

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/18 **DATE OF COMPLETION:** 12/24/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his girlfriend stabbed him in the shoulder with a knife, and when he grabbed the knife away from her, she sustained a small cut. He stated that when officers responded, they assumed he was the assailant and arrested him, causing him to be falsely imprisoned for three years.

One of the named officers did not recall the incident, which took place over ten years prior. The other officer recalled arriving at the scene to find another unit detaining a male subject and a female lying on the floor, crying hysterically with a bleeding gash on her shin. The officer also saw a knife with blood on the tip set on top of the light switch in the room. The officer confirmed that she arrested the complainant because, based on her initial investigation, she had probable cause to believe that he had committed the offenses he was charged with. The officer added that the complainant said nothing at the time of the incident about his girlfriend stabbing him in the shoulder first, nor was it corroborated by evidence or statements made on the day of the incident. The officer stated that there were no visible signs of injury or blood on the complainant. Finally, the officer recalled that she Mirandized the complainant and gave him the opportunity to tell his side of what happened, but he chose not to by invoking his Miranda rights.

Department records indicate that the complainant's neighbor had been in his room when he heard the complainant's girlfriend screaming. The neighbor looked out his window and saw the complainant standing over his girlfriend, who was on her back. The neighbor observed the complainant yelling that he was going to kill his girlfriend.

The evidence established that the named officers properly investigated the incident in question.

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

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SUMMARY OF ALLEGATION #3: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated he was placed in tight handcuffs.

None of the responding officers recalled handcuffing the complainant. They stated that when they do handcuff someone, their practice is to check for the proper level of tightness and then double-lock the cuffs.

Department records indicated that the responding officers were at the scene; however, the records do not indicate which officer applied the handcuffs to the complainant.

The identity of the alleged officer could not be established.

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SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was waiting near a police station for a bus to take him to a casino when he got into a verbal altercation with some police officers. He said that as he was walking away from the officers, he was grabbed by the neck and thrown violently to the ground.

Two of the named officers stated that they heard shouting in the lobby of the station. When they went into the lobby, they saw the complainant and a woman shouting at each other. The woman was frightened and requested that the officers escort her to her home one block away. The officers did so, and on their way back to the station they again encountered the complainant, who was repeatedly shouting the name of a man convicted of murdering a San Francisco police officer. The complainant asked to speak to a supervisor, so the officers directed him to a lieutenant standing outside the station. Shortly afterward, they saw the lieutenant take the complainant to the ground and they rushed in to assist him with handcuffing and escorting the complainant into the station.

The third named officer, a supervisor, stated that he was standing outside the station when he saw the complainant approaching with two officers. The complainant was agitated and cursing at the officers. The complainant asked to speak to a supervisor, so the named officer spoke with him. The named officer stated that the complainant smelled like alcohol and admitted to drinking, and he observed that the complainant was belligerent, very loud, and cursing. The complainant was talking about the money in his pocket, showed it several times, and was generally showing bad judgement. The named officer stated that it was obvious the complainant was “headed for disaster, a fight, a traffic accident, [or] a dispute with someone else.” The named officer knew that the complainant was not from the Tenderloin and would not be able to take care of himself in the neighborhood. The named officer determined that the complainant was drunk and arrested him. The named officer wrote the following in the Public Intoxication Report, “He smelled of alcoholic beverage, slurred rapid speech, unsteady [and] belligerent.”

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

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

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SUMMARY OF ALLEGATION #4: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was grabbed by the neck by an officer and thrown violently to the ground.

The named officer stated that he first saw the complainant walking down the street following and speaking to two officers. The complainant was yelling and cursing at the officers and appeared agitated and animated. When the complainant asked to speak to a supervisor, the named officer spoke with him. The named officer stated that the complainant smelled of alcohol and admitted to drinking. The named officer observed that the complainant was belligerent and loud. It was obvious to the officer that he was “headed for disaster, a fight, a traffic accident, [or] a dispute with someone else.” The complainant kept talking about the money in his pocket and showed it several times, showing what the named officer called, “a lot of bad judgment.” The complainant was not from the neighborhood and the named officer knew that he would not be able to take care of himself in the neighborhood. The officer determined that the complainant was drunk and arrested him.

The named officer stated that he was an instructor for weaponless defense takedowns and handling, and he felt the best way to arrest someone who is drunk and agitated is from the “position of advantage” that he taught in those classes: from the rear and at a 45-degree angle, rather than a direct confrontation from the front that could have come to blows. He took the complainant down in this manner, and other officers assisted with the handcuffing. The named officer stated that the complainant did complain of pain afterwards, but after the complainant calmed down, he apologized to the officer and stated that he was not hurt. The officer stated that his use of force was not reportable because there were no strikes, punches, or kicks, there was no complaint of pain related to the takedown, there were no visible injuries, and the complainant cleared a medical screening at the station and with the jail medical nurse.

Given the complainant’s behavior, the named officer’s use of force was reasonable and proper.

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

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DATE OF COMPLETION: 12/12/18

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 9.02, Vehicle Accidents.

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

FINDINGS OF FACT: The complainant stated that the named officer did not properly investigate his traffic accident.

Department General Order 9.02 states, "It is San Francisco Police Department Policy to investigate and report the following type of vehicle accidents: 1. Vehicle accidents resulting in death or injury. 2. All hit-and-run vehicle accidents resulting in death, injury, or property damage". Section II.A states, "If death of serious injury results, immediately notify the Hit and Run Section during business hours, or the Operations Center at all other times. Record the name and the star number of the person notified along with the time on the Traffic Collision Report".

The named officer stated that she forwarded a copy of the collision report to the Hit-and-Run Division for further investigation. However, she did not speak with anyone from that department about this case, and erroneously believed that the Division investigated misdemeanor and felony violations.

A subject matter expert stated that this case was not received by the Hit-and-Run Division, and that the Division only investigates felony hit-and-run incidents.

The traffic collision report shows that the box for Hit & Run Section notified was checked "Yes". However, the report does not indicate the named officer notified anyone at the Hit-and-Run Division or at the Operations Center.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainants stated that the traffic collision report was inaccurate and should have contained more details. He stated that the named officer did not ask for his dashboard camera video and that there was no information in the report about officers searching for the driver or conducting any follow-up investigation.

The named officer stated that she conducted the initial investigation. She stated that evidence was gathered, statements were obtained, and the suspect vehicle information was broadcast. The named officer admitted that classifying the incident as a misdemeanor, and a property-damage-only hit-and-run was a mistake.

The named officer's supervisor and a subject matter expert stated that the named officer incorrectly classified the case as a hit-and-run misdemeanor when it should have been a hit-and-run felony in the report.

A hit-and-run collision that results in serious injury to a victim is a felony incident. Because the hit-and-run collision caused the complainant serious injuries, it should have been classified as a felony in the incident report.

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

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

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

FINDINGS OF FACT: The complainant was the victim in a felony hit-and-run collision that was inaccurately reported as a misdemeanor incident. The named officer is a supervisor and approved the traffic collision report that inaccurately classified the hit-and-run collision as a misdemeanor incident.

The named officer admitted that the incident should have been classified as a felony incident because the victim was severely injured.

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

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

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

FINDINGS OF FACT: The complainant stated he was arrested six years before this complaint for possessing controlled substances found in a vehicle that the named officers seized but that did not belong to him. The complainant stated the named officers failed to look for the true owner of the vehicle containing the controlled substances. He also stated the named officers did not investigate a cover-up orchestrated by his ex-boyfriend who conspired to frame him with SFPD.

The named officers stated they made lawful entry into an illegally parked vehicle containing a large quantity of controlled substances, rental car paperwork in the name of the complainant, and a hotel key registered to the complainant. The named officers also found the key to the vehicle in the pocket of the complainant. The complainant told the named officers he had legal authorization to possess the controlled substances, but he admitted to using the substance that day. The named officers stated they did not know the complainant's boyfriend and denied conspiring with anyone.

Another officer at the scene stated he had no knowledge of the complainant's ex-boyfriend or any conspiracy against the complainant.

No other witnesses were identified.

Contemporaneous Department records documented that the named officers found an illegally parked vehicle containing a large quantity of controlled substances, rental car paperwork in the complainant's name, and a hotel key registered to him. The records also recorded that the key to the vehicle was in the complainant's pocket. The records contain no mention by the complainant alleging a conspiracy with his ex-boyfriend.

The complainant produced, to DPA, a vehicle registration for a vehicle that was not the vehicle searched, claiming it was the vehicle he had rented at the time of his arrest. The complainant did not produce a rental agreement for the vehicle, which was owned by a car rental holding company. He stated he had not rented the vehicle searched but had rented a different vehicle.

A car rental agreement, acquired by DPA, documented the complainant as the renter of the vehicle searched.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

Both named officers believed, based on the evidence gathered at the scene, the vehicle searched was in the possession of the complainant as the keys to the vehicle were found in the complainant's pocket, the vehicle rental agreement with the complainant's name was found in the vehicle, a hotel key belonging to the complainant was found in the vehicle, the vehicle was found in a very close proximity to the hotel where the complainant was staying, and the complainant admitted the controlled substances found in the vehicle were his.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers failed write an accurate and complete report.

