

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/19 **DATE OF COMPLETION:** 11/19/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she was cited after she offered to move her vehicle. She stated the named officer then looked for more violations to add to the citation.

The named officer stated the complainant was illegally parked in the intersection while blocking a portion of the crosswalk, access to the handicapped ramp, and partially blocking a lane of traffic. The named officer denied looking for additional violations to cite the complainant as she was parked unsafely in a construction zone area, in addition to, being at a main thoroughfare where MUNI lines traveled in both directions.

The BWC footage for this incident captures the violations. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer was rude.

The named officer stated that during the incident, both the complainant and her husband were confrontational. When he was issuing the citation, they exited and entered their vehicle and did not obey his commands. He stated he raised his voice after the complainants did not obey his commands.

The named officer and his partner's BWC document the complainant and her husband's behavior and how the officer had to raise his voice because they were not obeying him.

A preponderance of evidence shows that the officer's behavior was proportionate to what he is trained to do when there is non-compliance at the scene.

The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she parked her car on the street near to a theatre and went to see a performance. After the show, she found her vehicle window broken and items stolen. The complainant stated she approached the named officer who refused to assist her in speaking with people at a homeless encampment next to her vehicle.

The named officer said that the complainant asked him to search the homeless encampment next to her vehicle. The named officer stated he did not search the homeless encampment because he had insufficient grounds and information to warrant a search. He said he advised the complainant how to report the crime.

The complainant's partner said he was not present during the conversation.

No other witnesses were identified.

The Fourth Amendment of the US Constitution states that a person has the right to be free from unreasonable search and seizures, which means the police cannot search a person or their property unless a valid search warrant was obtained from a judge or one of the exemptions to the warrant requirement applies. Under the circumstances described above, there are no exemptions.

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: 06/24/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer was inattentive to duty.

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

FINDINGS OF FACT: The complainant stated that the named officer was outside the theatre while someone burglarized her vehicle. She said that security guards at the theatre stated they heard a car alarm go off and saw a suspect vehicle flee the scene at high speeds. The complainant said the named officer should have heard and seen the burglary from his position. The complainant said that the officer claimed when asked, that he did not hear or see anything suspicious.

The named officer confirmed he was working an overtime shift at the theatre. He stated that he moved location regularly from the east side to the south side and inside the theatre. The officer said he did not know his position when the complainant's vehicle burglarized. He said he did not hear any alarms and did not see any car driving erratically.

The complainant's partner said he was not present during the conversation.

No other witnesses came forward.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/19 DATE OF COMPLETION: 11/13/19 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The SFPD failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated she was attacked and robbed by her niece. Within the next several days, she was stopped by SFPD officers because of her visible injuries. They insisted she go to the hospital, and the complainant then reported the crime at Tenderloin Station. For several weeks, the complainant made numerous calls to Tenderloin Station to find out about the investigation. She finally contacted an SFPD officer who she believed was investigating the incident. The complainant stated her victim advocate had told her that this officer was responsible for the investigation. The complainant stated he refused to arrest the complainant's niece. She stated she had evidence of her attack including witnesses, footage, and medical records. However, she failed to provide any of this evidence to the DPA.

The officer stated he informed the complainant the investigation had yet to be assigned. He told her he was not the investigating officer.

The incident report concerning the complainant's allegations documented the complainant reporting the incident seven days after it occurred. She stated in the incident report that she sustained two black eyes and bruises all over her body and that her niece stole her jewelry and one thousand dollars.

The DPA requested any documentation concerning who within the SFPD decided to not assign the complainant's case for a follow up investigation. No documentation could be discovered.

The complainant's daughter stated she did not witness the attack. She knew multiple people who had witnessed and filmed the attack, but she refused to provide any information about these witnesses. The complainant's victim advocate stated she spoke with the SFPD officer who the complainant believed was investigated the incident. The officer told the victim advocate that the case had not been assigned for an investigation because of the delay in when the incident happened and when it was reported.

Several attempts were made for the complainant to sign a HIPPA release for the DPA. She failed to provide authorization to medical records proving her injuries had occurred. The complainant claimed to have access to witnesses and video footage of the attack. She refused to provide any of this evidence. The officer with whom the complainant spoke stated he was not assigned to investigate the complainant's allegations. SFPD Legal stated no documentation could be provided confirming who determined the complainant's allegations would not be assigned for investigation.

The complainant failed to provide additional requested evidence, and the identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/19 DATE OF COMPLETION: 11/13/19 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant stated she was attacked and robbed. She sustained injuries and had witnesses and video footage of the attack. She did not provide any of this evidence to the DPA despite numerous requests. She provided the name of an officer she believed was responsible for investigating the incident.

The officer stated he was not assigned to investigate this incident. The SFPD has no documentation of who refused to assign the complainant's case for a follow up investigation.

The incident report documented that the complainant reported her incident seven days after it had allegedly occurred. SFPD Legal stated no documentation could be provided showing who was responsible for assigning the case for investigation.

The complainant's daughter stated she had evidence of the incident, but she refused to provide it. The complainant stated she had evidence of the incident, but she failed to provide it after numerous requests from the DPA. The complainant's victim advocate stated the officer had told her the complainant's case was not being investigated because the complainant waited too long to make a report.

The complainant failed to provide additional requested evidence, and the identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/19 DATE OF COMPLETION: 11/13/19 PAGE# 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer was rude to her when she spoke to him on the phone. The named officer asked her for additional evidence of her attack. She felt this meant the named officer did not believe her.

The named officer stated he was professional when he spoke with the complainant.

No witnesses could be identified.

Department General Order 2.01 § 14, Public Courtesy, states, in part, “When acting in performance of their duties...members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.”

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that he witnessed an officer driving while using his on-board computer, rolling through a stop sign, failing to use his turn indicator and backing up the patrol car in a dangerous manner.

California Vehicle Code section 21055 states the driver of an authorized vehicle is exempt from numerous Vehicle Code chapters under all of the following conditions: if (a) if the vehicle is being driven in response to an emergency call or while engaged in rescue operations and (b) the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

The named officer stated that he used his on-board computer while pulled over to review the description and location of the subject who was allegedly having a seizure. He denied that he failed to use his turn signals or stop at stop signs. The named officer admitted that he reversed his vehicle while in the bicycle lane but explained that he did so to allow a parked car to exit. He stated that he activated his red and blue lights in response to the medical emergency as well as his overhead amber lights to signal to other oncoming vehicles to avoid coming close to the incident and to keep the subjects involved with the incident safe from potential harm.

Records showed that the named officer responded to a call for service regarding a calm but confused person roaming outside a mental health center for hours.

Body worn camera footage showed the named officer speaking to the subject about his history of seizures and calling an ambulance for him.

No witnesses were identified.

The complainant was offered mediation, but declined to participate, indicating that his goal in making the complaint was to put the officer on notice that the public is watching.

California Vehicle Code section 21055 most likely excused the named officer's driving. 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: 01/25/19 **DATE OF COMPLETION:** 11/26/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said the police did not properly investigate a crime. The complainant, who did not live in the City, said she and others had not heard from her elderly relatives, so she called the police for a welfare check. The complainant admitted the officers responded to the scene, located her relatives, and requested medical aid for them. Nonetheless, complainant said that officers should have investigated her uncle, who lived below her elderly relatives and had failed to discover that they were incapacitated. The complainant said she had suspicions about her uncle, but she supplied no evidence of criminal behavior.

The named officer said he investigated the incident by speaking with the complainant's incapacitated relatives and uncle. The officers followed up with the complainant by phone from the scene regarding her relatives's medical disposition and his investigation. He said he contacted Adult Protective Services (APS) and notified them of the incident. He said his investigation revealed no indication of criminal behavior or negligence. He said the complainant's uncle was not the caretaker or legal guardian of the complainant's relatives, which exempted the uncle from responsibility to care for the complainant's relatives. The officer said that, as there was no evidence of a crime, he concluded that the case was an "aided case."

A sergeant said he was the Officer In Charge (OIC) regarding the completion of the incident report and that the OIC at the station's investigation unit decides if a case is assigned for further investigation.

Department records from the date of the incident show that the named officer conducted an investigation at the scene, interviewed the parties involved, and determined that there was no crime involved. The records showed that the report was approved by a reviewing sergeant.

Body Worn Camera (BWC) footage shows that the named officer spoke to the parties and the complainant's uncle. There is no indication on the BWC footage that any party alleged a crime or that any evidence of a crime was apparent at the scene. The footage also shows that the named officer phoned the complainant and followed up with her about the investigation.

DPA contacted APS, which confirmed that SFPD contacted the agency about the incident. APS said it investigated the complainant's concerns about her relatives and closed the investigation with no further action due to the lack of evidence of criminal action or neglect.

No other witness came forward.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/19 **DATE OF COMPLETION:** 11/26/19 **PAGE#** 2 of 3

The evidence proved that the act, which provided the basis for the allegation, occurred, however, such acts were justified, legal and proper. The officer's investigation was proper and the officer reasonably concluded there was no criminal activity at issue.

