

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 2: The officers engaged in bias policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officers searched and arrested him during a battery investigation, even though he was not the aggressor. The complainant stated that the officers racially profiled him based on his Mexican-Apache American heritage. The complainant stated that the officers did not search or arrest an African-American man who was also involved in the incident.

The named officers were interviewed pursuant to the DPA's Biased Policing Investigation Protocol. Both named officers denied taking any enforcement action based on race. The officers stated that they were investigating a battery involving weapons and that multiple witnesses identified the complainant as the aggressor. The named officers also observed the complainant acting in an aggressive manner toward an elderly victim. The officers stated that they arrested the complainant based on their own observations, multiple witness statements, and an examination of weapons found at the scene. The named officers stated that they searched both the complainant and his victim for weapons.

The victim stated that the complainant threatened to kill him based on his race, assaulted him with a weapon, and repeatedly yelled a racist slur at him during the altercation.

Department records indicated that the named officers conducted a thorough investigation and articulated specific facts to support their probable cause for the arrest.

A preponderance of evidence showed that the allegations against the named officers for biased policing did not occur and that the named officers had probable cause to arrest and search the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer misrepresented the truth in an incident report. According to the complainant, the named officer wrote in the report narrative that the complainant kicked patrol car windows and yelled a racial slur over fifty times. The complainant denied kicking the window and yelling racial slurs. The complainant stated he was incapable of kicking any windows because he was inebriated and passed out during the entire ride to the station.

The named officer stated that, while the complainant was in custody in the back of her patrol car, she observed him kick the rear window and yell a racial slur. Due to his behavior, she arranged for the complainant to be transported to the station in a wagon instead of her patrol car.

Two witness officers stated that they observed the complainant kicking patrol car windows and yelling racial slurs.

A witness officer who transported the complainant in a wagon stated that the complainant was alert and yelling on the ride to the station. He was unable to understand specifically what the complainant was yelling on the ride to the station.

The victim stated that the complainant used racial slurs during the incident. The victim was receiving medical treatment while the complainant was in the back of the patrol car and was unable to hear any further statements made by the complainant

In the incident report, the named officer stated that she called for assistance because the complainant began kicking the rear window of her patrol car and screaming a racial slur while she was trying to interview witnesses. The incident report did not indicate that the complainant yelled a racial slur 50 times or anything similar.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officers arrested him during a battery investigation without bothering to investigate the other party. The complainant stated that he was the victim. He stated that one officer failed to get contact information for a female witness who would have supported his side of the story.

The named officers stated that they conducted a thorough investigation. The officers stated that, when they arrived, the complainant was in a fighting posture with raised fists and circling an injured elderly male. They stated that they immediately took the complainant into custody because he was agitated and initially noncompliant with their commands to cease fighting. The named officers stated that they found weapons, interviewed several witnesses, and searched for surveillance video. One named officer stated that an unknown female approached him to discuss her observations of the situation. He stated that he was unable to complete her interview because the complainant started kicking the windows of a patrol car. He stated that the witness disappeared while he was addressing the complainant's behavior. Both officers stated that they searched for the witness but were unsuccessful in locating her.

Department records indicate that the named officers conducted a thorough investigation, which was documented in an incident report. The officers interviewed four witnesses and booked several weapons into evidence. They took photos and searched for video evidence. They documented sufficient evidence to support a probable cause belief that the complainant was the aggressor in a prejudiced-based incident involving an elderly victim.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #6: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an officer made derogatory statements regarding his criminal history and race.

The named officer denied making derogatory statements regarding the complainant's criminal record or race. The named officer conducted a formal interview of the complainant at a district station. He stated that the complainant used profanity during the interview and that he may have repeated the complainant's profane words as part of his questioning. The named officer denied directing any inappropriate comments at the complainant.

The interview was audio recorded. The officer's conduct was professional throughout the interview.

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

SUMMARY OF ALLEGATION #7: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to provide him with a Miranda admonishment prior to questioning him at a police station.

The named officer stated that he provided the Miranda admonishment before questioning the complainant. He stated that the complainant acknowledged his rights and then agreed to speak with him. He stated that he audio-recorded his interview of the complainant.

An audio recording of the interview showed that the named officer provided the Miranda admonishment to the complainant at the outset of the interview. The complainant stated that he understood his rights and agreed to speak with the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/17 **DATE OF COMPLETION:** 01/23/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that a man on the street tried to attack her with a pair of scissors after she confronted him for kicking her dog. The complainant pulled out a knife to defend herself. She was still holding the knife when the named officers arrived. Instead of asking her to drop her knife, one named officer struck her multiple times with his baton while another officer held her right wrist. The complainant stated that the officer continued using his baton even after she dropped the knife. The officer used his baton on her left leg, knee, and eye. Another officer handcuffed her wrists behind her back, even though she said she was hurting.

The named officers denied using any more force than necessary. The named officers stated that the complainant was fighting with a man when they arrived and that both parties were holding weapons. The named officers stated that the complainant did not respond to multiple orders to drop her knife. One named officer observed the complainant lunging with her knife in the direction of his partner and the other party involved in the fight. He stated that he struck the complainant three times with his baton because she was threatening and non-responsive to his commands. He stated that he stopped using his baton as soon as the complainant dropped her knife. A second named officer stated that his partner stopped striking the complainant with his baton once she dropped her knife. The named officer stated that he restrained the complainant's right arm as he placed her in handcuffs. He denied using any other force with the complainant.

The DPA questioned several officers. One witness officer, a supervisor, stated that he observed the complainant pointing a weapon at another party. He stated that the complainant ignored orders to drop her weapon and instead moved toward one officer and the other party to the fight. He stated that one of the named officers then used his baton, striking the complainant approximately three times on her left leg before she dropped her weapon. He stated that both named officers handcuffed the complainant without further incident and then reported using force. Two other officers were present but did not observe the arrest.

The complainant's boyfriend stated that the complainant was already in handcuffs when he arrived.

No other witnesses came forward.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/17 **DATE OF COMPLETION:** 01/23/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #1-2 continued:

Records indicated that the complainant was arrested for resisting arrest during a stabbing investigation. The incident report documented statements made by three witnesses and several weapons were booked into evidence.

Body-worn camera footage captured a portion of the incident and was inconclusive.

Medical notes submitted by the complainant show that she was treated on the date of the incident for injuries. Photographic evidence taken after the incident as provided by the complainant showed signs of injuries.

San Francisco Department General Order 5.01, Use of Force, states, in part: “officers may use force during the performance of their duties...to effect the lawful/arrest/detention of persons resisting or attempting to evade that arrest/detention.”

A preponderance of the evidence established that the named officers’ use of force was justified, lawful, and proper given the totality of the circumstances.

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 arrested and cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she should not have been arrested for resisting arrest during a stabbing investigation. The complainant stated that she followed the officers’ orders and denied resisting in any way.

The named officers stated that they cited the complainant for violating, Penal Code 148 (A) (1), resisting a peace officer, because she did not follow orders during a stabbing investigation. The named officers stated that, instead of following multiple orders to drop her knife, the complainant lunged at an officer and the other person involved in the original altercation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/17 **DATE OF COMPLETION:** 01/23/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #3-4 continued:

The DPA questioned several witness officers. One supervising officer observed the complainant pointing a weapon at another party. He stated that the complainant did not comply with the named officers' orders to drop her weapon.

