

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 1/3/2020

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

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

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

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DATE OF COMPLAINT: 06/25/2019 DATE OF COMPLETION: 1/28/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.05.

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

FINDINGS OF FACT: The complainant stated that she was driving through a residential neighborhood when she saw a police pursuit approaching from behind at an extremely high rate of speed. The complainant pulled over to avoid being hit, and then saw the suspect vehicle lose control and crash into multiple cars. The complainant stated that the pursuit took place through a residential neighborhood and someone could have been severely injured or killed.

The named officer stated that on the day of the incident, she was returning to the district station via the residential area when she observed a silver sedan perform a u-turn at a high rate of speed. The named officer followed the vehicle and watched it fail to yield at a stop sign. The named officer then watched the vehicle turn eastbound. The named officer drove up to the vehicle and activated her lights (she stated that her vehicle's siren was not working at the time), at which point the other car sped up, lost control, and crashed into a cement barrier. The officer stated that the whole incident lasted less than a minute.

Although the named officer later discovered that the other car was an unreported stolen vehicle, she contended that this incident was not a vehicle pursuit and that she was merely affecting a traffic stop for moving violations. She stated that the rules regarding vehicle pursuits as laid out in Department General Order 5.05 therefore do not apply in this situation.

Department records indicate that the named officer contacted dispatch to get information from the suspect vehicle's license plate. Thirteen seconds later, the named officer reports that the vehicle is taking off. Thirteen seconds after this, the named officer notes that the suspects are fleeing on foot.

Police officers have no control of when and where crimes occur. In this instance, the incident took place in a residential area. The named officer confirmed that the suspect vehicle was driving at a high rate of speed in the area with her patrol car following behind it. The entire incident occurred within a half-mile radius from beginning to end and was over in less than a minute. Given the nature of why the vehicle was being stopped and the short time span this unfolded in, this incident did not fall under the pursuit guidelines as laid out in Department General Order 5.05.

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 #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 01/21/2020.

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DATE OF COMPLAINT: 01/09/19 **DATE OF COMPLETION:** 01/07/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was the victim of a hate crime. She stated that the suspect was arrested and later released from jail a couple of days later. She stated that the named officers did not properly investigate the crime, because the charges against the suspect were dropped due to insufficient evidence.

Named officers #1 and #2 (arresting officers) denied the allegation, stating if they did not thoroughly investigate the incident, they would not have been able to arrest the suspect.

Named officers #3 and #4 (investigating officers) also denied the allegation, stating that they did not look at the surveillance cameras documented in the report because they were familiar with the aforementioned cameras and they were certain that those cameras did not capture the incident. Named officers #3 and #4 stated they presented the case to the District Attorney's Office (DA) and the DA discharged the case as lack of evidence/no further action. The officers stated that if the DA wanted more investigation from the officers, he would have used a different discharge code.

Department records showed that officers conducted a full investigation at the time of the arrest, except for obtaining surveillance camera footage from buildings near the area. Three days later, the file was forwarded to the District Attorney's Office for prosecution; however, the DA discharged the case with no further action.

The DPA investigation established that the named officers did not fail to properly investigate based on the information they had at the time.

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 failed to comply with Department General Order 5.20 Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated that her primary language was Spanish, but she also spoke English. On the day of the incident, she said she spoke English and was able to provide her statement in English. However, in the middle of her statement to the named officer she got stuck and asked to speak to a Spanish-speaking officer.

The named officer stated that the complainant spoke English the entire time and there was no communication barrier. He stated that the complainant did not request language assistance.

The named officer obtained the complainant's statement while riding with the complainant in the ambulance to SFGH. He deactivated his body worn camera, per Department policy due to privacy and HIPAA requirements.

There was no evidence available to confirm or refute the allegation, as the officer did not activate his body-worn camera during the interview with the complainant. Additionally, the complainant did not respond to requests to sign a Medical Release Form, which would have allowed DPA to interview the medics.

There was insufficient evidence to prove or disprove the allegation.

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

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

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

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

DPA could not identify any other witnesses.

DPA could not locate any surveillance video.

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

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DATE OF COMPLAINT: 02/06/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he called 911 after a homeless person threw a bottle at him. The complainant stated he told the dispatcher to have the responding officer meet him inside his work. The complainant acknowledged receiving a call when the officer arrived, but the complainant could not answer the phone because he went back to work.

The named officer stated he responded to the call and immediately searched the area for the suspect but could not locate the suspect. The officer tried to call the complainant to follow up, but the complainant did not answer the call.

Records from the Department of Emergency Management corroborated the named officer's statements.

Officers are not required to follow a complainant's direction on how to respond to the scene of a 911 call. The officer arrived on scene, searched for the suspect, and attempted to contact the complainant.

A preponderance of the evidence established that the named officer's actions at the scene were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #2-4: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated he called 911 after a homeless person threw a bottle at him. The complainant stated he told the dispatcher to have the responding officer meet him inside his work. The complainant acknowledged receiving a call when the officer arrived, but the complainant could not answer the phone because he went back to work. The complainant called 911 again, and the named officers arrived. The complainant stated he spoke with the named officers, who refused to take a report and discouraged him from filing a police report.

The responding officers could not recall responding to this incident.

Considering the low severity of the 911 call and considering that the incident allegedly occurred 45 minutes earlier, there is insufficient evidence of a failure to write a police report to support disciplinary charges.

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

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

FINDINGS OF FACT: The complainant stated officers used unnecessary and excessive force when they arrested him for being drunk in public and resisting arrest. The complainant stated he had been at a bar drinking and was on his way home when he was harassed by other civilians. The complainant stated an officer sat him down and allowed his harassers to leave. The complainant stated officers surrounded him, then tackled and jumped on him. The complainant stated that officers stepped on his neck. The complainant stated he sustained injuries described as a concussion along with internal bruises, a broken hand, and swollen eye. The complainant stated that he lost consciousness and experienced shortness of breath as he was screaming for help.

The named officer stated he responded to a call of a fight and when he arrived multiple units were on scene. The incident appeared to be winding down, so he got back in his car to leave. As he was turning his car around, he heard screaming and cursing and observed the complainant confronting the named sergeant. He stopped and got out of his vehicle because the named sergeant was by himself. The complainant continued to yell, and the named sergeant ordered the complainant to leave the area and walk away. The complainant would not leave the area, so the officer stood between the named sergeant and the complainant. The named officer stated he tried to move the complainant along by walking toward the complainant and ordering him to leave. The complainant stepped backward, but kept stopping, and then stepped toward the officers aggressively.

The named officer stated he could smell alcohol on the complainant's breath, observed he had slurred speech, watery and bloodshot eyes. The named sergeant ordered him to arrest the complainant for public intoxication. The named officer stated he grabbed the complainant's left side to place him under arrest and felt the complainant tense up so he used a physical control hold and pulled the complainant's left shoulder toward the left side of his body and used his body to twist complainant forward to get control of his arms and place the complainant on the ground with the assistance of the named sergeant. A third officer handcuffed the complainant. The named officer stated the use of physical control was needed when the complainant tensed up as he moved to arrest the complainant. The named officer stated the complainant did not have any problems breathing and did not complain of pain at the scene. The officer stated the complainant did not lose consciousness. He did not observe any injuries to the complainant at the scene, but acknowledged it was dark. The named officer stated that the reporting officer informed him later that the complainant complained of pain at the station, so he notified his sergeant of his use of force.

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The named sergeant stated he responded to a call of a fight and was the first officer on the scene. He spoke with the complainant and other officers spoke to the four other parties. During his investigation, the named sergeant determined there was no physical fight and no crime had occurred. The named sergeant tried to get information from the complainant, but the complainant wasn't cooperative. The complainant told him he had been drinking at a bar and was on his way home when he was attacked by several males in a car. The named sergeant stated the complainant showed no signs of being attacked. The complainant continued to yell that he had a right to defend himself. The named sergeant stated that another officer on scene spoke with the other parties, who reported the complainant challenged them to fight. The named sergeant stated he told the complainant he was free to go and ordered him to leave the area and thought the incident was concluding. As he waited for the complainant to leave, the complainant became agitated, continued to yell and would not leave the area. When the complainant did not comply with lawful orders to leave the area and continued to be visibly agitated, he believed the complainant was a danger to himself and would cause more trouble to the public if he was allowed to remain.

The named sergeant stated the named officer stepped in between him and the complainant and attempted to guide the complainant down the street, but the complainant did not comply. He said, due to his observations, he told the named officer to detain the complainant for public intoxication. He grabbed one of the complainant's arms and felt complainant tense up. The named officer used a physical control hold and took the complainant down to the ground. The named sergeant said the physical control became necessary as the complainant tensed up. The named sergeant stated the physical control was not a reportable use of force at the time because of a lack of visible injury to the complainant and the complainant did not complain of pain.

A witness, who is a civilian Patrol Special, stated he saw a "pretty intoxicated" black male with his shirt off, and a belt wrapped around his hand with the belt buckle hanging loose. He stated the complainant was challenging four males to fight him. The four males were standing by a car saying we don't know what this guy's problem is and he's trying to fight us. The witness stated he told the complainant several times to stop, back up, and put the belt down. The witness said the complainant refused, but that police arrived and the civilian left. The witness stated he did not see the officers' physical contact with the complainant until he returned to the area, saw one or two officers on top of the subject, who he said was still resisting arrest.

Photographs taken of the complainant at the station show the complainant had a small abrasion/laceration just above his left eyelid.

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Medical records from the San Francisco Fire Department personnel who responded to the station document a non-suturable laceration above the left eye that was managed with a band aid.

Hospital records document the complainant was diagnosed with an abrasion above the left eyebrow. The patient complained of neck pain and left finger pain. He was noted to have bloodshot eyes. The records document the complainant became angry with providers in the emergency department, refused additional care and left against medical advice. Records from another provider who treated the complainant a day after the incident diagnosed left ankle sprain, concussion, neck sprain, lumbar sprain, and thoracic back sprain. X-rays of left ankle, lumbar spine, chest and left hand were negative. A CT scan was also negative. He was prescribed narcotic pain medication and released.

Body Worn Camera (BWC) video from the incident showed the named sergeant approaches the complainant and attempt to speak with the complainant. The complainant does not answer the officer's questions. The complainant describes a confrontation with four occupants of a vehicle. The BWC evidence shows the complainant resisting attempts to detain and handcuff him. The BWC shows no evidence of officers stepping on his neck nor of the complainant passed out or unconscious.

SFPD General Order 5.01 states, "officers may use force during the performance of their duties...to effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention."

A preponderance of the evidence established that the named officers' use of force was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3 - 5: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated he was handcuffed without justification during his arrest and was handcuffed to a bed at the hospital.

The first and second named officers stated they handcuffed the complainant at the scene to place him under arrest for public intoxication. The third named officer stated he responded to the hospital to monitor the complainant and handcuffed the complainant to the bed because the complainant was belligerent and aggressive and had already resisted arrest.

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Body Worn Camera (BWC) video shows the complainant was aggressive and resistant during his arrest and while at the hospital. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #6 - 7: The officers placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officers applied the handcuffs too tight.

The first named officer stated she handcuffed the complainant and checked for the proper degree of tightness and double locked the handcuffs. The named officer stated the complainant never complained of the handcuffs being too tight nor did he complain of any pain to his wrists.

The second named officer stated he ordered the complainant to give him his arm so the first named officer could apply the handcuffs. The complainant did not comply, so he held the complainant's wrists to assist the first officer in handcuffing the complainant.

The BWC evidence shows the complainant physically resists officers' attempts to handcuff him by moving his body while yelling. The video shows the second named officer assisting the first named officer in handcuffing the complainant. The video shows the first named officer double-lock the handcuffs and check for tightness. The complainant does not complain of the handcuffs being too tight, or any pain. The evidence proved that the alleged conduct did not occur.

SUMMARY OF ALLEGATIONS #8 - 9: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause.

As previously discussed, the complainant was taken into custody for public intoxication.

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

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SUMMARY OF ALLEGATIONS #10 - 11: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated during his DPA interview that he believes he was arrested because he is African American.

The named officers were questioned pursuant to DPA's Biased Policing Investigation Protocol. The named officers denied they engaged in any biased policing or discrimination. The named officers observed the complainant was African American but said the complainant's race was not a factor in the decision to arrest the complainant. The named officers stated the complainant was arrested for public intoxication under Penal Code section 647(f).

The Body Worn Camera (BWC) recordings indicate no bias toward the complainant and show the officers acting in a courteous manner toward him. The complainant stated he had been drinking at a bar. One named officer is seen on camera attempting to convince the complainant to leave the scene without being arrested, but the complainant refuses.

SFPD General Order 5.17, Policy Prohibiting Biased Policing, states, "Investigative Detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment to the U.S. Constitution.

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

SUMMARY OF ALLEGATION #12: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was issued a citation without cause.

The named officer stated there was probable cause to issue the citation for violation of Penal Code 148, and he was instructed by a sergeant to do so.

Body Worn Camera video shows the complainant resists efforts by officers to arrest him. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #13: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated the officer displayed threatening, intimidating, or harassing behavior.

The named officer denied he threatened, intimidated or harassed the complainant. The named officer stated that during his contact with the complainant at the hospital the complainant acted in a belligerent and aggressive manner toward officers, hospital staff and fire department medical personnel. The named officer stated he was aware the complainant had resisted officers while at the scene. While transferring the complainant from the gurney to the hospital bed he gave the complainant clear instructions on what he needed the complainant to do while he was temporarily released from handcuffs. He advised the complainant in a calm manner that if he did not follow instructions he may be hurt. He used plain and simple English so his message would be clear and understood by the complainant.