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

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

FINDINGS OF FACT: The complainant said after an incident involving two relatives found incapacitated in their home, she called the district station and discussed with an SFPD employee, possibly a sergeant or a supervisor, about further investigating the incident. She provided no identification for the employee. The complainant also said after reviewing medical records from her relatives that disputed her uncle's statements at the scene, she contacted the police about reinterviewing her uncle due to her suspicion that he wanted her relatives to die. The complainant further said she called and left a message with an officer's voicemail, but no one followed up with her. She did not identify that officer.

The DPA interviewed the officer who wrote a report about the incident, a sergeant who reviewed and approved the incident report, the SVU sergeant and the District Station's Investigative Team lieutenant. Neither recalled any contact with the complainant by phone. Another sergeant, who was contacted by officers at the scene to authorize entry into the residence, has separated from the Department and was not available to interview and is no longer subject to Department discipline.

The identity of the alleged officers has not been established regarding the complainant's calls to the district station.

No witness came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/19 **DATE OF COMPLETION:** 11/26/19 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant said that “nothing” was done regarding her complaint involving elderly relatives being found incapacitated in their residence with her uncle living in a unit downstairs. She said a sergeant or supervisor should have contacted the assigned inspector, written a supplemental report or re-connected with the complainant regarding the complainant’s suspicions. The complainant said she had called the station and spoke to someone a week after the incident and discussed her concerns about her uncle’s actions in the incident.

The named lieutenant said that he was the officer in charge of the Station Investigative Team at the district station’s investigations at the time the incident occurred. He said that, based on his review of the facts and the policy, the complainant’s case did not meet the assignment criteria. He said that he received no indication or information from the complainant that there was evidence that would have justified further investigation of the incident.

The incident report prepared by the officer who initially investigated the case indicated that he found no evidence of a crime and concluded the incident as an “aided case,” in which the two incapacitated elderly residents were taken to a hospital for examination. The SFPD Legal Division said the incident report was not assigned for follow-up and therefore there was no investigation done.

Body Worn Camera footage from the scene of the incident revealed no indication of criminal behavior or negligence.

Department Bulletin 17-256, Case Assignments for Investigation, states that the Station Investigation Team lieutenant “shall review and evaluate each incident report that falls under their investigative jurisdiction....”

The evidence proved that the act, which provided the basis for the allegation, occurred, however, such acts were justified, legal and proper. The officer reasonably concluded that no criminal activity had occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/18 **DATE OF COMPLETION:** 11/19/19 **PAGE# 1 of 4**

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 that she was being verbally harassed by another guest at a homeless shelter. The shelter staff did not assist her, so she called the police. The complainant stated that two officers arrived and spoke with shelter staff, who stated that the complainant was using racial slurs against the staff and residents. The complainant stated that the named officers did not take a statement from her and failed to investigate the incident.

Named Officer #1 stated that he and Named Officer #2 responded to a call for service at a local shelter regarding threats that were being made against another resident. The named officers arrived on scene and spoke to the shelter staff, who stated that the complainant was having a disagreement with another resident. Named Officer #1 stated that they spoke to the complainant who confirmed this. Named Officer #1 stated that the complainant was not being forthcoming with information and was spending a majority of the time arguing with shelter staff and police. Named Officer #1 stated that the complainant later told officers that she had already filed an incident report regarding the incident.

Body-worn camera footage starts with the complainant on the phone with 911 dispatch requesting two different officers respond because the named officers are misbehaving. Multiple shelter employees refute her claim, saying, "No, they're not." The complainant tells she officers she is upset because they spoke to shelter staff. The complainant acts belligerent and argues with the shelter staff, who inform her that staff and residents are complaining about her use of racial slurs. Officers spend close to fifteen minutes attempting to assess what the complainant wants them to do. The complainant eventually states that the incident she is upset about occurred a week prior and she has already filed a report about it.

No other witnesses were identified.

Named officer #2 retired and is no longer subject to discipline.

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: 02/23/18 **DATE OF COMPLETION:** 11/19/19 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant called 911 to report harassment by another guest at a homeless shelter. She stated that when two officers arrived, the shelter staff informed them the complainant was using racial slurs against staff and residents. The complainant stated that the named officers did not provide her with a police report or CAD number.

Named Officer #1 stated that he did not provide the complainant with a CAD number because she did request it. He stated that he did not provide her an incident report number because one had already been generated and there was nothing additional to report.

Body-worn camera footage shows that the complainant did not ask for a CAD number during the incident. Additionally, at one point in the footage the complainant states that she is referencing an assault which occurred days prior and that she had already made a report about it.

No other witnesses were identified.

Named Officer #2 retired and is no longer subject to discipline.

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: 02/23/18 **DATE OF COMPLETION:** 11/19/19 **PAGE# 3 of 4**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant called 911 to report harassment by another guest at a homeless shelter. She stated that when two officers arrived, the shelter staff informed them the complainant was using racial slurs against staff and residents. The complainant stated that the named officers did not take a report from her.

Named Officer #1 stated that he did not draft an incident report because he could not ascertain that a crime had been committed. Additionally, he stated that a report had already been generated.

Body-worn camera footage shows the complainant stating that the assault she is referencing occurred several days prior and that she had already made a report about it.

No other witnesses were identified.

Named officer #2 retired and is no longer subject to discipline.

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: 02/23/18 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers behaved or spoke inappropriately

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

FINDINGS OF FACT: The complainant called 911 to report harassment by another guest at a homeless shelter. She stated that when two officers arrived, the shelter staff informed them the complainant was using racial slurs against staff and residents. One of the officers on scene shined a flashlight in her face. The other officer told the complainant that no additional officer would respond to the scene.

Named Officer #1 stated that he and Named Officer #2 responded to a call for service at a local shelter regarding verbal threats. They arrived on scene and spoke to the shelter staff, who stated that the complainant was having a disagreement with another resident. Named Officer #1 stated that they then spoke to the complainant who stated she was having an issue with another resident. Named Officer #1 denied telling 911 dispatch to blacklist the complainant's calls.

Body-worn camera footage of the incident shows the complainant in a heated argument with a member of the shelter staff. Named Officer #2 shines a flashlight in the complainant's face in an apparent effort to distract the complainant and disrupt the argument she is having. At another point in the footage, the complainant is ignoring the officers and is on the phone with dispatch attempting to get different officers to respond. Named Officer #1 states, "Do you have anything to say or I am leaving, and no one else is coming here, I can tell you that right now."

No other witnesses were identified.

Named Officer #2 retired and is no longer subject to discipline.

Named Officer #2 shone his flashlight to disrupt the complainant's aggressive argument with shelter staff. Named officer #1 told the complainant that additional officers would not respond because she was refusing to cooperate with the officers who were already on scene.

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: 01/25/19 DATE OF COMPLETION: 11/13/19 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to conduct a proper sexual assault investigation.

The named officer stated she was assigned the case soon after she was assigned to SVU. She stated she did not receive any specific training about sexual assault investigations. The named officer stated a couple of months later she was transferred out of Special Victim Unit.

Witness officer #1, a sergeant assigned to SVU, stated she was the named officer's mentor and was assigned to help assist the named officer with her cases. She stated after she was assigned as a mentor, she told the named officer to talk to her about any investigative steps and activities. She stated the named officer did not notify her that she interviewed the complainant over the phone and that she did not tell her about the interview until after witness officer #1 and the named officer interviewed the complainant a second time. Witness officer #1 said the typical practice was to interview survivors once and possibly a second time. She said because the first two interviews had discrepancies she had to re-interview the complainant a third time. She said when officers are assigned to SVU they do not receive any specialized sexual assault investigation training. Witness officer #1 stated the named officer was having a lot of difficulties understanding basic investigative procedures. She stated after a couple of months the named officer was transferred out of SVU.

Witness officer #2 stated he was the final investigator assigned to the case. He stated that prior to his involvement there were three other investigators assigned. He said the district attorney's office specifically requested his assistance with the case because he has a well-known reputation for being an excellent investigator. Witness officer #2 stated the first investigators assigned to the case were new investigators who did not have any prior experience in investigations. He opined that he would have conducted the investigation in a different manner than the original two investigators. He stated both the investigators assigned to the case were transferred out of SVU.

SFPD documents showed the investigation was passed onto five different investigators over a two year period, resulting in seven victim interviews. Two investigators assigned to the case were removed from SVU for failing to meet investigatory qualifications.

The evidence proved that the act by the member was justified by Department policy, procedure, or regulation; however, the Department of Police Accountability recommends a change in the particular policy, procedure, or regulation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/19 DATE OF COMPLETION: 11/13/19 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: ND FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the named officer told her that the only way she would get an incident report was if she closed her case.

The named officer denied ever telling the complainant that the only way she would receive an incident report would be if she closed her case. The named officer stated that during an interview with the complainant the complainant told her that she was in the process of getting an incident report. The named officer stated she advised the complainant not to do so. The named officer explained that she made this recommendation so that when the time came for the complainant to either be interviewed or testify the complainant's accounts of the incident were from her memory and not a repetition of what was written in the incident report. The named officer stated that if the complainant had asked for a copy of the incident report she would have documented it in the case file.