The officers took multiple signed witness statements indicating that the complainant did not obey the officers' commands.

Video evidence was inconclusive.

The named officers' assertion that the complainant disobeyed orders to drop her knife was corroborated by one witness officer and two signed independent witness statements.

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: 01/26/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-7: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers raided his home looking for his son, despite knowing that his son lived elsewhere. The complainant stated officers should not have entered his home to search for a person who did not live there. The complainant stated the officers caused significant property damage by forcefully entering his home.

Department records show that the officers had a signed search warrant from the Superior Court for both the complainant's address and his son's mother's address. The incident report documented the property damage in detail including video and photos.

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 #8-14: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated officers raided and searched his residence to serve a search warrant for his teenage son, despite knowing that his son did not live with him. He stated that officers searched his residence, but did not find his son nor any other evidence.

Department records show the search warrant for the complainant's home signed by a Superior Court Judge.

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: 01/26/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #15-18: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated that when officers raided his home to search for his teenage son, they pointed their rifles at the residents. Furthermore, he stated that his young daughter was in the residence at the time and frightened by the officers' actions.

The named officers stated that it was necessary for them to display weapons because the search warrant allowing them to enter the complainant's home was designated as "high-risk." The named officers stated they had prior knowledge that several residents had criminal histories involving weapons. All four named officers stated they intentionally pointed weapons at the occupants due to officer safety concerns, but only for short periods of time to assist in the detentions. One named officer stated that he encountered the complainant while he was holding his young daughter, but denied intentionally pointing his weapon at her.

The sergeant stated that displaying weapons was necessary and reasonable because of the nature of the crime being investigated and the occupants' violent criminal histories, including the use of firearms.

SFPD General Order 5.02, Use of Firearms, section I.B.2. states, in part:

An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

Department records show the search warrant for the complainant's son signed by a Superior Court Judge.

Officers are permitted to display weapons while executing search warrants.

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: 01/26/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #19: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the timing and manner of the search warrant service at his residence was personal due to his prior history with the named officer. The complainant stated that officers entered his home forcefully and caused a lot of property damage. By contrast, a concurrent raid of his son's mother's home was done in a manner that resulted in no property damage. Further, he stated that an officer made derogatory comments about the complainant's past involvement in gangs to his son during the search of his mother's residence.

The named officer denied the allegation. He stated that he did not recall any specific comments he may have said to the complainant's son; however, he was familiar with the complainant's criminal history. The named officer stated that he did not have a role in the request nor the service of the search warrant at the complainant's residence. He stated he recalled speaking with the complainant's son while assisting with the search warrant service at the son's mother's residence; however, he did not recall the specifics of the conversation. He stated any conversation with his son would have been for deterring his son's criminal activity.

No independent witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was in a disagreement with an individual who had stolen his bag. The complainant denied being involved in a physical fight. He said an officer suddenly arrived and arrested him.

The named officer stated that he saw the complainant commit battery against a woman and went to detain the complainant. After a brief investigation, the named officer detained the complainant for a psychological evaluation.

A witness officer also stated that the complainant battered a woman and that he was a harm to others and needed to be evaluated.

Body-worn camera footage established the complainant was unable to answer questions, unable to communicate and physically resisted officers.

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

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

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

FINDINGS OF FACT: The complainant stated that he was in an altercation with an officer. The complainant alleged that the officer used force and fractured his arm. The complainant provided medical records that showed a fracture in his right elbow. The complainant arrived at the DPA with a cast on his arm after just being discharged by the hospital.

The named officer stated that while there was a struggle to detain the complainant there was no reportable use of force used. The officer stated the complainant resisted during the detention. The named officer denied causing any pain or injury to the complainant's arm.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2 (continued):

A witness officer also stated there was no reportable force used and the complainant was not injured.

Body-worn camera footage shows the complainant resisting the named officer and then later several other officers arrived to assist. Throughout the entire encounter, there does not appear to be any reportable use of force or any force consistent with breaking an elbow.

Medical records established that the complainant returned to emergency the day after this incident, due to pain in his right arm. He told medical staff that he did not know why his arm hurt, how long it had been hurting and why it was put in a sling. On that day, the medical records established the complainant advised medical staff “he was assaulted at the social security office on Thursday (3 days prior to incident) and was seen at this emergency dept.”

The evidence proves that the complainant provided inconsistent statements regarding how he sustained the injury to his right elbow.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that an officer told him to “shut up.”

The named officer denied saying “shut up” to the complainant.

A witness officer did not hear the named officer make the inappropriate comment to the complainant.

Body-worn camera did not capture an officer saying “shut up.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was arrested by police and placed in jail. When he got out of jail, his identification was not in his property and he never found it.

The complainant did not respond to multiple requests for further information.

The named officer stated that she took the complainant's identification and placed it with the rest of his property and handed it over to the Sheriff's Department at the jail.

A witness officer stated that he did not handle the processing of property and did not know anything about the complainant's identification.

Body-worn camera footage shows the named officer placing the complainant's identification into a bag that also contained a hat. The bag was tied up and kept in the trunk of the patrol car. The named officer then closed the trunk. No body-worn footage is available when the officers processed the complainant's property at the jail.

Records from the Sheriff's Department show that a "miscellaneous item" listed only as a "bag" was received by the Sheriff's Department and released to the complainant. There is no further information about what was in the bag.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated she had a temporary restraining order against her ex-boyfriend, which, among other things, required him to stay 100 yards away from her. She stated she was attending an outdoor event, and saw that her ex-boyfriend was also present, and at a distance in violation of the court order. The complainant called for police assistance and reported the situation. She said that as soon as officers arrived, her ex-boyfriend began to leave, but she was able to show the officers a photo she had taken earlier showing his distance from her. The complainant acknowledged that officers detained her ex-boyfriend, but said that they eventually let him go at the scene. The complainant alleged the responding named officers failed to properly investigate the incident by not interviewing witnesses, including her friend and her mother, although they did interview her ex-boyfriend's witness. The complainant also said that some of the named officers seemed to have difficulty interpreting the court order.

One of the named officers stated that when he arrived, the complainant's ex-boyfriend was located more than 100 yards away from the complainant by his visual estimation and by counting his paces from the ex-boyfriend's location to the complainant's location. The named officer stated he conducted his investigation for approximately 90 minutes and obtained statements from both parties and a witness. The named officer stated no other witnesses came forward, and one person he spoke with said they did not want to get involved. He also said he did not recall a photo that the complainant had taken at the event. The named officer stated he also determined, after investigation, that the complainant's ex-boyfriend attended the event without knowledge of the complainant being present.

Another named officer stated that he spoke with the complainant about the court order. The named officer stated no witnesses came forward while he was at the scene, and the persons he spoke with stated that they did not see any verbal or physical altercation at the event. He also stated that the complainant told him that she and her ex-boyfriend had mutual friends at the event.

Another named officer – the supervisor on scene – stated that multiple officers had canvassed the area for witnesses and talked to both parties. The named officer stated she talked to both parties as well, and to the complainant's mother. The named officer stated she did not refuse to take any statements from anyone, and she instructed all officers to have forms readily available for any and all potential witnesses. She stated that the complainant's mother was not a witness to the alleged violation, and did not arrive on scene until later. She stated that the only witness willing to give a written statement was the friend of the

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #1-4: (continued)

complainant's ex-boyfriend. The supervisor stated all statements and interviews were conducted at her direction to aid the reporting officer in preparing the incident report.