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

FINDINGS OF FACT: The complainant stated a police report written six years before his complaint, and the attached statements, contained errors and omissions that rose to the level of misconduct.

A named officer denied writing an inaccurate or incomplete report. He stated he documented what happened the night of the incident. He also stated he signed the report, under penalty of perjury, that the report is true and accurate based on his personal knowledge following the investigation. He stated that he did not fill out all available boxes or fields as they were either not required or in error on his part. He stated that the fields that were not filled out in error did not substantively affect the accuracy or intention of the report. He stated that his lieutenant ultimately reviewed the report.

Another named officer stated his statement attached to the incident report was truthful. He stated his written statement did not list a witness, as none was required. This named officer also acknowledged that he had made a clerical error in the time noted on his statement.

Another named officer stated he had no reason to falsify his incident report statement and wrote a complete and accurate account of his role in the incident. He stated no witness was required for officers' statements.

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

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

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

FINDINGS OF FACT: The complainant stated the evidence seized at the scene was not properly processed or tested, that his property was not properly processed, and that he was not given a urinalysis test.

The named officer stated because the narcotics investigator responded to the scene, it was the responsibility of the narcotics inspector to process the evidence, which consisted of controlled substances. He stated he believed the evidence was properly handled and processed. In addition, he stated he documented the chain of custody in his report. The named officer stated any personal property removed from the complainant would have been documented and sent to the county jail. He stated the booked property was not something that was in his control. The named officer stated that offering a urinalysis for this type of incident is not the policy of the Department. He also stated that he did not recall the complainant asking for a urinalysis test.

An officer on the scene stated he believed the narcotics investigator took control of the narcotics which were then given to the lab for testing. He stated he did not book the complainants property, nor did he know what efforts the complainant made to get his property back. He stated he did not know if the complainant requested a urinalysis.

No other witnesses were identified.

Department records document a controlled substance analysis was performed on the evidence seized. The evidence tested positive for controlled substances. A search of Department records for property yielded negative results.

San Francisco Sheriff's Department records do not show any items listed in the Property Inventory Report. However, their records indicate that the complainant's clothes were released to him.

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

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SUMMARY OF ALLEGATION #7: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated the named officer failed to ensure the investigation was properly conducted.

The named officer stated that he was the most senior officer at the scene and was ultimately responsible for the supervision of the officers at the scene. He stated the investigation conducted was in accordance with the laws, SFPD DGOs and DBs.

The other two officers involved in the investigation stated that the investigation was thorough and lawfully conducted.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD.

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

SUMMARY OF ALLEGATIONS #8-9: The officers engaged in biased policing based on sexuality.

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

FINDINGS OF FACT: The officers engaged in biased policing based on sexual orientation.

The complainant stated that he was targeted by the named officers based on his sexual orientation. He believed that he was targeted because of his dress and mannerisms. He denied the named officers used homophobic slurs or discriminatory language.

A named officer denied targeting the complainant based on his sexual orientation. He stated he did not know the complainant's sexual orientation as he first encountered an abandoned, illegally parked car containing a large quantity of a controlled substance. He stated the vehicle was registered to a rental agency which gave him no information on the driver of the vehicle. He stated he detained and arrested the complainant based on evidence found in the car and his hotel

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SUMMARY OF ALLEGATIONS #8-9: (Continued)

Another named officer he did not know the complainant's sexual orientation and even if he did, it would not have mattered.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD.

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

SUMMARY OF ALLEGATION #10: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer forged his signature on a Permission to Search Form, which allowed officers to search his room.

The named officer stated he did not forge the complainant's signature on the Permission to Search Form. He stated he did not know what the complainant's signature looked like prior to the form being signed. The named officer stated the complainant signed the form.

No other witnesses were identified.

Unrelated documentation submitted by the complainant bears a distinct signature with characteristics apparently consistent with the signature on the Permission to Search Form. Both signatures featured characteristics that officers likely would not have seen when they filled out the Permission to Search form.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD.

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

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SUMMARY OF ALLEGATIONS #11-12: The officers detained a person without justification.

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

FINDINGS OF FACT: The complainant stated he was detained without justification for possessing a controlled substance, which he was legally entitled to possess.

The named officers stated they found a large quantity of a controlled substance in the complainant's vehicle. They stated the complainant admitted to them to using the controlled substance on himself, even though the controlled substance was not prescribed to him.

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

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

SUMMARY OF ALLEGATIONS #13-14: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause for possessing a controlled substance, which he was legally entitled to possess.

The named officers stated that during a search of the complainant's car, they discovered a large quantity of the controlled substance. They stated the complainant admitted he used the controlled substance on himself that day, even though he did not have a prescription.

California Penal Code section 836(a)(1) states:

A peace officer may arrest a person . . . without a warrant. . . whenever any of the following circumstances occur: (1) The officer has probable cause to believe that the person arrested has committed a public offense in the officer's presence. (2) The person arrested has committed a felony, although not in the officer's presence. (3) The officer

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SUMMARY OF ALLEGATIONS #13-14: (Continued)

has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact has been committed.

Based on the evidence gathered by the named officers and the statements made by the complainant, there was probable cause to arrest the complainant. The complainant was arrested for Possession for Sale, which is a felony.

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

SUMMARY OF ALLEGATIONS #15-16: The officers entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officers illegally searched his residence.

The named officers stated they went to the complainant's hotel room to do a welfare check, as they had found his car abandoned and illegally parked that contained a hotel key belonging to the complainant and a large quantity of controlled substances. They stated that because of the odd circumstances of the vehicle and its contents, they would be remiss in their duties to not check on the welfare of the complainant.

Another officer at the scene stated when he arrived, he observed an illegally parked, unlocked, and unoccupied vehicle. He stated he observed two boxes of controlled substances sitting on the front passenger floorboard.

No other witnesses were identified.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD.

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

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SUMMARY OF ALLEGATIONS #17-18: The officers entered and searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the named officers illegally searched his vehicle. He later stated that the vehicle was not his.

A named officer stated he discovered an illegally parked, abandoned vehicle blocking a handicap ramp. He stated he was prepared to tow the vehicle because no one came forward to claim it. The named officer stated he entered the unlocked vehicle to perform a tow inventory, and upon a search of the vehicle, he discovered a large quantity of controlled substances, in plain sight, on the front passenger floor board. The named officer stated he had legal justification to enter and search the vehicle as it was going to be towed for being abandoned and illegally parked.

Another named officer stated when he arrived on the scene, he observed an abandoned, illegally parked vehicle blocking a handicap ramp, as well as a lane of traffic. He stated the vehicle's window was rolled down and the doors were unlocked. He stated he could see, in plain view from outside the vehicle, two boxes of a controlled substances on the front passenger floorboard. This named officer stated he and the other named officer had legal justification to enter and search the vehicle because of the amount of controlled substances found inside the vehicle, the potential to tow the vehicle, the need to find the owner, and the need to investigate if there was someone in distress or there were criminal acts involved.

Another officer on the scene stated when he arrived, he observed an illegally parked, unlocked, and unoccupied vehicle. He stated he observed two boxes of controlled substances sitting on the front passenger floorboard. He stated the named officers had legal justification to enter and search the vehicle because the vehicle was illegally parked, abandoned and contained contraband.

Department photographic records show two boxes of vials, containing a controlled substance, in plain view, on the front passenger floorboard.

The complainant's credibility was compromised as he made material statements to the DPA that were directly contradictory to available evidence from a reliable source independent of the SFPD.

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

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SUMMARY OF ALLEGATION #19: The officer failed to Mirandize.

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

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

SUMMARY OF ALLEGATION #20: The officers failed to take required action.

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

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

SUMMARY OF ALLEGATION #21: The officer searched and seized a cell phone without cause.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was in a verbal dispute with another party, a motorist who almost hit him as he was walking by a hotel. The complainant stated the driver got out of his car, yelled at and threatened him. The complainant stated a bicycle officer quickly arrived on the scene to question them. The complainant stated the officer told them they were both old enough to be his father. The complainant further stated the officer yelled and threatened to arrest him after he asked for a citizen's arrest of the other party.

The officer denied the alleged behavior and comment, stating that he was calm and professional. The officer denied that he yelled at the complainant. The officer also stated the noise level in the area was loud due to the traffic and tourists.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer arrived on scene and threatened to arrest him if he pursued a citizen's arrest on the other party.

The named officer denied that he threatened to arrest the complainant. The officer stated he was trying to find out what happened.

No witnesses were identified.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.04, Arrests By Private Persons.

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

FINDINGS OF FACT: The complainant stated he was almost struck by another party's vehicle and threatened during his verbal dispute with him. The complainant stated he requested a citizen's arrest, but the officer threatened him with arrest for assault on the other party. The complainant stated the other party left the scene without contact information.