The assigned case investigator stated she did not recall the complainant asking for a copy of her incident report.

SFPD recorded interviews documented that the named officer advised the complainant to not get a copy of the incident report because she wanted the complainant's statement to be from her memory and not from what was written on the incident report.

There was insufficient evidence to either prove or disprove that the officer's conduct rise to a level of misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/19 DATE OF COMPLETION: 11/13/19 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The sergeant spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that during a sexual assault interview, the named sergeant accused her of lying.

The named officer denied ever accusing the complainant of lying. She stated she was assigned as a seasoned investigator to mentor/assist the assigned case investigator. She stated that she sat in on an interview with the assigned investigator. The named sergeant stated that after the interview the assigned investigator informed the named sergeant that there were discrepancies between the phone interview and in-person interview. The named sergeant stated at that point she was made aware of another interview with the complainant. The named officer stated she then listened to the two interviews and noted a couple of discrepancies between the two interviews (Driver License, injuries, and date/times.) The named sergeant stated she needed to re-interview the complainant to reconcile the two different statements for prosecution. The named sergeant stated when she re-interviewed the complainant she advised her about the discrepancies and explained to her why she needed to re-interview her. She stated during the interview the complainant was frustrated but said she understood. The named officer stated she usually only interviews the survivor once in a case. However, in this case the named officer stated she was unaware of the first interview and did not find out there had been a first interview until after the second interview. The named officer stated at that point she had no choice but to re-interview the complainant.

SFPD recorded interviews verified that the named officer advised the complainant that she needed to ask some clarifying questions with respect to her first and second interviews. The named officer then asked such questions and addressed several inconsistent statements made by the complainant in the interviews. The named officer also explained to the complainant about testifying in court and why it was important to make sure there were no discrepancies between her documented interviews. The complainant sounded upset about the questions. It appeared from the recording that the complainant was getting frustrated by the named officer's questions.

SFPD documents showed the assigned case investigator documented the discrepancies between the complainant's two interviews.

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: 01/14/19 DATE OF COMPLETION: 11/12/19 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-1 FINDING: IO-1/SFPD IAD DEPT. ACTION:

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Internal Affairs Division.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/19 **DATE OF COMPLETION:** 11/25/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he stopped and watched a movie crew filming in the Castro area of San Francisco. Named officer #1 told the complainant to leave the area without giving any reason. The complainant left the area and returned a short time later and named officer #2 told him to move along. The complainant opined that the named officers told him to leave the area because of his socio-economic status.

Named officer #1 stated that he was working on the movie set when he encountered the complainant. The Named officer #1 stated the movie camera was moving for a scene when he observed the complainant along with three other personnel in a doorway. Named officer #1 issued a general statement to remain in the doorway until the camera crew passed by them. As the camera crew passed the complainant's location, the complainant requested named officer #1's name and star number, which was provided. Named officer #1 stated he asked the complainant to stay in the doorway because of filming needs. He denied asking the complainant to move because of the complainant's social-economic status.

Named officer #2 stated while he was working on a movie detail he was approached by a member of the crew. He stated the crew member told him the complainant's screaming was affecting the taping of the movie. Named officer #2 stated he approached the complainant three times and requested the complainant not to scream during the movie shoot. Named officer #2 denied asking the complainant to move because of the complainant's social-economic status

Body worn camera footage showed the named officer #1 providing the complainant with his badge and star. The footage also showed officers asking the complainant to leave the area because a movie crew was filming in the area.

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: 02/12/19 **DATE OF COMPLETION:** 11/26/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said that he contacted SFPD by mail, requested a criminal investigation, and the SFPD did not respond. The complainant failed to provide an incident number or officer name showing he had taken steps to contact police and report a crime. He acknowledged he had no direct contact with an SFPD officer to report a crime having occurred.

The DPA searched SFPD records for the dates provided by the complainant and found there was no indication the complainant contacted the SFPD by letter and reported a crime. The SFPD Legal Division stated it could find no record of communication between the complainant and the divisions the complainant stated he had contacted in his efforts to initiate a criminal investigation.

The complainant failed to provide additional requested evidence, and the allegations lacked enough factual specifics for DPA to make a finding.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/06/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for fighting and taken to a district station, where he was processed. As the complainant sat in the holding area, his hand became numb from the tight handcuff. The complainant stated that he kicked the door to attract attention so an officer would come and loosen the handcuff, and the named officer arrived to assist. After loosening the cuff, the complainant said that he held the door open to the holding area because he wanted to keep talking to the named officer. The named officer asked the complainant, "You want to fight?" and proceeded to slap the complainant several times in the face. The named officer then began kicking the complainant in the leg multiple times. The complainant said that he kicked the named officer in the chest in an effort to defend himself. Two witness officers came into the holding area and broke up the fight. The complainant stated that as his other hand was being cuffed to the bench, the named officer again slapped him in the face. The named officer then went to the booking area and pointed his gun at the complainant.

The named officer stated that he was working as the station keeper on the day of the incident. Two witness officers brought the complainant in to be processed. The named officer stated that the complainant had an aggressive demeanor during the processing. After the witness officers obtained the complainant's property, they left the holding area to go to the report writing room. The named officer stated that the complainant then began screaming that his handcuff was too tight, so he went into the holding area to assist the complainant. The named officer checked the handcuff and determined that it was not excessively tight, but went and got the key to loosen it. After loosening the handcuff, the named officer went to leave the holding area, but the complainant held the door open with his free hand. The named officer repeatedly told the complainant to let go of the door. The complainant refused. The named officer then informed the complainant that he was going to physically remove his hands from the door. As the named officer approached the complainant, the complainant kicked him in the chest, knocking his body worn camera to the floor. The named officer then engaged in a physical scuffle with the complainant. The named officer punched the left side of the complainant's ribs during the struggle in an attempt to gain control. Two witness officers entered the holding area and assisted the named officer with gaining control of the complainant. The complainant's other hand was handcuffed to the bench and all the officers exited the holding area. The named officer stated that he immediately reported his use of force to his supervisor. The named officer denied ever pointing a gun at the complainant during the incident. The named officer denied asking the complainant, "Do you want to fight?" The named officer also denied slapping the complainant in the face at any point during the incident. Finally, the named officer denied kicking the complainant multiple times in the leg during this incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/06/19 **PAGE#** 2 of 3

Two witness officers #1 stated they had arrested the complainant earlier that night and brought him to the station for processing. After completing the processing, they went to the report writing room. The two witness officers were leaving the station to respond to a call when they heard yelling coming from the holding area. When the witness officers entered the holding area, they saw that the complainant and the named officer were in a physical fight. They then saw the named officer punch the complainant's torso. They removed their firearms, placed them in a locker, and entered the room and handcuffed the complainant's free hand to the bench. Neither witness officer saw the named officer slap the complainant. The witness officers also denied hearing the named officer ask the complainant, "You want to fight?" Finally, the witness officers denied seeing the named officer kick the complainant and denied seeing the named officer point a firearm at the complainant at any point.

Department records confirm that on the night of the incident, the named officer was station keeper and the complainant was secured to the cell bench by his right wrist. The complainant then told the named officer that the handcuff was too tight. The named officer adjusted the handcuff for the complainant. As the named officer exited the holding cell, the complainant grabbed the door with his left hand and refused to shut it. The named officer warned the complainant that he would forcefully shut the if he did not let go and grabbed the complainant's left hand to remove it from the door. The complainant then kicked the named officer, dislodging his body-worn camera. The named officer and the complainant began a physical struggle. The named officer gave the complainant lawful order to stop fighting, to no avail. The named officer struck the complainant once with a closed fist to try and gain control. Witness officers then arrived and assisted in securing the complainant's free arm and in retrieving the named officer's body-worn camera.

The Supervisory Use of Force Evaluation for this incident showed that the named officer used a strike on a person to overcome resistance or to prevent escape, in defense of others or in self-defense, and to gain compliance with a lawful order. The form was reviewed by a supervising Sergeant, a Lieutenant, and a Captain. The Sergeant and Lieutenant reviewed the body worn camera footage associated with the incident; the report found that the named officer's use of force was within policy.

Photos of the complainant taken after the incident were obtained. The photos do not show any bruising or redness in the complainant's face or on the left side of his chest. The use of force logs from the district station from the day of the incident shows that the incident was accurately documented there.

Body worn camera footage from witness officers shows them stopping while exiting the station as something draws their attention to the holding area. Through the window, movement can be seen in the holding area. Two witness officers enter the holding area; shortly after, the named officer can be seen delivering a punch to the complainant's left side as the complainant grips the officer. One of the witness officers picks up the named officer's body worn camera and places it on a ledge. The complainant can then be seen on top of the named officer, pushing him into the wall. One of the witness officers then

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/06/19 **PAGE#** 3 of 3

assists with gaining control of the complainant and handcuffs the complainant to the bench. The officers then exit the holding area.