The Body Worn Camera (BWC) video shows the named officer removing the handcuffs and transferring the complainant from the gurney to the hospital bed. The complainant is seated in a gurney chair and the named officer takes hold of the complainant's left wrist. The officer is heard saying in a calm tone of voice, "Alright, hey, don't do anything weird, okay, we're just gonna get up and move over there." The complainant replies, "No, I'm not weird". The named officer says, "I'm just saying don't do anything weird or you're gonna get hurt, so just go over there and sit down". The complainant responds, "That was a threat." The named officer replies, "That's not a threat."

The named officer's partner also states it was not a threat. The named officer's partner is holding on to the complainant's right wrist. The named officer's tone of voice was not threatening. The complainant was agitated. The named officer and his partner then transfer the complainant from the gurney to the hospital bed. The BWC shows no evidence of the named officer threatening, intimidating, or harassing the complainant. The BWC shows the complainant acting in a belligerent manner and using repeated profanity towards medics, officers and hospital personnel.

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

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SUMMARY OF ALLEGATION #14: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated the officer did not read him his Miranda rights.

The named officer stated the complainant was not Mirandized because he was not interrogated. The named officer stated the complainant would not be interrogated because he was intoxicated and was arrested for public intoxication.

The BWC evidence shows the complainant was not *Mirandized*.

In order for *Miranda* to apply, a person must be subject to custodial interrogation. Here the complainant was arrested for public intoxication and, although he was in custody he was not interrogated.

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

SUMMARY OF ALLEGATIONS #15 - 16: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate by allowing the four males he was involved in an altercation with to leave the scene. The complainant stated the officers should have questioned the four males who were involved in the verbal altercation with the complainant.

The named sergeant stated the named officer spoke with four males who cooperated and described a verbal confrontation initiated by the complainant. The named sergeant stated he saw no evidence that a physical altercation had occurred and was unable to get a straight answer from the complainant. He said he determined no crime had occurred; thus the four males were allowed to leave.

The named officer stated the four males were allowed to leave the scene because it was determined there was no merit to the fight report. The named officer stated he did not recall speaking to the four males, but stated he reviewed his BWC which shows him speaking with the four males on scene.

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Records from the Department of Emergency Management shows that Dispatch received a call of a verbal fight between 1 BMA and 3 LMA's, no weapons seen. A civilian reported a black male holding a belt and that he tried to get him to drop it. A second caller reported a loud argument.

Body Worn Camera footage shows officers interviewing the complainant and four other adult males. The footage shows the first named officer attempted to assist the complainant, who was uncooperative and agitated.

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

SUMMARY OF ALLEGATION #17: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated one officer waved his gun at him in the sally port area of the station. The complainant stated the officer did not point the weapon at him.

The named officer denied waving a handgun at the complainant. The named officer stated his interaction with the complainant was limited to transporting the complainant from the scene to the station. The named officer stated that officers have the option of locking their firearm in the trunk of the patrol vehicle or in a secure lock box located inside the station in a room prior to going into the holding cell. One cannot have a gun in the holding cell. The officer stated he didn't recall if he secured his gun in the trunk or the lock box that evening, but said his normal practice was to put it in the lock box.

All of the involved officers at the station were questioned and denied seeing the named officer wave a gun at the complainant.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #18: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated unknown officers used profanity toward him at the station.

All of the involved officers were questioned and denied using any profanity toward the complainant.

The identity of the alleged officers could not be established.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #19: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated unknown officers threatened violence towards him at the station.

All of the involved officers were questioned and denied threatening the complainant.

The identity of the alleged officers could not be established.

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

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SUMMARY OF ALLEGATION #20: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated an unknown officer attempted to gain access to his cell phone at the station. The complainant stated the officer was going through his fanny pack and it looked like the officer was trying to unlock his phone by sliding the lock button. The phone was locked so the officer was not able to access it. The complainant stated that unknown officers moved him away from cameras and forced his head between his legs.

All of the involved officers were questioned and denied attempting to access the complainant's cell phone or forcing his head between his legs.

The identity of the alleged officers could not be established.

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 behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she contacted the police after someone broke into her home. The complainant suspect it was her ex-husband because she had recently filed a temporary restraining order against him and his belongings were missing. The named officer responded to her home. The named officer told the complainant that there was no forced entry and it did not appear that anyone had broken into her home. The named officer asked the complainant for her ex-husband's telephone number so he could speak to him, which the complainant felt was inappropriate. The complainant believed that she was not treated fairly during the incident.

Body-worn camera footage shows no signs of forced entry into the home. The complainant informs the named officer that her ex was served with a temporary restraining order. The named officer's partner then checks the MVT and informs the complainant that the temporary restraining order has not been served. The named officer informs the complainant that this means that her ex has a legal right to enter the premises to retrieve his possessions. When asked what items were taken from the home, the complainant refuses to go into detail. The named officer is calm and professional when dealing with 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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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she called the police because her boyfriend had broken and climbed through her window. She said that the named officer arrived and made a comment that it was the second time that it happened, which made the complainant feel judged and uneasy. The complainant admitted the window had been broken before but added that it was not the boyfriend who broke the window the first time.

The named officer confirmed that she did say something to the effect of, “this is the second time that it happened.” However, she stated that she did not mean to say it in a derogatory manner to insult or belittle the complainant. She explained that it came to her that she had been to the location before for another broken window incident.

Department records show that the complainant did make another call regarding her boyfriend breaking her back window about a year before this incident, and the named officer was the officer dispatched to the scene.

No witnesses were identified.

A preponderance of the evidence proves that although the officer did comment that it was the second time that the break-in had happened, there was indeed a similar incident that occurred a year ago. The officer stated a fact that is not considered demeaning or inappropriate.

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

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

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

FINDINGS OF FACT: The complainant stated that when the named officer went into the room with the broken window, the named officer kicked her daughter’s shoe inappropriately.

The named officer confirmed that she did slightly kick a shoe when she entered the room. She stated that there was a mattress leaning up on the wall and miscellaneous clothing and personal items on the floor inside the room. She explained that she kicked the shoe out of her path to avoid injury. She also stated that she was trained to be aware of their footing in all types of situations.

Body-worn camera footage shows that the room was filled with miscellaneous clothing and unassembled furniture on the floor, which could pose a danger to anyone walking into the room.

No witnesses were identified.

A preponderance of the evidence proves that when the officer entered the room, it was in a condition that could potentially cause a tripping hazard. The officer had reasonable cause to clear her path for stable footing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/28/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 3 of 3

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to comply with DGO 10.11 and DB 18-256.

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

FINDINGS OF FACT: The named officer responded to the location without activating the body-worn camera while en route. The footage shows that the officer started recording after she entered the complainant's residence, and there was no buffering mode in the footage.

The named officer stated she did not activate her body-worn camera (BWC) while en route because she was at the complainant's residence within one minute, and her main concern was the safety of the complainant. She stated in an interview that she did not recall why she did not activate her BWC while en route. She stated she did not remember whether she double-tapped the camera or not, but when she realized that she did not, she double-tapped it. She further explained that there was no buffering mode because the BWC was not on. The named officer indicated she did not understand that if double-tap, the BWC means pressing the "Event" button. Additionally, she did not understand BWC buffering mode.

Body-worn camera footage shows that there was no buffering mode at the beginning of the footage. In addition, the BWC starts recording after the officer entered the complainant's residence. The officer did not start the recording while en route.

Department General Order 10.11 Body Worn Camera states that all on-scene members equipped with a BWC shall activate their BWC equipment to record during consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim.

Department Bulletin 18-256, Activation of Body Worn Cameras states that "Members shall keep their BWC powered on in Buffering Mode" and "when responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while en-route and prior to arriving on scene.

The evidence indicated that the named officer did not keep her BWC powered on in buffering mode or begin recording by pressing the Event button while en-route before arriving on scene because she was uncertain about the proper way to activate the BWC and start recording.

The evidence proved that the action complained of was the result of inadequate or inappropriate training.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 1 of 4

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

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

FINDINGS OF FACT: The complainant stated SFPD officers detained him and requested his driver's license. The complainant opined that the named officers had no right to detain and question him.

Named officer #1 stated an SFPD Confidential Informant (CI) informed an SFPD officer that the complainant was in his vehicle with a firearm and a child in the car. The CI also stated the complainant's vehicle displayed paper plates. Named officers #1-3 responded to the area and located a gray vehicle with paper license plates. Named officer #2 stated the officers located the complainant's vehicle in a high crime area known for recent homicides and violent assaults. Named officer #2 noticed the vehicle was parked on a city street with no license plates in violation of section 5200 of the California Vehicle Code and that both the complainant and child appeared to be sleeping in the vehicle. The named officers stated they approached the vehicle and detained the complainant to investigate child endangerment.

Department General Order 5.03 Section B says 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 behavior is related to criminal activity. The officer, must, however, have specific and articulable facts to support their action."

The investigation showed that the named officers had clear and articulate facts from the CI related to possible child endangerment. In addition, the named officers observed a vehicle with no license plates and two occupants asleep in a high crime area. The named officers had the right to detain and question the complainant. The evidence proved that the acts that provided the basis for the allegation occurred: however, such acts were justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 2 of 4

SUMMARY OF ALLEGATION #4-10: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officers removed him from his vehicle and beat him up.

The named officers stated they received a tip from a Confidential Informant (CI) who said the complainant was parked on the street with a gun and a child in the vehicle. The named officers stated they approached the vehicle and observed the vehicle parked on the street with a child in the passenger seat with no seatbelt on. Named officer #1 asked the complainant for his driver's license and named officer #2 conducted a computer inquiry with the complainant's identification. The computer query identified the complainant as sex registrant.

Named officer #1 stated that he asked the complainant to exit the vehicle for further investigation and to separate the complainant from the child. The complainant refused and started up his vehicle and pressed on the gas pedal. Named officer #1 stated fearing the child might be in danger he reached his arms into the window and grabbed the complainant's right arm, preventing the complainant from placing the vehicle into drive mode. Named officers #2-3 then assisted with removing the complainant from the vehicle. The named officers stated the complainant kicked and tensed his body up and refused to remove his hands from his waistband area. The named officers stated they used body weight, pain compliance, distraction techniques, and controlled holds to take the complainant into custody. The named officers stated that complainant's actions were active resistance and verbal de-escalation techniques were ineffective. The named officers stated they used the minimal amount of force necessary to overcome the complainant's resistance. The named officers opined, that if they did not take the complainant into immediate custody the child's life would have been in danger.

Body Worn Camera video showed named officers #1-3 approach a grey vehicle on the street with a child in the passenger seat with no seatbelt on. Named officer #2 conducted a computer inquiry with the complainant's identification, which identified the complainant as sex registrant. Named officer #1 then asked the complainant to exit the vehicle for further investigation. The complainant refused and started up his vehicle and pressed on the gas pedal. Named officer #1 reached his arms into the window and grabbed the complainant's right arm, preventing the complainant from placing the vehicle into drive mode. Named officers #2-3 assisted with removing the complainant from the vehicle. The complainant kicked and tensed his body up and refused to remove his hands from his waistband area. The named officers told the complainant to stop resisting. Named officers #4-7 arrived on scene and assisted named

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 3 of 4
officers #1-3 with handcuffing the complainant. The named officers used body weight, pain compliance, distraction techniques, and controlled holds to take the complainant into custody. The video footage showed the named officers using the minimal amount of force necessary to overcome the complainant's resistance. Additionally, BWC footage showed the named officers locating a handgun next to the driver's seat.

DGO 5.01 Use of Force Section III states in part that, "A use of force must be for a lawful purpose, officers may use reasonable force options in the performance of their duties, in the following circumstances, to effect a lawful arrest, detention, or search. To overcome resistance or to prevent escape."

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

SUMMARY OF ALLEGATION #11-19: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that after the named officers arrested him \$141,000 in U.S. currency was missing from his backpack.

Named officer #1 stated that he never observed any amount of U.S. currency on the complainant's person, in his vehicle, or inside the backpack. Named officer #1 stated that he conducted the vehicle impound inventory and physically searched the backpack and there was no U.S. currency located.

Named officers #2-8 all denied observing any amount of U.S. currency at the scene of the complainant's arrest.

BWC showed that named officer #1 conducted an itemized inspection of the backpack and vehicle search. The BWC footage showed no evidence of any U.S. currency in the complainant's possessions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 4 of 4

SUMMARY OF ALLEGATION #20: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT: FINDING: REFERRAL 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: 03/13/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer towed his vehicle without justification. He stated that when he retrieved his vehicle from AutoReturn, he was not charged for the vehicle tow. He stated that because he was not charged for the vehicle tow, the vehicle tow was invalid.

The named officer stated the complainant's vehicle was a hazard because it was parked with one missing tire lifted on a jack on a grade with no blocks on the back. The complainant was not present when he issued a parking ticket and towed the vehicle.

California Vehicle Code section 22669(d) states that motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

Transportation Code 7.2.35 states to park a vehicle upon any grade or slope exceeding three percent without effectively setting the brakes and blocking the wheels of the vehicle by turning them against the curb or by other means. For the purpose of the issuance of a notice of violation of this Section, proof that an unattended vehicle Parked on a grade exceeding three percent was involved in a collision shall establish a presumption that such unattended vehicle was Parked in violation of this Section.

BWC footage corroborated the named officer's statement. The complainant's vehicle was in violation of California Vehicle Code section 22669(d) and Transportation Code 7.2.35.

The tow records confirmed the complainant's statement that he was not charged for the tow.

Although tow records indicated the complainant was not charged for the tow, the traffic violation was captured on BWC video.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 2 of 3

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 that he lost count of the number of unjust citations the named officer issued him.

Department General Order 9.01 states that the goals of SFPD's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion and that members shall give priority to enforcing violations consistent with those goals.

The named officer stated that before taking any enforcement action he talks to the violator, issues a 72-hour notice and give violators an opportunity before towing the vehicle. He stated the complainant's vehicle was parked in a restricted area with posted signs. He issued the complainant a citation for the violation but did not tow the complainant's vehicle.