The named officer denied that he failed to comply with DGO 5.04. He stated that in his brief encounter, none of the parties requested or implied a request for a citizen's arrest. The named officer also stated there were no elements of a crime by either party nor was there a traffic collision. The named officer stated the other party left the scene without providing his contact information.

No witnesses were identified.

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

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to comply with DGO 10.11.

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

FINDINGS OF FACT: The named officer denied that he failed to comply with DGO 10.11- Body Worn Cameras (BWC). The named officer stated his contact with the complainant and the other party was a consensual encounter with no criminal element or crime. The named officer stated the contact was very brief with no one getting handcuffed, arrested, injured, or medically assessed. The named officer further stated there were no elements to a crime. The named officer acknowledged he had his BWC on his person for his overtime assignment, but it was not activated due to this consensual contact where there were no elements to a crime that occurred between the complainant and the other party pursuant to DGO 10.11 Authorized Use.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The complainant stated he consumed alcohol at a bar and that he was “over the limit” and not able to drive. He stated he stood outside a bar waiting for a ride and when officers contacted him, they told him he had been ordered to leave. The complainant stated he did not recall the full details from the incident.

The named officer stated he responded to a call that the bar employee wanted the complainant to vacate and not return to the bar. The named officer stated the complainant refused to leave, so he decided to initiate a public intoxication investigation him, because the complainant exhibited signs of intoxication.

The Body Worn Camera (BWC) footage showed the complainant was outside the bar when the transport officer explained to the complainant that he was detained until he was sober enough to be released later.

Two other officers who were present stated the complainant had a strong odor of alcohol coming from his breath, an unsteady gait, and a difficult time walking and standing due to his level of intoxication.

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

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

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

FINDINGS OF FACT: The complainant stated he did not do anything wrong; therefore, he did not know why an officer handcuffed him. The complainant stated he was not aware of a verbal or physical altercation with any one inside or outside the bar.

The named officer stated he determined the complainant to be publicly intoxicated and handcuffed him due to the complainant’s own safety. The named officer stated he told the complainant not to go back inside the bar or to loiter outside the bar.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/18 **DATE OF COMPLETION:** 12/17/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: (Continued)

The Body Worn Camera (BWC) footage from the incident showed the complainant outside the bar being escorted to a patrol car by officers. The footage revealed the transport officer explained to the complainant that he was detained until he was sober enough to be released later.

Two other officers who were present stated the complainant has a strong odor of alcohol coming from his breath and walked with an unsteady gait.

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

SUMMARY OF ALLEGATION #3: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an officer tackled, dragged and pushed him into the rear seated area of the police vehicle which caused him to strike the interior of the car. The complainant admitted he was under the influence of alcohol and not able to drive. The complainant stated he was not injured at the time and that he did not complain of any force, pain or a request for medical aid.

The named officer stated he and other officers on scene did not use force on the complainant. The named officer stated the complainant was placed into the police car without incident. The complainant was medically cleared and placed in a holding cell and evaluated.

Two other officers who were present stated they assisted in holding each of the complainant's arms before he was seated in a police car for transport. The officers stated the complainant did not complain of pain, injury, or a request for medical.

The BWC video footage revealed that the named officer and other officers were calm and professional while the complainant appeared intoxicated with slurred speech and slow response. The footage showed that the complainant was not tackled, dragged or pushed by the officers during the incident. The video also did not reveal the complainant striking or hitting the interior of the police car with his head or other body areas as he entered and sat in it.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for elder abuse for no reason.

Department records show that the complainant was arrested for elder abuse after the named officer interviewed the victim. Department records also show that the named officer obtained an Emergency Protective Order (EPO) against the complainant and served him with the EPO.

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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officer did not return the complainant's calls and did not show up for scheduled appointments to meet the complainant.

The named officer denied the allegation, stating that he did not have any scheduled appointments with the complainant and he did not receive any messages from the complainant.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/2018 DATE OF COMPLETION: 12/05/2018 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she observed the named officer at a park interrogate a woman who was crying.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding a woman sleeping at a park with syringes around her in an area where children were playing. The named officer and his partner responded to the call and, during the course of their investigation, discovered that the woman had a no bail warrant. The woman was then booked on the warrant.

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

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

SUMMARY OF ALLEGATION #2: The officer applied handcuffs to tightly.

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

FINDINGS OF FACT: The complainant stated the named officer handcuffed a woman, who then cried out loudly that the handcuffs were hurting her.

Body Worn Camera (BWC) footage shows the beginning of the incident to the end. The BWC footage does not support the complainant's allegation. The woman did not complain to the officers that the handcuffs were too tight.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/2018 DATE OF COMPLETION: 12/05/2018 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer searched the woman's property and threw most of it away.

Body Worn Camera (BWC) footage shows the incident from beginning to end. The named officer sorted the woman's property in front of her and asked her which items she would like to take with her. The unwanted items were then discarded.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she reported to police that neighbors from another apartment had pounded on her apartment door, yelled at her and made threats. The complainant stated officers arrived on scene and spoke to her, her roommates and the other tenants. The complainant stated the officers advised the other party to go to bed and apologize to the complainant and her roommates in the morning. The complainant stated the officers failed to enforce local municipal noise ordinances and to obtain a protective order that would have led to a more safe living environment.

The named officers stated they initially responded to an anonymous call about neighbors arguing in an apartment in the complainant's building. The officers stated they investigated and determined the arguing parties were being loud over a discussion about a sick friend. The offices stated they responded a second time to the apartment building and spoke to the complainant, who reported that her neighbors were trying to break into her apartment. The named officers stated they did not observe a violation of any noise ordinance or elements of a crime while on scene. The named officers further stated that no party to either call they responded to requested a civil protective order. The officers stated the police do not issue civil restraining orders and that is up to the civil courts. The named officer who acknowledged investigating the incident said he advised the tenants from one apartment to apologize to the complainant and her roommates the next morning.

The evidence established that the named officers' actions were proper.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated officers dismissed her and her roommates' concerns regarding neighbors that yelled, threatened, and pounded on her apartment door.

The named officers denied behaving inappropriately or dismissing the complainant's concerns. The named officers stated they were polite and sympathetic to all the involved parties. The named officers stated the complainant was upset that she had been disturbed by her neighbor. The named officers stated the tenants from another apartment were apologetic. The named officers stated the initial call was an anonymous complaint regarding residents arguing, while the second call was from the complainant about her neighbors that banged on her door. The named officers acknowledged that the complainant reported her neighbors yelling at her and threatening her.

The CAD revealed that the named officers responded and investigated both calls within a few minutes of one another. The main investigative officer stated they advised the complainant that a crime had not occurred and that there was no police action to be taken. The named officer also stated the complainant requested that her neighbor not disturb her. The other named officer stated he had no contact with the complainant and that he interviewed the other parties involved.

No witnesses came forward.

There insufficient evidence to either prove or disprove that the named officers behaved inappropriately toward the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/18 **DATE OF COMPLETION:** 12/17/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer repeatedly attempted to tow his vehicle without cause by issuing him “3-day or 72-hour notices” to move his car. The complainant stated he is adamant that he moves his car before the notice expires. The complainant stated his vehicle was illegally towed by the officer, but he did not recall when. The complainant did not respond to DPA requests for any documentation that his vehicle was towed or cited.

The named officer denied having the complainant’s vehicle towed. He further denied that he regularly attempts to tow the complainant’s vehicle. The named officer stated he had one incident with the complainant wherein the complainant’s neighbors complained about his vehicle being parked for extended periods. The named officer stated he posted a 72-hour notice in compliance with SFTC 7.2.29 on the complainant’s parked vehicle, but it was not towed.

The evidence established that the complainant’s vehicle was never towed by the named officer. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer harassed him about his parked vehicle in his neighborhood. The complainant stated the officer told the complainant to move his vehicle or it would be towed before the 3 days’ notice expires. The complainant stated he complied with the notice and moved his vehicle as outlined in the notice. He stated his parked vehicle did not block anyone’s driveway or impede the flow of traffic, but the officer regularly issued him a 3-day notice regarding his legally parked vehicle.

The named officer denied that he harassed the complainant regarding his motorhome. The named officer stated he does not know what other officers do with the complainant or his parked vehicle. The named officer stated that he has never been directly contacted by anyone regarding the complainant’s parked vehicle. The named officer stated he had one contact with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/18 **DATE OF COMPLETION:** 12/12/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was waiting at a bus stop when she was assaulted and robbed. The complainant stated she walked up to a stopped police car in the intersection to get help. She stated the officer referred her to go to the nearest police station to get help. The complainant stated the officer did not help her at the scene. The complainant stated she was not sure if there were other officers in the patrol car except for the driver. The complainant further stated she was also not able to identify the officer. The complainant provided no witnesses to the alleged contact with the police.

The DPA was unable to locate the alleged incident through research of Department records.

The DPA sent an Officer Identification Poll to the District Station captain. The poll was returned stating that no officer was identified as being involved in this incident. The station duty officer that took the complainant's counter report stated the complainant did not provide the identity of the unknown officer she contacted at the scene.

