

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/01/19 **DATE OF COMPLETION:** 08/14/19 **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 that he called the police because a street vendor selling paintings had set up his wares along the wall outside his housing complex. The complainant stated that when officers responded, they were dismissive of the complainant's concerns. The complainant stated that the street vendor later leaned the paintings up against the vendor's car in front of the property and continued to sell them.

Both named officers confirmed that they responded to a call regarding a vendor selling paintings on the sidewalk. They spoke to the complainant upon their arrival, informed the vendor that neighbors had complained, and asked him to move. The vendor agreed to move to a different area. One officer stated that the vendor was homeless, and he did not want to check for his permit as the vendor was being cooperative and respectful. The officers stated that they did not cite the street vendor because he was trying to make an honest living in San Francisco, and they did not want to make his life any harder. The officers returned to the location twenty minutes later and saw that the vendor had put all his paintings in his truck.

Department records show that the named officers responded to the complainant's call for service, contacted the street vendor, and asked him to find another spot, resulting in the vendor's relocating.

The evidence shows that the officers responded to the complainant's call for service and asked the street vendor to move to another location due to complaints from the neighbors. The officers used their discretion and decided not to cite the vendor.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/01/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer arrived on scene and said, “San Francisco is a very liberal city. I pulled up because I thought the art was cool.” When asked if the street vendor had a permit, the officer stated, “That’s a difficult thing to enforce.” The complainant felt that the officer was rude and disrespectful.

The named officer confirmed that he responded to a call for service at the complainant’s address. He recalled telling the complainant that San Francisco is a very liberal city and that the police are not in the business of harassing homeless people down on their luck who attempt to make a living selling paintings. However, he did not recall saying he stopped because he thought the art was “cool.” The officer stated that he did tell the complainant that vendor permits are difficult to enforce, because he believed this to be true. The officer stated that he did not observe the street vendor actually making a sale, which would be necessary to prove that he was actually selling paintings. The officer stated that after he asked the vendor to move to another location the complainant walked away. The officer said he did not get a chance to explain to the complainant that the vendor would be leaving the area.

A witness officer confirmed that the named officer said San Francisco is very liberal and the vendor was just trying to make a living. He stated that both he and the named officer had a brief conversation with the vendor about his paintings and background. The witness officer also confirmed that he and his partner stopped because they were responding to a call for service, not because they were attracted by the art. The witness officer did not recall his partner telling the complainant that permits were difficult to enforce.

Department records show that the complainant placed a call for service regarding a street vendor selling paintings and the officers responded to the scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/01/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 1 of 1

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

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

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

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

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

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

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

SMUD HUMAN RESOURCES
6301 S Street
Sacramento, CA 95820 EA_402

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/2019 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove a city vehicle in a negligent or reckless manner.

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

FINDINGS OF FACT: The complainant stated that the named officer drove his marked police vehicle excessively fast and close to the group of cyclists with whom she was riding.

The named officer stated that he regularly drives the identified vehicle, but he did not recall if he was driving the vehicle that day. He denied driving excessively fast or close to a group of cyclists on the date of the incident. He denied intentionally driving close to a group of cyclists to intimidate them.

DPA could not identify any other witnesses.

DPA could not locate any surveillance video.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/19 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was a tenant and building manager at a residence and had a temporary restraining order against another tenant in the building. She stated she called the police because the tenant violated the order by walking within three yards of her. The complainant said two of the named officers responded but did not want to arrest the tenant. She said she showed officers the order and video of the encounter. They spent a lot of time with the tenant and informed her that they were not going to arrest him. The third named officer, a sergeant, responded and also initially refused to make an arrest. After additional explanation, the named officers finally did arrest the tenant for the violation. The complainant felt there should not have been such a delay in making an arrest, and that the officers were dismissive of the violation.

The named officers denied that they were dismissive. They stated that they spoke to all parties, viewed the video, reviewed the restraining order, and contacted the ID Bureau to confirm the validity of the order. One of the named officers acknowledged that he wanted to be careful not to violate the rights of the tenant, and he had concerns about enforcement because the incident occurred near the only exit to the street for the tenant. The named sergeant stated that when she initially arrived, she did inform the complainant that the tenant would not be arrested; however, she did not have all of the information yet. The named officers stated they took the time necessary to conduct a thorough investigation.

The incident report, authored by one of the named officers, states that the complainant accused the tenant of walking within 3 yards of her while she was unloading a car in her driveway. It states that the tenant was interviewed and stated that she did not see the complainant when she exited the house. However, the report also notes that, “there is a glass window on the side entry door big enough to see through,” and the tenant, “did not stop walking and continued to walk past [the complainant] ...” The report documents that the validity of the order was confirmed, as was the fact that it had been served on all parties. The report documents that the tenant was booked for violating the court order. The temporary restraining order shows that the tenant was ordered to, “Stay 3 yards away [from the complainant] when all parties are at or inside the residence ...”

Surveillance video shows that the tenant was walking near the complainant and said “ignore me” as he continued walking down the driveway towards the street.

Body Worn Camera (BWC) recordings document that the named officers spoke to both parties, reviewed video, reviewed the order, confirmed the validity of the order, and consulted with each other about what

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/19 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 2 of 2

actions to take. The recordings document that the tenant arrived during the investigation and spoke to two of the named officers at length, explaining that she was disabled and that the complainant and homeowner were trying to evict her. It shows that one of the named officers explained to the complainant and homeowner that they did not have enough to make an arrest, and the complainant then continued to explain why they should make an arrest. The recordings show the named sergeant then went to speak to the complainant and homeowner, and said she was deferring to her officers, and would not make an arrest. The complainant and homeowner then further explained the details to the sergeant, all the named officers conferred again, and the tenant was arrested.

Aside from initially telling the complainant they did not think they could arrest the tenant, the named officers did not appear to be dismissive. The video evidence shows that they were polite and professional, and simply trying to determine what to do. While surveillance video seemed to confirm a clear violation of a court order, the named officers did not violate policy by showing sympathy for the restrained party, and ultimately doing their due diligence by contacting the named sergeant and attempting to ensure the right outcome.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated she was drugged and assaulted by an unknown person while at a shelter. She stated that the day after the assault, the shelter staff called paramedics because she complained of chest pains and dizziness. The complainant stated paramedics arrived to treat her while the named officers arrived later to interview her. The complainant admitted she did not tell the officers and paramedics that she was attacked and sexually assaulted by a person at the shelter. The complainant stated she wanted a police report and that the officers told her that she can get the report from SFPD. The complainant stated she assumed that there was a police report made by the officers.

The named officers stated they were dispatched to a mentally disturbed call and investigated an assault and battery. The named officers stated the complainant told them she was assaulted by someone at the shelter the night before and requested medical treatment. The named officers also stated the complainant told them she had a prior visit to a hospital associated with a sexual assault. The named officers stated the complainant did not provide any suspect information. The named officers also stated the complainant wanted to make a report. The named officers stated they patiently listened to the complainant who told them of numerous assaults, injuries and health issues. The named officers stated the complainant made conflicting statements and displayed an inability to focus. The named officers further stated due to a lack of physical evidence, elements of a crime, indicators of a sexual assault and reports from local hospitals regarding a sexual assault, they determined that no crime had occurred, and the call was declared to have no merit. The named officers stated the complainant was transported by SFFD to the hospital for her chronic health issues.

The CAD connected to the event shows the named officers responded to the call about a mentally disturbed person.

Patient care records indicated that Fire Department paramedics transported the complainant to the hospital for leg pain associated with her chronic health issues. The SFGH medical records revealed that the complainant was seen a week before this incident for a complaint of pain and itchiness to her lower extremities and that she was deemed a poor historian of her medical status.

Body Worn Camera (BWC) footage revealed that the officers listened to the complainant's pain and health ailments. One of the named officers gave the complainant a Reportee Follow-Up Form with the CAD number which documented the incident. The named officers did not tell the complainant that there was an incident report made about the call.

The officers had insufficient, credible evidence of criminal activity to require a report under Department General Order 2.01 (1) and General Order 2.01 (25).

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 2 of 2

The officers therefore acted properly pursuant to SFPD policies and procedures.

SUMMARY OF ALLEGATION #3: This complaint raises matters partially outside OCC jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters partially outside DPA jurisdiction. This complaint has been referred to:

San Francisco Fire Department
Department Headquarters
698 2nd Street
San Francisco, CA 94107

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainants stated the named officers did not have the right to search their residence because they were not on probation or parole. The first complainant stated she did not know the reason for the search and that officers served the warrant at 0424 hours at the residence of her stepfather. The first complainant stated the warrant was related to her son who was on probation and lived in another city. The first complainant stated her son did not reside at the residence nor had her son ever visited the residence. The first complainant was not present when the officers searched the residence. The second complainant stated officers came early in the morning, beat on the door and identified themselves as police officers. The second complainant stated the officers had a warrant. The second complainant stated officers were looking for “somebody” and that he told the officers he didn’t know the person they were looking for and that the person did not stay there. The second complainant stated the officers showed him a piece of paper with somebody’s name on it and that they were looking for guns.

The named officer stated a search warrant was obtained for the complainants’ residence based on probable cause and the search warrant was authorized by a Superior Court judge prior to searching the complainants’ residence. The named officer stated probable cause was based on the fact that the first complainant’s son was a suspect in a double homicide case in another jurisdiction. The scope of the search warrant was for firearms related to the homicide investigation. The named officer stated they arrested the first complainant’s son on a no bail warrant the day before the search warrant was obtained. The named officer stated that based on their investigation, they had reason to believe the gun used in the homicide may be hidden inside the complainants’ residence. No firearms were located during the search. One of the named officers stated the search warrant was executed at 0756 hours and that the Body Worn Camera footage clearly shows it was daylight at the time.

Department Bulletin 18-131 states, in part: When entering a person’s residence, officers shall comply with the Constitutional mandates of search and seizure law. Under the Constitution, law enforcement officers may enter a residence only if one or more of the following conditions is present **prior to entry:**

- The officers have a valid search warrant for the residence.

Department records document that the named officer searched the complainants’ residence pursuant to a valid search warrant and that the warrant was executed at approximately 0756 hours.

The Body Worn Camera (BWC) recordings shows the officers had a search warrant, and entry was made into the apartment by knocking on the door. The second complainant opened the door and allowed the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 2 of 6

officers to enter the apartment after they showed him the warrant and explained they were going to search the residence. The officers acted in a professional manner throughout the contact. The BWC recordings show it was daylight when the officers went to the residence. The second complainant was observed to be fully dressed, alert and oriented.

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

SUMMARY OF ALLEGATIONS #3-4: The officers seized personal property without cause.

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

FINDINGS OF FACT: The complainants stated the named officer seized personal property during the search of the residence. The first complainant stated the officers took her mail and a safe containing important personal documents and 3 dashcams. The second complainant stated the officers took a safe, some mail and some clothes. The second complainant stated the items taken by the officers did not belong to him and that the items belonged to his daughter. The second complainant also stated there was nothing inside the safe and that he was just keeping it for a friend.

The named officers stated that while executing a search warrant of the complainants' residence indicia was located and seized as evidence pertaining to the first complainant. The safe was seized because they thought the safe possibly contained a firearm used in a double homicide which was specified in the warrant. One of the named officers stated the second complainant told the officers the safe wasn't his and that a friend had left it there. The named officer stated the safe was forced open at the police station. No weapon was found inside. One of the named officers stated he recalled seeing a copy of a Search Warrant, from another jurisdiction, written for the weapon used in the homicide inside the safe. The safe also contained indicia of both complainants and the son of one of the complainants. The named officer could not recall if there were any dashcams inside the safe when they opened it.

Department records document that the second complainant told the officers that the safe was not his and a friend had left it there. The second complainant also told the officers that he did not know the combination to open the safe and that he didn't want the safe in his house anymore. The safe was seized due to the fact the officers were unable to open it at the residence. One of the named officers provided the second complainant with a search warrant return and follow-up form.

The Body Worn Camera (BWC) recordings corroborated the named officer' statements and that their actions were lawful. The second complainant is heard telling the officers to take the safe with them, that it

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 3 of 6

doesn't contain anything, and, "It's empty". One of the named officers is heard telling the complainant you can tell by the sound that there is something inside the safe.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly process and/or document the complainants' property.

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

FINDINGS OF FACT: The first complainant stated the named officers did not leave a receipt for the property taken during the search of the residence. The second complainant stated the named officers took a safe and some of the first complainant's clothing. The second complainant stated one of the officers told him he would be given a receipt, but that he was never given a receipt for the items taken.

The named officers stated the second complainant, who was present during the search of the residence, was provided a copy of the search warrant return which listed the items that were seized. The named officers denied they took any clothing. The named officers stated the property was properly processed and documented.

Department Bulletin 17-052 Issuance of Property Receipt for Items Seized Under Warrant states: Members of the Department must be aware that they are required by Department policy and California law to issue a property receipt upon the seizure of property following the execution of a search warrant. Officers may satisfy this requirement by issuance of either a "property receipt" form (SFPD 315) **OR** a return on the search warrant to the person from whom property was taken.

Department records document that the second complainant was provided with a return on the search warrant as required.

The Body Worn Camera (BWC) recordings corroborated the named officer's accounts regarding the handling of the complainants' personal property. The recordings show that no articles of clothing were removed from the residence by any of the officers. Officers are seen taking a pair of women's shoes and a purse out of a closet, holding them up and then placing them back in the closet. One of the named officers is seen writing a list of the items seized, and placing documents on the kitchen counter directly adjacent to where the second complainant is seated and the officer is heard explaining what the documents are to the second complainant in a calm, polite and professional manner.

The complainants generally lack creditability as the evidence contradicts many aspects of the complainants' stories.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 4 of 6

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

SUMMARY OF ALLEGATIONS #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The first complainant stated the named officer did not return her phone calls. The first complainant stated she called the station on multiple dates and left messages for the named officer.

The named officer denied the allegation stating he did not receive any messages from the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #8: The officer harassed the complainant's son.

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

FINDINGS OF FACT: The complainant stated the named officer harassed her son by pulling records of her son's phone calls while in jail and that the officer listened to her son's telephone conversations. The complainant stated the named officer has a vendetta on her son and has arrested her son before.

The named officer denied he harassed the complainant's son. The named officer stated he listened to the complainant's son's jail phone calls for the purpose of a criminal investigation. The named officer stated he thought by listening to recordings of the phone calls he could figure out where the firearm went to. The named officer stated jail phone calls are recorded and that he obtained the recordings through appropriate legal means. Inmates have no expectation of privacy for phone calls made while in jail. The named officer stated he has arrested the complainant's son numerous times due to his probation status. The arrests have been documented in incident reports and Body Worn Camera footage.

Department records show the named officer obtained the jail phone records through legitimate means.

The named officer obtained the phone records for a legitimate law enforcement purpose as he was conducting a criminal investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 5 of 6

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

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

FINDINGS OF FACT: The first complainant stated that when officers were at the residence serving the search warrant that an officer took the second complainant's cell phone out of his hand while he was speaking to the first complainant on the phone. The first complainant was not present when the alleged incident occurred. The complainant did not identify the officer involved.

The second complainant did not allege an officer took his cell phone from him during the incident.

The named officer denied the allegation.

The Body Worn Camera (BWC) recordings do not corroborate the complainant's allegation. The recordings show the second complainant holding a cell phone in his hand while seated on the sofa in the living room adjacent to the kitchen during the search of the residence. At no time did any officer attempt to take his cell phone from him.

The complainant generally lack creditability as the evidence contradicts many aspects of the complainant's story.

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

SUMMARY OF ALLEGATIONS #11-12: The officers damaged the complainants' personal property.

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

FINDINGS OF FACT: The first complainant stated that the second complainant told her that her property was damaged during the search. The first complainant stated a glass top of a fish tank was stepped on and broken and that her belongings were tossed everywhere. The second complainant stated the officers ransacked his apartment, and that his suits, shoes and hats were pulled out of a closet and

thrown onto the floor. The second complainant also stated one of his hats was damaged during the search and that he had to pay \$40.00 to have it repaired. Neither complainant provided any proof of damages for the items claimed or photos showing the apartment had been ransacked and that items were thrown onto the floor. The first complainant stated the safe that was seized by officers belonged to her.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/19 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 6 of 6

The named officers denied that any property was damaged during the search. The named officers acknowledged that a safe was seized and taken to the station so it could be opened, and that the safe was damaged when they forced it open. One of the named officers stated he prepared a memo documenting the damage to the safe and submitted it to a captain. The officer stated items were moved in order to complete the search, and that no one threw anything on the floor as alleged.

The Body Worn Camera (BWC) recordings show that no items were tossed onto the floor as alleged. The officers did not touch the fish tank and the glass top was never removed. The recordings show that the bedroom was in disarray prior to the officers entering the bedroom – clothing and items were strewn about the room. The recordings document that the safe was forced open at the station. The damage to the safe was a consequence of having to force the safe open because the second complainant stated he did not have the combination to the safe. An officer is heard asking the second complainant who the safe belongs to. The second complainant is heard telling officers the safe belongs to a friend named “Al”. An officer is heard asking the second complainant if he is able to get in touch with the guy that can open the safe. The second complainant says, “I hope so”, and then tells the officer to take the safe with him. The second complainant tells the officers he tried to get a hold of his friend earlier that morning.

The Body Worn Camera (BWC) recordings do not corroborate the complainants’ allegations. The complainants generally lack credibility as the evidence contradicts many aspects of their stories.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that her boyfriend was riding his bicycle on the sidewalk. Six men were blocking his path and he told them to move. After an exchange of words, the six men jumped the complainant's boyfriend. The fight initially dispersed, but the parties returned to the same location and again began fighting. As a result of this second fight, officers charged the complainant's boyfriend with felony assault. The complainant went to the police station and spoke with one of the named officers who stated that he watched everyone disperse after the first fight. The complainant stated that officers failed to intervene in the first altercation, which resulted in the second fight happening.

Named Officer #1's body worn camera footage shows Named Officer #1 and Named Officer #2 running to the first physical altercation. The officers arrive on scene and the complainant's boyfriend can be seen speaking to some individuals. Seconds later, the complainant's boyfriend flees the scene on his bicycle to chase after some of the other individuals involved in the incident. The named officers detain and question three men who were involved in the fight. The men tell the officers that the complainant's boyfriend threw his bicycle at them. Named Officer #1 speaks to a witness who stated that the complainant's boyfriend was riding his bicycle on the sidewalk and bumped into one of the men. The group of men told the suspect to watch out. The suspect told the men, "You're in my fucking way!" and then hit them with his bicycle which caused the fight.

A copy of the incident report was obtained. The incident report states, "It should be noted at approximately 1045 hours and prior to this incident, Named Officer #1 and I saw a physical altercation between the suspect and several Hispanic males. Upon our arrival Named Officer #1 and I detained three Hispanic males who were part of the altercation. After arriving to that incident, the suspect left the area on his bicycle. Due to the fact the suspect left the area, we were unable to determine what happened".

No other witnesses were identified

The named officers' body worn camera footage shows them intervening in the first fight and detaining the other individuals involved. The complainant's boyfriend fled the scene on his bicycle shortly after their arrival.

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: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 9

SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for no reason. He stated that he had been stopped multiple times for violating California Penal Code section 422, and he did not think there was good reason to stop or arrest him for that.

The incident report documented that officers were called to a City agency's office, where the complainant was accused of threatening to shoot his son and his landlord, as well as to commit "suicide by cop." The reporting party said the complainant had a golf club with him at the time, but did not mention using it as a weapon, and he felt more uncomfortable than fearful. The report documented that the complainant left the building before officers arrived. A supplemental report, authored by one of the named officers, documented that, in response to the original incident, a Department-wide email had gone out from a sergeant, notifying all personnel that probable cause existed to arrest the complainant on two felony counts of 422(a)PC – Criminal Threats. The supplemental report documented that the named officers saw the complainant 17 days after the initial incident was reported, and with knowledge that he was wanted, they arrested him.

A Body Worn Camera (BWC) recording shows that an officer interviewed a person at a City agency who stated much of what was documented in the incident report. That reporting party also said that the complainant made it clear that he had no problems with him but did repeat threats against his son and landlord. BWC recordings from the later arrest of the complainant show that he was stopped outside while on foot and asked the named officers what he had done. He was handcuffed and told he had a warrant for his arrest. The recordings show that the complainant denied having any warrants and started talking about accusations of stalking. While being transported, the complainant said that officers would eventually have to kill him.

A copy of the crime bulletin was provided by the SFPD Legal Division. It is titled, "Officer Safety / Arrest for 422-Threats." It includes a color photograph of the complainant, his name, gender, height and demographic characteristics. It also includes the incident report number, a description of the incident, and what to do if the complainant is found. The bulletin says to arrest the complainant, notify the Psych Liaison, and notify the investigating sergeant.

