

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/19 **DATE OF COMPLETION:** 01/09/19 **PAGE#** 1 of 1

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to correct errors in an incident report.

In email correspondence supplied by the complainant, the named lieutenant informs the complainant that an incident report cannot be modified and that she is welcome to file a supplemental report.

Department records indicate that two supplemental reports were filed by the complainant.

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

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

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

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

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

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DATE OF COMPLAINT: 02/12/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers conducted an unlawful search of the complainant and his vehicle.

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

FINDINGS OF FACT: The complainant stated the named officers conducted an unlawful search of him and his vehicle after they pulled him over. He stated that he showed them a letter from Adult Probation Department stating that he was no longer on Post Release Community Supervision (PRCS), but the officers ignored it.

The named officers stated that they detained the complainant because they observed him driving a car with no front bumper in violation of CVC 28071. They stated that upon running a computer query on the complainant, the CLETS system showed that he was on active PRCS, prompting the search of his vehicle. Only one officer recalled seeing the letter that the complainant offered as proof that his probation had terminated. That officer stated that officers are often provided with false and fraudulent documentation more sophisticated than the printed letter devoid of holograms, seals, or other security measures that the complainant presented to him. The officer stated that he knows to rely on the CLETS system during the performance of his duties as it contains the most up to date, reliable, and accurate information.

An Adult Probation Department employee confirmed that the complainant was not on probation at the time of the incident. Another ADP employee, who administers the PRCS program, said that it is the responsibility of the parolee to contact ADP to update the discharge date after the probation terminates. That employee also stated that PRCS entries on the MVT display the number of a 24-hour PRCS hotline for officers to call with questions regarding probation status. He stated that he believed that a standing order was posted in police stations directing officers to call this number.

Neither of the named officers recalled the MVT displaying a phone number to call with questions regarding the PRC status. They stated that a Department Bulletin which directed officers to call the 24-hour PRCS hotline for clarification of probation status expired in 2016, well before this incident with the complainant.

A preponderance of the evidence established that the named officers relied on the information from CLETS.

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

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

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

FINDINGS OF FACT: The complainant stated that he asked all the officers at the scene for their identification. He stated that some of the officers provided him with their business cards, but the named officer did not provide him with one.

Department records show that the named officer issued the complainant a citation, which contains her name and star number.

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

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DATE OF COMPLAINT: 02/27/18 **DATE OF COMPLETION:** 01/04/19 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that officers inexplicably stopped and detained her and her friend while they were walking back from a corner store to her residence. The complainant identified herself as African-American, female and in her 20's.

The named officers stated they were dispatched to search for suspects reported to have a gun that were wearing a certain color of clothing. They stated the complainant and her friend were stopped because they were in the search area and their description was similar, particularly the clothing the complainant's friend was wearing. One named officer stated he explained the reason for the detention to the complainant; however, the complainant was upset while her friend was calm and co-operative. He stated that both the complainant and her friend were detained a short period of time, then told they were free to leave.

The DPA interviewed several officers that stated they were dispatched to a reported call of suspects with a gun in the area where the complainant and her friend had been detained. These officers stated they were not present from the onset of the detention.

Department of Emergency Management records show the named officers were responding to a call that was labeled as "Person with Gun," in the vicinity of where the complainant and her friend were stopped. The records show that a suspect brandished a gun, and he was described as a white, male, adult in his 20's, with a thin build and a turquoise sweater; that male was with two black female adults, also in their 20's and in black jackets. The dispatch records document that the named officers were present at the location of the detention.

BWC recordings show the complainant and her friend, outside at night, being detained by the named officers, with several other officers in the area. The footage shows the complainant was upset and speaking over the officers during their exchange. One of the named officers was shown explaining the reason for the detention. The recordings show that the complainant's friend was wearing a sweatshirt which closely matched the description of the clothing provided by dispatch.

The complainant's friend did not come forward for an interview and no other witnesses were identified.

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SFPD General Order 5.03, Investigative Detentions, states in part:

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

The named officers briefly detained the complainant and her companion because they were in the area of a report of a person with a gun, and there was reason to believe one or more of them could have been suspects.

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 #3-4: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant stated that when she and her friend were stopped and detained, an officer grabbed her right arm causing pain, and that officers pushed her friend against a wall.

The named officers denied that any type of force was used with the complainant and her friend. One named officer stated that in order to separate the parties for the purposes of their investigation, he moved the complainant by touching her arm to guide her to a different area. The second named officer stated that the complainant's friend was against a doorway, however, denied that he had been pushed by any officer.

The DPA interviewed several officers present during the detention, who denied observing any officers using force with either the complainant or her friend.

BWC recordings show the complainant and her friend detained by the named officer and his partner, with several other officers in the area. The recordings show that one of the named officers moved the complainant by placing his hand on her arm and guiding her away from her friend. The second named officer was shown with the complainant's friend near a doorway performing a pat down search of the

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friend's outer clothing. None of the recordings documented either named officer using force with either the complainant or her friend. The recordings did not reveal any injuries or complaints of pain.

The complainant's friend did not come forward for an interview and no other witnesses were identified.

The BWC recordings contradict the allegations made by the complainant.

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

SUMMARY OF ALLEGATION #5: The officer searched a person without cause.

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

FINDINGS OF FACT: The complainant stated her friend was searched without reason.

The named officer stated that he and his partner detained the complainant and her friend based on a report of a person with a gun, and that the complainant's friend matched the description of a suspect. The named officer acknowledged that he performed a cursory pat search for weapons and officer safety.

The named officer's partner stated that the complainant and her friend matched the dispatcher's description and they were briefly detained. He confirmed that the named officer conducted a pat search.

Department of Emergency Management records show the named officers were responding to a call that was labeled as "Person with Gun."

BWC recordings show the named officer performing a pat down search of the friend's outer clothing.

The complainant's friend did not come forward for an interview and no other witnesses were identified.

Since the complainant's friend matched the description of a person reported to be in the area with a gun, the named officer had justification to search for weapons.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1-2: The officers failed to comply with DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: While investigating the incident, the DPA discovered the named officers had not activated their Body Worn Cameras (BWC's) during a detention.

Both named officers stated that they were on scene as back-up officers and were not the primary investigating officers. One of the named officers stated he briefly spoke to the complainant, assisting another officer, and acknowledged that his presence during the detention would have warranted activation of his camera. This same officer stated that he did not recall activating his camera or if he appropriately tagged the footage. The second named officer stated that he was wearing his camera during the call and had not activated it; however, he acknowledged that he should have turned it on given the circumstances.

Department of Emergency Management records show the named officers were responding to a call that was labeled as "Person with Gun."

The SFPD Legal Department provided all the BWC recordings related to the CAD, and there were no recordings made by either of the named officers.

SFPD General Order 10.11 states in part:

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

When the named officers arrived, both the complainant and her friend were being detained as suspects and not free to leave. Although the named officers were not the primary investigating officers, they were on scene, and in the immediate area of the people being detained. Furthermore, they were aware that they were present to investigate, or assist in investigating a possible crime, and that the complainant and her friend were being detained.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he contacted the police for assistance with a person threatening him with a gun. He stated an officer proposed to him that if he allowed the other party to apologize then he would not be issued citations for various violations. This upset him, so he declined the offer, and officers proceeded to issue him citations. The complainant also stated that officers acted unprofessionally and laughed during his detention.

Both named officers denied the allegations. One named officer stated that the complainant was issued citations because he violated 153 MPC urinating in public, 5202 CVC no plates, 22500(h) double parking, and 22500(e)CVC parking in front of a driveway. The officer stated that he did approach the complainant about speaking with the other party, but the complainant's denial had no bearing on his issuing of a citation. The second named officer stated he was directed by the lead officer to issue a parking citation to the complainant. He stated the complainant was verbally aggressive, made comments about his and the other party's race and questioned why he smiled at him. Both of the named officers stated they acted professionally.

Several witness officers stated that they did not observe any other officers behaving inappropriately or making inappropriate statements to the complainant during the incident.

The complainant's friend, who was present for part of the incident, recalled that an officer said something to the complainant about dropping the charges, but he did not recall the exact conversation. He did not recall hearing any officer state to the complainant that if the complainant did not pursue the citizen's arrest, the complainant would not be cited.

Department of Emergency Management records show the named officers, along with other units, responded to a call, labeled as "Person with Gun", at the location of the incident.

The incident report documented the investigative steps, witness interviews, and evidence collected. The report further documented that the complainant and the other party signed citizen's arrest forms against each other.

The Body Worn Camera (BWC) recordings show the complainant and another party detained by various officers on opposite sides of the street. One of the named officers was shown explaining to the

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

complainant the result of their investigation. The recordings showed that the other involved party had requested to speak with the complainant, and one of the named officers took his request to the complainant. The recording shows the complainant getting upset that the officer would suggest he speak with the other party. The recording shows that prior to the conversation between the named officer and the complainant, the citation violations were already determined. Upon the direction of one of the named officers, two other officers provided citations to both the complainant and the other involved party. The recordings show the second named officer politely provided the parking citation to the complainant while smiling. The recordings show the complainant was argumentative with the officers, particularly focusing on the second named officer. No other witnesses came forward.

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

The BWC recordings show that both of the named officers acted professionally. The recordings did not corroborate the specific acts described by the complainant. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated officers did not complete a thorough investigation into his report of threat with a gun, even though officers found the gun.

One of the named officers stated that he was in the Field Training Program and assisted in the investigation as well as wrote the incident report. He stated that he spoke to the involved parties and witnesses, and that he conferred with the other officers on scene. The named officer stated he documented evidence, including the gun and pistol cartridge. He stated the threat itself had occurred outside of the officers’ presence, and based on the evidence available, the violation was determined to be a misdemeanor. The named officer stated that the other involved party was issued a citation for brandishing a weapon, 417(2)PC.