No other witnesses were identified.

There are no security cameras within the holding cells of Central Station. While the majority of the incident was captured by the witness officer's body worn camera, it did not capture the start of the incident. Therefore, there was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was involved in a physical altercation with the named officer in the holding area of Central Station. After the incident, the complainant stated that the named officer made an obscene hand gesture at him.

The named officer denied the allegation.

Two witness officers denied seeing the name officer make the gesture.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that she was standing near an intersection when she was stopped by two male officers. She said the officers asked if she had drugs on her person, then informed her that she was being placed under arrest for a warrant she had in another county. She stated that she did not have a warrant in that county.

The named officers said they were working patrol when they saw the complainant near the intersection and recognized her from prior contacts. Named Officer #1 stated that he was aware the complainant had a stay away order of 150 feet from that intersection because he had arrested her recently for selling narcotics there. Named Officer #1 was at the court hearing where the complainant was issued the stay away order. The two named officers confirmed that the stay order was still active by contacting the ID Bureau before they detained the complainant. Named Officer #1 stated that he was also aware that the complainant had an active warrant from a prior arrest because they ran a computer check to confirm that the warrant was still valid prior to detaining complainant. The officers said that they also contacted the Central Warrants Bureau and confirmed that the warrant was still active after she was detained. Both named officers stated that they detained and ultimately arrested the complainant for being in violation of the stay away order and for having an active warrant out of San Mateo.

Court records reflect that the complainant is the subject of a stay away order enjoining her from coming within 150 feet of the intersection where she was arrested. Records also show that the complainant had a bench warrant for failing to appear in court in 2016.

In their interviews, the named officers viewed satellite photos of the area near the intersection in question and indicated a parking lot near the intersection where the complainant was standing when they first saw her. The named officers' body-worn camera footage shows the officers approaching the complainant in that same parking lot and informing her that she was in violation of her stay away order and that she had an active warrant.

The complainant had an active stay away order from the intersection of Hyde and Turk and had an active warrant at the time of this incident. The complainant's detention was justified, lawful, and proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS #3-4: The officers arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that she was standing near an intersection when she was stopped by two male officers. She said the officers asked if she had drugs on her person, then informed her that she was being placed under arrest for a warrant she had in another county. She stated that she did not have a warrant in that county.

The named officers said they were working patrol when they saw the complainant near the intersection and recognized her from prior contacts. Named Officer #1 stated that he was aware the complainant had a stay away order of 150 feet from that intersection because he had arrested her recently for selling narcotics there. Named Officer #1 was at the court hearing where the complainant was issued the stay away order. The two named officers confirmed that the stay order was still active by contacting the ID Bureau before they detained the complainant. Named Officer #1 stated that he was also aware that the complainant had an active warrant from a prior arrest because they ran a computer check to confirm that the warrant was still valid prior to detaining complainant. The officers said that they also contacted the Central Warrants Bureau and confirmed that the warrant was still active after she was detained. Both named officers stated that they detained and ultimately arrested the complainant for being in violation of the stay away order and for having an active warrant out of San Mateo.

Court records reflect that the complainant is the subject of a stay away order enjoining her from coming within 150 feet of the intersection where she was arrested. Records also show that the complainant had a bench warrant for failing to appear in court in 2016.

In their interviews, the named officers viewed satellite photos of the area near the intersection in question and indicated a parking lot near the intersection where the complainant was standing when they first saw her. The named officers' body-worn camera footage shows the officers approaching the complainant in that same parking lot and informing her that she was in violation of her stay away order and that she had an active warrant.

The complainant had an active stay away order from the intersection of Hyde and Turk and had an active warrant at the time of this incident. The complainant's arrest was justified, lawful, and proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE# 3 of 4**

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

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

FINDINGS OF FACT: The complainant stated that she was standing near the intersection of Hyde and Taylor when she was stopped by two male officers. She said the officers asked if she had drugs on her person then informed her that she was being placed under arrest for an outstanding warrant. The complainant denied having a warrant. The named officer searched the complainant after she requested a female officer perform the task.

The named officer stated that he and a witness officer placed the complainant under arrest for violation of a stay away order and for having an active warrant. The named officer performed a pat search of the complainant to check for weapons prior to placing her in their patrol vehicle. The named officer could not recall whether the complainant requested a female officer perform the search. The named officer stated that the intersection of Hyde and Turk is a dangerous area and that the complainant was calling out to people on the street at the time of her arrest. The named officer had prior knowledge that an officer had recently been struck by a glass bottle at that exact intersection. The named officer was concerned for his safety; faced with being in a dangerous area and the complainant's actions, he conducted a pat search for weapons. The named officer also stated that there was only one female officer on duty in the Tenderloin district that day and he knew from radio activity that she was handling another call. After the named officer conducted a pat search, he placed the complainant in his patrol vehicle and transported her to Tenderloin station.

A witness officer stated that the named officer and himself placed the complainant under arrest for being in violation of a stay away order and for having an active warrant. The witness officer stated that the named officer conducted a pat search on the complainant prior to placing her in their patrol vehicle. The witness officer stated that the complainant did not request a female officer search her. The witness officer stated that the intersection of Hyde and Turk is a dangerous intersection and stated that was the reason why they did not wait for a female officer. The witness officer also confirmed that there were limited female officers on duty that day in the Tenderloin district.

The named officer's body-worn camera footage shows the named officer conducting a pat search of the complainant. The complainant can be heard yelling out to people on the street and a small group of onlookers can be seen watching the search.

The SFPD Arrest and Control states that when officers search the opposite sex, they should, "attempt to have officer of same sex as the subject conduct the search." It also states, "However, in cases where

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 DATE OF COMPLETION: 11/19/19 PAGE# 4 of 4

SUMMARY OF ALLEGATION #5: (Continued)

waiting for an officer of the same sex as the subject would cause undue risk to the officer or others, an officer of the opposite sex may conduct a thorough and proper search of the subject.”

The named officer and the witness officer stated that there were limited female officers working in their district that day that were unable to perform the search of the complainant. They also stated due to the fact they were in a dangerous area where the complainant was calling out to people, they were concerned for their safety and did not have time to wait for a female officer even if one was available.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant, an Uber driver, was picking up a customer at SFO Airport when an officer exited his SUV to speak with her. The officer informed the complainant that she had dealership plates on her vehicle. The complainant stated that she had purchased her vehicle 7 months ago and said that her license plates had not yet arrived in the mail. The named officer accused her of having dealership plates to avoid paying tolls. The complainant called the dealership where she had purchased her car and spoke to the salesperson who sold her the vehicle. The complainant stated that the named officer spoke with the salesperson over the phone and was argumentative. The named officer told the complainant that her SFO permit was out of date and offered her the choice of a \$25 fix-it ticket or a \$100 ticket for the airport permit. The complainant chose the \$25 fix-it ticket for the license plate.

The named officer stated that on the day of the incident he was working regular patrol. The named officer noticed the complainant's vehicle without plates and approached her vehicle on foot. When the named officer got closer to the vehicle, he also noticed that her SFO TNC placard had been expired for months. The officer said the complainant informed him that she had not received her plates and that the dealership was looking for them. The named officer told the complainant that people who don't have plates on their cars are sometimes trying to avoid tolls, red light cameras, or attempting to conceal their identity for other crimes. The named officer ran the complainant's VIN number and it showed the vehicle had been purchased 7 months ago. The complainant called a representative from the dealership where she purchased the car and the named officer spoke to them. The salesperson stated that the dealership sold the complainant her car. The salesperson also stated that if the DMV is unable to send the plates to the registered owner, then the DMV will send the plates to the dealership so they can provide the plates to the registered owner. The named officer informed the representative that the DMV does not task car dealerships with tracking down registered owner's vehicles. The named officer gave the complainant the choice of getting a \$25 fix-it ticket for the plates or a \$100 TNC violation ticket. The complainant chose the \$25 fix-it ticket, and he cited her for CVC 5200.

A copy of the citation showed that the complainant was cited for CVC 5200, failure to display license plates. The citing officer was the named officer.

No other witnesses were identified.

California Vehicle Code 5200 states, "When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 2 of 3

the rear”. The California DMV website also states that dealership plates are valid for only 90 days as of January 1, 2019.

The complainant admitted that the vehicle was purchased seven months prior to this incident, well beyond the 90-day limit for paper plates’ validity.

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

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

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

FINDINGS OF FACT: The complainant stated that she was cited by the named officer for not having permanent license plates on her car. The complainant stated that the named officer was rude and argumentative during the course of the incident.

The named officer stated that he cited the complainant for not having plates on her vehicle. The named officer also described the complainant’s demeanor during the incident as upset and irate. The named officer stated that they had different viewpoints on the issue, which could be interpreted as being argumentative. The named officer stated that he spoke to the complainant in a level monotone voice during the incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that she was cited by the named officer for not having plates on her car. During the incident, the complainant stated that the named officer attempted to open her car door.

The named officer denied the allegation.