SFMTA stated there was no video footage available from the agency's video cameras in the area.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/18 **DATE OF COMPLETION:** 12/12/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #4: The officer failed to write an incident report.

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

FINDINGS OF FACT: The identity of the alleged officer could not be established.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/18 **DATE OF COMPLETION:** 12/21/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he ran a tow truck company that requires a permit from the SFPD. The officer in charge of issuing the permits had been harassing the complainant for a while, telling him that there were several complaints of overcharging coming in about the complainant's tow business. The complainant denied the complaints of overcharging but said there may have been an issue with some of his drivers on commission screwing up. The officer did not listen or investigate and would just call the complainant's accounts and tell them to stop using the service because the officer was going to "yank" his permit.

The named officer stated that the complainant's permit was revoked because the complainant had illegally been taking vehicles without authorization and charging excessive fees before releasing them to the rightful owners. The named officer also stated that the complainant had made threats against other drivers and threatened to burn their tow trucks. The complainant appealed the decision and the San Francisco Board of Appeals denied his appeal. The named officer did call one of the complainant's accounts to say that the complainant would no longer have a permit. The named officer denied saying he would "yank" the permit.

The named officer provided a summary of his investigation, a police report documenting the alleged threats by the complainant and the decision by the Board of Appeals.

A preponderance of the evidence established that the officer did not behave inappropriately.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/18 **DATE OF COMPLETION:** 12/17/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was having a party in his backyard when the named officers came to his house regarding a noise complaint. The complainant stated the officers were rude and verbally aggressive. The complainant could not recall the words spoken by the officers that he deemed inappropriate. He stated it was the way the officers talked to him that made him feel like they were rude and verbally aggressive. He also stated that he felt like one of the officers wanted to hit him.

One named officer stated he was professional during the contact. He stated the complainant was uncooperative and appeared unwilling to resolve the noise complaint. The officer also stated that the complainant was sarcastic in some way during the contact because the complainant was less than cooperative and made snide responses.

The other named officer stated he was firm but never aggressive and denied the allegation that he acted as though he wanted to hit the complainant. He stated the complainant, who was intoxicated and upset, misinterpreted he and his partner's firmness as rude and verbally aggressive.

An off-duty member of SFPD who observed the end of the complainant's interaction with the two named officers said he heard one of the officers tell the complainant he was being sarcastic, that he knew the off-duty member was an SFPD lieutenant, and that it did not matter. The off-duty member said he thought the officer's comment was inappropriate. The member also stated the complainant was cooperative and was not intoxicated. The off-duty member stated that he saw no action on the part of either named officer that indicated he wished to make physical contact with the complainant.

Body Worn Camera (BWC) footage from the named officers showed the officers calmly talking to the complainant. They explained that he needs to stop the party and put out his firepit. The complainant questioned the officers' assertion that the party was too loud and told them the firepit was legal, offering to call his cousin in the SF Fire Department to prove it. One named officer told the complainant he was uncooperative and sarcastic; however, the complainant agreed to each of the instructions the officers gave him, including agreeing to shut down the party and put out the firepit. One named officer announced that he knew the arriving off-duty SFPD member was a lieutenant, and stated that it was irrelevant, despite neither the complainant, nor the SFPD member mentioning any Department affiliation.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

As to the complainant's claim that one of the officers wanted to hit him, the BWC footage that captured some of that officer's actions showed him standing about an arm's length from the complainant during

their contact. The officer made no aggressive gestures or advances toward the complainant. The officer remained standing with his right hand resting against a wall while talking to the complainant.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the named officers behaved inappropriately toward the complainant.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/18 **DATE OF COMPLETION:** 12/12/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called 911 multiple times and that police did not respond.

The named officer stated he responded to the location and made contact with the complainant. He spoke to the complainant's caseworker who was present. He searched the area for a possible suspect(s). He determined there was no merit to criminal threats or harassment involving the complainant.

Records from the Department of Emergency management show that Dispatch received a call on April 11, 2018 at 16:11 hours from the complainant. The complainant reported an unknown subject had been harassing him by following him, taking photos of him, and keeps approaching him when he comes out of the building. The complainant told the dispatcher he does not know the subject. The records show the named officer and his partner responded to the scene at 16:25 hours.

The witness, who is the complainant's case manager, stated he called 911 for the complainant on April 11, 2018 at around 5:05 p.m. and spoke to a dispatcher who stated complainant had called 911. Two officers responded. The witness stated the officers were very courteous and nice. He stated the complainant has a pattern of calling police. The complainant can become easily agitated and upset. The complainant believes he is being stalked, but the witness stated he has not witnessed any incidents of anyone stalking or harassing the complainant.

The CAD Event history Detail and the statement from the witness corroborate the named officers responded to the complainant's 911 call and took appropriate action.

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

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

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

FINDINGS OF FACT: Department personnel records indicate that the named officer has resigned from the Department and is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/18 **DATE OF COMPLETION:** 12/07/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained a person without justification

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

FINDINGS OF FACT: The complainant stated that while driving her vehicle, she was stopped for no reason. She acknowledged that her vehicle registration was expired.

The named officer stated he stopped the complainant because she had an expired vehicle registration.

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

The complainant's expired registration provided the named officer reasonable suspicion to stop her.

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 engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that she believed the named officer stopped her because of her boyfriend. She stated that her boyfriend had driven her vehicle in the past.

The named officer denied the allegation, stating that while he was familiar with the complainant's boyfriend, the named officer did not recall stopping the complainant's boyfriend while using her vehicle.

The evidence established that the named officer had reasonable suspicion to stop the complainant based on her expired vehicle registration.

A preponderance of the evidence established that the named officer did not engage in selective enforcement.

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DATE OF COMPLAINT: 05/18/18 **DATE OF COMPLETION:** 12/07/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 9.06, Vehicle Tows.

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

FINDINGS OF FACT: The complainant stated that the named officer did not have to tow her vehicle. She stated that her boyfriend found a licensed driver who would take control of the vehicle.

The named officer stated that the complainant's driver's license had multiple suspensions, requiring a mandatory tow of her vehicle pursuant to Department Bulletin No. 16-115, Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to forward his hit-and-run case to the District Attorney's office in a timely manner. The complainant said that he was hit by an individual who drove away, causing damage to his car and physical problems with his back. He later went to a district station to file a report. He stated that he had the subject's license plate number, but his insurance company could not find the license plate registered by any individuals. The complainant said he later found the car, and a different officer was able to determine the registered owner. He said he spoke with the named officer, who later asked for his medical records. The complainant said that within 16 days of the request for his records, the named officer called to tell him that the D.A. declined to prosecute the case because it was over a one-year statute of limitations.

The named officer stated the complainant came to her bureau to check on the status of the investigation. She explained to the complainant that SFPD does not investigate property damage cases and that they are handled by insurance companies. The complainant told her that his insurance company was unable to locate the registered owner of the other vehicle due to the fact there was no DMV records for the plate. The named officer confirmed she was also not able to find the license plate in the DMV system, but she did get a hit through a license plate recognition system. She said she was able to provide the information about where the hit came from back to the complainant, who located the vehicle on his own. The named officer said when the driver was identified, she contacted him and met with him. She said that driver told her that when the complainant yelled at him, he became frightened and drove off. The named officer stated that the case was presented to an assistant district attorney, who stated the case would not be charged. The named officer also stated that she "made a determination based on 11 years of working at this unit, knowing that when a party leaves the scene because of fear the case is not prosecuted by the DA's office." The named officer stated she prioritized other cases as the complainant's case did not meet the criteria for "work up" and was not a priority case. She noted that her bureau handles felony vehicular manslaughter, felony DUI, felony evading, and serious bodily injury cases. She said the case was later brought to a deputy district attorney, who closed the case.

The Traffic Collision Report documents that the complainant went to a district station three days after the accident to report the incident, which was classified by the reporting officer as a misdemeanor hit and run. The report documents that the reporting officer did a computer check of the vehicle with the license plate number provided by the complainant, but it came back with negative results.

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A supplemental to the report documents that a different officer was picking up surveillance video of an unrelated incident, when he was informed that the facility also had video of the incident involving the complainant. That officer contacted the investigating bureau fourteen days after the initial report and learned that the case had yet to be assigned.

A second supplemental report documents that nearly four months after the initial report, an officer was dispatched to meet with the complainant, who had located the subject's car. That officer confirmed that the license plate had no record with DMV, but he was able to identify the registered owner by using the VIN number. That officer documented that he did not see any visible damage consistent with the description of the incident given by the complainant. The report includes a statement made by the complainant nearly five months after the initial report, in which he states that the subject stopped initially but then left the scene without identifying himself, and that he sustained a lower back injury as a result of the collision. The complainant wrote that the original statement he wrote was lost by SFPD.

Surveillance video from the incident shows a light-colored car in the third lane from the left, on a one-way street, turning to the left and hitting a dark-colored car in the second lane from the left, that was proceeding straight through the intersection. The time stamp on the video shows that the collision occurred at approximately 2:58 a.m. The light-colored car can be seen stopping, and persons can be seen exiting the dark-colored car. The light-colored car drives away at approximately 3:00 a.m.