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

The other named officer, a sergeant, stated that during the investigation she was acting as a Field Training Officer for the first named officer. The sergeant stated that she did not have a direct role in the

Investigation; however, she was asked for guidance periodically. She stated that there was nothing further the officers could have done to investigate the matter.

Several witness officers stated that they assisted in the investigation and provided their findings to the first named officers, who was leading the investigation.

The incident report, written by the first named officer, documents that he or other officers interviewed both of the parties, spoke with witnesses, reviewed video evidence from both the complainant's cell phone and surveillance cameras, and took photos of the scene. Evidence listed on the report includes a pistol cartridge, surveillance video, and photographs.

The BWC recordings corroborate that the named officers, and other officers on scene, took the steps described in the incident report. The recordings show that the named sergeant provided some direction to the named officer and others, when requested. The recordings show the first named officer getting information from the other officers and then directing the issuance of citations to both parties.

The investigation established that the named officers completed a thorough and detailed investigation.

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

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

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

FINDINGS OF FACT: The complainant stated the police failed to arrest the person who had threatened him.

The named officer, who was in charge of the investigation, stated that, based on the evidence, he determined that the other party committed the misdemeanor of brandishing a weapon. He stated that since the violation occurred out of his presence, he took a private person's arrest from the complainant and issued the other party a citation.

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SUMMARY OF ALLEGATION #5: (Continued)

A sergeant on scene stated that she believed the complainant wanted the officers to make a custodial arrest; however, under the circumstances, a citation was appropriate.

The incident report documents that the complainant and the other party each signed private person's arrest forms against the other. It documents that the other party received a citation for brandishing a weapon.

SFPD General Order 5.04, Arrests by Private Persons, states, "Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall ... Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate ..."

SFPD General Order 5.06, Citation Release, states, "It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offences."

The named officer determined that there was probable cause for an arrest, and he accepted the complainant's private person's arrest. However, the named officer determined that the crime committed was a misdemeanor, so in accordance with Department policy, he cited and released the other party.

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 #6-8: The officers made a detention without cause.

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

FINDINGS OF FACT: The complainant stated that he requested assistance with a person threatening him with a gun. He stated that the officers that arrived treated him as a suspect. The complainant said the officers detained, handcuffed, and searched him.

One of the named officers stated that he responded to a service call which involved a person with a gun, and upon arrival saw the complainant yelling in the street. He stated he initially detained the complainant because he matched a description provided by dispatch of one of the involved parties but denied placing

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SUMMARY OF ALLEGATIONS #6-8: (Continued)

handcuffs on the complainant at that time. A second named officer stated that when he arrived on scene, the complainant approached his patrol car. This same named officer stated he detained the complainant

based on the nature of the call and the fact he was still attempting to determine who the parties were. He stated he conducted a pat search of the complainant and found a knife, which was initially taken but then returned at the end of the call. The named officer stated that another named officer assisted in the detention and placed the complainant in handcuffs. The third named officer stated that he assisted in the detention but denied placing handcuffs on the complainant.

The complainant's friend was interviewed and stated that he arrived as the complainant had been initially detained and released by officers.

Department of Emergency Management records show the named officers, along with other units, had responded to an A-priority call of a person with a gun at the location of the incident.

The BWC recordings show the complainant approaching the patrol car of one of the named officers as he arrived. The recordings show the detention of the complainant and one of the named officers placing the complainant in handcuffs, while a different named officer performed a pat search and seized a knife from the complainant. The recordings show one of the named officers signaled that the complainant was clear and other officers removed the complainant's handcuffs. The recordings show one of the named officers explained to the complainant that he was detained due to the nature of the call, and the fact that he ran up to the patrol car. The recordings document that the complainant then acknowledged that he should not have gone up to the patrol car.

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

A preponderance of the evidence established that the officers had reasonable suspicion to detain and search the complainant based on the 911 call.

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

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SUMMARY OF ALLEGATION #9: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that during his detention and the investigation of the reported threat by a person with a gun, an officer searched his car without reason.

The named officer denied that the complainant's car was searched. The named officer stated that the complainant provided permission to obtain the car's registration documentation from inside of the car.

BWC recordings show the complainant granted permission to the named officer to obtain documents from the car he was driving. None of the recordings showed the vehicle was searched.

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

SUMMARY OF ALLEGATION #10: The officer failed to comply with DGO 3.16, Release of Police Reports.

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

FINDINGS OF FACT: The complainant stated that after the incident he went into the district station to request a copy of the incident report. He stated that an officer refused to provide a copy of his report and referred him to the police website.

No witnesses were identified.

The identity of the alleged officer could not be established.

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SUMMARY OF DPA-ADDED ALLEGATION #1-3: The officers failed to comply with DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: While investigating the incident, the DPA reviewed BWC recordings that suggested the named officers had not promptly activated and/or had deactivated their BWC cameras, during their involvement.

All officers acknowledged that they were on scene during the detention. One of the named officers, a sergeant, stated she was acting as a Field Training Officer. She said she was on scene as back-up and to evaluate the lead officer's performance. She stated that because she was not actively participating in the investigation, she did not activate her BWC immediately upon arrival on scene. The named officer stated she deactivated her BWC once she felt the investigation was complete, although her recruit was still speaking with the complainant. She stated she did not have any contact with any involved parties or witnesses; however, she spoke with a neighbor in the area regarding the cars involved.

The second named officer stated that he was a back-up officer. He said he assisted the lead officer in obtaining surveillance video from a nearby store. The named officer admitted that he turned his camera off while in the store and did not re-activate because he thought his role in the investigation was over. He acknowledged that after deactivating he discussed the video with the complainant and other officers.

The third named officer stated that he did not activate his BWC when he first arrived because he was a back-up officer. He stated he activated it when he briefly spoke with the complainant and his friend.

BWC recordings show that the named officers did not have their cameras activated throughout the entire investigation and their time on-scene. One of the named officers' recording shows that he deactivated his camera while reviewing surveillance video, then did not reactivate later when discussing the video with the complainant and other officers. Other BWC recordings show that the two other named officers did not activate their BWC's upon arrival at the scene.

Department of Emergency Management records show the named officers were responding to a call that was labeled as "Person with Gun". The dispatch records document that the named officers were among those present at the scene.

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SUMMARY OF DPA-ADDED ALLEGATION #1-3: (Continued)

SFPD General Order 10.11, Body Worn Cameras, states in part:

All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances... Detentions and arrests... and Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim... In any situation when the recording would be valuable for evidentiary purposes...

Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording ...

When the named officers arrived both the complainant and the other involved party were being detained as suspects. The named officers remained present during the investigation and eventual citation of each party. The named officers were required to activate their BWC's when they were on scene and keep them activated until their involvement was complete.

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

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

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

FINDINGS OF FACT: The complainant stated she was walking on a street where the sidewalk was blocked due to construction. She noticed a large male coming after her and crossed the street to avoid him. She then realized the person pursuing her was a police officer, who told her that he was not having a good day and she was going to receive a \$500 ticket. She stated he threatened to give her another ticket if she did not remain in place and obey his orders. She stated the officer slammed her ticket down on a parked vehicle and demanded she sign it. He also told her that if she threw the ticket down, he would arrest her.

The named officer stated that his duties on the day of the incident consisted of preventing pedestrians from walking in the roadway where the sidewalk was closed due to construction. He stated he observed the complainant ignore the barricades and walk in the street towards him. He stated the street was unlit and oncoming traffic was approaching the complainant. He yelled at her to stop but she ignored him. He followed her across the street and inquired whether she had thought he was a security guard. He asked her to remain in place while he went across the street to get his ticket book. He cautioned her not to run away because that would result in an arrest warrant. When he returned and gave her the ticket, the complainant was yelling at him. The officer denied he slammed anything down but stated that he did lean on a truck to write out the citation. The officer recalled that the complainant said she would not accept the ticket and would rip it up. He told her that if she threw it on the ground it would be a litter citation, as well.

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

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated she was walking when she realized that the sidewalk was closed due to construction. She saw a large male figure approaching her and crossed the street to avoid him. She did not realize that the figure was a police officer, but when the officer caught up to her, he told her he was not having a good day and issued her a citation. The named officer stated he cited the complainant for violating CVC 21954(a), Pedestrian in Roadway. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to take required action in violation of DGO 1.03, Duties of Patrol Officers.

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

FINDINGS OF FACT: The DPA's investigation failed to locate a CAD or any record of radio contact between the named officer and dispatch for this incident.

Department General Order 1.03, "Duties of Patrol Officers," mandates that officers "[n]otify the Communications Division when an on-view incident or a station assignment makes them unavailable for other assignments."

In his DPA interview, the named officer admitted he was not in communication with dispatch during this incident. He stated he usually only radios in if he requires the assistance of another unit, or if he were going to run a detainee's ID. He stated that in this case the complainant was in a hurry, so he did not do so.

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

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to take required action in violation of DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: The DPA's investigation failed to locate any body-worn camera footage of this incident.

Department General Order 10.11, "Body Worn Cameras," provides that all on-scene members equipped with a BWC shall activate their BWC equipment to record detentions and arrests.

During his DPA interview, the named officer admitted that he did not have his body worn camera with him because he forgot it.

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

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SUMMARY OF DPA-ADDED ALLEGATION #3: The officer failed to take required action in violation of DB 16-208, e-Stop – Contact Data Collection Program.

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

FINDINGS OF FACT: The DPA’s investigation failed to identify any eStop Contact Data Collection Program recorded by the named officer for this incident.

