

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated the named officers knocked loudly on her apartment door and yelled, “come out with your hands up!” The complainant stated that when she opened the door, the door was then forcefully pushed open and she was pulled out of her apartment by her arm. The complainant was then placed in handcuffs. The complainant stated she was shown a photo of the suspect and she identified the person in the photo as neighbor who lived in the apartment building next door. She stated that officers later confirmed that she was correct with her identification of the suspect.

The co-complainants stated they were visiting the complainant at her apartment, when officers rushed in and pulled the complainant out of the apartment by her arm. The co-complainants stated they were then told to exit the apartment. One of the co-complainants was placed in handcuffs along with the complainant.

The named officers stated a domestic violence stabbing victim provided them the complainant’s address, stating the complainant’s address was where the stabbing took place and where the suspect lived. The named officers also stated the complainant matched the description of the suspect that was provided by the victim.

Six witness officers stated that the complainant’s address was provided by the victim as to where the incident happened and where the suspect was lived.

Police records show that the victim was involved in a domestic violence incident that resulted in the victim being stabbed. The victim provided the complainant’s address as a possible location of the stabbing.

Body Worn Camera footage shows the complainants being given orders to exit the apartment which they complied. The complainant is immediately put in handcuffs along with a co-complainant. Officers do not enter their apartment during this interaction. The complainants are questioned and inform one of the officers that the suspect lives in the next building. Dispatch is contacted and confirms that the complainant’s address was the address given by the victim. The named officers perform two additional knock and notices on the complainant’s apartment prior to entering the complainant’s apartment. The named officers subsequently performed a protective sweep and were unable to locate the suspect.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18   **DATE OF COMPLETION:** 11/14/18   **PAGE#** 2 of 6

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

Department General Order 5.03 states that an officer may briefly detain a person for question if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

The named officers acted in good faith when responding to the complainant's address.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers handcuffed the complainants without justification.

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

**FINDINGS OF FACT:** The complainants stated that the named officers placed them in handcuffs.

Police records show that the named officers were responding to a stabbing incident, where the victim identified the complainant's address as the address where the incident occurred and where the suspect lived. Two of the complainants were detained and handcuffed, while the officers conducted their investigation.

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

**SUMMARY OF ALLEGATIONS #5-9:** The officers entered a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers forcefully entered her residence and, after further investigation, learned that they were at the wrong house.

The named officers stated they responded to the complainant's residence in search for a suspect, crime scene, and evidence linked to a domestic violence incident, where the victim was stabbed.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18   **DATE OF COMPLETION:** 11/14/18   **PAGE#** 3 of 6

**SUMMARY OF ALLEGATIONS #5-9:** (Continued)

The victim provided the complainant's address, prompting the named officers to enter and perform a protective sweep to search for the suspect, who they were not able to locate.

The evidence established that the officers acted in good faith when they entered the complainant's apartment in search for the suspect.

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

**SUMMARY OF ALLEGATIONS #10-14:** The officers searched a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers searched her residence and, after further investigation, learned that they were at the wrong house.

The named officers stated they responded to the complainant's residence in search for a suspect, crime scene, and evidence linked to a domestic violence incident, where the victim was stabbed. The victim provided the complainant's address, prompting the named officers to enter and perform a protective sweep to search for the suspect, who they were not able to locate.

The evidence established that the officers acted in good faith when they entered and searched the complainant's apartment in search for the suspect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18 **DATE OF COMPLETION:** 11/14/18 **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #15:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the named officer forcefully pushed the front door open and pulled her out of her residence by her arm. She stated she told the named officer that he was hurting her arm, but he ignored her plea.

The co-complainants stated they witnessed an officer pull the complainant out of her residence by her arm.

Body worn camera failed to support the complainant's allegation against the named officer.

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

**SUMMARY OF ALLEGATIONS #16-17:** The officers failed to properly supervise.

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

**FINDINGS OF FACT:** The complainant stated she was detained, handcuffed and her residence was searched. She stated that after further investigation, SFPD determined that they were at the wrong address. The complainant stated that the suspect was her neighbor who lived next door.

Police records show that officers responded to the complainant's residence in search for a suspect, crime scene, and evidence linked to a domestic violence incident, where the victim was stabbed. The victim provided the complainant's address, prompting officers to enter and perform a protective sweep to search for the suspect, who they were not able to locate.

The evidence established that officers acted in good faith when they entered the complainant's apartment in search for the suspect. The evidence further established that the named officers' actions at the scene were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18 **DATE OF COMPLETION:** 11/14/18 **PAGE#** 5 of 6

**SUMMARY OF ALLEGATION #18:** The officer failed to take required action

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

**FINDINGS OF FACT:** The complainant stated that while she was handcuffed, her top rolled up and her breast were exposed for the entire incident.

The co-complainants stated that the complainant's breasts were exposed during the entire incident.

The named officer denied the allegation, stating that he did not recall the complainant's breast being exposed.

Body Worn Camera footage shows that the complainant's shirt was rolled up, but her breasts were not exposed.

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

**SUMMARY OF ALLEGATIONS #19-20:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that she was detained, handcuffed and her residence was searched. She stated that after further investigation, SFPD determined that they were at the wrong address. The complainant stated that the suspect was her neighbor who lived next door.

Police records show that the named officers responded to the hospital regarding a stabbing victim. After interviewing the victim, one of the named officers broadcast the location where the incident occurred and the suspect's description.

The evidence established that the named officers relied on the information provided to them by the victim. The evidence further established that the officers properly investigated the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 6 of 6

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer used a sexually derogatory comment.

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

**FINDINGS OF FACT:** Department General Order 2.01 states that 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 named officer's Body Worn Camera (BWC) recording shows him referring to the complainant as a, "fat bitch" when speaking with another officer.

The named officer stated that he called the complainant a, "fat bitch". He felt that it was an accurate description of the individual. The complainant was nowhere near him when he made the comment.

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:** 01/16/18 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1-2:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that officers that responded to her home for a reported theft were dismissive and did not perform a complete investigation.

The named officers denied they failed to investigate the call. One of the named officers stated that, despite limited information provided by the complainant, he performed a complete investigation by interviewing the complainant and a witness, gathering suspect information, and writing an incident report to document the theft. He stated that taking fingerprints was unnecessary since the suspect was known to the complainant, and she allowed him entry into her residence. The named officer stated that he later followed up with the sergeant assigned to the investigation and offered his assistance. The second named officer stated she was present as a cover officer and had limited contact with the complainant. She said she assisted in the investigation by taking photos of the scene and searching for surveillance cameras.

Department records show that an incident report was written by one of the named officers which documented their investigation, including the parties interviewed, evidence, and property stolen. A supplemental report written by the sergeant assigned to the investigation indicated that a search warrant had been obtained and served on a later date.

Body Worn Camera (BWC) recordings showed one of the named officers interviewing the complainant and a witness, obtaining suspect information, speaking to one of the suspect's acquaintances by phone, and taking notes. The recordings showed a second named officer taking photos of the scene. The named officers were shown to explain their investigation and provide guidance to the complainant on how to follow up on her case.

The evidence showed that the named officers took reasonable investigative steps while on scene, which was documented in an incident report. Furthermore, the complainant's case was later referred to a sergeant and investigated further.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/16/18 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer made inappropriate comments and laughed while taking an initial report of theft that occurred at her home. She said the named officer was dismissive and told her that it was unlikely she'd recover her stolen items.

The named officer denied the allegation. The named officer acknowledged telling the complainant that in theft cases it was common that property would be difficult to retrieve. He said he advised her to request police assistance prior to attempting to retrieve the items on her own, due to the possibility of re-victimization. The named officer stated he informed the complainant that without definitive suspect identification, proof of the suspect's involvement, or a search warrant, officers had limited options. The named officer said he documented all of the information and provided the complainant with a report number. He stated that he was understanding and professional throughout their contact.

The named officer's partner stated that the named officer did not make any inappropriate statements nor laugh at the complainant during the investigation.

BWC recordings showed the named officer interviewing the complainant and gathering evidence. The recordings showed that the named officer did make statements to the complainant regarding the viability of retrieving her property and explained that stolen items are often quickly sold. The recordings show that the named officer explained that even if they do not recover the items, the perpetrator could still be prosecuted, and she had the option to sue him in civil court. The recording showed the named officer provide the complainant a Marcy's card for victims' services and resources, the incident report number, and his contact information. The recordings did not show the named officer laughing.

San Francisco Police Department General Order 2.01, Rule 14, Public Courtesy, states, in part: "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 recordings showed that the named officer did not laugh at the complainant, and he was calm, cordial, and professional throughout his investigation.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**\DATE OF COMPLAINT:** 01/16/18 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #4:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that a theft occurred at her home. She stated that she later met officers near the suspect's residence and sought their assistance in retrieving her property. She said that these officers were dismissive of her situation and did nothing further to investigate.

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

The identity of the alleged officers could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated she met officers near the home of a suspect who had stolen items from her home, and one of them made comments to her that were inappropriate. She also stated that the officers were going to leave her alone in an unsafe area before her transportation arrived.

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:** 01/16/18 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the day after her home was burglarized, she went to a district station to request police assistance and have officers meet her at a specific address. She stated that the officer she spoke with did not record the address or her request properly, which caused her to wait for several hours without being helped.

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

The identity of the alleged officers could not be established.

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the DPA's jurisdiction. This complaint was partially referred 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:** 01/22/18 **DATE OF COMPLETION:** 11/09/18 **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 that he was walking his dog, a service animal, off leash on the street, when he noticed the named officer whom he had previous contacts. The named officer stopped the complainant a block later for not having his dog on a leash. The complainant refused to provide identification, because he did nothing wrong. The complainant was then arrested for delaying an investigation and cited for having his dog off leash, as well as other violations. The complainant cited an Americana with Disabilities Act (ADA) law as the reason his service animal was allowed off leash.

The named officer denied the allegation, stating that he observed the complainant walking with his dog without a leash, in violation of San Francisco Health Code section 41.12.

ADA laws states that a service animal must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.

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

San Francisco Health Code section 41.12(a) states that it unlawful for the owner of any animal, other than a domestic cat, to permit said animal to run at large within the City and County of San Francisco.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that he told the named officer he did nothing wrong and that he didn't need to show the named officer his identification.

The named officer denied the allegation, stating he observed the complainant in violation of the law and attempted to detain the complainant to issue him a citation. He stated that when he ordered the complainant multiple times to stop, the complainant refused to stop. When the complainant finally stopped, the complainant refused to provide identification or his name.

The named officer's partner stated that the complainant refused to comply with the named officer's commands.

The named officer's Body Worn Camera footage corroborates the named officer's statement.

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

A preponderance of the evidence established that the complainant's arrest was proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 3 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer aggressively searched him.

The named officer stated that he searched the complainant for weapons after the complainant was arrested.

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

**SUMMARY OF ALLEGATION #4:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that he should not have been cited, because he did nothing wrong.

The named officer denied the allegations stating, he observed the complainant violating the law.

Police Records show that the complainant was cited for having a dog off leash, delaying an investigation and not having a dog license.

The named officer's Body Worn Camera footage corroborates the named officer's probable cause to cite the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #5:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that the named officer applied tight handcuffs.

The named officer denied the allegation, stating he checked the handcuffs for tightness.

The named officer's body worn camera footage contradicts the complainant's statement. The complainant does not give any audible indication that the handcuffs were on too tight.

The named officer's partner stated that the named officer checked the complainant's handcuffs for tightness.

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

**SUMMARY OF ALLEGATION #6:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that the named officer shoved him up against a wall while pinching his right arm.

The named officer stated that he did not shove the complainant against a wall or pinch his arm.

The named officer's Body Worn Camera footage shows the complainant voluntarily back into a wall. The footage does not show the named officer shove the complainant into the wall.

The named officer's partner stated that he did not see the named officer use force during the incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 5 of 5

**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 the named officer did not activate his body worn camera during the incident.

Police records show that the named officer activated his Body Worn Camera.

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

**SUMMARY OF DPA ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin 16-060, Use of Service and Support Animals by Persons with Disabilities.

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

**FINDINGS OF FACT:** The complainant stated that while legally walking his service dog off leash, the named officer detained, handcuffed, arrested, searched, and cited him for no reason.

Department Bulletin 16-060 states that when officers respond to calls involving a potential service/support animal, officers should take the individual using the animal aside to have a private conversation and should use the department script as guidance.

The named officer stated that he complied with Department Bulletin 16-060.

Body Worn Camera footage shows that the named officer and the named officer's partner complied with DB 16-060.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/29/18 **DATE OF COMPLETION:** 11/20/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was involved in an assault/hit and run at a gas station. He stated he provided police with the license plate of the suspect's car, as well as a detailed description of the assailant. He said he repeatedly inquired about the status of the case with little success and was eventually informed that the statute of limitations had passed. He concluded that the police were negligent and failed to investigate the incident in a timely fashion.

Department records indicate that two officers were responsible for investigating the case at different times.

The first named officer stated the case was assigned to him for investigation approximately two weeks after the incident occurred. During the next several days, he conducted a telephone interview with the complainant, where in the complainant provided him with details of the incident, a physical description of the suspect, and mentioned that he suspected the suspect might be an Uber driver. The named officer also attempted to contact the gas station manager regarding any video surveillance of the incident. The named officer stated he also attempted to obtain information regarding the suspect vehicle's registered owner and conducted a computer inquiry on the suspect's vehicle. The vehicle was registered to a female from Monterey, CA. The suspect in this case was described as a male of unknown race. The named officer stated that he attempted to remain in contact with the complainant. He said, however, that because he did not have constant updates on the case, he did not call the complainant on a regular basis. Approximately two months after being assigned the case, he was transferred out of the station investigation team and into uniformed patrol, so he was no longer involved in the investigation.