Academy training materials from the California Commission on Peace Officer Standards and Training on Laws of Arrest states, "Probable cause to arrest exists when the totality of the circumstances or 'total

atmosphere' of the case would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 2 of 9

California Penal Code section 422(a) states:

Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

The named officers relied on credible information that the complainant had threatened to kill people, and to possibly engage in a violent act involving law enforcement. Based on the totality of the circumstances, the named officers had probable cause to arrest the complainant.

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

SUMMARY OF ALLEGATIONS #3-5: The officers detained a person without justification.

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

FINDINGS OF FACT: The complainant stated he was detained for no reason. He stated that he had been stopped multiple times for violating California Penal Code section 422, and he did not think there was good reason to stop or arrest him for that.

A previous SFPD incident report and supplemental report documented that the complainant had threatened to kill his son and landlord, as well as to commit suicide by cop, at a City agency office. The reports document that a sergeant sent out a notice that the complainant was wanted for these threats and should be arrested if found. Officers then arrested him weeks later, based on this notice.

The incident report for this detention documents that the named officers detained the complainant based on the original crime bulletin, sent out by a sergeant. The named officers contacted that sergeant, who informed them that the complainant was no longer wanted. The report documents that the complainant was then released.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 3 of 9

The crime bulletin includes information about the complainant, as well as a description of the incident. The bulletin also asks officers to arrest the complainant if they find him.

Based on the totality of the circumstances, the named officers had probable cause to arrest the complainant. Even though he was no longer wanted, the named officers were still relying on the crime bulletin that had been previously sent out.

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

SUMMARY OF ALLEGATION #6: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant said he was briefly stopped by an officer at a bank, but he did not have an exact date, and he was not arrested, handcuffed, or moved.

The identity of the detaining officer could not be determined.

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

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

FINDINGS OF FACT: The complainant said he had been detained a number of times for alleged violations of CA Penal Code section 422. He also learned that he was on some kind of "board." He was upset and wanted to know who put him on that board, and why he kept getting stopped.

The named officer, a sergeant, stated that he was assigned to investigate a report of criminal threats, in which the complainant was the suspect. One of the steps he took was to send out crime bulletins, through Department-wide emails, alerting officers about the allegations against the complainant. He stated he initially sent one out telling officers that if the complainant were found, he should be held for psychological evaluation. After the named officer learned that the complainant had repeated his threats, he sent out another bulletin, asking officers to arrest the complainant. The named officer said the complainant was eventually arrested, based on his bulletin. The complainant was detained again based on the same bulletin, after he had already been arrested and his charges discharged. The named officer said

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 4 of 9

that a “no longer wanted” notice would normally have been sent out when the complainant was arrested. He searched for one in this case, but he could not find one.

An incident report documents that a reporting party at a City agency stated the complainant made threats to kill his son and landlord, and also to commit suicide by cop. A supplemental report shows that the named officer sent out a crime bulletin regarding the incident, and asked officers to arrest the complainant if they found him. The report documents that the complainant was arrested for the threats. A later report documents that officers detained the complainant based on the named officer’s bulletin, then released him when they learned he was no longer wanted.

The named officer’s chronological of investigation documents that he sent out a Department-wide email requesting a “5150 Eval” for the complainant, if found. The chronological documented that he sent out a second email five days later, after learning that the complainant reiterated his threats and added, “it was a promise.” The chronological shows that the complainant was arrested thirteen days later.

A copy of the crime bulletin was provided by the SFPD Legal Division. The bulletin directs officers to arrest the complainant if the complainant is found, notify the Psych Liaison, and notify the named officer.

SFPD General Order 3.01, Written Communication System, addresses crime bulletins, but does not address “no longer wanted” notices, or provide a way to rescind such notices. The policy does state that the bulletins expire 2 years after their date of issuance.

There is no requirement that the named officer email a “no longer wanted” notice upon learning that the complainant had been found and arrested. Even if he had, it is still possible that officers could have acted on their memory of seeing the original email. Still, sending out a notice that someone is no longer wanted is crucial to ensure that civilians are not unnecessarily detained, and that officers are not wasting Department resources detaining individuals and attempting to determine if an individual is still wanted.

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

SUMMARY OF ALLEGATION #8: The officer improperly used liquid chemical agent.

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

FINDINGS OF FACT: The complainant stated he had a dispute with his cousin and called the police. He acknowledged that he broke his cousin’s windows but said his cousin had threatened him with a gun. The complainant stated that when officers arrived and told him to sit down and get on the ground, he told him he was not going to do that. He stated that he threw his cousin’s keys on the ground, and the named officer then sprayed him in the face with pepper spray without justification. He said that he eventually sat down, but the named officer kept spraying him in his eyes. The complainant said that he is bipolar.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 5 of 9

The named officer stated he responded with his partner to a call regarding a fight. He learned while en route that the complainant was making death threats; and yelling could be heard on the phone line. He also recalled learning that a gun may have been involved. When he arrived, he saw broken glass on the ground, and the legs to a piece of furniture on the ground. He stated he then saw the complainant coming in his direction, and he asked his partner to get the Extended Range Impact Weapon (ERIW) from their car. The named officer said that he tried to calm the complainant down, and the complainant said, "You're dead!" He said the complainant was amped up, making furtive movements, and that the complainant threw something towards him. The named officer said he ordered the complainant to sit down, but it was clear that the complainant was not complying and was not going to comply. He said he did not have time to warn about the use of pepper spray, because of their close proximity and the fact that there were no other officers present. His partner was now some distance away at their car. He said he was prepared to point his firearm, and had his hand on his firearm, when he used his left hand to grab the pepper spray. He said that, he sprayed the complainant. He did so again after the complainant sat down on a wall because, based on his reaction, he was not sure he had gotten enough chemical agent onto him, in preparation for applying handcuffs and taking him into custody. The named officer said he then ordered the complainant to the ground, and although he then sat onto the ground, he sprayed him again because he wanted the complainant to lay down on his stomach. He acknowledged he could have been clearer about what he

wanted the complainant to do, but his mind was still stuck on "have a seat." He also said that it was still unclear whether the OC spray was having its intended effect. He then told the complainant to lay down on the ground, and he handcuffed him. The named officer said that he used OC spray to defend himself, and to take the complainant into custody in as humane a way as possible.

The named officer's partner stated he heard the complainant shouting across the street and saw people at a bus stop pointing to him. He said he went to get the ERIW from the car, and as he was returning, he saw his partner deploy OC spray.

The complainant's cousin did not reply to a request for an interview.

Records from the Department of Emergency Management document that the named officer responded to an A-priority call of a fight with no weapon. The records document that there was an open line, and the dispatcher could hear yelling, "IM GOING TO KILL YOU," and "IM GONNA HAVE EVERYONE KILLED." The records also document that the suspect had broken windows with a stick.

The incident report, authored by the named officer, documents the same facts that were provided to the DPA through his interview. It documents that the complainant charged across the street towards the named officer and his partner, and that the named officer called for backup. It documents that the named officer ordered the complainant to sit down and gave him multiple opportunities to comply before spraying him with OC spray. It also notes that the named officer was not sure he got enough of the chemical on the complainant's face, so he continued to spray him. The report documents that the named

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 6 of 9
officer's partner flushed out the complainant's eyes with water, and the complainant was taken to the hospital.

Body Worn Camera (BWC) recordings show the named officer and his partner stop their patrol car and exit in front of some residential buildings. They walk away from their car and broken glass and a furniture leg can be seen in a driveway. The recordings show that a person can be heard shouting, and the named officer asks his partner to get their ERIW and calls for backup on his radio. The complainant can be seen crossing the street, and he shouts, "You're dead!" The named officer's partner walks back to their car and starts to retrieve the ERIW. The recordings show the named officer telling the complainant to calm down and have a seat, while the complainant refuses to sit down and complains that someone pulled a gun on him. The complainant continues to refuse to sit down as he reaches into his pants, and then throws something on the ground in front of the named officer. The recordings show the named officer sprayed the complainant in the face, and then the back of his head, as the complainant retreated and sat on a short wall. The named officer sprayed him two more times, while the complainant covered his face and head with his arms. The recordings show the named officer then ordering the complainant to get down on the ground, and the complainant moves off the wall and sits on the ground. The named officer points down

and again tells the complainant to get down on the ground. He then sprays him again while simultaneously saying, "on your belly now!" The named officer orders the complainant to put his arms out, and he starts to handcuff him just as his partner returns to help.

SFPD General Order 5.01, Use of Force, states, "Officers may use reasonable force options in the performance of their duties, in the following circumstances ... To effect a lawful arrest, detention, or search ... To overcome resistance or to prevent escape ... In defense of others or in self-defense ... To gain compliance with a lawful order ..." The Order defines various levels of resistance, and describes Active Resistance as, "Physically evasive movements to defeat an officer's attempt at control including ... verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody." It defines Assaultive resistance as, "Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person."

The order also states: "Chemical agents can be used to subdue an unarmed attacker or to overcome active resistance (unarmed or armed with a weapon other than a firearm) that is likely to result in injury to either the subject or the officer ... Officers shall provide a warning prior to deploying a chemical agent, if feasible ..."

The named officer was aware that someone was making death threats at the location of this call for service. When officers arrived, without any other officers present, they found broken glass and an item that could have been used as a weapon on the ground. The complainant then approached the named officer, shouting threats, refusing to sit down or calm down, and reaching into his pants. The named officer could lawfully detain the complainant at that point, and he was attempting to do so, but the complainant was making it clear that his intent was to avoid being detained. Under the circumstances, the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 7 of 9
named officer was justified in using his OC spray to achieve a detention and arrest of the complainant, while avoiding greater dangers or more serious injuries. The situation unfolded in seconds, while the complainant was moving, reaching, and shouting. A warning was most likely not feasible.

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 #9: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated he was arrested for making threats and resisting, but the named officer did not adequately investigate the dispute between him and his cousin. He said that his cousin pulled a gun on him, and he is not supposed to have a gun.

The named officer stated that he and his partner responded to a call of a fight, and when they arrived, they saw broken glass and a possible weapon. He stated that the complainant approached him, and he tried to calm him down, but the complainant was shouting at him and making threats. He said he had to pepper spray him, to detain him and investigate. He said the complainant did mention that his cousin had a gun. The named officer said he spoke to the complainant's cousin, while the complainant received medical attention. He said the complainant's cousin acknowledged he had a gun but told him it was in his safe and was not taken out during the incident.

The named officer's partner said he also recalled the complainant saying something about a gun but stated that the named officer was the one investigating the matter.

Records from the Department of Emergency Management document that the named officer and his partner responded to a call of a fight, and dispatch reported that a person could be heard yelling death threats on the line.

The incident report documents that the complainant charged at the named officer, shouting threats, and was pepper sprayed. It further documents that the named officer and his partner rendered aid to the complainant once in custody, and that the complainant was taken to the hospital. The report documents that the named officer spoke to the complainant's cousin, who said that the complainant was "going crazy," and he told him to leave. The cousin said that the complainant came back with legs he broke off a chair and started smashing his windows. He also said that the complainant threatened to kill him. The report did not include a statement from the complainant, or any mention of a gun. The report does show that the incident was referred to the station investigation team for further investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 8 of 9

BWC recordings show that the complainant told the named officer that his cousin pulled a gun on him. The named officer spoke to the cousin, who explained that he never removed the gun from his safe. The recordings show that the named officer's partner asked the complainant what happened, and he told him that his cousin pulled a gun on him, and then stuck his thumb in his eye, because he would not take a DNA test. The recordings show that the complainant admitted to breaking the windows. He complained

that the chemicals were burning and he could not see. The recordings show that paramedics tended to the complainant, and then took him away in an ambulance.

The named officer, with assistance from his partner, questioned both the complainant and his cousin. Based on the threats reported through dispatch, and the complainant making similar threats when they arrived, there was little doubt that the complainant was responsible for the reported threats. He also admitted to breaking the windows. Other than the statement from the complainant, there was no evidence that the cousin had pulled a weapon on him.

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

SUMMARY OF ALLEGATION #10: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for making threats and resisting, but the named officer did not adequately investigate the dispute between him and his cousin. He said that his cousin pulled a gun on him.

The named officer stated that he and his partner responded to a call of a fight, and when they arrived, they saw broken glass and a possible weapon. He stated that the complainant approached him and shouted at him, "You're dead!" The named officer said he ordered the complainant to sit down, but he refused. The named officer said he was forced to use OC spray as a last resort, to take the complainant into custody.

Records from the Department of Emergency Management document that the named officer and his partner responded to a call of a fight, and dispatch reported that a person could be heard yelling death threats on the line.

The incident report documents that the complainant charged at the named officer, shouting threats, and was pepper sprayed. The report documents that the named officer spoke to the complainant's cousin, who said that the complainant was "going crazy," and he told him to leave. The cousin said that the complainant came back with legs he broke off a chair and started smashing his windows. He also said that the complainant threatened to kill him. The report documents that the cousin did not want to sign a citizen's arrest form for the broken windows, but that he was, "fearful for his life and wanted to press

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 9 of 9
criminal charges.” The report shows that the complainant was booked for violations of CA Penal Code sections 422 and 148(a)(1).

BWC recordings show that the complainant approached the named officer and said, “You’re dead!” They also document the complainant refusing the named officer’s orders to sit down and throwing keys towards the named officer.

Based on the threats made by the complainant, the visible evidence, and the information from dispatch, the named officer was justified in detaining the complainant. Since the complainant repeatedly refused to comply, the named officer was justified in arresting him for resisting. Based on the threats and the statement from the complainant’s cousin, the named officer was also justified in arresting the complainant for threats.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

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

Chinese Chamber of Commerce
730 Sacramento Street
San Francisco, CA 94108

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant is a live-in caretaker for his friend who is nonverbal and autistic. The complainant stated that he contacted 911 regarding false calls for well-being checks that were being made against him. He stated that the named officers responded to his home, but they were uninterested in investigating the false calls for wellness checks. Instead, they transported his disabled friend to the hospital on a 5150 hold.

Named Officer #1's body worn camera footage shows the named officers responding to the complainant's apartment. The officers spoke with the complainant. Named Officer #1 met with the complainant's disabled friend, who communicated to him through her phone's display that she does not feel safe with the complainant. She relayed to Named Officer #1 that the complainant constantly yells at her and that she has not been taking her medication. Named Officer #2 and Named Officer #3 continued to question the complainant about the multiple wellness checks. The named officers determined that complainant's disabled friend warranted transport for a 5150 detention. Medics arrive on scene and took the complainant's friend to the hospital.

The incident report memorialized the conversation between the complainant's disabled friend and the officers. A note on the CAD stated that the reporting party was the mother of the disabled woman. She called back shortly after the officers departed, stating that she received another call from her disabled daughter and could hear shouting from the complainant in the background.

No other witnesses were identified.

The named officers responded to a call for service regarding a wellness check. The body worn camera footage showed the named officers actively listening to the complainant's concerns but ultimately making the decision to have the complainant's ward detained on a 5150 hold as it was apparent that she was not receiving proper care. Their decision to initiate a 5150 hold on the disabled individual was supported by probable cause.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer displayed a rude demeanor.

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

FINDINGS OF FACT: The complainant stated that when he tried to explain his situation to the named officer, the named officer told him, “What you’re saying is falling on deaf ears.”

The named officer’s body worn camera footage shows the complainant saying several times to the officers, “I feel like everything I’m saying is falling on deaf ears and I have to re-explain everything to someone new the next day.” The officers exhibited patience and listened extensively to the complainant; they made an effort to understand the complex set of circumstances that the complainant conveyed. One of the named officers does tell the complainant at one point that what he is saying is falling on deaf ears, but this is a phrase that the complainant himself uses several times, and the officer calmly says it to the complainant after the comp has talked at length about a circuitous timeline of events, then attempts to talk over the officer. This does not appear to be rude or mocking. The named officer is polite and professional during the entire encounter.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 9

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force.

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

FINDINGS OF FACT: The named officers were investigating a person with a gun, when they shot and killed a suspect inside a barber shop. DPA investigated the incident because San Francisco Administrative Code §96.11 mandates that DPA investigate any incident in which a member of the uniformed ranks of the San Francisco Police Department discharges a firearm resulting in the physical injury or death of a person.

The first named officer stated that on the date of the incident she was working in a plainclothes unit. She heard a call over dispatch about a known subject with a gun, outside of a house, threatening to kill members of a family. She and her partners went to the house, and then heard over dispatch that the subject had gone to a nearby barbershop. The named officer stated that they then went to the barbershop and saw a person being detained by uniformed officers outside. She stated that she doubted the detained person was the subject they were looking for, primarily because his clothing did not match the description. The named officer said she entered the barbershop to see if anyone inside was a better match. A barber at the doorway told her, and the second named officer who was next to her, that he thought they had the wrong person. She said the second named officer then pointed to an individual inside the barbershop and asked who he was. She said that this individual was seated and better matched the subject description provided. The named officer stated that the individual looked towards her and the second named officer and had a “fight or flight” look on his face. She said that the individual stood up, pulled a gun out from his waistband area, and started firing towards her and the other officer. She stated she immediately pulled out her own firearm and returned fire. Although she was focused on the subject at that moment, she found out later that the second named officer also returned fire. She stated that the subject slumped over and fell to the ground, and she stopped firing when he was no longer firing at them. Because he was still moving, she ordered him to put up his hands, and another officer entered the shop and ordered him to not reach for his gun. She said that she, and this other officer, then coordinated in safely moving towards the subject. She then handcuffed him and helped secure the scene.

The first named officer stated that a sergeant separated her from the scene and drove her to the district station. At the district station, she gave a public safety statement to a different sergeant, and her firearm was taken from her and replaced with a different firearm. The named officer told the DPA that she only spoke to her attorney and did not view any Body Worn Camera (BWC) recordings of the incident, until her interview with the SFPD homicide unit, two days later.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 2 of 9

The second named officer stated that on the date of the incident he was on regular, uniform patrol, working alone, and equipped with a BWC. He said he was wrapping up a different call, when he responded to the dispatched call of a person with a gun. He arrived first at the residence, where other officers were already present, and then went to the barbershop. The named officer stated that he got out of his car, and saw another officer detaining a person outside of the shop. He said that he did not think the detained person completely matched the clothing description provided over dispatch; and when he approached the shop, he noticed an individual inside who more closely matched the subject description. He stated that he asked a barber, first, about the person outside, and then about the person inside. He said the subject inside appeared on-edge and nervous. He said the other named officer started to walk further inside, and he followed. He stated that the subject inside then stood up, reached towards his waistband, and pulled out a gun. He said he heard a bang, saw a flash from the subject's gun, and immediately pulled out his own gun and started to return fire. He stated that he moved in such a way as to have a better sight line and pose less of a risk to bystanders. He also stated that he was hit in the leg by the subject's gunfire, causing him to fall. The named officer said he stopped firing, because the subject fell backwards and had also stopped firing. He did not know, in the moment, that the other named officer had also been firing her weapon but realized it soon after. He said that another officer came in and pointed his weapon at the subject, as he was helped outside by other officers.

The named officer said he was taken to the hospital by ambulance, while other officers offered him moral support. He said he did not provide a public safety statement. He also said he did not know what happened to his firearm in the immediate aftermath of the incident, but he was aware, at the time of the interview, that it was in evidence. He stated that he did not speak with anybody about the incident, besides his attorney, and did not view any BWC video of the incident, until his SFPD homicide interview, eight days later.

A number of SFPD officers were involved in the initial call of a person with a gun, and dozens more responded to the Officer Involved Shooting. The DPA, SFPD homicide division, and internal affairs division, interviewed several of the more involved officers. None of the other officers stated they had entered the barbershop before shots were fired. Some were able to see inside the barbershop through a window, and their recollections did not contradict the facts provided by the named officers.

Three witnesses, barbers working at the barbershop on the date of the incident, were interviewed by the DPA. They stated that there were over a dozen individuals inside their shop at the time, including more than one juvenile. One of the witnesses stated he was working when the subject who was later shot walked into the shop. He stated they exchanged brief words, and that he knew the subject from the community. That witness stated that he walked outside and was ordered to stop by a uniformed officer. He said he complied but told the officer that the officer had made a mistake. The officer handcuffed him and asked his name. The witness told the officer his name, and soon after that he heard shots fired from within the shop. A second witness stated he was cutting a client's hair when he saw his fellow barber detained outside. He stated that he walked to the doorway of the barber shop and met one of the named

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 3 of 9

officers. He said he asked the officer, "What's going on? Is everything okay?" He stated that the named officer responded by asking about a subject sitting inside the shop. The witness replied that he did not know, because, at the time, he did not recognize the subject. He walked back to his chair, and both named officers walked in behind him. He said the named officer he had been speaking with, directly addressed the subject inside, stating, "You in the black hat." The witness said that gunfire erupted right after that, and he was hit in his leg by the gunfire. The third witness said he also approached officers in the doorway to ask what was happening. He also said when an officer asked about the subject inside, he replied that he did not know who the person was. That witness stated the two named officers walked past him, and he started making his way back into the shop. He heard, "Hey, you in the black hat," and then immediately heard gunshots. He said he was hit in the foot by the gunfire. The two injured barbers left the scene by ambulance.