Department Bulletin 16-208 mandates that data for the eStop program must be recorded at “any detention of a person.”

During his DPA interview, the named officer admitted that he did not record this information because he did not complete an E585 traffic data because it was the end of his four days on duty and he was on his way home. He stated that the Department does not compensate officers for going back to the station and completing such paperwork, and he forgot to do so when he returned to work following his days off.

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

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

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

FINDINGS OF FACT: The complainant called 911 and requested that an officer accompany her to her daughter's high school to conduct a civil standby to obtain her daughter's homework. The complainant was told by school officials that she was not permitted on school grounds. While assisting the complainant with the civil standby, the complainant reported to the named officer that the day prior, her daughter was in a fight with another student at the high school. The named officer took the complainant's report and provided her with the incident report number. The complainant later obtained a copy of the incident report and stated the report was falsified and that he fabricated information. The report stated that her daughter had no injuries which was inaccurate.

The named officer stated he responded to the school for a civil standby. While at the school, the named officer stated that the complainant requested a report regarding a fight her daughter had with another student. The named officer stated he prepared the report as requested. He stated he did not observe any injuries on the complainant's daughter.

The incident report, prepared by the named officer, shows that the named officer interviewed the complainant, her daughter and the principal of the school regarding the fight.

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

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

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

FINDINGS OF FACT: The complainant said SFPD officers sexually assaulted his brother. The complainant could not provide the date the alleged incident or the names of the officers involved.

The complainant's brother refused to speak with the DPA about the complainant's allegations, despite numerous attempts to obtain his statement.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant said his brother had been beaten up by an SFPD officer. After reviewing BWC recordings from the incident, the DPA saw the named officer deliver multiple strikes to the brother's head with his handcuffs.

The named officer admitted that he struck the subject's head while holding his handcuffs. However, he explained his intention was to only strike him with his fist. The named officer said he delivered several hammer fist strikes to the subject's head. He acknowledged that he was gripping handcuffs, held by their chain, in the same hand at the time. When asked if he was utilizing his handcuffs as an impact weapon, either intentionally or unintentionally, the named officer stated, "I mean, if you want to say unintentionally, but at that point, it's just the tool that I'm trying to use to arrest him, but as I'm delivering the fist strike, it's possible it can be mistaken as an impact weapon." The named officer stated he used force during this incident in order to affect an arrest. He stated that he did not fear for his life or the lives of others.

A witness officer said he recalled seeing the named officer deliver several strikes to the back of the subject's head, and that the named officer was holding handcuffs in his hand while delivering these strikes.

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Body Worn Camera (BWC) recordings show the subject in a bedroom refusing to allow officers to handcuff him. The recordings show the subject moving forward and officers, including the named officer, taking him to the ground, face down, on a mattress. The recordings show that each of the subject's arms are held down by officers, as he continues to struggle. One of the recordings appears to show the named officer punching the subject in the back of the head, with his closed fist and handcuffs, several times. The strike impacts are just out of frame.

The incident report documents that the subject, after being taken into custody, was medically evaluated at the hospital for injuries. The named officer wrote a statement stating he struck the subject an unknown amount of times with a hammer fist, contacting his head. The witness officer wrote a statement stating that after the subject was under control, he saw that he had a bleeding laceration on his head, and an ambulance was called. He also wrote that he struck the subject in the head with his elbow.

The Use of Force log states the named officer used force on and injured the subject.

SFPD General Order 5.01, Use of Force, states, in part:

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer's underlying intent or motivation...An impact weapon may be used in accordance to Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others. Only Department issued or authorized impact weapons shall be used. Officers may resort to the use of other objects as impact weapons, such as a flashlight or police radio, if exigent circumstances exist, and officers shall articulate in writing the reason for doing so...Unless exigent circumstances exist, officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin or kidney. The use of an impact weapon to a vital area has a likelihood of causing serious bodily injury or death, and the intentional use of an impact weapon to these areas shall only be used in situations where lethal force is justified...[A]n officer may discharge a firearm or use other deadly force in any of the following circumstances. The circumstances below...apply to a discharge of a firearm or application of deadly force: 1) In self-defense when the officer has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury; or 2) In defense of another person when the officer has reasonable cause to believe that the person is in immediate danger of death or serious bodily injury.

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The named officer stated he was not intentionally utilizing his handcuffs as an impact weapon. However, whether intentional or unintentional, when the named officer began striking the subject in the back of his head with handcuffs, those handcuffs became an impact weapon. The named officer acknowledged he used hammer fist strikes. A hammer fist strike occurs when an officer strikes a suspect with the bottom of their fist. These are the kinds of strikes the named officer can be seen using on the BWC recording. He was delivering these strikes while holding his handcuffs by their chain, which would have caused the bottom bracelet of the named officer's handcuff to connect with the subject's head. The witness officer confirmed these strikes made contact with the subject's head. Furthermore, by the time the named officer struck him on his head, he was lying on his stomach with two officers holding his arms behind his back. The named officer stated he used force on the subject because he wanted to overcome his resistance and affect a lawful arrest. Such circumstances, without the threat of death or serious bodily injury, would not sufficient justification for the use of an impact weapon on a vital area of the subject's body.

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

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to comply with DGO 5.01, Use of Force.

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

FINDINGS OF FACT: During the course of the investigation, the DPA learned that the named officer struck the complainant's brother in the head with handcuffs.

The named officer stated that he intended to hit the subject with fist strikes, not his handcuffs. He acknowledged, however, that he struck the subject with hammer fist strikes while gripping handcuffs by their chain in the same hand. The named officer stated he never documented the use of his handcuffs as an impact weapon.

A witness officer said he saw the named officer strike the subject on the back of the head with his handcuffs.

One of the SFPD BWC recordings from the incident shows the named officer striking the subject on the head with handcuffs.

The incident report does not mention the officers use of handcuffs as an impact weapon.

The Use of Force Log documents that the named officer used reportable force against the subject.

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SFPD General Order 5.01, Use of Force, states, in part:

An impact weapon may be used in accordance to Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others. Only Department issued or authorized impact weapons shall be used. Officers may resort to the use of other objects as impact weapons, such as a flashlight or police radio, if exigent circumstances exist, and officers shall articulate in writing the reason for doing so.

Here, the named officer neither documented his use of handcuffs as an impact weapon nor explain the reason for doing so.

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

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

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

FINDINGS OF FACT: The complainant stated that officers searched his residence without cause.

The named officers stated that the complainant's residence was searched pursuant to a valid search warrant.

San Francisco Police Department (SFPD) records indicated that a San Francisco Superior Court Judge signed and sealed a search warrant authorizing the search of the complainant's residence.

A preponderance of the evidence established that the officers conducted a search pursuant to a valid search warrant.

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

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

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

FINDINGS OF FACT: The complainant stated that officers seized his property, including his car and personal firearms, without justification.

The named officers stated the items seized were identified with particularity in a valid search warrant. The first named officer stated the property identified in the search warrant to be seized included the complainant's car, firearms, ammunition, firearm accessories, and indicia. The second named officer stated the property identified in the search warrant to be seized included the complainant's car, firearms, and ammunition. SFPD records indicated that a San Francisco Superior Court Judge signed and sealed a search warrant authorizing the search of the complainant's residence. SFPD records further indicated that the property seized from the complainant's residence was of the sort identified by the named officers as being described in the search warrant. A preponderance of the evidence established that property was seized pursuant to a valid search warrant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #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 failed to return seized property.

The named officer stated that the complainant's property was seized pursuant to a valid search warrant. The named officer stated that he spoke with the complainant on numerous occasions regarding the status of the seized property. The named officer further stated that he provided the complainant with detailed instructions regarding the return of the seized items. The named officer stated that it was necessary to place a hold on the complainant's car until the criminal trial concluded. He stated that, once the trial concluded, the car was released with all fees waived. The named officer stated that he instructed the complainant that he had to go through the Department of Justice to affect the release and return of the seized personal firearms. The named officer further stated that the complainant either did not follow the instructions or the Department of Justice did not authorize the release.

SFPD records indicated that a San Francisco Superior Court Judge signed and sealed a search warrant authorizing the search of the complainant's residence. Records further indicated that the property that was seized was properly booked, and the complainant was provided a receipt.

Other official records indicated that the complainant's car was held pursuant to SFPD hold.

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

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SUMMARY OF DPA ADDED ALLEGATION #1: 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 when he testified at trial. The complainant stated that he was told by the prosecutor that the named officer testified that he found a “pouch” containing a holster and bullets inside the complainant’s car. The complainant stated that those items were found in his residence and not in his car.

The named officer denied misrepresenting the truth.

The transcript of the named officer’s trial testimony indicated that the named officer did not testify that he found a “pouch” in the complainant’s car. The named officer’s testimony does not include any statement regarding the “pouch,” a holster, or bullets.

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

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

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

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

FBI San Francisco
Attn: Internal Affairs
450 Golden Gate Avenue, 13th Fl.
San Francisco, CA 94102-9523

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and called him a derogatory name after he complained about cigarette smokers in the entrance of a business.

The named officer denied he was rude to the complainant or called him a derogatory name.

One witness officer stated he did not recall the incident. The other witness officer stated that he did not see or hear any conversation between the complainant and the named officer.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to enforce the local ordinance regarding smoking cigarettes at the entrances of businesses.

The named officer stated that he did not see anyone violating the law.

One witness officer stated he did not recall the incident. The other witness officer stated his back was turned away from the entrance.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant alleged that the named officer used unnecessary force during the suspect's arrest and against her by slamming her against the fence.

A witness stated the named officer used excessive force when he hit him in the back of the knees causing him to hit the tire of the police car.