One of the named officers has since resigned.

The complainant's ex-boyfriend stated that he thought the investigation was proper and complete. He stated that he did not witness the officers' contact with the complainant or her witnesses.

No other witnesses came forward.

The incident report included photographs of the documents shown to them by the complainant. These documents were actually a Notice of New Hearing and Order on Reissuance, not the actual restraining order. The report also shows that the named officers took statements and documented evidence as required.

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

SUMMARY OF ALLEGATION #5: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant alleged the named officer failed to arrest her ex-boyfriend despite a clear violation of the restraining order.

The named officer stated that the investigation revealed there was no probable cause to believe that complainant's ex-boyfriend had violated the court order. There was no evidence that he knew the complainant would be at the event or that he knew that she was present before he started to leave.

The Incident Report includes statements from the complainant, her ex-boyfriend, and a friend of her ex-boyfriend. It states that, "[the ex-boyfriend] was released from the scene because there was insufficient grounds to arrest [him] at the time of this incident ..." The report documents that the complainant's ex-boyfriend was detained and then, "admonished with emphasis on the terms of the active Temporary Restraining Order."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #5 continued:

An officer may make an arrest if, after investigation, they find probable cause that a crime has been committed. The crime in question – a violation of CA Penal Code section 273.6 – requires an “intentional and knowing violation” of a restraining order. Based on the information available at the scene, there was no probable cause to arrest the complainant’s ex-boyfriend.

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 engaged in inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainant stated the named officer blamed her and her mother for attending the event where her ex-boyfriend was likely to be present. The complainant stated the named officer also belittled and shamed her in front of her mother.

The named officer denied blaming the complainant and her mother. She also denied belittling the complainant. She did acknowledge suggesting that the complainant’s friends, who are also friends with her ex-boyfriend, might help prevent such situations in the future by “alternating invitations to future events to each of them.”

One of the officers at the scene stated that the named officer neither behaved nor spoke inappropriately, as described by the complainant. Another officer present stated that the named officer and the complainant appeared cordial towards at each other.

The complainant’s ex-boyfriend stated that he did not witness the contact between the officers and the complainant or her companions.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated she found several inaccuracies in the narrative of the officer's report. In particular, the complainant stated that the report contained a number of statements she supposedly made, which she never made and which were not true.

The named officer denied the allegation and stated that the information in his report was true and accurate.

The supervisor on scene, who was also the reviewing officer for the incident report, stated that the named officer's report was accurate and based on information provided to him at the scene.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the named officer refused to provide her with a copy of the supplemental incident report.

The named officer stated she denied the complainant's request because it involved an ongoing, open investigation. The named officer stated that this is the practice at her unit, though she has released reports directly to a judge when a victim contacts her to say she or he needs it for court. The named officer stated she had not been trained on the release of reports, but said she followed the relevant Department General Order. The named officer stated that her lieutenant recently informed her about a provision of the California Family Code that would require the release of reports to victims of certain crimes within a specified amount of time. The named officer said that, since then, she has released two reports to victims with open investigations, which she would not have done previously. The named officer noted that the timing provisions in the law are complicated by the current procedures in which incident report requests are routed through the department's records section and inter-office mail.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #8 (continued):

SFPD Records show that the request for the supplemental incident report was denied pursuant to Cal. Gov. Code § 6254(f).

California Family Code § 6228 states that law enforcement agencies shall provide, upon request, a copy of an incident report face sheet, incident report, or both to a victim of domestic violence, stalking, sexual assault, and other crimes. The law also has time limits of 48 hours for a face sheet and five working days for a full incident report. These deadlines can be extended a few days, as long as the victim is informed of the good cause reasons why the report, or face sheet, is not available.

SFPD General Order 3.16, Release of Police Reports, relies heavily on the section of the California Government Code addressing the release of public records. Cal. Gov. Code § 6254(f) states, “Information that would endanger the safety of a person involved in an investigation,” as well as, “Information that would endanger the successful completion of an investigation ... when the prospect of enforcement proceedings is concrete and definite,” may be withheld. It also states that, with exceptions for certain pieces of information, “The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation.” There is no mention of Family Code § 6228 or its provisions in the General Order.

Nearly three months after the named officer denied the complainant’s request, SFPD Bulletin 17-101 was issued documenting recent legislative changes. Under the heading, “PROVIDING INCIDENT REPORTS TO VICTIMS,” it cites the wrong section of the Family Code and states: “Law enforcement must provide, without charge, copy of incident report to victims of sexual assault, stalking, human trafficking, elder/dependent adult abuse, or to victims’ representatives.”

The bulletin helps to put department personnel on notice, but it is inadequate. It does not mention domestic violence victims, and it does not address when a report should be released. It also is not clear how it fits within, or works with, the provisions of SFPD General Order 3.16. That General Order is more than 23 years old and should be updated with the Family Code requirements. In the short term, the Department of Police Accountability recommends that the Department issue a Department Bulletin that addresses the Family Code requirements and directs department personnel to follow the law and release face sheets and incident reports to domestic violence victims.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #9: The officer exhibited inattention to duty.

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

FINDINGS OF FACT: The complainant alleged the officer was late in providing her with a copy of the initial incident report.

The named officer did not recall when he received the request or when he sent out his response.

SFPD documents show that the request was mailed out 15 days after it was received, and that it was the named officer who approved the request.

Although the report was mailed to her 15 days after she made the request, it was not clear when the named officer actually received the request from the SFPD Records Department or when he sent his response back to Records.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer and his partner responded to his home in response to a call made by his ex-girlfriend. The complainant stated she falsely told the police that he sent her a text message about killing himself. The complainant stated the named officer and his partner walked into his room and asked him if he felt like hurting himself, and he replied that he did not. The complainant stated the named officer and his partner told him that he needed to get checked out at a hospital, and they asked him to stand up. The complainant said he was then handcuffed and transported to Psychological Emergency Services (PES), where he spent a week before being transferred to a more permanent mental health facility. The complainant acknowledged that he suffered from depression, but stated that he was not suicidal when the named officer detained him, and therefore should not have been detained.

The named officer stated the complainant's ex-girlfriend provided a copy of a letter and text messages from the complainant indicating that he was planning on killing himself. The named officer also said that the complainant explained, at the time of the detention, that he was having suicidal ideations. The named officer stated that he determined that the complainant was a danger to himself, so he detained him pursuant to section 5150 of the Welfare and Institutions Code - an involuntary mental health detention.

The named officer's partner confirmed the facts provided by the named officer. The officer added that the complainant's ex-girlfriend also provided information that other friends had received messages from the complainant about his suicidal intentions.

The complainant's ex-girlfriend stated that it had become increasingly clear that the complainant intended to hurt himself. She stated he sent texts and emails to friends and colleagues and she was getting "alarming" phone calls from them. She stated the complainant wrote a suicide note detailing how he was going to kill himself. She stated he had gathered supplies to carry out the act. She stated that on the day of the incident, she called police and provided these details to the named officer and his partner when they arrived.

