Department of Emergency Management (DEM) shows that the complainant's call was placed on "HOLD." When the call was dispatched to the named officers, they arrived on scene within four minutes.

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

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DATE OF COMPLAINT: 10/18/17 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he called officers regarding a threatening dog he discovered in the communal bathrooms of his building. He called 911 and waited, but believed that the police did not respond. He eventually learned that officers had responded to his call, but had spoken to the building manager, who informed them that the incident had already been handled. The officers then left.

Two of the named officers stated they did not speak to the complainant because they first made contact with the building manager before doing so. The officers stated that the building manager informed that the incident had already been resolved prior to their arrival, and that no further police services were needed. The third named officer did not recall this incident.

The building manager confirmed that he spoke to the officers when they responded to the call. The building manager said that the complainant informed him about the incident immediately after it occurred, and that the dog was not vicious but rather was a service dog belonging to another resident. The manager stated that it was within the building's policy for the animal to be present there. The manager stated that he took immediate action and spoke to the owner of the dog, who complied with his request not to leave the dog unattended. The building manager also confirmed that he let the officers into the building and explained that the dog was not vicious. He explained to officers that he had already handled the incident. The officers saw no need to speak to the complainant and left.

The evidence established that this was a civil matter between tenants and the officers were satisfied that the building manager had handled it. Given that there was no crime reported, the officers left.

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: 08/13/18 **DATE OF COMPLETION:** 09/10/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The anonymous complainant stated that a uniformed officer stood by at the bottom of the stairs of a subway station without taking police action while she had to exit through a small crowd loitering and blocking her way at the top of the stairs. The complainant said that one of the persons was smoking an unknown substance from a glass pipe. She stated that there is an ongoing issue with vagrants and open drug use at this location without police enforcement.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/17 **DATE OF COMPLETION:** 09/13/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he sought assistance from the named officer to gain access to his locker inside a closed shelter, but the named officer accused him of being drunk or high.

The named officer denied he made the alleged remarks. Another officer who was on the scene of the detention said he was some distance away and could not hear the conversation. No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said his detention for being intoxicated and unable to care for himself in public was unjustified.

The named officers stated the complainant was under the influence of intoxicating liquor and/or narcotics in a public place to the point that he was unable to exercise care for his own safety. The named officers said the complainant approached one of them multiple times, yelling incomprehensible statements in a belligerent manner, speaking in a fast and slurred speech with a sweaty, flushed face, and walked with an unsteady gait to the point that one had to keep him on his feet for his own safety.

Body worn camera footage corroborates the complainant exhibiting signs of intoxication.

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: 10/23/17 **DATE OF COMPLETION:** 09/13/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the Latino officer who transported him to the police station insulted him by repeatedly insinuating that he was drunk with a slurred speech during the booking process.

The named officer, who is female, and a detaining officer denied the named officer made any insinuation or belittling remark about the complainant.

Three other officers in the police station could not recall anything about this incident or what other officers said to the complainant.

Body worn camera footage failed to support the complainant's allegation.

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

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

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

FINDINGS OF FACT: The complainant said the station keeper officer insulted him by repeatedly insinuating that he was drunk during the booking process.

The named officer and two other officers in the station had no recollection of this booking.

A detaining officer who responded to the station denied any officer made an insulting or belittling comment about the complainant's slurred speech during his booking. Additionally, that officer's body worn camera footage proved that the acts alleged in the complaint did not occur.

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: 01/01/17 **DATE OF COMPLETION:** 09/17/18 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to properly drive a police vehicle.

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

FINDINGS OF FACT: The complainant said she drove into an intersection on a green light when there was insufficient space on the other side of the intersection to accommodate her vehicle and when the light changed to red, she turned on her turn signal, did not see anyone coming when she was suddenly struck by the patrol car driven by the named officer. Therefore, the complainant said the named officer must have run a red light and was at fault.

The named officer in the patrol car said he drove across the intersection on a green light under 10mph after he saw a clear and unobstructed path in lane three before the complainant unsafely turned right from lane two into lane three causing the collision.

A passenger officer in the vehicle gave the same account except he did not recall the speed in which the vehicle moved through the intersection.

Section 22526 (a) of the California Vehicle Code prohibits a driver of a vehicle from entering an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or marked crosswalk to accommodate the vehicle without obstructing the through passage of vehicles from the other side. Section 22107 states that no person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in the event any other vehicle may be affected by the movement.