The named officer explained that the complainant interfered with his arrest of the suspect and he had to move her out of the way. The named officer denied slamming complainant against the wall. The named officer also said that the arrestee actively resisted arrest by tensing his arms. The officers grabbed the suspect and properly placed the handcuffs on him, checking for proper spacing and double locking. The named officer searched the suspect while the suspect was standing next to the patrol car. The suspect began yelling and became extremely agitated, and the named officer placed the suspect in the patrol car backwards. The named officer denied using force against the complainant and the suspect.

The named officer's partner stated the named officer moved the complainant out of the way after the complainant deliberately tried to stop the named officer from arresting the suspect. The named officer's partner stated when the named officer arrested the suspect, the named officer checked the handcuffs for proper tightness and fit. The named officer's partner did not see the suspect get pushed into a tire.

Body Worn Camera video provided by SFPD Legal division showed the named officer entering the gated area, telling the suspect to turn around. The named officer then escorts the suspect out of the foyer area. The named officer repeatedly asks the suspect to spread his feet. The suspect began to scream and yell, and officers quickly put the suspect in the car backwards and shut the door. BWC shows there was no unnecessary force used on the complainant.

No other witnesses identified.

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

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SUMMARY OF ALLEGATION #2: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officer entered her residence without a warrant.

The witness stated that when the named officer arrested him, he was standing in the open door of the house.

The named officer stated that when they arrived at the residence, the main gate was open. The named officer was standing in the foyer when the suspect stepped outside onto the threshold of the door. The named officer stated he told the suspect he was under arrest. The named officer stated they had the authority to arrest the suspect because they were investigating a domestic violence incident.

The named officer's partner confirmed that the arrest took place at the threshold of the door and that the door to the residence was ajar at the time the officers arrived.

Body Worn Camera video provided by SFPD Legal division shows the named officer arresting the suspect at the threshold of the door.

SFPD DGO 6.09 states "Members shall make an arrest whenever reasonable cause exists to believe a felony has occurred.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to take required action when he did not call for a sergeant to respond to the scene and he failed to call for an ambulance to treat her injuries.

The witness stated he heard the complainant say “ow” after the named officer slammed her into the wall. Additionally, the witness stated the complainant repeatedly asked for a sergeant to respond to the scene.

The named officer stated the complainant did not complain of pain or request an ambulance at the scene. If she had, he would have immediately called an ambulance and reported the incident. The named officer further stated if a witness requests to speak to a sergeant they are required to call one. However, the named officer stated during the arrest he was focused on getting the suspect into the police car and did not hear the complainant yelling for a sergeant.

The named officer’s partner stated that he did not hear the complainant complain of pain or request an ambulance.

Witness officer #1 stated he could not recall any policy that states officers are required to call for a supervisor.

Witness officer #2 stated none of the SFPD officers on scene requested a sergeant to respond. However, witness officer #2 stated that there is no SFPD DGO that requires a sergeant to respond when requested by a civilian.

Body Worn Camera video (BWC) provided by SFPD Legal division shows the complainant repeatedly requesting a sergeant to respond to the scene. BWC footage did not show the complainant stating she was injured or that she required an ambulance.

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

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SUMMARY OF ALLEGATION #4: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that after the officers placed the suspect into their patrol car, the named officer aggressively approached a family friend, who was video recording the incident with his cell phone. The named officer was visibly upset and went up to my family friend's face and angrily stated, "What? What? I'm ready; I'm regular, I'm regular, I'm ready." Another officer had to pull the named officer away from the complainant's friend.

The named officer stated he did not interfere with the rights of the onlooker. He stated "I didn't--I didn't take the camera or do anything like that. He was still free to record." The named officer further stated he went up to speak to the onlooker because "he [onlooker] implied that he was gonna either kill me or beat me up." The named officer stated he yelled at the onlooker because "My emotions were high, so that's why I was probably yelling."

The named officer's partner stated the named officer did not interfere with the rights of the onlooker. He stated the named officer was having a conversation with the onlooker. The named officer did not impede or prevent the onlooker from taking a video of the incident.

Witness officer #1 stated he saw the named officer talking to the onlooker but did not see him block the onlooker's camera or prevent him from viewing the arrest.

Witness officer #2 stated he did not know if the named officer impeded the rights of the onlookers.

Body Worn Camera video (BWC) provided by SFPD Legal division shows the named officer approaching a group of onlookers. An onlooker asks, "What are you all doing?" The named officer stated to the complainant, "They say you are a deputy and you going to close the gate. I hope you are not a deputy in San Francisco. You are terrible, terrible." At the same time, the complainant turns around and walks away and says, "fuck you." An onlooker with a cell phone says to named officer, "you are terrible ni**, what are you talking about". The named officer agitatedly states, "well if she is a deputy acting like that, I don't give a ...". The onlooker continues to say "terrible, terrible" The named officer starts to yell and aggressively postures his body in front of the onlooker with a camera. Another onlooker reaches his hand between the named officer and the onlooker and says "please, dude come on man ". The named officer

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SUMMARY OF ALLEGATION #4 cont.: then yells, “AND WHAT, AND WHAT!” at the onlooker. The named officer’s partner then tells the named officer to leave. Other officers in the area ask the

named officer and the onlooker to stop. The named officer’s partner then moves quickly to the named officer. Another person is heard saying, “please do.” The named officer’s partner tells the named officer to come on and then yells his name. The named officer walks away and as he is walking, he yells “I am regular, I am regular.”

DGO 5.07 Rights of Onlookers – Bystander Filming of Officer-Suspect Contacts “It is increasingly common for bystanders, who are not involved in any criminal activity, to record contacts between officers and citizens, during which officers are detaining, citing or arresting a suspect or engaging in crowd control at a demonstration. Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means.”

A preponderance of the evidence established the complainant’s friend was allowed to continue to record the incident.

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

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

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

FINDINGS OF FACT: The complainant stated after the officers placed the suspect into their patrol car, the named officer aggressively approached a family friend, who was video recording the incident with his cell phone. The named officer was visibly upset and went up to my family friend’s face and angrily stated, “What? What? I’m ready; I’m regular, I’m regular, I’m ready.” Another officer had to pull the named officer away from the complainant’s friend physically. The named officer then stated, “You are a terrible deputy sheriff.”

The named officer admitted he said “they say you are a deputy and you going to close the gate. I hope you are not a deputy in San Francisco. You are terrible, terrible” to the complainant. He stated the comment was appropriate because “She’s a law enforcement officer. I want her to--I wish that she remembers that

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SUMMARY OF ALLEGATION #5 cont.: she has to act a certain way, regardless if it's family members or not." The named officer stated he was disappointed.

The named officer further stated he started yelling "And what? And what? And what?" at an onlooker because "People were making comments about they see me outside of work they're going to kill me and

all kind of stuff." The named officer stated he did not affect an arrest on the onlooker or write in the incident report that the

onlooker threatened to kill him. The named officer stated his "emotions were high, so that's why I was probably yelling."

The named officer stated he yelled "I am regular" at the crowd because he wanted to tell them he was a regular person and was no better than the people in the crowd. The named officer stated he did not know if his comments were inappropriate because he was reacting to emotionally to the situation. "Right when you're scared and a lot of things going on, your body reacts a certain way. Yes, we're supposed to stay cool, calmly, and collected. But I believe a reasonable person in that situation would have acted in the same way."

The named officer's partner stated he believed the named officers' comments were in line with DGO 2.01, because he believed the named officer was trying to distract the crowd from gaining access to the suspect. The named officer's partner stated if he thought he named officer had said something inappropriate he would have stepped in and stopped it.

Witness officer #1 stated he did not know if the named officer comments and behavior were appropriate in light of DGO 2.01.

Witness officer #2 stated he did not think the named officers' actions were were appropriate in light of DGO 2.01, but believed his actions and comments were reasonable.

Witness officer #3 stated he believed the named officers' actions were unprofessional and could have escalated the incident.

Witness officer #4 stated he did not believe the named officers' actions were completely unacceptable. He believed the named officer was trying to talk to the onlookers. He stated "I think that he needs to realize that this community is different when you're in a police uniform. And the way that they see you, you have to interact with this community very differently...so I think that there are little nuances that maybe he

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SUMMARY OF ALLEGATION #5 cont.: hadn't figured out at this point in his job yet that, you know, the way you interact--that's--well, that's what comes off to me when I watch this video, that, you know, like it's being an excellent training opportunity just to talk to him and kind of--tell maybe some little things maybe he didn't realize, right."

Body Worn Camera video (BWC) provided by SFPD Legal division shows the named officer approaching a group of onlookers. An onlooker asks, "What are you all doing?" The named officer to the complainant says "they say you are a deputy and you going to close the gate. I hope you are not a deputy in San

Francisco. You are terrible, terrible." At the same time, the complainant turns around and walks away and says, "fuck you." An onlooker with a cell phone says to the named officer; you are terrible ni**, what are you talking about". The named officer agitatedly states, "well if she is a deputy acting like that, I don't give a ..." The onlooker continues to say "terrible, terrible" The named officer starts to yell and aggressively postures his body in front of the onlooker with a camera. Another onlooker reaches his hand between the named officer and the onlooker and says "please, dude come on man ". The named officer then yells, "AND WHAT, AND WHAT!" at the onlooker. The named officer's partner then tells the named officer to leave. Other officers in the area ask the two men to stop. The named officer's partner then moves quickly to the named officer. Another person is heard saying, please do. The named officer's partner tells the named officer to come on and then yells his name. The named officer walks away and as he is walking, he yells "I am regular, I am regular."