The second named officer stated that he received the case around the time that the first named officer was reassigned. He then called the complainant and interviewed him. The complainant told the second named officer that he would come to the station and sign a Citizen's Arrest form, and the officer prepared the form for him to sign. The second named officer then attempted to contact the registered owner of the suspect's vehicle with negative results. After four more months passed without any developments, the second named officer deactivated the investigation pending further leads. The named officer stated that whenever the complainant called or emailed, he always received a timely response from him.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/29/18 **DATE OF COMPLETION:** 11/20/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #1 – 2 cont.:** Four months later (now eleven months after the initial incident), the complainant contacted the second named officer with new leads. When the officer tried to speak to the complainant about the new leads, the

complainant told him he was currently out of the country. The named officer stated that the complainant told him he contacted the insurer of the suspect's vehicle and was able to obtain the identity of the suspect. He stated that he did not have any of the insurance information to review prior to this point.

Shortly afterward, the second named officer prepared an arrest warrant and rebooking package for the DA, and the case was forwarded to the DA misdemeanor intake unit. The named officer was then informed by the DA's office that the statute of limitations had passed.

A preponderance of the evidence established that the named officers properly investigated the complainant's case.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/14/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 1 of 5

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

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

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

The named officer admitted that he made inappropriate comments and would do things differently if he had the opportunity.

A witness officer remembered some of the conversation the named officer had with the complainant, where the named officer was making inappropriate comments. When the witness officer listened to the recording made by the complainant, the witness officer admitted that he heard the named officer make some of the inappropriate comments that can be heard on the recording, but he does not remember if he was present when the recording was made.

Complainant recorded a portion of her conversation with the named officer and the named officer can be heard making inappropriate comments to the complainant.

No other witnesses were identified.

DGO 2.01 states, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. . .”

The named officer admitted to making inappropriate comments and behaving inappropriately, which violates DGO 2.01.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/14/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that she asked the named officer to write an incident report. She also stated that she pointed out an individual that she wanted arrested for assault and vandalism.

The named officer stated the complainant asked for an incident report but refused to give her identifying information. He believed he could not generate an incident report without first obtaining complainant's identifying information. He also confirmed that complainant requested a citizen's arrest, but he alleged he could not proceed with it because she would not provide her identifying information.

The named officer's partner did not know if the complainant asked for an incident report, but he believes that he asked for her identifying information. He stated that instead of providing her information, she repeatedly questioned why the other party's information was not being collected. In addition, the named officer's partner did not offer to complete a citizen's arrest because he did not think it met the required criteria.

The complainant's audio recording reveals that the named officer asked for the complainant's identifying information. In response, the complainant asked the named officer why he was not collecting the other party's information. The named officer replied that complainant's information is required to make an incident report. The parties immediately begin arguing about whether a crime was committed, and the named officer never follows up with complainant about her identifying information.

No other witnesses were identified.

DGO 5.04 states, "In all instances involving a request for a private person's arrest, an incident report shall be generated."

In this instance, an incident report should have been generated based on the complainant's request for a citizen's arrest. The language in DGO 5.04 is mandatory. It leaves no room for officer discretion. This policy was confirmed in Department Bulletin 16-117. Complainant's request, alone, for a citizen's arrest should have triggered the preparation of an incident report.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/14/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 3 of 5

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

**SUMMARY OF ALLEGATION #3:** The officers failed to write an incident report.

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

**FINDINGS OF FACT:** The evidence established that the named officer and his partner should have generated an incident report pursuant to the complainant's request for a private person's arrest.

In this incident, the named officer was a trainee being supervised by his FTO. Thus, his FTO was responsible for advising him about how to proceed.

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

**SUMMARY OF ALLEGATIONS 4-5:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that named officers failed to properly investigate her allegations of assault and vandalism.

Named officer #1 spoke with the complainant and asked her what happened. He stated that she did not tell him she was assaulted, and he, therefore, determined that no crime was committed. Named officer #1 spoke with people on the sidewalk, passengers on the bus, as well as the bus driver. He decided that the complainant's story was contradicted by the information he obtained from the other witnesses he interviewed.

Named officer #2 spoke to multiple passengers on the bus, including the individual who allegedly assaulted the complainant. He confirmed that multiple passengers on the bus stated that the complainant was the one who incited the argument.

The evidence established that the officers' actions at the scene were proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/14/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 4 of 5

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

**SUMMARY OF DPA-ADDED ALLEGATIONS 1-2:** The officers failed to receive a private person's arrest.

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

**FINDINGS OF FACT:** In a recording made by the complainant, she identified to the officers an individual she wanted arrested for assault and vandalism.

Named officer #1 stated that he offered the complainant a citizen's arrest, but he stated the complainant refused to cooperate and provide her personal information, which prevented him from making a citizen's arrest.

Named officer #2 stated that he did not offer a citizen's arrest because he did not find probable cause to believe a crime was committed. He felt that the incident did not meet the criteria that is required for offering a citizen's arrest. He also alleged that the complainant never pointed out anyone that she wanted arrested.

No other witnesses were identified.

DGO 5.04 Section II. states, "Whenever a private person summons an officer to take custody of an individual that the private person has or wants to arrest, officers shall: . . . (2) Determine if a crime, in fact, has been committed; (3) Determine if reasonable suspicion exists to justify detaining the individual pending further investigation. If reasonable suspicion does not exist, the individual is free to leave; (4) Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate. If probable cause does not exist, the individual is free to leave . . ."

Due to credibility issues, officers were unable to confirm whether probable cause for a citizen's arrest existed.

There was insufficient to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/14/18    **DATE OF COMPLETION:** 11/14/18    **PAGE#** 5 of 5

**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:** The officers failed to comply with DGO 10.11, Body Worn Cameras.

Named officer #1 stated that he forgot to turn on his Body Worn Camera.

Named officer #2 stated that may have turned on his Body Worn Camera incorrectly or he forgot to turn it on.

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 . . .”

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:** 02/20/18 **DATE OF COMPLETION:** 11/19/18 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers seized property.

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

**FINDINGS OF FACT:** The complainant stated that officers entered her home and took two guns that had been in her family for 30 years. She also stated officers took several documents from her home for no reason.

The named officers stated that they were called to the complainant's home by Child Protective Services to remove two children who were being abused by the complainant. The officers entered the home believing the children were present and in danger. The named officers did not find the children but did find two guns in an unsecured container. Since the named officers had evidence that the children were in danger, they took the guns for safekeeping and booked them as property.

Child Protective Services was unable to comment on the case because of juvenile confidentiality laws.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers damaged property.

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

**FINDINGS OF FACT:** The complainant stated that officers damaged several items of property when they entered her home. The property, including gates, fences, furniture, collectible items, paintings, walls, appliances, documentation and books, was worth about \$62,000. The complainant did not provide evidence of the damaged materials.

The named officers stated that they were called by Child Protective Services to the home to remove two children who were being abused by the complainant. Believing that the children were present at the home, the named officers and supporting firefighters breached the home. There was damage to a fence, a latch and a door, which were all noted in the incident report. The named officers denied damaging any other property.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/20/18   **DATE OF COMPLETION:** 11/19/18   **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3-4:** (Continued)

Child Protective Services was unable to comment on the case because of juvenile confidentiality laws.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer seized property.

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

**FINDINGS OF FACT:** The officer is no longer with the Department and is no longer subject to discipline.

**SUMMARY OF ALLEGATION #6:** The officer damaged property.

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

**FINDINGS OF FACT:** The officer is no longer with the Department and is no longer subject to discipline.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/20/18 **DATE OF COMPLETION:** 11/19/18 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #7:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The officer is no longer with the Department and is no longer subject to discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated she was the passenger in her car, which her husband was driving, when they were rear-ended by another driver. She stated that when the named officer responded, she incorrectly told him she had been driving. The complainant stated the named officer then spoke to her husband in an ambulance. When the named officer returned, he accused her of lying, raised his voice, asked her if she was recording him, and shut the driver's car door back onto her when she tried to exit her car. She also stated the named officer spoke to the driver of the car that hit her and told him he was the victim. The complainant said that she hoped the named officer's camera was on to capture the conduct.

The named officer stated he arrived alone at the call for service to assist with an exchange of information between parties involved in a traffic collision. The named officer stated that initially the complainant told him that she was the driver; however, the named officer later spoke to her husband who said he had been driving. The named officer acknowledged accusing the complainant of lying to him. He said she became hostile, yelled at him and kicked her car door out, hitting his knee. The named officer said that he pushed back at the door and raised his voice at this point, telling her to stay in her car. He admitted asking the complainant if she was filming him; however, his intent was not to deter filming, but to assess her credibility. The named officer also acknowledged telling the other driver that he was a victim, but he explained that it was because that driver appeared to go along with the story that the complainant was driving her car, and he believed it could have been an attempt at insurance fraud at his expense.

Three witness officers stated that they arrived on scene after the traffic collision investigation was completed by the named officer and had not observed the interactions between the named officer and the complainant.

No other witnesses came forward.

Records from the Department of Emergency Management showed that multiple officers were dispatched to a traffic collision with injuries. The named officer wrote a traffic collision report which outlined his investigation including the parties interviewed, citations, and subsequent tow of the complainant's car. In the report he wrote that the driver that hit the complainant's car was following too closely and traveling at an unsafe rate of speed for the conditions.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 2 of 5

San Francisco Police Department Body Worn Camera footage did not capture the described interaction between the complainant and the named officer. However, footage was available of the named officer and another officer awaiting the tow of the complainant's car. The recording shows the complainant's husband acting in a hostile and threatening manner. It does not show the named officer responding to either him or the complainant in an inappropriate manner.

San Francisco Department General Order 2.01, section 14, Public Courtesy states in part, "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 named officer, essentially, admitted to the conduct alleged by the complainant. However, the named officer was able to provide context and justification rendering the conduct within policy. Still the complainant's allegations were corroborated and not captured by his BWC, so the context could not be verified.

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

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

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

**FINDINGS OF FACT:** While investigating the incident, the DPA reviewed the named officer's available SFPD Body Worn Camera footage that showed him making the following statements to the complainant's husband: "You are an ignorant man, very ignorant man," and "You're old bro, you're old", while the officers were waiting for assistance with a car tow.

The named officer admitted that he made the comments to the complainant's husband calling him an "old man" and "ignorant" during a heated exchange. He stated that he did not think his statements violated Department policy. However, he would do things differently if he had the opportunity. The named officer stated that the complainant's husband was misquoting facts about a recent shooting, and making statements about the officers' motivations, which was when he told him he was being ignorant. He stated the use of this term was common in his vocabulary, meant to educate, not insult the complainant's husband. The named officer stated that the complainant's husband was yelling racial slurs, using profanity, implying he had weapons, and verbally threatening the officers. He said that he was nonetheless respectful towards the complainant's husband until it came to a point where he felt threatened by him. The

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 3 of 5

**SUMMARY OF DPA-ADDED ALLEGATION #1** (Continued)

named officer noted that neither the complainant nor her husband complained about his conduct, and he felt that was significant.

The DPA interviewed an officer present during this conduct. He stated that he and the named officer had a friendly and respectable dialogue with the complainant's husband.

BWC footage showed the complainant's husband was hostile and made implied threats towards the officers. The footage shows the named officer responding, "You are an ignorant man, very ignorant man," and "You're old bro, you're old."

SFPD General Order 2.01, Rule 14 states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language." SFPD General Order 2.01, Rule 9 states, "Any ... conduct by an officer ... that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department ... shall be considered unofficer-like conduct subject to disciplinary action."

The complainant's husband declined to be interviewed.

The evidence established that the named officer failed to communicate with courtesy and respect in violation of Department General Order 2.01, Rules 9 and 14, bringing discredit upon the San Francisco Police Department.

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

**SUMMARY OF DPA-ADDED ALLEGATION #2-3:** The officers failed to comply with Department General Order 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 officers had not activated their BWC cameras from the onset of their arrival at the traffic collision investigation. BWC footage was located for both officers; however, it began and ended with the car tow at the end of incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 4 of 5

**SUMMARY OF DPA-ADDED ALLEGATION #2-3: (Continued)**

One of the named officers stated that at a certain point he suspected the complainant and her husband of insurance fraud and told the driver that hit them that he was a victim. He also acknowledged citing the complainant's husband for driving on a suspended license and having the car towed as a result. The named officer stated he did not activate his camera at the beginning of the incident because it did not fall into one of the enumerated categories in section C, of DGO 10.11. He stated that when the complainant became hostile during his investigation, he believed that he activated his camera and then turned it off later once their contact ended. He acknowledged he must not have turned it on or may have tagged it incorrectly because he was unable to locate any film for that timeframe. He also said that he would not necessarily upload film until a day or two after less-serious incidents. Finally, the officer acknowledged that he did not document the activation of his BWC in his report but said that DGO 10.11 requires this sort of documentation in an incident report, not a traffic collision report.

The second named officer stated that he did not activate his camera upon arrival at the scene because the investigation was already complete, and he was just there to assist with the tow. He said that he informed the complainant that her car was going to be towed because her husband was driving on a suspended license and had been cited previously. The second named officer also stated he did not witness the hostile interaction between the first named officer and the complainant. He also stated that DGO 10.11 describes "authorized use" and does not require activation in the listed circumstances of section C. Both officers stated they activated their cameras later while waiting for the car tow based on the complainant's husband's aggressive behavior and their concern for officer safety.

Department of Emergency Management records show the named officers were responding to a call that was initially labeled a "Vehicle Accident-Injury" and later changed to "Meet W/City Employee". The dispatch records document that the parties were engaged in a fight or dispute and not cooperating.

The Traffic Collision Report documents that the complainant's husband was driving with a suspended license and that one of the named officers cited the complainant's husband. One of the named officers had him sign a DMV 310 form. The Report also documents that one of the named officers determined that the driver that hit the complainant's car violated the vehicle code by following too closely and driving too fast. The Report does not mention BWC activations or recordings.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 5 of 5

**SUMMARY OF DPA-ADDED ALLEGATION #2-3:** (Continued)

SFPD General Order 10.11 states in part:

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... During any citizen encounter that becomes hostile... In any situation when the recording would be valuable for evidentiary purposes.

It also states, “Members submitting an incident report or completing a written statement shall indicate whether the BWC was activated and whether it captured footage related to the incident.”