Records from the Department of Emergency Management show that the complainant called dispatch to report a hit and run at 3:19 a.m. The CAD record documents that the complainant said he would go to a station to report the incident.

The named officer's chronological of investigation documents that the complainant went into the bureau investigating the hit and run about 3 months after the incident to ask about the status of his case. It documents that, a month later when the subject was identified with the VIN number, the named officer was able to make contact with the subject. She wrote that the subject met her at her office, showed her a copy of his insurance, and explained that the complainant had approached his vehicle at the time and started yelling at him. Her chronological documents that a month after that, the complainant provided a written statement claiming he had a lower back injury from the collision, and that she reviewed the video of the incident at that time. The next update is over 8 months later, and documents that the named officer received photographs from the subject, as well as a confirmation email from his insurance company that it would be handling the complainant's financial claims. Later that day, the named officer wrote that the case was brought to the district attorney.

A warrant declination memoranda shows that on the date of the final chronological entry, prosecution was declined because, "The statute of limitations (1 year for misdemeanors) has already passed."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 3 of 3

Department General Order 9.02 Section I. states: “It is the policy of the San Francisco Police Department to investigate and report the following types of vehicle accidents:

2. All hit and run vehicle accidents resulting in death, injury or property damage.

Department Bulletin 15-200, Case Assignments for Investigation, states that it is the policy of the SFPD, “to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner.” Among the factors to consider are, “The severity of the crime ...”

The finding is dependent on whether the named officer fulfilled her obligations in ensuring that the case was adequately considered for prosecution once she was aware that the subject drove away without providing his name to the complainant. Her decision to not “work up” the case was made based on her experience, and in consultation with an assistant district attorney. It does seem likely that there would not have been a prosecution, especially in light of the alleged threatening behavior of the complainant, the fact that the subject was otherwise cooperative with SFPD, the lack of significant injuries, and the delay in reporting what injuries there were. However, the named officer also did appear to forward the case to the district attorney over a year after the incident, when it was formally considered past the statute of limitations. A formal decision from the D.A. based on the substance of the case was lacking and would have enabled the DPA to come to a more definitive finding. As such, there was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/18 **DATE OF COMPLETION:** 12/17./18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 11/28/18

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 06/04/18 **DATE OF COMPLETION:** 12/21/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant saw two marked vehicles parked on a bicycle pathway near a police station. The complainant stated the vehicles are regularly parked on the same spot, blocking the public from using the pathway and blocking a gate for handicapped persons to use in going into the station, in violation of the American Disabilities Act.

Photographs submitted by the complainant in support of his complaint show the area where the vehicles are parked is designated with signs for police vehicles use only, directly next to a handicap access gate.

The captain of the station in question stated that the entrance gate to the station is open always, and that the area where the police vehicles were parked is designated for police vehicles only. The captain said there is an adjacent path that is designated for use by pedestrians and bicyclists. The captain also stated that she instructs officers to always obey parking laws regarding parking properly.

A poll of officers at the station failed to identify specific officers who had parked the vehicles as portrayed in the photos submitted by the complainant.

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

SUMMARY OF ALLEGATION #: The complainant raised matters outside the DPA's jurisdiction.

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

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

**San Francisco Mayor's Office On Disability
1 Dr. Carlton B. Goodlett Pl. #200
San Francisco, CA 94102**

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/18 **DATE OF COMPLETION:** 12/21/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/05/2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/18 **DATE OF COMPLETION:** 12/06/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used a loud buzzer unnecessarily.

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

FINDINGS OF FACT: The complainant stated that he knew he was not supposed to park curbside at an airport terminal but had done so for a brief time dropping of a passenger. He stated while he was parked, an officer unnecessarily flashed his police car's lights and hit a buzzer, which caused his ear to ring for a week.

The named officer stated that he was in a marked patrol car assigned to the airport when he observed the complainant illegally parked curbside in an area marked by a "No Parking" sign. He acknowledged that he activated the air horn/siren with the emergency light bar from his patrol car to alert the complainant to move his car. The named officer said that when the complainant did not move, he moved his patrol car closer using his air horn/siren multiple times before the complainant complied. He stated he was unaware the complainant had experienced discomfort from the use of the air horn/siren, and he denied that was his intent. The named officer stated that it was his standard practice to use this technique to move drivers in lieu of issuing citations.

The complainant did not provide any facts suggesting that the named officer intended to cause his discomfort, or that the horn was misused in such a way to be irresponsible or lead to increased risk of damage to one's hearing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/18 **DATE OF COMPLETION:** 12/19/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated there was no legal justification for his arrest. He stated he was in a car accident and he pulled over.

The named officer stated the complainant was involved in a collision with another vehicle. He stated that when he arrived on the scene, the complainant exhibited symptoms of intoxication, such as slurred speech, bloodshot eyes, and smelling of alcohol on his breath and clothing. The named officer stated the complainant refused to take a field sobriety test, which resulted in the named officer arresting the complainant. In addition, the driver of the other vehicle signed a citizen's arrest form requesting the arrest of the complainant for hit and run.

The named officer's partner stated he observed the complainant staggering on his feet, slurring his speech, and smelling of alcohol. He stated the complainant refused to conduct field sobriety tests and the other driver signed a citizen's arrest form naming the complainant on a charge of hit and run.

No other witnesses were identified.

Department records include a citizen's arrest form signed by the driver of the vehicle the complainant struck. The records indicate that the complainant refused to take a field sobriety test. The statement of the other driver indicated that the complainant's car swerved into the side of his vehicle, causing scrapes and a broken mirror, after which the complainant continued driving for two blocks.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/18 **DATE OF COMPLETION:** 12/19/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #2-3: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the named officers used excessive force when they choked him and when he was thrown down on the ground, causing him to lose consciousness.

Named officer #1 stated named officer #2 attempted to put the complainant in the back of the patrol vehicle and, as he was doing so, he could see named officer #2 struggling with the complainant. Named officer #1 stated named officer #2 was able to place the complainant in the back of the patrol vehicle; however, named officer #2 told named officer #1 that he was kicked in the chest by the complainant.

Named officer #1 stated after the complainant was in the back of the patrol vehicle, he again observed named officer #2 and the complainant in a struggle in the back of the patrol vehicle. He stated he saw the complainant kick named officer #2 in the chest as named officer #2 was attempting to close the rear door. He stated he saw the complainant kick the car door, which made it swing open. He stated the complainant jumped out of the patrol vehicle and rushed toward named officer #2. He stated named officer #2 stepped aside and grabbed the complainant by the arm, taking him down to the ground, where the complainant lost consciousness.

Named officer #2 stated he attempted to place the complainant in the back seat of the patrol vehicle, but the complainant refused to put his feet inside. Named officer #2 stated he attempted to physically place the complainant's feet inside the car, but the complainant began kicking and yelling at him, striking him in the chest. He stated he was finally able to get the complainant in the car with the door shut.

Named officer #2 stated he misplaced his handcuff keys, so he opened the door to where the complainant was sitting in order to search for the key. Named officer #2 stated he found the key in the complainant's hand. Named officer #2 stated he took the key from the complainant's hand and that was when the complainant began kicking him, striking him again in the chest. Named officer #2 stated the complainant kicked the door open, stood up from the car seat, and charged at him. Named officer #2 stated, as the complainant rushed him, he side-stepped to prevent the complainant from slamming into him. He stated he tried to grab the complainant, but his hand slipped. He stated the complainant's momentum smashed him to the ground. He stated the impact with the ground knocked the complainant unconscious.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/18 **DATE OF COMPLETION:** 12/19/18 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #2-3: (Continued)

Named officer #2 stated he did not believe any de-escalation tactics could have been deployed since the incident happened so fast. He did not have time to do anything but attempt to grab the complainant. He stated it was the complainant's actions that brought him to the ground.

Witness officer #1 stated he observed named officer #2 struggling with the complainant in the back seat of the patrol vehicle. He stated the complainant was belligerent and kicking the door but was eventually secured in the back seat with the door closed. Witness officer #1 stated named officer #2 had to go back into the patrol vehicle to search for his handcuff key. He stated when named officer #2 opened the car door, the complainant started kicking. He stated the complainant got out of the vehicle, while handcuffed, and approached named officer #2. He stated a struggle ensued which resulted in the complainant falling to the ground where he was knocked out. He stated it was too dark outside to see exactly how the complainant fell to the ground. He stated he did not believe another tactic could have been used to control the complainant as the incident happened too fast.

Witness officer #2 stated he observed named officer #2 receive kicks from the complainant as he was trying to put him in the back of a patrol car. He described the complainant as violently, "bicycle kicking" at named officer #2. Witness officer #2 stated he observed named officer #2 re-enter the back of the patrol vehicle. Witness officer #2 stated he again observed the complainant kicking and flailing at named officer #2. He stated when he ran over to assist, the complainant was limp on the ground. He stated he did not see or know how the complainant ended up on the ground. Witness officer #2 stated he did not believe excessive force was used, as it was reasonable given the circumstances.