BWC recordings from the incident show several uniformed and plainclothes officers standing outside of the barbershop, some with a detainee in handcuffs. The plainclothes named officer is shown walking up to the doorway, while the uniformed named officer stands just outside the threshold. The recordings show the uniformed officer pointing towards the individual detained outside, and pointing inside the shop, as he stands just outside the threshold of the shop doorway. The plainclothes named officer then walks into the shop, and the uniformed named officer follows. The uniformed officer's BWC, the only one that captured the shooting, then shows three people seated on benches inside the shop. The person furthest away on the benches, at the opposite end of the shop, appears to be wearing a black cap. That person begins to stand up, and the two named officers immediately react, two seconds after they cross the threshold into the shop. The uniformed officer points his firearm towards the subject, and the other people on the benches duck down. There is no audio, and the camera is, at times, pointed at the ground. A clear image of a person standing at the end of the benches, in a black top, blue jeans, and black cap is visible. That person's hands are together and in front of his body, consistent with the pointing of a firearm. The next seconds then show the uniformed officer falling to the ground, while still aiming his firearm towards the subject, and presumably firing. The plainclothes officer can be seen just in front of him, to the left, also pointing a firearm and huddled behind a barber chair. The next view of the subject shows that he has fallen and a hand mirror hanging on the wall next to him is swinging. The uniformed officer reloads his gun and taps his camera. The sound can then be heard in the clip. People are shouting, but there are no additional gunshots. The subject remains on the ground, moving slightly; and blood can be seen on the floor below the uniformed officer. A third officer enters and jumps on the benches, with his firearm pointed to the subject. Three bystanders, who remained in the main room of the shop, run out at that point. A fourth bystander is still inside, yelling, "I have kids!" A female voice, presumably the plainclothes officer's, is heard ordering the subject to put his hands up. The recordings show the plainclothes officer moves in with other officers, pulls the subject's body away from the gun and handcuffs him. The

recordings then show officers clearing the rest of the building, providing medical care to the victims, and preserving the crime scene.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 4 of 9

A dash cam video, and other recordings capture the scene outside of the shop.

SFPD General Order 5.01, Use of Force, states:

The San Francisco Police Department's highest priority is safeguarding the life, dignity and liberty of all persons.

...

Officers may use reasonable force options in the performance of their duties, in the following circumstances:

4. In defense of others or in self-defense.

The order describes levels of resistance, and defines "life-threatening" resistance as, "Any action likely to result in serious bodily injury or death of the officer or another person."

It describes levels of force, and states:

It is the policy of this Department to use deadly force only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers.

...an officer may discharge a firearm or use other deadly force ... In self-defense when the officer has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury; or ... In defense of another person when the officer has reasonable cause to believe that the person is in immediate danger of death or serious bodily injury.

It lists factors for evaluating the use of force, including:

Whether the suspect posed an immediate threat to the safety of the officers or others ... Whether the use of force is proportional to the threat ... The availability of other feasible, less intrusive force options ... The officer's tactical conduct and decisions preceding the use of force ... Whether the subject's escape could pose a future safety risk.

The order also describes de-escalation, and states:

When encountering a non-compliant subject or a subject armed with a weapon other than a firearm, officers shall when feasible, use the following de-escalation tactics in an effort to reduce the need or degree of force:

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 5 of 9

1. Attempt to isolate and contain the subject;
2. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force;
3. Request additional resources, such as Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, or Extended Range Impact Weapon;
4. Designate an officer to establish rapport and engage in communication with the subject;
5. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety; and
6. Continue de-escalation techniques and take as much time as reasonably necessary to resolve the incident, without having to use force, if feasible.

Both of the named officers felt the person detained outside of the barbershop was not likely the suspect described as the person with the gun. Looking inside the shop, they both saw an individual who better matched the description.

Although Department guidelines appear to emphasize the use of de-escalation techniques in situations other than when a person is armed with a firearm, they also include the opportunity for de-escalation as factors to consider in evaluating the use of force. Whether officers created time and distance is one factor that should always be considered when officers take a life or seriously injure a person in the course of their work. In this case, the video evidence shows that the subject stood up and pulled his gun out two seconds after the named officers entered the shop. While it could be argued that the named officers, immediately upon recognizing that the subject inside was the more likely suspect, should have immediately created time and distance; in that moment, they had reasonable suspicion to question and detain that individual, but they still did not know that he was the person with the gun, or that the allegation that he was armed was credible. Furthermore, if the named officers had decided to temporarily retreat, rather than immediately investigate, their actions would have undermined the overall purpose of Department guidelines on Use of Force. The fact that they would be leaving a potentially dangerous individual inside a public shop with over a dozen members of the public, would be antithetical to the overall goal of safeguarding the life, dignity and liberty of all persons.

The video evidence does not show who fired the first shot, but clearly shows the subject standing and pointing something at the officers before they reacted by pulling their own weapons. The evidence is overwhelming that the named officers faced an immediate threat from a person pointing and then shooting a gun at them in a location with many innocent bystanders. Their reaction to use deadly force against life-threatening resistance was justified as self-defense and defense of others. Other options were not feasible under the circumstances. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 6 of 9

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

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

FINDINGS OF FACT: The named officer responded to the call of a person with a gun. Before the Officer Involved Shooting that occurred inside a barbershop, the named officer detained a person just outside of the shop. The DPA reviewed that detention.

The named officer stated he was “given intelligence over the radios that the subject in question was inside the barber shop.” His memory of the suspect’s description was, “a 20 to 25-year-old Middle Eastern male, partial facial hair, black hoodie, blue jeans.” The named officer said he was aware that the suspect was known (a family member had made the report) and police had his name. He was able to remember the suspect’s first name. The named officer said that he saw a person come out of the barbershop and, “I immediately recognized him as a barber at the barber shop from previous contacts um, so I immediately placed him in handcuffs.” He insisted that the person he detained matched the description provided over the radio.

Two other officers, also on scene, stated that they entered the barbershop after seeing the named officer with his detainee outside. They stated that they did not believe the named officer had the right person, and in particular, mentioned the suspect description as a person with blue jeans, while the person being detained had green pants on. One of the officers also heard the detainee state his name, and she felt uneasy because it was different from that provided by the reporting party.

The barber detained stated that he walked out of the barbershop with his backpack in one hand and his son’s photo album in the other hand and straight into four to five police officers. He did not know what was going on. The detainee said he told the officers, including the named officer, that they had him mistaken with someone else, and he provided them with his name. He stated that he recognized the named officer and said he “sees me out there all the time.”

The CAD records from the Department of Emergency Management show that the female caller reported that her cousin was threatening her with a gun at her house. The caller gave the suspect’s name, and described him as an Arab male, 21-years old, 6’2”, “kind of big,” wearing a black hoodie. The caller later stated that the suspect had gone to the barbershop from her house but did not say that he worked there. The first description, heard on the CAD Audio, provided the suspect’s name and that he was an, “Arab male, 21 years old, 6’2”, medium build to heavy, black hoodie, the gun was actually seen, he’s on drugs, flashed a big gun under his jacket and tried to break into the house.” The CAD shows that another officer then repeated the description. Another unit reiterated, “Black jacket, blue jeans.” Then a unit reported that one was detained.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 7 of 9

The incident report describes the detained person as 5'7" tall and 30-years-old. It describes the suspect as 6'2" and 21-years-old.

Department personnel records document that the named officer is 6'2" tall.

BWC recordings show that the named officer detained a person who had just walked out of the barbershop. The detainee was much shorter than the named officer and was wearing a black hoodie with the barbershop logo, and green cargo pants. The detainee also had a slim build. The recordings show that the detainee asked why he was being detained, and that he thought the officers had him confused with someone else. The BWC recordings show that an officer asked the detainee for his name, and he provided it.

SFPD General Order 5.03, Investigative Detentions, states:

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

The named officer (1) knew that the suspect's description came from a family member, (2) knew that the suspect was 6'2" tall and had a medium-heavy build, (3) had no information that the suspect worked at the barbershop, (4) had previously encountered the detainee, and (5) immediately recognized the detainee as a barber. The detainee was a 5'7", 140 pounds, 30-year-old Arab man with a small build wearing green cargo pants, and a black hoodie with the barbershop logo on it. Thus, the detainee only matched the description of Arab male. Even his black hoodie had the barbershop logo written on it – a fact not included in the suspect description. Additionally, the detainee was very cooperative and stated that he believed the police had the wrong man – behavior that should have immediately alerted police that he was not the 911 caller's cousin, who was allegedly high on drugs, flashing a big gun, and trying to break into the family home before he left the home and was next reported to be at the barber shop.

The named officer unlawfully detained a person who did not match the description of the known suspect. The suspect's cousin provided a name, age, height, build, race, and a description of the suspect's facial hair and clothing. The detailed description should have been given great weight by the named officer because it came from someone who knew the suspect well. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 8 of 9

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately during a detention.

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

FINDINGS OF FACT: The named officer responded to the call of a person with a gun. Before the Officer Involved Shooting that occurred inside a barbershop, the named officer detained a person just outside of the shop. When the shooting started, the named officer abandoned his detainee. The DPA reviewed that conduct.

The named officer said he had detained a person outside of the barbershop because he believed he matched the description of the suspect. He said he handcuffed that person and moments later heard shots fired. The named officer said he saw officers getting shot at inside the barbershop. He stated that he ran into the barbershop, leaving his handcuffed detainee. The named officer said he did not attempt to move the detainee out of harm's way. He said that he understood that other officers filled his role of trying to protect the detainee, but he did not assume that would happen when he left his detainee. He acknowledged that the detaining officer is responsible for his or her detainee, and that he was the person with that responsibility in this case. He also stated that SFPD policy dictated that when an officer has somebody in custody and there is an emergency, that officer is not to respond to the emergency or incident. But, he stated that this situation was different because he was at the emergency.

BWC and dashcam video shows that the named officer handcuffed a person just outside of the barbershop, by a large window. There are many other officers nearby. The video shows that a gunfight erupts inside of the shop, and the named officer runs behind a car for safety, leaving the detainee on his own. Some of the video shows that bullets went through the wall of the barbershop. The video shows the named officer then running into the shop, and the detainee walking himself behind a car. The video shows two other officers moving the detainee into safer positions after the gunfire ends.

SFPD General Order 1.03, Duties of Patrol Officers, states that officer are to, "Be responsible for the security of prisoners in their custody."

General Order 2.01, General Rules of Conduct, states, "Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy."

General Order 5.18, Prisoner Handling and Transportation, states, "It is the policy of the San Francisco Police Department to treat all persons taken into custody in a humane manner and with due regard for their physical safety and protection while in police custody."

POST - Learning Domain 31, Peace Officer Responsibilities in a Custodial Situation, states:

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 9 of 9

Peace officers who have custody of arrested persons are lawfully responsible for the care and safekeeping of those individuals...Peace officers who have responsibility for arrested persons are liable for the safekeeping and standard of care of those persons...

These mandates do not provide an exception for officers to abandon their detainees in situations where they are subjected to gunfire, in order to assist multiple officers already on scene as they deal with a shooting suspect. While the named officer's ability to run to the emergency, rather than shy away from it, is admirable, he cannot lose sight of his responsibility and abandon a defenseless, handcuffed individual on the street as a gunfight breaks out. Before running into the barber shop, the named officer should have secured his detainee's safety by leaving him with one of the other officers, or directing one of the other officers without a detainee to go into the barber shop to help the officers inside while he attended to his detainee's safety. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officers wrongfully issued her a traffic citation for driving without a rear license plate, making a left turn without signaling, and failing to yield. The complainant stated she did not fail to yield and did signal correctly for the turn.

The named officers described the complainant making a left turn without signaling and then failing to yield when the officers attempted to stop her.

Security footage from the intersection where the complainant made the left turn showed that the complainant did not signal before executing the turn.

Body-worn camera footage showed that the complainant's vehicle did not have a rear license plate. The footage also showed that, despite the fact that the officers' patrol car was behind her with the emergency lights on, the complainant failed to yield to the officers before eventually stopping.

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

SUMMARY OF ALLEGATIONS #3-4: The officers issued a citation due to bias.

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

FINDINGS OF FACT: The complaint stated that the named officers issued her a traffic citation because of her ethnicity. She stated that she was traveling northbound before making a left turn at the intersection. She stated the named officers were traveling southbound before making a right turn to follow behind her vehicle. She stated that the officers saw her, and their bias against her ethnicity motivated them to stop her and issue the citation.

The named officers denied the allegation. They stated they were driving northbound behind the complainant as she approached the intersection. They also stated that they were unaware of the complainant's ethnicity until they stopped her vehicle to speak with her.

Security footage of the intersection where the incident occurred showed that officers were traveling northbound behind the complainant as she made the left turn. The security footage also shows that the complainant failed to signal when she made the left turn.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 2 of 4

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers used threatening and intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that the named officers used threatening and intimidating behavior during the traffic stop.

The named officers denied the allegation.

Video footage from the complainant's cell phone showed the named officers did not use threatening or intimidating behavior. Body-worn camera footage showed the officers interacting with the complainant in a cordial and professional manner.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #7-8: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officers behaved inappropriately and made inappropriate comments during the traffic stop when they asked her how much marijuana she had in her car.

The named officers denied the allegation. The senior officer involved stated that he coached his partner to ask about specific drug-related issues due to the prevalence of use in the area where the stop was made.

Video footage was obtained from the complainant's cell phone and the officer's body-worn cameras. The footage showed the named officers' behavior and comments were appropriate under the circumstances.

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 3 of 4

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

SUMMARY OF ALLEGATIONS #9-10: The officers used retaliatory conduct

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

FINDINGS OF FACT: The complainant stated that the named officers told her the reason for the traffic stop was only for her lack of a rear license plate. She said that when she challenged the officer's behavior during the encounter, the officers retaliated against her by adding two further offenses to the citation.

The named officers denied the allegation. The officers stated that the reason for the traffic stop were always because the complainant had no rear license plate, turned without signaling, and failed to yield,.

Video footage obtained from the complainant's cell phone showed that the complainant was initially told by one officer that the reason for the stop was no rear license plate. The footage later showed the other officer explaining the other violations.

Body-worn camera footage showed that the officers discussed the full reasons for the traffic stop while the complainant was failing to yield. The footage showed that one officer initially told the complainant that she was stopped for no rear license plate. However, the other officer immediately corrected this statement and stated that the complainant also failed to yield and turned without signaling. This correction was not caught on the complainant's cell phone footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #11-12: The officers misrepresented the truth

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

FINDINGS OF FACT: The complainant stated that the named officers lied when they said she failed to signal when she made a left turn.

The named officers denied the allegation.

Security footage was obtained from the intersection where the complainant made the left turn. This footage showed that the complainant did not signal.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was the victim of unreported child abuse that occurred in the mid-1970s and early 1980s. The complainant contacted a support organization, who assigned an advocate to help the complainant report the abuse to police. The complainant stated that two uniformed beat police officers were sent to take her initial report, which the complainant said was a failure by SFPD to comply with protocols.

Department records indicate that two uniformed officers responded to the complainant's call for service and completed the initial incident report.

The named officer stated that was the watch commander on the date the report was taken, and in that capacity he responded to orders from the Field Operations Bureau to assign the two uniformed officers to take the initial report from the complainant. The named officer stated that this was standard procedure.

The advocate assigned to the complainant by the support organization also stated that it was standard procedure for uniform officers to attend to take the initial incident report.

DGO 6.16 Sexual Assaults, Section II.C.2 states in part, "When a Child Abuse Section Investigator responds on a case to conduct the investigation, he or she is responsible for making the initial report. If, however, the investigator determines that an immediate interview of the victim is not practical or warranted, he/she may request that the patrol officer complete the initial incident report. In all other cases, the patrol officer shall complete the initial report."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she received a phone call from the named officer the day after filing her initial report of sexual abuse. The complainant stated that the named officer told her that the Statute of Limitations (“SOL”) had run out on her case. The complainant said that when she disputed this, the named officer became rude and discouraged her from continuing with her complaint. The complainant said that the SOL had not expired, and her case was still viable.

The named officer confirmed that he spoke with the complainant and informed her that the SOL had expired. He denied being rude or trying to dissuade the complainant. He said that the complainant would not listen to the information he was trying to provide.

The Assistant District Attorney assigned to review the complainant’s case confirmed that the SOL had expired, and the case was not prosecutable.

The advocate stated that, in her experience, the SOL had expired on the complainant’s case.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/19 **DATE OF COMPLETION:** 08/21/19 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that went to get his eyeball tattooed by an acquaintance. During the process, the individual tattooing the complainant's eyeball went too far into his eye during the while injecting him with tattoo ink which caused his eye to get seriously infected. The complainant went to San Francisco General Hospital the next day where he underwent emergency eye surgery. The complainant wanted to file assault charges against the person who tattooed his eyeball. The complainant felt that the named officer did not properly investigate the case because his acquaintance was never charged.

The chronological of the investigation was obtained. The chronological showed that the named officer conducted a full investigation over a two-month period. A note on the chronological showed that the named officer met with an attorney from District Attorney's office. The ADA stated that they would not prosecute the case due to the fact there was no corroboration, independent witnesses, video evidence, and that the complainant consented to the tattoo.

No witness came forward.

The chronological of the investigation shows that the named officer fully investigated the case over a two-month period. Additionally, the complainant gave consent for the tattoo.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he left multiple voicemail messages, but the named officer did not call him back.

The chronological of the investigation showed that Gimm did not have a phone number listed in the report. The named officer was able to contact the complainant via email and eventually by phone.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/19 **DATE OF COMPLETION:** 08/12/19 **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 she called 911 and requested help with a dispute between herself and her ex-boyfriend. She stated the named officer witnessed her ex-boyfriend spray her in the face with a cleaning product. She stated the named officer failed to search or take action against the male subject.

The named officer stated that he responded to a call for service regarding a property dispute, separated both parties upon arrival, and interviewed each separately. The named officer stated that the female told him that the male had returned all of her belongings. He further stated that the female did not exhibit any signs of pain or injury, and he observed no signs of visible injury. The named officer stated that he did not search the male's vehicle because he did not believe he had probable cause to do so.

Records show that the complainant called 911 seeking assistance with retrieving her belongings and that the call was dispatched as a citizen standby.

Body Worn Camera footage did not show the ex-boyfriend spraying anything on the complainant.

No independent witnesses were identified.

Department General Order 3.10 (Non-Domestic Civil Standby) – provides that officers are to stand by and only give assistance as needed to prevent commission of a crime. The named officer did not violate this DGO.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/19 **DATE OF COMPLETION:** 08/21/19 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/19 **DATE OF COMPLETION:** 08/19/2019 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: In an online complaint, the complainant stated he observed an altercation between a motorist and a police officer and that the officer behaved inappropriately. The complainant did not respond to DPA's request for an interview.

A search for police contacts related to the description of the incident given by the complainant failed to identify an officer involved or an incident.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

The complainant failed to produce additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/19 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers blocked the exit to a convenience store with their bicycles and when he asked the named officers to move, they responded in a rude and sarcastic manner.

The named officers stated they were dispatched to a call of criminal threats. The named officers stated they did not block the exit. The named officers further stated the complainant became irate, stood by the entrance yelling, and never asked them to move.

Records showed the named officers responded to a Priority A call for service regarding criminal threats.

Security video footage, without audio, showed the entrance/exit to the convenience store was unobstructed.

The criminal threat victim stated he observed the interaction between the named officers and the complainant. He stated the officers behaved properly, and that the complainant was rude and overly dramatic.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/19 **DATE OF COMPLETION:** 08/19/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant saw officers take a man to the ground. The complainant stated the officers used a lot of force on the person because she could hear him screaming. The complainant also stated that the person was "wiggling," and the officers were telling him to stop resisting.

Named officer one stated that when he first attempted to contact the suspect, the suspect walked away and began yelling at several females. The suspect was also making threats to kill people. Fearing the suspect might hurt someone, named officer one and named officer two decided to detain the man. Named officer one stated the man started resisting by pulling away and banging his head against a glass window until they fell to the ground. To overcome the man's resistance, named officer one punched the man twice on left side of his face. Named officer one stated the force was necessary to secure the man in handcuffs.

Name officer two stated that the suspect was yelling at people, so they detained him by holding his hands and placing him in handcuffs. Named officer two stated the man tensed his arms and began pulling away and hitting his head against a glass window. A struggle ensued, and all of them fell to the ground. The man continued to resist while on the ground. The officer stated he is CIT-trained, and he attempted to de-escalate by talking to the man and checking his wellbeing upon contact

According to the CAD, the suspect was mentally disturbed, walking in traffic and throwing objects at people. The suspect was also banging on windows and making threats to punch and kill people.

No witnesses came forward.