At a certain point, the complainant’s husband was being cited for driving on a suspended license. He was not free to leave and was essentially arrested for the violations, though he was cited and released at the scene. While a mere traffic accident may not require activation of BWC’s, a traffic collision involving a citation would require activation under DGO 10.11. While the DGO uses the phrase, “Authorized Use”, it also states that members “shall activate their BWC equipment”, during such incidents. Furthermore, since this was an injury accident, one of the named officers investigated, interviewed the parties, and determined that there had also been violations of the vehicle code by the other driver. That officer also suspected the party more at fault in the collision, may have been a victim of insurance fraud by the complainant and her husband. Even if these were consensual encounters, that named officer was getting information about criminal activity from suspects, witnesses and victims. That named officer also should have documented the activation of his BWC in his traffic collision report – a type of incident report that includes a narrative or “written statement” section.

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:** 02/27/18    **DATE OF COMPLETION:** 11/27/18    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he reported that his neighbor violated a restraining order. The named officer responded but failed to properly investigate the incident. The named officer did not detain the suspect, interview witnesses or view security footage.

Witness #1 stated she watched the named officer speak to the complainant and noticed “he did not talk to anyone” else. She said she expected the officer to come up to her office to speak with her and review the surveillance footage. However, the named officer did not try to contact her or anyone on her staff.

Witness #2 stated he spoke to the named officer in the community room and told him about the altercation. Witness #2 stated he heard the complainant provide the named officer with a list witnesses who saw the verbal altercation.

The SFPD report documenting the incident showed that the named officer verified the harassment order against the suspect, which required the suspect to “not alarm, annoy harass, threaten, strike, or make physical contact” with the complainant. The report stated there was a verbal altercation between the suspect and the complainant but there was no physical contact. The exchange ended when the suspect left the premises. The complainant wanted the suspect’s verbal assault document in a police report. The report also indicated that the named officer was unable to retrieve existing video evidence. The report did not include that the named officer spoke to the suspect, witness #2 or that the complainant provided a list of witnesses.

The named officer acknowledged responding to the location for a verbal altercation/restraining order violation. He said before his arrival, dispatch had verified the restraining order. At the scene, the complainant provided the named officer with a synopsis of the event. The named officer said he attempted to get witnesses to speak to him, but no one would talk to him.

A couple of days after the incident, the complainant came into Northern Station and complained about the named officer’s actions to a sergeant. The sergeant requested a copy of the restraining order proof of service, witnesses to corroborate the complainant’s statement, video footage, and a signed citizen’s arrest form for further action. The complainant provided all requested items and the sergeant assigned new officers to investigate the matter. The new officers spoke to witnesses and obtained the surveillance footage. After the additional investigation, the sergeant determined there was enough probable cause to issue a citation to the suspect.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/27/18    **PAGE#** 2 of 3

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

Footage from the hotel's surveillance cameras shows the named officer in contact with the complainant, the suspect and Witness #2. The video also shows the complainant pointing out the suspect to the named officer.

DGO 2.01, Investigative Responsibility, states "when an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation."

DB 17-109, Booking Recording Device Evidence and Written Statements, states, "Department members are required to check crime scenes and scenes of police action for video and/or audio recording device evidence. Upon locating the presence of video and/or audio recording devices, members should exercise all means reasonably necessary to acquire this critical evidence."

Per the Report Writing Manual (DM-11), "members are reminded that statements are a critical part of the investigative process. Statements provide the reporting party and/or suspect an opportunity to explain what happened from their perspective. Members are responsible for interviewing all involved parties (affording the Miranda Warning as appropriate) and including the statements in the initial incident report and Investigation."

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to take required action when he did not obtain available security camera footage of the violation of the restraining order he was investigating.

Witness #1 stated she watched the named officer speak to the complainant and noticed, "he did not talk to anyone" else. She said she expected the officer to come to her office to speak with her and review the cameras. However, she said, he did not try to contact her or anyone on her staff regarding video footage of the area where the incident took place.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/27/18    **DATE OF COMPLETION:** 11/27/18    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #2:** (Continued)

The named officer stated he spoke to an unknown person at the front desk about the security footage but was unable to obtain it at the time of the incident.

The surveillance video obtained by DPA does not show the officer approach or speak with the front desk clerk at any time during the incident.

Department Bulletin 17-109 Booking Recording Device Evidence and Written Statements: “Department members are required to check crime scenes and scenes of police action for video and/or audio recording device evidence. Upon locating the presence of video and/or audio recording devices, members should exercise all means reasonably necessary to acquire this critical evidence.”

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

**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:** The DPA received a letter from the SFPD Legal Division stating there was no body worn camera (BWC) video evidence to produce for the named officer.

The named officer admitted he did not turn on his BWC. The named officer stated he misunderstood the Department General Order on BWC but after re-reading it he admitted he should have turned on the BWC when responding to this incident.

Department General Order 10.11 states “all on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: ... Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted in Section III, D. ... In any situation when the recording would be valuable for evidentiary purposes.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/28/18    **DATE OF COMPLETION:** 11/05/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer has resigned from the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/19/18    **DATE OF COMPLETION:** 12/04/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** An anonymous complainant sent a letter to the DPA stating that an officer showed a video with sexual content to several officers. The sexual content was captured as part of potential evidence.

The named officer stated that a security guard forwarded him surveillance footage as potential evidence in a crime. The surveillance video showed police responding to an incident, but it also captured public sexual conduct. The named officer showed it to a supervising officer and the supervising officer said the footage was not needed. The named officer stated he deleted the footage and did not show it to anyone else. The named officer also stated that the anonymous complainant was an officer who was trying to retaliate against the named officer. The named officer did not provide any further evidence of the retaliation.

The supervising officer was unavailable for a DPA interview; however, the supervising officer gave an interview to SFPD internal affairs in a related complaint. The supervising officer confirmed the named officer's explanation.

Other witness officers interviewed by internal affairs said the named officer never showed them a video with sexual content.

A preponderance of the evidence established that the named officer did not engage in the alleged behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/13/18 **DATE OF COMPLETION:** 11/15/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/23/18

**DATE OF COMPLETION:** 11/30/18

**PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-3:** The officers engaged in threatening and/or intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated the named officers arrived at his home and investigated his potential violation of a restraining order protecting his landlord. The complainant said the named officers acted in a threatening and menacing manner toward him when he was detained. The complainant stated that one of the named officers told him he was on “thin ice,” and said if he stepped out of line he would go to jail.

One of the named officers was unavailable for questioning. The other two named officers denied the allegations. One of the named officers acknowledged making statements similar to those alleged by the complainant. He stated that his intent was to warn the complainant that his actions were very close to a violation of the restraining order and, “repeated complaints by the reporting party could be deemed as a continuous offense or deemed intentional to maliciously ‘annoy’ the reporting party.”

Body Worn Camera (BWC) recordings of the incident show that the named officers spoke to the complainant and his landlords. The landlords explained that the complainant had been banging on the walls and playing loud music. The recording shows that the landlords believed the complainant had violated the restraining order. The named officers appeared concerned about probable cause and the intent of the complainant’s noise. The recording shows the named officers ultimately decided not to arrest the complainant, but one of the named officers did tell the complainant he was on “thin ice” and said if they were called again, he might be cited or arrested.

The BWC recordings were clear. The recordings showed the named officers acted in a professional manner. The statements by one of the named officers were appropriate as a warning to the complainant and a reminder to abide by the terms of the restraining order. The behavior and statements of the named officers were neither threatening nor intimidating.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/23/18

**DATE OF COMPLETION:** 11/30/18

**PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officers detained him without justification. The complainant stated the officers told him they were there because of a “noise complaint.” The complainant acknowledged he was playing his music loud at night and was in a fight with another roommate.

Records from the Department of Emergency Management show that dispatch received a call at 4:35 a.m. regarding a noise complaint. The caller reported that the neighbor in the in-law unit was playing loud music.

One of the named officers was unavailable for questioning. The other named officers stated they detained the complainant after the reporting party told them that the complainant had violated a restraining order. The named officers said they investigated the allegations and determined that the complainant did not violate the restraining order at the time. The named officers stated they advised the complainant to stop playing loud music and banging on the wall.

BWC recordings shows the landlord showed the named officers a copy of the restraining order. The landlord can be heard telling the officers she and her husband initiated eviction proceedings and the complainant has been ordered to vacate the premises by a certain date. The named officers are heard on the BWC recording explaining to the landlord that, although the complainant is pushing the limits, his behavior does not constitute a violation of the restraining order and they cannot arrest him.

SFPD General Order 5.03, Investigative Detentions, states, “A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person’s behavior is related to criminal activity.”

The BWC recordings and the CAD Event History Detail demonstrate that there was sufficient reasonable suspicion to support the named officers’ detention of the complainant. He acknowledged making noise at 4 a.m. in the house where he is a restrained party, and where the protected party was alleging he had violated the restraining order.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/29/18

**DATE OF COMPLETION:** 11/20/18

**PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**

**UA**

**FINDING:**

**NF/W**

**DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/29/18 **DATE OF COMPLETION:** 11/30/18 **PAGE#** 1 of 2

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

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

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

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

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

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

**FINDINGS OF FACT:** The complainant, an attorney at law and a deputy public defender, stated that the named officer denied him and his investigator access to a suspect held in San Francisco Police Department custody (hereinafter referred to as “the subject”) at a hospital. The complainant stated that he wanted to visit the subject at the request of the subject and the subject’s brother.

The named officer confirmed that the subject had been arrested and was in police custody at the hospital on the date of the incident. He stated that the hospital watch patrol officers did not have discretion to allow any visitors, other than the subject’s family law lawyer, to visit the subject, on his orders. The named officer stated that he had been in his office speaking to the assistant district attorney about the subject’s case when the complainant called him to request access to the subject. The named officer stated that the assistant district attorney advised him not to allow the complainant access because the subject had not yet been arraigned. The named officer confirmed he told the complainant he was not permitted to visit the subject.

The witness officer stated that he facilitated the telephone call between the complainant and the named officer and confirmed that the named officer denied the complainant access to the subject.

The complainant’s investigator confirmed that the named officer denied him and the complainant access to the subject.



No other witnesses came forward.

PC §825 states, in pertinent part:

(b) After the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner. Any officer having charge of the prisoner who willfully refuses or neglects to allow that attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow the attorney to visit the prisoner when proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred dollars (\$500), to be recovered by action in any court of competent jurisdiction.

The evidence in this case proved that (1) the subject had been arrested and was in police custody on the date of the incident, (2) the complainant was an attorney at law entitled to practice in the courts of record of California on the date of the incident, (3) the subject and the subject's brother requested an attorney from the public defender's office to visit the subject prior to the incident, (4) the named officer was in charge of the prisoner on the date of the incident, and (5) the named officer willfully refused to allow the complainant to visit the subject.

A preponderance of the evidence proved that the named officer violated Penal Code §825, a misdemeanor, and, in doing so, he issued an invalid order, failed to take required action, and engaged in inappropriate behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/04/18    **DATE OF COMPLETION:** 11/19/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on November 13, 2018.

**SUMMARY OF ALLEGATION #3:** The officer failed to provide required information.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on November 13, 2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/16/18    **DATE OF COMPLETION:** 11/02/18    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers used unnecessary force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated she was having trouble at a clinic, and a Sheriff's deputy forcibly removed her from the facility. She said that, once outside, the deputy threw her to the ground, and handcuffed her. The complainant stated that three SFPD officers arrived, jumped on her back and also handcuffed her. The complainant said that the officers then took her inside and removed their set of handcuffs. The complainant stated that while inside the building the deputy continued to use more force against her. The next day she said she went to an urgent care facility where she was diagnosed with a fractured leg, bruises, and cuts.

The named officer stated he saw a female deputy on top of the complainant, attempting to handcuff her while yelling orders. He stated he assisted the deputy in handcuffing the complainant. The named officer said that he recalls two other SFPD officers arriving on scene, but he could not identify them. He said he did not use any kind of force. The named officer stated he walked the complainant back inside a nearby facility, removed his handcuffs, and left.

Other responding officers denied the allegation and stated the complainant was already handcuffed and being walked into the building when they arrived.

The Sheriff's deputy stated that the complainant was upset and acting aggressively, and staff at the clinic called her to intervene. The deputy stated that she escorted the complainant out due to her behavior. She said the complainant became aggressive towards her and tried to strike her, so she called for help over the radio. The deputy said she did a bar arm take down and stated that SFPD officers arrived, and an officer assisted her in handcuffing the complainant. The deputy stated that the complainant was detained for psychological evaluation and transported to the hospital. The deputy stated that the responding officers did not use force during this incident.

No other witnesses came forward.

The deputy's statement was consistent with the named officer's statement that he did not use reportable force. The complainant did not sign a medical release form or provide any medical information to the DPA. The evidence proved that the acts alleged in the complainant did not occur, or that the named officer was not involved in the acts alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/16/18    **DATE OF COMPLETION:** 11/02/18    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to prepare an incident report.

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

**FINDINGS OF FACT:** The complainant stated she went to the police station 1-2 days later to obtain a copy of the incident report; however, there was no report at the time. She said it took about a week for the report to show up.

A San Francisco Sheriff's Department Incident Report was on file at SFPD Records. The report was prepared by the deputy sheriff on the date of the incident. In the narrative the deputy wrote that the named officer assisted her in handcuffing the complainant.

The named officer stated he did not prepare an incident report because he was not required to do so, as it was the deputy's incident to document. He also stated he did not use any force that would have required a report.

The named officer's role was to assist a Sheriff's deputy in controlling the complainant. He neither investigated the complainant nor arrested her. The evidence also established that he had not used any reportable force against the complainant. The named officer had no duty to prepare a report.

The evidence proved that the act alleged in the complainant 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:** 04/27/18    **DATE OF COMPLETION:** 11/30/18    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer incorrectly cited him for continuing straight through an intersection, when continuing straight was only allowed for certain kinds of vehicles. He said that because he was in a commercial vehicle, he had a right to continue straight. The complainant referred to information from the San Francisco Municipal Transportation Agency’s (SFMTA) website describing new restrictions, but with exceptions for certain kinds of vehicles, including “commercial vehicles.” The complainant said he was also cited for driving in a lane for buses and taxis, but the named officer later removed that charge. The complainant stated that he challenged the citation but lost in court. At the time of the complaint, he said he was appealing the matter.