Department records reflect that the named officer was never issued a body-worn camera.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was driving when SFPD officers pulled him over. The named officers approached the complainant and informed him that he had not fully come to a complete stop at a stop sign. The complainant told the officers that he did. The named officers cited the complainant for failing to stop at a stop sign.

Named Officer #1 stated that he and Named Officer #2 were at a four-way stop when they saw the complainant's car roll through the intersection without stopping. They pulled the complainant over and cited him for 22450(a) CVC, failure to stop at a stop sign.

Named Officer #2 stated that the complainant failed to stop at a controlled intersection. He did not speak to the driver during this incident.

A witness officer stated that he was flagged down to assist with translation during a traffic stop. He stated that he did not see the actual violation.

Named Officer #1's body-worn camera footage shows him speaking with the complainant and telling him that he rolled through a stop sign. The complainant denies that he failed to stop. The complainant is Mandarin speaking and Named Officer #1 flags down a Mandarin-speaking witness officer to help translate. Named Officer #1 writes a citation and provides it to the complainant, informing him that he is being cited for failure to stop at a stop sign. Named Officer #1 explains the complainant's options for contesting the ticket. The complainant signs the citation and Named Officer #1 provides him a copy.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3 - 4: The officers exhibited intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that he was driving when SFPD officers pulled him over. The named officers approached the complainant and informed him that he had not fully come to a complete stop at a stop sign. The complainant told the officers that he did. The named officers cited the complainant for failing to stop at a stop sign. The complainant stated that during the incident, the named officers had their hands on their guns.

Named officer #1 could not recall if he had his hand on his gun at any point during the incident.

Named officer #2 could not recall if he had his hand on his gun at any point during the incident.

A witness officer stated that the named officers did not have their hands on their guns during the incident.

Body-worn camera footage of the incident does not reveal whether either of the named officers had their hand on their gun during the incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5 - 6: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that he was driving when SFPD officers pulled him over. The named officers approached the complainant and informed him that he had not fully come to a complete stop at a stop sign. The complainant told the officers that he did. The named officers cited the complainant for failing to stop at a stop sign. The complainant felt he was specifically targeted because he is Asian.

Named Officer #1 denied that race was a factor in the complainant being stopped and cited.

Named Officer #2 denied that race was a factor in the complainant being stopped and cited.

The named officers' body worn camera footage does not show any evidence of biased policing.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/19 **DATE OF COMPLETION:** 11/07/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on September 26, 2019.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers issued 72-hour notices without justification.

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

FINDINGS OF FACT: The complainants stated the named officers issued them multiple 72-hour notices.

The named officers stated they placed several 72-hour notices on multiple vehicles in the area based on several 311 complaints registered on the 311 application.

Department records showed the named officers placed 72-hour notices on multiple vehicles in the area on multiple dates.

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: 03/08/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officers harassed them when they knocked on their door very loud during sleeping hours (1:00-6:00 AM) and told other SFPD officers to issue the 72-hour notices. The complainant also stated that the named officers threatened to tow their vehicles without justification.

The named officers stated that they often knock on multiple vehicles between the hours of 0400-0600 hours. They said their shift begins at 0400 hours, and they responded to 311 calls from the beginning of their shift, and those calls often required them to contact the occupants illegally inhabiting the vehicles. The named officers denied doing this as a form of harassment. Named officer #1 stated a "Knock on the door of an RV" is not required when issuing the 72-hour notice; however, it is a common practice to contact the occupants of the vehicles to offer resources and also to inform them of any violations and the reason for the 72-hour notices.

The named officers denied knocking on the complainant's door aggressively but stated because the area is industrial with a lot of background noise, they often would have to knock loudly to get the attention of the occupants. The named officers denied targeting the complainants as they do not recall the specific complainants. They stated in the area in question there are several persons residing in vehicles and the area was heavily impacted with a sizeable homeless population. The officer stated he issues notices to several vehicles in the area. The named officer said they issued 72-hour notices to several vehicles in the area. The named officers denied threatening to tow the complainant's vehicles; however, they stated they have explained to occupants that if they do not comply with the 72-hour notices then their vehicle will be towed.

No witnesses were identified. The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/19 DATE OF COMPLETION: 11/25/19 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainants stated they were waiting outside of Pier 39 when a younger man assaulted one of the complainants. The complainants stated the named officer failed to investigate an assault and because of they failed to investigate the suspect the DA discharged the case.

The named officer stated he received the case on the night of the incident and submitted a rebooking packet to the DA with all available evidence. He stated he is required to submit the packet to the DA within 72 hours. The booking packet is used to determine if there is enough evidence to rebook/continue to hold a suspect in custody. The DA was responsible for looking at the information and determining if any additional investigative steps need to be completed. The DA in this case did not believe there was enough to rebook the suspect and did not request any additional investigative steps. The named officer stated when he returned from vacation, he decided to conduct additional steps based on the complainant's requests. The named officer stated he interviewed additional witnesses and searched for video footage. He stated based on the statements he determined the complainant initiated the fight and the suspect hit he complainant in self-defense.

SFPD documents verified the named officer submitted the case to the DA. The DA determined to discharge the case and did not request additional investigative steps. Additionally the document showed the named officer searched for additional video footage and interviewed additional witnesses. The report documents that the named officer determine all evidence pointed to the complainant as the instigator for both the verbal and physical confrontation with the suspect. The complainant was under the influence of alcohol and the suspect acted in self-defense and defense of his mother.

No video footage was located.

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: 04/03/19 **DATE OF COMPLETION:** 11/25/19 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainants stated the named officer did not ensure the assault was properly investigated.

The named officer stated the case was investigated properly. He stated the assigned investigator provided the DA with all the evidence for the rebooking packet, the body worn camera and statements. He stated he spoke to the complainant and the complainant provided him with additional evidence. He stated he provided the evidence to the DA and DA declined prosecution. He stated when the assigned investigator returned, he conducted additional interviews and attempted to find video footage.

SFPD documents verified the named officer submitted the case to the DA. The DA determined to discharge the case and did not request additional investigative steps. Additionally the document showed the named officer searched for additional video footage and interviewed additional witnesses. The report documents that the named officer determine all evidence pointed to the complainant as the instigator for both the verbal and physical confrontation with the suspect. The complainant was under the influence of alcohol and the suspect acted in self-defense and defense of his mother.

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

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

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

FINDINGS OF FACT: The complainants stated the named officer made an inappropriate comment when he asked one of the complainants “did you listen to yourself?”

The named officer admitted to making the comment “did you listen to yourself” He stated he did not say it in an inappropriate manner and he was trying to help the complainant understand that the recording he provided the police indicated that the compliant was a verbal instigator to the assault.

An audio recording documented that the co-complainant made aggressive comments challenging the suspect to a fight.

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: 05/24/19 DATE OF COMPLETION: 11/13/19 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to investigate his claim that he was the appropriate owner of an apartment unit pursuant to adverse possession and California Code of Civil Procedures § 326 and § 327.

The San Francisco Police Department CAD shows that officers initially responded to a burglary call. The CAD identified the 911 caller as a realtor reporting that the complainant had locked himself inside a residence for sale and had refused to leave.

The officers' body worn camera shows that the officers arrived, contacted the complainant, and patiently listened to his claims of adverse possession. The officers asked the complainant to provide proof of ownership, but the complainant only responded by citing various civil code sections. The officers also spoke to a witness who said she was staging the residence for sale and that the complainant was not authorized to be living in the unit. One of the named officers recognized the complainant from previous calls in which the complainant illegally occupied buildings and claimed adverse possession.

The officers' conduct was proper. The officers patiently listened to the complainant's adverse possession claim and reasonably concluded that the complainant did not have a right to occupy the residence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers failed to write a supplementary incident report.

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

FINDINGS OF FACT: The complainant stated that she had previously filed a police report against her stepfather regarding an ongoing dispute involving her deceased mother's property. The complainant said that she went to a police station to submit new evidence in the form of legal papers. The complainant stated she was told that her case was civil, and officers at the station therefore refused to accept the new evidence and failed to file a supplementary incident report.

An ID poll was sent to the station with negative results.

The original incident report indicated that the complainant's stepfather had donated some of his late wife's belongings to a local church. The report stated that the complainant believed that all of her deceased mother's property belonged to her but lacked documentation to support her belief. Therefore, no crime was committed.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officers failed to promptly and politely provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that during her visit to the police station, officers refused to provide their names or star numbers upon request.

An ID poll was sent to the station with negative results.

No witnesses were identified.

The officers could not be reasonably identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/19 **DATE OF COMPLETION:** 11/20/19 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT:

The complainant stated that the officers failed to forward additional documents provided by her for further investigation of her claim.

The incident report showed that the complainant's stepfather had donated some of his late wife's belongings to a local church. The report indicated that the complainant believed that all of her deceased mother's property belonged to her, but she lacked documentation to support her belief. Therefore, no crime was committed.