Body worn camera footage corroborated the complainant admitted that she entered the intersection while it was not clear.

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: 01/01/17 **DATE OF COMPLETION:** 09/17/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant said she asked the named officer for the name, star number, and statement of the officer driving the patrol car involved in the collision, and was told that all would be included in the report.

The named officer said he was taught to separate all witnesses aside to ensure that one witness statement would not influence the other. The named officer admitted that he told the complainant that the statement of the officer involved in the collision would be in the report.

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

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant said the named officer inappropriately told her that it did not matter whether the driving officer ran an orange or red light, that she had to make sure it is safe to make a right turn.

The named officer acknowledged briefly speaking to the complainant but said he did not make the alleged statement.

Two officers on scene did not hear the conversation between the complainant and the named officer. A third officer on scene who observed the conversation did not remember anything about it.

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: 01/01/17 **DATE OF COMPLETION:** 09/17/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer failed to write an accurate and complete report.

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

FINDINGS OF FACT: The complainant stated essentially that the statements, diagram, and conclusions by the named officer were inaccurate. The complainant repeated her incrimination on an email acknowledging that part of her car was obstructing the intersection in violation of CVC Section 22526 (a).

The named officer said he is a POST certified basic collision investigation officer, that he completed the report accurately, that statements are not word for word transcripts, but condensed, summarized into the main points, and that his interview of the complainant was accurately reported as it was captured on his body worn camera. He stated that he asked the complainant what happened and then repeated her statement to her for the complainant to corroborate her account was heard accurately. He also stated that since the vehicles were moved prior to his arrival, the measurements were approximate and estimated through Pacing (Software available to Traffic Division), and Google maps. Since both occupants of the patrol car said they crossed the intersection with a solid green light in the number three lane and that the vehicle driven by the complainant had suddenly changed lane, he determined based on the statements provided and damages to vehicles that the complainant had violated CVC Section 22107. Finally, the named officer stated that he had cause to forward the citation to Traffic Division.

Body worn camera footage corroborates that the account of the complainant was accurately reported, which includes making the named officer repeat her statement of facts to him and the complainant verifying that his summary was in fact her statement. The complainant is also seen stating that she had to change lanes after the light turned red, that she activated her right turn signal, but that she did not see the patrol car coming through the intersection on lane three and suddenly was next to her, which is an admission that she was not safely looking for a vehicle coming in lane three, arguably in violation of CVC Section 22017.

A preponderance of the evidence established that the named officer's report was complete and 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/2018 **DATE OF COMPLETION:** 09/11/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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: 08/23/18 **DATE OF COMPLETION:** 09/25/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer attempted to enter a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers have been repeatedly knocking on his door attempting to enter without a warrant for the last two weeks, and he identified a specific incident from the previous day.

Body Worn Camera (BWC) footage from the identified incident documents that officers responded to a well-being check from the complainant's social worker who was concerned that the complainant was injured and had not been out of his apartment for some time. The paramedics and police were present trying to get the complainant to open the door, so they could assess if the complainant was suicidal or had any mental health illness. The footage shows that the complainant refused to open his door and was adamant he wanted the state troopers to respond. The footage shows that officers asked the complainant questions and then left.

Records from the Department of Emergency Management show that dispatch received a call to meet with a city employee, a social worker, for a person that was barricaded in his room and possibly injured.

The evidence established that no SFPD officers repeatedly knocked or attempted to enter the complainant's apartment as alleged.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/17 **DATE OF COMPLETION:** 09/26/18 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he found a person who had been shot. He said the shooting victim told him he had been shot and asked him if he would drive him to the hospital. The complainant stated he got in the shooting victim's car, which was nearby with its door open, and drove him to the hospital. The complainant said he was detained at the hospital and later arrested for driving a stolen vehicle and being in possession of ammunition. He said he was wrongly detained, and he had no idea that the car had been reported stolen or that it contained ammunition.

The named officer responded to the scene after receiving a call for service regarding shots fired in the area. The named officer went to a local hospital where the complainant and his friend were being detained by San Francisco Sheriff's Deputies. The deputies informed the named officer that there was a gunshot wound victim inside the hospital that the complainant and his friend helped transport. The named officer ran the vehicle's plates and the car came back as stolen. The named officer said she searched the vehicle and found gun ammunition in the center console. Regarding the reasonable suspicion for detaining the complainant, the named officer stated, "So, where the initial shooting occurred, officers were advising us that there have been possible several victims, maybe not just one. At the time of my arrival there, the two individuals were already detained, because they might have some knowledge based on the shooting. And then also, the plate of the vehicle came back stolen, so at that point, they were possible suspects that were inside a stolen vehicle and that's why they were detained."