The named officer stated he witnessed the complainant disobeying a posted regulatory sign and driving in a red lane restricted to buses and taxis. He said that he cited the complainant for a violation of California Vehicle Code section 21461(a). He stated that the posted sign indicated that only trucks, buses, taxis or bicyclists may continue straight through the intersection. He said that the complainant was driving an SUV with a TCP number, and displaying personalized California legacy plates, which he said were not commercial plates. The named officer said he amended his citation later, regarding driving in a bus/taxi lane, because although the lane was painted bright red, the white lettering had yet to be repainted on the lane.

The named officer’s partner agreed with justification for citing the complainant.

Documents submitted by the complainant show that the sign in question was erected pursuant to a SFMTA resolution that simply uses the language “commercial vehicles.” Images of the sign submitted by the complainant and visible on Google Street View show that vehicles are prohibited from continuing straight through the intersection, but the signage also indicates “EXCEPT” and has four images: a bus, a bicycle, the word “TAXI,” and what appears to be a small, commercial, truck.

California Vehicle Code section 21461(a) states:

It is unlawful for a driver of a vehicle to fail to obey a sign or signal defined as regulatory in the federal Manual on Uniform Traffic Control Devices, or a Department of Transportation approved supplement to that manual of a regulatory nature erected or

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/27/18    **DATE OF COMPLETION:** 11/30/18    **PAGE#** 2 of 2

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

maintained to enhance traffic safety and operations or to indicate and carry out the provisions of this code or a local traffic ordinance or resolution adopted pursuant to a

local traffic ordinance, or to fail to obey a device erected or maintained by lawful authority of a public body or official.

SFMTA Board of Directors Resolution No. 15-096 states that pursuant to the City's Vision Zero Policy, the intersection in question should be a left-turn-only intersection, "EXCEPT FOR BICYCLES, BUSES, TAXIS, and COMMERCIAL VEHICLES."

SFPD General Order 9.01, Traffic Enforcement, states, "Officers shall act on moving violations ... After witnessing a violation."

The named officer witnessed what appeared to be a traffic violation based on the sign in place at the intersection. A judge reviewed the citation and agreed with the named officer, despite a higher standard of proof to convict a person in court. The sign itself clearly shows a small truck, similar to a moving truck or truck used to carry inventory to retail stores. While there may be an open question about the intent of the SFMTA and how it was translated into the directive displayed at the intersection, there is no requirement that police officers should be familiar with SFMTA Board of Director resolutions. The named officer's interpretation of the sign was valid, and he certainly had probable cause to cite the complainant with the information he had and was expected to possess.

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:** 04/26/18    **DATE OF COMPLETION:** 11/20/18    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated in an online complaint that when an officer told him to ride in the street and not on a sidewalk, he complied. As he was about to get off the sidewalk onto the bicycle lane, the named officer told him he was going to write him a citation, which the complainant stated was unjustified. The complainant stated the named officer eventually arrested him and placed him inside a marked police vehicle.

The complainant failed to respond to DPA efforts to interview him about the incident.

Department records showed the complainant was arrested (misdemeanor citation) for riding his bicycle on the sidewalk, possession of illegal weapon and resisting arrest.

The named officer stated the complainant refused to comply when told to ride his bicycle in the bicycle lane and so he told the complainant that he would issue him a citation. The named officer stated the complainant became irate, started berating him and was disrespectful. The named officer stated the complainant refused to provide identification when asked, prompting him to detain the complainant in handcuffs. The named officer stated the complainant resisted while being placed in handcuffs and tried to escape. The named officer stated a switchblade knife also fell out from the complainant's pocket.

Other officers at the scene arrived when the complainant was already in custody and did not witness the initial contact.

The video recording from the named officer's Body Worn Camera does not show the initial detention described by the officer but showed that when the officer told him to stop, the complainant was argumentative and uncooperative. He refused to give his identification despite being asked several times. At one point, as he was being placed in handcuffs, he actively resisted by tensing up his left arm and pulling away from the officer's grip. He also attempted to escape by running away, and a switch blade knife was recovered at the scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/18 **DATE OF COMPLETION:** 11/20/18 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant alleged the named officer cornered him to the sidewalk, forcefully pushing him off his bicycle. The complainant stated the officer grabbed his hand and tried to throw him to the ground.

The complainant failed to respond to DPA efforts to interview him about the incident.

The named officer stated he corralled the complainant towards a curb because the complainant refused to stop riding his bicycle despite being ordered to stop. The officer stated further that the complainant physically resisted his efforts to handcuff him, got up from the sidewalk and tried to flee as the officer was attempting to subdue him, and that the complainant continued fighting until he was restrained. The officer stated he used an appropriate amount of force to overcome the complainant's resistance, and his attempt to flee.

Other officers at the scene arrived when the complainant was already in custody and did not witness the initial contact.

The video recording from the named officer's Body Worn Camera showed that the complainant refused to comply with commands to stop and pull over. The video recording showed that the complainant was noncompliant and actively resisted during detention. He refused to place his arms behind his back and attempted to pull away from the officer's grip. He also attempted to escape from the officer.

A video recording from a witness civilian corroborated the officer's contentions. It showed the complainant actively resisting.

A preponderance of the evidence established that the named officer used reasonable amount of force to take the complainant into custody.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/18    **DATE OF COMPLETION:** 11/20/18    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated in his online complaint that the named officer behaved and spoke inappropriately by telling the complainant he needs a badge to ride his bicycle on the sidewalk.

The complainant failed to respond to DPA efforts to interview him about the incident.

The named officer stated the complainant misunderstood his explanation of why officers can lawfully ride bicycles on the sidewalk.

The evidence showed the named officer remained calm and professional during the contact.

The complainant failed to come forward, and no witnesses were identified.

A preponderance of the evidence established that the named officer did not behave inappropriately toward the complainant as alleged.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/18      **DATE OF COMPLETION:** 11/21/18      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** On the day of the incident, the complainant was driving his taxi. At an intersection, a black Range Rover nearly reversed toward the complainant's taxi. This caused both vehicles to come to a sudden halt. The complainant stated he tried to use his phone to take a picture of the Range Rover, because it did not have a license plate. The Range Rover's driver exited the vehicle and slapped the phone from the complainant's hand, causing its screen to crack. The driver then got back into his car and sped away. The complainant called the police. While waiting for their arrival, a taxi drove up to the complainant. The driver told the complainant he had followed the Range Rover and informed the complainant where it was parked. After forty minutes of waiting, the complainant waived down an SFPD cruiser. The complainant stated the officers did not seem very interested in his complaint. The complainant took them to the Range Rover. The complainant saw the named officer check the temporary ID slip in the Range Rover's dash. The named officer wrote a note and left it under the Range Rover's windshield wiper. The complainant walked up to the Range Rover and took a picture of the officer's message. It stated, "Nice work should have covered this one." The complainant felt the note was instructing the driver on how to hide his identity.

The named officer admitted writing the note. He said he wrote it because he felt bad for the complainant. The named officer stated he had no way of confirming the car belonged to the man who had attacked the complainant. The Range Rover had no license plate and its VIN was covered by papers on the dash. The named officer explained he wanted to do something to appease the complainant. The named officer stated he wrote the note because he wanted to let the driver of the Range Rover know the police had noticed his car, and his VIN needed to be visible. He said he intended the note to be sarcastic. When he realized sarcasm does not work when written, he removed the note.

While the named officer admitted writing the note, the conduct does not rise to a level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/18      **DATE OF COMPLETION:** 11/21/18      **PAGE#** 2 of 3

**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 this incident, the DPA discovered the named officer did not activate his Body Worn Cameras (BWC) while investigating an alleged assault.

The named officer admitted that he did not activate his BWC and acknowledged that he failed to comply with DGO 10.11, Body Worn Cameras.

DGO 10.11, Body Worn Cameras, states, in part, “All on-scene members equipped with a BWC shall activate their BWC equipment during consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, or in any situation when the recording would be valuable for evidentiary purposes.”

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

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

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

**FINDINGS OF FACT:** The complainant stated he asked the named officer to listen to his testimony and prepare a report. The complainant said he asked for a police report number and the officer supplied him with the CAD number.

The named officer admitted he did not write an incident report for this incident. He acknowledged several crimes may have occurred at the incident, including vandalism or battery. The named officer provided the following reasons for the lack of a report: 1) the complainant did not request one; 2) the complainant lacked credibility; 3) the complainant had instigated the incident; and, 4) a fight without weapons only warrants an incident report if someone is injured. When told both the complainant and a witness officer remembered the complainant asking for an incident report, the named officer said that the complainant had asked for an arrest. He explained he did not arrest the other party because he could not find the other involved party.

According to the witness officer, the complainant did request that the named officer document the incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/18      **DATE OF COMPLETION:** 11/21/18      **PAGE#** 3 of 3

**SUMMARY OF DPA-ADDED-ALLEGATION #2 continued:**

The SFPD Report Writing Manual states that officers should, "...prepare incident reports to document completed, incomplete, or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature."

SFPD General Order 1.03, Duties of Patrol Officers, states, in part, "Make written reports on crimes observed or brought to their attention that have not been previously reported."

SFPD General Order 2.01, General Rules of Conduct, Rule 25, states, "ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

SFPD General Order 5.04, Arrests By Private Persons, states, in part, "In all instances involving requests for a private person's arrest, an incident report shall be prepared."

A crime was brought to the named officer's attention, and it required police attention to investigate. It is also more likely than not that the complainant did request a report, but more importantly, that he requested the named officer make an arrest. Under these circumstances, the named officer was required to write a report, but failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/10/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he wants police intervention. He stated that a street person continues to verbally and physically threaten him.

The DPA attempted to mediate this complaint, but the complainant stated he was no longer interested in pursuing his case but declined to withdraw his complaint. He told DPA that the street person is no longer bothering him.

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

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

**FINDINGS OF FACT:** This complaint raises matters outside the DPA's jurisdiction. This complaint was partially referred 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:** 05/10/18    **DATE OF COMPLETION:** 11/15/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that while on Muni, an unknown individual stole his cellphone. He stated that officer responded to the scene and took a police report. He stated that a month after the incident, he made multiple calls to the station to submit evidence that would help identify the suspect in his incident. He stated that he never received a call from the investigator assigned to his case.

The SFPD has discretion when assigning cases for investigation. In this case, the Department used its discretion and did not assign the complainant's case for investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18 **DATE OF COMPLETION:** 11/30/18 **PAGE#** 1 of 5

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

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

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

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

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

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

**SUMMARY OF ALLEGATION #3:** The officer engaged in retaliatory conduct.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18 **DATE OF COMPLETION:** 11/30/18 **PAGE#** 2 of 5

**SUMMARY OF ALLEGATION #4:** The officer detained the complainant without justification.

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

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

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18 **DATE OF COMPLETION:** 11/30/18 **PAGE#** 3 of 5

**SUMMARY OF ALLEGATION #6:** The officer arrested the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was arrested for DUI without justification.

Department records indicated that the complainant was asleep behind the wheel of his double-parked vehicle with the engine running. Records also indicated that responding officers smelled a strong odor of alcohol coming from inside the vehicle and from the complainant's person. Officers also observed an assortment of empty alcohol containers on the passenger side floor board of the vehicle. Additionally, records indicated that the complainant exhibited several signs of intoxication, including reddened, watery eyes, slurred and rapid speech, and an unsteady gait. The complainant also refused field sobriety tests and was verbally abusive to responding officers. Finally, the complainant stated to officers that he was on his way to a friend's house across town.

Body worn camera footage corroborated the above information provided by department records.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers told him they had a warrant for a DUI blood draw, but the warrant was not signed until five days after the incident. The complainant stated that the warrant was not valid.

Department records and court transcripts indicated that the named officers obtained a telephonic search warrant for a DUI blood draw. Records indicated that a judge telephonically authorized his signature to the warrant and authorized the warrant to be served at any time of the day or night. Records also indicated that the same judge personally signed the warrant five days after it was issued and served on the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18    **DATE OF COMPLETION:** 11/30/18    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #9:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that during the blood draw, the named officer went behind him and twisted his wrist and arm even though he was already handcuffed.

Department records indicated that the named officer obtained a DUI blood draw search warrant and a phlebotomist performed a blood draw on the complainant.

Body worn camera footage showed the complainant seated in a chair at the police station with his wrists handcuffed behind his back. The phlebotomist asked the named officer to assist him in positioning the complainant on his side as he attempted to draw blood from the complainant's right arm. The named officer held the complainant's left wrist behind his back and turned him onto his side as the phlebotomist instructed the complainant not to move. Footage showed the complainant moving around in the chair and screaming and cursing at the named officer and the phlebotomist. The phlebotomist told the named officer that he could not draw blood because the complainant was moving too much. The named officer and another officer handcuffed the complainant's wrists separately to the arms of the chair. The named officer assisted the phlebotomist by restraining the complainant's arm as the blood draw was completed. The footage demonstrated that the named officer did not use force on the complainant. Rather, the named officer used a control hold and restrained the complainant without force to assist the phlebotomist during the blood draw.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18    **DATE OF COMPLETION:** 11/30/18    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #10:** The sergeant failed to properly supervise.

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

**FINDINGS OF FACT:** The complainant stated that an officer used unnecessary force on him during a blood draw and the named sergeant watched and did not intervene.

Department records indicated that officers obtained a DUI blood draw search warrant and a phlebotomist performed a blood draw on the complainant.

Body worn camera footage showed an officer using a control hold and restraining the complainant without force to assist the phlebotomist during the blood draw. Footage showed the named sergeant standing in the room during the blood draw. Footage demonstrated that the named sergeant did not have reason to intervene as there was no use of unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/18/18    **DATE OF COMPLETION:** 11/15/18    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer harassed a person.

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

**FINDINGS OF FACT:** The complainant stated that he was being harassed by the named officer.

The named officer and his partner denied the allegation, stating that the complainant was detained and cited for violation of San Francisco Police Code section 168(b), which makes it unlawful, with certain exceptions, to sit or lie on a public sidewalk.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/18/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that while dining in San Francisco, his vehicle's window was smashed, and high value items were stolen from his vehicle. The complainant stated that SFPD failed to assign his case for investigation and failed to arrest the suspect.