SFPD General Order 2.01 (9) and (14), General Rules of Conduct, dated August 11, 2005, states, "Any breach of peace, neglect of duty, misconduct or any conduct by an officer ... that ... reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department ... shall be considered unofficer-like misconduct subject to disciplinary action." and that, "... members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language...."

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

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

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

FINDINGS OF FACT: The complainant stated she went to the Bayview Police Station and spoke with the named officer and informed him she would like to make a formal complaint about what transpired. The named officer told her that he would review the matter and contact her. In a later interview, the complainant stated the named officer handed her a DPA 293-complaint form. The complainant did not fill it out and took a copy home with her.

The named officer said the complainant never made a complaint. He stated he handed her a blank 293 form and asked the complainant if she wished to make a complaint, and he would write down everything she said, and the complainant said no. The named officer gave the complainant a blank 293 form in case she changed her mind.

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

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DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/29/19 **PAGE#** 9 of 10

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

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

FINDINGS OF FACT: The named officer admitted he did not turn on his BWC when transporting the suspect. The named officer stated he did not know that his BWC did not record the arrest until after the incident. He stated he “tried to turn on my body-worn camera and I guess it didn’t turn on.” The named officer stated he did comply with DGO 10.11 when he arrived at the suspect’s residence but did not comply with DGO 10.11 when he was transporting the suspect.

The named officer’s partner turned on his BWC before the arrest at the suspect’s residence and during transportation because it was required per DGO 10.11.

SFPD Body Worn Camera footage shows the named officer’s BWC was turned on when he and his partner were escorting the suspect to the patrol car. BWC audio turned on at 14 seconds instead of at the 30 second buffering time. The named officer’s BWC camera was not turned on during transportation of the suspect.

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

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

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DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/29/19 **PAGE#** 10 of 10

SUMMARY OF DPA-ADDED ALLEGATIONS #2-3: The officer failed to comply with DB 17-109

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

FINDINGS OF FACT: The named officer #1 stated he was the contact officer and the reporting officer. Named officer #1 confirmed he did not document in the Incident Report or the CAD that there were cameras at the scene, despite seeing them and commenting about them to the victim. When asked who would be responsible for collecting video footage from the scene named officer #1 stated, "It'd be both of us if there were any that we saw. It was pretty dark, but I'm sure we checked the area. We usually check the area as a routine. Check the area for witnesses and for video. And if there was video, then it would have been documented."

The named officer #2 stated he was the senior officer at the scene but named officer #1 was the primary reporting officer. The named officer #2 stated there was video from the incident, but he did not indicate it in the incident report. He stated it would have been named officer #1's duty to record the information. However, named officer # 2 stated, "If there were a video to be found, I would have put it in my statement." The named officer #2 stated named officer #1 did not comply with DB 17-109.

SFPD Body Worn Camera footage shows named officer #2 asking the victim if the camera affixed to the house at scene were in working order. Named officer #1 is standing next to the victim. The victim said she was unsure if it worked. Named officer #2 mentions that the camera points at the crime scene. The victim informed the named officers that her uncle owned the camera, but he was not home, and she did not have access to them. The named officer #2 says that they (SFPD) will have to follow up with her uncle later.

DB 17-109 states "Department members are required to check crime scenes and scenes of police action for video and or audio recording device. If members are successful in acquiring video members shall book evidence if unable to obtain evidence the member shall document the effort taken trying to obtain the evidence of the incident report."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that while driving her vehicle, her vehicle was remotely disabled. She was stopped in the middle of an intersection and obstructing traffic. She called 911 for assistance. The complainant stated that the vehicle's lender had previously disabled the vehicle because the lender wanted to repossess the vehicle. She stated that the named officer arrived at the scene, pushed the vehicle out of the middle of the intersection and into a fire zone. She stated that the named officer should have pushed her vehicle into a legal parking space. She stated that the named officer pushed her vehicle into a fire zone and subsequently towed her vehicle for parking in a fire zone.

The named officer stated that he contacted the complainant to conduct a welfare check. The complainant appeared confused and possibly paranoid. He pushed the complainant's vehicle by hand to a safer position on the roadway. He did not recall requesting a tow for the complainant's vehicle. He did not recall if the complainant's vehicle was towed or not.

Police records show that the named officer requested a tow on behalf of the complainant.

Tow records show that the complainant requested the vehicle tow.

The named officer's body worn camera recording shows the complainant called her dealership and requested a vehicle tow. The dealership refused to tow the complainant's vehicle. The complainant was asked by the named officer if she wanted a tow and the complainant stated, "yes."

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

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DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that a tow hearing officer deleted information related to the complainant's vehicle tow and included false information in the computer, such as the complainant wrecked her vehicle and subsequently went to the hospital. The complainant acknowledged that she asked the tow truck driver to drop her off at the hospital and he did.

The named officer was the tow hearing officer around the time of the complainant's incident. She did not recall encountering the complainant. She stated that vehicles towed by SFPD are the only vehicles that are granted tow hearings. She strongly denied entering false information into any computer as alleged.

Tow records show that the complainant requested the vehicle tow.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/29/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers cited him for jaywalking as “retaliation.”

The named officer stated that he witnessed the complainant breaking two laws by crossing busy streets.

A witness officer also observed the complainant breaking the law.

Body-worn camera recording shows the complainant walking into a busy street.

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.

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

FINDINGS OF FACT: The complainant stated that an officer physically threw the complainant to the ground.

The officer denied throwing the complainant to the ground.

A witness officer stated he did not witness any officer throw the complainant to the ground.

Body-worn camera recording failed to support the complainant’s allegation against the officer. No force was used.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/18 **DATE OF COMPLETION:** 01/29/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer searched personal property without cause.

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

FINDINGS OF FACT: The complainant stated that an officer illegally searched his personal belongings.

The named officer denied ever searching the complainant's belongings.

A witness officer stated he never saw an officer search the complainant's belongings.

Body-worn camera recording shows that no search was conducted.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/18 **DATE OF COMPLETION:** 01/14/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said she has requested police assistance for on-going issues with her neighbors, two problematic individuals in particular, and officers have failed to resolve the problem.

Department of Emergency Management records show that SFPD members have responded to numerous complaints near the complainant's address, and they have also made contact with the problematic individuals on multiple occasions in areas away from the complainant's residence. In the incidents that resulted in the preparation of police reports, the officers appear to have taken the appropriate actions on each occasion. SFPD members have made arrests for violations of restraining orders, when appropriate, and otherwise investigated alleged crimes involving the individuals. One report identified an individual as incompetent and unable to understand a citation.

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

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DATE OF COMPLAINT: 05/29/18 **DATE OF COMPLETION:** 01/04/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers engaged in biased policing based on race.

San Francisco Police Department (SFPD) Body Worn Camera (BWC) videos captured the entire interaction with the complainant. The videos showed that the named officers were respectful and professional throughout their interaction. The videos do not show biased or discriminatory conduct on the part of the named officers.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant stated that he was stopped by officers without justification.

SFPD BWC videos showed the named officers initiate a traffic stop and the complainant pull his car over and stop. The videos showed the first named officer explain to the complainant that he was pulled over because his car did not have license plates. The videos showed the complainant explain that his license plates had been stolen.

California Vehicle Code (CVC) §5200(a) states, “[w]hen two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear.”

The named officers had reasonable suspicion to detain the complainant for violating CVC §5200(a).

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

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DATE OF COMPLAINT: 05/29/18 **DATE OF COMPLETION:** 01/04/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his car. The complainant stated that he was on probation at the time of the incident, and the terms of his probation included a search condition.

The evidence established that the search was conducted pursuant to the complainant's search condition.

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 behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer who searched his car scattered the contents of the glovebox all over the floor. He also stated that he found his driver license with the items scattered on the floor. The complainant further stated the officer accused him of removing his license plates to commit crimes or avoid tolls.

The BWC video showed the named officer open the driver-side door and place the complainant's driver license, registration, and proof of insurance on the dashboard. The video showed the named officer conducting a thorough search of the car, including the trunk and glovebox. The video showed the officer remove one empty paper box from either the glovebox or from under the seat and place it on the passenger-side seat. The video showed that, when the officer was finished searching the passenger front side of the car, there was what appeared to be a keycard on the passenger-side floor that had not been there prior to the search. The video showed the named officer explain to the complainant that sometimes people who drive without license plates on their car do so in order to commit crimes or avoid tolls. The named officer's comments were not accusatory toward the complainant.

The evidence established that the named officer was respectful and professional to the complainant and his belongings throughout the interaction. The evidence proved that the act alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

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

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: 06/15/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer harassed a person.

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

FINDINGS OF FACT: The complainant stated he went to the named sergeant's department to retrieve his property, which was being held as evidence. He stated he did not want to speak to the named sergeant as he had an open DPA complaint against him. The complainant stated he asked to speak with another sergeant. The complainant stated that instead of the sergeant he had requested, the named sergeant came out to speak with him. The complainant stated the named sergeant told him that he was not going to get his "shit" back, to leave the premises, and to file a complaint with DPA. The complainant stated the sergeant offered to return the complainant's property if he dropped the open DPA complaint against him.

The complainant stated after he left the named sergeant's department, he left a message for the other sergeant to return his call. The complainant stated the named sergeant almost immediately returned the phone call, instead of the other sergeant. The complainant stated when he was on the phone with the named sergeant, he was told the only way he could get his property back was to meet with him and drop the open DPA complaint. The complainant stated the named sergeant was harassing him and acted in a vengeful manner.