The BWC footage corroborates the name officer's statement.

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

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to cite him if he left paint cans from his truck on the street. The named officer threatened to arrest him and on one occasion threatened to deport him if he did not leave the scene.

The named officer denied the allegations stating he usually advises violators first before taking any enforcement action and has not mentioned arrest or deportation to the complainant.

There were no other witnesses.

The complainant was not able to provide the specific date for the multiple contacts, thus BWC could not be ordered to corroborate either statement. The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/2019 DATE OF COMPLETION: 01/03/2020 PAGE# 3 of 3

SUMMARY OF ALLEGATION #4: The officer knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the named officer targeted him because he is Latino. He stated the named officer was racist towards him and had something personal against him.

Department General Order 9.01 states that the goals of SFPD's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion and that members shall give priority to enforcing violations consistent with those goals.

The named officer denied the allegation stating that his contacts with the complainant were a result of the complainant parking his work truck in the area, finding the complainant's employee sleeping in the truck, exceeding the posted signs restrictions, and not meeting the requirements of the 72 hour notice after given opportunities to move his truck.

Department records document that the contacts with complainant are due to enforcement of parking violations.

BWC video documents the violations for the dates presented by the complainant.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/19 **DATE OF COMPLETION:** 01/14/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for failing to yield to pedestrian in a crosswalk. The complainant stated the named officer issued him a citation without an explanation until the citation was handed to him to sign.

The named officer stated he observed the complainant failed to yield to pedestrians in a crosswalk. The Body Worn Camera (BWC) shows that the officer explained the violation to the complainant, and the complainant tried to explain his conduct. The officer was polite and professional during the traffic stop.

The evidence proved that officer's actions were justified, lawful, and proper.

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 he was issued a citation for failing to yield to pedestrian in a crosswalk. The complainant stated the named officer issued him a citation without an explanation until the citation was handed to him to sign.

The named officer stated he observed the complainant failed to yield to pedestrians in a crosswalk. The Body Worn Camera (BWC) shows that the officer explained the violation to the complainant, and the complainant tried to explain his conduct.

Based on the officer's visual observations, the officer had probable cause to issue the citation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/19 **DATE OF COMPLETION:** 01/14/20 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated he went to the district station after he received a citation from the named officer. The complainant stated he spoke to a supervisor about his citation. The complainant stated the supervisor was sarcastic toward him when he attempted to explain the situation. The complainant further stated the supervisor was not taking him seriously.

The complaint could not identify the supervisor. The DPA sent the station an officer identification poll but the results were negative.

Because the identity of the alleged officer could not be established, the DPA was unable to make a finding regarding the alleged misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 3/24/2019 DATE OF COMPLETION: 01/07/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that an officer used an inappropriate tone and improperly stopped him from recording the interior of a police station.

The complainant entered Central Police Station to conduct a “First Amendment Audit” and record the station, including the interior. The named officers exited the station area and asked the complainant why he was filming. The complainant refused to provide a reason and responded that he had the right to record. The station keeper then told the complainant that he was not permitted to record the inside of the station and ordered him to leave. The complainant refused, so the station keeper raised his voice and again ordered him out of the station. The complainant left.

A short time later, the complainant returned to the station to demand complaint forms. He was again recording. The station keeper again came out of the station and, this time, explained that he had checked with his superior officers, that he had been incorrect, and that the complainant was entitled to record anything he could see from lobby of the station.

This incident demonstrates a training failure. In the past 10 years, courts have recognized and, over time, refined a First Amendment right to record police officers and police stations. At the same time, courts have recognized that filming a police station can be suspicious and, in circumstances, justifies a investigatory detention. *See Turner v. Lieutenant Driver*, 848 F.3d 678, (5th Cir. 2017) (finding that a reasonable officer could suspect that a person filming a police station was “casing the station for an attack, stalking an officer, or otherwise preparing for criminal activity,” and that “filming of the “routine activities” of the station was sufficiently suspicious to warrant questioning and a brief detention.) Compounding the difficulty of distinguishing between constitutionally protected and suspicious recordings is the rise in online popularity of “First Amendment Audits,” in which a civilian records officers with the hope that the officer will tell them to stop, thereby catching the officer in a mistake and demonstrating that the officer “failed” the audit. The civilian then uploads the video to the internet.

In light of these issues – the First Amendment right to record, the complex caselaw, and the rise of “audits” – the SFPDs need to implement training on how officers should respond to civilians recording officers engaged in routine conduct, including outside and inside police stations. Currently, DGO 5.07 addresses civilian recordings of stops, detentions, and arrests, but it is silent about ongoing recordings of officers, including officers arriving, leaving, and conducting regular business inside a police station, which are often the target of First Amendment Audits. The department also needs to provide training on

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 3/24/2019 DATE OF COMPLETION: 01/07/2020 PAGE# 2 of 2

when an officer should consider a person's recording to rise to the level of suspicious activity or potential harassment and stalking of an officer.

Regarding the officer's tone and demeanor, the officer's conduct was proper. Video of the incident shows that the officer spoke to the complainant with a raised voice and direct, firm tone. The officer's demeanor and tone were not sufficiently egregious to rise to the level of misconduct.

SUMMARY OF ALLEGATION #3: The officer failed to provide his name and badge number when asked to do so.

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

FINDINGS OF FACT: The complainant stated that when he asked the officer for his name and badge number, the officer did not provide either.

Video of the incident shows that the named officer was standing in front of the complainant with his badge and name displayed on his uniform. The named officer made no effort to conceal his badge number or name. When the complaint demanded the officer's name and badge number, a superior officer instructed the named officer to leave the scene. When the complainant returned to the station and asked a second time, the officer provided his name and badge number and made no effort to conceal it.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/2019 DATE OF COMPLETION: 01/22/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer detained and questioned a person without cause.

The named officer stated he detained the suspect because the suspect was videotaping the parking lot of Mission Station, including police officer's personal vehicles. The named officer stated that he was concerned about a potential attack on the station and police officers either at work or at their homes.

Body worn camera footage shows that the detention was under five minutes, did not include handcuffs, and did not include a pat search. The named officer asked the complainant why he was recording, and the complainant stated he was exercising his rights to record. The officer then checked the suspect's name with dispatch and released him, issuing him a certificate release form. The complainant was permitted to continue recording the entire time, including after the officer left.

DGO 5.03 reads in pertinent parts:

DETENTIONS. It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity. ...

REASONABLE SUSPICION. 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. (emphasis added)

Two courts have found that videotaping a police station is sufficiently suspicious to justify a brief detention to investigate. *See e.g., Turner v. Lieutenant Driver*, 848 F.3d 678, (5th Cir. 2017) (finding that a reasonable officer could suspect that a person filming a police station was "casing the station for an attack, stalking an officer, or otherwise preparing for criminal activity, and that "filming of the routine activities" of the station was sufficiently suspicious to warrant questioning and a brief detention.); *see also Sanders v. Lieutenant Mike Vincent*, No. 3:15-CV-2782-D, 2016 WL 5122115, (N.D. Tex. Sept. 21, 2016) (finding that a man with a backpack recording the parking lot of a police station was sufficiently suspicious to warrant a brief detention to investigate).

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/2019 DATE OF COMPLETION: 01/22/2020 PAGE# 2 of 2

The officer reasonably found that the suspect's videotaping of the coming and goings of officers from the station to be sufficiently suspicious to warrant a brief detention. The detention was limited in time, scope, and intrusion. At no time did the officer prevent the suspect from recording.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to step in and stop illegal detention.

As the detention was proper, the named officer did not fail to take required action to stop the detention.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/2019 DATE OF COMPLETION: 01/08/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that officers used unnecessary force by grabbing him around the neck with their hands, elbowing him, and holding his legs. The incident occurred at the hospital while complainant awaited medical treatment.

The named officer stated the complainant was argumentative with them and hospital staff. The named officer stated the complainant kicked a hypodermic recycling box that was affixed to a wall. The named officer stated he and hospital staff attempted to reason with the complainant, who was in an agitated state and exhibited symptoms of drug use. The named officer stated he and a second named officer physically restrained the complainant by pressing onto his upper body and holding his legs to prevent further aggressive movements toward them and the hospital staff, and to stop his vandalizing of equipment. The officers stated they used soft control holds and did not straddle or strike the complainant. The officers did not complete a use of force report or draft an incident report because the complainant had no visible injuries and did not complain of pain or an injury as a result of the officers' control holds.

Complainant's medical records did not show that complainant suffered any injury from the alleged force.

Body Worn Camera (BWC) footage from officers at the scene shows the named officers at SFGH with the complainant and hospital staff. The footage does not show the entire incident as officers often turned off the cameras due to their presence in a hospital. The footage shows the officers calm when interacting with the complainant. The footage shows one officer holding the complainant by his foot as hospital staff prepares and applies soft restraints.

Department personnel records indicate that the recruit officer who was present with the named officer is no longer a member of the SFPD, and thus was not available for an interview.

The complainant is not credible. The complainant's demeanor, tone, and statements during his arrest and at the hospital undermine his credibility generally. In addition, complainant's medical records do not show injury commensurate with the force described. And finally, it is not believable that officers used the force alleged by complainant in a hospital without medical staff witnessing the incident.

The evidence proved that the alleged officers used soft control holds to restrain an aggressive suspect during medical treatment. The officers' conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/2019 DATE OF COMPLETION: 01/08/2020 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated after he was arrested, he went to SFGH and waited for medical assessment. The complainant stated he saw blood on the wall and an open needle recycling box that was attached to a wall. The complainant stated the officers did not move him out of the room or clean the wall or box as he requested.

The Body Worn Camera (BWC) footage documented the named officers at SFGH with the complainant and hospital staff. The BWC footage shows the officers' demeanors were calm with the complainant while the complainant was upset and unruly with the officers regarding a hypodermic needle recycling box that was affixed to a wall in the hospital room. The footage shows that the complainant was removed from a room about which he was complaining, by hospital staff, restrained and returned to the room. A hospital staff member explained to the complainant the purpose of the needle box in the room.

Complainant's concerns about the needle box were unreasonable. Needle boxes on the sides of hospital rooms are routine and do not expose persons in the room to any communicable diseases or hazards. The named officers appropriately ignored complainant's irrational concerns.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/2019 DATE OF COMPLETION: 01/08/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force when they removed her from her vehicle at gunpoint.

The named officers stated the complainant was pulled over and removed from her vehicle at gunpoint because her vehicle was identified as stolen. The named officers stated that due to the inherent danger of conducting a traffic stop on a stolen vehicle they were trained at the police academy to remove a driver and any passengers at gunpoint for officer safety.

The named officers' supervisor stated he conducted an evaluation on the named officers' display and pointing of their weapons (use of force) and found that they acted within policy.

No other witnesses were identified.

Department records indicate that the named officers conducted a felony traffic stop on the complainant as her vehicle was reported stolen. The record documents that named officer #1 pointed his weapon at the complainant while she was ordered out of her car. Named officer #1 reported his use of force (pointing of the weapon) to his supervisor who found the force to be within policy.

Additional department records indicate that the use of force was properly documented and was found to be within policy by the supervising officer.

Body worn camera footage showed named officer #1 point his weapon in the direction of the complainant as she was being ordered out of her vehicle. In addition, the footage showed named officers #2, #3, #4, and #5 unholstered their weapons; however, they did not point their weapons at anyone.

Department General Order 5.01(Use of Force) states in relevant part:

IV.G.1.b. Authorized Uses, "An officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety . . ."

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/2019 DATE OF COMPLETION: 01/08/2020 PAGE# 2 of 2

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

FINDINGS OF FACT: The complainant stated that once her stolen vehicle was recovered, the named officer failed to remove it from the stolen vehicle database which resulted in patrol officers identifying her vehicle as stolen and effecting a felony vehicle stop at gunpoint.

A witness officer, who supervised the unit managing the stolen vehicle database, stated the named officer removed the complainant's vehicle from the database the day the vehicle was recovered. He stated the Department of Motor Vehicles did not remove the car from their system which resulted in the vehicle's status to continue to show as stolen.

A Department log showed that the named officer removed the complainant's vehicle from the stolen vehicle database the day that it was recovered.

The named officer documented in the incident report that the day the vehicle was recovered he contacted the stolen vehicle unit and informed them of such.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #7: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer made an insensitive comment after she was removed from her vehicle. She stated that he made a reference to SFPD being friendly and that SFPD was not like Ferguson.

The named officer stated he made the comment to the complainant to reassure her that the Department was aware of contemporary issues involving force and race during traffic stops.

Body worn camera footage showed the named officer making the comment to the complainant. The complainant did not appear to be offended by the comment at the time it was made.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was visiting from out of state when he got into an argument with his mother and left the residence. He said as he was driving, the named officers pulled him over and detained him for no reason.

The named officers stated they received a call over the radio for a vandalism suspect. They said they detained the complainant because he matched the description of the vandalism suspect and because he did not have a front license plate on his vehicle.

Department records indicate that the complainant's mother called the police stating her son was throwing objects and destroying the inside of her home. She additionally provided dispatch with a description of the complainant and said he left her residence in a white Jeep Liberty.

Body worn camera footage shows that the named officers arrived at the mother's residence, witnessed a white Jeep Liberty with Texas plate drive past the residence. The named officers confirmed with the reporting party that the suspect had a Texas license plate on his vehicle. The footage also shows that the vehicle did not have a front plate.

The complainant's mother stated in an interview that she called the police because her son was hitting the door of her residence and she was scared.

The evidence established that the officers had reasonable suspicion to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3 - 4: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was only visiting the Bay Area at the time and was cited for no front plate and driving without a license. However, he said he told the officers that he was a transient of three states and had a valid Texas driver's license, but the officers still wrote him a citation.