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: 05/07/2018 DATE OF COMPLETION:11/7/2019 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant said he was getting a pizza when the named officers yelled at him. The complainant said the named officers thought he was fleeing and, without giving him any orders, tackled him and struck him in the head and body. The complainant said he tried to get up, but the officers punched him in the head. He said the named officers ordered him to put his hands behind his back, but he could not comply because he was protecting his head. He said the named officers handcuffed him and bound his feet.

Named officer #1 said he and named officer #2 were on patrol when he observed the complainant walking on the street. He said he knew the complainant from a previous encounter and that he had active stay-away order from the intersection where he was observed. He said he ordered the complainant to stop. He said the complainant ignored him and began to flee. Named officer #1 said he grabbed the complainant by his backpack and pulled him to the ground. He said he attempted to place the complainant's arm behind his back, but the complainant actively resisted. He said he was unable to place handcuffs on the complainant until additional officers arrived on-scene to assist with the arrest.

Named officer #2 said he did not recall the incident.

Court documents showed the complainant had an active stay away order from the intersection where he was observed.

No video footage or witnesses were identified.

The named officers had reasonable suspicion to detain the complainant because the complainant was violating a stay away order.

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: 05/07/2018 DATE OF COMPLETION:11/7/2019 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant said he was getting a pizza when the named officers yelled at him. The complainant said the named officers thought he was fleeing and, without giving him any orders, tackled him and struck him in the head and body. The complainant said he tried to get up, but the officers punched him in the head. He said the named officers ordered him to put his hands behind his back, but he could not comply because he was protecting his head. He said the named officers handcuffed him and bound his feet.

Named officer #1 said he and named officer #2 were on patrol when he observed the complainant walking down the street. He said he was aware the complainant had an active stay-away order from the intersection where he was observed. Named officer #1 said he ordered the complainant to stop. He said the complainant ignored his order and began to flee. Named officer #1 said he grabbed the complainant by his backpack and pulled him to the ground. He said he attempted to place the complainant's arm behind his back, but the complainant pulled away. He said the complainant tucked his hands under his body where he could potentially conceal a weapon. Named officer #1 said because he was unable to gain access to the complainant's hands, he delivered multiple fist and knee strikes to the complainant's head and body. Named officer #1 said that he was unable to place the complainant in handcuffs until multiple officers arrived on-scene to assist.

Named officer #2 said he did not recall the incident.

Named officer #3 said he responded to a call for assistance regarding a subject resisting arrest. He said when he arrived on-scene he observed named officers #1 and #2 on the ground trying to handcuff the complainant. He said the complainant actively resisted and refused to move his hands from under his body and kicked the officers. Named officer #3 said he used multiple knee strikes on the complainant's left shoulder to dislodge the complainant's arms. Named officer #3 said the complainant's left hand was under his body and based on his experience he knew it was commonplace to hide weapons. He said he struck the complainant because he was in fear for officer and public safety.

SFPD Incident Report documented that named officer #2 saw the complainant walk away from named officers #1 and #2 after named officer #1 ordered the complainant to stop. Named officer #1 grabbed the complainant by the backpack and told him to place his hand behind his back. The complainant violently resisted whereby named officer #1 and the complainant fell to the ground. Named officer #1 ordered the complainant to stop resisting and place his hands behind his back. The complainant aggressively tucked his hands underneath his body and refused to release them. Named officer #3 arrived on- scene and

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/2018 DATE OF COMPLETION:11/7/2019 PAGE# 3 of 3

observed the complainant with his hands under his body. The named officers, unaware if the complainant had a weapon in his possession, struck the complainant multiple times with their foot, hands, and knees.

SFPD documents showed that a supervisor conducted a use of force evaluation and determined the force used to detain the complainant was reasonable.

Body worn camera footage from named officer #2 showed named officer #1 on top of the complainant, who was in a fetal position. Named officer #1 struck the complaint repeatedly on his right side with a closed fist causing the complainant to cover his head. Named officer #2 grabbed the complainant's right hand and attempted to pull it behind the complainant's back. The complainant pulled away and tucked his hands under his head whereby named officer #2 struck the complainant with his knee. When the complainant attempted to get up, named officer #2 again struck the complainant with his knee. Named officer #1 ordered the complainant to put his hands behind his back and to stop resisting. Additional officers arrived on-scene and assisted with handcuffing the complainant.

No additional video footage or witnesses were identified.

The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper. The officers used reasonable force to overcome the complainant's resistance. The complainant refused to put his hands behind his back and actively resisted officer's attempts to grab his hands for more than a minute. Moreover, the officers had information that the complainant regularly carried a knife in his waistband. As a result, the officers were entitled to use hand and knee strikes to overcome the complainant's resistance and restrain him in handcuffs.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/19 **DATE OF COMPLETION:** 11/07/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused policy authority.

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 October 29, 2019.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/2018 DATE OF COMPLETION: 11/24/2019 PAGE# 1 of 1

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

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

FINDINGS OF FACT: SFPD officers heard a car alarm and traced the sound to a car with a broken window where they observed two men standing beside the car. The officers believed the men were breaking into the car and told them to stop. One of the men was apprehended but the other ran to a parked car and attempted to escape. In his attempt to flee, the driver struck multiple vehicles and drove his car towards officers. The named officer discharged his firearm, missing the driver. No one was struck or injured by the named officer's discharge of his firearm.

In June 2016, San Francisco voters approved Proposition D requiring the Department of Police Accountability (DPA) to investigate any incident occurring within the City in which a San Francisco police officer fires a gun killing or physically injuring someone. While the DPA responded to this incident, the DPA later terminated its investigation because the incident did not result in death or injury.

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

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

FINDINGS OF FACT: SFPD officers heard a car alarm and traced the sound to a car with a broken window where they observed two men standing beside the car. The officers believed the men were breaking into the car and told them to stop. One of the men was apprehended but the other ran to a parked car and attempted to escape. In his attempt to flee, the driver struck multiple vehicles and drove his car towards officers. One officer discharged his firearm, missing the driver. No one was struck or injured by the officer's discharge of his firearm.

In June 2016, San Francisco voters approved Proposition D requiring the Department of Police Accountability (DPA) to investigate any incident occurring within the City in which a San Francisco police officer fires a gun killing or physically injuring someone. While the DPA responded to this incident, the DPA later terminated its investigation because the incident did not result in death or injury.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/19 **DATE OF COMPLETION:** 11/14/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while getting coffee, he ran into a sergeant at the coffee shop. He told the sergeant that his cell phone was stolen the previous night, and the sergeant told him to wait in front of his building for another officer to take the complainant's report. The complainant stated he waited three hours and no officer showed up.

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.

No witnesses were identified.

The officer could not reasonably be identified.

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

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

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

SFPD IAD
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/19 DATE OF COMPLETION:11/27/2019 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to make an arrest.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 10/28/19

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was a pedestrian and was hit by a car. When the named officer arrived on scene, the complainant said the officer had a bad attitude and told her he needed to find out who was lying.

Body worn camera footage shows that after the officer arrived on scene, he interviewed both parties. The complainant told the officer that she was hit by a car, while the driver of the vehicle told the officer that she heard a loud noise as if someone had hit her vehicle and did not see anyone being hit by her car. The footage shows that the officer then told the complainant in a calm tone that he needed to find out who was lying because he was given different stories by the two parties.

The evidence proved that the officer was given two different stories from the parties involved in the collision and was trying to find out who was telling the truth. The officer did not accuse anybody of lying.

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

SUMMARY OF ALLEGATION #2: 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 obtain the driver of the vehicle's insurance information.

Body worn camera footage shows that both the named officer and witness officer asked the driver of the vehicle for her insurance information and driver license; however, the driver was unable to give them the most updated insurance information. The footage also shows that the named officer interviewed the two parties and a witness.

SFPD records indicated that the named officer also wrote an incident report regarding the accident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 2 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 stated that she had to go through surgeries and suffered from different kinds of body pain and injuries after the accident. However, the officer only believed what the driver and witness told him and did not believe that she was the victim of the car accident.

Body worn camera footage shows that the named officer interviewed the complainant, the driver of the vehicle and an independent witness. In the interview both the driver of the vehicle and an independent witness stated the driver did not hit the complainant with her vehicle.

Department records showed the named officer searched for security videos in the area but yielded negative results. The report also documented that the driver and third-party witnesses stated that the complainant had not been struck by the driver's vehicle. Additionally, the named officer stated he "did not see any injuries consistent with being struck by a vehicle and falling to the ground (abrasions on hands, shoulders or knees, etc...) When I told the complainant that the other parties stated they never saw her fall to the ground, the complainant immediately recanted what she said and stated, "Well, I may have fallen to the ground I don't remember, why is it important?"

No witnesses came forward.

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: 05/07/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that she was the victim of a car accident; however, the incident report showed that she was listed as the suspect of an investigation.

Body worn camera footage shows that the named officer interviewed the complainant, the driver of the vehicle and an independent witness. In the interview both the driver of the vehicle and an independent witness stated the driver did not hit the complainant with her vehicle.