Body Worn Camera (BWC) footage corroborates the officers' statements. The footage shows that, upon contact with the officers, the suspect made sexually derogatory comments and walked away. The officers followed the suspect and when they attempted to detain him, he resisted. The officers repeatedly ordered the suspect to stop resisting.

The footage also shows the officers attempted to de-escalate the situation by being calm and friendly upon contact with the person. They also advised him numerous times during detention to stop resisting.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/19 **DATE OF COMPLETION:** 08/19/19 **PAGE#** 2 of 2

The officers adequately documented their use of force. The officers reported their use of force to a supervisor, and a sergeant completed a Use of Force evaluation at the scene, declaring the force within guidelines.

The other officers on scene arrived after the person was already detained in handcuffs. They did not witness the use of force.

Under Force Options of DGO 5.01, Use of Force, officers may use physical controls such as control holds, take downs, strikes with personal body weapons, and other weaponless techniques to gain compliance or control over uncooperative or resistant subjects.

The officers' use of force was proportional to the suspect's physical resistance and used for a legitimate law enforcement objective. The evidence proved that the officers' actions were justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he believes that generally, the SFPD is protecting drug dealers at the expense of the citizens. The complainant stated he was detained for a mental health evaluation and did not feel protected by the police during the incident.

The named officer stated that he conducted an investigation which consisted of interviewing witnesses and gathering statements from the complainant. The named officer stated that all of the SFPD members were professional on the scene and that the complainant was treated with care throughout the incident. The named officer stated that the complainant displayed erratic behavior and was taken to San Francisco General Hospital Psychiatric Emergency Services, one of the safest places in San Francisco.

Body Worn Camera (BWC) footage shows that the named officer behaved professionally and spoke with both of the reporting parties who expressed concerns about the complainant's behavior.

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: 05/14/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers wrote an incomplete and/or inaccurate incident report.

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

FINDINGS OF FACT: The complainant was involved in a non-injury collision with another vehicle. The named officers responded, and the complainant alleged the officers inaccurately completed a Collision Information Form when they facilitated the exchange of information between the parties.

DGO 9.02. II H states; “When arriving at the scene of a noninjury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report, follow these procedures: 1. Assure proper exchange of the Collision Information Form and, if necessary, assist each party in completing them. Ensure that any witness information is provided to the parties involved. 2. Arrange for tows and direct traffic if necessary.”

The policy places the obligation for the completion of the Collision Information Form on the involved parties.

Body-worn camera footage showed that the named officers complied with Department policy. They assisted both parties in the completion and exchange of the Collision Information Form. The Collision Information Form indicated that officers provided the complainant with the details of the other driver.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer failed to investigate the other party’s vehicle insurance status or driving license status.

DGO 9.02. II H states; “When arriving at the scene of a noninjury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage.”

Body-worn camera footage showed the named officers did conduct insurance and driving license checks on the other party. The evidence proved that the acts alleged by the complainant did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers displayed inattention to duty.

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

FINDINGS OF FACT: The complainant alleged that the named officers allowed the other party to drive from the scene of the collision without valid insurance or a valid driving license.

Body-worn camera footage showed that the named officers issued the other driver a “Fix-It” citation for a recently expired insurance policy. The officers established via a DMV check that the other driver had an exemption from her driving license suspension when using a vehicle for employment. The other driver was working at the time of the collision.

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: 05/14/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1: The officers arrested a person without cause.

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

FINDINGS OF FACT:

The complainant stated that SFPD officers arrested him without cause. The complainant did not provide additional requested information or evidence necessary to conduct an investigation.

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

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

FINDINGS OF FACT:

The complainant stated officers used unnecessary force when they arrested him. The complainant did not provide additional requested information or evidence necessary to conduct an investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers searched his residence without cause. The complainant did not provide additional requested information or evidence necessary to conduct an investigation.

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

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

FINDINGS OF FACT: The complainant stated that during the search of his residence, officers seized property without cause. The complainant did not provide additional requested information or evidence necessary to conduct an investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officers failed to inform the complainant of the release of the investigative vehicle holds.

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

FINDINGS OF FACT: The complainant stated that officers failed to inform the complainant that the investigative vehicle holds had been released. The complainant did not provide additional requested information and evidence necessary to conduct an investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer, who was driving a marked patrol vehicle, drove erratically and almost hit her while she was in a crosswalk.

The named officer stated he did not drive erratically, nor did he almost hit a pedestrian in a crosswalk.

The named officer's partner stated he did not recall the incident.

No independent witnesses were identified.

A canvas of the area did not find any active cameras that could have recorded the interaction.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she heard the named officer say the word "pussy" while soliciting a prostitute.

The named officer denied soliciting a prostitute and stated he would never engage in that type of criminal activity. He also denied saying the word "pussy" and stated he would never use that word when speaking to members of the public.

The named officer's partner stated he does not recall seeing the named officer solicit a sex worker and never heard him say the word "pussy." He stated this incident was manufactured and that any allegations that the named officer was soliciting a prostitute is ridiculous.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 2 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 observed the named officer, who was driving a patrol vehicle, to have dilated pupils and appearing under the influence of a substance.

The named officer denied being under the influence of prescription medication, alcohol, or illicit drugs.

The named officer's partner stated the named officer has never appeared under the influence of any controlled substance while on duty. He stated this incident is completely manufactured and that any allegations that the named officer was high on narcotics were "completely ridiculous."

No independent witnesses were identified.

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

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 the named officer failed to provide his badge number upon request.

The named officer stated he did not recall the interaction with the complainant. He further stated he always provides his name and star number upon request.

The named officer's partner said he did not recall the complainant asking the named officer for his badge number.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity when he asked her, "What the fuck are you doing."

The named officer stated he did not recall this incident and denied using profanity. He stated, "What the fuck are you doing" is not something he would while on duty.

The named officer's partner stated he did not recall his partner saying to the complainant, "What the fuck are you doing."

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/19 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the named officer wrote an inaccurate Traffic Collision Report by attributing an incorrect statement to him that “he accelerated in order to make the yellow light.” He stated the inaccurate statement resulted in the named officer finding him at fault.

The named officer stated he authored the Traffic Collision Report, but he did not interview the complainant. He stated he received the complainant’s statement from a witness officer. The named officer acknowledged that he wrote that the complainant “accelerated in order to make the yellow light.” He stated he received that information from the witness officer but did not recall if it was verbatim. He stated his determination of fault would still stand if the complainant told him the light was green and had just turned yellow, which is what the complainant told the witness officer on body worn camera. He stated his determination was based on his experience and statements made by the driver and passenger of the other vehicle.

A witness officer took a statement from the complainant at the scene of the traffic accident and provided the statement to the named officer. The complainant told the witness officer that he was going through a yellow light and he honked at an on-coming car.

Body worn camera footage showed the named officer only provide a case reference number to the complainant. The footage showed the witness officer take a statement from the complainant who said he was coming through the intersection and was honking to let the other car know he was coming through. The complainant stated his light was green and had just turned yellow. He said he didn’t put his brakes on because he thought the other driver was going to get out of his way.

The Traffic Collision Report documented the complainant’s statement that he “accelerated in order to make the yellow light through the intersection.” The report indicated that the on-coming car was making a left turn from a left turn only lane, controlled by a left turn arrow light. It also documented the other driver indicated that he had a green arrow when the complainant crashed into his vehicle. The passenger in the oncoming car stated he witnessed the complainant driving at an accelerated speed and believed the complainant “stepped on the gas” in an attempt to cross the intersection.

The 2019 California Driver’s Handbook states, “A yellow traffic signal light means ‘CAUTION.’ The red signal light is about to appear. When you see the yellow traffic signal light, stop if you can do so safely. If you cannot stop safely, cross the intersection cautiously.” 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: 05/20/19 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer told him cameras posted at the intersection, where the traffic accident occurred, would have captured the entire incident.

The named officer did not recall telling the complainant that there were cameras that would have captured the entire incident.

Body worn camera footage showed that the named officer provided the complainant with a case reference number; and at no time did the named officer discuss cameras with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/19 **DATE OF COMPLETION:** 08/19/19 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint has been 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: 06/28/19 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 1 of 1

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 refused to discuss her case where she was the victim of a stalker.

The named officer stated he had no recollection of ever speaking with the complainant in-person or on the telephone.

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: 06/28/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer illegally towed his vehicle.

Body worn camera showed the named officer speak to two witnesses who observed the complainant hit a parked vehicle without stopping. The witnesses described to the named officer a vehicle that matched the vehicle registered to the complainant. In addition, the witnesses provided the named officer with a description of the driver which matched the description of the complainant.

Department records identified the complainant's vehicle as the vehicle involved in a hit-and-run. The vehicle was located a block away and its airbags were deployed. The named officer was not able to interview the complainant as he fled the scene and failed to respond to the named officer's multiple attempts to contact him. The named officer towed the complainant's vehicle because it was involved in a hit-and-run.

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: 06/28/19 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

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

SAN FRANCISCO SHERIFF'S DEPARTMENT
INVESTIGATIVE SERVICES UNIT
25 VAN NESS AVE, SUITE 350
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that he called 911 regarding smoke in his apartment. He stated that several officers then illegally entered his residence later that morning.

Department records show that the complainant called 911 complaining of threats and harassment, then told the 911 dispatcher that he would make a report later because he was leaving his house. No officers were identified or dispatched to the scene because the complainant did not mention any smoke and told dispatch that he would file the report at a later time. Department records do not reflect any later calls from the complainant.

The manager of the complainant's building said that the complainant never complained about smoke in his apartment, and that there was no police presence at the building on the dates the complainant reported it occurring. The complainant's boyfriend stated that he was in the complainant's apartment on the date of the incident and witnessed neither smoke nor any police officers entering the unit.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that several officers searched his residence after he called 911.

Department records show that the complainant called 911 complaining of threats and harassment, then told the 911 dispatcher that he would make a report later because he was leaving his house. No officers were identified or dispatched to the scene because the complainant did not mention any smoke and told dispatch that he would file the report at a later time. Department records do not reflect any later calls from the complainant.

The manager of the complainant's building said that there was no police presence at the building on the dates the complainant reported it occurring. The complainant's ex-boyfriend stated that he was in the complainant's apartment on the date of the incident and did not witness any police officers entering the unit.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officers improperly seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the day after he called 911, officers went to his apartment and seized his property.

Department records show that the complainant never made a formal report because he told the 911 operator that he was leaving the house and would make a report at a later time. Department records show he never made such a report.

Two witnesses who were at the complainant's building stated that they did not observe any police presence or activity at the complainant's apartment on the dates the complainant stated it occurred.

One witness stated that he believed the complainant was suffering from mental health issues on the date of the incident and believed that various household items were explosive devices.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 1 of 10

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force.

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

FINDINGS OF FACT: The complainants, a juror and deputy public defender in a trial on a misdemeanor charge of assault on a police officer, stated that officers subduing a naked man trespassing in an apartment laundry room used unnecessary and excessive force. The complainant stated Body Worn Camera (BWC) footage played during the trial showed SFPD officers approaching the subject in a laundry room. As they approached, the subject was naked and holding nothing more than a cork bulletin board. The complainant stated the officers approached and hit the subject, and one of the officers grabbed the subject, threw him to the floor and may have choked him. The subject bit the officer and then other officers hit the subject in the face multiple times.

The co-complainant stated that in the BWC footage, officers approached the subject, who was hiding in the corner, naked, holding a corkboard as a shield. The co-complainant stated that when the subject grabbed an officer's baton, it appeared he was reacting to falling. When an officer was pushing away the corkboard, both he and the other officer grabbed the subject to handcuff him and in the process, pulled him off balance. An officer then grabbed the subject and slammed him into a row of washers before throwing him to the ground and choking him. The co-complainant believed that one officer – when telling the other officers to punch the subject in the face – was acting in retaliation. She also thought one officer purposely pulled the subject's hair and applied handcuffs too tightly in retaliation for his resistance.

Named officer #1 stated he responded with his partner, named officer #2, to a call for trespass regarding a naked male locked in a laundry room. Named officer #1 stated after talking to a witness who had reported the incident, he believed the subject was either on drugs or was mentally ill. He stated that before opening the locked door, he did not believe the subject posed an immediate threat to officer safety. Named officer #1 stated the officers spoke to the subject through the door, but he refused to open it. A non-officer witness kicked the door open and named officer #1 saw the subject in the corner of the room, naked, with a corkboard around his wrist.

Named officer #1 stated that when the door was opened, the subject's resistance was passive non-compliance. Named officer #1 stated he was concerned for officer safety because there were many spaces in the room he could not see. He said that when they entered the room, the officers tried to de-escalate the situation by commanding the subject to put his hands up. He stated the subject instead stood stationary in the room with the corkboard still on his wrist, by his waist. Named officer #1 said when the door was opened, the subject was not actively resisting because he was too far away. Named officer #1 stated the officers decided to go hands-on with the subject because they felt like talking to him was having no effect.

The officer said he gave verbal commands to the subject and the subject remained stationary with a corkboard on his arm.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 2 of 10

Named officer #1 stated that when the officers attempted to grab the subject, the subject began to resist and thrash around. An officer then used a takedown technique causing the subject to fall to the ground. The subject then continued to thrash around, and an officer called out that the subject was biting him, so named officer #1 punched the subject in the face; once the subject stopped biting, he stopped punching. He did not recall seeing an officer using a chokehold on the subject.

Named officer #2 stated he and his partner, named officer #1, saw another officer walking into a building, and they followed, to assist. He said he did not receive any information about the type of call he was responding to until he entered the building. Named officer #2 and another officer knocked on the door with their batons and attempted to speak to the subject. He stated he attempted to de-escalate by ordering the subject to open the door. He said at this point, the subject did not pose an immediate threat and was not actively resisting or attempting to evade the officers. Named officer #2 stated after the door was kicked open, the subject ran at the officers with the corkboard above his head. He said once the door was open, the subject was resisting because he had a corkboard in his hands and ran at the officers. Named officer #2 stated that walking into the room with his baton out was a proportional use of force, "because if the subject doesn't have any weapons, then we would be at the same level, and I don't want to walk into something at the same level. So, I would walk in with something that gives me a bigger proportion than him."

Named officer #2 stated the officers then approached the subject, and the subject grabbed onto an officer's baton. Named officer #2 stated he then struck the subject once in the leg with his baton. Another officer then wrestled the subject to the ground to handcuff him. Named officer #2 stated he tried to control the subject's hands but was unable to. An officer then yelled that the subject was biting his bicep and the named officer #2 stated that punched the subject in the face, stopping as soon as the subject stopped biting the officer. Named officer #2 stated the subject continued to resist, so he delivered several distractive strikes to his torso to get him to release his hands from under his body.

A third officer who used the initial force on the suspect was on extended disability, was unavailable for a DPA interview, and is therefore not the subject of this report. The DPA will address allegations against this officer when he returns from disability.

A witness to the officers' actions at the scene stated when the officers entered the room, they told the subject to get down on the ground. He stated the officers then approached the subject, who kicked at them. The witness stated he did not recall if the officers displayed batons. He stated one officer took the subject to the ground, and while on the ground one officer had his arm around the subject's neck.

Body Worn Camera (BWC) shows three officers enter the room with two officers holding raised batons. The subject, who is naked, is standing in the corner of the room with his hand through a hole in a corkboard. The corkboard was hanging from his wrist. As the officers approach the subject, the subject lifts the corkboard over his head. One officer uses his baton to push the corkboard away. The subject

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 3 of 10

drops the corkboard and takes hold of the officer's baton. The officer grabs the subject by the hair and puts an arm around the subject's neck and pulls the subject to the ground. Once on the ground, the officer remains on top of the subject, who maintains hold of the officer's baton. The officer then yells that the subject is biting his bicep, and the named officers strike the subject in the face multiple times. The officers then place handcuffs on the subject and hobble his feet. BWC footage also shows an officer reporting that he choked and punched the subject.

A Subject Matter Expert (SME) who reviewed the BWC and other case evidence stated the officers should have treated the incident as a mental health and barricaded subject call. She stated the officers should have called a supervisor for further instructions rather than entering the room immediately. She stated there was no urgent need to get into the room and the officers should have slowed down the situation and called for assistance as per the Department's training. The SME stated the named officers' actions created an unsafe situation that forced the officers to use force on the subject.

DGO 5.01 governs the use of force by members of SFPD. The order reads, "When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time." The DGO also directs officers not to use force on vulnerable populations, such as individuals who are physically and/or mentally disabled, unless all other reasonable means have been exhausted.

The officers failed to de-escalate the situation and unnecessarily provoked a physical confrontation. However, the two named officers did not use force until the subject began resisting and actively fighting with a third officer. For these two, discrete, named officers, the use of force was technically a proper response to active resistance, but the DPA cannot find proper conduct because the officers' failure to de-escalate provoked the physical confrontation, and officers should not have put themselves in the situation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 4 of 10

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

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

FINDINGS OF FACT: The complainants stated the named officers failed to activate their Body Worn Cameras (BWC) at the start of the incident. The complainants additionally stated named officers muted their BWC.

Named officer #1 stated he did not turn on his BWC at the beginning of the incident because he did not know what type of incident he was responding to. He said he complied with DGO 10.11 because he activated his camera during the use of force. He further stated he complied with DB 17-156 because he only muted his BWC to discuss tactical information.

Named officer #2 stated he and named officer #1 responded to an A-priority trespassing call. He stated, while on the scene, they spoke to a witness who advised them of the details of the incident, including the location and actions of the alleged trespasser. Named officer #2 admitted he did not comply with DGO 10.11 and DB 17-156.

A third officer who used force on the suspect was on extended disability and was unavailable for a DPA interview.

Department records, specifically the CAD from the incident, indicate that the reporting party called the police and reported a naked trespasser locked in an apartment building laundry room.

BWC footage shows the named officers turned on their BWC during the use of force. The named officers muted their BWC while interviewing witnesses and while reporting their use of force to their supervisor. Both officers' BWC were muted for over five minutes. BWC footage does not show the officers arriving on scene, speaking to the reporting party, knocking on the laundry room door, or when the door was kicked in by an apartment building employee.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 5 of 10

Because the officers were informed in advance of their contact with the complainant that he was a crime suspect, and failed to activate their BWC as directed by DGO 10.11, there is no complete, objective record of what was reported to the officers on scene and how the officers responded.

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

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer acted inappropriately when he muted his BWC and reenacted the use of force while laughing.

The named officer stated he was miming the incident because it was a stressful situation. The named officer stated his actions were reasonable because he was not speaking to the public or the suspect. He was talking to his partner right after he was in a fight.

The named officer's partner stated he didn't recall the named officer reenacting the incident.

Body Worn Camera footage shows the named officer smiling and reenacting the use of force.

DGO 2.01 (9) MISCONDUCT, states in pertinent part, "... [A]ny conduct by an officer . . . that . . . reflects discredit upon the Department . . . shall be considered unofficer-like conduct subject to disciplinary action."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 6 of 10

SUMMARY OF ALLEGATIONS #6-7: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainants, a juror and public defender in a trial on a misdemeanor charge of assault on a police officer, stated that officers responding to a report of a naked man trespassing in a apartment laundry room, failed to follow SFPD rules governing the use of force. They stated the officers encountered a man in mental crisis, failed to establish rapport with him, failed to use an approach that would have ensured the safety of the subject and the officers, failed to call a supervisor and apply the concepts of time and distance. Then, after failing to attempt any real de-escalation techniques, used a banned chokehold to subdue the man. The actions of the police officers led to injury of an officer and the subject.

Named officer #1 said he responded with his partner, named officer #2, to a trespassing call regarding a man who had locked himself in a laundry room. Named officer #1 stated after talking to the property manager, he believed that the subject was either on drugs or mentally ill. He said he was concerned the subject was going to break a gas line but took no steps to turn off the gas. Named officer #1 stated he did not call for a supervisor to respond to the scene, nor did any other officer. He said he and two other officers tried to talk to the subject through the door. The subject told them he did not believe they were with SFPD because the subject did not think he was in San Francisco. He refused to exit the room.

The officers said they needed to breach the door. Named officer #1 said he also did not know if the subject had any weapons in the room. He said an officer advised the property manager that they could not break the door down without a supervisor's approval, but the property manager could. The property manager then kicked the door in and the officers entered the room. Named officer #1 said he saw the suspect in the corner of the room, naked, with a corkboard attached to his wrist. The suspect was standing still, looking at the officers. Named officer #1 stated there were a lot of spaces in the room that he could not see, and the situation seemed out of control. Named officer #1 stated they gave up cover and distance and approached the suspect because he felt he needed to take control as talking had been unsuccessful.