The named officers stated he conducted a records check on the complainant and it revealed a valid Texas Driver license and an expired California Driver License. Named officer #2 stated that the complainant told him that he was a transient between three states and provided only his Texas driver license. The named officers stated that per the complainant's mother, he had been living in California for approximately two years. Therefore, it was illegal for him to drive in California without a California license. In addition, the named officers stated it was not legal to drive without both front and back license plates in California.

Department records show that the complainant's mother told an officer in an interview that her son had been living with her in California for approximately two years. It also documented that one named officer conducted a records check while en route which revealed that the complainant's California driver's license was expired.

Body worn camera footage captured that the complainant's vehicle did not have any front license plates while only a Texas license plate affixed on the back, and it did not capture whether the complainant provided any documents to the officer. The footage also showed that the complainant's mother told the named officers in an interview that her son moved into her house about two years ago.

California Vehicle Code 516 states, "Resident' means any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12 months gives rise to a rebuttable presumption of residency."

A preponderance of the evidence proved that since the complainant had been living in California for more than a year, he was considered a California resident and needed to comply with California vehicle codes to drive with a California driver license and both license plates. However, he had neither at the time, which provides probable cause for the citation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5 - 6: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that one of the named officers taunted him by asking him, “so where’s your home now?” Another named officer said, “if we see you again, we’re going to pull you over,” which the complainant felt was inappropriate.

The named officer admitted asking where the complainant lived; however, he said he was not taunting him. He stated he attempted to establish where the complainant’s residency was several times throughout the incident and the complainant had numerous responses. He denied saying, “if we see you again, we are going to pull you over.” Instead, he told the complainant that if he was pulled over again without a license, he could be booked due to a continuing offense. The other named officer also admitted asking where the complainant lived to establish residency but denied making the comments about pulling the complainant over again. The officer stated they were not taunting him.

Department records indicate that the named officers pulled the complainant over because of a vandalism investigation and because he did not have a front license plate. The complainant was issued a citation for Vehicle Code (VC) 5200(a) No front plate and VC 12500 (a) Driving without a California License.

Body worn camera footage confirmed that the named officers asked the complainant where he lived and advised the complainant that if he get pulled over again, his violation would be considered a continuing offense. There was no evidence that the named officer threatened to pull over the complainant.

No witnesses were identified.

The evidence proved that although the officers did ask where the complainant’s home was, they asked because they were attempting to establish his residency. The body worn camera footage proved that the officers did not threaten the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named officer said to him, “you’re still depending on your mom. It sucks.” He felt that the officer was very mean and was taunting the complainant.

The named officer recalled speaking to the complainant and stated that she asked the complainant a question as part of her investigation to determine dependency and residential status which was relevant to the incident or the reporting party’s call. She stated that she asked questions in an investigative manner which consisted of a straightforward question.

Body worn camera footage showed that after the named officer interviewed the complainant’s mother in her residence, she went over to the complainant and said, “what’s up, dude? You look 33 years old, but still living off mom and dad, huh? They seem really nice too. Kind of ashamed to be hearing all that stuff. That actually made me pretty mad. Just know that there’s consequences, alright?” The complainant did not respond to the comment.

The evidence gathered does not prove that the officer was taunting the complainant; however, the officer explained she was attempting to establish the living situation of the complainant since the complainant stated that he was a transient and does not reside in California. The named officer’s behavior did not rise to a level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 4

SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that during an interview the named officer told her that he had video evidence of her breaking into a car and tried to get her to admit to things she had not done.

The named officer stated that he conducted a *Miranda* interview with the complainant regarding an auto burglary. He stated that he had reviewed images of the suspects and due to distance and pixilation of the images could not definitively identify the complainant, but he had probable cause at the time of the interview to believe that even if she was not captured in the images there was a high probability and possibility that she was in the getaway vehicle during the burglary and/or had knowledge of who was involved in the burglary. In addition, the named officer stated that throughout the conversation he had probable cause to believe that the complainant had attempted to deceive him. Based on these and other factors the named officer stated that he used deception as a tactic on the complainant.

Records showed that the complainant was interviewed by the named officer and that he told her he had video of her and her boyfriend, which the complainant disputed, maintaining that she and her boyfriend were together elsewhere the entire day. Later, the named officer admitted to the complainant that he had video of her boyfriend, but the image of the other party was not clear. He apologized for lying to her but noted that her answers meant that she was lying about her boyfriend.

In this case, the named officer used deception as a tactic while interrogating the complainant in an attempt to elicit truthful testimony. This is allowable by law.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that the SFPD took possession of the car that had her children's car seats inside and that they held on to the car seats for two months because she refused to provide the names of other suspects in the auto burglary.

The named officer stated that he was listed as the contact person on an SFPD Auto Burglary Suspects and Suspect Vehicle Crime Alert Bulletin. He stated that he advised the officer who located the vehicle described in the crime alert bulletin to have the vehicle towed and placed in a secure lot. The named officer stated that he did so because he intended to write a search warrant for the car and to have it processed by CSI. The named officer denied being aware of a car seat, discussing a car seat with the complainant, or having any contact with the complainant.

Records showed that the vehicle described in the crime alert bulletin was the same car the complainant was in when she and her boyfriend were pulled over. According to the crime alert bulletin, that vehicle had been reported as the suspect vehicle in multiple auto burglary calls for service and had most recently (3 days prior) been caught on security video in an auto burglary. Records further showed that vehicle was towed to the CSI lot and the named officer executed a search warrant and seized documents from the car 14 days later. Two days after that, the named officer released the car and the complainant's boyfriend was issued an Impound Access Pass for removal of personal property.

The complainant was stopped in a car that was the subject of a crime alert bulletin. The car (and its contents) was subsequently towed. Access was granted to the complainant's boyfriend (the registered owner) for personal property removal 3 weeks after the tow.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 3 of 4

SUMMARY OF ALLEGATION #3: The officer failed to state the reason for an arrest.

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

FINDINGS OF FACT: The complainant stated that the car she was in was pulled over by officers with guns drawn, and when she asked for an explanation she was not provided any until she was transported to a police station and kept there for several hours.

Records showed that the complainant and her boyfriend were pulled over and immediately traded places in the car so that the complainant was sitting in the driver's seat and her boyfriend was sitting in the passenger seat.

Body-worn camera footage showed that the named officer issued commands to the complainant "driver" to get out of her vehicle and walk backwards to the patrol car. After the complainant was placed in the named officer's vehicle, she asked what was going on to which the named officer responded that she was being detained because the car was wanted. The named officer transported the complainant to a police station during which time the complainant continued to ask about the circumstances surrounding her detention. The named officer told her that it was currently under investigation.

Body-worn camera footage also showed a second officer attempting to explain to the complainant that she was being detained because her vehicle was linked to another vehicle, but the complainant interrupted her.

In this case, the named officer on scene and in uniform told the complainant she was being detained and explained that this was because the car she was in was wanted. A second officer on scene attempted to explain to the complainant that her vehicle was linked to another.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 4 of 4

SUMMARY OF ALLEGATION #4: The officer improperly displayed a weapon.

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

FINDINGS OF FACT: The complainant stated that the car she was in was pulled over by officers with guns drawn.

Records showed that the named officer observed the complainant's car and recognized it as the subject of a crime bulletin regarding auto burglaries. The named officer effected a traffic stop and pointed his department issued firearm at the complainant. He explained in his incident report statement that due to his training and experience he knew that auto burglars carry weapons including firearms. Records further showed that the crime bulletin at issue reflected that the complainant's car had been reported as the suspect vehicle in multiple auto burglary calls for service and had most recently (3 days prior) been caught on security video in an auto burglary.

Body-worn camera footage showed that the named officer pointed his firearm at the complainant's vehicle and briefly at the complainant as she exited the car. The named officer later reported this use of force to a Sergeant on scene. Records show that this incident (firearm pointing) was entered into the use of force log.

In this case, the named officer was involved in a high-risk vehicle stop, pointed his firearm and reported this use of force. His behavior therefore did not violate DGO 5.01.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/19 **DATE OF COMPLETION:** 01/08/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said that an officer unlawfully detained him for blocking the driveway of a police station. The officer told the complainant to move, and the complainant moved his vehicle forward into a red zone. The officer then pulled halfway out the driveway and approached the driver on foot. Based on video evidence, the officers approached the driver, spoke to him for approximately 30 seconds, then left.

A detention or seizure of a person occurs when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen" *Terry v. Ohio*, 392 U.S. 1, 19, 88 (1968). Mere police questioning does not constitute a seizure. *Florida v. Bostick*, 501 U.S. 429, 434 (1991).

The video shows that no detention occurred. The patrol vehicle was not positioned in a way to create a show of authority that restrains the liberty of a citizen. The officers approached the car, spoke to the driver for 30 seconds, and left. The officers never issued any orders to the suspect that he was not free to leave. Under those facts, no detention occurred.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer who was driving a patrol vehicle approached his car and said, "What the fuck are you doing, why are you parked in a red zone?" The complainant stated that, as he drove away from the scene, he heard the named officer use more profanity and call him a "fucking idiot."

The named officer denied using profanity. The named officer's partner stated he did not hear the named officer use profanity.

The video surveillance from the station did not capture the audio of the contact. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/19 **DATE OF COMPLETION:** 01/08/20 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated it was unnecessary for the officer to use a loudspeaker to instruct him to move his car from blocking a driveway. The complainant stated the officer was unprofessional, discourteous and patronizing given the situation.

The named officer described his demeanor toward the complainant as professional. The officer stated his demeanor toward the complainant was initially concerned that the complainant may be in distress. When it became apparent the complainant wasn't in distress, he admonished him for blocking the driveway.

The named officer's partner stated the named officer's demeanor was calm and professional. The named officer did not behave or speak inappropriately toward the complainant. The video of the incident did not capture audio. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation in the mail without cause. The complainant stated that his vehicle was blocking the driveway to the police station, but that he was unaware he was parked in front of a police station because he is from out of the area. The complainant also said he stopped in a red zone after the officer told him not to block the station's driveway.

The named officer stated there was probable cause to issue the complainant a citation for violating California Vehicle Code section 22500(e) blocking a driveway and 7.2.25 TRC for parking in a red zone. The named officer stated he told the complainant he would be receiving a citation in the mail.

The Notice of Parking Violation shows the complainant was cited for violating TRC 7.2.25 Red Zone. Written in the description box was "Veh blocked station driveway as well."

Video surveillance evidence from the station shows the complainant's vehicle parked in front of the driveway to the police station and then pulled forward and stopped in a red zone. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/2019 DATE OF COMPLETION: 01/15/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said he made a previous complaint against the named officer about four years ago and since that time the officer has been “tormenting” him. The complainant did not provide examples of specific incidents. The complainant said he has seen the officer and that he has not had any contact with the named officer.

The named officer said he does not know the complainant and only knows of him because the complainant filed a previous complaint against him. The officer said he has not had any contact with the complainant.

Department records shows there is no record of any contact involving the complainant and the named officer.

There is no evidence to support the complainant’s allegations.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/19 **DATE OF COMPLETION:** 01/28/20 **PAGE#** 1 of 3

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 did not allow him to sign the incident report. Additionally, the named officer did not provide the complainant a copy of the incident report at the time of the incident.

Per department policy, officers prepare and sign incident reports under penalty and perjury. The reporting party and/or suspect has the option to provide a written statement that they signed under penalty of perjury that can be attached to the incident report. The written statement gives the reporting party and/or suspect an opportunity to tell exactly what happened, from their perspective.

Per Department General Order 3.16, the reporting officer is not authorized to release a copy of the police report.

Police records showed that the named officer wrote the initial incident report. The named officer summarized the complainant's statement, obtained the suspect and witness information, and received and booked digital photos and a doctor's note. An investigating officer was assigned and contacted the complainant to gather additional information regarding the battery. Additionally, the investigating officer obtained and reviewed video surveillance of the incident. The complainant did not provide a written statement for the initial incident report.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/19 **DATE OF COMPLETION:** 01/28/20 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer prepared an incomplete incident report.

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

FINDINGS OF FACT: The complainant stated that the report did not contain all the information he provided to the officer. He said the report was not categorized as a hate crime, the report did not mention that the incident was captured on Salesforce Building video, and the narrative did not include efforts to obtain a statement from the suspect and witnesses.

Per department policy officers are trained to prepare incident reports, determine the title for the report, and to write a narrative based on the facts and information provided at the time.

Although the complainant believed the report should have been a battery with a hate crime, the named officer initially determined the incident was a battery and forwarded the report to the investigation unit for further investigation. Also, the complainant's belief that ongoing investigative information should have been included in the report narrative was not SFPD policy.

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

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

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

FINDINGS OF FACT: The complainant stated that he was a victim of assault and battery because he was gay. He further stated that SFPD was not investigating his case.

Department records showed that the named officer assigned to investigate the complainant's battery attempted to contact the complainant multiple times to gather additional information. Additionally, the named officer obtained and viewed surveillance video of the incident. The video contradicted the complainant's reported battery. The named officer therefore closed the battery case as No Merit.

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DATE OF COMPLAINT: 04/16/19 **DATE OF COMPLETION:** 01/28/20 **PAGE#** 3 of 3

DPA viewed the surveillance video and determined there was no merit to the complainant's battery allegation.

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

SUMMARY OF ALLEGATION #4: The officer failed to process a report in a timely manner.

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

FINDINGS OF FACT: The complainant stated that there was a substantial delay in the release of the incident report and was given a redacted copy even though he was the victim. The complainant submitted a request for the report and received it a month later.

Department General Order 3.16 states that the Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation.

The identity of the responsible officer was not established; however, the delay in providing the report was not unreasonable.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/2019 DATE OF COMPLETION: 01/07/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed harassing behavior.

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

FINDINGS OF FACT: The complainant stated he was followed and harassed by a white male officer.

The complainant failed to cooperate with the investigation despite multiple attempts to contact him.