SFPD Department records showed that an independent witness of the accident stated that there was no collision and did not see the complainant on the ground. The named officer stated in his report that he made a credibility call based on the available evidence he collected. Additionally, the named officer stated he “did not see any injuries [on the complainant] consistent with being struck by a vehicle and falling to the ground (abrasions on hands, shoulders or knees, etc.)”

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: 05/06/19 DATE OF COMPLETION: 11/25/19 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant said that he was wrongfully detained pursuant to an erroneous arrest warrant during a traffic stop.

Both named officers said that stopped the complainant for driving a vehicle with a missing front license plate and impeding traffic, then they conducted a routine records check. The records check revealed an outstanding arrest warrant for the complainant, which they confirmed through the Central Warrants Bureau.

Department records show that named officers initially detained the complainant in a vehicle, found an arrest warrant through a records check, and detained the complainant to investigate the warrant.

DGO 6.18 makes it mandatory for officers to conduct a warrant check prior to the completion of a traffic stop.

Body Worn Camera footage shows the complainant's car stopped in a bus lane, and it shows one of the named officers conducting a records check.

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

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

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

FINDINGS OF FACT: The complainant said that he was arrested by an officer pursuant to an erroneous arrest warrant.

Department records show the named officer conducted a routine record check during a traffic stop, which revealed an outstanding arrest warrant for the complainant. The named officer then confirmed the warrant was in effect and that the complainant's identity matched that of the individual named in the warrant. The named officer then obtained authorization from his supervisor to arrest the complainant.

Body Worn Camera footage shows the named officer conducting a computer check under the complainant's name and discovering that the complainant was the subject of a no bail arrest warrant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/19 DATE OF COMPLETION: 11/25/19

PAGE# 2 of 2

Body Worn Camera footage further shows the named officer verifying that the arrest warrant was in effect, the complainant's identity and that the complainant is in fact the subject of the arrest warrant.

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

SUMMARY OF ALLEGATION #4: The officer improperly towed the complainant's vehicle.

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

FINDINGS OF FACT: The complainant said that after arresting him, the named officer intentionally parked his car in a tow-away zone, resulting in the car being towed. The complainant said that he gave his permission for the officer to park and secure his vehicle.

Department records show that the named officer obtained permission from the complainant to park his car near the site of his arrest. The named officer also obtained permission from a supervising officer to move the vehicle. The named officer then parked the complainant's vehicle on the street in a parking spot that would be unrestricted for a period of 12 hours. The named officer left the vehicle at approximately 6:54 p.m.

San Francisco Municipal Transit Agency records show that MTA towed the complainant's vehicle for being parked in a parking spot that became restricted at 8:00 a.m. the following day.

DGO 9.06 "Vehicle Tows" states that an officer may move an arrestee's vehicle before it is towed if the officer has express permission of a supervisory officer. DGO 9.06 does not require that officers secure vehicles on behalf of arrestees. The officer was therefore not under any obligation to secure the vehicle in a location where it would not eventually be towed. Nor is there any evidence that the officer acted out of malice.

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: 5/10/19 DATE OF COMPLETION: 11/27/19 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and SFPD Southern Station, the complaint was mediated and resolved in a non-disciplinary manner on 10/28/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/19 **DATE OF COMPLETION:** 11/25/19 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the Station Representative, the complaint was mediated and resolved in a non-disciplinary manner on 10/28/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/2018 DATE OF COMPLETION:11/4/2019 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he flagged down the named officers after a dog attacked him, and the officers refused to write a report or take action against the dog.

The named officers stated that they were flagged down while driving, they assessed the situation, and they determined that no dog attack occurred. The first named officer stated that he spoke to the complainant and the complainant pointed to the dog to show where it had been bitten, but there was no indication of a bite or other injury. The officer said there was another dog in the area but that it was not displaying a vicious demeanor and there was no indication of an attack. The officer said that, as he was talking to the complainant, the complainant became agitated and walked away.

Named officer two said that he and his partner spoke to the complainant, and they saw no evidence of a dog attack. The officer stated the complainant was agitated and angry. The officer stated he did not hear the full conversation between the complainant and his partner, as he was attempting to calm the complainant. He said that, as they were speaking to the complainant, the complainant walked away.

Department records showed the named officers responded to a call about a fight, and that the reporting party reported that an unleashed dog had almost bit his dog.

Body worn camera footage from one of the named officers did not capture the discussion about the dog attack.

No witnesses were identified.

Officers must make credibility determinations in the field without the benefit of hindsight, and officers are not required to believe every complainant. The photographs of the alleged bite do not show enough evidence of a dog bite for the officer's conclusion that nothing criminal occurred to be unreasonable. Moreover, the complainant left the scene voluntarily without providing additional information. The officer's conduct was therefore lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/2018 DATE OF COMPLETION:11/4/2019 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers used profanity.

CATEGORY OF CONDUCT: D FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the officers used profanity during the encounter.

The first named officer stated that, when he was speaking to the complainant, the complainant was frustrated and angry and yelling profanity. The second named officer stated that he did not use any profanity and did not recall hearing his partner use profanity.

The body worn camera footage shows the complainant walking away from the officers and yelling criticisms at the officers laced with profanities. One of the named officers mirrored the complainant's profanity back at the complainant.

Though the officer used profanity, mirroring a complainant's profane language is not sufficiently egregious to warrant disciplinary proceedings. There is therefore insufficient evidence to support any misconduct action.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/2018 DATE OF COMPLETION:11/4/2019 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide their names and star numbers.

CATEGORY OF CONDUCT: ND FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The complainant said that the officers failed to provide their star numbers when requested.

The body worn camera footage showed the complainant walking away from the officers, yelling profanity, then doubling back to demand the star numbers of the named officers. One of the named officers argued with the complainant, while the other officer can be heard providing his star number. The complainant then quickly walked away.

No other witnesses were identified.

One of the officers provided his star number while the other officer argued with the complainant. The complainant then quickly walked away and did not interact with the arguing officer. It isn't clear whether the complainant ever requested the badge number from the arguing officer, or if the complainant was speaking to the second officer. Moreover, the complainant quickly walked away, ending the interaction. Officers are not required to chase a person down the street to provide their contact information. Accordingly, there is insufficient evidence of a clear refusal to provide a badge number and therefore insufficient evidence to support a misconduct action.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/2018 DATE OF COMPLETION:11/19/2019 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The named officer responded to a vehicle accident and assault and battery. The named officer spoke to both drivers. Each driver claimed the other was at fault, and each reported a physical fight following the accident. Each man claimed the other started the fight. Neither was injured.

The named officer investigated the physical fight by questioning various witnesses nearby. Each witness stated that he had not seen the beginning of the fight. During the questioning of one witness, the named officer was short, cut off the witness, and did not listen the witness' full account of the incident. Though the officer could have done more to investigate, the fight was minor and it appears the officer's conduct was the result of a misinterpreted hand gesture. Accordingly, the officer's conduct is not sufficiently egregious to rise to the level of misconduct.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/2018 DATE OF COMPLETION:11/19/2019 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The named officer responded to a vehicle accident and an assault and battery. The named officer believed that he had turned on his body worn camera, but when he went to upload the recording, he found that he had accidentally not started recording. The officer's testimony was credible. Accordingly, the officer's reasonable mistake is not sufficiently egregious to rise to rise to the level of misconduct.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/18 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she passed by a gas station and observed six police officers standing over a man in handcuffs. She felt that the presence of six officers was “aggressive” and excessive.

The named officer stated that officers were at the scene investigating a stolen vehicle incident and had detained one of the vehicle’s occupants. He stated that the complainant came across an active crime scene where the stolen vehicle had just fled the scene, and additional suspects were still outstanding.

A witness officer confirmed that the stolen vehicle had fled the scene, leaving several of its occupants remaining in the area.

Department records show that the named officer identified the stolen vehicle at the gas station with four occupants. After he alerted dispatch, eight other officers arrived as backup.

Body worn camera footage confirms that when the named officer approached the passenger side of the stolen vehicle, the vehicle immediately fled the scene. The named officer then entered the gas station, where he was able to locate only one of the car’s occupants. The footage also shows that six officers were present during that individual’s detention.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/18 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that named officer interacted with her in a condescending and demeaning way, telling her to “Enjoy your visit to San Francisco,” and “Call your parents. They love you.” He also suggested she consider attending the SFPD Community Police Academy.

The named officer perceived complainant as hostile. The officer stated that he attempted to defuse the situation and de-escalate the interaction. The officer said that the complainant repeatedly informed him that she paid his salary. The named officer said that he did not recall telling the complainant, “Enjoy your visit to San Francisco,” but he referred her to the Community Police Academy because this is where citizens may learn about the work of officers. The officer acknowledged that he could have said something similar to, “Call your parents. They love you,” because he was attempting to bring positivity to a negative situation, as he learned to do in de-escalation training.

A witness officer stated that the complainant approached officers during the detention of a suspect and demanded answers about the incident. He stated that the complainant asked questions in a hostile tone, used profanity, and was critical of their presence. The officer did not hear the named officer make any comments to the complainant, but he did recall the complainant saying, “I pay your fucking salary” to the officer.