No other witnesses were identified.

Department records indicate the reported use of force was reasonable.

DPA's investigation established that the named officers' use of force was proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/18 **DATE OF COMPLETION:** 12/19/18 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the named officers called him a racially derogatory name.

The named officers stated they did not call the complainant a racially derogatory name.

A witness officer stated the named officers did not call the complainant a racially derogatory name.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: This complaint has been partially referred to the Sonoma Sheriff's Office:

**Sonoma County Sheriff's Office
2796 Ventura Avenue
Santa Rosa, CA 95403**

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/18 **DATE OF COMPLETION:** 12/07/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer did not investigate a sexual assault promptly and that evidence was not preserved.

The named officer stated he was notified of a sexual assault that reportedly occurred the previous day and responded to SFGH to interview the complainant and collect evidence. The named officer recounted the following: At the hospital, the complainant refused to be interviewed and told him she had already provided her statement to a police officer. The named officer explained that he wanted to conduct a forensic interview with her to get additional details for his investigation. The named officer also asked her if she would be willing to conduct a pretext phone call to gather evidence from the suspect. The complainant refused and told him that “he had enough evidence.” The named officer then provided the complainant with a packet of advocate referral forms, the case number, and his business card. The named officer then collected evidence for processing. The named officer stated at this point in the investigation, he had the complainant’s statement, but no corroborating evidence. He completed the following investigative steps; interviewed the suspect, reviewed lab results, and provided an update to the complainant. The named officer stated he did not have any additional leads to follow. The named officer stated in the following year, the complainant contacted an advocate who contacted the named officer and told him the complainant wanted to conduct a pretext phone call. The complainant came into SVU and attempted the pre-text phone call, which was unsuccessful. The named officer stated the case is ongoing and would like the complainant to try another pretext phone call. The named officer stated all relevant evidence was collected and processed promptly.

An SVU supervisor told the DPA that investigators should take the following investigative steps: Interview the victim, collect evidence (rape kit, clothing, video footage, pictures), conduct a pre-text phone call, get results of evidence, apply for a warrant, and then interview the suspect. The supervisor further stated an officer should not request a search warrant unless he or she has enough evidence to support the request.

The SFPD Special Victims Unit (SVU) Chronological of Investigation documented the named officer’s response to SFGH, and the complainant’s refusal to be interviewed or engage in a pretext phone call. It stated the named officer provided the complainant with the DNA bill of rights and victim referral packet. It stated the named officer then contacted the suspect and conducted an interview the next day.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/18 **DATE OF COMPLETION:** 12/07/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1: (Continued)

The named officer then called the complainant for an update on the forensic biology examination report and that the DNA collected from the sexual assault kit was uploaded to CODIS and failed to result in the identification of a suspect. The named officer contacted the complainant to advise her that her case would remain open pending further available investigative steps. The complainant then came into SFPD SVU and attempted a pretext phone call.

Department General Order 6.16, Sexual Assaults and Crime Scene Checklist – Sexual Assaults (List 3) documents the following investigative steps: ensure victim is taken to SFGH Rape treatment, properly collect all evidence, provide the victim with the case number, a violent crime notification form and interview the victim at the hospital.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/18 **DATE OF COMPLETION:** 12/14/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was driving in an open lane of traffic and did not see any officers directing traffic, yet the named officer cited him for failure to obey a traffic officer.

The named officer stated there were four patrol vehicles blocking all lanes of traffic at an intersection due to downed traffic lights. He stated there were uniformed officers wearing neon traffic vests directing traffic away from the intersection. She stated there were no open lanes of traffic and no vehicles were being allowed through the intersection. She also stated she observed the complainant drive his vehicle down the bus lane and proceed through the intersection, which lacked functioning traffic lights. The named officer stated she and her partner conducted a traffic stop and cited the complainant for failure to obey a traffic officer.

SFPD Event History Detail included a comment from the named officer's partner stating that she and the named officer responded to assist officers for traffic control since traffic signals were out and creating hazardous conditions for drivers. The comment also stated that four lanes of traffic were blocked by patrol vehicles with lights activated. The comment further stated that several uniformed officers had neon green safety jackets on and it was evident that the road was closed. The comment noted that the complainant drove through a gap between the patrol car and the sidewalk at over 30 miles per hour, then proceeded to drive through the dark and uncontrolled intersection.

External security camera video showed four patrol vehicles with emergency lights on blocking all lanes of traffic at the intersection. Video showed several officers wearing neon reflective vests standing at the intersection. The video also shows the complainant's vehicle driving down the far right bus-stop/parking lane between a patrol vehicle and the sidewalk, then through the blocked intersection. The footage also showed the complainant's vehicle proceeding diagonally into a lane of traffic and out of the video frame, followed by a patrol vehicle.

The named officer's partner stated there were four patrol cars with lights on blocking all lanes of traffic at the intersection. She stated there were four officers with neon jackets on conducting traffic control at the intersection. The named officer's partner also stated she witnessed the complainant drive through a small pathway between a patrol car and the sidewalk and proceed at approximately 30 miles per hour through the uncontrolled intersections without stopping. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/18 **DATE OF COMPLETION:** 12/14/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

The named officer stated that she answered the complainant's questions and had a calm attitude and demeanor towards the complainant. The named officer stated that she was not argumentative.

Body Worn Camera (BWC) video showed that the named officer remained calm, polite and professional with the complainant throughout the traffic stop.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/18 **DATE OF COMPLETION:** 12/14/18 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that he asked for the named officer's name and star number and she did not provide it. The complainant stated that the named officer told him that her information would be on the citation, but it was not.

The named officer admitted that the complainant requested her name and star number but that she neglected to give it to him. The named officer stated that she was busy making sure everyone was safe at the traffic stop and forgot to give the complainant her information. The named officer stated that she intended to give the complainant her information on the citation, but she herself did not complete the citation and she forgot to tell her partner to include that information on the citation. The named officer stated that she was familiar with DGO 2.01, Section 14, and admitted that she did not comply with this section.

Body Worn Camera (BWC) video showed that the complainant asked for the named officer's name and star number. BWC showed that the named officer told the complainant that her information would be on the citation. BWC did not show the named officer providing the complainant with her name or star number.

The citation issued to the complainant did not include the named officer's name or star number.

The named officer's partner stated that the complainant asked for the named officer's information, name and star number. The named officer's partner stated that the named officer did not give the complainant her name and star number.

SFPD General Order 2.01, General Rules of Conduct, Section 14, PUBLIC COURTESY states, in part, "When requested, members shall promptly and politely provide their name, star number and assignment."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated, while she was engaged in a heated argument with a suspect, the named officer grabbed her by the neck, which caused a mark on her neck.

The named officer stated he responded to a fight in progress where it appeared the complainant was the aggressor. He stated, in order to separate the parties, he told the complainant to back off while he placed his hand on her shoulder. He stated the complainant turned around and slapped his hand away. The named officer stated he again ordered the complainant to back off while placing his hand on her shoulder. Again, the complainant did not obey his lawful order and she slapped his hand away. The named officer stated when he placed his hand on the complainant's shoulder, his thumb touched her neck. He stated it was not his intention for his thumb to touch her neck and that he did not apply any constrictive pressure.

The named officer stated he did not notice any injuries on the complainant and she did not make any complaints of pain. The named officer also stated that the complainant reported to him that she was punched twice in the face by the suspect and that may have been where the complainant received injuries.

A witness officer stated she witnessed the named officer attempt to separate the complainant from the suspect. She stated the named officer placed his hand on the complainant's shoulder, not her neck. The witness officer stated she did not observe any injuries to the complainant either at the scene where the argument took place or later at the store where she interviewed the complainant. She stated the complainant never complained of pain.

The named officer's Body Worn Camera (BWC) footage shows him running up to a fight in progress, with the complainant engaging in a heated argument in the street with several other people, one of whom is wielding a stick. The named officer arrives, orders the parties to "back up" from one another several times and then places his hand on the back of the complainant's neck. The complainant turns, and the named officer's thumb appears to slide onto the complainant's neck. The footage shows the complainant pushing away the officer's hand, while asking why he is grabbing her neck. The officer again puts his hand on the complainant's shoulder with his thumb near her neck and she again pushes the officer's hand away. The officer tells the complainant not to touch him again, but the dispute then ends as the parties are separated and the complainant sits down. The video shows that the officer did not squeeze the complainant's neck, and the fact that the officer does not respond forcefully to the complainant's

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 2 of 3

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

resistance to his reasonable force indicates a lack of intent on the officer's part to use excessive force, or harm the complainant.

No other witnesses were identified.

A Supervisor's Use of Force evaluation found the named officer's use of force was reasonable.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was rude when he smirked and asked the complainant's co-worker if he was OK.

The named officer stated he did not smirk, and he was not rude to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she asked the named officer three times for her partner's name and badge number. She stated on the third request, the named officer "snatched" a piece of paper from her hand and wrote down the information. The complainant stated she believed the named officer's action of "snatching" the paper from her hands was rude.

The named officer stated she was not rude to the complainant and that she did provide the complainant with her partner's name and badge number.