The lieutenant's Station Investigation Team (SIT) told DPA that the complainant's case was never assigned for investigation; however, it was forwarded to the plainclothes officers for possible follow up investigation. The lieutenant stated he checked with his plainclothes officers, but they could not specifically recall the case because of the volume of cases the station receives per month. In addition, the lieutenant stated that an attempt was made to obtain the video evidence, but the video was no longer available. The lieutenant noted that the station averages about one thousand (1000) police reports per month, averaging three hundred twenty (320) auto burglaries per month. He also noted the Department's case assignment policy – Department Bulletin No. 17-256, Case Assignment for Investigation.

DB No. 17-256, Case Assignment for Investigation, states, in part:

It is the policy of the San Francisco Police Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner. Therefore, the Station Investigation Team (SIT) Lieutenants and the Investigations Bureau Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an investigator.

When assigning cases for investigation, staffing levels and the following factors should be considered:

- The severity of the crime (violence during the commission of a crime is a major contributor to the severity of the crime).
- The solvability of the crime.
- The presence or lack of physical evidence.
- The presence or lack of video footage.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/18/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 2 of 2

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

- The victim(s) or witness(es) willingness or reluctance to cooperate with the investigation (the lack of cooperation by a victim or witness does not automatically disqualify the case from being successfully investigated and prosecuted).
- The victim(s) or witness(es) ability to appear in court.
- Other articulable reason for assignment.

Cases warranting investigation under these criteria shall be assigned to a specific investigator. The remaining unassigned cases will be administratively filed as Open/Inactive.

There was insufficient evidence to either prove or disprove that any member of the SFPD failed to take required actions.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1-5:** The officers searched personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated that her son was the subject of a parole search at her house, executed by the named officers. She indicated the named officers searched notebooks and other personal items that belonged to her deceased son, rather than the parolee.

During their interviews, the named officers said they assisted local parole agents in the search. They stated that they were instructed to search for items the complainant's son is not allowed to have, due to his status as a parolee. The named officers stated that the personal items they inspected and seized either had the complainant's son's name on them or were in his room.

The Body Worn Camera (BWC) recordings show the named officers searched in a bedroom, and common areas of a house, at the direction of parole agents.

The incident report documented that the son's father told the named officers which room belonged to his son. The report also documented that one of the named officers found a letter addressed to the son in that room, along with notebooks and mobile phones. The report documented that these items were booked as evidence.

The complainant provided the DPA with copies of her son's parole conditions, which state that his, "residence, and any property under [his] control are subject to search or seizure by a probation officer...or any other peace officer..." Even if some of the items searched by the named officers did not belong to the son, they were items under his control, and they therefore had the right to search them.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #6-10:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that her son was on parole and subject to search. She stated that the named officers executed a parole search at her home, but searched the entire house, rather than just her son's bedroom.

The named officers stated they were asked to participate in the search as part of a joint effort between SFPD and the California Department of Corrections (Parole). They noted this was one of many searches they assisted with on that date. The named officers said that they searched the son's bedroom and common areas of the house.

The BWC recordings show the named officers searched in a bedroom and other rooms that appear to be common areas of the complainant's home. These included a room with a couch and television, a kitchen, a room with exercise equipment, a bathroom, and a back patio.

The BWC recordings showed that there were other rooms that the named officers did not enter.

The incident report documented that the son's father told the named officers which room belonged to the son.

The complainant provided DPA with copies of her son's parole conditions, which state his, "residence, and any property under [his] control are subject to search or seizure by a probation officer...or any other peace officer...."

The evidence showed that the named officers were careful to search only in the son's bedroom and common areas of the home.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #11-15:** The officers seized property without justification.

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

**FINDINGS OF FACT:** The complainant stated that her son was the subject of a parole search at her house, executed by the named officers. She said the named officers seized notebooks and cell phones that did not belong to her son.

The named officers stated they seized notebooks, paper and cell phones from the complainant's home. They noted these items belonged to the complainant's son and may have contained information related to gang activity, including communications between the complainant's son and prison inmates.

The BWC recordings show the parole agents explained to the named officers how prisoners continue to conduct illegal activity while incarcerated. The recordings show that the parole agents had reason to believe the complainant's son was involved in on-going illegal activity, based on written communications found in his bedroom.

The named officers, either based on their own evaluation or on the reliable information from the parole agents, had the right to seize contraband and evidence of a parolee's prohibited activities.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/18 **DATE OF COMPLETION:** 11/29/18 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #16-20:** The officers displayed intimidating behavior.

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

**FINDINGS OF FACT:** The complainant said the named officers executed a parole search at her home. She stated they brought along many more officers than usual, and she found the experience intimidating.

The named officers denied saying or doing anything that might be construed as intimidating.

The BWC recordings show the complainant voicing her concerns, and stating she was primarily upset with the number of officers involved. The recordings show parole officers explaining that it was a multi-agency operation in the area, and that her home was one of many they were searching. The recordings did not show any of the named officers acting in an intimidating manner.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 11/29/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officers used excessive force while she was being handcuffed.

Named officer #1 stated he handcuffed the complainant as she was reported to have a hammer in her purse. He stated that when he attempted to handcuff her, she resisted by pulling away and tensing her arms. He stated he conducted a rear wrist lock in an attempt to gain control of the complainant's movements. He stated the complainant complained of pain while she was placed in handcuffs. However, he stated the complainant no longer verbalized a complaint of pain after she was released from the control hold. He stated the force used was not excessive.

Named officer #2 stated he attempted to remove a lanyard she was wearing around her neck. He stated he found it necessary to remove the lanyard because he observed it held a small knife. He stated he did not pull or put any tension on the lanyard, but the complainant aggressively pulled the lanyard back and started yelling when he tried to remove it. He stated the complainant was handcuffed as she had been reported as armed with a hammer. He stated he put the complainant in a rear wrist lock when she began to resist his efforts. He stated the complainant did not complain of pain or injury after being placed in handcuffs.

Named Officer #3 stated it was necessary to handcuff the complainant as dispatch stated she was armed with a weapon. He denied using reportable force on the complainant.

Witness officers did not witness any reportable use of force. No other witnesses were identified.

Body Worn Camera (BWC) footage shows named officer #2 attempt to remove the lanyard from the complainant's neck by pulling it over her head. While he was doing this, the complainant apparently pulls back and screams. The video does not show named officer #2 using any force to remove the lanyard. BWC footage shows the named officers handcuff the complainant. The complainant resists. The complainant only complains of pain while she is being handcuffed.

There are no department records indicating reports of use of force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 11/29/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #4-5:** The officers searched personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers illegally searched her purse.

Department records show the call for service was for a fight with weapons. It further stated the complainant was reported to have put a hammer in her purse. As such, the search was proper.

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 #6:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated she was cited for having a hammer in her purse, which she claimed she carried for protection. She acknowledged that she intended to smash a window at a store.

The named officer stated that he had been informed the complainant brandished a hammer. He stated the store clerk signed a citizen's arrest form against the complainant for brandishing a weapon and that he issued the citation for that violation.

Department records indicated a civilian signed a citizen's arrest form for brandishing a weapon and that the complainant was cited for that violation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18    **DATE OF COMPLETION:** 11/30/2018    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the named officer used excessive force by shooting her with two rounds from an Extended Range Impact Weapon (ERIW), without justification. She stated she sustained a broken hand and a severe bruise to her ribs as a result of the force, which she had done nothing to provoke.

The named officer stated that when he encountered the complainant, he had been told she was suicidal, and she was in danger of jumping into the water off a dark dock on the San Francisco Bay. He stated that when he approached the complainant, he attempted to de-escalate the situation by speaking to her, but she refused to engage with the responding officers or to obey orders to show both her hands, one of which was hidden behind her back. The officer stated that when the complainant made a move toward the water, he believed the complainant was attempting to kill herself and he deployed the ERIW to stop her. He stated that the complainant, after being hit with one round, again failed to comply with orders to get on the ground. The named officer stated he deployed a second round from the ERIW because the complainant was standing within a foot of the edge of the dock and continuing to disobey orders. He stated after the second round was fired, the complainant went to the ground and was quickly detained. The named officer stated he was about 20 feet from the complainant when he fired the ERIW. He stated the use of the ERIW was reasonable given the circumstances. He stated that de-escalation efforts had failed and that other available force options were not practical, or likely effective, given the circumstances.

Witness officer #1 stated that, to locate the complainant, he and the other officers had to walk down a long, narrow and wobbly dock. He stated that officers attempted to establish dialogue with the complainant, but he was too far away to hear what was said. He stated the named officer was about 20 feet from the complainant when he fired the ERIW. Witness officer #1 stated the use of the ERIW was reasonable under the circumstances as it was efficiently used to prevent the complainant from jumping into the water.

Witness officer #2 stated he and the other officers found the complainant on a very long and narrow dock, where she was sitting with one hand behind her back. He stated he attempted to make conversation with the complainant, but she would not respond. He stated the complainant suddenly stood up and walked toward the end of the dock. He stated the named officer gave the warning to the other officers that he was going to deploy the ERIW. He stated the named officer gave her commands to get on the ground, but she did not comply. Witness officer #2 stated the named officer fired a second round at the complainant, which brought her to the ground, after which she was taken into custody.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 11/30/2018 **PAGE#** 2 of 5

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

This officer stated that no further de-escalation tactics were practical, as any hands-on tactic would have put the officers in danger of falling into the water. He stated the officers were too far from the complainant to employ tactics such as a baton or pepper spray effectively.

Witness officer #3 stated that when officers located the complainant, she appeared to be in crisis, as she was sitting near the end of a long, narrow dock, crying in the dark. She said the complainant did not respond to officers' attempts to speak with her. This officer stated the complainant, without warning, stood up and moved toward the water. She stated that the named officer fired a round from the ERIW at the complainant. She stated the complainant continued ignoring commands to get on the ground. Witness officer #3 stated, because there was fear that the complainant was going to go into the water, the named officer fired a second round, which brought her down to the ground. This officer stated that the deployment of the ERIW was the only practical option available under the circumstances because the complainant was trying to kill herself.

Witness officer #4 stated that he heard the named officer give a warning that he was going to deploy the ERIW. He stated he believed de-escalation tactics were used and he stated he was concerned for his safety and the safety of the other officers, because of their proximity to the water.

Body Worn Camera (BWC) footage shows a security guard informing an officer that there was a suicidal woman on the dock he was watching. When officers approach the complainant, she is sitting near the end of a dock with her right hand not visible. The dock is narrow, lined with boats and lit only by officers' flashlights. An officer, who is no longer with SFPD, attempts to verbally engage the complainant, with no response from her. The named officer then introduces himself and other officers. He asks the complainant to show her hand. The named officer said: "We are here to help you, we want to help, we don't want to hurt you, we just want to give you some help." He tells her that they are not there to rush her, or to hurt her. He again asks the complainant to show her hands. The complainant does not speak or move to show her hand. Without speaking, the complainant stands up and moves briskly toward the end of the dock, about 15 feet away. The named officer yells out "Red Light! Less Lethal! Ma'am, stop! Stop! Stop!" before firing the ERIW. The complainant is hit, yells out and stops near the end of the dock, still standing. The named officer shouts: "Stop! Stop! Stop! Get down on the ground! Get down on the ground! Ma'am, get down on the ground!" The named officer fires another round at the complainant, after which she sits down. When the complainant is in the ambulance, she states to an officer: "I was gonna jump, but I didn't jump."

Department records indicate the use of force was reported and protocols for the use of the ERIW were followed. The captain approved the use of force, which he found reasonable.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18    **DATE OF COMPLETION:** 11/30/2018    **PAGE#** 3 of 5

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

Department records indicate that the named officer is Critical Incident Training (CIT) certified. The complainant's medical record indicates the complainant was diagnosed as having suicidal ideation and acute depression at the time of the incident. It also indicates the complainant had attempted suicide in the past. The record indicates she incurred a contusion on her upper back and a fracture of her hand.

A witness stated he called the police to report an individual who was trespassing and making threats to jump into the water. He stated he heard an officer say to the complainant: "We are here to help you, but we need to see your hands." He stated the officers repeated this phrase more than once. This witness stated he was too far back to see what happened, but he did hear an officer say: "Less Lethal!" and then he heard two shots fired.

Another witness at the scene, who stated he was a former police officer, said saw nothing before he heard the two shots fired. He stated he did not witness "any brutality."

No other witnesses were identified.

Department General Order 5.01 I. C. DE-ESCALATION states: "Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force . . ."

I. E. CRISIS INTERVENTION states: "When feasible, Crisis Intervention Team (CIT) trained officers shall respond to calls for service involving individuals in mental or behavioral health crisis . . ."

II. C. MINIMAL AMOUNT OF FORCE NECESSARY states: "The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest . . ."

VI. E. EXTENDED RANGE IMPACT WEAPON (ERIW) states: "3. LIMITED USES. The ERIW should not be used in the following circumstances (unless deadly force is appropriate) . . . d. At ranges of less than 15 feet."

4. WARNING. When using the ERIW, an officer shall, if feasible:

- a. Announce to the other officers the intent to use the ERIW by stating "Red Light! Less Lethal! Less Lethal!"

...

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 11/30/2018 **PAGE#** 4 of 5

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

- c. Announce a warning to the subject that the ERIW will be used if the subject does not comply with officer commands;

The named officer and the witness officers responded to a call for a suicidal person. They attempted to de-escalate the situation by trying to establish dialogue with the complainant. Because the complainant was non-responsive, non-compliant and abruptly walked toward the water, there was no alternative to the named officer but to deploy the ERIW. Proper protocol was followed given the circumstances.

A preponderance of the evidence established that the named 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.

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

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

**FINDINGS OF FACT:** The complainant stated she was detained for mental evaluation without justification, because she was not suicidal.

The named officer, who said he was the Field Training Officer for another officer who detained the complainant, stated they detained the complainant after being told she was trespassing in a secured area and was exhibiting signs that she was going to imminently commit suicide.

In DPA interviews, four officers who also responded to the incident, stated they responded to a call for service regarding a suicidal person on a dock.