No other witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #1 continued:

The related incident report documented that the named officer and his partner responded to a report that someone wanted to commit suicide. The report documented that the named officer spoke with the complainant's ex-girlfriend, and was shown a letter and text messages from the complainant. The report

documented that the complainant admitted he wrote the letter but denied sending the text messages. The report documented that the complainant claimed he had written the letter days prior, and no longer felt like hurting himself. A letter included as evidence attached to the incident report identified its author as the complainant and indicated his desire to end his life. It included information about who should receive his personal property and requested that he not be resuscitated. A screenshot of text messages, allegedly sent from the complainant, include a link to instructions for committing suicide by suffocation and a statement to the recipient that he was "quite" serious and "excited."

SFPD General Order 6.14, Psychological Evaluation of Adults, states, "Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is ... A danger to himself/herself ..."

The named officer had sufficient facts to conclude that the complainant was a danger to himself due to mental illness.

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

SUMMARY OF ALLEGATION #2: The officer searched the complainant's personal property without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer demanded that he empty his backpack.

The named officer stated that the complainant was asked to empty his backpack if he wanted to take it to PES with him. The named officer stated that he needed to ensure that the complainant did not have any weapons that he could use against himself or others before he was transported.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #2 continued:

The named officer's partner stated that the named officer searched the complainant's bag for weapons prior to allowing him to pack personal items to bring with him.

The named officer was required to search the complainant's backpack in order to ensure his safety, as well as the safety of others. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that the named officer handcuffed him and placed him in a police vehicle like he was a criminal. The complainant said he is a big man at about 6 feet 5 inches tall.

The named officer stated that the complainant was handcuffed because of the size difference between himself and the complainant, as well as the facts that he was noncompliant and a danger to himself.

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: 02/07/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer had his hand on his gun when detaining him, and yanked his computer away from him.

The named officer stated that the complainant was found in his bedroom with his computer on his lap, several pillows around him on his bed, and a large dog present. The named officer stated that he gave the complainant several orders to move away from the bed and laptop so he could see his hands. He stated that he was concerned that the complainant could have been concealing a weapon. The named officer stated he may have placed his hand on his gun as he was assessing the situation, but never disengaged it from the holster. The named officer said that he eventually had to remove the computer from the complainant's lap.

The named officer's partner did not contradict this account.

The acts described were warranted under these circumstances to ensure the safety of the named officer and his partner, as well as the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: The complainant stated that the named officer explained neither his rights nor what was involved with an involuntary psychiatric detention.

The named officer stated he explained to the complainant what his rights were, as well as what the process was for an involuntary psychiatric detention. The named officer said that he read the 5150 form statement to the complainant.

The named officer's partner confirmed that the process was explained to the complainant.

The complainant's ex-girlfriend stated that when she spoke with the named officer and his partner, they were pleasant and seemed well-versed in the protocol for involuntary psychiatric detentions. She said that the named officer and his partner explained the process to her and told her what she could expect.

SFPD General Order 5.21 states, "When detaining an individual for a psychiatric evaluation and no criminal charges are pending, officers shall, when feasible, explain to the person in crisis they are not under arrest, but only being transported to a medical or mental health facility for evaluation."

The 5150 form, or "application," includes a Detainment Advisement that includes the information that SFPD policy requires be provided to the person being detained. The form was signed by the named officer and includes his confirmation that he provided the advisement to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants stated they work for a social service agency, and the named officers, along with plain clothes Daly City officers, entered their facility. They described the officers as demanding, belligerent, and hostile. The complainants stated the named officers informed them that they were looking for a wanted felon. The complainants said the named officers searched two buildings, including tenant and staff offices. One of the complainants was leading a group therapy session, and she stated that plain clothes officers entered and arrested an individual.

The named officers denied behaving inappropriately and/or making inappropriate comments.

The incident report from DCPD documented that officers had learned that a person suspected of stalking was likely staying at one of the social service agency buildings. The report documented that the victim had said the suspect had threatened her and her children with violence and/or death, and she believed he could carry it out. DCPD began conducting surveillance of the facility and learned that the suspect was contacting the victim from a phone number associated with the agency. The report documented that the DCPD officers sought assistance from the named officers, who arrived and helped search the first building. The report documents that DCPD officers went to a second building, where they found and arrested the suspect.

The agency's development director stated that he asked the named officers if they saw the suspect entering the building since they claimed they were in "hot pursuit," and he received no response.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4: The officer entered and searched the facility without cause.

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

FINDINGS OF FACT: The complainants stated that the named officer entered their facility and improperly searched through offices that were not open to the public. One of the complainants stated that the named officer and/or his partners said they were in “hot pursuit” and would not present a warrant. The complainant stated that the named officer and his partners were wearing their uniforms. The co-complainant stated that she heard that officers had entered a different building before they entered the building she was in. In that second location, she said, plain clothes officers entered her counseling session and arrested the suspect. The co-complainant stated that the counseling session was open to the public, but the door was closed for privacy reasons.

The named officer stated he entered public areas of one of the buildings, including hallways, the lobby, and bathrooms accessible to the public. The named officer said he was familiar with the facility and knew that the areas he entered were open to the public. The named officer did not claim a “hot pursuit” exception. The named officer stated he went to the second location and spoke to a staff person at the front desk, but did not continue further into the building with the DCPD officers and did not enter the counseling session to make the arrest.

The other two SFPD officers present acknowledged that the named officer accompanied DCPD officers down the hall and into other areas of the first building, while they waited in the lobby.

BWC footage shows the named officer entering the first building and engaging with staff. The footage shows the named officer telling a staff member that they should not interfere. The footage shows the named officer walking with DCPD officers down a hallway and out of view of the cameras. There was no footage that showed any officer claiming they were in hot pursuit of a suspect, though a staff person can be heard saying she would allow them entry if that was their justification. There was no footage from the second location.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5 - 6: The officers entered and searched the facility without cause.

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

FINDINGS OF FACT: The complainants stated that the named officers entered their facility and improperly searched through offices.

The named officers stated that they remained in the public lobby of one of the buildings.

BWC footage showed the named officers remaining in the lobby of the first building.

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

SUMMARY OF ALLEGATIONS #7 - 9: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: One of the complainants stated that staff told him that more than one officer had their weapon drawn, though he did not witness it. He also stated that one of the named officers was carrying a large projectile weapon.

The named officers denied the allegation. One of the named officers acknowledged he had an Extended Range Impact Weapon (ERIW), but stated that he was ordered to take it to the location by a lieutenant.

No other witnesses came forward.

BWC footage showed one of the named officers holding an ERIW in his right hand, pointed towards the ground. The footage did not show the named officers, or any other officer, removing their firearms from their holsters.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was harassed about testifying in a criminal trial as a witness. The complainant stated they tried to subpoena her, however, she got sick of being called and no longer wanted anything to do with it. The complainant stated they tried to contact her mother, but she had nothing to do with this incident.

The named sergeant stated he was the investigator assigned to a domestic violence case and the complainant was the DV victim. The sergeant stated the complainant contacted him stating she wanted to testify in the trial. The named sergeant called the complainant back to interview her, explain the process and to get her connected with the victim advocate's office. He also called the complainant's mother on one occasion as she was the witness listed in the initial police report. The named sergeant stated he called the complainant a total of four times; two calls were answered by the complainant, he left a voice message on one call and an unknown male answered the other call. The sergeant stated the suspect was eventually convicted and sentenced to state prison.