Video inside the store shows the named officer taking a piece of paper from the complainant, writing something on it, and then handing it back to the complainant.

There insufficient evidence to either prove or disprove that the named officer behaved inappropriately towards the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/18 **DATE OF COMPLETION:** 12/03/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that he requested a citizen's arrest against a MUNI bus driver for interfering with his right to ride the bus with his service animal and against a passenger on the bus for assault, but the named officer refused.

The named officer stated that the complainant mentioned wanting a citizen's arrest, but when he tried to get information from him, the complainant talked over him and would not let him gather facts about the incident. The named officer stated that the complainant refused to provide enough information to complete a citizen's arrest.

SFPD Event History Detail included a comment from the named officer stating that the complainant "continued to talk over [him] and refused to provide any information needed for further PD action."

Body Worn Camera (BWC) video showed that the complainant requested a citizen's arrest against the MUNI bus driver for coming between him and his service animal. BWC video showed that the complainant talked over the named officer when the named officer asked him questions and did not provide any further information regarding his request for a citizen's arrest. BWC video showed that the complainant did not request a citizen's arrest against a passenger on the bus.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/18 **DATE OF COMPLETION:** 12/03/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer failed to promptly provide his star number upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the named officer for his star number, but the named officer refused to provide it and only pointed at his name tag.

The named officer stated that he did give the complainant his name and star number when requested.

Body Worn Camera (BWC) video showed that the complainant asked the named officer for his star number. BWC video showed that the named officer verbally provided his name and star number to the complainant several times.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/18 **DATE OF COMPLETION:** 12/03/18 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer physically removed him from the MUNI bus and detained him without cause.

The named officer stated that he did not detain the complainant at any point during the interaction. The named officer stated that he placed his hands on the complainant when he failed to comply with the named officer's requests to get out of the street. The named officer stated that he told the complainant to put his hands behind his back and he helped him onto the sidewalk and released him. The named officer stated that he did not handcuff the complainant. The named officer stated that he took the complainant's identification, but that the complainant was free to take it back and leave at any point.

SFPD Event History Detail indicated that the complainant was blocking the MUNI coach and was refusing to move. SFPD Event History Detail indicated that the named officer ran a query on the complainant's name. SFPD Event History Detail also included a comment from the named officer stating that the complainant was standing in front of vehicles obstructing traffic in violation of section 21950(B) of the California Vehicle Code.

Body Worn Camera (BWC) video showed the complainant standing in the street blocking the MUNI bus when the named officer arrived. BWC showed that the named officer ordered the complainant to move out of the street. BWC also showed that the named officer told the complainant to put his hands behind his back and physically moved the complainant out of the street. BWC showed that the named officer took the complainant's identification and ran a query on the complainant's name.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/18 **DATE OF COMPLETION:** 12/03/18 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to write an incident report in compliance with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant stated that he requested a citizen's arrest against a MUNI bus driver for interfering with his right to ride the bus with his service animal.

The named officer stated that the complainant mentioned wanting a citizen's arrest, but that the complainant talked over him and would not let him gather facts about the incident. The named officer stated that he did not complete an incident report and did not believe he should have written an incident report because he did not have enough information from the complainant to do so. The named officer stated that he obtained the complainant's identification.

SFPD Event History Detail indicated that the named officer ran a query on the complainant's name. SFPD Event History Detail also included a comment from the named officer stating that the complainant "refused to provide any information needed for further PD action."

Body Worn Camera (BWC) video showed that the complainant requested a citizen's arrest three times in the beginning of his contact with the named officer. BWC video showed that the named officer asked the complainant what he wanted to arrest the MUNI driver for, and the complainant responded that the driver came between him and his service animal. BWC video also showed that the named officer obtained the complainant's identification and ran a query on the complainant's name.

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

SFPD Department Bulletin 18-186, Clarification Regarding Reporting Requirements Under DGO 5.04 "Arrests by Private Persons" states, in part, "In some instances, the private person may withdraw their request by refusing to cooperate with the member's investigation and declining to sign a private person's arrest form. The subsequent refusal and lack of cooperation by the private person does not relieve a member from completing an incident report under DGO 5.04." The Department Bulletin further states, "Members shall document their investigation in an incident report with any available information and document statements made by the private person indicating a withdrawn private persons arrest request."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/18 **DATE OF COMPLETION:** 12/06/18 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated his numerous requests to his local police district station for police assistance with the removal of an illegal tent encampment have gone mostly ignored by the SFPD, and the encampments remain.

The DPA questioned several SFPD members that stated they have responded to multiple calls for service regarding homeless encampments in the location identified by the complainant and taken police action when necessary. One member stated that he and his partner are assigned to the local police district's Homeless Outreach Unit and their protocol is to contact and identify the individuals, request that the parties relocate with their belongings, and offer resources such as shelter or medical services.

Department records show that officers have responded to various calls for service related to homeless encampments at the location identified by the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/18 **DATE OF COMPLETION:** 12/06/18 **PAGE# 2 of 2**

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

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

CATEGORY OF CONDUCT: **FINDING:** **IO-1/311** **DEPT. ACTION:**

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

311 Customer Service Center
1 South Van Ness, Second Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 12/05/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer behaved and spoke inappropriately when the named officer came very close to him and told him in a rude manner to “keep walking,” and to go file a complaint.

The named officer stated he was not rude to the complainant. He stated the complainant began yelling at him as he and his partner were pulling their car into the police station garage with a prisoner. The named officer stated, due to safety reasons, he met the complainant away from the car and told him to keep walking and to file a complaint in the station if he did not like how he acted.

The named officer’s partner stated he heard a brief interaction between the complainant and the named officer, and that he did not believe the named officer was rude.

Body Worn Camera (BWC) footage shows the named officer and his partner in a patrol vehicle, pulling up to the station’s garage. When the named officer opens his vehicle door, the complainant asks the named officer: “You have different rules?” The named officer responds, “Keep walking.” The named officer approaches the complainant. The named officer points in the direction of the station and tells the complainant to file a complaint. The named officer walks back toward his vehicle and says, “Bye,” and “See you later.”

There was insufficient evidence to either prove or disprove that the named officer’s behavior constituted misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 12/05/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer almost hit him with his patrol vehicle when he was walking on the sidewalk in front of a police station.

The named officer stated he was driving slowly when he pulled into a driveway at the District Station garage to deliver a prisoner. He stated he waited for several pedestrians to cross before he turned. He stated as he turned the vehicle, he observed the complainant, in his peripheral vision, walking at a fast pace, wearing earbuds. The named officer stated he was not close to making contact with the complainant, but the complainant proceeded to walk closely toward the driver's side of the vehicle.

The named officer's partner stated he observed the complainant increase the speed of his steps as the named officer was turning the patrol vehicle into the station's garage. He stated the complainant was close to walking into the driver's side door, not the front of the vehicle.

BWC footage shows the named officer turn the patrol car very slowly into the garage driveway. There is no clear view of the complainant on the footage. The named officer's partner can be heard telling the named officer to watch out for something.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 12/05/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer showed him a hand-gesture of “bye-bye,” which he felt was rude.

The named officer stated he may have waved and encouraged the complainant to have a good day, but not with the intention of being rude.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/18 **DATE OF COMPLETION:** 12/24/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that he was sleeping in his tent when the named officers woke him up and told him they were going to take his tent and give him a ticket. The complainant stated that he told the officers they could not take his personal property. The complainant stated that the named officers seized his tent without cause.

The named officers stated that they were assigned to the SFPD's Homeless Unit and had been tasked with going to the complainant's encampment to try and offer him resources, which he refused. The officers stated that the complainant was cited for violating Section 647(e) of the California Penal Code, which makes illegal lodging a misdemeanor offense. The named officers stated that they requested that the Department of Public Works (DPW) seize and "bag and tag" the complainant's tent as evidence. The named officers stated that because the complainant was issued a citation for illegal lodging, Department Bulletin 18-137 required them to have the complainant's tent seized by DPW.

Department records indicated that the complainant was issued a citation for Section 647(e) of the California Penal Code. Department records indicated that DPW seized and "bag and tagged" the complainant's tent.

Department Bulletin 18-137 entitled "Legal Enforcement Options for Addressing Illegal Encampments" states, in relevant part, that "if the officer issues a citation [for Section 647(e)] or makes a custodial arrest, the officer shall: 1. Take a photograph of the encampment.; 2. Request the Department of Public Works to "bag and tag" the encampment... ; 3. Prepare an incident report that articulates the factual circumstances surrounding the encampment and attach the photograph of the encampment."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/18 **DATE OF COMPLETION:** 12/24/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer failed to promptly and politely provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the named officer for his name, but the named officer did not provide his name or his star number.

The named officer stated that the complainant was initially upset and uncooperative. The named officer stated that he did not hear the complainant ask for his name. The named officer stated that he was attempting to de-escalate the complainant, maintain officer safety and build rapport with the complainant. The named officer stated that if he had heard the complainant ask for his name and was not focused on trying to de-escalate the resistant complainant, he would have gladly given him his name and star number.