Another witness officer did not recall any specific statements from the incident.

Body worn cameras did not capture the named officer telling the complainant to enjoy her visit to San Francisco. However, the footage does show the complainant saying, “I pay your fucking salary” and the officer responding, “Call your parents. They love you.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/18 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 3 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that multiple officers detained an individual. The named officer stated that the detention occurred because the detainee was an occupant of a stolen vehicle, but neither the incident report nor body-worn camera footage revealed the reason for running the plates of the detainee's car.

The named officer stated that he was running license plates throughout his shift. He stated that he ran the license plate of the detainee's vehicle because it matched a model associated with a high rate of auto thefts. The named officer denied that race was a factor in the detention and said he did not know if he even saw the detainee's race prior to detaining him.

A witness officer confirmed that he and the named officer ran license plates during their shift. However, the witness officer did not know why the named officer ran the plate of that particular vehicle.

Body worn cameras did not capture when the officer first noticed the vehicle and the detainee.

No witnesses were identified.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/18 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant observed the named officer detaining an individual. The named officer ran the plates of a vehicle, determined the car was stolen, and pulled up behind it. Several of the car's occupants got out, and the vehicle fled when the officer approached it. The named officer subsequently detained an individual he identified as a possible occupant of the vehicle.

The named officer stated that he observed the individual standing around the vehicle. He stated that it appeared as if the detainee and three other individuals had just stepped out of the car because he saw the car door closing. The named officer explained that occupants of stolen vehicles are often involved in criminal activities, giving him reasonable suspicion for the detention.

A witness officer stated that he did not observe anyone actually getting out of the car, but he did see people near the vehicle. The witness officer did not remember whether or not the occupants of the vehicle were talking to the driver. He said the individual was likely detained because he was in or around the stolen vehicle, but he could not articulate any other reasons for the detention.

Department records indicate that the individual was detained because officers observed him and three others "around" a stolen vehicle before entering a gas station store. Body worn camera footage only captured the named officer's attempt to detain the individual.

No witnesses were identified.

Department General Order (DGO) 5.03, Policy B 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 officer, however, must have specific and articulable facts to support his/her action; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification."

The evidence proves that the named officer detained the individual merely because the individual was in the proximity of a stolen vehicle. Under these circumstances, it is unclear whether a court would determine that the officer had reasonable suspicion to detain the individual. Mere presence in or around a stolen vehicle is not a crime.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/19 DATE OF COMPLETION: 11/05/19 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant, a taxi driver, stated that he was trying to pick up passengers from a theater. An officer stopped him and told him to move on because he was blocking traffic. The complainant responded by suggesting that the officer first check other cars that were illegally parked. The complainant said that the officer responded, "Are you trying to tell me how to do my job?"

An officer identification poll was returned with negative results. The star number and officer description provided by the complainant do not match the SFPD roster.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/19 **DATE OF COMPLETION:** 11/05/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she notified two SFPD officers of a nearby individual who was injecting drugs and threatening members of the public. The complainant stated that the officers agreed to respond to the situation, but instead drove away in their patrol car. The complainant said that members of the public were left to deal with the individual by themselves.

Department records show that other officers responded and dealt with the individual described by the complainant. The responding officers were motorcycle officers and did not fit the description provided by the complainant.

An identification poll sent to the district station was returned with negative results.

The officers described by the complainant could not be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 11/07/19 **PAGE#** 1 of 1

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

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

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

**SFMTA-DPT Enforcement Division
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103**

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/19 DATE OF COMPLETION: 11/25/19 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant said that the named officer improperly found her at fault and issued her a citation after a scooter ran into her vehicle.

The named officer said there was probable cause to issue the complainant a citation for violation of California Vehicle Code section 21801(a).

The Traffic Collision Report shows that investigating officers responded to the scene of a vehicle accident involving the complainant's vehicle and a person riding a scooter. The officers obtained statements from the involved parties and a witness. The report shows that the officers concluded the complainant made a left turn and collided with the scooter rider. At the time of the collision, the scooter rider was in a cross walk, crossing Market with a pedestrian walk signal.

The Body Worn Camera (BWC) recordings corroborate the information in the Traffic Collision Report. The recording shows the named officer explaining to the complainant that she failed to yield to all oncoming traffic when making a left turn. The complainant told the named officer several times that she had a green light. The officer responded by saying that even though she had a green light she still had to yield when making a left turn.

California Vehicle Code section 21801(a) states that the driver of a vehicle intending to turn to the left or to complete a U-turn upon a highway, or to turn left into public or private property, or an alley, shall yield the right-of-way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.

The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/19 DATE OF COMPLETION: 11/25/19 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CU FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The complainant said that officers found her at fault for a vehicle accident because she is elderly, Asian female. The complainant said the other driver in the collision was a fifty-year-old white male. The complainant provided no other evidence of bias.

DPA questioned the named officer pursuant to DPA's Biased Policing Investigation Protocol. The named officer denied he engaged in any biased policing or discrimination. The named officer said the complainant's race, ethnicity, gender and age was not a factor in his decision to find complainant at fault or to issue a citation.

The Body Worn Camera (BWC) recordings show the named officer and other officers at the scene were polite and professional toward the complainant.

The named officer's investigation produced probable cause to issue a citation. There is no evidence that the named officer issued the citation based on the complainant's age, ethnicity or sex.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/19 **DATE OF COMPLETION:** 11/25/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated officers used a racial profiling book at the station to target the African American community and the complainant. The complainant stated that it was not a book when she first saw it at another station more than 10 years ago and could not remember the date and time she saw it. The complainant said her friend later saw the book at another station used by officers.

The DPA requested that the complainant provide more evidence regarding the book; however, the complainant could not provide the exact date and time of when the book was first and last seen or the information that was in the book. The complainant also could not provide any contact information of the person who last saw the book.

In addition, the SFPD department roster and department record do not show the names of the officers provided by the complainant. The DPA is unable to establish the identity of the alleged officers.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated officers used the racial profiling book for embezzlement. The complainant stated that she first saw the book at one station, and it was transferred to the other station where officers worked.

The DPA requested that the complainant provides more information regarding the book and embezzlement. However, she was unable to provide the exact date and time of when the book was last seen or other details regarding the book or the embezzlement. The complainant also could not provide the contact information of the person who actually saw the book.

In addition, the names of the officers provided by the complainant do not match any officers on the department roster and record. The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/19 **DATE OF COMPLETION:** 11/25/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The complaint raises matters outside the DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/19 **DATE OF COMPLETION:** 11/19/19 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she believed she was being followed inside her residence hotel, but the officers who responded did not take any action.

The named officers stated that they spoke with the front desk clerk, the building social worker and the complainant when they arrived on scene and determined that the individual the complainant believed was following her was, in fact, the building housekeeper performing her janitorial duties. The named officers stated that the complainant did not request a police report and it was determined that no crime had been committed so they did not prepare an incident report regarding this encounter.

Body worn camera footage confirmed that the first named officer spoke with the complainant as well as a representative of the hotel.

The named officers conducted a thorough investigation and determined no crime had been committed. As the complainant neither requested that the suspect be arrested nor that a police report be issued, the officers had no duty to take any further action. The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/19 DATE OF COMPLETION: 11/19/19 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the officers who responded to her call for service were disrespectful towards her.

The named officers denied that they behaved disrespectfully and stated that while trying to explain their determination to the complainant she raised her voice to speak over the second named officer.

Body worn camera footage showed that the complainant raised her voice and started yelling at one of the hotel representatives. The footage also showed that the first named officer did speak over the complainant and advised her not to call 911 again for this situation.

A preponderance of the evidence shows that the officer's behavior was proportionate to what he is trained to do when there is non-compliance at the scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/19 **DATE OF COMPLETION:** 11/21/19 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that somebody stole the front wheel of her bicycle. She called 911 but was told by an unidentified person that the incident was not a crime of high priority. The complainant declined to provide additional evidence or cooperate with the DPA investigation.

A search of Department records found no incident involving a call from the complainant to police emergency from the address provided, and no record of the complainant named as a victim of a theft around the time she reported.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/19 DATE OF COMPLETION: 11/12/19 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/19 **DATE OF COMPLETION:** 11/07/19 **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
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/19 **DATE OF COMPLETION:** 11/14/2019 **PAGE#** 1 of 1

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

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

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

SFPD
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 1 of 1

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

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

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

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

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

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

FINDINGS OF FACT: This complaint raises matters outside 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: 10/29/19 **DATE OF COMPLETION:** 11/12/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This 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: 10/28/2019 DATE OF COMPLETION:11/27/2019 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer intentionally damaged property.

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: 11/5/19 **DATE OF COMPLETION:** 11/27/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This 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: 11/7/19 DATE OF COMPLETION:11/14/19 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This 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: 11/18/19 **DATE OF COMPLETION:** 11/21/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This 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: 11/04/19 **DATE OF COMPLETION:** 11/19/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This 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.