An officer identification poll was sent, which came back with negative results.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.20

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

FINDINGS OF FACT: The complainant, who speaks Mandarin, stated that she was involved in a physical altercation with a neighbor in her apartment complex. The neighbor punched the complainant, pulled her hair, and stole her cell phone. The named officer arrived on scene and attempted to translate for the complainant. The complainant stated that he did not properly translate for her. She stated that she clearly told the named officer that she was assaulted and that her neighbor took her phone, but the officer did not repeat her statements back to her and did not respond to her in Mandarin.

A witness stated that she witnessed the named officer translating for the complainant. The witness stated that she understands Mandarin but does not speak it fluently. She said that the named officer did not translate for the complainant properly. She said that the complainant knows a little bit of English and would occasionally chime in, saying, "That's not what I meant" when he was translating to the other officers. The witness later admitted that she "wasn't paying too much attention to the translation."

The named officer stated that he has been speaking Mandarin his entire life. He is certified bilingual within the Department. The named officer stated that he specifically responded to this incident pursuant to a request for a Mandarin-speaking officer. When he arrived on scene, he spoke to the complainant, who informed him about the assault she had suffered at the hands of her neighbor. The English-speaking officers at the scene instructed the bilingual officer what questions to ask the complainant regarding the incident. The named officer could not recall if he repeated the complainant's statements back to her. He stated that he did inform the other officers that the complainant reported her cell phone as stolen.

Department records confirm that the named officer is certified in Mandarin and Cantonese. Department records also reflect the complainant's translated statements to officers regarding how the dispute began and the injuries that the complainant sustained.

Body-worn camera footage of the incident shows the named officer speaking with and responding to the complainant in Mandarin. The named officer tells the English-speaking officers on scene that the complainant had her hair pulled and was punched multiple times by the suspect. At one point, the named officer asks the complainant (at an English-speaking officer's request) if she wants the suspect arrested for battery. The complainant responds, "Yes." At another point, the named officer tells another officer that the complainant said the suspect took her cell phone.

A translation of the Mandarin spoken in the body-worn camera footage was found to be consistent with the statement in the incident report and the complainant's statement to the DPA.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 2 of 3

Department General Order 5.20 states that officers shall, “take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language.”

The officers on scene requested the service of the named officer when the complainant identified herself as Mandarin speaking. The named officer is certified bilingual in Mandarin. The named officer was able to accurately translate the complainant’s statements, as shown in his body worn camera footage and the translated statement in the incident report.

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

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

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

FINDINGS OF FACT: The complainant stated that following this incident, she obtained a temporary restraining order against her neighbor. The complainant stated that her neighbor violated that restraining order, so she called 911. The complainant stated that the named officer arrived on scene but did not want to talk to her.

The named officer stated that he responded to the scene and helped translate for the complainant.

The named officer’s body-worn camera footage shows him speaking with the complainant at length regarding the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer had a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated that she and her daughter went to a local police station to speak with an officer regarding the physical altercation with her neighbor. The complainant spoke with the named officer, who was rude to her. The complainant stated that during their conversation the officer said, "Are you calling my officers liars?"

The named officer did not recall ever speaking with the complainant or her daughter.

A witness who was present with the complainant at the police station confirmed her account of events.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 4/19/2019 DATE OF COMPLETION: 01/15/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 01/08/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 01/08/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/19 DATE OF COMPLETION: 01/02/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/18/19.

SUMMARY OF ALLEGATION #2: The officer failed to provide name or star number.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/18/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/19 **DATE OF COMPLETION:** 01/02/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/13/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/19 **DATE OF COMPLETION:** 01/31/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that an officer working at Moscone Center during the California Democrats 2019 State Convention was extremely hostile. The complainant stated he was fearful during his interaction with the officer. The complainant submitted a photograph of the officer but did not respond to requests for further information. The photograph did not show the officer's star number or name.

Two officers identified by the Department as on duty at the convention were questioned regarding the allegations raised by the complainant. Both officers were provided with a copy of the photo submitted by the complainant.

Neither officer could recall a negative interaction with a convention attendee, and neither officer recognized the officer in the photograph.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/2019 DATE OF COMPLETION: 01/14/2020 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant witnessed a confrontation between a man and a store employee. The complainant stated that during the confrontation, the employee kicked the man's skateboard. The man flagged down two officers on bicycles and said he wanted to press charges against the store employee. The complainant stated that the officers rebuffed the man and told him to call the store's corporate offices. The complainant told the officers that he witnessed the assault and they should take the man seriously. The officers then entered the store and talked to the manager. The named officers told the complainant that they had viewed the store security footage and they did not see an assault. The complainant felt that the officers were lying.

Named Officer #1 stated a man flagged down him and his partner near a local store. The man told Named Officer #1 that a store employee asked him to leave the store due to his history of shoplifting and had kicked his skateboard. The man stated that he wanted to press charges against the employee. The officers spoke with the store manager, who showed them the surveillance footage. Named Officer #1 stated that the footage showed the man and the employee standing in close proximity to one another, but the employee never kicked the skateboard.

Named Officer #2 stated that a man flagged down him and his partner, telling them he wanted to make an arrest. The man stated that he had argued with a store employee and the employee kicked his skateboard. Named Officer #2 stated that he and his partner entered the store and reviewed the surveillance footage. Named Officer #2 stated that the footage showed the man and the store employee standing close to one another, but the employee never kicked the skateboard.

Department Records reflect the extensive investigative steps the named officers took during this incident. The records also mention that the store manager told the officers that he had dealt with the man before and he was asked not to return. Additionally, the records document that the officers viewed the store surveillance footage, which is consistent with their statements to the DPA.

Store surveillance footage does not show employee kicking the man's skateboard. Moreover, even if it did, kicking a skateboard, without damage to the skateboard or the person holding it, is not a crime.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/2019 DATE OF COMPLETION: 01/14/2020 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated that he witnessed a store employee assault a man by kicking his skateboard, but the named officers failed to arrest the store employee.

The named officers stated they investigated the incident and viewed the store's surveillance footage. They stated the surveillance footage did not show the pharmacy employee kicking the man's skateboard.

Store security footage does show the man and the employee standing in close proximity to one another; however, the store employee does not kick the man's skateboard during the incident.

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

SUMMARY OF ALLEGATION #5: The officer displayed intimidating behavior.

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

FINDINGS OF FACT: During the complainant's encounter with the named officer, the officer told him it was illegal to file a false police report. The complainant felt the named officer said this to intimidate him.

The named officer did not recall whether he told the complainant it was illegal to file a false police report.

A witness officer stated that he did not hear the named officer tell the complainant that it was illegal to file a false police report.

Body-worn camera footage of the incident shows the officer speaking with the complainant after officers having viewed the store security footage. Despite being told that no kicking occurred, the complainant insists that the employee kicked the skateboard. It is at this point that the named officer informs the complainant that it is illegal to file a false police report.

While the named officer did inform the complainant that it was illegal to file a false police report, the comment was made as a matter of fact after reviewing all of the evidence in the incident and the

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complainant remaining adamant about what he saw. The body worn camera footage shows that the officer's comment was not made in an intimidating manner.

The evidence proved that the conduct alleged did not occur.

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DATE OF COMPLAINT: 05/10/19 DATE OF COMPLETION: 01/27/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to age discrimination and race.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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DATE OF COMPLAINT: 07/19/17 **DATE OF COMPLETION:** 01/02/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was in a public area exercising his First Amendment rights by using profanities towards an officer. The officer then came and told the complainant that someone complained about his use of profanities. Despite not producing this witness, the officer cited him for using profanities in a public park.

Body-worn camera footage showed the named officer speaking with someone before detaining the complainant. The complainant acknowledged being detained and then started to cuss at the named officer, calling him a racial slur, a homophobic slur, and a sexual slur. The complainant said he has free speech and will keep saying what he wants. He told police the ticket would be dismissed and he would file a complaint against officers immediately after he was released. The named officer was polite and professional the whole time. A sergeant arrived on the scene and approved the citation. The named officer gave the complainant a citation and released him.

The named officer could not be interviewed because he was on extended leave from the department.

A citation showed that officers cited the complainant for SF Park Code 4.14, “offensive words in a public place.” That code stated, “State law prohibits unlawful fighting in a public place, the malicious and willful disturbance of others by loud and unreasonable noise in a public place, and the use of offensive words in a public place which are inherently likely to provoke an immediate violent reaction.”

The body-worn camera footage showed that the named officer talked to someone who may have made the initial complaint of profanity against the complainant. When the named officer detained the complainant, the complainant yelled extremely offensive profanities at the named officer that could be considered a violation of the park code.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/17 **DATE OF COMPLETION:** 01/02/20 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was handcuffed for no reason.

Body-worn camera footage showed the named officer handcuff the complainant. The named officer told the complainant he was being detained because someone complained about the language he was using. The complainant started to cuss at the named officer, calling him a racial slur, a gay slur, and a sexual slur. The complainant was also moving around and appeared to be speaking to onlookers. A sergeant arrived on the scene and approved the citation. The named officer gave the complainant a citation and handcuffed him for release.

The named officer could not be interviewed because he was on extended leave from the department.

The DPA found that the detention and citation was valid. Due to the complainant's words and actions captured by body-worn camera, the handcuffing was appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Under *US v. Butler* and *Illinois v. Andreas*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer. Under *People v. French*, an informant

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can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion.

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATIONS #10-12: The officers harassed the complainant.

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

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

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

No witnesses were identified.

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

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

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

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SUMMARY OF ALLEGATION #13: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that an officer berated him at Bayview Station.

The named officer denied being anything other than professional with the complainant. The named officer told the complainant to stop selling illegal firearms because it would lead to him facing federal charges. The named officer stated he does not have a personal problem with the complainant.

Neither Witness Officer #1 or Witness Officer #2 recalled or witnessed the named officer interacting with the complainant.

No witnesses were identified.

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

Due to the several month delay between when the alleged misconduct occurred and when the complainant brought the allegation to the DPA, no evidence was found of this interaction.

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

SUMMARY OF ALLEGATION #14: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the incident report connected to his arrest is inaccurate. The officer who wrote the report describes a confidential informant as reliable. However, a judge would later rule that the informant was unreliable.

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The named officer stated that his incident report is an accurate summary of the events surrounding the search and arrest of the complainant. He stated that he described the informant as reliable because a superior officer had told him the informant's information was reliable.

A witness officer was wearing his Body Worn Camera (BWC) during the search. He captured the detention, search and arrest of the complainant. The incident report drafted by the named officer accurately describes what was captured by BWC footage.

No other witnesses were identified.

Under *US v. Butler* and *Illinois V. Andreas*, an officer may seize an individual based upon the information communicated to him or her from another law enforcement officer.

The POST Basic Course Workbook presents the characteristics of an effective investigative report in the chapter titled Investigative Report Writing. It states all investigative reports must be factual, accurate, clear, concise, complete, and timely.

The named officer reasonably relied on a superior officer's description of the informant as reliable. At the time he drafted the report, he could not have known the court would later find the informant lacked reliability. Additionally, the portions of his report documenting his interactions with the complainant closely match what is captured by BWC footage.

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

SUMMARY OF ALLEGATION #15: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that the incident report connected his search and arrest was inaccurate because it described an informant used as reliable even though a judge later found the informant was unreliable. A superior officer failed to make sure the report was accurate.

The named officer stated he reviewed the reporting officer's incident report for accuracy. He stated the report was an accurate summary of the events. The named officer also stated that the informant is reliable, but he was unable to testify in court due to safety issues.

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The reporting officer stated his report was an accurate summary of the events surrounding the search. He described the informant as reliable because he was relying on the information provided to him by the named officer who approved the report.

The DPA received the incident report and BWC footage of the arrest. The incident report is an accurate portrayal of what the BWC recorded.

DGO 1.04, Duties of Sergeants, states, in part, "Sergeants shall...[r]eview their subordinates arrests and reports for appropriateness and completeness."

US v. Butler and *Illinois v. Andreas* establish the collective knowledge rule. This rule states a law enforcement officer may and should be able to rely upon information from a fellow officer who is cooperating in the investigation.

The reporting officer described the informant as reliable within his incident report. He had been told the informant was reliable by the named officer. The named officer stated the information in the incident report was accurate. He believes the informant is reliable, but he was not able to explain further to the court because he was concerned for the informant's wellbeing.

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

SUMMARY OF ALLEGATION #16: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that an officer lied when he described a confidential informant as reliable during his court testimony. A judge later found that the informant was not reliable.

The named officer stated that the informant was reliable. The named officer would have provided more details concerning the informant in a private hearing, but he could not provide too much information about the informant in a public hearing because he was concerned for the informant's safety.

The DPA received the transcript of the named officer's testimony. While he described the past tip the informant had provided, the named officer invoked the privilege of CA Evidence Code 1040 several times. While the judge found no issue with the named officer's credibility, the judge dismissed the

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evidence found during the search of the complainant because the informant lacked a sufficient history of providing reliable tips for law enforcement.

A letter from the SFPD Legal Division confirmed a confidential informant was utilized in this case.

Under *People v. French*, an informant can only be deemed reliable if sufficient support has been provided to permit the magistrate to draw that conclusion.

The named officer stated he could prove his informant is reliable; however, he felt he could not provide that information because he was testifying in open court. The named officer stated the informant could have been killed if he were to give too much information concerning their interactions.

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

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

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

FINDINGS OF FACT: While investigating this complaint, the DPA found that the named officer had arrested the complainant while there was an ongoing DPA investigation concerning the complainant and the named officer.

The named officer stated all his interactions with the complainant occurred in 2018. He was unaware the complainant had lodged allegations of misconduct against him until he was provided with DPA Notices to Appear (NTA) in early 2019.

A review of the DPA cases concerning the complainant and the named officer confirmed he was sent NTAs in early 2019.

No witnesses were identified.

The San Francisco Police Department Bulletin 16-186, Contact with Victims/Witnesses during on-going OCC Investigations states, in part, “Members who are the subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint.”