Body Worn Camera footage showed that within the first minute and a half of the contact with the complainant, the named officer explained that the officers were with the Homeless Unit and were there to inform him that he could not sleep in his tent. Footage showed that the named officer offered the complainant services and the complainant refused. Footage showed that the named officer asked for the complainant's name, to which the complainant replied, "What's your name?" The named officer continued to explain to the complainant that he was being detained for illegal lodging and that he would be cited and his tent seized as evidence. Footage showed that the complainant then began to argue about the officers taking his tent.

Witness officers stated that the complainant was angry at the beginning of the contact. Witness officers stated that the named officer immediately advised the complainant that he was in violation of illegal lodging and that they would be seizing the tent as evidence. Witness officers stated that the complainant was resistant and tried to go back inside the tent, so the complainant was placed in handcuffs for safety. One witness officer recalled the named officer providing the complainant with his name and star number. A second witness officer did not recall whether the complainant asked the named officer for his information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she called 911 to report that someone living with her was violent. Police arrived, and they did not file a police report and did not provide their names or badge numbers. The complainant provided no further information and the DPA was unable to locate the complainant.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/18 **DATE OF COMPLETION:** 12/24/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated in a complaint taken by an SFPD officer that she was hit by a suspected unmarked police vehicle. When she tried to get police to respond and file a report, police did not respond.

The complainant did not respond to multiple attempts by the DPA to gather more information. There were no listed incidents in the database for the date provided by the complainant.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/18 **DATE OF COMPLETION:** 12/20/18 **PAGE#** 1 of 2

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 he went into Central Station and attempted to make a human trafficking report. The complainant stated that the officer did not give him a receipt. The complainant stated that he did not think that the officer took a report.

A station poll was sent to Central Station and no officers were identified.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that he went into Richmond Station and attempted to make a human trafficking report. The complainant stated that the named officer told him he would take a report but did not give him a receipt. The complainant stated that he did not think that the named officer took a report.

The named officer stated that the complainant told him that he was a victim of human trafficking every day by people he could not describe. The named officer stated that the complainant did not specifically request that an incident report be prepared. The named officer stated that he did not prepare an incident report and he did not tell the complainant that he would prepare an incident report.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/18 **DATE OF COMPLETION:** 12/20/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he spoke to the named officer and told him that he was the victim of human trafficking. The complainant stated that the named officer told him he would relay the information to Human Trafficking, but nothing happened as a result.

The named officer stated that the complainant told him that he believed persons were conspiring against him. The named officer stated that he does not remember the conversation referencing human trafficking. The named officer stated that the complainant told him that he had made a report at Richmond Station. The named officer stated that he explained the procedures for follow-ups and reporting to the complainant. The named officer stated he referred him back to Richmond Station and advised him to speak with station duty personnel to determine if they could provide him with further assistance.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/18 **DATE OF COMPLETION:** 12/20/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer conducted a traffic stop and initially told him he was getting a citation for expired driver's license but then cited him instead for running a stop sign, with which the complainant said he had complied. The complainant also stated the officer cited him in order to score points for issuing citations to residents.

The named officer denied the alleged behavior, stating he was professional and truthful during the traffic stop. The officer stated that he observed the complainant's vehicle roll through a stop sign and issued a citation for that violation.

The body worn camera (BWC) footage revealed the named officer was professional while in contact with the complainant. The footage shows the officer, on his initial approach to the vehicle, explaining to the complainant that he failed to stop for a stop sign. The officer then writes the citation, returns to the complainant and explains the citation process. Both contacts with the complainant were recorded on audio and video and there was no evidence of conversation between the complainant and the officer about an expired driver's license.

The evidence proved that the behavior alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/18 **DATE OF COMPLETION:** 12/20/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for failing to stop at a stop sign. The complainant stated after the traffic stop, he reviewed his citation and noticed some description errors. The complainant stated the officer's citation was inaccurate in that it identified him as Hispanic, not white; his car as black, not blue; and his SUV's body style as a van.

The named officer stated he reviewed his citation prior to issuing it to the complainant. The named officer stated his information on the citation was based on his perception of the complainant and his vehicle.

The BWC video footage revealed the named officer completed the citation after he queried the complainant's name and vehicle license plate number. The complainant's vehicle is a dark color SUV.

Police record showed that the named officer queried the complainant's name and vehicle plate number. The queries listed the complainant as a "White" male. In the DPA's complaint form, the complainant identified himself as "Assyrian."

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/18 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a motorist called SFPD when he refused to exchange information, because he suspected it was under false pretenses. The complainant said the named officer failed to verify the accuracy of documents provided by another motorist in a non-injury vehicle collision.

The named officer said he complied with Department procedures by facilitating the exchange of information by having both motorists take pictures of drivers' licenses, registration and insurance cards, the validity of which he was not required to investigate.

Department General Order 9.02 Section I. H., states: "When arriving at the scene of a non-injury vehicle accident, advise the citizens that it is the policy of this department not to investigate vehicle accidents involving only property damage."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 12/14/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was almost hit by an unknown vehicle that she believed was part of an organization of people attempting to run her over with their motor vehicles. She stated she visited a district police station to file a report and the named officer maliciously dissuaded her from making a police report. She was provided a Computer Aided Dispatch (CAD) number instead of an incident report number.

The named officer denied the allegation, stating that the complainant reported an infraction and a hit and run accident that did not occur. She stated she called dispatch, requested a CAD number, and requested that dispatch write a comment in the CAD regarding the complainant's incident with the vehicle.

A second officer stated that he attempted to assist the complainant, but she was hostile and uncooperative.

Police records show that the named officer provided the complainant with a reportee follow-up form with the CAD number and the officer's name and star number.

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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer dissuaded her from making a police report.

The named officer stated he had a brief conversation with the complainant, because she was hostile and uncooperative.

A preponderance of the evidence established that the act alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 12/17/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #103: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 11/15/18.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/18 **DATE OF COMPLETION:** 12/05/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he called dispatch regarding a car running a loud generator in front of his home and it took officers five hours to respond.

Department of Emergency Management records indicate the complainant called dispatch at 9:26 p.m. and did not request to speak with an officer upon arrival. The call was initially placed on "HOLD" and was labeled as a "C" Priority call. The call was eventually handled when a police unit became available.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/18 **DATE OF COMPLETION:** 12/18/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the SFPD does not respond to her complaints regarding blight caused by homeless people in her neighborhood. The complainant stated she did not wish to name a particular officer and did not supply specific incidents of the neglectful actions.

The captain assigned to the District Station in which the complainant resides stated that he instructs his officers to enforce laws and be responsive to citizen complaints. He stated further that he instructs officers in his District to take action when they encounter crimes underway or reported to them, within the boundaries of civil rights and Department policies. He stated that the District holds community meetings to inform citizens on how best to bring criminal actions to the attention of the Department.

There insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/18 **DATE OF COMPLETION:** 12/21/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, in a complaint filed with the SFPD, stated the named officer was assigned as a school resource officer but did not respond to take a report from her daughter. The complainant also stated that she did not want the officer near her daughter.

The complainant failed to respond to multiple DPA requests for additional required evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he contacted his local police station several times to file a police report; however, the officers he spoke with did not take the report.

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.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 2 of 2

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

CATEGORY OF CONDUCT: N/A **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: 11/13/18 **DATE OF COMPLETION:** 12/18/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers behaved inappropriately.

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

FINDINGS OF FACT: In his written complaint, the complainant numerous unknown officers had engaged in sexual assault.

The complainant did not respond to DPA's request for an interview.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/16/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers drove improperly.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/2018 **DATE OF COMPLETION:** 12/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she went to a police station and asked the named officer to write a report about text messages she had received from her daughter. The complainant acknowledged that the messages were not criminal, but she felt they were “harassing messages,” and she wanted the officer to write a report to that effect.

Department records indicated that the named officer did not prepare a report.

Department General Order 1.03, Duties of Patrol Officers, instructs officers that they should make reports of all crimes reported to them.

Officers do not have an obligation to make a report of all incidents that do not pertain to a crime.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 1

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/18 **DATE OF COMPLETION:** 12/24/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he made several reports to SFPD over the past two years regarding his friend being drugged and sexually assaulted. The complainant stated that the police have not investigated his reports. The complainant provided case numbers for two of the reports about which he was complaining.

Department records indicated that the case numbers provided by the complainant were reports not relevant to his friend being drugged and/or sexually assaulted. Records indicated that the complainant made five reports in 2018 which are "Open or Active." None of the five cases are relevant to assaults or sexual assaults on his friend. Department records indicated that the complainant made three reports in 2017 which are "Open or Active." Two of these cases are "Miscellaneous Investigations" and one is a "Suspicious Occurrence."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/18 **DATE OF COMPLETION:** 12/11/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/2018 **DATE OF COMPLETION:** 12/18/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/18 **DATE OF COMPLETION:** 12/13/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/18 **DATE OF COMPLETION:** 12/20/18 **PAGE#** 1 of 1

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

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

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