The SFPD Chronological of Investigation established that the named officer's calls made to the complainant and the complainant's mother were documented. There was no evidence of excessive calls being made to the complainant and her mother.

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

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint has been referred to the San Francisco District Attorney's Office.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 1 of 2

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 she was cited for failure to stop at a stop sign and felt the officers added violations for speeding and a broken windshield as punishment. The complainant acknowledged all three violations.

Based on the complainant's own statement, the citation was properly issued.

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

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said she did not feel safe speaking to the named officer because he was yelling and rolling his eyes when he spoke to her. The complainant stated she saw the named officer's lights and tried to find a safe space to pull over. The complainant stated that the named officer was yelling through a loud speaker, but she could not understand what he was saying. The complainant said the named officer asked her if she knew why he pulled her over, and she admitted to him that she had not stopped at a stop sign. The complainant stated that, in response, the named officer rolled his eyes and then asked if she knew the speed limit. The complainant said that she told the named officer that the speed limit was 35 miles-per-hour, and the named officer, again, responded by rolling his eyes and pointing to a sign that indicated a 25 mile-per-hour speed limit. The complainant stated that the named officer then told her that she also had a cracked windshield. The complainant described the named officer's demeanor as "enraged." She said that she told the named officer to calm down and asked him not to yell. The complainant said that the named officer told her that a 3-year-old died at the intersection and that he was citing her for all three violations. The complainant felt the named officer was not being professional and that he was citing her for the two additional violations, speeding and the windshield, to punish her because she told him to calm down and not yell.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 2 of 2

FINDINGS OF FACT #3 continued:

The named officer stated his demeanor was calm and professional. The named officer acknowledged that he raised his voice at one point, but only because the complainant was not listening to his instructions.

The named officer added that to de-escalate the situation he asked his partner to speak with the complainant, as she refused to continue speaking with him. The named officer also denied adding additional violations to punish the complainant.

The named officer's partner stated that the named officer advised him that the complainant was agitated and argumentative, and that the named officer thought he would have a better rapport with her.

The partner's Body Worn Camera (BWC) footage does not show the named officer's contact with the complainant. The BWC footage shows the named officer walking back to the police car from the complainant's car and speaking with his partner. The named officer appears calm, states that the complainant thinks he is rude, and asks his partner if he will speak to her and issue her the citation.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/17 **DATE OF COMPLETION:** 01/04/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was casually walking in the commercial area of the city. He was intending to stop by a local restaurant and say hello to the owner, when he encountered the officer. The complainant stated the officer stopped and handcuffed him for no apparent reason.

The officer stated that while on patrol, he saw the complainant acting erratically in the middle of a busy street. The officer stated that at about the same time he saw the complainant in the street, he saw a local restaurant owner gesturing to flag down the officer. The officer stated he first had to deal with and bring the complainant under control. The officer stated the complainant was belligerent, threatening, hurling profanities and talking incoherently. Due to the complainant's behavior, the officer stated either he or his partner handcuffed the complainant.

The officer stated he talked to the restaurant owner. The owner told the officer that the complainant had been harassing patrons who were sitting and eating at tables outside of the restaurant. The complainant's behavior was also threatening to people passing by on the sidewalk. Based on the complainant's actions and the officer's investigation of this incident, the officer determined the complainant was not responsive to questions about the complainant's wellbeing, and the complainant posed a danger to others as well as to himself. The officer stated he detained the complainant for a psychiatric evaluation.

The Body Worn Camera video of this incident supports the officer's description of this event.

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: 03/17/17 **DATE OF COMPLETION:** 01/04/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer dug her fingernails into the complainant's ribs while being handcuffed.

The named officer has separated from the Department and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #3: The officer failed to provide the complainant with his Miranda Rights.

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

FINDINGS OF FACT: The complainant stated the officer failed to advise him of his Miranda Rights during the complainant's detention.

The officer stated he detained the complainant for a psychiatric evaluation. Since the complainant was not under arrest for an alleged crime and no custodial interrogation occurred, the officer was not obligated to provide the complainant with the Miranda admonishment.

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: 03/31/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was battered by an assailant outside his residential shelter, and that responding officers failed to search for a suspect and failed to arrest a suspect the complainant pointed out to them. The complainant described the officers he was in contact with as a bald white male and a Hispanic female.

The primary unit responding to the incident contained three officers, one of which has separated from the Department and is no longer subject to discipline, nor available to interview. One named officer stated that he was present at the scene, along with two recruit officers he was training. This officer, who is Asian and reported that he was not bald at the time of the incident, stated that he recalled witnesses at the scene reporting that the complainant had fallen while intoxicated and had not been battered. This officer stated also that he did not recall the complainant pointing out a suspect or requesting a citizen's arrest. He stated that the sum of the evidence he gathered indicated that there was no crime committed.

The second named officer, who is not Hispanic, stated that she was present on the scene, that she spoke to numerous anonymous witnesses who told her the complainant fell and injured himself; that he was not battered. This officer also stated that the complainant never identified nor directed her toward a suspect. She stated that her assessment of the incident was that there was no crime committed.

Three other officers, who were identified as being on the scene, stated they did not recall the details of the incident.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove, the allegations.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/17 **DATE OF COMPLETION:** 01/22/18 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was seated inside a café when four officers contacted him. The complainant stated that during the contact, one of the officers told him to put his phone down, grabbed him by the back of his neck and pulled him out of his seat.

The named officer acknowledged detaining the complainant and assisting him out of his chair and out of the café. The named officer denied grabbing the complainant by the neck or using force on the complainant.

Two of the officers that were at the scene stated that they did not see the named officer use force on the complainant. The officers stated the named officer only guided or assisted the complainant out from his seat. Another officer stated that the named officer pulled the complainant from his chair because the latter refused to comply with orders.

The Incident Report was authored by the named officer. The report documents that the named officer was dispatched to a call of a mentally disturbed person. It states that a reporting party directed the named officer to the complainant. It states that when the named officer made contact with the complainant, “he immediately became aggressive without provocation. [He] shouted homophobic remarks and racial slurs.” The named officer explained in the report that he detained the complainant for further investigation due to his “unprovoked aggressive behavior.” The report further documents that the reporting party described the complainant as assaulting and cursing at passersby. Records from the Department of Emergency Management show that the complainant was described as “cursing at passerbys [sic] and punching them.”

The named officer responded to a call of a mentally disturbed person assaulting people, and was directed to the complainant when he arrived on scene. The complainant then became aggressive towards the named officer inside of a café. Under these circumstances, the named officer officer’s actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/17 **DATE OF COMPLETION:** 01/22/18 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the named officer arrested him for no reason.

The named officer documented in the incident report that the complainant was reportedly assaulting and cursing at passersby. He further documented that the complainant was aggressive towards him, shouting racial and homophobic slurs. The named officer documented that he believed the complainant was a danger to others, so he detained him pursuant to section 5150 of the Welfare and Institutions Code.

One of the other responding officers described the complainant as “manic and erratic.”

Another officer stated that the complainant, “engaged in unprovoked aggressive behavior directed at passersby and officers. He further could not or refused to provide an explanation for his behavior.”