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On a regular basis, the DPA notifies SFPD superiors of officers who are facing allegations of misconduct. However, there is no requirement for these notices to be shared with the named officers. The named officer stated he learned of these investigations when he was asked to come for an interview. The timing of these notices matches what is detailed in the DPA case connected to the complainant and the named officer.

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

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

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

FINDINGS OF FACT: During this investigation, the DPA learned that a named officer had deactivated his BWC before he transported the complainant to Bayview Station.

The named officer admitted he committed misconduct when he deactivated his BWC before transporting the complainant to Bayview Station.

The named officer's BWC shows him placing the handcuffed complainant within a police car and then deactivating his BWC.

The incident report for this arrest states that the named officer took part in transporting the complainant to Bayview Station.

DGO 10.11 states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances...transportations of arrestees and detainees and in any situation when the recording would be valuable for evidentiary purposes."

The named officer failed to keep his BWC activated during the transport of the complainant. He admitted he was in violation.

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 11/20/19.

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

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

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

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

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

FINDINGS OF FACT: The complainant said he was working security at the cable car line when he confronted a homeless person who had harassed cable car patrons. The complainant said the homeless person spit, made racial comments and raised his hand at him. The complainant said he approached two nearby officers for help. The complainant said that he asked the bicycle officer to come with him to identify the suspect. The complainant left and assumed the bicycle officer was following him, but when the complainant arrived back at the scene, neither the officer nor the homeless person was there.

The named officer stated he was on a fixed post alone at the bank on an overtime assignment. The named officer acknowledged that he had a brief contact with the complainant. The named officer stated he answered the complainant's questions, that he believed a bicycle officer followed the complainant back to the scene, and that the complainant returned after being unable to find the suspect. The officer stated that the complainant could not provide any identifying characteristics of the suspect besides that he was homeless.

No one could identify the bicyclist officer. The named officer did not recall the name of the other officer at the scene. The complainant also could not identify the bicycle officer. Other bicycle patrol officers in the area stated they were not at the scene and did not recall the incident.

There was insufficient evidence to determine if the named officer failed to investigate because the DPA is unable to identify the bicycle officer and determine whether he followed the complainant and what he learned during his investigation. The DPA cannot therefore address the reasonableness of the named officer's reliance on the other officer.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant said he was working security at the cable car line when he confronted a homeless person who had harassed cable car patrons. The complainant said the homeless person spit, made racial comments and raised his hand at him. The complainant said he approached two nearby officers for help. The complainant asked the bicycle officer to come with him to identify the suspect. The complainant left and assumed the bicycle officer was following him, but when the complainant arrived back at the scene, neither the officer nor the homeless person was there.

The named officer stated he was posted at the bank for an overtime assignment. The named officer recalled a brief contact with the complainant. The named officer said the complainant requested a private person's arrest. The named officer said the bicycle officer travelled to the scene but could not locate the suspect. The named officer asked the complainant if he wanted an incident report, but the complainant declined.

As no one could locate the suspect, the officers did not fail to take custody of a private arrest.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated he contacted officers after his confrontation with a homeless person who spat, made racial comments and raised his hand at him. The complainant also stated the officer told him he was unable to leave his post and failed to help him at the scene or call dispatch for help. The complainant stated that he was frustrated with the officers' refusal to help. The complainant further stated that he admitted he did not directly ask the officers to get help for him.

The named officer stated he was posted at the bank for an overtime assignment. The named officer recalled a brief contact with the complainant. The named officer said the complainant requested a private person's arrest. The named officer said the bicycle officer travelled to the scene but could not locate the suspect. The named officer asked the complainant if he wanted an incident report, but the complainant declined. The named officer further stated the complainant left without providing enough information to warrant broadcasting a description of a suspect.

There was insufficient evidence to determine if the named officer failed to investigate because the DPA is unable to identify the bicycle officer and determine whether he followed the complainant and what he learned during his investigation. The DPA cannot therefore address the reasonableness of the named officer's reliance on the other officer.

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

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

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

FINDINGS OF FACT: The complainant stated that his daughter had passed away in her sleep the day before the incident. The next day, the complainant was sitting in his cousin's yard when he was approached by multiple shield wielding SFPD officers with their guns pointed at him. The officers told the complainant that, in light of the recent tragedy involving his daughter, the complainant's father had called SFPD for a wellness check and informed the police that the complainant possessed a firearm. The complainant said that he was not suicidal and did not want to hurt anyone. The complainant stated that he surrendered his firearm to the officers that were on scene. The complainant felt the police's response was excessive and unnecessary.

Department records indicate that officers responded to the complainant's location after receiving a report that he was suicidal and in possession of a firearm. The records show that both of the complainant's parents had contacted SFPD because they were concerned that he was going to commit suicide. The complainant's parents both reported that their son said he had called a suicide hotline. Additionally, department records show that the complainant's father informed officers that his son owned a firearm.

A witness stated that he contacted SFPD to perform a wellness check on his son because he was concerned about his mental health after the recent loss of his daughter. The witness told SFPD that his son owned a firearm and recommended that it be seized. The witness is a social worker and assumed that SFPD was going to bring a chaplain to see his son, as this is the practice in the county where he lives.

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: 7/16/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was standing outside a hotel loading groceries into a cart when officers approached her and advised her that she could not loiter in that vicinity. The complainant stated that this was inappropriate because people often stand in that area.

The complainant provided no identifying information or descriptions of the involved officers.

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

The officers could not reasonably be identified.

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

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

FINDINGS OF FACT: The complainant stated that she was loading her groceries into a cart when officers approached her and advised her that she could not loiter in that vicinity. The complainant stated that these actions were racially motivated.

The complainant provided no identifying information or descriptions of the involved officers.

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

The officers could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/2019 DATE OF COMPLETION: 01/13/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department had failed to properly investigate a murder case because the police were unable to arrest the suspect after several years.

The named officer is the lead investigator in the homicide case. He stated that the case is still an open case. The named officer described the investigative steps taken in the case. These steps included a cordoned crime scene, CSI forensic work, witness interviews, seizure of video evidence, seizure of vehicles, ballistics evidence, medical evidence, search warrants on the suspect's home address, covert surveillance of the suspect's home address and family, forensic phone and social media evidence, suspect arrest warrants, a media campaign, out of state inquiries and port/airport checks. The named officer stated he had identified the suspect, and the last investigative task to complete was to locate and arrest the suspect. The named officer said that he had made every effort to find the suspect.

Department records corroborated the named officer's account. Video footage showed that officers responded to the scene within a minute of the shooting and rendered first aid. The suspect fled the scene before police arrived. Documents showed that officers broadcast a description of the suspect within three minutes. Within less than two hours, Homicide investigators, including the named officer, had obtained and seized video footage that captured the suspect committing the murder, obtained the suspect's name, identified and seized the suspect's vehicle, and placed the suspect's home address under surveillance. Officers conducted a search warrant the same day and interviewed family members as to the suspect's whereabouts. Documents showed ongoing attempts to locate and arrest the suspect.

The San Francisco Police Department Bureau of Inspectors Investigation Manual describes the investigative steps to be taken in Homicide cases. A review of the case file showed that the named officer complied with the Investigation Manual.

The evidence proved that the named officers' actions were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 01/09/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed harassing behavior.

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

FINDINGS OF FACT: The complainant stated that an off-duty police officer who was driving his personal vehicle, pulled in front of the complainant's vehicle, told the complainant he was making an illegal turn, and ordered the complainant to pull his vehicle over. The complainant stated that he did not do anything illegal.

The complainant failed to provide additional information.

An officer identification poll was sent, and the poll came back with negative results.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-4: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that he had been stopped in his vehicle twice within eight days. The complainant said that he was targeted due to his race.

Department records showed that named officers #1 and #2 were the officers in the first traffic stop, officers #3 and #4 were the officers in the second.

Named officers #1 and #2 stated that the complainant's vehicle was parked and unattended when they saw that the car had no license plates. They said that they stopped to conduct checks on the car when the complainant approached them and identified himself as the registered owner.

Body-worn camera footage confirmed and corroborated officers #1 and #2's account.

Named officers #3 and #4 stated that they observed the complainant's vehicle driving with no license plates. Named officers #3 and #4 stated they stopped the complainant because his car had no license plates. They said that they were unaware of the complainant's race until after they stopped the complainant due to dark window tints on the complainant's car.

Body-worn camera footage confirmed that the complainant's car had dark window tints that would prevent someone from seeing the driver inside the vehicle.

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

SUMMARY OF ALLEGATIONS #5-6: The officers issued citations without cause.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 2 of 3

FINDINGS OF FACT: The complainant stated that in both traffic stops, the named officers issued him citations for driving without license plates. The complainant said that although his vehicle had no plates, in both instances, he had valid Moving Permits from the DMV. The complainant failed to provide the DPA with copies of the DMV Moving Permits.

Department records show that named officer #1 issued the complainant with a citation for No License Plates [S5200 of the California Vehicle Code (“CVC”)] during the first traffic stop. During the second traffic stop, named officer #2 issued the complainant with a citation for No License Plates [S5200 of the CVC,] Window Tints [S26708(a) of the CVC,] and Failure to Register [S4000(a)(1) of the CVC.]

Named officer #1 stated that the complainant provided paperwork that was not a valid temporary DMV moving permit. The document provided did not contain the complainant’s or vehicle information.

Body-worn camera footage from the first traffic stop showed that the complainant’s vehicle did not have license plates. The video also showed that the complainant handed a printed-out page from a website to the officers and claimed it was a valid moving permit.

Named officer #2 stated that the complainant provided her supervisor with an invalid temporary DMV moving document.

A witness officer, named officer #2’s supervisor, stated that the complainant initially showed a printout of a page from the CVC. When asked to produce a permit, the complainant provided an invalid moving permit for a different date.

Body-worn camera footage from the second traffic stop showed that the complainant’s vehicle did not have license plates. The video also showed that the complainant handed a printed-out page from a website to the named officers and claimed it was a valid moving permit. He then gave a permit to the named officers. When the named officers noted the date was wrong, the complainant agreed the date was wrong.

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

SUMMARY OF ALLEGATIONS #7-8: The officers issued a citation without cause.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 3 of 3
CATEGORY OF CONDUCT: UA FINDING: U DEPT. ACTION:

FINDINGS OF FACT: Department records showed that the named officers did not issue the complainant a citation.

Body-worn camera footage confirmed and corroborated that other officers issued the complainant the citations.

The evidence proved that the alleged conduct did not occur.

SUMMARY OF ALLEGATIONS #9-12: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that officers pointed guns at him. He later clarified that the officers behaved in a threatening manner by hovering their hands over their weapons and did not point the guns at him.

Body-worn camera footage showed that the named officers did not draw or point their firearms and did not hold their hands near their guns. The footage showed that the officers were polite and professional throughout the interactions with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:7/31/19 DATE OF COMPLETION: 01/14/2020 PAGE # 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 10/29/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/2019 DATE OF COMPLETION:1/17/2020

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with Department General Order 6.16.

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

FINDINGS OF FACT: The complainant alleged that she discovered semen secreting out of her when she woke up, leading her to believe that she had been sexually assaulted by her ex-boyfriend, with whom she lived. The complainant called 911 and the named officers responded. She went outside to meet the officers and informed them that she wanted a rape test kit. The complainant felt that the officers were “laughing it off.” She stated that the officers told her it was too late and the evidence was gone. The named officers asked to speak with the suspect, who was in the complainant’s apartment, but the complainant refused to let them into her building. The responding officers informed the complainant that she could file a police report in the morning and left after approximately 20 minutes. In her interviews with the DPA, the complainant gave conflicting statements about whether she was provided with any follow-up forms. The complainant also talked to the officers at length about how she believed her ex-boyfriend was poisoning her.

The named officers stated they responded to a call regarding a sexual assault. When they arrived, they spoke with the complainant outside her apartment complex. The named officers stated that the complainant was rambling and appeared to be intoxicated. The complainant told the officers that she had consumed vodka and pain medication. She stated she suspected she had been raped because her ex-boyfriend told her that she was a heavy sleeper; she did not complain to the officers of any pain. She informed them that the crime took place inside her apartment and that her ex-boyfriend was still home, but she refused to let them inside. Named Officer #1 stated he offered a rape test kit to the complainant, but she refused. Named Officer #1 asked the complainant if she wanted an incident report, but she declined. Named Officer #1 stated that he explained to the complainant that she could go to the station to make the report if she felt more comfortable, but the complainant refused. Named Officer #1 stated that the complainant also refused medical attention. The named officers stated that the complainant did not present them with any physical evidence. Named Officer #1 documented these details in Department records.

Department records show that the officers documented the incident in detail, noting that they did not activate their body-worn cameras due to the nature of the call. The officers noted that the complainant was intoxicated, possibly mentally disturbed, and told officers she had consumed vodka and pain medications. The officers also noted the complainant’s claims that her ex-boyfriend was poisoning her. The officers also document the suspect’s presence in the complainant’s apartment and her refusal to admit officers. They noted that she refused a rape kit or an incident report after they offered it to her several times, and that they advised her to call back if she changed her mind. The records indicate that officers spent close to

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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one hour with the complainant. The report also notes that the complainant went to the district station to make an incident report, filed three weeks after the incident occurred. It contains multiple statements inconsistent with those she gave to the responding officers. The report notes that the complainant arrived at the district station holding a vacuum cleaner.

Multiple credibility issues, including the complainant's mental health and inconsistent statements, plague the complainant's account. The complainant gave differing accounts regarding the circumstances surrounding her assault to the named officers, the officer who wrote the report, and to DPA. Due to these issues, the credibility of the named officers that responded on scene outweighs that of the complainant.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with Department Bulletin 18-082.