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

The 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: 11/06/17 **DATE OF COMPLETION:** 09/26/18 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #2: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his car was searched without cause. He had driven a gunshot victim to the hospital, but was arrested while there, and later booked into county jail. The complainant said that when he bailed out, he found that his car had been searched.

The named officer responded to a reported shooting, and was attempting to find suspects, victims witnesses, and evidence. The named officer said, at the time, there were outstanding firearms that they needed to seize. He said that, while investigating the crime scene, a set of car keys was located on the sidewalk; one of the officers chirped the FOB and located a vehicle that was inside the crime scene. The named officer stated the vehicle came back registered to the complainant, who had just driven a gunshot wound victim to the hospital and was currently being detained at a nearby police station. The named officer said that these facts were sufficient to establish probable cause for a search of the complainant's vehicle.

The evidence established that the named officer had probable cause to search the complainant's vehicle.

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: 11/06/17 **DATE OF COMPLETION:** 09/26/18 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated he found a person who had been shot. He said the shooting victim told him he had been shot and asked him if he would drive him to the hospital. The complainant stated he got in the shooting victim's car, which was nearby with its door open, and drove him to the hospital. The complainant said he was detained at the hospital and later arrested for driving a stolen vehicle and being in possession of ammunition. He said he was wrongly arrested, and he had no idea that the car had been reported stolen or that it contained ammunition.

The named officer stated he approved the arrest of the complainant, though he did not recall who actually executed the arrest. He said there was "plenty of probable cause" to arrest the complainant because the car he admitted driving was stolen and there was ammunition in the car. When asked about specific probable cause, the named officer said, "He was driving a stolen vehicle. The vehicle, when you run the vehicle, it comes back as stolen." He also stated, "The ammunition, being in the center console, is a place that everyone in the vehicle had constructive control over it."

The incident report states that officers responded to a residential neighborhood to reports of shots fired, while others went to a nearby hospital in case any victims were transported. The report states that a female victim was found in a home in the residential neighborhood. The report also documents other damage and found casings. The report states that the complainant had arrived at the hospital with a male gunshot victim and another individual.

A witness officer wrote a statement attached to the report, stating that she ran the car's license and found it had been reported stolen. Her statement also documents that she conducted a "warrants check" on the complainant, which revealed he "was affiliated with the norteno [*sic*] gang." She also wrote that during an inventory search of the car, she found "four 9-millimeter unfired cartridges in the center counsel [*sic*]," as well as a cell phone and debit card with the name of the transported shooting victim.

The report documents that the complainant was charged with violations of Vehicle Code section 10851 and Penal Code section 30305. Court records show that the charges against the complainant were dismissed by the District Attorney.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/17 **DATE OF COMPLETION:** 09/26/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #3 (continued) - CA Vehicle Code section 10851 states, “Any person who drives or takes a vehicle not his or her own, without the consent of the owner thereof, and with intent either to permanently or temporarily deprive the owner thereof of his or her title to or possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party or an accessory to or an accomplice in the driving or unauthorized taking or stealing, is guilty of a public offense ...”

CA Penal Code section 30305 prohibits owning, possessing, or having under custody or control, any ammunition, when the person in possession is prohibited from doing so under other sections of the penal code, or by a person who is “enjoined from engaging in activity pursuant to an injunction” naming them as a member of a criminal street gang.

Although the complainant admitted driving the stolen vehicle, it was unclear whether he was aware the vehicle was stolen or that he intended to deprive anyone of title to, or possession of, the car. He consistently denied knowing it was stolen, and the male shooting victim claimed the car was in his possession prior to the shooting. Regarding possession of ammunition, the named officer stated the

complainant, and everyone in the vehicle had constructive control of the ammunition, but it is unclear whether the complainant had knowledge that the ammunition was in the car. It is also not clearly established in the documentation or in the named officer’s interview that the complainant was prohibited from possessing ammunition. While records showed he was affiliated with a street gang, there was no information that he was specifically named in a gang injunction. It is possible that the named officer had sufficient probable cause based on the totality of the circumstances, but he did not articulate those facts during his DPA interview, and they were not detailed in the incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/17 **DATE OF COMPLETION:** 09/26/18 **PAGE#** 5 of 5

SUMMARY OF DPA ADDED ALLEGATION #1 - 7: The officers failed to comply with Department Bulletin 17-156, Body Worn Camera Mute Function.