SFPD General Order 6.14, Psychological Evaluation of Adults, states, “Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is ... A danger to others,” among other possible reasons.

A preponderance of the evidence established that the named officer had reasonable suspicion to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/17 **DATE OF COMPLETION:** 01/22/18 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the named officer searched him without cause.

The named officer stated he performed a cursory pat search for weapons and then a transportation search on the complainant.

Officers may search a person being detained if they also believe the individual is armed. The SFPD Arrest & Control Manual also instructs officers to search each prisoner for possible weapons prior to transportation.

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: 03/31/17 **DATE OF COMPLETION:** 01/22/18 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #4: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that while in the back of a marked vehicle, he complained that his handcuffs were hurting him, but no one helped him.

The named officer acknowledged placing the complainant in handcuffs. The named officer stated he checked the handcuffs' degree and tightness and double locked them. The named officer stated he could not recall the complainant complaining about his handcuffs.

The named officer's partner stated that he did not hear the complainant complain about his handcuffs. Two other officers stated that they were no longer at the scene when the complainant was placed inside a marked vehicle.

The named officer documented in the incident report how he handcuffed the complainant.

The complainant did not present any evidence, such as photographs or medical records, showing that he was injured by tight handcuffs. A preponderance of the evidence established that the act alleged did not occur, or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant alleged that one of the officers took his watch and failed to return it to him.

The officers at the scene did not remember the complainant wearing a watch.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers used force during a detention.

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

FINDINGS OF FACT: An anonymous complainant stated the named officers threw a homeless man forcefully on the hood of a parked car and then to the ground. The complainant also stated the male officer threw the man down as the man tried to get up. The complainant further stated the police forcefully tied the man to a stretcher for transportation by an ambulance.

The named officers stated the detainee was uncooperative and in Altered Mental Status (AMS). The named officers stated that during the initial contact with the detainee, he walked away from them. The named officers stated they used control holds to take the detainee to the ground and handcuff him for the safety of the man, the officers, and the public. They stated the amount of force used on the detainee was enough to place him in handcuffs and to restrain him as medics examined him.

The SFPD Body Worn Camera (BWC) of the named officers showed that the detainee was upset, emotional, screaming, and spitting during the detention. The BWC video also revealed that the detainee ignored officers' orders, walked away while he was detained and pulled away from an officer who tried to stop him. The officers' BWC was obscured by clothing during their use of force, due to close contact as they wrestled with the man.

Witnesses stated they saw the homeless man out of control in the street, yelling, screaming, threatening others and causing property damage by throwing a bicycle at a car. A witness stated he saw the man walk away from officers detaining him. The witness also stated he had a limited view of the officers tackling the man. Two other witness said they saw the man, but left the scene before police and fire personnel arrived.

DGO 5.01 (F)(1)(b) states that the officers may use force in the performance of their duties to detain a person and to prevent a person from injuring himself.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to restrain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer behaved improperly.

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

FINDINGS OF FACT: The complainant stated the officers placed a spit mask over the head of a homeless man while he was in custody.

The named officer stated she placed a spit mask over the detainee's head to prevent contact with mucus from his nose and spit from his mouth due to officer safety.

SFPD Body Worn Camera (BWC) footage showed that the detainee was upset, emotional, screaming, yelling, spitting, and had apparent mucus draining from his nose during the detention.

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 #4-5: The officers failed to process property.

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

FINDINGS OF FACT: The complainant stated that the homeless man repeatedly asked the officers to get the key to his bicycle lock, but the officers refused.

One of the named officers stated he searched for the detainee's bicycle lock key by checking the detainee's clothing and in the immediate area with negative results. The other named officer stated she did not recall looking for the detainee's bicycle lock key.

The SFPD Body Worn Camera (BWC) video documented that the detainee asked officers to get his keys and attempted to find them himself. The footage also showed that the detainee, his bicycle and some personal property were transported by ambulance from the scene.

One witness stated he was at the scene when the officers arrived and recalled the man screaming about his bicycle lock key. Two other witnesses said they left the scene before police arrived.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 3 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The SFPD Body Worn Camera (BWC) video documents that the named officer used profanity during the incident. During the review of the BWC videos from the initial officers, the named officer acknowledged saying, “That’s bullshit,” and “Show me your fucking hands,” while he was speaking to a detainee.

The named officer’s partner stated during the incident, she heard the named officer say, “bullshit.” The named officer used profanity, and it was directed at a detainee who was upset, screaming and uncooperative with the named officer at the time.

SFPD General Order 2.01, General Rules of Conduct, Rule 14 states that members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

Other witnesses and a backup officer who were not present during the entire contact stated they did not hear the officer use profanity.

The evidence established that the named officer used profanity during a contact with the public.

A preponderance of the evidence proved the conduct 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: 04/12/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATIONS #2-3: The officers failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated she heard a homeless man scream out in pain as he was handcuffed.

The named officers stated they responded to a call about a mentally disturbed person who was in an altered mental state. The officers stated the detainee was uncooperative and tried to flee from the detention. The officers denied that there was any reportable use of force or any complaint of pain, injuries or visible injuries from the detainee. The officers stated the detainee was not injured nor did he claim to be injured. The officers stated the detainee did not complain of pain beyond the use of the physical control by the officers. The officers stated they used physical control to briefly detain the man until medics arrived. The officers stated medics subsequently evaluated and transported the detainee in soft restraints to a nearby hospital. The named officers stated the call concluded as “medical only.”

DGO 5.01 II. (F) states that a reportable use of force occurs when officers use any force in overcoming a subject’s resistance that results in complaint of injury or pain that persists beyond the use of a physical control.

The SFPD Body Worn Camera (BWC) video revealed that the officers briefly detained and handcuffed him at the scene until the medics arrived. The man was not apparently physically injured, nor did he claim to be injured, beyond repeatedly yelling and saying, “ouch” and “owie” while he was subdued and handcuffed. The BWC video also documents that the SFPD medics examined the man and told the officers that the man was just “upset.”

A witness stated she did not observe the incident when the officers arrived. Another witness stated she left the scene before the officers responded. A witness victim stated he was at the scene when the officers arrived. The witness stated it was peculiar that the man repeatedly screamed out “owie.”

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/17 **DATE OF COMPLETION:** 01/04/18 **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 that his vehicle was broken into and personal property was stolen. The complainant called 911 and the dispatcher told him no one could respond at the time. The complainant stated a short time later he flagged down a male officer in a patrol car and asked the officer if he could file a report. The complainant stated the officer failed to investigate the crime and sent him to another police station for a report.

The named officer denied the allegation. The officer stated he gave the complainant several options of taking the report, such as online, at the station or he could prepare the report. The officer said the complainant stated he would respond to the station for a report as he was advised by the dispatcher. The officer stated he did not investigate the vehicle theft because the complainant said he would respond to the station for a report.

Records from the Department of Emergency Management show that the complainant agreed to respond to the district station to file a police report.

An SFPD incident report was prepared at a district station for a theft from a locked vehicle. The report listed four victims and included 24 items that were taken from a rental vehicle.

SFPD allows reports to be taken for "Vehicle Burglary" at the district stations or online.

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

SUMMARY OF ALLEGATION #2: The officer failed to write a report.