Body Worn Camera (BWC) footage shows officers responding to the incident involving the complainant encountering a witness who said the complainant threatened to jump off a dock. When the officers approach the complainant, she is sitting by the end of a dock, not responding to officers' attempts to speak with her, nor complying with orders to show her hands. Without warning, the complainant quickly arises and moves toward the water. When the complainant is in the ambulance, she states to an officer, "I was gonna jump, but I didn't jump."



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 11/30/2018 **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #2 (Continued)**

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

**SUMMARY OF ALLEGATION #3:** The officer detained a person without justification.

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

**FINDINGS OF FACT:** Department records indicate the named officer, who was on probation at the time of the incident, signed the application to commit the complainant to a 72-hour hold for mental evaluation.

A preponderance of the evidence established that the named officer had justification to detain the complainant for mental health evaluation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/11/18 **DATE OF COMPLETION:** 11/28/18 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated that SFPD officers fabricated police reports against her. She stated these falsified police reports are being used against her because she has information on the Freemasons. The first alleged fabricated police report documented an incident in which the complainant was arrested for elder abuse and terrorist threats. The complainant said her mother and children were witnesses and told officers the complainant was innocent, yet she was still arrested. The second alleged fabricated police report documented an incident in which the complainant was accused of trespassing at a dentist office. The complainant stated her daughter was a witness, but the report did not list her as a witness. The complainant also alleged the police grabbed her and threatened to take her underage son out of her care.

The complainant's mother stated she did not recall the "elder abuse and terrorist threat" incident.

The first incident report documents that the complainant's mother said she did not witness the incident. The Body Worn Camera (BWC) recordings show that the complainant's mother and children were questioned. The recordings do not document any witnesses to the alleged crimes except for the complainant and the victim. The second incident report acknowledges that the complainant's son was at the scene, but not a daughter. The BWC recording documents that the complainant is with a child that appears to be male. The recording does not show officers using force against the complainant or threatening to take her son.

Based on the BWC recordings, the incident reports are accurate. At both incidents, the officers questioned the involved parties and documented their statements. While the statements from the complainant's underage children were not included in the first incident report, they did not witness the incident and were not involved parties. The complainant's nineteen-year-old daughter was not at the second incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/18 **DATE OF COMPLETION:** 11/08/18 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to complete an incident report in a timely manner.

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

**FINDINGS OF FACT:** The complainant stated he was hit by a car while on a bicycle. He said that he later repeatedly requested a copy of his incident report from the Department, but none was provided. The complainant said he was unable to make an insurance claim due to the unavailability of the report.

The named officer stated he was unable to prepare the report in a timely manner due to the transition to a new report format. He said he was unfamiliar with the new system and had not been trained to use it.

The reviewing officer, a sergeant, said he received a copy of the named officer's traffic collision report, and he signed it about three weeks after the accident. He confirmed the traffic unit has had on-going issues utilizing a new report writing application. The sergeant said that officers were given two weeks notice about the new system and had not been trained to use it. He provided DPA with copies of reports generated for this incident on multiple occasions over the course of the six months after the incident.

A witness officer confirmed the traffic unit transitioned from using one report writing program to another during the time the named officer wrote his report. The witness also confirmed the traffic unit experienced delays with writing their reports due to this transition.

The traffic collision report showed it was prepared by the named officer and reviewed by the sergeant. It was not received at the DPA until more than five months after the incident.

The San Francisco Police Department Report Writing Manual states that "reports shall be completed and submitted for review as soon as possible after the information is received."

A preponderance of the evidence shows that the report was delayed due to issues outside of the named officer's control. Specifically, there was a lack of training and technical problems with the traffic collision report system used by the Department during this time.

The evidence proved that the action complained of was the result of inadequate or inappropriate training or the absence of needed training when viewed in the light of Department policy and procedure.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/18 **DATE OF COMPLETION:** 11/07/18 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated in an email to the SFPD that he was detained without justification and that his detention was unlawful. The complainant did not respond to numerous efforts by the DPA to interview him.

The named officers stated the complainant was detained after a caller to 911 reported that he had made a death threat to a relative. The officers stated that ultimately, the complainant was detained for a mental health evaluation.

Department records indicated that the officers were dispatched because the complainant had made a death threat to a relative and that he was known to have a gun. Body Worn Camera (BWC) recordings associated with the incident showed the named officers detaining the complainant. The BWC footage showed officers being told by the complainant's relative that the complainant was angry with another relative because of a text message containing an old picture of him. The relative also told the officers that the complainant suffered a traumatic brain injury in an auto accident and had not been the same since.

Department Records showed a call for a person with a gun was made. A recording of the 911 call showed that the caller reported the complainant made death threats to his mother. The caller also reported that the complainant was known to carry a handgun, and that, while a family member had been able to convince the complainant to surrender a rifle, he had retained his handgun.

The supervisor in charge of the situation stated that the complainant was detained because of death threats to his mother.

Several officers who responded to the incident concurred that the complainant was detained for mental health evaluation after making a death threat.

A witness who was at the scene of the detention confirmed that she called 911 about the complainant's behavior. She stated the complainant was unlawfully carrying a firearm in public, was acting paranoid and was saying bad things against her.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/18 **DATE OF COMPLETION:** 11/07/18 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #5-8:** The officers used excessive force during a detention.

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

**FINDINGS OF FACT:** The complainant stated the officers who detained him forced his head to the ground, scratching his face, stepped on his back and applied pressure on it, because they wanted to hurt him. The complainant did not respond to DPA efforts to interview him.

The named officers were among those who detained the complainant and who were immediately in contact with him when he was placed in handcuffs. One of the named officers stated the complainant resisted during their attempt to detain him by moving his body around and kicking his feet. The officer stated she grabbed the complainant's legs and used her body weight to hold his legs down.

Another named officer stated he used force by pointing his firearm at the complainant until the complied with orders to get on the ground.

One of the named officers denied using reportable force on the complainant.

The fourth named officer reported pointing his firearm at the complainant.

The supervisor in charge of the situation stated that several officers used force by pointing their firearms at the complainant. The supervisor stated that officers controlled the complainant, who was resisting their efforts to detain him by refusing to come out of his house and by moving his body around and kicking his feet while being placed in handcuffs.

One officer at the scene stated he used force by pointing his firearm at the complainant until the complainant was detained in handcuffs. The officer stated the complainant resisted by failing to come out of his house as ordered and failing to comply with other verbal commands.

The complainant's sister stated she recalled officers telling the complainant to lay on the ground in a prone position. She stated the complainant complied and was then surrounded by officers. She stated that she was situated far away and could not see the force used by the officers.

Body Worn Camera recordings associated with the incident showed the complainant placing himself on the ground facedown with hands at his sides. The named officers held him down and placed him in handcuffs. The complainant could be heard yelling and using profanity throughout the process. He also resisted by moving around. The officers engaged in the detention could be heard telling the complainant to

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/27/18 **DATE OF COMPLETION:** 11/07/18 **PAGE#** 3 of 3

stop, relax and calm down numerous times. The officers applied pressure on his back, but nothing on the video recordings showed an officer stepping on his back.

The evidence showed the officers used force to detain the complainant and overcome his physical movement. Having been informed that the complainant may be armed with a handgun, it was also reasonable for the officers to point their firearms at the complainant when they engaged him, which the Department considers a use of force.

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

**SUMMARY OF ALLEGATIONS #9-10:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that an officer searching him put his fingers inside his pants and touched his buttocks.

One of the named officers stated he conducted a cursory pat search for weapons by touching the complainant outside his pants pockets and the entire waistband area of the pants.

The other named officer, who was in contact with the complainant during the search, denied touching the complainant's buttocks or seeing his partner do so.

Other officers at the scene stated that they did not witness the search or could not recall it.

Body Worn Camera recordings associated with the incident showed the complainant being pat-searched outside his clothing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/10/18    **DATE OF COMPLETION:** 11/06/18    **PAGE#** 1 of 5

**SUMMARY OF ALLEGATIONS #1-2:** The officers detained a person without justification.

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

**FINDINGS OF FACT:** The complainant stated he was at a park with a companion when two officers approached them and questioned them about a fight. The complainant stated he felt accused and he denied doing anything to make anyone think he was fighting. The complainant stated the officers questioned them for at least 40 minutes and would not let him leave when he asked to do so.

The named officer stated the named captain phoned the station requesting a unit respond to the park, regarding a confrontation she had seen between a man and a woman. He stated that he explained to the complainant why he was being questioned. The named officer stated that the complainant denied fighting with his companion, and said they were, “horsing around.” The named officer stated he conducted a field interview with the complainant and interacted with him for less than nine minutes, never searching or handcuffing him.

The named captain stated she saw the complainant hold his companion in a headlock, and saw the companion punching the complainant, in what appeared to be an effort to free herself. The named captain said the companion also slapped the complainant when he released her. The named captain stated she was concerned for the companion’s safety.

The named captain stated that when the named officer explained to the complainant why he and his companion were being questioned, the companion acknowledged their behavior in the park may have triggered suspicion, but that the complainant “acted very defensively saying he was not playing.” The named captain stated the nine-minute contact with the complainant was not a detention, and the named officer was merely asking field interview questions “to determine if a crime had occurred.”

The complainant’s companion, who said she is a San Francisco Sheriff’s deputy, stated that an officer approached her and the complainant and asked about a fight. The companion stated she was confused because she did not see a fight, although she admitted to some playful “shoving” with the complainant. The companion stated she and the complainant were detained for about 45 minutes. She stated that she was told to stay where she was, and her and the complainant’s cars were blocked by police vehicles. She stated the complainant asked the named officer if he could leave and she heard an officer tell him, “no.”

No other witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/10/18    **DATE OF COMPLETION:** 11/06/18    **PAGE#** 2 of 5

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

Body Worn Camera (BWC) footage from the named officer captured the entire contact between the named officer and the complainant. The contact, from when the named officer approached the complainant to when he returned to his patrol vehicle, lasted just under 8 minutes. The BWC footage shows the named officer immediately informing the complainant that police had received a call that he and his companion were fighting. The complainant and his companion immediately said they were “just playing.” The BWC footage showed that there were up to seven officers and four police vehicles on the scene. The officers variously stood in a rough circle around the complainant and his friend, and the police vehicles were blocking the street in front of the complainant and his friend’s vehicles. The footage showed that the complainant and his friend were detained, that officers took their names, questioned them about a reported, suspected crime, and ran queries on their records. The complainant indicated to officers that he was working and needed to leave to do his job and the named officer told him “I need to make sure that what you’re telling me is on the up and up.” The officer then asked the complainant if he was on probation or parole, took his name and ran the name before leaving the scene.

Department General Order 5.03, Investigative Detentions, states that if officers “briefly detain a person where you stop him/her ... the person is not considered arrested or taken into custody. ...”

The evidence proved that the named captain’s report of her observations caused the complainant to be detained briefly, for the purpose of investigating the actions she found suspicious. The named captain, and thus the officer to whom the suspicion was reported, were justified in detaining the complainant. Their detention was conducted in accord with the Department’s regulations.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/10/18    **DATE OF COMPLETION:** 11/06/18    **PAGE#** 3 of 5

**SUMMARY OF ALLEGATION #3:** The officer failed to issue a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant stated he was at a park with his companion when an officer and a captain approached them and questioned them about a fight. The complainant stated the officers held them for at least 40 minutes and would not let him leave. The complainant, who said he was a 22-year San Francisco city employee who has frequent contact with police officers, said specifically that he was not provided a certificate of release when the detention was complete.

The named officer stated he responded to a call regarding possible domestic violence. The named officer stated he conducted a field interview of the complainant for less than nine minutes. The named officer stated that the complainant was not searched or handcuffed, thus no certificate of release was warranted.

A captain who acknowledged calling her station to report the complainant's actions stated the complainant was not detained and that the nine-minute contact with the complainant was a field interview and did not require a certificate of release.

The complainant's companion stated that while she was with the complainant at a park, they were questioned by two officers about an alleged fight. The companion stated that she and the complainant were detained for approximately 45 minutes. She stated that she was under the impression that she could not leave because she was told to stay where she was, and both her and the complainant's cars were blocked by police vehicles. She also stated she heard the complainant ask the named officer if he could leave, and he was told "no".

Body Worn Camera (BWC) footage from the named officer shows that the complainant indicated to officers that he was working and needed to leave to do his job and the named officer told him, "I need to make sure that what you're telling me is on the up and up," indicating that he was going to complete an investigation. The officer then asked the complainant if he was on probation or parole, took his name and ran the name before leaving. The BWC footage shows that the contact lasted just under eight minutes.

DGO 5.03 II.A. Procedures states, "Brief Detentions. If you briefly detain a person where you stop him/her, or move a person a short distance for safety, convenience, or privacy, the person is not considered arrested or taken into custody. When releasing the person, you need not issue a Certificate of Release or prepare 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/10/18    **DATE OF COMPLETION:** 11/06/18    **PAGE#** 4 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that he was being questioned by police officers when the named captain spoke to him as if she were accusing him of a crime that he didn't do. The complainant stated that the named captain raised her voice at him and interrupted him when he was talking to the police officer who was questioning him.

The named captain stated that she was not rude and that her behavior was in compliance with Department General Orders.

An officer at the scene stated that the named captain was respectful and professional toward the complainant.

The complainant's female companion stated the conversation between the complainant and the named captain became heated. She stated that the named captain's approach was "wrong," and when the captain learned there was no merit to her suspicions, she did not apologize or explain why she misunderstood. The companion, a San Francisco Sheriff's deputy, said the named captain failed to de-escalate the incident.

Footage from the Body Worn Camera (BWC) of an officer at the scene captured the interaction between the complainant and the named captain. The BWC shows the named captain speaking calmly to the complainant, until the complainant speaks over the captain. The named captain at that point raises her voice and says, "Sir," after which she continues addressing him. The BWC footage was muted or redacted during a portion of the time the named captain is speaking to the complainant, thus there was no objective record of what was said. The footage from the BWC of another officer at the scene but some distance away from the complainant failed to capture an audible record of the captain's conversation.

DGO 2.01(14) PUBLIC COURTESY states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language ... ."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/10/18 **DATE OF COMPLETION:** 11/06/18 **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #5:** The captain engaged in biased policing.