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

FINDINGS OF FACT: A review of the named officers' Body Worn Camera (BWC) recordings showed that they utilized the mute function but did not document the purpose of the muting.

The named officers responded to a shooting incident. During the incident, the named officers activated their BWC equipment. Named officers #1-6 admitted to not complying with Department Bulletin 17-156, because they did not document the reason why they muted their cameras. Named officer #7 stated that he did document the purpose for muting his camera in a memo, which he provided to the DPA.

The memorandum from named officer #7 was addressed to the captain of his station and states that he muted his body worn camera to discuss law enforcement sensitive information. The memorandum was drafted eight months after the incident and three weeks after he was served with a notice to appear regarding this complaint.

Department Bulletin 17-156 states, "members shall only use the mute feature with a specific articulable purpose. If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report written statement or memorandum, as required by General Order 10.11, section G, Documentation."

Named officers #1-6 admitted to not complying with this department bulletin, because they did not document the reason for the muting. Named officer #7 provided a memorandum addressing the muting;

however, it was submitted eight months later, and clearly would not have been written but for this DPA allegation.

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: 11/07/17 **DATE OF COMPLETION:** 09/25/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.15, Enforcement of Immigration Laws.

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

FINDINGS OF FACT: The complainant stated the officer questioned her about her immigration status.

The named officer denied she asked the complainant any questions regarding her immigration status.

An officer on scene stated she could not understand the conversation between the complainant and the named officer because they spoke in Mandarin, but believed no immigration question was brought up because it was irrelevant.

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

SUMMARY OF ALLEGATION #2: The officer failed to write an accurate and complete report.

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

FINDINGS OF FACT: The complainant said the named officer failed to write an accurate and complete report, because she ignored her report of abuse and neglect of her ex-husband by his caregiver, and included false facts and accusations against her from the victim's son.

The named officer said that she filed an accurate and complete report that included her interaction with the reporting complainant, the victim, his caregiver and son, personnel from two hospitals, Adult Protective Services personnel, and members of the elderly abuse section in the Special Victims Unit.

Another officer on scene corroborated the report was accurate and complete.

Department records – the incident report documenting the investigation – included the allegations the complainant stated were missing. The report also corroborated the statement of the named officer as to the thoroughness of the investigation into the complainant's allegations.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/18 **DATE OF COMPLETION:** 09/13/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he had been parked in front of a hotel, waiting in his taxi, when an unknown officer ordered him to move. The complainant said that the area where he is parked is marked as a passenger loading zone, but it is also an unmarked taxi stand. He provided a map from the SFMTA website that shows a taxi stand in the area where he was parked. The complainant said he tried to explain to the officer that it was a taxi stand, but the officer disagreed. He said he nevertheless moved on, but believed the unknown officer should have known that there was a taxi stand there, even though it was not marked as such.

The SFMTA map provided by the complainant indicates a taxi stand in the area, but does not clearly show that it is in front of the hotel.

A Google Street View image shows a clearly marked taxi stand around the corner from the hotel, which could also be what is indicated by the SFMTA map. A visual inspection of the area where the taxi was parked showed that it is marked as a passenger loading zone, and otherwise indicates that there is to be no parking there at any time.

The SFMTA map purports to show all the taxi stands in the City. The only marked taxi stand in the area where the complainant was parked is not in front of the hotel, but around the corner at a different location. This is the taxi stand that the map was indicating. The area in front of the hotel was not and is not a taxi stand. The unknown officer was justified in ordering the complainant to move his car as he was not loading or unloading passengers.

While the identity of the alleged officer could not be established, the evidence showed that the named officer was justified in ordering the complainant to move.

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: 08/29/18 **DATE OF COMPLETION:** 09/12/18 **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: 08/29/18 **DATE OF COMPLETION:** 09/07/18 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Fare Evasion Task Force
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/18 **DATE OF COMPLETION:** 09/06/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/18 **DATE OF COMPLETION:** 09/27/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed an individual's vehicle without cause.

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

FINDINGS OF FACT: The complainant left a voicemail at DPA stating that SFPD towed his vehicle for not having a license plate.