Named officer #2 said the officers tried to de-escalate by commanding the subject to put his hands up. He stated the suspect did not comply. Named officer #2 stated he was worried the subject could harm the other officers and so he attempted to grab the subject's wrist to control his hands. The subject began to thrash around. Named officer #2 said officer #1 took the subject to the floor. The subject continued to resist efforts to subdue him, and an officer told him the subject was biting him, so he punched the suspect in the face to make the subject stop biting. He did not recall seeing named officer #1 use a chokehold on the suspect. Named officer #1 acknowledged the entire interaction with the subject from arriving on the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 7 of 10
scene to the use of force was reported was seven minutes. When asked if there was any other force or tactical options the officers could have taken named officer #1 stated, "We could have sat outside and continued frivolously talking to him." Named officer #1 stated he did not comply with DGO 5.01 De-escalation techniques.

Named officer #2 stated he and his partner, named officer #1, saw another officer walking into a residential building and followed to assist. He stated he did not receive any information regarding the incident before entering the building. He said the property manager/reporting party advised him that there was a naked man in the laundry room who refused to leave. Named officer #2 and another officer knocked on the door with their batons. He stated he attempted to de-escalate by ordering the suspect to open the door. He stated an officer told the property manager he could kick the door down. Named officer #2 stated the property manager then kicked open the door.

Named officer #2 said when the door was kicked open, the subject ran at the officers with the corkboard above his head. Named officer #2 stated one when the officers approached the suspect grabbed a hold of an officer's baton and the named officer #2 used his baton once on the subject's leg. The officer then wrestled the subject to the ground to handcuff him. Named officer #2 stated as he tried get control of the subject's hand, the subject bit an officer's bicep. Named officer #2 then stuck the subject in the face, stopping him from biting the other officers' arm. Named officer #2 stated the subject continued resist so he delivered several distracting strikes to his torso to get him to release his hands from under his body.

A third officer who used force on the suspect was on extended disability and was unavailable for a DPA interview.

A witness stated he called 911 Emergency and reported a naked man had locked himself in a laundry room. He also told them he was concerned the man could pull a gas line out of the wall. The witness stated he met with the officers outside the building, briefed them and provided them with photos of the man he had taken inside the laundry room. He stated he then took the officers downstairs, where the officers spoke to the subject through the door. The subject refused to come out and the witness said an officer told him that they could not break the door without a supervisor's permission but that he could.

A Department instructor in Critical Incident Training and on subjects experiencing mental health issues stated the information the officers received at the scene should have made them treat the call as a mental health matter with a barricaded suspect. The officers then should have called a supervisor for further instructions. The CIT instructor stated that as there was no urgent need to get into the room, the officers should have slowed down the situation and called for assistance as per Department training. The CIT instructor also stated the named officers created an unsafe situation that led to the officers' use of unnecessary force on the subject.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 8 of 10
Police records show that the use of force against the subject was documented in two separate evaluations and two supervising officers conducted evaluations of the use of force, which they found reasonable. The evaluation did not include that an officer reported choking the subject. The reports also contained multiple errors, and one report was not signed or submitted to SFPD legal.

DGO 5.01 governs the use of force by members of SFPD. When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. It requires that officers establish communication with non-compliant subjects before resorting to force options, and it directs officers to seek assistance from Crisis Intervention Team (CIT) trained officers when dealing with individuals experiencing mental or behavioral health crisis. It also directs officers not to use force on vulnerable populations, such as individuals who are physically and/or mentally disabled, unless all other reasonable means have been exhausted.

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

SUMMARY OF ALLEGATION #8: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainants stated the named sergeant failed to investigate the use of force, because there was no indication in Department records that a responding officer had choked a subject.

The named sergeant acknowledged she completed a Supervisor Use of Force Evaluation for one of three responding officers because she was only responsible for officers assigned to her station. Additionally, the named sergeant stated she did not report or investigate that one of the officers admitted to choking the subject. The named officer acknowledged, after reviewing footage from her own Body Worn Camera (BWC), that the officer reported to her that he choked the subject.

Another sergeant at the scene stated an officer reported to both himself and the named sergeant that he had choked the subject. That sergeant stated he did not report or investigate the choking, because the named sergeant was present when the statement was made and she was responsible for reporting and evaluating the use of force.

Department records show that the officer's use of choking was not documented in the evaluation. The records included some officers' additional uses of force against the subject and that the named sergeant

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 9 of 10
found the uses of force reasonable. The documents showed that the named sergeant only evaluated one of the officers and did not include uses of force by two other officers.

Body Worn Camera Footage shows an officer telling the named sergeant that he punched and choked the subject.

DB 17-006, SUPERVISORY USE OF FORCE EVALUATION FORM, states in pertinent part, "Every reportable use of force incident shall require a supervisor to respond to the scene and conduct a Supervisory Use of Force Evaluation . . . The evaluation shall be filled out in its entirety for each use of force incident. If more than one subject or officer is involved in the incident, a supervisor shall utilize the Additional Subject(s) or Additional Officer(s) forms.'

DGO 5.01.VI .B.3 PROHIBITED USE OF CHOKE HOLDS, states, "Officers are prohibited from using the following control holds . . . b. Choke hold--choking by means of pressure to the subject's trachea or other means that prevent breathing."

DGO 5.01.VII.B.2., SUPERVISOR'S RESPONSIBILITY, states in pertinent part, "When notified of the use of force, the supervisor shall conduct a supervisory evaluation to determine whether the force used appears reasonable and within the provisions of this order... If a supervisor determines that a member's use of force is unnecessary . . . the supervisor shall notify his/her superior officer."

The officers failed to de-escalate the situation and unnecessarily provoked a physical confrontation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/18 **DATE OF COMPLETION** 08/06/19 **PAGE#** 10 of 10
SUMMARY OF DPA-ADDED ALLEGATION #1: The officer violated a person's Miranda Rights.

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

FINDINGS OF FACT: The named sergeant's Body Worn Camera footage shows her asking the subject questions after he invoked Miranda protections by stating that he did not want to answer any questions.

The named officer stated she did not violate the subject's Miranda Rights because he did not request an attorney.

DB 17-102 provides a case update with a section titled Fifth Amendment: Garcia v. Long, 808F. 3d. 771 (9th Cir. 2015), which states, "[o]nce a suspect clearly and unequivocally invokes Miranda right to remain silent officers may not question him or her any further."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/18 **DATE OF COMPLETION:** 08/09/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used excessive force

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

FINDINGS OF FACT: The complainants stated that an SFPD officer violently struck a female juvenile, slammed her head onto the hood of a patrol car and allowed her to fall to the side which caused her to hit her head on the ground and lose consciousness.

The named officer stated that as he was starting to take the juvenile into custody for an outstanding warrant, she spat in another officer's face. The named officer then stated as he was walking the same juvenile to the patrol car, she spat in his face. In order to prevent the juvenile from spitting on him again, he struck her in the face with an open palm and pushed her face away. The named officer assisted in placing the juvenile over the hood of the patrol car but stated that the force used was just enough to control her and hold her down. The named officer did not know or remember if the juvenile's head hit the hood of the patrol car but stated that the juvenile did not complain of injury or pain after the strike and that he notified his sergeant about the use of force.

A witness officer stated he observed the juvenile spit at one officer's face initially and then again at the named officer while walking to the patrol car. The witness officer stated that he observed the juvenile about to spit at the named officer when the named officer used an open palm to preventatively strike the juvenile. He said after the strike, the juvenile did not react with any pain behavior. The witness officer also stated that the juvenile was pushed gently over the hood of the patrol car and that he did not see her hit her head or hear her make any exclamation of pain.

BWC showed that the juvenile, when being moved away from the hood of the patrol car, went limp and was unresponsive. Medical records showed that medical professionals were unable to determine if the juvenile was malingering or in fact lost consciousness.

The named officer's sergeant completed a supervisory use of force evaluation and determined that the use of force was reasonable.

DPA was unable to obtain interviews or statements from either the juvenile or an independent civilian witness.

There insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer failed to properly process and document property.

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

FINDINGS OF FACT: The complainant stated that he was selling merchandise outside of AT&T Park when two white men in plain clothes approached him and told him he could not sell merchandise. The complainant stated that he was not sure if the two men were police officers. The complainant stated that several police officers rode up on bikes and grabbed him while the two men in plain clothes took his property. The complainant stated that the named officer prevented him from protecting his property and did not give him a receipt for the property that was taken.

The named officer stated that he was patrolling the parking lot outside of AT&T Park on an overtime assignment. He stated his assignment was to provide security for the concert. The named officer stated that the men in plain clothes had told him earlier that they were hired by the Ed Sheeran company to take property being sold without a license, and they would call for back-up if necessary. He stated that he responded to the scene because he heard yelling between the complainant and the men, and his intention was to de-escalate the situation and make sure no one was harmed. He stated he conducted a warrant check on the complainant while the concert employees took the complainant's concert t-shirts and bags. The named officer stated that a sergeant advised the officers not to take any action against the complainant because it was a civil matter. The named officer stated that he did not know what happened to the property taken by the concert employees because SFPD did not take the property. The named officer further stated that he did not provide a property receipt to the complainant because SFPD did not take the property.

Department of Emergency Management (DEM) Computer Aided Dispatch (CAD) identified the contact as a 917, suspicious person. CAD indicated that the complainant was advised.

Body Worn Camera (BWC) video showed two men in plain clothes tell the complainant that he could not sell the merchandise without license and permit. Video showed the two men gather the property. BWC video showed the named officer detain the complainant and conduct a warrant check while the men took the property.

Witness officers stated that the men in plain clothes were civilian employees hired by the concert promoter for bootleg and counterfeit merchandise abatement. Witness officers confirmed that the men in plain clothes, and not SFPD, took the complainant's property. Witness officers confirmed that a sergeant instructed them to treat the taking of property as a civil matter.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 2 of 6

SFPD Department General Order 6.15, Property Processing, section III.A. states, in part:

1. **PROPERTY RECEIPT FORM.** When taking or receiving Property for Identification from a person (including an arrestee), complete a Property Receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report.

The evidence established that the named officer did not take or receive property from the complainant.

A preponderance of the evidence established that the named officer did not violate Department General Order 6.15, Property Processing.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer did nothing to protect him or his property.

The named officer stated that the men in plain clothes had told him that they were hired by the Ed Sheeran company to take property being sold without a license. He stated that he responded to the scene because he heard yelling between the complainant and the men, and his intention was to de-escalate the situation and make sure no one was harmed. He stated he conducted a warrant check on the complainant while the concert employees took the complainant's concert t-shirts and bags. The named officer stated that a sergeant advised the officers not to take any action against the complainant because it was a civil matter. The named officer stated that he did not know what authority the concert employees had to take the property.

Witness officers stated that the men in plain clothes were civilian employees hired by the concert promoter for bootleg and counterfeit merchandise abatement. Witness officers confirmed that a sergeant instructed them to treat the taking of property as a civil matter. Witness officers stated that they did not know what authority the concert employees had to take the property; that it was considered a civil matter.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 3 of 6

A witness sergeant stated that he was the supervisor for the interior deployment of the Ed Sheeran concert. The witness sergeant stated that the promoter will typically let police know if there are private enforcement officers there to take what they suspect is unlicensed material. The witness sergeant stated that they were not aware that these private enforcement officers were working this event until an officer brought it to his attention. He further stated that they have a "hands-off" approach unless anything criminal happens even when they are aware of private enforcement officers on scene. The witness sergeant stated that generally the police will assist when summoned by the promoter and private security for police assistance. The witness sergeant stated that he did not know what authority the civilian employees had to take the property but that it was a civil matter.

BWC video showed the two men in plain clothes taking the complainant's property. BWC video showed several police officers standing around the complainant, who was heard stating, "These guys are stealing from me!" BWC video showed one of the men in plain clothes say, "We're taking this stuff that you can't sell here." The complainant replied, "You're stealing my property." BWC video showed the named officer detain the complainant and advise him that he could not sell without a permit.

Correspondence from the concert promoter stated that there were no federal orders or documentation granting authority for the taking of property by private security outside of the concert. Correspondence from the concert promoter also stated that, although there were private security personnel at the concert, the promoter did not authorize anyone to take unlicensed merchandise.

There is no legal authority for a company to seize materials of a person based on copyright infringement. Nonetheless, all the officers were genuinely unaware or misunderstood if copyright infringement laws authorized the private company to seize evidence. The evidence therefore proved that the action complained of was the result of inadequate or inappropriate training or an absence of training when viewed in the light of Departmental policy and procedure.

The SFPD must immediately retrain its officers and offer specific training on the circumstances under which a private party may seize allegedly counterfeit materials.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 4 of 6

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

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

FINDINGS OF FACT: The complainant stated the named officer “assaulted and battered” him. He stated the named officer grabbed him by his clothes and poked him. The complainant stated he needed to see a Use of Force Log.

The named officer stated that he poked the complainant to get his attention because he was not listening. He stated he was trying to defuse the situation. The named officer denied that his actions constituted use of force.

Witness officers denied that force was used on the complainant during this incident.

BWC video showed the named officer lightly poke the complainant in the right shoulder several times. The named officer is not seen grabbing the complainant.

SFPD Department General Order 5.01, Use of Force, section II. defines personal body weapons and reportable force, as follows:

- D. **PERSONAL BODY WEAPONS.** An officer’s use of his/her body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject.
- ...
- F. **REPORTABLE FORCE.** Any use of force which is required to overcome subject resistance to gain compliance that results in death, injury, complaint of injury in the presence of an officer, or complaint of pain that persists beyond the use of a physical control hold. Any use of force involving the use of personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, and firearms. Any intentional pointing of a firearm.

The evidence proved that the named officer lightly poked the complainant on his shoulder. While the act of poking the complainant was found to be improper (see DPA-ADDED ALLEGATION #2, *infra*), the act does not rise to use of force as defined by DGO 5.01.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 5 of 6

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

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

FINDINGS OF FACT: The DPA requested BWC footage associated with this incident. SFPD Legal provided two responsive video files, neither of which belonged to the named officer.

The named officer stated that he did not activate his BWC because he did not feel it was necessary. The named officer stated that the complainant was hostile, but later stated that he understood “hostile” in DGO 10.11 to mean “physically hostile.” The named officer denied that the complainant was detained.

A witness officer stated that he activated his BWC because the complainant was detained, he was investigating possible police action, and the complainant was hostile during the initial contact.

A second witness officer stated that he activated his BWC because it looked like the complainant and the men in plain clothes were “about to fight.”

BWC video showed the complainant appear to be agitated and yell at the named officer during the initial contact. Video showed the named officer order the complainant to sit down. BWC video showed officers detain the complainant.

SFPD Department General Order 10.11, Body Worn Camera, section III. states, in relevant part:

- C. Authorized Use. All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:
 - 1. Detentions and arrests; . . .
 - 11. During any citizen encounter that becomes hostile.

Evidence established that officers detained the complainant, and the complainant was initially hostile. DGO 10.11 mandates that officers activate their BWC when someone is detained or during an encounter that becomes hostile. The named officer did not activate his BWC as required by DGO 10.11.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/18 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 6 of 6

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: BWC video footage showed the named officer poking the complainant repeatedly in the right shoulder while asking him, "Is this excessive force? Is this excessive force?" The complainant replied, "Yes, it is," to which the named officer stated, "Ok, then sit the fuck down." BWC also showed the named officer say to the complainant, "So do you want a gun then? I'll give you mine. You want one?"

The named officer stated he was poking the complainant because the complainant was not listening to him and he was trying to get the complainant's attention. The named officer acknowledged that his use of profanity was disrespectful and that his statement to the complainant about his gun was inappropriate.

SFPD Department General Order 2.01, General Rules of Conduct, states, in relevant part:

9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

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

The named officer's behavior and language toward the complainant reflects discredit upon the Department pursuant to DGO 2.01.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was a victim of a stabbing and that the named officer did not obtain her statement at the hospital and refused to take a report. The complainant believed the named officer did not investigate the stabbing.

The named officer stated that he conducted a preliminary investigation, gathered evidence, determined there was probable cause to make an arrest and collaborated with the District Attorney's Office to ensure a criminal prosecution.

Police records showed that the named officer took a report, interviewed witnesses, collected evidence, and reviewed security footage. The review of the security footage confirmed the identity of the suspect that stabbed the complainant. The officers located and detained the suspect.

Body Worn Camera footage shows officers attempting to obtain a statement from the complainant at the scene. The complainant was unable to provide a description or the name of the suspect. The complainant told the named officer she did not know what happened.

The complainant made inconsistent statements and acknowledged she was under the influence of alcohol and had unclear memories of the incident.

The evidence proved that the named officer did speak to the complainant, but the complainant was unable to recall relevant information about the incident. The evidence additionally showed the named officer collected evidence, video footage, interviewed witnesses, and identified and detained the suspect. The evidence proved that the acts alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer called her friend a bum. During the interview with DPA, the complainant made inconsistent statements and acknowledged she was under the influence of alcohol and had unclear memories of the incident.

The named officer stated that he did not recall speaking to the complainant about her friend. He stated he was always professional with the complainant.

Body Worn Camera footage does not capture the named officer calling the complainant's friend a bum. The complainant refused to cooperate with the stabbing investigation and was subsequently treated by the paramedics and transported to SFGH.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/18 **DATE OF COMPLETION:** 08/19/19 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer stopped him for having expired vehicle registration and detained him for violation of a stay-away order. The complainant stated that the named officer told him he was going to arrest him for the stay-away order but instead released him because the stay-away order was not valid. The complainant stated that the named officer seized his cash and cell phone without cause. The complainant stated that the named officer also towed his car. The complainant stated that he was able to get his car back but was unable to retrieve his property.

The named officer stated he detained the complainant because his vehicle registration was expired. The named officer stated that he discovered that the complainant had a stay-away order from the area of the stop, so the named officer placed the complainant under arrest. The named officer stated that he searched the complainant incident to arrest and found 15 green pills in a clear plastic bag and over \$1,000 dollars in cash. The named officer stated that he conducted a tow inventory search of the complainant's vehicle and found 18 white pills in a prescription bottle with no prescription label. The named officer stated that the way the pills were packaged caused him to believe that the pills were packaged for the purpose of sales. The named officer stated that the language in the stay-away order was vague and that there were no distances indicated, so he decided not to arrest the complainant for the stay-away order. The named officer stated that his sergeant ordered him to return to a fixed post, so he did not arrest the complainant for possession of pills for the purpose of sales despite having enough evidence to do so. The named officer stated that instead, he seized the pills, money and the complainant's cell phone and booked them as evidence for the case to be forwarded and reviewed by the Narcotics Unit. The named officer stated that he gave the complainant a Property Receipt and Certificate of Release and released him at the scene.

A witness officer corroborated the named officer's reason for the stop and the named officer's arresting and subsequently releasing the complainant for the stay-away order because of its vague language. The witness officer stated that he also believed the complainant was in possession of the pills for purpose of sales based on the large quantity of pills and the way they were packaged. The witness officer stated that the area of the stop is commonly known by officers as "Pill Hill" due to the large amount of prescription pills illegally bought and sold in the area. The witness officer confirmed that a sergeant had ordered the officers to return to a fixed post and that this was the reason the named officer did not arrest the complainant for possession of pills for the purpose of sales.

The San Francisco Police Department (SFPD) Incident Report corroborated the named officer's and witness officer's statements. The report indicated that the named officer issued the complainant a

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 2 of 4

Property Receipt and Certificate of Release, and the complainant was released on scene pending further investigation by the SFPD Narcotics Unit.

Department records indicated that the case was assigned to the SFPD Narcotics Unit.

Body Worn Camera (BWC) video shows the named officer stopping the complainant for expired registration and detaining him for a stay-away order. BWC shows the named officer searching the complainant and seizing a clear plastic bag of pills and cash from the complainant's pockets. BWC shows the named officer and a witness officer discussing arresting the complainant for sales of narcotics. BWC shows the named officer obtaining a sergeant's permission to tow the complainant's vehicle. BWC shows the named officer searching the complainant's vehicle and seizing a bottle of pills from between the vehicle's rear seats. BWC shows the named officer requesting a tow for the complainant's vehicle for expired registration over six months. BWC shows the named officer telling the complainant that they were going to release him, that they were going to write a report and seize the evidence, and that they were going to tow his car. BWC shows the named officer counting the US currency and issuing the complainant a Property Receipt and Certificate of Release, both of which the complainant signed. BWC shows the named officer telling the complainant that he is seizing the pills, money, and cell phone as evidence for further investigation because he believed the complainant was in possession of drugs for the purpose of sales.

When an officer, in the course of his lawful duties, discovers property in plain view that he or she reasonably believes is evidence of a crime, the officer may seize the property without a warrant. *Horton v. California*, 496 U.S. 128, 142 (1990). In this case, the named officer lawfully seized the vehicle for expired registration pursuant to California Vehicle Code 22651(o), and the officer lawfully arrested complainant for a violation of a stay away order. During the inventory search of the vehicle and search incident to arrest of his person, the officer found over \$1,000 dollars in cash, 15 green pills labelled OP in a plastic bag, 18 white pills in a prescription bottle with no prescription label, and a cell phone. The officer therefore reasonably concluded the pills, cash, and cell phone were evidence of illegal narcotics trafficking.