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

**FINDINGS OF FACT:** The complainant stated he was at a park with his companion when two officers approached them and questioned them about a fight. The complainant stated that he didn't like how the captain was speaking to him as it felt she was accusing him of a crime that he didn't commit. The complainant stated that he felt like he was targeted by the named captain based upon his race, as he was the only African-American in the area. He also stated he felt the incident felt like biased policing because the named captain never told him why he was being detained and how she spoke to him.

The named captain stated that the complainant came to her attention because he was holding a female in a headlock as the woman punched him in what looked like an effort to free herself. The named captain stated the complainant was told several times they were speaking to him about an apparent violent act. The named captain stated that was the sole reason the officers were speaking to the complainant.

An officer that responded when the named captain called his station stated that the named captain did not target the complainant based on his race. He stated the named captain was concerned for the safety of both the complainant and his companion, and race had nothing to do with the incident.

The complainant's companion admitted to horsing around with the complainant. However, she stated that she also believed she and the complainant were targeted by the named captain based upon their race. She stated she felt targeted because of the prolonged investigation, which she estimated took 45 minutes.

No other witnesses were identified.

Body Worn Camera (BWC) footage from an officer at the scene shows he and the named captain were only in contact with the complainant and his companion for less than eight minutes.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/18    **DATE OF COMPLETION:** 11/26/18    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to prepare a complete and accurate report.

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

**FINDINGS OF FACT:** The complainant had a physical confrontation with a hotel employee regarding the complainant's money. The complainant discovered a few months later, in an incident report, that he had been charged with assault for slamming a door on the employee's arm. The complainant denied ever deliberately slamming the elevator door on the hotel employee's arm. He also stated that the incident report indicated that there was video footage corroborating the assault, which the complainant alleged was false.

The victim stated that the complainant got in his face and waved a tennis racket at him. The victim then went to get in the elevator and the complainant swung the elevator door at him, striking him in the shoulder. He then called 911 and met with SFPD officers regarding the matter. The victim said that the complainant was not interviewed because he left the scene before the officers arrived.

The named officer's body worn camera footage corroborates the incident report and the victim's statement.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/30/18 **DATE OF COMPLETION:** 11/16/18 **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:** 07/31/18 **DATE OF COMPLETION:** 11/28/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he volunteers with a feral cat rescue program, which involves providing them food in certain locations around the City. He stated he was doing this work when a resident got upset and began yelling at him. The complainant said that the named officer joined in, yelling from his window and identifying himself as an SFPD sergeant. The complainant stated he tried to explain the rescue program, but they did not listen. The complainant said he, again, encountered the named sergeant a few months later while doing his volunteer work. He said that the named sergeant spoke to him face to face, told him to leave his neighborhood, and let his dog's leash loose enough to scare away the cat he was feeding. The complainant acknowledged that on this second occasion, the named sergeant did not identify himself as an SFPD member.

The named sergeant stated that the complainant was placing food behind cars attracting racoons and rodents to the area. He stated he and his neighbor told him to stop and to leave the property easement. The named sergeant said the neighbor told him he was calling police, but he responded that it was not necessary because he was a police sergeant. The named sergeant said that he encountered the complainant again, some weeks later, and spoke to him to find out his name, but he did not identify himself as a police officer or engage in any police actions. The named sergeant also denied telling the complainant to leave his neighborhood.

Even if the named sergeant had told the complainant to leave his neighborhood during the second encounter, he was acting as a civilian, community-member, walking his dog. The evidence regarding the first encounter suggests that the named sergeant's behavior did not rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/18 **DATE OF COMPLETION:** 11/01/18 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated she asked for police to accompany her to confront someone about stealing her cell phone, and they were not helpful or supportive. She stated rather than assist her, the officers accused her of being mentally unstable and intimidated her.

The named officers denied saying anything inappropriate or intimidating to the complainant. They stated they were attempting to assist a different reporting party, who wanted the complainant removed from the hotel where she had been causing a disturbance. One of the named officers indicated he conducted a 5150 evaluation on the complainant.

The Body Worn Camera (BWC) footage shows the complainant requesting officers assist her with retrieving her cell phone from a hotel. The footage shows her saying that the phone was left on a fire hydrant and someone from the hotel took it. She also speaks to the responding officers about a number of topics, including the fact that she is friends with several players from the S.F. Giants who fly her to games, and that she has been to two of the recent presidential inaugurations. The footage shows the hotel manager stating that someone saw a tenant throwing a phone out of a window in the building, and that the complainant had been arguing loudly with somebody in the building. The footage shows the named officers question the complainant about drug use and mental health, before asking her to leave the area.

Records from the Department of Emergency Management indicate that the complainant was looking for a cell phone she believed had been stolen. One call from the hotel front desk indicates that the reporting party stated the complainant was possibly under the influence and had been knocking on doors and screaming at passersby about somebody stealing her phone. It documents that the caller said she had been escorted from the premises earlier that day. The manager of the hotel called police to have her removed, as she was causing a scene and disturbing tenants.

Department General Order 2.01 states, “when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

A preponderance of the evidence established that the named officers’ actions were proper given the circumstances. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/18 **DATE OF COMPLETION:** 11/01/18 **PAGE#** 2 of 3

**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:** The DPA requested and reviewed BWC recordings while investigating the named officer's response to a reported fight and trespasser at a residential hotel.

The named officer stated he activated his BWC as soon as he contacted the complainant.

The named officer's BWC recording shows the named officer in the middle of a conversation with the complainant.

A witness officer's BWC recording shows that the named officer was on scene about three minutes before he activated his camera and was standing by while both officers made contact with the complainant.

Department General Order 10.11, Body Worn Cameras, requires "all on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: 1. Detentions and arrests 2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted in Section III, D."

The named officer should have activated his BWC once he pulled over to meet with the complainant on the street.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/18 **DATE OF COMPLETION:** 11/01/18 **PAGE#** 3 of 3

**SUMMARY OF DPA-ADDED ALLEGATION #2:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The DPA requested and reviewed BWC recordings while investigating the named officer's response to a reported fight and trespasser at a residential hotel.

The named officer acknowledged that during the investigation, he ordered the complainant to leave. He also acknowledged that, although she requested to go in a specific direction, he insisted she go in the opposite direction. He stated that the reason was because he believed she fit the description of a person from an earlier call who had been causing a disturbance in the direction he prohibited her from walking, and it was also a busy part of the district. The named officer stated that the complainant was not committing a crime and there was no public safety issue at that time.

The body worn camera footage shows the named officer ordering the complainant to "get out of here" and "go that way". The complainant asks if she can walk in a certain direction and the named officer says "no."

Department General Order 5.03 says, "Officers do not have the authority to order persons to 'move on' absent probable cause to believe an offense has occurred, or absent articulable facts requiring movement for public safety."

The named officer admitted there was not a safety issue present when he ordered to the complainant to move. While he could have told her to leave the hotel if she was a trespasser, there was no justification for ordering her to leave in a specific direction from the front of the building.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/18 **DATE OF COMPLETION:** 11/14/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged she was being evicted from her homeless shelter. She stated an employee pointed a can of mace at her to force her to leave. The complainant alleged the named officers refused to listen to her side of the story and immediately took the employee's side. She said the named officers did not look at the security camera footage to confirm the assault had occurred. The complainant stated she was not ultimately evicted from the residence and returned to her room after the incident.

The named officers said they responded to a verbal argument at a homeless shelter. They stated they questioned the complainant and the homeless shelter's staff. The named officers stated the complainant was insisting the staff was attempting to evict her. The officers said they spoke with the staff, who informed them they were not evicting complainant. One of the named officers said that the staff reported that the complainant had caused a disturbance and they wanted her to go outside and calm down. The named officers also stated that the complainant never told them she was assaulted with a can of mace.

Attempts to contact relevant shelter staff were unsuccessful.

Records from the Department of Emergency Management document that the named officers responded to a fight with no weapons. The records include a description of the scene as a heated verbal argument in which the complainant claimed she was being wrongfully evicted.

The POST Basic Course Workbook states in Learning Domain 24: Handling Disputes/Crowd Control, "Many dispute situations are noncriminal in nature and do not require officers to take any law enforcement actions. Any problem between two or more parties where no criminal act is involved is called a civil dispute."

Here, the complainant reported to the named officers she was being wrongfully evicted, though she was allowed to return to her room. The complainant lacks credibility. It is more likely than not that she did not inform the named officers about the can of mace being pointed at her. The named officers would have been left with a dispute about stepping outside of a shelter to calm down, and they would have had no duty to look at camera recordings or conduct further investigative steps.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/18 **DATE OF COMPLETION:** 11/14/18 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she asked the named officers to take a report, but they refused.

The named officers stated the complainant did not allege she had been assaulted and did not demand a police report.

No witnesses came forward.

A preponderance of the evidence established that the dispute between the complainant and the staff at the shelter was civil in nature. As such, the named officers had no duty to write an incident report.

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

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

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

**FINDINGS OF FACT:** The complainant said she told the named officer an employee at her homeless shelter pointed a can of mace at her. She said the named officer told her the employee was within his rights to point the can of mace at her.

The named officer stated that the complainant never told him or his partner an employee had pointed a can of mace at her.

No witnesses came forward.

The complainant lacks credibility. It is more likely than not that the complainant never informed the named officer of the alleged assault. The evidence proved that the acts alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/16/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that officers in a SFPD police van were laughing through a microphone at a homeless woman that was walking along the street.

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

The Equipment Sign In/Sign Out records from the district station showed that a police van was not signed out to any officers on the date of the incident.

Department of Emergency Management records did not reveal any incidents in the area at the time.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/01/17 **DATE OF COMPLETION:** 11/02/18 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant was a passenger in a vehicle involved in a road rage incident. During the incident, the complainant's friend who was driving the car was punched by the operator of another vehicle. The complainant went to the station and reported the incident to the named officer, and the named officer prepared an incident report. The complainant provided the officer with a description of the suspect as well as a photograph of the suspect's vehicle and license plate. When the complainant received the report, it read as if it were, he and not his friend, who had been punched.

The named officer stated the report was accurate. The officer stated that he considered the report to be a thorough account of his contact with the parties. The named officer acknowledged the discrepancy, but stated the discrepancy was immaterial to the overall understanding of the report. He also stated that the factual bases for probable cause was well established in the report.

Department records show that the named officer accurately recounted the driver's account of the incident. When the officer reported the complainant's account of events, he inadvertently confused their last names in one sentence. The report overall clearly indicates that it was the complainant's friend who was assaulted.

While the evidence establishes that a minor clerical error was made, there is no evidence that the error was intentional or willful on the officer's part. Further, no evidence exists that the error materially altered the interpretation of the facts as set forth in the incident report. Finally, the error caused no harm to the complainant or anyone else involved in the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/01/17 **DATE OF COMPLETION:** 11/02/18 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant was a passenger in a vehicle involved in a road rage incident. During the incident, the complainant's friend who was driving the car was punched by the operator of another vehicle. The complainant went to the station and reported the incident. The complainant stated that three months then passed without anyone from the Department contacting him or his friend about the incident, prompting him to write to the Chief of Police.

A memorandum from the Chief's office stated that the named officer was notified of the road rage incident. The named officer stated that the case was never assigned to him and he never had any communication with the complainant.

Another officer stated that the case was assigned to her shortly after the complainant wrote his letter to the Chief's office. She stated that upon being assigned the case, she determined that the case had never been assigned to any other investigator.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/01/17 **DATE OF COMPLETION:** 11/02/18 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant was a passenger in a vehicle involved in a road rage incident. During the incident, the complainant's friend who was driving the car was punched by the operator of another vehicle. The complainant went to the station and reported the incident. The complainant stated that three months then passed without anyone from the Department contacting him or his friend about the incident, prompting him to write to the Chief of Police.

The named officer stated that the case was assigned to her three months after the incident, at which point she immediately commenced her investigation. She stated that she contacted the complainant and his friend for a photo line-up, but neither was able to positively identify the suspect. The named officer stated that, due to this, the case was subsequently inactivated.

Department Bulletin 15-200, "Case Assignments for Investigation," provides that in the assigning of cases for investigation, "the Department must manage its resources in a reasonable, effective, and efficient manner. Therefore, the Station Investigation Team (SIT) Lieutenants ...shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an investigator."

The Station Investigation Team Lieutenant during the relevant period stated that although she did not recall seeing the incident report in this matter, the circumstances of assigning cases change every day according to staffing, current workload, and the relative severity and solvability of other cases on that day.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated that he started to check into a hotel but then changed his mind. When he requested that the desk clerk return the copy of his driver's license and credit card that had been made, the clerk refused. Fearing that the information could be used for identity theft, the complainant called police. The complainant stated that when police arrived, he approached the patrol car only to be told, "You don't approach a police car like that." The complainant explained his plight to the officer, who belittled his complaint. The officer then went into the hotel lobby and told the clerk, "He's not going to be a problem anymore." The complainant stated that the officer then threatened to arrest him if the officer had to return to the scene again.

The named officer stated that the complainant appeared agitated and intoxicated. The officer said that the complainant told him that the desk clerk had kicked him out of the hotel. The named officer also stated that despite being told multiple times not to approach the patrol vehicle and to remove his hands from his pockets, the complainant repeatedly approached the vehicle with his hands concealed. The named officer also stated that the complainant was argumentative and appeared to have an attitude. The named officer denied telling the hotel clerk that the complainant would not be a problem any more. The officer stated that he told the complainant that because hotel staff had requested that he leave the premises, if he continued to enter the hotel he would be arrested for trespassing.

A witness officer stated that when the officers arrived, the complainant seemed agitated and appeared intoxicated. The officer stated that the complainant would not follow simple verbal instructions and continually attempted to talk over the named officer. The officer said that the named officer politely told the complainant not to approach the patrol vehicle, yet the complainant continued to do so. The officer denied hearing the named officer tell the desk clerk that the complainant would not be a problem anymore. The witness officer stated that he felt he and his partner were respectful in dealing with the complainant.