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

FINDINGS OF FACT: The information stated above is incorporated herein by reference. The complainant initially stated that she was the victim of sexual assault, but the named officers failed to provide her with any documentation. However, in a second interview with DPA, the complainant stated that she was provided a reportee follow-up form. She also stated that the named officers denied her request for a rape test kit.

Named Officer #1 stated that he asked the complainant if she wanted to go to the hospital to do a rape test kit and she refused. He also asked if she wanted an incident report multiple times, but she refused this, as well.

One of the named officers stated that, because the complainant was intoxicated, provided no physical evidence, and would not admit officers to her home where the suspect was, they were unable to determine if a crime had occurred. He stated that they therefore did not provide the complainant with a reportee follow-up form.

Named Officer #2 stated that the complainant was repeatedly offered a rape test kit. He stated that no incident report number was provided because officers were unable to determine if a crime had occurred.

Department records indicate that the complainant denied a rape test kit and refused an incident report.

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Due to the significant credibility issues regarding the complainant, mentioned above, and the fact that the refusals were contemporaneously documented by the officers on department records, the evidence proved that the act was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: C U O FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The information stated above is incorporated herein by reference. The complainant stated that the named officers that responded on scene “laughed off” her request for a rape test kit and denied it.

The named officers denied the allegation.

Due to the significant credibility issues regarding the complainant, mentioned above, as well as the careful attention to detail exhibited in the officers’ documenting of the incident, the evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

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

CATEGORY OF CONDUCT: N D FINDING: P C DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that her sexual assault case was picked up by SVU. She spoke to the named officer who told her that since no rape test kit was administered, there was nothing they could do.

The named officer stated that he is the lead inspector on the complainant’s case. The named officer stated he obtained statements from the complainant and the suspect, and he attempted to locate prior reports involving both parties.

Department records show that the named officer interviewed the complainant and the suspect in this case. He also ran the suspect’s license plate number when the complainant came to his office to inform him of the suspect’s current location. The most recent comment on the record states, “Since there is no physical evidence and or medical records at this time to support any sexual assault and or potential poisoning to

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/2019 DATE OF COMPLETION:1/17/2020 PAGE# 4 of 4

the victim or her dog, I recommend that this case be open/inactive pending any investigative leads and/or new evidence”.

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 #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officer has not been returning her phone calls.

The named officer stated that his only contact with the complainant on this case has been in person.

The named officer’s chronological documents two in-person contacts but does not mention any phone calls left by the complainant.

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

SUMMARY OF ALLEGATION #9: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that she went a police station on three separate occasions to file an incident report regarding her sexual assault, but no one would take it for her.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results.

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

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he jaywalked across a busy street in front of the named officer while carrying his 2-year-old daughter in his arms. The complainant said the named officer shouted at him, told him he was jaywalking and threatened to contact Child Protective Services regarding his behavior. The complainant said he used profane language towards the officer and continued to walk away. The complainant said the officer caught up with him and pushed him and his daughter against a wall using unnecessary force.

Body-worn camera footage showed that the complainant continued to walk away from the named officer even though the officer gesticulated and called for the complainant to stop. The officer caught up with the complainant, who carried his daughter in one arm, and took hold of the complainant's free arm at the elbow. The complainant responded, turned quickly to face the officer, and pushed the officer with his free arm. In response, the officer pushed back at the complainant but with insufficient force to make the complainant step back. At no point did the named officer touch the complainant's daughter. The footage showed that the complainant was verbally aggressive towards the officer, and the officer used deescalating communication skills to calm the complainant.

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

SUMMARY OF ALLEGATION #2: The officer detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that the named officer detained him for no reason. However, he admitted that he jaywalked in front of the named officer and walked away from the officer when spoken to.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said that the named officer threatened to have his daughter put into protective care. Additionally, he stated that when the officer let him go, the officer made additional threats, saying that he could not wait to see the complainant without his daughter.

Body Worn Camera footage showed the complainant was verbally aggressive towards the named officer throughout the interaction, threatened the officer with a lawsuit, and refused to spell out his name. The officer mentioned how the complainant ignored his instruction to stop and told the complainant, "That's a good way to get your baby hurt when you are crossing against a red when there are cars coming down." When the complainant refused to spell his name, the officer said, "Sir, do you want to go back to the Station, and I'll call CPS. I am more than happy to do that." After the interaction, the officer told the complainant, "Just go. I'll catch you when you are by yourself."

The comments made by the officer were not inappropriate in nature.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant stated that he was with his children at a baseball game when four officers approached him. The complainant stated that the officers ejected him from the ballpark for “parenting his children.” The complainant stated that his family’s rights were violated.

The named officer, who primarily interacted with the complainant during the incident, stated that he was working a 10B general security assignment at the ballpark when he heard a radio call that a man was having a verbal altercation with his wife and children. When he arrived on scene, he spoke with the complainant’s children, who were teary-eyed but said they were unharmed. The complainant accused the named officer of singling him out because he was black and was disciplining his child. He told the named officer that he should understand because he is also black. The named officer stated that the complainant then went on to call him a “sellout” and an “Uncle Tom.” The named officer informed the complainant that ballpark staff, and not he, had made the call to eject him. The named officer stated that the complainant was not detained, arrested, or cited as a result of this incident.

No witnesses were identified.

The named officer’s role in this incident was to escort the complainant out of the ballpark. The decision to eject the complainant from the ballpark came from ballpark staff and not the named officer.

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

SUMMARY OF ALLEGATION #2: The officer failed to display his name or star number.

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

FINDINGS OF FACT: The complainant stated that the named officer’s badge number was covered up during the incident.

The named officer denied the allegation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/2019 DATE OF COMPLETION:01/30/2020 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 the named officer was pulling over and harassing bicyclists when there were other, more serious violations he should have been paying attention to instead.

The named officer stated that on the day of the incident, he was assigned to traffic. That day, his duties were the enforcement of traffic laws and responding to vehicle collisions. He stated that on the day of the incident, he pulled over three bicyclists for red light violations, in addition to three vehicles that made illegal u-turns. The named officer provided the CAD numbers for all of those specific incidents and denied that he was only targeting bicyclists.

Department records corroborate the named officer's statements with his unit history from the day of the incident. It also shows that not all of the incidents he responded to were related to bicyclists.

No witnesses were identified.

The named officer was responsible for enforcing traffic laws on the day of the incident. In the course of his duties, the named officer cited three bicyclists for red light violations, as well as several vehicles which had committed moving violations. Department records support the officer's statement that he was not solely targeting bicyclists.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer borrowed a laptop computer and did not return it as agreed.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/19 DATE OF COMPLETION: 01/22/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/18/19.

SUMMARY OF ALLEGATION #1: The officer failed to provide name or star number.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/18/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant said that he had ongoing issues with a mentally ill neighbor in his apartment building. The problems included the neighbor shouting and banging on the door and walls of her apartment with a hammer at all hours of the day. The complainant said that that he called the police when the neighbor started this behavior at 5:30 AM. The complainant described filming the neighbor on his cell phone while waiting for police to arrive; in response, the the neighbor threatened him with a hammer. When the named officers arrived, the complainant said he twice asked them to arrest the neighbor. However, the officers left without making an arrest.

Body-worn camera footage showed that the complainant told officers that his neighbor waved a hammer and shouted at him and described the neighbor as being mentally ill. However, he did not ask officers to arrest the neighbor or indicate he wished to press charges against her. He did not have footage of the incident on his phone. The officers discuss whether the action described is a crime and determine it is not. They explain their analysis to complainant.

Body-worn camera also shows officers talking to the female through a closed door. The female refuses to open the door. She eventually promises to calm down.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #4-6: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that the officers left and did not write an incident report.

Body-worn camera footage showed that although the complaint did tell officers that his neighbor was mentally ill and had waved a hammer and shouted at him, he did not ask the officers to arrest the neighbor and he did not communicate a desire to press charges.

Body-worn camera footage showed that the complainant told officers that his neighbor waved a hammer and shouted at him and described the neighbor as being mentally ill. However, he did not ask officers to arrest the neighbor or indicate he wished to press charges against her. He did not have footage of the incident on his phone. The officers discuss whether the action described is a crime and determine it is not. They explain their analysis to complainant.

Department General Order 1.03 Section 1A, rule 5d states, in part, "Patrol Officers shall make written reports on crimes observed or brought to their attention that have not been previously reported." Based on the facts available to the officers at the time, it was reasonable to believe that no crime had been committed.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/19 **DATE OF COMPLETION:** 01/13/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he spoke to the named officer at the district station about harassment. The complainant said the named officer was disrespectful by speaking to him in a childish and flippant tone of voice.

The named officer denied using unprofessional language but could not recall specifics about the incident.

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

SUMMARY OF ALLEGATION #2: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant said he went to the district station and spoke to the named officer to file a police report about being harassed. The complainant did not provide sufficient credible evidence of criminal activity to require that the named officer prepare an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/20 DATE OF COMPLETION: 01/30/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officers were inattentive to duty.

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

FINDINGS OF FACT: The complainant stated that he was attacked by a homeless man. He called 911 and soon saw two officers in the area. The officers explained that they were not the officers responding to his call but would assist him in filing a report. The officers then left without assisting him.

Officer identification polls sent to two district stations near where the incident occurred were returned with negative results.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer prepared an inaccurate traffic collision report.

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle and was injured in a traffic accident. The complainant stated that he was cited on the traffic collision report for, “The driver of any vehicle about to enter or cross a highway...”, however, the complainant said the incident location was not a highway, but a downtown intersection. In addition, the report says the complainant did not yield to traffic, but he said he did. Moreover, the complainant stated that he told the officer that the stop-and-go traffic *might* have inhibited his vision, while the officer wrote that the complainant claimed that the “stop-and-go traffic conditions inhibited his vision.”

The named officer confirmed that he was the officer who wrote the traffic collision report. He stated that the complainant told him when he was about to enter the intersection, traffic was stopped and there was a lane through. However, the vehicle that collided with him was in motion.

The traffic collision report shows that the officer did cite a vehicle code stating, “the driver of any vehicle about to enter or cross a highway...shall yield the right-of-way to all traffic.” It states that the complainant entered the intersection without yielding the traffic. Also, it stated that the complainant claimed that “stop-and-go traffic conditions inhibited his vision.” Additionally, a witness reported to the named officer that she observed the complainant enter the lane and collide with the vehicle.

Body worn camera (BWC) footage did not capture that the complainant at any time tell the named officer that he yielded to traffic, however, the complainant did tell the officer that the traffic was stopped and there was a lane through before he entered the intersection. In addition, BWC footage showed the named officer interviewed a witness who told him traffic was in motion when the complainant crossed the street and struck the vehicle.

California Vehicle Code 360 states that “Highway” is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer pulled him over. The named officer then had him exit his vehicle, placed him in handcuffs and made him sit on the curb.

The name officer stated that he made contact with the complainant because he was driving his vehicle at an unsafe speed. He could not recall any additional details about the incident.

The named officer and the DPA were unable to locate the CAD, citation, or incident report number associated with this incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer placed him in handcuffs and had him sit on the curb.

The named officer stated that he placed the complainant in handcuffs due to safety concerns. He stated that since he saw the complainant driving erratically and at a fast rate, he did not know if his vehicle had been stolen or if it had been involved in a crime. He therefore placed the complainant in handcuffs.

The named officer and the DPA were unable to locate the CAD, citation, or incident report number associated with this incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was pulled over by the named officer after he sped around some vehicles. He stated that the named officer gave him five citations but did not state what those citations were for.

The named officer stated that he did cite the complainant but could not remember what for.

The named officer and the DPA were unable to locate the CAD, citation, or incident report number associated with this incident.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that when he spoke with the named officer, the named officer said that he was excited about pulling him over. The complainant stated that the named officer threatened to impound his car and lock him up for months.

The named officer stated that he could not recall if he ever told the complainant that he was “excited” to pull him over. He denied that he threatened to impound the complainant’s car and lock him up for months but stated that he just explained to him the booking process.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed intimidating or harassing behavior

CATEGORY OF CONDUCT: C U O FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he was outside Oracle Park and crossed a parking lot to use a nearby toilet. As he was coming back from using the toilet, the named officer yelled and asked what he was doing. The complainant tried to explain to the officers what he was doing but the named officer kept interrupting him. The complainant stated that the named officer accused him of looking into cars and threatened to falsify a report to have him incarcerated.

The complainant provided footage from his smartphone that showed the incident. The footage shows the named officer approaching the complainant asking him what he is doing. The complainant immediately becomes defensive and argumentative with the named officer. The named officer tells the complainant that they are monitoring the parking lot and that he passed three restrooms without using them and saw him looking into cars. The remainder of the video shows the named officer trying to talk to the complainant as the complainant continually speaks over him. The named officer does not ask the complainant for ID at any point. The complainant tells the named officer that he is going to falsify a police report which he tells him is incorrect. The video ends with the named officer telling him to “have a good day” and leaving.

No other witnesses were identified.

The complainant has a history of provoking confrontations with police officers and filming them for his YouTube channel. The named officer approached the complainant to ask him a question, but the complainant was more concerned with provoking a response from the named officer. The complainant was not detained and was free to leave at any point but chose to stay and argue with the named officer. The video does not show the named officer harass the complainant or display any type of intimidating behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer's partner did not attempt to deescalate the situation between the named officer and himself.

The complainant's smartphone footage shows the complainant being argumentative with the named officer when he asked where he was going. The officer does not exhibit any behavior during the video that would require his partner to calm him down or deescalate things between the two. In contrast, it appears that the named officer deescalates the situation by giving the complainant uninterrupted time to talk but the complainant continues to be argumentative and confrontational with the officer.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/19 DATE OF COMPLETION: 01/27/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the Station, the complaint was mediated and resolved in a non-disciplinary manner on 11/19/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/19 DATE OF COMPLETION: 01/28/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was in an ongoing dispute with his former employer over the ownership of a business. The complainant called 911 to request that officers remain on “citizen standby” while he entered the business premises to retrieve his property still located inside. The complainant said that during the incident, the named officer grabbed his arm, moved him to one side, and ordered him not to speak to anyone or the officer would arrest him. The complainant said that his arm was bruised when the officer used the unnecessary force.