DPA attempted to contact the complainant multiple times but received no response. Due to the lack of information provided in the voicemail, DPA was unable to investigate the complaint.

The complainant failed to provide additional information.

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

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

FINDINGS OF FACT: The complainant left a voicemail at DPA stating that SFPD arrested him and impounded his dog.

DPA attempted to contact the complainant multiple times but received no response. Due to the lack of information provided in the voicemail, DPA was unable to investigate the complaint.

The complainant failed to provide additional information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/18 **DATE OF COMPLETION:** 09/21/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that a person claimed she had hit his car with her car door in a parking lot in Oakland. The complainant said the person said he was a police officer and began intimidating her. She said she believed he may have been a San Francisco police officer. She did not get the person's name, but she did provide a license plate number of his private vehicle.

The registered owners of the vehicle were determined to not be members of the San Francisco Police Department.

The evidence established that a member of the San Francisco Police Department was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/18 **DATE OF COMPLETION:** 09/28/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated officers allowed people to sell drugs near a playground where children were present, and were friendly with the people, rather than arresting them.

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

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/18 **DATE OF COMPLETION:** 09/27/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated that members of the San Francisco Police Department illegally entered and searched his home, confiscated his weapons, and placed him under an involuntary psychiatric hold.

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

FINDINGS OF FACT: DPA's records show that this complaint has already been investigated.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/18 **DATE OF COMPLETION:** 09/18/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO-1/DEM **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: 12/08/17 **DATE OF COMPLETION:** 09/10/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the named officer threatened to arrest her.

The named officer stated he spoke with the complainant multiple times about a civil dispute between her and a customer over fees and/or charges during a money exchange, but did not remember saying any of the alleged statements related to arresting her.

Four officers on scene stated they did not hear the named officer make the alleged statements while in front of the window or statements made by the complainant through a speaker from behind the window.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant said she approached the named officer while he was standing with four other officers on the sidewalk, asked for his name and star number, but the officer acted defensively rather than provide in a prompt and courteous manner the information requested.

The name officer did not recall the complainant asking him for his name and star number, but stated that twenty minutes after the dispute was resolved he passed by and left her his business card, because she seemed unhappy with him.

Store surveillance footage recorded no audio, and was therefore inconclusive.

Four officers on scene said they had no recollection of the incident.

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: 12/08/17 **DATE OF COMPLETION:** 09/10/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said she explained to the named officer that she needed his name and star number for a job report, to which the named officer replied twice that she was breaking the law and that the law did not care about her job.

The named officer did not recall the complainant asking for his information or making the alleged statements to the complainant.

Store surveillance cameras captured no audio, and the footage was inconclusive.

Four officers on scene said they did not recall the incident.

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: 12/08/17 **DATE OF COMPLETION:** 09/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was a passenger during a traffic stop conducted by the named officer. The complainant said he was not on probation or parole, when the named officer conducted an intrusive search inside his pockets without cause during a traffic stop.

Department body worn camera (BWC) footage from three SFPD members on scene shows that the named officer stopped an unregistered vehicle with a false registration tab that was driven by an unlicensed driver. The named officer directed back-up officers to conduct cursory searches of the occupants in the vehicle pending a vehicle search before allowing them to retrieve their belongings, knowing that the vehicle would be towed. One officer conducted only a cursory search of the complainant without intruding into his pockets.

Department records, specifically the incident report associated with the towing of the vehicle, indicated that the named officer was by himself when he stopped behind the vehicle in a high-crime area. The report also documented that the named officer observed the driver and a passenger in the vehicle making movements he interpreted as possibly hiding weapons or contraband.

The investigation showed that while a search took place, the complainant's description of the search was not corroborated by the BWC footage. The cursory search conducted by the named officer was justified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/7/17 **DATE OF COMPLETION:** 09/18/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/23/2018.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/23/2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/18 **DATE OF COMPLETION:** 09/18/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/18 **DATE OF COMPLETION:** 09/25/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/18 **DATE OF COMPLETION:** 09/20/18 **PAGE#** 1 of 1

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

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

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

SFMTA Customer Service Center
11 South Van Ness Avenue
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/18 **DATE OF COMPLETION:** 09/20/18 **PAGE#** 1 of 1

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

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

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

**Golden Gate Bridge Highway & Transportation District
P.O. Box 9000
Presidio Station
San Francisco, CA 94129-0601**