The hotel clerk could not be located.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation due to lack of independent witnesses.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/05/18 **DATE OF COMPLETION:** 11/28/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 11/21/18.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/13/17 **DATE OF COMPLETION:** 11/05/18 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers did not respect her privacy and intimidated her when they entered her room. However, the complainant stated she did not exactly recall what she or the officers said, because she was sleepy during the incident. The complainant stated she felt that everyone in her Single Room Occupancy building was racist toward her. The complainant stated that an officer told her he did not know what that meant.

The named officers, who Department records indicated were dispatched to the call, stated that they responded to a call about a man and woman screaming in the complainant's room. The officers said their intent was to check on the welfare of the occupants inside the complainant's room, to assure that no crime or injury had occurred. The named officers stated the complainant refused to open her door when they knocked and spoke to her and was uncooperative with the welfare check. The named officers stated they treated the complainant with respect.

Body Worn Camera (BWC) footage revealed that the officers were calm and professional with the complainant and her spouse, stated their purpose for coming, and made no inappropriate comments. The BWC video also showed that an officer told the complainant that he did not know her race, but the comment was not inappropriate.

Several other officers on scene stated the complainant yelled, screamed and was upset that the officers woke her up from her sleep and knocked on her door to gain entry.

The evidence proved that the acts that provided the basis for the allegation did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/13/17 **DATE OF COMPLETION:** 11/05/18 **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the officers had no real reason to justify why they walked into her room and briefly questioned her. The complainant stated that a neighbor called the police and lied that she was screaming in a domestic violence situation. The complainant stated she was sleeping before the officers knocked on her room door.

The named officers stated they responded to a call regarding a loud verbal dispute, possibly a fight at the hotel that changed to a well-being check after the complainant failed to cooperate. The named officers stated the complainant and her husband were not detained nor were they handcuffed. The named officers stated they conducted a well-being check to determine if the occupants in the room were injured and if a domestic violence occurred.

One of the named officers, who had the primary contact with the complainant, stated the reasonable suspicion to believe a crime had occurred was the report to dispatch of a male and female screaming inside the complainant's room. He said the probable cause to open the door was to conduct a welfare check when the screaming woman in the room refused to open the door. The named officer further explained from his training and experience that a person's refusal to open a door or cooperate in a possible domestic violence incident is a known indicator of fear of arrest of them or their significant other.

The named officers stated that their contact with the complainant was brief, and that no one in the room was physically restrained, handcuffed, or moved.

The Body Worn Camera footage corroborated the officers' account of the incident. The officers briefly questioned the complainant and her husband about their well-being and left when the couple told them they were unhurt.

A witness officer who arrived at the initial scene knocked on the complainant's room door, but the complainant told him that she was asleep and that she refused to open her room door.

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:** 12/13/17 **DATE OF COMPLETION:** 11/05/18 **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the officers had no valid reasons to enter her room using a key from the building manager. The complainant stated a neighbor probably called the police and lied that she was screaming or in a domestic violence situation. The complainant recalled she was sleepy and did not open the door when the officers knocked and asked her to open it.

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

The named officers stated they were dispatched to a call regarding a man and woman screaming in the complainant's room. The named officers, who Department records showed were the primary unit on the call, said initial responding officers repeatedly knocked on the complainant's door, but the complainant refused to open the door. One named officer stated he spoke to the complainant through her door, which she refused to open. That officer stated he told the complainant that they needed to conduct a welfare check and investigate that no crime had occurred. The officer stated an exigency existed due to the report of a possible domestic violence incident. The named officer stated from his training and experience, domestic violence calls for service often result in injured parties behind locked doors, fearing arrest of a loved one. The named officer stated because the officers could not check the well-being of the room's occupants, entry was required.

Department records confirmed there was a report of possible domestic violence in the room of the complainant. Footage from the officers' body worn cameras corroborated the officers' description of the event. The named officers made entry to the room after one officer opened the door with a key.

Several other officers on the scene as back up stated the complainant yelled at them through her closed door and refused to open the door.

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:** 12/13/17 **DATE OF COMPLETION:** 11/05/18 **PAGE#** 4 of 4

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/25/18    **DATE OF COMPLETION:** 12/03/18    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said an SFPD SUV stopped at a cross walk, even though it had a green light. He said he could not see the officers, and they made no contact with him. The complainant stated he was confused and intimidated. Despite the officers having a green light, the complainant assumed they were indicating he should cross. He slowly stepped out and started crossing the street. Due to the size of the SUV, the complainant said he could not see around it. He stated that as he cleared the police SUV, he was struck by a vehicle in the adjacent lane.

The named officer stated he was driving the police SUV. He said he initially stopped at the intersection because he had a red light. The named officer said the complainant approached the intersection and placed one foot in the roadway, with a few seconds left to cross. The named officer said when the light turned green, he did not drive forward because the complainant had a foot in the roadway and appeared as if he was going to cross the street. The officer approximated the complainant entered the crosswalk within seconds of the light turning green.

The named officer's partner said the complainant stopped midstride at the edge of the crosswalk and looked as though he was going to enter the street. The named officer's partner estimated the complainant entered the crosswalk five seconds after the light turned green.

The Body Worn Camera (BWC) recordings show the named officer telling the complainant he was unsure of what the complainant was going to do. They show the complainant saying he had stopped at the edge of the sidewalk and confirming he had seen a "Don't Walk" sign before he entered the street.

The incident report documents that the named officer and his partner stopped at a red light and saw the complainant preparing to cross. The report documents that when the light turned green, the named officer kept the vehicle stopped because it was not clear if the complainant was going to cross the intersection. It documents that the complainant entered the crosswalk while the officers had a green light and was struck by a car. It also documents the complainant stating he saw the pedestrian signal showing an "UPRAISED HAND (DO NOT CROSS)" before entering the crosswalk.

California Vehicle Code section 21950, Pedestrians' Rights and Duties, states, in part: "The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk...at an intersection." Additionally, it states, "The driver of a vehicle approaching a pedestrian within any marked...crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other

action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian."

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/25/18    **DATE OF COMPLETION:** 12/03/18    **PAGE#** 2 of 2

The officers had a reasonable belief it was necessary for them to remain stopped if it appeared the complainant was about to walk in front of their vehicle. The evidence established that the complainant then walked out in front of the vehicle, against a don't walk signal, and was struck within seconds. All of the parties largely agree on the sequence of events. The actions of the named officer do not amount to improper driving.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the named officers should have seen the vehicle about to strike him and provide him with warning. The complainant estimated he was struck within five to seven seconds after entering the crosswalk.

Both of the named officers stated the complainant entered the crosswalk within seconds of the light turning green. They both said they had no indication a second vehicle was approaching. One of the named officers stated the accident happened within seconds of the complainant entering the crosswalk.

The incident report documents that the driver of the car that struck the complainant said he had a green light, and was traveling at about 30 miles per hour, when the complainant walked into his path. It documents that his car sustained minor damage to its front windshield and passenger side A-pillar. The report further documents that the complainant was treated at the scene due to pain to his left rib area.

The complainant was struck by a car after entering a crosswalk against a "Don't Walk" pedestrian signal. The facts suggest that he had just entered the adjacent lane and that the driver of the car did not have time to stop. The officers would have had little to no time to warn the complainant of the oncoming car, even if they were aware of it. Under such circumstances, the named officers had no duty to warn the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/18 **DATE OF COMPLETION:** 11/16/18 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer arrested a person without cause.

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/02/18 **DATE OF COMPLETION:** 11/02/18 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant stated he was attempting to keep himself and his belongings dry in the rain, when he was harassed by officers who followed him and repeatedly told him he could not be at a location.

The named officers stated they initially observed the complainant sleeping under a tarp at one of the City piers and they directed him to remove his improvised structure. The officers said the complainant moved, but then reconstructed his encampment at another location. The named officers also noted the complainant refused shelter and storage for his property. He was cited and released for a continuing offense.

The Body Worn Camera recordings show the complainant with a tarp and his property underneath it. The officers ask the complaint if he would like to go to a shelter and have his belongings stored, and he repeatedly declines.

The incident report documents that the officers saw the complainant under a tarp and as part of an encampment at a City pier, and they describe it as a plastic tarp draped over benches and extending approximately 15 feet to a railing. The report states that the same plastic tarp was used to create a structure at a different pier later in the day.

Department Bulletin 18-137 includes the following: “An encampment is ‘a tent or any structure consisting of any material with a roof or any other upper covering or that is enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down.’ (S.F. Police Code §169)...Officers must warn the individual and give the individual a reasonable opportunity to move prior to issuing the citation or making an arrest...Officers must identify and document the specific elements of ‘lodging’ in the police report.”

It appears the complainant had created an encampment. The named officers gave him a warning, but the complainant just moved to a different location. The named officers also gave the complainant an opportunity to go to a shelter, but he declined.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/18 **DATE OF COMPLETION:** 11/20/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she called for police after a juvenile threw soda on her. She stated that the officers “suggested it was [her] fault and that [she] could be cited.” The complainant further stated that the officers were sarcastic, snide, and laughed at her several times.

The named officers denied making sarcastic or snide remarks. One of the named officers stated that he “believed she may have misinterpreted [him] trying to educate her on how to avoid or self-deescalate a similar situation.”

San Francisco Police Department (SFPD) Body Worn Camera footage showed the officers asking the complainant what happened, and the complainant recounting the events. Footage showed the officers ask clarifying questions to ascertain the chronology of events. The videos showed that the officers acted in a civil, professional, and serious manner during the contact. The videos further showed one of the named officers cautioning the complainant about following and taking photos of juveniles for her own safety and because taking photos of juvenile may lead to a report by the juvenile’s parent. At no time do the videos show the officers suggesting that the incident was the complainant’s fault or that she could be cited. At no time do the videos show the officers laughing or speaking in a sarcastic manner.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/18 **DATE OF COMPLETION:** 11/20/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that she was not permitted to tell the officers what happened, and they challenged her memory of events.

The named officers stated they adequately addressed the complainant's concerns. One of the named officers stated that after the initial contact with the complainant, he reconnected with her in order "to get a complete statement in chronological order."

SFPD Body Worn Camera footage showed the complainant recounting the events and the officers asking clarifying questions. The videos further showed the complainant taking a defensive posture in response to the officers trying to ascertain the details regarding the incident. The videos further showed the officers reconnecting with the complainant after the initial contact and asking her to clarify the chronology of events.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/18      **DATE OF COMPLETION:** 11/20/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he confronted an officer who was riding his bicycle on the sidewalk.

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 officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer behaved and spoke inappropriately.

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 officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/11/18    **DATE OF COMPLETION:** 11/05/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that, while she was double-parked, the named officer threatened to issue her a ticket, yelling at her: “You can’t park there. I will ticket you.”

The named officer denied yelling at the complainant and stated he told the complainant that if she double-parked, she could get a ticket. He stated he did not yell but used a firm tone to convey the importance of traffic safety.

A witness, who was in the car with the complainant, stated the complainant was double-parked when the named officer pulled up and yelled at the complainant, “You double park and I will ticket you!” She stated he repeated himself after the complainant asked him to speak to her more nicely.

There were no independent witnesses.

DGO 2.01 requires officers to treat the public with courtesy and respect. The words quoted by the complainant and the witness did not rise to the level of misconduct. There was insufficient evidence to determine if the officer’s tone of voice was inappropriate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/12/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant wrote that the named officers engaged in unprofessional conduct. He wrote that their Body Worn Camera (BWC) footage can speak for itself.

Records from the Department of Emergency Management show that a person from Child Protective Services called requesting a well-being check of the complainant's daughter. The records document that the named officers responded and were eventually able to speak with the daughter.

The BWC recording of named officer #1 shows the officers responded to the complainant's home. The recording documents that officers informed the complainant that a member of Child Protective Services had called SFPD after the complainant had called them and caused them to fear for the welfare of the complainant's child. The BWC recording shows the officers remained cordial and professional while the complainant became increasingly irate, unreasonable, and insulting. The complainant initially refused to allow the officers to check on his daughter's welfare, screamed at them, and called them liars. The officers remained calm, referred to the complainant as "sir," and continuously attempted to explain their actions to calm the complainant. The BWC footage captured the entirety of the event.

San Francisco Police Department General Order 2.01, Rule 14, Public Courtesy, states, in part: "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."

Throughout their interaction with the complainant, the named officers remained calm, cordial, and professional. They never used harsh, profane, or uncivil language.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/18 **DATE OF COMPLETION:** 11/09/18 **PAGE#** 1 of 1

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

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

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

**Safeway Corporation  
67 Island Drive  
Alameda, CA 94502**

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/18    **DATE OF COMPLETION:** 11/13/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that an officer made a rude comment and did not stop traffic to help expedite evacuation of a building during a fire alarm.

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:** 10/25/18 **DATE OF COMPLETION:** 11/16/18 **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:** 10/30/18    **DATE OF COMPLETION:** 11/16/18    **PAGE#** 1 of 1

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

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

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

**California Highway Patrol  
Office of Investigations  
601 North 7th Street  
PO Box 942898  
Sacramento, CA 94298**

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/25/18      **DATE OF COMPLETION:**11/20/2018      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers detained a person without justification.

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

**FINDINGS OF FACT:** The complainant stated he had debit cards from friends who authorized him to use them, that he had tried to use them until a merchant refused and called the police. The complainant said that because he had permission to use the cards, he was detained without justification.

Department records show a merchant called police after the complainant used debit cards with different names while refusing to provide identification that matched the cards. The named officers stated the complainant admitted that a second debit card in his possession did not belong to him and he was unable to provide any correct details of the true owner.

A computer query of the complainant showed he had an outstanding arrest warrant.

Interviews of the two victims whose debit cards were in the complainant's possession when he was detained said their wallets were stolen and they did not authorize the complainant to use them.

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:** 11/08/18 **DATE OF COMPLETION:** 11/26/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/18 **DATE OF COMPLETION:** 11/28/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/18    **DATE OF COMPLETION:** 11/29/18    **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/27/18

**DATE OF COMPLETION:** 11/30/18

**PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**

**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:** 11/27/18 **DATE OF COMPLETION:** 11/29/18 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency  
MUNI Security, Investigations & Enforcement  
1 South Van Ness Ave., 8th Floor  
San Francisco, CA 94103