The named sergeant stated that, when he had a very brief interaction with the complainant, he did not speak to him about the open DPA complaint. The named sergeant stated he never offered to return the complainant's property if he dropped the open DPA complaint. He stated he attempted to speak to the complainant about an open criminal case where the complainant was a victim of violent crime. The named sergeant stated he was the assigned investigator of that case. The named sergeant stated he did not badger or harass the complainant. He stated he did not tell him to leave because he very much needed to speak with him about the open criminal case. The named sergeant stated he told the complainant he would not get his property back as there was an ongoing investigation in the criminal case.

The named sergeant stated he did not recall calling the complainant after he left the named sergeant's department.

No witnesses were identified.

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

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DATE OF COMPLAINT: 06/15/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated when he asked for the return of his property, the named sergeant responded to him by saying he was not going to get his “shit” back.

The named sergeant denied using profanity.

No witnesses were identified.

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DB 16-186, Contact with Victims/Witnesses during on-going DPA Investigations.

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

FINDINGS OF FACT: The named sergeant failed to comply with DB 16-186, a Class “A” bulletin, by failing to write a memorandum regarding his contact with the complainant, who had an open DPA case against the named sergeant.

The complainant stated he went to the named sergeant’s department and asked to speak with another sergeant because he did not want contact with the named sergeant. The complainant stated the named sergeant spoke to him against the complainant’s wishes and told him he could get his property returned if he dropped the open DPA complaint against him.

The named sergeant stated he was aware the complainant had filed a DPA complaint against him and that he had contact with the complainant before he was notified the DPA complaint was closed. He stated he did not contact the complainant, but the complainant contacted him, as the complainant came to his department. The named sergeant stated he did not tell the complainant he could get his property back if he dropped the DPA case against him. The named sergeant stated he never spoke to the complainant about the open DPA case.

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DATE OF COMPLAINT: 06/15/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 3 of 4

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

The named sergeant stated he did not write a memorandum regarding his contact with the complainant nor did he advise his immediate supervisor of the contact. The named sergeant stated he was not aware of DB 16-186 which required him to write a memorandum documenting his contact with the complainant. The named sergeant stated he was a member of SFPD at the time the DB was issued, and it was part of his responsibility to stay up-to-date on DGOs and DBs.

The named officer's immediate supervisor stated he did not receive a memorandum from the named sergeant regarding his contact with the complainant.

No other witnesses were identified.

DGO 3.01.II.C Responsibilities, states:

Every Member shall maintain personal copies of each Class "A" Department Bulletin, retain their personal copy of it until the bulletin expires or is superseded by a more permanent directive, acquire and maintain a working knowledge of its contents and comply with its provisions . . .

Department Bulletin 16-186 (Class A) states:

Police Commission Resolution 1159-88 #3 states: "Members who are subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint. If the member must contact the complainant or a witness to a complaint in the line of duty, the officer shall not discuss or make any reference to the complaint.' If a member comes into contact with a "known" party to an OCC complaint, members shall write a memorandum regarding the incident and submit it through the chain of command. . ."

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DATE OF COMPLAINT: 06/15/18 **DATE OF COMPLETION:** 01/24/18 **PAGE#** 4 of 4

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

The named sergeant, who was named in a DPA complaint by the complainant, contacted the complainant while the DPA case was open. DB 16-186 states that members shall write a memorandum and submit it through the chain of command, if they come into contact with a known party to a DPA complaint. The named sergeant acknowledged he did not write a memorandum regarding his contact with the complainant because he was unaware of the requirement. The named sergeant's immediate supervisor stated he did not receive a memorandum from the named sergeant documenting his contact with the complainant. DGO 3.01

requires, for Class "A" DBs, all members maintain a working knowledge of Department Bulletin contents and comply with its provisions.

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

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

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

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

San Francisco Police Department
Internal Affairs
1245 Third Street, 4th Floor
San Francisco, CA 94158

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DATE OF COMPLAINT: 06/18/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

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

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

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DATE OF COMPLAINT: 06/22/18 **DATE OF COMPLETION:** 01/24/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that he called for police on two occasions to report a mentally disturbed person on the street near his residence, but no officers responded.

Department of Emergency Management (DEM) records indicated that the named officers responded to the complainant's calls for service. DEM records indicated that, in both instances, the mentally disturbed person was gone upon the named officers' arrival.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 6.09, Domestic Violence.

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

FINDINGS OF FACT: The complainant stated that she was not served with the Emergency Protective Order (EPO).

The named officer stated that he verbally advised the complainant of the terms and conditions of the EPO and placed a copy of the EPO with her property held at the police station. The named officer stated that the EPO was transported with the complainant's other property from the police station to county jail. The named officer further stated that he transported the complainant to county jail.

The witness officer stated that he was with the named officer when he verbally advised the complainant of the terms and conditions of the EPO. The witness officer stated that a copy of the EPO was placed with her property at the police station and then transported with the complainant from the police station to county jail. The witness officer further stated that he and the named officer transported the complainant to county jail.

San Francisco Police Department (SFPD) records indicated that the complainant was served with the EPO at the police station. However, there was no record of the EPO being booked with the complainant's property.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2-3: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she was taken to the police station and left outside handcuffed in the cold for approximately one hour.

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DATE OF COMPLAINT: 07/16/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #2-3 continued:

The named officers stated that they did not transport the complainant to the station from the scene, and she was handcuffed to a bench inside the police station lobby when they arrived. The first named officer stated that, after he and the other named officer arrived at the station, he served the complainant with the EPO and advised her of the terms and conditions before transporting her to county jail. The second named officer stated that, after he and the other named officer arrived at the station, he conducted a recorded interview of the complainant, and they transported her to county jail.

San Francisco Police Department (SFPD) Body Worn Camera (BWC) videos captured the complainant's arrest and transport to the station. The videos showed the complainant being handcuffed to a bench in the lobby of the station. At no time did the videos show the complainant left outside the station for approximately one hour.

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

SUMMARY OF ALLEGATION #4: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that a sergeant told the two officers on scene to arrest her for violating the EPO without cause.

The named sergeant stated that, during their investigation, the patrol officers on scene determined that the complainant had violated the EPO. He stated that the officers told him they found the EPO attached to the initial report and confirmed that the EPO had been served on the complainant. The named officer stated he approved the booking charge. He further stated that officers must arrest a person who violates an EPO pursuant to Department General Order 6.09, Domestic Violence.

San Francisco Police Department (SFPD) records indicated that the complainant was served with the EPO at the police station approximately one week prior to the arrest. Records further show that the EPO was in effect at the time of the complainant's arrest.

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

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DATE OF COMPLAINT: 07/10/18 **DATE OF COMPLETION:** 01/10/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was the hearing officer at a meeting involving an SFPD officer. After the hearing, the complainant made what he thought were private comments to the officer. Those comments later were known to the public, embarrassing the complainant and causing him to lose his position on the board. The complainant believes that the officer told a member of the public what the complainant said in private in order to discredit him.

The named officer stated that the complainant said a racial slur in front of the named officer and two other witnesses. The named officer then filed a complaint with a superior office, citing the “Not On My Watch” pledge, which emphasizes SFPD officers reporting racist behavior. That complaint was investigated, but the named officer never told anyone from the public about what happened.

An observer of the hearing filed a public records request and found out about the racial slur and he is the one who made the issue public.

The videographer stated that he did make a public records request, which included information about the hearing officer using a racial slur. He then provided that information to several members of the public.

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

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DATE OF COMPLAINT: 07/19/18 **DATE OF COMPLETION:** 01/18/19 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers improperly displayed their weapons.

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

FINDINGS OF FACT: The complainant stated that a store employee, a security guard, and other store merchants were harassing and following him. Store employees told the security guard that they should assault the complainant. The complainant verbally challenged the security guard about the planned assault against him. Both, a store employee and the complainant called SFPD. The complainant was outside the store when the named officers arrived. The complainant stated that the named officers exited their patrol vehicle and immediately approached him with their long rifle weapons drawn and pointed directly at him. The complainant did not have anything in his hands when officers approached.

One of the named officers stated that he had his department-issued shotgun, but it was pointed down. The other named officer stated her department-issued extended range impact weapon was pointed in the air. Both officers denied pointing their weapons at the complainant.

The named officers' body-worn camera recordings failed to support the complainant's allegation against the named officers.

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

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DATE OF COMPLAINT: 07/19/18 **DATE OF COMPLETION:** 01/18/19 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3-4: The officers engaged in bias policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was racially profiled by the named officers, because he called 911 and gave descriptions of the suspects; however, the named officers immediately treated him like a suspect instead of the victim. The complainant stated that he felt like the named officers singled him out because he was African American.

The named officers denied the allegation, stating that they obtained statements from the complainant and the store employees. They also reviewed the store's security footage. They determined that the security footage did not corroborate the complainant's statement that he was harassed and stalked.

Department of Emergency Management records show that a store employee called 911 requesting police assistance and later the complainant also called 911. The store reported that the complainant was filming the security guard without permission and refused to leave the store. The store employee provided a description of the complainant. The complainant reported that a store employee was encouraging another store employee to hit people with a stick. The complainant provided a description of the employees.

The store's security footage shows there was no crime committed against the complainant. The store employees were moving and working in the course of their normal job functions.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/18 **DATE OF COMPLETION:** 01/18/19 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to arrest the store employees for harassment, threats, and stalking.

Department General Order 5.04, Arrests by Private Persons, states that in all instances involving requests for a private person's arrest, an incident report shall be prepared.

The named officer stated that the complainant requested a Citizen's Arrest; however, based on her investigation, she determined that no crime was committed. She acknowledged that she did not prepare an incident report.

The evidence established that the named officer violated DGO 5.04 section II.8 when she failed to prepare an incident report.