The evidence that the officer released complainant at the scene provides insufficient evidence that the officer's initial arrest was a pretextual basis to conduct a search incident to arrest. The officer initially arrested complainant for being at 95 Leavenworth in violation of a stay-away order for 60 Leavenworth. The two addresses are less than a block away of each other and the stay-away order did not provide clear information about distance. Under those circumstances, it was not unreasonable for the officer to conclude that complainant's presence at 95 Leavenworth violated the stay-away order. Furthermore, the officer provided a sufficiently plausible reason for not proceeding with the arrest. The named officer and witness officer stated that they were called away to a fixed post. No evidence in the record contradicts or undermines this explanation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 3 of 4

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer seized his cash and cell phone without cause. The complainant stated that the named officer also towed his car. The complainant stated that he was able to get his car back but unable to retrieve his property.

The named officer stated that he seized pills, money and a cell phone from the complainant and booked them as evidence for the case to be forwarded and reviewed by the Narcotics Unit. The named officer stated that he gave the complainant a Property Receipt, which the complainant signed, and released him at the scene. The named officer stated that the complainant retrieved his money from the property room on January 9, 2019. The named officer stated that the complainant did not retrieve his cell phone, but that he should be able to do so. The named officer stated that once he booked the property as evidence, it was not his responsibility to release the property or to decide whether it should be held.

A witness officer corroborated the named officer's statement.

The SFPD Incident Report indicated that the named officer seized pills, money, and a cell phone from the complainant and booked them as evidence. The report indicated that the named officer issued the complainant a Property Receipt and Certificate of Release, and the complainant was released on scene pending further investigation by the SFPD Narcotics Unit.

Department records and Body Worn Camera video confirmed that the named officer issued the complainant a Property Receipt detailing the items seized and that the complainant signed the Property Receipt at the scene. Records confirmed that the complainant retrieved his money from the SFPD Property Room on January 9, 2019. Records indicated that the complainant's cell phone remained in the SFPD Property Room as of the date of this report. Records indicated that the case was assigned to the Narcotics Unit and the case status was "Open or Active" as of the date of this report.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 4 of 4

SFPD General Order 6.15, Property Processing, III. Procedures, A. Property for Identification, 11. Returning Property at the District Station states, in relevant part:

- a. Property may be returned to its owner if it is not contraband and cannot be connected to a crime. Certain evidence connected to a robbery or a purse snatch may be returned if keeping it causes a substantial inconvenience to the owner. This evidence may include driver licenses, passports, identification cards, credit cards, money, keys or similar articles.
- b. Always consult your lieutenant and get his/her approval before returning any property. The decision to release the property must be based on the facts in the case, the advice of the Investigations Bureau, the jeopardy to prosecution, and the real and urgent need of the owner.

In this case, the named officer seized the complainant's property and booked it as evidence of and in connection with a crime. Evidence indicated that the named officer properly booked the property and forwarded the case to the Narcotics Unit for further investigation, which the Narcotics Unit shows as "open." Evidence further indicated that the complainant was able to retrieve his car and cash during the investigation of this case. The nature of the remaining property – the pills and cell phone - provide reasonable cause to believe that it is contraband and evidence of criminal activity. Furthermore, the records indicate the complainant has never formally requested his cell phone. It is therefore the complainant's responsibility to seek return of his specific property and to demonstrate that he is entitled to the remainder in judicial proceedings.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated that he was working as security at the Westin St. Francis Hotel. The complainant stated that he called police because a taxicab driver tried to hit him in the face. The complainant stated that he told responding officers that he wanted to press charges against the taxicab driver. The complainant stated that officers told him that if he signed a citizen's arrest the officers would arrest both him and the taxicab driver. The complainant stated that he didn't want to be arrested, so he told the officers that all he wanted was a report. The complainant stated that the officers told him that they were not going to write a report and only gave him a CAD number.

The named officer stated that he was dispatched to a citizen's arrest call at the Westin Hotel. The named officer stated that he was the primary unit at the scene. The named officer stated that the complainant initially requested a citizen's arrest. The named officer stated that he would have accepted the citizen's arrest, but after reviewing surveillance footage, he did not believe the citizen's arrest was warranted because the complainant appeared to be the dominant aggressor. The named officer stated that the complainant withdrew his request for a citizen's arrest. The named officer stated that he did not complete an incident report because the complainant rescinded his request for the citizen's arrest and because he did not believe it was a criminal matter. The named officer stated that he would have been responsible for writing a report if one was necessary.

A witness officer stated that he was the backup officer at the scene. The witness officer stated that he and the named officer met with the complainant, who told them that he wanted to press charges against the taxicab driver. The witness officer stated that surveillance video showed that the complainant was the dominant aggressor, and there was no probable cause to accept a citizen's arrest. The witness officer stated that the complainant withdrew his request for a citizen's arrest.

Department of Emergency Management (DEM) Computer Aided Dispatch (CAD) indicated that the call was dispatched as a citizen holding a prisoner for assault. The call type/description was a citizen arrest. CAD indicated that the named officer was the primary unit on the call.

Correspondence from the SFPD Legal Division indicated that there was no incident report associated with this incident.

Body Worn Camera (BWC) video shows the complainant requesting a citizen's arrest, telling the named officer that he wanted to press charges and asking for an incident report. BWC video shows a witness officer telling the complainant that if he chose to press charges, the taxicab driver would want to press

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 2 of 6

charges against him. BWC video shows that the complainant decided not to press charges. BWC video shows the complainant telling the named officer and the witness officer that he would “just take the CAD and go that route.”

A witness security officer stated that he saw the complainant and the taxicab driver pushing each other. The witness stated that he assisted the complainant in restraining the taxicab driver. The witness stated that the complainant called police to get a citizen’s arrest. The witness stated that police officers arrived and watched surveillance video of the incident. The witness stated that the police officers determined that there was no assault and did not give the complainant a citizen’s arrest.

SFPD General Order 5.04, Arrests by Private Persons, PROCEDURES states, in relevant part:

8. 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 relevant part:

In the course of duty, a member may encounter a private person requesting the arrest of an individual. 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. II. 8.

...

In those instances where a private person withdraws their request to arrest an individual, a member is still required to prepare an incident report.

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 person’s arrest request.

The evidence established that the complainant initially requested and then withdrew his request for a private person’s arrest, and that the named officer failed to prepare an incident report as required.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #2: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that he was working security at the Westin St. Francis Hotel. The complainant stated that he called police because a taxicab driver tried to hit him in the face. The complainant stated that he told responding officers that he wanted to press charges against the taxicab driver. The complainant stated that officers told him that if he signed a Citizen's Arrest, the officers would arrest both him and the taxicab driver. The complainant stated that he didn't want to be arrested, so he told the officers that all he wanted was a report. The complainant stated that the officers told him that they were not going to write a report and only gave him a CAD number.

The named officer stated that he was dispatched to a Citizen's Arrest call at the Westin Hotel. The named officer stated that he was the primary unit at the scene. The named officer stated that the complainant initially requested a Citizen's Arrest. The named officer stated that he would have accepted the Citizen's Arrest, but after reviewing surveillance footage, he did not believe the Citizen's Arrest was warranted because the complainant appeared to be the dominant aggressor. The named officer stated that the complainant withdrew his request for a Citizen's Arrest.

A witness officer stated that he was the backup officer at the scene. The witness officer stated that he and the named officer met with the complainant, who told them that he wanted to press charges against the taxicab driver. The witness officer stated that surveillance video showed that the complainant was the dominant aggressor, and there was no probable cause to accept a Citizen's Arrest. The witness officer stated that the complainant withdrew his request for a Citizen's Arrest.

Department of Emergency Management (DEM) Computer Aided Dispatch (CAD) indicated that the call was dispatched as a citizen holding a prisoner for assault. The call type/description was a Citizen Arrest. CAD indicated the call was cleared as "handled," with a comment stating, "No merit to 240 [assault]. Reviewed footage."

Body Worn Camera (BWC) video shows the complainant requesting a Citizen's Arrest, telling the named officer that he wanted to press charges and asking for an incident report. BWC shows the named officer talking to the taxicab driver, who states that the complainant hit him and that he was defending himself. BWC shows the named officer reviewing surveillance video of the incident. BWC shows a witness officer telling the complainant that if he chose to press charges, the taxicab driver would want to press charges against him. BWC video shows that the complainant decided not to press charges. BWC shows the complainant telling the named officer and the witness officer that he would "just take the CAD and go that route."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 4 of 6

A witness security officer stated that he saw the complainant and the taxicab driver pushing each other. The witness stated that he assisted the complainant in restraining the taxicab driver. The witness stated that the complainant called police to get a Citizen's Arrest. The witness stated that police officers arrived and watched surveillance video of the incident. The witness stated that the police officers determined that there was no assault and did not give the complainant a Citizen's Arrest. The witness stated that the police officers told the complainant that there was enough evidence to support a Citizen's Arrest against him if the taxicab driver wanted to press charges. The witness stated that the police officers did not give a Citizen's Arrest to either party but instead walked the taxicab driver off the property.

SFPD General Order 5.04, Arrests by Private Persons, PROCEDURES states, in relevant part:

Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall:

1. Respond to the location of the "private person arrest."
2. Determine if a crime has, in fact, been committed.
3. Determine if reasonable suspicion exists to justify detaining the individual pending further investigation. If reasonable suspicion does not exist, the individual is free to leave.
4. Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate. If probable cause does not exist, the individual is free to leave.

The evidence established that the named officer determined, based on surveillance video footage, that probable cause did not exist to believe the taxicab driver committed a crime and that a private person's arrest was not warranted.

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:** 08/28/19 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer told him that if he signed a Citizen's Arrest against the taxicab driver, the officers would arrest both him and the taxicab driver.

The named officer stated that the complainant wanted to press charges against the taxicab driver, but the surveillance video showed that the complainant appeared to be the dominant aggressor. The named officer stated that he told the complainant that since he was the dominant aggressor, the taxicab driver could press charges against him.

A witness officer stated that upon review of surveillance video, the complainant appeared to be the dominant aggressor in the incident.

Body Worn Camera (BWC) video showed the named officer reviewing surveillance video of the incident. BWC video showed the named officer advising the complainant that if he wanted to press charges, the taxicab driver was going to press charges against the complainant, and that both parties would be cited.

A witness security officer stated that police officers arrived and watched surveillance video of the incident. The witness stated that the police officers determined that there was no assault and did not give the complainant a Citizen's Arrest. The witness stated that the police officers told the complainant that there was enough evidence to support a Citizen's Arrest against him if the taxicab driver wanted to press charges.

The officers reasonably concluded that the evidence could not identify a primary suspect and both parties should be cited equally. The officer's statement to the complainant that both would be cited was therefore accurate and 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: 09/28/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 6 of 6

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

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

FINDINGS OF FACT: The DPA requested BWC footage associated with this incident. SFPD Legal provided one responsive video file which did not belong to the named officer.

The named officer stated that he did not activate his BWC during this incident. The named officer stated that during the incident, he thought he had activated his BWC because he heard the beeps from another officer's BWC.

SFPD Department General Order 10.11, Body Worn Camera, section III. states, in relevant part:

- C. Authorized Use. All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:
 - 2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim.

Evidence established that the named officer did not activate his BWC as required by DGO 10.11.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/18 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he had exchanged words with the named officer on his way to jail. He said when the named officer brought him to a cell, he removed the handcuffs and said, "So what you gonna do?" He said the named officer then attacked him in front of sheriff's deputies, grabbed his neck and swung him, and claimed he tried to escape. The complainant said he injured his shoulder and arm, and also had scratches on his neck.

The named officer stated the complainant was verbally aggressive while waiting to go inside the jail, saying if they had no guns or badges, he would kick their ass. The named officer said the complainant was also bragging about causing traumatic injuries to the victim in a previous incident. The named officer stated that, as he was trying to remove the complainant's handcuffs, and with the complainant's hands on the back of his head, he could not reach one of the cuff's keyholes (Officer is 5'9" and complainant is 6'5"). He asked the complainant to lean forward so he could reach, and he placed his hand on the complainant's back and pushed forward. The named officer stated that the complainant then said, "why your stupid ass has to use excessive force." The named officer said the complainant then turned to attack him, so he grabbed his shoulders to push him to the bench. He said he was going to try to handcuff him again, but the sheriff's deputies came in to assist and took over from there.

The named officer's partner stated that he did not witness the initial use of force, as he was filling out paperwork elsewhere. He said that, before the complainant was taken into a cell, he heard him say that the named officer was lucky that he was in handcuffs or, "he would beat his ass." He said that he also assisted the sheriff's deputies, and when they entered the cell, the named officer was using a control hold on the complainant.

The BWC recordings show that a sergeant came to the scene to investigate the use of force. They show that earlier, during the arrest of the complainant, he was upset and shouting aggressively. There was no footage available from the sheriff's department for this incident at the time it was requested.

The complainant's medical records document that he reported an injury to his shoulder and that he was given ibuprofen for the pain. The Supervisory Use of Force Evaluation confirms that he complained of pain, and was treated, but that he did not sustain serious bodily injury. The Evaluation also documents that the reason for the use of force was, "In defense of others or in self-defense." SFPD General Order 5.01, Use of Force, states, "Officers may use reasonable force options in the performance of their duties ... In defense of others or in self-defense."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/18 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 2 of 2

Whatever force was used does not appear excessive, as the injury sustained by the complainant was minor and treated with ibuprofen. Furthermore, officers are permitted to use reasonable force in order to control a subject and prevent harm to others. The weight of the evidence indicates that the named officer did not attack the complainant. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: A letter from SFPD Legal stated that they did not have any Body Worn Camera (BWC) recordings for the officer.

The named officer acknowledged that he transported the complainant to the county jail. He stated that he believed he activated his BWC but could not find any. The named officer stated he did not have proof that he uploaded a BWC recording, and he acknowledged that he did not document activation of his BWC anywhere, although he did write a statement following this incident.

A BWC recording for the named officer's partner documents the transport. In a statement written by the named officer and attached to the incident report for the underlying incident, the named officer wrote that he and another officer transported the complainant to the county jail. The statement does not mention the use or activation of the named officer's BWC.

SFPD General Order 10.11 states, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances ... Transportation of arrestees and detainees." It also states, "Members submitting an incident report or completing a written statement shall indicate whether the BWC was activated and whether it captured footage related to the incident."

The named officer did not activate his BWC and did not document whether or not it was activated or captured footage related to the incident, in violation of DGO 10.11. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 10

SUMMARY OF ALLEGATIONS #1 - 3: The officers detained a person without justification.

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

FINDINGS OF FACT: The complainant stated that officers detained him and found a gun. Later, in court, one of the officers testified he had detained the complainant after receiving information from a confidential informant. The complainant stated the judge found the informant was not reliable and suppressed the discovery of the firearm. The complainant stated that the detention was improper because it was based on bad information.

Named Officer #2 and Named Officer #3 both stated they were relying on the information supplied to them by their superior, Named Officer #1. Named Officer #1 stated that the informant had provided one accurate tip to the SFPD in the past and was continuously supplying accurate historical information on criminal activity. Named Officer #1 avoided providing too much information about the informant to the court for the informant's safety. Without further information, the judge would not allow the firearm to be used as evidence; however, the detention was proper.

The DPA obtained a transcript of the court hearing. The judge determined the informant was unreliable because he had only provided the SFPD with a single actionable tip in the past. The judge explained it did not have an issue with Named Officer #1's credibility, but without further information about the informant, the judge could not confirm the informant's credibility.

A letter from the SFPD Legal Division confirmed the existence of documentation for the informant connected to this matter. However, they would not provide the documentation for the informant under California Evidence Code § 1040-1042.

The complainant's attorney stated she was suspicious that Named Officer #1 had not provided more details concerning his conversations with the informant. She stated she was surprised by Named Officer #1 admitting there was very little information to support the reliability of the informant.

Under *Illinois v. Andreas* and *US v. Butler*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer. (*Illinois v. Andreas* (1983) 463 U.S. 768, *US v. Butler* (1996) 7 F.3d 916.) Under *People v. French*, an informant can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion. (*People v. French* (2011) 201 Cal. App. 4th 1307.)

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 2 of 10

Named Officer #2 and Named Officer #3 reasonably relied on the information provided to them by their superior, Named Officer #1. Named Officer #1 may have had a good-faith belief in the reliability of the information the informant had supplied him. However, he refused to provide the sufficient support necessary to convince the court because of his interest in protecting the informant's wellbeing.

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers searched a person without justification.

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

FINDINGS OF FACT: The complainant stated the named officers committed misconduct by searching him based on information provided by an informant who a judge determined was unreliable.

Named Officer #2 and Named Officer #3 stated they relied on the information provided by their superior, Named Officer #1. Named Officer #1 stated the informant was reliable even though the informant had only provided one previous tip. Named Officer #1 stated the evidence found from searching the complainant would have been admissible if he had been able to share more information about the informant. However, Named Officer #1 was concerned for the informant's safety and could not share any more information with the court.

The DPA obtained a transcript of the court hearing. The judge determined the informant was unreliable because he had only provided the SFPD with a single actionable tip in the past. The judge explained it did not have an issue with Named Officer #1's credibility, but without further information about the informant, the judge could not confirm the informant's credibility.

A letter from the SFPD Legal Division confirmed the existence of documentation for the informant connected to this matter. However, they would not provide the documentation for the informant under California Evidence Code § 1040-1042. The complainant's attorney believed Named Officer #1 was being honest when he testified about the informant.

The complainant's attorney stated she believed Named Officer #1 was being honest when he testified about the informant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 3 of 10

Under *US v. Butler* and *Illinois v. Andreas*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer. Under *People v. French*, an informant can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion.

Named Officer #2 and Named Officer #3 reasonably relied on the information provided to them by their superior, Named Officer #1. Named Officer #1 had a good-faith belief in the reliability of the informant. Named Officer #1 refused to provide the sufficient support necessary to convince the court because of his interest in protecting the informant's wellbeing.

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

SUMMARY OF ALLEGATIONS #7 - 9: The officers arrested a person without cause.

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

FINDINGS OF FACT: The complainant alleged the named officers committed misconduct by arresting him based on information from an informant who was deemed unreliable in court.

Named Officer #2 and Named Officer #3 stated they relied on the information provided by their superior, Named Officer #1. Named Officer #1 stated the informant was reliable even though the informant had only provided one previous tip. Named Officer #1 stated the evidence found from searching the complainant would have been admissible if he had been able to share more information about the informant. However, Named Officer #1 was concerned for the informant's safety and could not share any more information with the court.

The DPA obtained a transcript of the court hearing. The judge determined the informant was unreliable because he had only provided the SFPD with a single actionable tip in the past. The judge explained it did not have an issue with Named Officer #1's credibility, but without further information about the informant, the judge could not confirm the informant's credibility.

A letter from the SFPD Legal Division confirmed the existence of documentation for the informant connected to this matter. However, they would not provide the documentation for the informant under

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 4 of 10

California Evidence Code § 1040-1042. The complainant's attorney believed Named Officer #1 was being honest when he testified about the informant.

The complainant's attorney stated she believed Named Officer #1 was being honest when he testified about the informant.

Under *US v. Butler* and *Illinois v. Andreas*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer. Under *People v. French*, an informant can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion.

Named Officer #2 and Named Officer #3 reasonably relied on the information provided to them by their superior, Named Officer #1. Named Officer #1 had a good-faith belief in the reliability of the informant. Named Officer #1 refused to provide the sufficient support necessary to convince the court because of his interest in protecting the informant's wellbeing.

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 #10 - 12: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated he sees the same officers all the time. He stated he runs into them because he lives within their beat. When he sees these officers, they will wave to him and say hello. This behavior makes the complainant feel harassed.

None of the named officers recalled saying hi to the complainant while out on patrol. Named officer #2 stated he often sees the same people when he patrols and will say hello to them. He stated that if he had said hello to the complainant at some point in the past, he did not intend it to be intimidating.

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 5 of 10

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

Even if the behavior the complainant is alleging occurred, it would not fall outside of the SFPD’s rules of conduct.

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 #13: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that an officer berated him at Bayview Station.

The named officer denied being anything other than professional with the complainant. The named officer told the complainant to stop selling illegal firearms because it would lead to him facing federal charges. The named officer stated he does not have a personal problem with the complainant.

Neither Witness Officer #1 or Witness Officer #2 recalled or witnessed the named officer interacting with the complainant.

No witnesses were identified.

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

Due to the several month delay between when the alleged misconduct occurred and when the complainant brought the allegation to the DPA, no evidence was found of this interaction.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 6 of 10

SUMMARY OF ALLEGATION #14: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the incident report connected to his arrest is inaccurate. The officer who wrote the report describes a confidential informant as reliable. However, a judge would later rule that the informant was unreliable.

The named officer stated that his incident report is an accurate summary of the events surrounding the search and arrest of the complainant. He stated that he described the informant as reliable because a superior officer had told him the informant's information was reliable.