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

FINDINGS OF FACT: The evidence established that the complainant agreed to respond to a district station to file a police report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/17 **DATE OF COMPLETION:** 01/22/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that officers he knew from previous police contacts in another district came to his residence to harass him.

The complainant did not respond to DPA requests for an interview for additional information.

The named officers acknowledged responding to the residence where the complainant lives, but denied previous contact with the complainant. The officers stated they were dispatched to a call by the complainant's neighbor, who told dispatch he had obtained a stay away order requiring the complainant to stay 100 yards from him and that the complainant was harassing him. The named officers stated they did not make contact with the complainant to advise him because the complainant did not open the door.

Records from the Department of Emergency Management show that the named officers were dispatched to the complainant's residence.

Department General Order 1.03 dictates that officers shall "Respond promptly to assigned calls, regardless of the area of assignment."

The evidence proves 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: 05/19/17 **DATE OF COMPLETION:** 01/08/18 **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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she went to a hotel to meet with a case manager regarding health services. The complainant stated that, while there, the hotel's director confronted her in the lobby, yelled at her, and told her she had to leave. The complainant stated that she felt threatened and sat down in the lobby. The complainant said that she and the staff of the hotel separately called 911. The complainant stated that she left the hotel and was approached by the named officer and another his partner. The complainant stated that the named officer intimidated her by threatening to arrest her multiple times if she went back into the building.

The named officer stated that he and another named officer were flagged down by the hotel's staff who stated that they wanted the complainant to stay off the hotel's premise. The named officer stated that he attempted to calm down the complainant who was being argumentative with him, his partner, and the hotel staff. The named officer stated that he told the complainant that she could be subject to arrest for trespassing if she reentered the hotel.

The named officer's partner stated that the complainant was uncooperative and agitated during the incident. The officer stated that he and the named officer informed the complainant that if she went back into the hotel she would be trespassing. The officer said he did not hear the named officer threaten to arrest the complainant.

A witness officer's body worn camera footage shows the complainant insisting that she was not trespassing because she was outside of the hotel. The witness officer advises the complainant that she was in the hotel before and that if she decides to go back in, it would be considered trespassing.

The named officer was advising the complainant of the law and the consequences of violating the law. The named officer had a duty to inform the complainant of the consequences if she were to re-enter the hotel.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that hotel staff yelled at her and told her to leave, so she called 911. The complainant stated that she left the hotel and was approached by the named officer and his partner. The complainant stated that the named officer yelled at her and told her to get off the phone.

The named officer did not recall yelling at the complainant. The named officer stated that he did not recall telling the complainant to get off the phone, however, the named officer stated that it is not uncommon for officers to tell people to hang up with dispatch when police officers arrive on scene.

The named officer's partner stated that the named officer did not yell at the complainant at any point during the encounter. The officer also stated that he did not recall if the named officer asked the complainant to get off the phone but reiterated that it is common to ask individuals to get off the phone under the circumstances.

A witness officer's body worn camera footage shows the complainant was agitated and argumentative. The footage did not capture the named officer yelling or asking the complainant to hang up her phone.

It is more likely than not that the named officer did not yell at the complainant, though it is possible he raised his voice if she was not complying with his request. Furthermore, officers would justifiably ask a reporting party to terminate their call with 911 once they arrived on scene in response to that same call.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/17 **DATE OF COMPLETION:** 01/25/18 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that a witness officer yelled at her and told her to get off the phone. The complainant also stated that the same witness officer intimidated her by threatening to arrest her multiple times. The complainant stated that the named officer failed to intervene as the witness officer was yelling and being aggressive towards her.

The named officer stated that the witness officer did not yell at the complainant at any point during the encounter. The named officer also stated that he did not recall if the witness officer asked the complainant to get off phone but stated that it is common practice to ask individuals to hang up with dispatch when they arrive on scene. The named officer did not hear the witness officer threaten to arrest her at any point.

The witness officer stated that he attempted to calm down the complainant, who was being argumentative. The witness officer did not recall yelling at the complainant or telling her to get off the phone. The witness officer stated that he told the complainant that she could be subject to arrest for trespassing if she reentered the hotel.

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: 05/31/17 **DATE OF COMPLETION:** 01/03/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was battered by another resident in his hotel, and responding officers did not obtain video from the hotel security camera that showed the battery.

The named officer acknowledged investigating the battery alleged by the complainant and wrote the report documenting the investigation. He stated that he interviewed the clerk at the desk of the hotel and the clerk told him that she did not have the capability of downloading the video.

Department records showed that the officer detailed his efforts to obtain the video in the incident report he completed. Department records also indicated that an officer assigned to follow up on the investigation obtained the video from the contact person identified by the named officer in his report.

Department Bulletin DB17-109 requires officers investigating a crime to search for and attempt to obtain any video footage that may have captured the circumstances surrounding the crime. The bulletin states that, if the officer is unable to obtain video, the officer is to describe the efforts made to do so.

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: 06/21/17 **DATE OF COMPLETION:** 01/29/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In a written complaint, the complainant stated that she was involved in a traffic collision wherein the other driver backed into her car and fled the scene. She pursued him until she caught up with his vehicle and got him to stop by blocking him in with her car. When the named officers responded to her initial report of a hit and run, the complainant asked one of the named officers for a police report. The complainant stated the officer seemed annoyed and told her that if he had to take the time to do a full investigation there would be more than one citation issued. The complainant stated she expected the officer to take the time to investigate and complete an incident report.

The named officers stated that after one of them spoke with the other party involved, that officer determined the other party did not know he had hit the complainant's car, and there was no visible damage to the complainant's vehicle. He stated that the complainant was uninjured and did not complain of pain. One of the officers also stated that CVC 20002 provides that, for a hit and run to have occurred, the fleeing party must have knowledge that they hit something before leaving the scene without exchanging information. Based on his preliminary investigation, the officer concluded that there was no merit to the allegation of a hit and run; thus he offered to facilitate the exchange of information between the parties.

The named officer who spoke with the complainant did not recall her asking for a collision report.

Department General Order 9.02 instructs officers, "When investigating an accident involving injuries, always complete an entire Traffic Collision Report" It further provides, "When requested by a citizen, investigate and prepare a Traffic Collision Report and a Hit and Run Record (SFPD 133) for all hit and run vehicle accidents occurring in San Francisco." The DGO states that in non-injury collisions, officers' duty is limited to facilitating an exchange of information and arranging for any necessary tows. The evidence established that the named officers' actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/17 **DATE OF COMPLETION:** 01/29/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: 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 the named officer threatened to give her a citation if he had to take the time to do a full investigation of the incident.

The named officer denied threatening the complainant. He stated that he explained to the complainant that it is illegal to forcefully box in someone's vehicle in an attempt to prevent him/her from forward progress. He told her that doing so is a violation of PC 236, False Imprisonment. The officer said that he also explained to the complainant that if the other party had hit her vehicle and left the scene for whatever reason, it would have been safer for her to take down the license plate number, vehicle description, and location of occurrence, and make a hit and run report. He told her to never attempt to chase down another car herself. The officer acknowledged that the complainant may have taken this explanation the wrong way and mistakenly perceived it as threatening; however, the officer said his sole intent was to educate her about the law and hopefully prevent something like this from happening again.