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

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DATE OF COMPLAINT: 08/09/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated she called the police for a civil standby at the Diamond Youth Center. The complainant stated she waited for an hour and no officers responded. The complainant stated that dispatch informed her that an officer had responded and talked to a social worker on-site. The complainant stated she never saw or spoke to an officer and believed that the named officers did not actually respond.

The named officers stated they responded without delay to the complainant's location. They stated they were on scene for approximately 11 minutes speaking with Diamond Youth Center staff, and their marked patrol vehicle was parked directly in front of the center. The named officers stated the complainant was not in front of the center while they were on scene, and they attempted to call the complainant with negative results.

Department records indicated that the named officers were assigned to respond to the complainant's location approximately 36 minutes after she called. Department records indicated that the named officers were on-scene and speaking to a staff member approximately six minutes after they were assigned.

Body Worn Camera footage indicated that the named officers did respond to the Diamond Youth Center and spoke to staff in front of the location.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/18 **DATE OF COMPLETION:** 01/18/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his client was hit by a car. He stated that the named officer should have completed an incident report, but, when he tried to obtain a copy, the San Francisco Police Department (SFPD) could not locate the report.

The named officer stated that he completed two reports for this case. He stated that he completed and submitted the first report within a week after the incident. The named officer stated that he recreated and submitted the second report when he was alerted that the first report could not be located.

The witness sergeant stated that he reviewed and approved the original report. He further stated that the named officer submitted the original report in a timely manner.

SFPD records indicated that the named officer prepared and submitted an incident report electronically, but the report was unable to be located on the Department's new report writing system. The records further indicated that the named officer recreated and submitted another incident report.

A preponderance of the evidence established that the named officer prepared the required report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/18 **DATE OF COMPLETION:** 01/24/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was in a fight with her coworker. A few days later, the police came to investigate, and her coworker stated the complainant had assaulted her. The complainant said the officers did not listen to her side of the story or ask her any questions.

The Body Worn Camera (BWC) recordings document what happened at the scene. One of the named officers attempted to get the complainant's side of the story after she showed him a bruise on her arm. However, when the named officer asked the complainant questions, she would not answer them. She instead just repeatedly stated she had a bruise and that her coworker was lying.

SFPD Bulletin 17-109, Booking Recording Device Evidence and Written Statements, states, in part, "Per the Report Writing Manual (DM-11), members are reminded that statements are a critical part of the investigative process. Statements provide the reporting party and/or suspect an opportunity to explain what happened from their perspective. Members are responsible for interviewing all involved parties (affording the Miranda Warning as appropriate) and including the statements in the initial incident report and investigation."

The BWC recordings contradict the complainant's allegations and show that the named officers conducted a thorough investigation.

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

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

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

FINDINGS OF FACT: The complainant alleged the named officer told her to "shut up" during his investigation.

The BWC recordings show the entire contact between the complainant and the named officer. At no time on the recording does the named officer tell the complainant to "shut up."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/18 **DATE OF COMPLETION:** 01/24/19 **PAGE#** 2 of 2

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DB 17-156, Body Worn Camera Mute Function.

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

FINDINGS OF FACT: While investigating this complaint, the DPA discovered the named officer muted her BWC and did not document that fact or the reason for doing so.

The named officer stated she muted her BWC to contact her sergeant. She said she wanted instructions on whether to cite or arrest the complainant. The named officer admitted she failed to document the reasons for muting her BWC.

On the named officer's BWC recording, she states, "Muting for law enforcement purposes." She then mutes her BWC for several minutes. There is no documentation in the incident report, CAD, or supplemental statement of the named officer's reason for muting.

Department Bulletin 17-156, Body Worn Camera Mute Function, states, in part: "Members shall only use the mute feature with a specific articulable purpose. If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report, written statement or memorandum." Making a statement on a BWC recording is not sufficient to meet the documentation requirements of DB 17-156. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/14/18 **DATE OF COMPLETION:** 01/29/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer stopped him for tinted windows, even though his front driver side and passenger windows were rolled down. The complainant acknowledged that his front windows were tinted, and he had dealer plates on his vehicle.

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

California Vehicle Code section 5200(a) states that when two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear.

California Vehicle Code section 26708(a)(1) states a person shall not drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows.

The body worn camera footage proves that the named officer had reasonable suspicion to stop the complainant's vehicle. The footage shows that the named officer's investigation was mainly focused on the complainant's dealer plates and lack of license plates.

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

SUMMARY OF ALLEGATIONS #2-3: The officers engaged in bias policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was racially profiled. He stated that his white co-worker who was stopped in front of the patrol vehicle had tinted windows but was not stopped.

A preponderance of the evidence established that the complainant was pulled over because of the above-mentioned violations. The evidence proved that the act alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/17 **DATE OF COMPLETION:** 01/25/19 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: In their written complaints, the complainants stated they were assaulted by their neighbor, prompting police to be called out to the scene. One of the complainants stated that one of the officers asked him threatening and inappropriate questions. In addition, the complainants alleged that the officers discouraged them from making a report and downplayed the severity of the neighbor's actions and threats. The complainant also alleged that the officers refused to interview a witness.

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

Body worn camera recordings show that the responding officers interviewed all of the parties involved, spending approximately thirty minutes at the scene, gathering information and attempting to mediate the dispute between the complainants and their neighbor.

Department records show that an incident report was prepared, documenting the officers' investigation.

Records from the San Francisco Superior Court show that the complainants filed a Temporary Restraining Order against their neighbor four days after this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she went to the police station to make a police report and spoke to the named officers. She stated that the named officers told her they would prepare a police report, but she later discovered they did not. The complainant stated that the report she wanted to make was regarding death threats from an organized crime ring. She stated that this has been occurring since 1999 and originated in Buffalo, NY.

During the complainant's DPA interview, she spoke at length about death threats, life sentences, and people calling her names and enslaving her. She spoke about John Gotti and the Gambino family and stated she does not know who is following her, but they have something to do with organized crime. The complainant told the DPA she has contacted the FBI and nothing has been done. She stated that she made a report in Buffalo, NY a long time ago, but it was an online report and nothing came of it. The complainant also stated that she reported this in Irvine, California and the police told her she was "mental."

The named officers stated that they spoke to the complainant outside the police station. The named officers stated that the complainant's statements were not based in reality and did not include credible information. The named officers stated that they did not believe that any crime had occurred, so no police report generated. The named officers denied telling the complainant that they would prepare a police report.

A preponderance of the 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: 12/11/17 **DATE OF COMPLETION:** 01/28/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he has a valid restraining order against his neighbor which enjoins the neighbor from harassing him, but the neighbor persists in antagonizing him by banging on the shared wall between their apartments. The complainant stated that he has called the police, but the banging usually stops by the time officers arrive. The complainant stated that officers knock on the neighbor's door, but the neighbor does not respond, and the officers then leave.

Department documents indicate that the complainant requested that the responding officer speak with him prior to contacting his neighbor.

The named officer stated that he responded to the complainant's home on the night in question. He stated that he spoke to the complainant prior to any contact with the neighbor who had allegedly been banging on the wall. The officer stated that he was aware that the complainant had a valid restraining order against his neighbor in the adjacent apartment. He stated that he attempted to contact the neighbor, but that neighbor did not answer his door and appeared not to be at home.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The named officer is no longer with the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/02/17 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who is the security director at a mall, stated that a homeless man sexually assaulted a female security guard at the mall. The complainant stated the homeless man grabbed the guard and tried to pull her close to him. Police responded and spoke to the victim, who stated that she wanted the homeless man arrested for trespassing and battery. The complainant stated the officer offered to take a report but said she would not be able to arrest the homeless man without a stay away order.

The victim stated that the homeless man frequently caused problems at the mall and she had seen him earlier on the day of the incident. She stated that she was walking out of the mall with her supervisor and she did not notice the man until he grabbed her and said, "Come here, baby," and tried to kiss her. The victim alerted her supervisor and called the police. When officers arrived, she informed them that she wanted to file a sexual harassment claim against the homeless man. The officer stated that since the man had only grabbed her jacket it was not sexual harassment and she could not do anything about it.

The named officer confirmed that the victim told her that she was working security at the mall and wanted police to escort a subject off the property. The victim told the named officer that the subject had leaned towards her in what she believed was an attempt to kiss her, and she wanted the subject arrested. The named officer stated she spoke with the subject, who agreed to leave the property. The named officer stated she told the victim that the subject could not be arrested because she did not believe that his actions warranted a sexual battery arrest. The named officer stated that because the subject only touched the victim's jacket and not any intimate parts of her body, there was no evidence to support the crime of 243.4 PC, Sexual Battery. The named officer also stated that, absent a stay-away order or restraining order, she was unable to arrest the subject for trespassing. The named officer stated that the mall is open to the public, and there is no law that prevents homeless or mentally ill people from being at the mall. The officer then prepared an incident report documenting the incident as required.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/18 **DATE OF COMPLETION:** 01/15/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer acted inappropriately when he asked the complainant questions about his relationship with the complainant's daughter.

The named officer stated an unnamed store patron notified him that a man took a small child into the restroom and the child was screaming. The named officer stated he knocked on the door and spoke the complainant. He stated that, after ensuring the child was with her father and that she did not need any medical attention, he walked away. The named officer stated his behavior was appropriate and professional. He stated he had a responsibility to obtain pertinent information to resolve any calls. Part of the investigative process is to ask questions that are relevant to the information he received.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/18 DATE OF COMPLETION: 01/08/19 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged officers stopped and searched him. He said he was crossing the street when three police cruisers turned the corner. The final car in the group stopped and two officers exited to approach the complainant. The complainant stated these officers grabbed him and pushed him against a transit map. He said they frisked him and asked if he was carrying anything illegal. The complainant said these officers found no illegal contraband on him, and he felt that he was racially profiled. The complainant could not provide the names of the officers, though he did provide a description.