A witness officer was wearing his Body Worn Camera (BWC) during the search. He captured the detention, search and arrest of the complainant. The incident report drafted by the named officer accurately describes what was captured by BWC footage.

No other witnesses were identified.

Under *US v. Butler* and *Illinois V. Andreas*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer.

The POST Basic Course Workbook presents the characteristics of an effective investigative report in the chapter titled Investigative Report Writing. It states all investigative reports must be factual, accurate, clear, concise, complete, and timely.

The named officer reasonably relied on a superior officer's description of the informant as reliable. At the time he drafted the report, he could not have known the court would later find the informant lacked reliability. Additionally, the portions of his report documenting his interactions with the complainant closely match what is captured by BWC footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 7 of 10

SUMMARY OF ALLEGATION #15: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that the incident report connected his search and arrest was inaccurate because it described an informant used as reliable even though a judge later found the informant was unreliable. A superior officer failed to make sure the report was accurate.

The named officer stated he reviewed the reporting officer's incident report for accuracy. He stated the report was an accurate summary of the events. The named officer also stated that the informant is reliable, but he was unable to testify in court due to safety issues.

The reporting officer stated his report was an accurate summary of the events surrounding the search. He described the informant as reliable because he was relying on the information provided to him by the named officer who approved the report.

The DPA received the incident report and BWC footage of the arrest. The incident report is an accurate portrayal of what the BWC recorded.

DGO 1.04, Duties of Sergeants, states, in part, "Sergeants shall...[r]eview their subordinates arrests and reports for appropriateness and completeness."

US v. Butler and *Illinois v. Andreas* establish the collective knowledge rule. This rule states a law enforcement officer may and should be able to rely upon information from a fellow officer who is cooperating in the investigation.

The reporting officer described the informant as reliable within his incident report. He had been told the informant was reliable by the named officer. The named officer stated the information in the incident report was accurate. He believes the informant is reliable, but he was not able to explain further to the court because he was concerned for the informant's wellbeing.

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 #16: The officer misrepresented the truth.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 8 of 10

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

FINDINGS OF FACT: The complainant stated that an officer lied when he described a confidential informant as reliable during his court testimony. A judge later found that the informant was not reliable.

The named officer stated that the informant was reliable. The named officer would have provided more details concerning the informant in a private hearing, but he could not provide too much information about the informant in a public hearing because he was concerned for the informant's safety.

The DPA received the transcript of the named officer's testimony. While he described the past tip the informant had provided, the named officer invoked the privilege of CA Evidence Code 1040 several times. While the judge found no issue with the named officer's credibility, the judge dismissed the evidence found during the search of the complainant because the informant lacked a sufficient history of providing reliable tips for law enforcement.

A letter from the SFPD Legal Division confirmed a confidential informant was utilized in this case.

Under *People v. French*, an informant can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion.

The named officer stated he could prove his informant is reliable; however, he felt he could not provide that information because he was testifying in open court. The named officer stated the informant could have been killed if he were to give too much information concerning their interactions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 9 of 10

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 16-186, Contact with Victims/Witnesses during on-going OCC Investigations.

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

FINDINGS OF FACT: While investigating this complaint, the DPA found that the named officer had arrested the complainant while there was an ongoing DPA investigation concerning the complainant and the named officer.

The named officer stated all his interactions with the complainant occurred in 2018. He was unaware the complainant had lodged allegations of misconduct against him until he was provided with DPA Notices to Appear (NTA) in early 2019.

A review of the DPA cases concerning the complainant and the named officer confirmed he was sent NTAs in early 2019.

No witnesses were identified.

The San Francisco Police Department Bulletin 16-186, Contact with Victims/Witnesses during on-going OCC Investigations states, in part, "Members who are the subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint."

On a regular basis, the DPA notifies SFPD superiors of officers who are facing allegations of misconduct. However, there is no requirement for these notices to be shared with the named officers. The named officer stated he learned of these investigations when he was asked to come for an interview. The timing of these notices matches what is detailed in the DPA case connected to the complainant and the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/18 **DATE OF COMPLETION:** 08/31/19 **PAGE#** 10 of 10
SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to comply with DGO 10.11,
Body Worn Cameras.

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

FINDINGS OF FACT: During this investigation, the DPA learned that a named officer had deactivated his BWC before he transported the complainant to Bayview Station.

The named officer admitted he committed misconduct when he deactivated his BWC before transporting the complainant to Bayview Station.

The named officer's BWC shows him placing the handcuffed complainant within a police car and then deactivating his BWC.

The incident report for this arrest states that the named officer took part in transporting the complainant to Bayview Station.

DGO 10.11 states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances...transportations of arrestees and detainees and in any situation when the recording would be valuable for evidentiary purposes."

The named officer failed to keep his BWC activated during the transport of the complainant. He admitted he was in violation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated he was sexually assaulted multiple times by four males in Golden Gate Park. The complainant was uncertain of the date he was assaulted. The complainant stated that during the assault he was strangled with a plastic bag and lost consciousness several times. When he woke up, the assailants were dancing around a fire. The complainant stated he ran away and the assailants chased him down, raped and strangled him again, and started another fire. The complainant stated he later woke up near a lake and he had sustained 69 lacerations on his buttocks, legs, back and arms from the attacks. The complainant stated he later took a bus to a hospital. The complainant stated a female officer responded to the hospital and took pictures of him. The officer transported the complainant to another hospital so a rape test could be conducted. The complainant stated the two named officers came to the second hospital and that the named officers were “extremely homophobic, extremely rude and extremely white.” The complainant stated that the named officers told him they were not going to do a rape test until 8:00 a.m.; and then they took the complainant into a room at the hospital, turned on their Body Worn Cameras (BWC’s), and tried to convince him that he deserved to get raped because he was homosexual.

The complainant stated the named officers said that since he had sex with other men, he deserved it and was asking for it. The complainant stated that one of the named officers said because he had sex with other men, he’s obviously a “slut.” The complainant told them the interview was over and he was going home. The complainant stated he never returned to the hospital to have a rape test performed. The complainant also stated he had marks around his neck from where he was strangled that did not appear until three days after the assault. The complainant stated that one of his neighbors took photos of the strangulation marks and other injuries. The complainant did not provide the photos to DPA and the complainant did not provide the contact information for his neighbor. The complainant also declined to show the DPA investigator his alleged injuries so they could be photographed.

The named officers denied the allegations. The named officers stated they did not make any of the comments alleged by the complainant nor did they engage in any inappropriate behavior toward the complainant. The named officers stated they were assigned to the Special Victims Unit and were called out to respond to the second hospital. The officers stated they met with the reporting officer and the complainant. The officers stated they interviewed the complainant in a private room on the first floor of the hospital. The named officers stated they did not activate their BWC’s because Department General Order 10.11 states that they shall not activate their BWC when encountering sexual assault victims during a preliminary investigation. Both of the named officers stated they acted in a professional manner toward the complainant. The officers stated that hospital staff informed the complainant that the Sexual Assault

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 2 of 6

Response Team nurse would not be available until 8:00 a.m. due to lack of staffing. No one refused to give the complainant a rape test.

The reporting officer stated she responded to the first hospital and spoke with the complainant to obtain a statement for the report. The complainant told the reporting officer he sustained 69 lacerations to his body as a result of the sexual assaults. The reporting officer photographed the complainant's injuries and observed recent red scratch marks on complainant's arms, buttocks and legs. The reporting officer stated she was directed to transport the complainant to a second hospital so a rape kit could be conducted. The reporting officer stated the two named officers arrived at the hospital and took over the investigation. The reporting officer stated both of the named officers acted professionally toward the complainant. The reporting officer did not observe any of the behavior alleged by the complainant on the part of the named officers. The nurses at the second hospital stated they could not conduct a rape kit until the morning because they did not have anyone working that could conduct the kit.

Records from the Department of Emergency Management show that a nurse from a hospital called and reported an adult sexual assault. The caller stated the male patient arrived about 30 minutes earlier and claimed he was possibly sexually assaulted. The patient reported that when he woke up, he was naked and did not remember where it occurred. The records document that the patient also claimed he was mugged and all his belongings were gone.

The Incident Report documents that two officers searched the area for the victim's clothing with negative results. The report documents that the victim had recent red scratch marks on arms, buttocks, and legs.

The complainant's medical records from the first hospital note the complainant had scratches and small abrasion to both arms. He also had numerous superficial abrasions over his back, and on his right shin. The diagnosis was abrasions and assault. Records from the second hospital indicate the patient requested a rape test (RTC) and reported possible anal penetration. The records indicate that the patient was told there was no RTC coverage until 8 a.m., and the patient opted to leave and come back in the morning. There were no strangulation marks noted. It was noted the patient was being interviewed by law enforcement and that the patient left without being seen.

The BWC video from the first emergency shows the complainant, mostly covered by a blanket as he spoke to an officer. The video did not reveal any injuries on the visible parts of the complainant's body.

The complainant generally lacks credibility as the evidence contradicts many aspects of the complainant's story. There are inconsistencies in the medical records about the assault and what the complainant stated during his DPA interview. A preponderance of the evidence established that the acts alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #3 - 4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officers told him he could walk home and failed to investigate the sexual assault. The complainant stated that one of the named officers came by his apartment and left the complainant a note to call him, but someone stole his cell phone and he wasn't able to call the named officer.

The named officers denied the allegations. One of the named officers stated he informed the complainant that a hospital taxi voucher can be obtained to assist with getting him home and that he made several attempts to reach out to the complainant after the start of the investigation, but the complainant did not respond to his messages. The second named officer stated the complainant did not ask for transportation. The second named officer stated he was not the lead officer and was not in charge of the investigation.

The SFPD Special Victims Unit (SVU) Chronological of Investigation documented the named officers interviewed the complainant at the hospital and that they were briefed by the reporting officer. The records document the complainant requested to be informed about any potential DNA that is developed from the investigation. The records indicate the complainant gave the named officers conflicting statements regarding the incident. The complainant stated the suspects were on foot when they caught him a third time. The complainant earlier stated two of the suspects were on bicycles. The complainant elaborated stating he was thrown to the ground when the suspects approached a third time. However, the complainant did not have any marks from common debris found on a trail, such as dirt or vegetation on his body or elbows, to corroborate the allegations. The complainant stated that upon regaining consciousness a third time, he headed back to an area where he encountered several skateboarders and asked for a t-shirt. He told the skateboarders he was just mugged and not sexually assaulted three times. Complainant stated he then walked to a different location where a female skateboarder gave him a pink top. The complainant believed his head may have struck a tree when he was thrown by the suspects. He pointed to top of his head. The named officers inspected complainant's head, but found no bulges, hematoma or scratches. The named officers also did not observe any scratches, bruising or ligature marks on his neck. The complainant stated he doubted he would be able to recognize the suspects if he saw them again. Records document the first named officer called complainant at different numbers and left messages. The first named officer also contacted the Department of Emergency Management and requested an attempt to contact the complainant at his listed home address. The first named officer also requested to have a note with his contact information left for complainant if he was not at home.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 4 of 6

Department records show two officers responded to complainant's home but were unable to make contact. Records document the first named officer searched three areas for the complainant and three suspects,

with negative results. Due to the inability to reach the complainant and the lack of physical evidence from a SART kit, the first named officer recommended the case be categorized as inactive/open pending further leads or discovery of physical evidence. The case was reviewed and approved by a lieutenant.

Records further document that the complainant went to the SVU office about a week later and spoke with the first named officer. The complainant stated he received the named officer's messages along with the note left by the officers who went to his home about 13 days earlier, but he did not find it necessary to respond to the messages. The complainant stated he wanted to change his story about what happened on the night of the incident. He then stated he was thrown into a van by the three suspects and driven somewhere in Golden Gate Park. When asked to explain how a van was able to drive onto a small secluded trail in the Park, the complainant paused, got frustrated, and did not provide an answer to the question. Department records document the first named officer told complainant he would excuse himself from the interview room to retrieve his recorder to memorialize the encounter. The complainant got angry, stood up and stated he would file a complaint against him and SFPD, because he was not assigned an investigator who is homosexual. The complainant requested the second named officer's name and star number and walked out of the interview room. The first named officer told complainant to wait in the lobby while he obtained the information. The first named officer returned to the lobby and discovered complainant had left the office. The case was resubmitted and remains open/inactive.

DPA reviewed 17 photographs taken of the complainant at the hospital. There are no visible injuries that would be consistent with the nature and extent of the sexual assaults described by the complainant. There are no marks on complainant's neck. There is a small scratch just above the left knee. There appears to be a scratch on complainant's lower left shin, and minor scratches on right lower shin, just above the ankle. The complainant has tattoos on his arms, so it is difficult to see any marks on his arms. The last photo is of his buttocks, where some scratch marks are noted.

The evidence established that the named officers conducted a thorough and diligent investigation. The complainant did not return to the hospital to have a rape test kit conducted as requested. The complainant did not fully cooperate with the investigation and gave conflicting and evolving information.

A preponderance of the evidence established that the officers did not fail to take required action.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 5 of 6

SUMMARY OF ALLEGATIONS #5 - 6: The officers engaged in biased policing based on sexual orientation.

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

FINDINGS OF FACT: The complainant stated the named officers came to the hospital and were “extremely homophobic, extremely rude and extremely white.” The complainant also stated the named officers took him into an interrogation room at the hospital and turned on their body worn cameras and tried to convince the complainant that because he is a homosexual, he deserved to get raped.

The named officers were interviewed pursuant to DPA’s Biased Policing Investigation Protocol. The named officers denied the allegation of biased policing. The named officers stated the complainant’s sexual orientation was not a factor in the investigation or how they treated the complainant.

The witness officer did not observe any of the behavior alleged by the complainant on the part of the named officers.

A preponderance of evidence shows that the allegations against the named officers for biased policing based on sexual orientation did not occur. The complainant provided no explicit evidence of such bias. The complainant generally lacks credibility as the evidence contradicts many aspects of the complainant’s story.

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

SUMMARY OF ALLEGATIONS #7: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he went to a police station to ask them to dispatch a specifically named officer to his apartment. The complainant stated the unknown officer refused, stating the officer did not work out of that station. The complainant was unable to identify the officer he spoke with. The complainant did not provide the date he went to the station.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 6 of 6

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 ALLEGATIONS #8: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated he went to a police station twice to talk to an officer, but the unknown officers refused to dispatch a particular officer the complainant wanted to speak with. The complainant was unable to identify the officers he spoke with. The complainant did not provide the dates he went to the station.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant said that police officers came to his door and asked to speak to him about an incident with his neighbors. The complainant said he looked through his door's peep hole and saw a male officer. The complainant said he asked the officer for his name and star number, but the officer refused. The complainant said he did not open his door and ended his conversation with the officer.

The named officer said he and his partner responded to the scene and spoke to a neighbor who reported an ongoing dispute with the complainant. The named officer said he and his partner attempted to contact the complainant by knocking on the complainant's door but there was no answer. The named officer said he did not recall asking entry into the complainant's room or making verbal contact with him. The named officer said he was calm and professional during the incident.

Body Worn Camera (BWC) recordings show that the named officer and his partner spoke to the neighbor, then went to the complainant's room and knocked on his door. The complainant did not answer his door, nor did he engage in a dialog or conversation with the officers. The complainant's alleged request for the officer's name and star number is not audible on the body worn camera footage.

Complainant's neighbor corroborated the officer's statements and the body worn camera recording. The neighbor said that she saw the officers knock on the complainant's door, and that the complaint did not open the door. The neighbor also said that she did not hear complainant request an officer's name or badge number.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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 he requested a citizen's arrest because he was threatened by the male behind him at the ATM; however, the officer refused to take any action.

The officer denied the allegation. The officer stated he witnessed the entire incident and at no time did the male threaten the complainant.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer belittled him and told him to man up after he requested a citizen's arrest.

The named officer denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/18 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that his tarp was seized.

The officers stated they respond to calls/complaints and also support DPW on their routes for cleanup of sidewalks. They stated that if they had seized any property that it would be noted on the CAD because then they would be required to write a report. The officers stated that homeless individuals are given options for shelters and resources and volunteer to give up their structure in lieu of police action.

Department records show no indication that the complainant's property was seized.

A preponderance of the evidence established that the complainant's property was not seized by the officers.

The evidence proved that the acts alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest him.

The officers stated that homeless individuals are provided options pursuant to SFPD Department Bulletin No. 18-137, Legal Enforcement Options for Addressing Illegal Encampments. The officers stated that homeless individuals are given options for shelters and resources and volunteer to give up their structure in lieu of police action.

The evidence established that the officers' action 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: 12/07/18 **DATE OF COMPLETION:** 08/30/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 - 6: The officers failed to comply with DB 18-137, Legal Enforcement Options for Addressing Illegal Encampments.

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

FINDINGS OF FACT: The complainant stated that the officers did not apply the law correctly.

The officers stated that homeless individuals are provided options pursuant to SFPD Department Bulletin No. 18-137, Legal Enforcement Options for Addressing Illegal Encampments. The officers stated that homeless individuals are given options for shelters and resources and volunteer to give up their structure in lieu of police action.

A preponderance of the evidence established that the acts alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/18 **DATE OF COMPLETION:** 08/08/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer parked an unmarked vehicle in a red zone, hit her car in the process, and parked so close as to block her in. She stated the named officer approached her, was rude, identified herself as a police officer, and threatened to write her a parking citation. The complainant stated the named officer then left, and she was unable to move her car and finish her shift for a food delivery company.

The named officer stated that after unsuccessfully looking for legal parking, she parked the unmarked vehicle in a red zone with a fire hydrant, behind the complainant's vehicle. The named officer insisted there was plenty of room for the complainant to maneuver. The named officer approached the complainant wearing civilian clothing with no police identifiers and inquired if the complainant had enough room to maneuver. The named officer stated she was pleasant and professional during the brief encounter and neither threatened to write the complainant a citation nor identified herself as an SFPD member. The named officer was under the impression, through her chain of command, that she could temporarily park illegally because of the difficulty in parking around the building.

Two witness officers arrived and saw that a parking officer might have been preparing to tow or ticket an unmarked police vehicle. One of the witness officers stated that he spoke to the parking officer and arranged to have the police vehicle moved. The witness officer said that the named officer's vehicle was parked in a red zone with a fire hydrant. The named officer's vehicle was parked behind the complainant's vehicle, who was also in the red zone. The witness officer felt that there was enough room for the complainant to maneuver her vehicle from the spot.

A member of the named officer's chain of command acknowledged that she told employees that parking was difficult and that they should do what they could to find parking. She stated that she told members to be cognizant of the neighbors and to expeditiously enter and exit the building. She stated she instructed people to attempt to find legal parking first, but she never specifically told anyone to break the law. She acknowledged, however, that vehicles are always parked illegally there - both SFPD vehicles, and civilian vehicles - due to the parking constraints.

There were no independent witnesses or BWC recordings to review regarding the contact between the officer and the complainant. Although the named officer admitted to parking illegally, the investigation established that command staff had endorsed the message that parking in the area was very difficult, and parking illegally, if brief, was understandable. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/18 **DATE OF COMPLETION:** 08/06/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was in a car accident. An officer investigated the scene and found both the complainant and the other party to be equally at fault. The complainant stated he was not at fault for the accident and the officer's report was false.

The named officer stated he based his report's findings on evidence at the scene and statements from the two parties. The collision occurred at a four-way stop. Both parties stated they came to a complete stop before entering the intersection; however, both parties' vehicles were similar distances from the area of impact. The named officer stated one car would have been much closer to the area of impact if it had come to a complete stop before entering the intersection. Additionally, the damage sustained by both vehicles showed they had both been traveling at a high rate of speed. The named officer stated it was his opinion both parties had entered the intersection without coming to a complete stop.

The traffic collision report documents both motorists' statements that they were going 5-10 miles per hour when they entered the intersection. It documents how both vehicles sustained moderate damage on the front and side. It documents how both vehicles travelled similar distances after colliding. It also documents the named officer's conclusion that both parties were at fault.

The POST Basic Course Workbook states, in part: "The summary should not be mere repetition of the facts and statements already presented. Instead, it should reflect the officer's opinions of what took place based on the facts and statements already noted."

The named officer based his opinion of what occurred on the facts and statements he documented from the scene. Even though both parties stated they came to a complete stop before entering the intersection, the named officer stated the physical evidence did not support either parties' statement. Based on the similar damage to both vehicles and their similar distance from the area of impact, the named officer concluded they had been travelling at similar speeds and their speed was fast enough to indicate that neither party had stopped before entering the intersection.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 08/22/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that he was ordering food in a restaurant when the named officers entered the restaurant, told him he was being detained and escorted him outside.

The named officers stated that they detained the complainant after being dispatched to a call that a man was trespassing in a restaurant and pushing employees. The officers said when they arrived at the scene, restaurant employees identified the complainant as the trespasser.

Department records confirmed that employees of the restaurant called police reporting that a customer was refusing to leave the restaurant and that the dispute had escalated to a battery.