A witness officer stated that he did not hear the named officer threaten the complainant with a citation if he had to write a report.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was stopped as he attempted to leave a grocery store with items from the store. The complainant stated that two men pushed him, detained him, threatened him and eventually handed him over to SFPD officers.

The related incident report indicated that the responding officers were not involved in the initial detention, and took custody of the complainant from grocery store security personnel.

The DPA attempted to contact the complainant multiple times to determine if he had a complaint against any SFPD members. The complainant did not respond.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/17 **DATE OF COMPLETION:** 01/29/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited for no reason.

The named officer's body worn camera footage shows the complainant sitting on a bench that is covered in blankets with her personal belongings around her. The bench the complainant is sitting on is next to a public toilet. The named officer states, "public toilet for seven hours, that's called loitering." The named officer informs the complainant that she is being cited for loitering next to a public toilet. The complainant is argumentative with the officer and does not deny that she has been there for seven hours. The officer drafts a citation and has the complainant sign with a pen he provides her. The complainant signs the citation and throws the officer's pen on the ground.

A copy of the citation provided to the complainant indicates she was cited for a violation of SF Municipal Police Code section 124.2 Loitering Near Public Toilets and Port Code 2.9 at a location adjacent to Fisherman's Wharf.

SF Municipal Police Code section 124.2 makes it, "unlawful for any person to loiter or linger at or near any automatic public toilet in the City and County of San Francisco." Section 124.1 clarifies that, "a person loiters or lingers at an automatic public toilet when the person remains within 10 feet of such a toilet for a period of over two minutes without lawful business." SF Port Code section 2.9 prohibits camping in parks under the jurisdiction of the Port Commission.

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

SUMMARY OF ALLEGATION #2: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated that she was taken to a nearby police station where her luggage was allegedly stolen.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/17 **DATE OF COMPLETION:** 01/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer delayed the response to her ex-husband's residence to facilitate a custody exchange by asking her irrelevant questions until she basically told them "never mind."

The named officer denied that he delayed the response, acknowledging that he asked for a copy of the custody order. He said the complainant told him he should facilitate the custody exchange without it, and failed to provide a copy of the order. The named officer stated that the complainant questioned why he was moving his hands while he spoke to her, and finally declined further police service when he said he needed to see an order to enforce it.

The named officer's partner stated the complainant asked them to enforce a custody order while she printed it out, but when they asked to see it, failed to provide the order. The partner said the complainant walked toward her home and when he asked if she needed further assistance, she said, "No. Bye."

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing based on sex.

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

FINDINGS OF FACT: The complainant stated that she felt the officer would have treated her differently if she were a man, and would not have forced her to answer the questions they asked her.

The named officer and his partner stated they asked the same question of the complainant as they would have a man in a similar situation.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/17 **DATE OF COMPLETION:** 01/31/18 **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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/17 **DATE OF COMPLETION:** 01/11/18 **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 stated that an officer illegally arrested her. The complainant could not provide the date, time, or location of the arrest.

The incident in question could not be located.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers failed to take required action.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated that he was robbed and beaten up four years ago and that an SFPD officer responded and was rude to him.

The incident in question could not be located.

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

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

FINDINGS OF FACT: The complainant stated that he was robbed and beaten up four years ago and that an SFPD officer wrote an inaccurate incident report.

The incident in question could not be located.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 01/31/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that he was the only person cited for jaywalking even though he was walking with two other people when he violated the law.

The named officer stated that the complainant was standing in the street and not the sidewalk, which is an infraction of the vehicle code. He stated that he did not see anyone other than the complainant standing or walking in the roadway.

SFPD Body Worn Camera video shows the complainant standing in the street alone.

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

SUMMARY OF ALLEGATION #2: The officer made inappropriate statements and engaged in inappropriate conduct.

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

FINDINGS OF FACT: The complainant stated the named officer is inappropriately familiar with him and calls him by his name whenever he sees him. He stated the officer told him that he's going to cite him whenever he sees him doing something wrong and recommended that he to go to Oakland where he lives.

The named officer patrols the Tenderloin District. The named officer stated that he intentionally remembers people's names and engages community members in his district. He stated he could not recall if he told the complainant that he would cite him if he did something wrong or to go back to Oakland.

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: 10/11/17 **DATE OF COMPLETION:** 01/11/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that an SFPD bomb squad truck drove within a foot of where he was standing and knocked down cones he had placed on the road as part of his work. The complainant stated that the truck did not have sirens on, and the driver did not stop. The complainant said he did not see the driver of the truck.

An officer identification poll was sent to the division responsible for the bomb squad. The poll came back with negative results.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/17 **DATE OF COMPLETION:** 01/08/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant called police to report the theft of three cats. The complainant acknowledged that the cats belonged to current and/or former roommates and that at least one of the roommates asked someone to come and get the cats. A roommate allowed the person inside the residence to get the cats. The complainant acknowledged that she was not the rightful owner of the cats. The complainant stated the officers told her it was a civil matter.

The named officers correctly advised the complainant that the incident in question was a civil matter as no crime had occurred. Nonetheless, one of the named officers prepared an incident report, documenting the alleged theft.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/17 **DATE OF COMPLETION:** 01/30/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was walking on the street and spoke to a woman who was handing out brochures for a tax event that was happening at a nearby convention center. The complainant had interest in the event, so he entered the convention center. Upon entering the convention center, the complainant made eye contact with an Asian officer. The complainant stated that the officer told him to “get out.”

The named officer stated that he was working a private, technology event at the convention center that was not open to the public. The named officer did not recall having an interaction with the complainant.

No witnesses were identified.

SFPD records showed that the named officer was the only one working at the convention center on that day who was identified as Asian, and that the named officer was posted at the entrance through which the complainant said he entered.

A preponderance of the evidence established that the officer’s action was proper as the event was not open to the public.

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: 11/20/17 **DATE OF COMPLETION:** 01/25/17 **PAGE#** 1 of 1

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 she was detained under Welfare and Institutions Code Section 5150 without justification.

Records from the Department of Emergency Management show that an employee from a café called 911 and reported that a female subject was swinging a construction sign, trying to smash the door, and frightening customers. It was also reported the female was spitting at customers.

A witness stated the complainant was yelling at her and other patrons in the restaurant, while holding a construction sign and thrashing it around. The witness stated the complainant spat on her. The complainant was acting aggressive and becoming more upset.

A second witness stated he heard the complainant cursing, making racial slurs, and then observed her grab a metal street sign and swing it at the building and pole, threatening people. A female employee in the coffee shop asked him to prevent the woman from coming inside and he held the door to prevent her from entering. The witness stated he and the other patrons were fearful of the complainant.

SFPD body worn camera (BWC) video footage and the Event History Detail clearly established there was reasonable suspicion to detain the complainant because she presented a danger to herself and others.

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: 11/21/17 **DATE OF COMPLETION:** 01/12/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated, in a voicemail message, that he wanted to complain about an officer who stole property from his bag.

When the DPA contacted the complainant, he stated he did not have time to provide more details.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/17 **DATE OF COMPLETION:** 01/08/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/17 **DATE OF COMPLETION:** 01/22/18 **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 Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/17 **DATE OF COMPLETION:** 01/03/18 **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:

**San Francisco Police Department
Internal Affairs Division
1245 3rd Street 4th Floor
San Francisco, CA 94158**