A search of Department of Emergency Management records showed no officers notified dispatch they were detaining anyone in the area at the time. Additionally, there appear to be no incidents in the area calling for three or more police cruisers.

Officer Identification Polls were sent to two district stations. Both were returned with negative results.

The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #2: The officers searched a person without cause.

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

FINDINGS OF FACT: The complainant alleged two officers stopped and searched him. The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #3: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant alleged he was stopped and searched by SFPD officers for no reason. He said he thought they racially profiled him because he is a young, Hispanic male. The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/18 **DATE OF COMPLETION:** 01/14/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the police seized a box of his documents during a narcotics search warrant of his friend's apartment, but there was no receipt for the property and no record of the property at SFPD. The complainant was not present during the search and received the information about his property from his friend.

The named officer stated that no documents were seized during the search warrant service. The named officer stated that he did not see a box of documents referring to or belonging to the complainant during the search warrant service.

Department records indicated that the named officer conducted a narcotics search warrant of the complainant's friend's apartment. Records indicated that there were no documents seized during the search warrant service.

Witness officers stated that no documents were seized during the search warrant service. Witness officers stated that they did not see a box of documents referring to or belonging to the complainant during the search warrant service.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/18 **DATE OF COMPLETION:** 01/04/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for battering someone, even though he had just bumped into the person.

An incident report indicated that a man reported being punched in the face, and that victim provided to the named officers a description of the assailant that matched the complainant's appearance. A form signed by the victim indicated that he identified the complainant visually. Records also indicated that another witness notified the named officers that he had seen the complainant punch the victim in the face and that he had followed the complainant after the battery, never letting him out of his sight. This witness pointed out the complainant to one of the named officers.

Body Worn Camera (BWC) footage corroborated the reports of the victim and the witnesses to the named officers.

The evidence established that the named officers had probable cause to arrest the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/18 **DATE OF COMPLETION:** 01/18/19 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to investigate her complaint properly by not having a cybercrime officer examine her evidence.

The named officer stated he took the complaint seriously, but it was difficult to understand the complainant's allegations, and the service she was requesting. He stated her story was multifaceted and involved a timeline of many years. The named officer further stated SFPD does not have a cybercrime officer or a cybercrime unit. He stated he reviewed the material submitted by the complainant and directed an officer to look for any reports taken by SFPD related to her case. He said that search turned up no police report on SFPD and statewide criminal databases.

An officer who reported being present for part of the contact the named officer had with the complainant stated the named officer told the complainant SFPD does not have a cybercrime unit. He explained SFPD does have Internet Crimes Against Children, but they specialize in a different area. The witness officer further stated the complainant's story was disjointed and she did not make it clear exactly what she wanted SFPD to investigate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/18 **DATE OF COMPLETION:** 01/18/19 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer made an inappropriate comment when he asked her “Why [John Doe] would do something like this to her.” She likened the question to asking what a rape victim was wearing.

The named officer stated he did not believe his questions were inappropriate. He said his questions were exploratory and in the service of trying to understand what crimes, if any, had been committed by the subjects raised by the complainant. He stated he did ask a question about the relationship between individuals named by the complainant. He stated the question was derived from SFPD report forms and can change the category of the investigation.

An officer who was present for part of the contact between the complainant and the named officer stated he did not hear any inappropriate comments. He stated the named officer asked the complainant investigative, exploratory, and general questions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

:
DATE OF COMPLAINT: 10/29/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he has repeatedly made complaints about a homeless woman living in a converted ambulance in his neighborhood. He feels the SFPD has failed to resolve this on-going issue.

In a Member Response Form, the captain of the district station said there was no typical protocol for handling these types of calls; however, the officer identified by the complainant is consistent and responsive with his efforts. He also stated that these types of vehicles receive notices to move within 72 hours.

A review of Department of Emergency Management records shows that the complainant's patrol sector had received numerous calls for "suspicious person in vehicle" in the weeks leading up to this complaint. The records show that SFPD members regularly respond and take action, including towing vehicles. A call made just days before this complaint, about a woman in an old ambulance at the location identified by the complainant, shows that officers responded within three minutes of being dispatched. The record shows that the officers attempted to call the reporting party, but there was no answer and no voicemail set up. The disposition of the call was UTL or Unable to Locate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/18 **DATE OF COMPLETION:** 01/09/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he witnessed two officers wake up two homeless people who were in sleeping bags in a city park. The complainant said he did not see the officers' faces as they were blocked by a tree and their backs were to him and he was too far from them to hear anything said by either party. The complainant stated the actions of the police officers was a violation of law.

An officer identification poll was sent to the District station where the incident occurred. The poll failed to identify any involved officers.

A search of dispatch records failed to identify an incident as described at the time and location alleged by the complainant.

No witnesses were identified.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/18 **DATE OF COMPLETION:** 01/09/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a written complaint to another agency that a sergeant told him to kill. The complainant failed to respond to requests by the DPA to interview him for the purpose of clarifying the facts surrounding his allegation.

No witnesses were identified.

The complainant failed to provide additional information.

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant failed to respond to requests by the DPA to interview him for the purpose of clarifying the facts surrounding his allegation.

No witnesses were identified.

The complainant failed to provide additional information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers seized property without justification.

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

FINDINGS OF FACT: The complainant stated, during an encounter, officers took his wallet and the contents of his pockets without returning anything to him.

The named officers denied taking a wallet or any other personal items from the complainant.

The Body Worn Camera (BWC) recordings show the complainant throw his wallet on the ground, prior to sitting down on the sidewalk. They show the named officers looked through the complainant's items in an effort to identify him. The recordings show that the items are returned to the complainant during the course of the incident.

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

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

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

FINDINGS OF FACT: The complainant indicated officers dragged him out of a pharmacy and forced him onto the ground.

The named officers denied using any force against the complainant.

The BWC recordings show one named officer and one witness officer escorting the complainant out of the store by holding onto his arms. The officers then guide him to the ground after telling him repeatedly to sit down.

A preponderance of the evidence established that the amount of force used by the named officers was reasonable.

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: 11/15/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 - 6: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officers followed him, dragged him out of a store and took all of his personal belongings.

The named officers said a store employee approached them on the street and told them the complainant was trespassing. The named officers stated they determined that the complainant may have required medical assistance and called for medics to come evaluate him. A third officer noted they initially encountered the complainant nearby. The complainant was screaming and acting as though he suffered from a mental illness.

The BWC recordings show the named officers repeatedly trying to obtain information from the complainant, who was nonresponsive. The recordings show that officers calling for a medical evaluation. The recordings do not show any officers seizing the complainant's personal belongings.

A preponderance of the evidence established that the named officers did not behave inappropriately as alleged.

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

SUMMARY OF ALLEGATIONS #7 - 8: The officers searched a person without justification.

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

FINDINGS OF FACT: The complainant stated the named officers took everything out of his pockets.

The BWC recordings show a named officer told the other members that they would search the complainant before he went into an ambulance. The officers then lifted up the complainant's arms and conducted a pat-down search, once the medics arrive. The recordings also show a witness officer asked the complainant if he had needles, to which the complainant replied that he had "two or three."

The evidence established that the search was conducted for officer safety and the safety of the medics. 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: 11/15/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant indicated she has been having a lot of problems and no one has explained to her what is going on. She did not have any specific complaint against a specific SFPD officer.

The DPA reviewed several incident reports and determined that the complainant has been adequately assisted by SFPD.

Based on the complainant's own statement, there was insufficient evidence to name a specific officer. As such, there was insufficient information to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #1: 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 forwarded to:

Oakland Police Dept.-Internal Affairs
250 Frank Ogawa Plaza, Ste. C
Oakland, CA 94612

Citizens' Police Review Agency
250 Frank H. Ogawa Plaza, Ste. 6302 (6th floor)
Oakland, CA 94612

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/18 **DATE OF COMPLETION:** 01/19/2019 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer offered him potato chips and when the complainant asked a follow-up question, the officer said, “Maybe I should just punch you in the mouth.”

The named officer did not recall the incident.

There was no video camera found in the area that would have captured the contact.

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: 12/11/18 **DATE OF COMPLETION:** 01/30/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that he called police to report people dealing and using drugs on the street near his residence. The complainant stated that he told the dispatcher that he wanted to meet with the responding officers. The complainant stated that he waited in the lobby of his residence, but no officers contacted him. The complainant believed that there was no action taken regarding his call.

Department of Emergency Management (DEM) records indicated that the complainant did not tell the dispatcher that he wanted to meet with the responding officers. DEM records indicated that the complainant told the dispatcher that he could meet with the responding officers if necessary. DEM records indicated that dispatch advised the named officers that the complainant did not want to meet with them. DEM records indicated that the named officers responded to the complainant's call for service and advised twenty individuals.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/18 **DATE OF COMPLETION:** 01/14/19 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/18 **DATE OF COMPLETION:** 01/22/19 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer did not receive a citizen's arrest that was requested of him.

Department records, specifically body worn camera footage of the incident, showed that the named officer received the citizen's arrest, obtained a signed citizen's arrest form from the victim, and issued a citation to the arrestee.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/18 **DATE OF COMPLETION:** 01/15/19 **PAGE#** 1 of 1

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

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

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

SAN FRANCISCO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
1245 3rd Street
San Francisco, ca 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/18 **DATE OF COMPLETION:** 01/07/19 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD 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 12/23/18 **DATE OF COMPLETION:** 01/09/2019 **PAGE#** 1 of 1

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

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

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

**SAN FRANCISCO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
1245 3RD STREET
SAN FRANCISCO, CA 94158**