Surveillance footage from the restaurant's camera showed the complainant in contact with a restaurant employee.

An employee of the restaurant told the DPA that he was present when the complainant became angry about employees' failure to speak English clearly, and said the complainant slapped the hand of another employee, leading to the detention of the complainant.

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

The named officers reasonably relied on the statements of the restaurant employees to believe that complainant was trespassing and committed battery.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him for pushing an employee of a restaurant.

The named officer stated that, while investigating a report of a trespasser who had battered a restaurant employee, he arrested the complainant for refusing to provide any identification.

San Francisco Police Department General Order 5.06 section I.B. states, in part, that if a person is arrested for a misdemeanor offense, he/she shall be subject to custodial arrest rather than citation release when the person does not provide satisfactory evidence of his/her identity.

The Body Worn Camera footage of the named officer and another officer present at the arrest showed that the complainant refused to answer officers' questions or to identify himself.

The incident report indicates that the officers arrested complainant for refusing to identify himself, thereby delaying a lawful investigation in violation of Penal Code § 148. As a general matter, the Fourth Amendment protects a person's right to refuse an officer's questions and demand for identification. *Florida v. Royer*, 460 U.S. 491, 498 (1983). However, an officer may demand identification, and arrest a suspect for failing to provide it, if the request for identification is reasonably related to circumstances justifying an initial detention. *Hiibel v. Sixth Judicial District Court of Nevada, Humboldt Cty.*, 542 U.S. 177 (2004). District Courts in the Ninth Circuit have found that an officer's request for identification is appropriate when officers are investigating altercation that the suspect allegedly started. *Abdel-Shafy v. City of San Jose*, 2019 WL 570759 at *7 (N.D. Cal. 2019).

In this case, the officers had reasonable suspicion, based on the statements of the restaurant employees, that complainant was trespassing and had initiated a physical altercation with an employee. Accordingly, based on the caselaw above, the officers were permitted to request complainant's identification and arrest him for failing to provide it.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #4 - 5: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated the named officers handcuffed him without justification.

The named officers stated that they handcuffed the complainant per departmental policy when transporting an individual under arrest.

Body Worn Camera footage shows the named officers placing the complainant in handcuffs after a sergeant approved the arrest of the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer refused to adjust or loosen the handcuffs when he complained that the handcuffs were causing him pain.

The named officer stated that he placed the complainant in handcuffs, checked for the proper degree of tightness and double locked the handcuffs.

Footage from the named officer's Body Worn Camera showed the named officer placing handcuffs on the complainant's wrists in a careful, controlled manner. The named officer can be seen carefully placing the handcuffed complainant in the back seat of a patrol car and discussing double locking the handcuffs so they will not inadvertently tighten around the complainant's wrists. The named officer also can be seen using two sets of handcuffs to allow the complainant to relax his shoulders while cuffed to the security

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 4 of 5

bar at the police station. While the complainant can be heard loudly complaining of pain, the named officer can be seen approaching and checking his handcuffs and asking the complainant specifically where he was experiencing pain. The officer's response 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 ALLEGATIONS #7 - 8: The named officers behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that he believed he heard the named officers verbally mocking him while he was in custody at a police station. He acknowledged that he could not see who was making the mocking comments.

The named officers denied making any comments of a mocking nature regarding the complainant.

Footage from the named officers' Body Worn Cameras appeared to capture continuous audio of the officers while at the police station and captured no comments mocking 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: 02/18/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #9 - 10: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated that when named officers were escorting him in handcuffs inside the Hall of Justice one of the officers pulled his forearm causing pain and bruising.

The named officer stated that he did not recall grabbing the complainant's forearm. The other named officer denied grabbing the complainant's forearm.

Footage from the body worn camera (BWC) of one of the named officers at the Hall of Justice did not show an officer pulling the complainant's forearm, but the footage did not capture all of the movement of the complainant through the Hall of Justice.

The complaint's description of other aspects of the incident was not credible, thereby undermining his credibility generally, and the complainant did not present any credible evidence of injuries to his arm.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested her for knocking on the back door of the police station while looking for her brother.

SFPD documents show the complainant was arrested and released for PC 148 – Resisting Arrest. The documents indicate the complainant admitted she had been drinking alcoholic beverages and taking prescription drugs. The documents also show the complainant returned to the police station after she was released and was knocking on a door in the nonpublic police parking lot. The named officer repeatedly asked the complainant to leave the parking lot as she was trespassing. The named officer arrested the complainant arrested complainant for public intoxication in violation of California Penal Code § 647(f) - The named officer then transported the complainant to CJ-1.

Body Worn Camera footage shows the named officer speaking to the complainant in the police parking lot at the police station. The officer points to the exit and the complainant refuses to leave. The named officer and another officer gently try to move the complainant, but she trips over her feet. The officers then help pick up the complainant and move her toward a patrol car. The complainant asks why she is being detained, and the officers tell her she is detained for trespassing and drunk in public. The complainant then tells the officers that she wants to find out what happened to her brother. Another officer then tells her that before she was released, they advised her that her brother was going to jail. The named officer and a second officer search the complainant and transport her to CJ-1.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/19 **DATE OF COMPLETION:** 08/13/19 **PAGE#** 2 of 2

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/19 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was riding his bike when a police vehicle passed him on his left side with less than a foot of clearance. The complainant said that was a violation of the Three Feet for Safety Act, which requires motorists to give cyclists three feet of clearance when passing them from behind.

Named officer #1 stated did not recall driving the vehicle or passing a bicyclist.

Named officer #2 stated, he and his partner, named officer #1, did check out the vehicle the complainant identified. He said he reviewed his BWC and confirmed he was not the driver. Named officer #2, further stated he did not recall passing a bicyclist.

Video footage was not available.

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: 04/29/19 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant saw officers take a man to the ground. The complainant stated the officers used a lot of force on the person because she could hear him screaming. The complainant also stated that the person was "wiggling," and the officers were telling him to stop resisting.

Named officer one stated that when he first attempted to contact the suspect, the suspect walked away and began yelling at several females. The suspect was also making threats to kill people. Fearing the suspect might hurt someone, named officer one and named officer two decided to detain the man. Named officer one stated the man started resisting by pulling away and banging his head against a glass window until they fell to the ground. To overcome the man's resistance, named officer one punched the man twice on left side of his face. Named officer one stated the force was necessary to secure the man in handcuffs.

Name officer two stated that the suspect was yelling at people, so they detained him by holding his hands and placing him in handcuffs. Named officer two stated the man tensed his arms and began pulling away and hitting his head against a glass window. A struggle ensued, and all of them fell to the ground. The man continued to resist while on the ground. The officer stated he is CIT-trained, and he attempted to de-escalate by talking to the man and checking his wellbeing upon contact

According to the CAD, the suspect was mentally disturbed, walking in traffic and throwing objects at people. The suspect was also banging on windows and making threats to punch and kill people.

No witnesses came forward.

Body Worn Camera (BWC) footage corroborates the officers' statements. The footage shows that, upon contact with the officers, the suspect made sexually derogatory comments and walked away. The officers followed the suspect and when they attempted to detain him, he resisted. The officers repeatedly ordered the suspect to stop resisting.

The footage also shows the officers attempted to de-escalate the situation by being calm and friendly upon contact with the person. They also advised him numerous times during detention to stop resisting.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/19 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 2 of 2

The officers adequately documented their use of force. The officers reported their use of force to a supervisor, and a sergeant completed a Use of Force evaluation at the scene, declaring the force within guidelines.

The other officers on scene arrived after the person was already detained in handcuffs. They did not witness the use of force.

Under Force Options of DGO 5.01, Use of Force, officers may use physical controls such as control holds, take downs, strikes with personal body weapons, and other weaponless techniques to gain compliance or control over uncooperative or resistant subjects.

The officers' use of force was proportional to the suspect's physical resistance and used for a legitimate law enforcement objective. The evidence proved that the officers' actions were justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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 went to a local police station with his dog and asked an officer to write a police report regarding the foreclosure of his home. The officer refused to take the report from the complainant. The complainant insisted that he needed a police report. The complainant was approached by an officer he identified as the “chief,” who said that dogs were not allowed in the station and ordered the complainant to leave.

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

No witnesses were identified.

The officer could not reasonably be identified.

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

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

FINDINGS OF FACT: The complainant stated that he went to a local police station and asked an officer to write a police report regarding the foreclosure of his home. The officer refused to take the report from the complainant.

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

No witnesses were identified.

Incident reports are not drafted regarding civil matters such as home foreclosures. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that two officers in a marked police vehicle followed him for several blocks. The complainant stated the officers were tailgating him and not stopping at stop signs as they continue to follow close to his vehicle. He believed the officers were trying to get him to commit a traffic violation.

The named officers acknowledged they were patrolling in the identified car on the morning mentioned by the complainant but stated that they could not recall following a vehicle like the complainant's or any incident as described.

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: 05/14/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was working at the loading dock of a tech company when he and a coworker argued about the coworker taking the complainant's work-related equipment. The two returned to work after exchange of words, but later in the day, the altercation continued in the area of the company's kitchen. The complainant called 911, alleging that his coworker threatened to kill him, while brandishing a knife. One named officer responded to the scene for the initial investigation and the other received the case for follow-up investigation. The complainant alleged that the named officers failed to conduct a proper investigation. The complainant stated the officers failed to obtain footage from surveillance cameras at the loading dock and kitchen areas for video of the incident.

The named officer who responded to the initial scene stated that he talked to witnesses and checked for cameras, but an employee told him no video existed and another person never answered his question about cameras. The named officer who conducted the follow-up investigation stated he checked the kitchen for cameras and the loading dock's premises, but no one was around at the loading dock.

Another officer who responded to the initial scene stated he did not know what the named officer did to look for cameras on the loading dock.

Another officer who conducted the follow-up investigation stated he checked for videos of the incidents at the loading dock and kitchen areas. The officer stated he was asked to fill out a form and submit the form to the complainant's employer for the videos.

The evidence showed that aside from having an argument, nothing else happened at the loading dock that would have provided evidence for the crime alleged. There was no indication that the video on the loading dock would have assisted in proving that a crime occurred later in the kitchen.

Footage from the Body Worn Cameras (BWC) of the officers who responded to the incident showed that the named officers spoke to staff in the building and the security manager of the complainant's employer and asked for video from both the loading dock and kitchen areas. Department records corroborate the follow-up investigator of the incident was told he needed to fill out a form for video of the areas allegedly involved. The records showed that the investigator completed the form and submitted the form to the complainant's employer for the video(s) of the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant alleged that the investigating officer wrote an inaccurate incident report, including numerous errors in his account of the facts surrounding an incident involving a criminal threat against the complainant.

The named officer acknowledged making several errors in reporting some details of the accounts of the crime by numerous people to whom he spoke. The named officer stated that he prepared his report from statements he gathered from witnesses at the scene and from accounts of interviews from another officer who had interviewed the complainant and other witnesses. The named officer believed that he had prepared an accurate summary of the incident as it had been reported to him. He stated further that there were numerous witnesses whose account of the incident differed.

Review of the named officer's body worn camera shows that the named officer investigated in an office building, where there were two separate security entities who were responsible for the two areas where the altercation took place. The named officer conducted interviews with numerous employees and security personnel, most significantly with a witness who said she had seen part, but not all, of the dispute. Her account of the incident is summarized accurately but did not match the complainant's account. Additional facts supplied by other witnesses to the named officer differed from the allegations made by the complainant. The other errors attributed to the named officer by the complainant either were contradicted by other employees or did not materially alter the account of the crime given by the complainant.

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: 05/14/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: This complaint has been partially referred to the SFPD Internal Affairs Division.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/18 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers were rude and sarcastic with her. She stated the named officers harassed her when they advised her about correctible mechanical violations involving her car. The complainant acknowledged the mechanical violations. The complainant further stated she was scared and afraid that the officers would shoot her.

The named officers stated that complainant's car - a 2015, black Volkswagen Jetta with no front plate - looked like another car – a 2017, black Volkswagen Jetta with no front plate – that officers had unsuccessfully pursued earlier in the night and the Vallejo Police Department had reported stolen. The named officers stated they were calm, respectful and professional while the complainant was verbally abusive and agitated. The named officers stated they were trying to explain the situation and reason with the complainant.

The Body Worn Camera (BWC) video footage shows that the named and back up officers on scene were calm and professional. The footage documents that the named officers were attempting to explain the reason for the detention of the complainant and the violations regarding her car.

No witness was identified.

The evidence proved that the acts alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/18 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated she was sitting in her parked car near her work when officers detained her without justification.

The named officer stated that complainant's car - a 2015, black Volkswagen Jetta with no front plate - looked like another car - a 2017, black Volkswagen Jetta with no front plate - that officers had unsuccessfully pursued earlier in the night and the Vallejo Police Department had reported stolen. The named officer stated that he returned to the original scene when he observed the complainant's car, parked in a red towaway zone with a covered rear plate.

The named officer further stated he contacted the complainant, questioned her about her activity late in the evening and attempted to explain the reason for her detention. The named officer stated the complainant had a suspended driver's license. The named officer stated he issued the complainant a Certificate of Release and a SFPD Follow-up form.

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

The Body Worn Camera (BWC) video footage documents the named officer explaining to the complainant that she had been detained due to the make, model and color of her car, which matched those of a vehicle identified in an incident that occurred earlier and in the same area. The footage reveals that the complainant acknowledged she had a suspended driver's license, parked at a no-parking space, her front car plate was missing and that she covered her rear plate with paper.

Department records indicated that the named officer had been investigating an auto burglary involving a car that matched the description of the complainant's car. The records showed that the officer had observed the vehicle involved in the auto burglary flee from the scene, near where he observed the complainant's car.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/18 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer pointed his firearm at the complainant when he contacted her.

The named officer denied pointing his firearm at the complainant. The named officer stated that during his initial approach to the complainant's car, which he believed was possibly involved in a crime, he removed his department-issued firearm and held it at a low-ready position. The named officer stated there was no use of force.

Several officers at the scene during the incident said they did not see the named officer point his gun at the complainant.

A sergeant who was the supervisor on the scene stated that the named officer told him at the time he did not point his firearm at the complainant and reported no force.

No witnesses were identified.

Body Worn Camera (BWC) footage documents that the named officer approached the complainant with a flashlight in one hand while with the other hand, he opened the complainant's driver's-side door. The footage documents that the other surrounding officers at the scene also had their flashlights in their hands while approaching the complainant's parked car. The footage further reveals that no officers pointed a firearm at the complainant, who was sitting in her parked car as officers approached.

The evidence proved that the acts alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/18 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he called the police, but when officers responded they did not knock on his door to try and contact him.

SFPD documents show that the named officers arrived on scene and attempted to contact the complainant and the suspect. The officers indicated the complainant was “gone on arrival.”

Surveillance video shows the named officers arriving on the scene knocking on the complainant’s door and suspect’s door. The named officers waited a few minutes, and neither the complainant nor the suspect answered the door.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers behaved and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he went to Mission Station to file a police report regarding a cat bite. He said the named officers told him he would have to wait to find out if there was an incident report. The complainant stated later the named officers told him that if he went to Mission Station again, he would be arrested for trespassing.

Named Officer #1 stated that he did not recall the incident.

Named Officer #2 stated that the complainant approached him at the window at the police station and asked if he could get an Emergency Protective Order against a cat. Named Officer #2 stated he advised the complainant he could not get an EPO for a cat and advised the complainant to speak to the building

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/18 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 2 of 2

manager or Animal Care and Control. The officer said he did not recall anyone telling the complainant that he would be arrested for trespassing if he did not leave the station.

Video footage from the station surveillance camera, which does not record audio, shows the named officers speaking to the complainant at Mission Station. No witnesses were identified.

The investigation failed to disclose evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5 - 6: The officers engaged in biased policing based on sexual orientation.

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

FINDINGS OF FACT: The complainant stated that he thought the officers were not helping him because of his sexual orientation. The complainant provided no other evidence of bias.

Named Officer #1 stated he does not treat anyone differently based on their sexuality. He did not recall interacting with the complainant.

Named Officer #2 stated he does not treat anyone differently based on their sexuality. He did not know the complainant's sexual orientation until the DPA interview.

Department records showed that numerous officers responded to the complainant's calls for service, took reports when requested, and responded to the complainant's requests when he arrived at a station.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 1 of 3

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 Walgreen's security guard for spitting on him the day prior, but the named officer refused.

The named officer stated that the complainant requested a citizen's arrest several times, but that he did not have probable cause to accept the citizen's arrest because the incident had occurred the day before and it was therefore a "stale misdemeanor." The named officer stated that the complainant became upset and walked away from the named officer.

A witness officer stated that the complainant requested a citizen's arrest several times, but there was no probable cause to accept the citizen's arrest because it was a "stale misdemeanor."

SFPD Event History Detail indicated that the reporting party reported that the complainant was spit on "yesterday." SFPD Event History Detail also included a comment from the named officer that the complainant stated that the security guard spat on his shoe yesterday and that there were no witnesses. SFPD Event History Detail included another comment from the named officer stating that the complainant "became belligerent and uncooperative and walked away."

Body Worn Camera (BWC) video showed that the complainant requested to press charges against the security guard multiple times throughout his contact with the named officer. BWC video showed that the complainant told the named officer that the incident had occurred the day before. BWC video showed that the complainant became upset as the named officer attempted to explain the complainant's options and walked away from the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to provide his name and star number upon request.

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 for the named officer's name and star number. BWC video showed that the named officer pointed to his name and star on his uniform and verbally provided his name and star number when requested.

Clear video evidence proved that the named officer promptly provided his name and star number upon request. The evidence proves that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to provide his name and star number upon request.

The named officer stated that the complainant never asked for his name, but the complainant did ask for his star number. The named officer stated that he immediately gave the complainant his star number when requested.

Body Worn Camera (BWC) video showed the complainant ask for the named officer's star number, which the named officer verbally provided to the complainant. BWC video showed that the complainant did not ask for the named officer's name at any point during the incident.

Clear video evidence proved that the named officer promptly and politely provided his star number upon request. The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/18 **DATE OF COMPLETION:** 08/28/19 **PAGE#** 3 of 3

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to write an incident report in compliance with DGO 5.04.

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

FINDINGS OF FACT: The complainant stated that he requested a citizen's arrest against a Walgreen's security guard for spitting on him the day prior.

The named officer stated that the complainant requested a citizen's arrest several times, but that he did not have probable cause to accept the citizen's arrest because the incident had occurred the day before and it was therefore a "stale misdemeanor." The named officer stated that the complainant became upset and walked away from the named officer. The named officer stated that he did not complete an incident report because he did not make any arrests.

Body Worn Camera (BWC) video showed that the complainant requested to press charges against the security guard multiple times throughout his contact with the named officer. BWC video also showed that the security guard requested a citizen's arrest against the complainant for threatening her. BWC video showed that the complainant became upset as the named officer attempted to explain the complainant's options and walked away from the named officer.

SFPD General Order 5.04, Arrests by Private Persons, PROCEDURES states, "In all instances involving requests for 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: 05/23/19 **DATE OF COMPLETION:** 08/29/19 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was shopping in a clothing store when he had a disagreement with security staff regarding a discount. A police officer working overtime for the store was instructed by security staff to ask the complainant to leave. The complainant complied with the officer's request. The complainant stated that the officer was polite and professional. However, the complainant believed that by acting at the request of security staff, the officer had behaved inappropriately.

The store has a legal right to ask someone to leave, and the officer facilitated the store employees in exercising that right.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/14/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside 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: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he met an officer through a dating website, but the officer did not reveal his occupation as a police officer until the complainant asked him twice. The complainant stated that the officer was trying to obtain information from him for unknown purposes. The complainant provided the name of the man he was referring to.

The name provided by the complainant did not match any SFPD officers. The identity of the alleged officer could not be established.

This incident involves the personal life of a police officer, which does not constitute misconduct and is not within the jurisdiction of the Department of Police Accountability. Additionally, officers are not obligated to reveal their occupation in their personal lives.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was not provided with victim/witness services. The complainant failed to respond to multiple DPA requests for an interview. Thus, DPA cannot determine if the complaint relates to a civilian, an officer, or some other City agency.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

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

INTERNAL AFFAIRS DIVISION
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/19 **DATE OF COMPLETION:** 08/07/19 **PAGE#** 1 of 1

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

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

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

INTERNAL AFFAIRS DIVISION
1245 3RD STREET
SAN FRANCISCO, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/19 **DATE OF COMPLETION:** 08/15/19 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
25 Van Ness Avenue Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/19 **DATE OF COMPLETION:** 08/19/19 **PAGE#** 1 of 1

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

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

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

Federal Protective Police
450 Golden Gate Avenue
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/19 **DATE OF COMPLETION:** 08/20/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was 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: 08/09/19 **DATE OF COMPLETION:** 08/12/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer borrowed a laptop computer and did not return it as agreed.

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

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