Body-worn camera footage showed that the named officer and his partner officer spent nearly two hours trying to resolve the dispute. A significant period of this time involved the officers trying to reason with the complainant while the complainant interrupted and interfered with the investigation. At one point, the footage showed the named officer leading the complainant away by the elbow while the complainant attempted to disrupt the interview of another involved party by another officer. The footage shows the complainant laughing to himself as he is led away. At the end of the incident, the complainant apologizes for his earlier behavior.

No witnesses came forward. The complainant failed to provide photographs or medical records to corroborate his account of injury.

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

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

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

FINDINGS OF FACT: The complainant alleged the named officer shouted inappropriately at him.

Body-worn camera footage showed that the named officer did raise his voice when speaking to the complainant in response to the complainant’s persistent interruptions of the officer’s investigation. However, the raised voice was an appropriate tactic in trying to moderate the complainant’s behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she went to a local police station to file a report regarding being poisoned at a local shelter through the air conditioning. The complainant spoke to the named officer, who told her that it was a civil matter and he was not going to write a report.

The named officer denied having any contact with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/2019 DATE OF COMPLETION: 01/14/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated he was driving on Interstate 80 and changed lanes in front of a police vehicle. The police vehicle then made an audible alert and pulled alongside his car. The complainant stated the officer driving the vehicle rolled down the window and pointed at the complainant.

The named officer confirmed that he was on duty on the date of the incident and that the identified police vehicle is his daily assigned vehicle. The named officer does not remember any such incident occurring.

A witness officer was a passenger officer in the police vehicle. He stated that he was riding with the named officer on the date in question but does not remember the incident occurring.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he was driving on Interstate 80 near the 7th Street exit and switched lanes in front of a police vehicle. The complainant stated that the vehicle pulled alongside him and the officer at the wheel rolled down his window and called him a “fucking asshole”.

The named officer stated he was on duty on the date in question and that the identified police vehicle is his daily assigned vehicle, but he does not remember this incident occurring.

A witness officer stated that the named officer was his partner on the date in question and he was a passenger in the police vehicle that day. The witness officer does not remember the described incident occurring.

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: 09/23/2019 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated an officer was driving a patrol vehicle on the wrong side of the road in order to get past a line of cars waiting in front of the traffic light. He stated that the patrol car then sped through a red light.

An officer identification poll sent to the district station where the incident occurred was returned with negative results.

Department records indicate that no officers signed out the patrol vehicle identified by the complainant around the time of the incident.

Security cameras near the incident location did not capture the incident or the patrol vehicle number.

The identity of the alleged officer could not be established with the information provided by the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/2019 DATE OF COMPLETION: 01/13/2020 PAGE #1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant and removed him from an airplane without justification.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was the victim of an assault at his workplace. Police responded to the scene shortly after the assault took place. The complainant stated that a few months following the assault, the named officer approached the complainant and informed him that a suspect related to the assault was at a nearby bus stop. After speaking with the complainant, the officer returned to the bus stop and the suspect was gone. The complainant stated that the named officer should have detained the suspect before approaching him to have a conversation.

The named officer does not recall this incident occurring.

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

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

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

FINDINGS OF FACT: The complainant stated that he was the victim of an assault that took place at his workplace. Police responded to the scene shortly after the assault took place. The complainant stated that the responding officer failed to complete an incident report.

Department records failed to establish any evidence that the incident occurred.

No witnesses were identified.

The complainant did not provide any additional requested evidence. The officer could not reasonably be identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 2 of 2
CATEGORY OF CONDUCT: ND FINDING: NF DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he was the victim of an assault that took place at his workplace. Police responded to the scene shortly after the assault took place. The complainant stated that the responding officer failed to properly investigate.

Department records failed to establish any evidence that the incident occurred.

No witnesses were identified.

The complainant did not provide any additional requested evidence. The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/2019 DATE OF COMPLETION: 01/06/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer engaged in unwarranted action.

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

FINDINGS OF FACT: The anonymous complainant stated that the named officer breached her First Amendment Rights when he closed and blocked the road leading to an animal rights protest and prevented her and members of the public from walking to the location of the protest.

The named officer stated that his sergeant instructed him to close the road. He advised all pedestrians that the road closure was due to safety concerns that had developed from the unpermitted protest. He stated that the demonstration included smoke bombs, property damage, and demonstrators unlawfully on the roof of retail premises.

Department records showed that a sizeable unlawful protest occurred that resulted in over 30 arrests for trespass. The documents showed that protesters used smoke bombs, damaged property, and trespassed on the roof of retail premises. The protesters also prevented members of the public from using the store. The manager at the retail premises requested the protesters leave and the protesters refused. The records showed that police action at the protest complied with the San Francisco Department Event Management Manual and the Crowd Control Manual. The documents showed that at the time of the interaction between the complainant and the named officer, other police officers were in the process of making the arrests.

The First Amendment does not provide the right to conduct an assembly at which there is a clear and present danger of riot, disorder, or interference with traffic on public streets or other immediate threat to public safety or order.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers arrested him for no reason. The complainant opined that since the officers had no valid reason to detain him and his arrest should be voided, and charges dropped.

Named officer #1 stated that he heard the broadcast of the police call for service for a disturbance at a store involving the complainant. Named officer # stated he had prior contact with the complainant and began to search the area for the complainant. The named officers stated that while they were searching for the complainant, a sergeant notified the officers that the complainant had a valid warrant. Named officer #1 verified the warrant. The named officers then discovered the complainant walking on the street. The complainant was detained and arrested for his warrant and transported to Tenderloin police station.

Body-worn camera (BWC) footage revealed that the named officers located the complainant on Sixth Street and placed him under arrest for a warrant.

SFPD documents confirmed the complainant had a valid warrant from an outside police jurisdiction.

Department of Emergency Management records showed a security guard called the police emergency line and reported the complainant threatened security guard when he refused to allow the complainant into the store

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was walking by 850 Bryant and saw police officers standing outside. The complainant began yelling at the officers, calling them, “corporate cock suckers.” As he was doing so, a white car drove into the driveway of the building and its occupant threw a water bottle at him, striking him in the chest.

Security camera footage from the day of the incident shows a bottle being thrown from the passenger side window of the vehicle, hitting the complainant, before it quickly proceeds down the driveway. The vehicle appears to be a 2018 or 2019 Honda Accord or Honda Civic. Due to the heavy amount of sun glare in the video, the driver and license plate of the vehicle cannot be identified.

A witness stated that he was contacted by the complainant right after the incident. He explained to the witness that he was struck by a bottle after “exercising his first amendment rights” to some officers outside of 850 Bryant. The witness assisted the complainant in filing out the DPA complaint form.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/2019 DATE OF COMPLETION:01/21/2020 PAGE# 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion

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

FINDINGS OF FACT: The complainant stated that he was walking on the sidewalk when a car pulled in front of him and blocked his path. The complainant said that the driver of the vehicle shouted that he had called the police and refused to move. The complainant said that the named officers stopped, handcuffed, placed him on the ground, and took his walking stick away from him. The complainant stated the named officers illegally detained him.

The named officers stated that they responded to a call for service from a driver of a vehicle (Reporting Party) that reported that the complainant was threatening him with a stick and had struck at his car. The named officers said that they detained the complainant while the named officers investigated the allegation. The named officers stated the complainant matched the description provided by the reporting party.

Department records showed that the description provided by the reporting person during the 911 call matched the description of the complainant.

Body-worn camera footage showed that the complainant matched the description provided by the reporting person in the 911 call. The footage also showed that the complainant was holding a large stick and showed the driver identified the complainant as the attacker to officers.

Department General Order 5.03 Investigative Detentions, Section I B states, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification."

The named officers have provided specific and articulable facts.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/2019 DATE OF COMPLETION:01/21/2020 PAGE# 2 of 4

SUMMARY OF ALLEGATIONS #3-4: The officers detained a person at gunpoint without justification

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

FINDINGS OF FACT: The complainant stated that the named officers detained him at gunpoint without any justification.

The named officers stated that they did not detain the complainant at gunpoint.

Body-worn camera footage showed that named officer one initially responded to the scene with a drawn Extended Range Impact Weapon (“ERIW”), also known as a “beanbag shotgun.” Named officer two had his pistol drawn. However, the officers did not point the weapons at the complainant. The video showed that the named officers used verbal communications, the complainant complied with requests to put down the stick, and the officers holstered their weapons before they detained the complainant.

Department General Order 5.01 Use of Force, Section VI E1 states, “The ERIW may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death. This includes, but is not limited to, edged weapons and improvised weapons such as baseball bats, bricks, bottles, or other objects.”

Department General Order 5.01 Use of Force, Section VI E2(a) states, “An officer deploying an ERIW shall always have a lethal cover officer.”

The officers deployed the ERIW and pistol within department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/2019 DATE OF COMPLETION:01/21/2020 PAGE# 3 of 4

SUMMARY OF ALLEGATIONS #5-7: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officers tried to provoke the complainant by continually making him stand up and sit down.

The named officers denied trying to provoke the complainant. The officers stated that they sat the complainant down once when he was initially detained and stood him up once when he was released.

Body-worn camera footage corroborated the named officers' accounts.

The evidence proved that the acts alleged by the complainant did not occur.

SUMMARY OF ALLEGATIONS #8-9: The officers failed to take a required action.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to cite the driver of the vehicle for driving a car on the sidewalk.

The named officers stated that the driver did not commit any citable offense. The officers said that the reporting person's vehicle was on the sidewalk because the complainant had stood in the entrance to the driveway and prevented the reporting person from parking.

Department records showed that the named officers interviewed the reporting person. The reporting person stated that he had pulled into his driveway, but the complainant prevented him from parking his vehicle by standing in the way and threatening the driver with a stick.

Body-worn camera footage documented the reporting person's account to the named officers. The footage showed that once the complainant was released from detention and left the scene, the reporting person was able to park his vehicle. The evidence proved that the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/2019 DATE OF COMPLETION:01/21/2020 PAGE# 4 of 4

SUMMARY OF ALLEGATIONS #12-13: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that the police actions were racially motivated, and he was unfairly targeted because due to his race.

The named officers stated that they were aware of the complainant's race before their arrival at the scene of the incident. The officers said that the description of the alleged suspect broadcast over the police radio while en route, included the suspect's race. The named officers stated that they detained the complainant because he was at the scene and matched the description of the suspect. The named officers denied detaining the complainant for racial motives or mistreating him because of his race.

Department of Emergency Management records of the 911 call showed that the description provided by the reporting person, and broadcast by radio to dispatched police units, included details of the suspect's race, age, height, weight, clothing, and items carried (a large stick).

Body-worn camera footage showed that the complainant matched the suspect's description in all the characteristics described. The footage also recorded the reporting person identifying the complainant as the individual involved in the incident. The footage showed that officers were courteous and professional, explained the reason for the detention, and answered the complainant's questions.

Department General Order 5.17 Policy Prohibiting Biased Policing, Section II A(2) states, "Department personnel may not use, to any extent or degree, actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in conducting stops or detentions, or activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group."

The named officers were engaged in the investigation of appropriate suspect activity to identify a particular person. Therefore, although the complainant's race was a factor in his detention, the officers' actions complied with department policy.

A preponderance of the evidence established that the officers did not engage in biased policing.

The evidence proved that the acts alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/2019 DATE OF COMPLETION: 01/13/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated her 23-year old son was arrested. The complainant stated the named officer picked up her son at the hospital and transported him to jail. During the transport the named officer drove around for an hour with her son in the car “antagonizing” her son, “laughing” at him, and “cracking jokes”, before bringing her son to the jail.

The complainant’s son did not respond to the DPA’s request for an interview.

The Body Worn Camera (BWC) evidence does not support the complainant’s allegations. The BWC footage shows the named officer behaved in a calm and professional manner toward the complainant’s son throughout the contact. The named officer was courteous when speaking to the complainant’s son and addressed him as “sir” throughout the contact. The named officer did not antagonize, laugh or make any jokes when speaking to the complainant’s son during the transport. The BWC video shows it took the named officer and his partner approximately 32 minutes in city traffic to transport the complainant’s son from the hospital to the jail. There is no evidence the named officer drove the complainant’s son around unnecessarily.

The Body Worn Camera evidence is outcome determinative and shows the named officer acted in a professional manner.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/2019 DATE OF COMPLETION: 01/13/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated her 23-year old son was arrested without cause.

Records from the Department of Emergency Management show that Dispatch received a call from an employee of a retail store who reported a shoplifter came in and tried to steal merchandise. The reporting party informed the dispatcher the suspect attacked store security personnel and that store security pepper sprayed the suspect. Two officers responded.

The incident report documents that store security stated the suspect walked into the store with an empty bag and went to the second floor of the store. A second employee stated he observed the suspect grabbing clothing from the racks and the suspect stated he was going to steal and there was nothing they could do. The first employee told officers he approached the suspect and attempted to take the merchandise from the suspect and the suspect told him to back away or he was going to get hurt. The suspect charged at him and attempted to punch him with a closed right fist. In response the employee pepper sprayed the suspect and was able to subdue the suspect with assistance from the other employee. The named officer documented in the incident report that based on the fact the suspect entered the store with an empty bag, was suspected by store security of stealing, told security he intended on stealing, and assaulted security in an attempt to retain the merchandise, he placed the suspect under arrest for attempted robbery.

Store video surveillance evidence shows the suspect charged at the employee and the employee pepper spraying the suspect. The video surveillance corroborated the employees' statements.

Based on the witness statements and store surveillance video there was probable cause to arrest the complainant's son.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/19 **DATE OF COMPLETION:** 01/21/20 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: C U O FINDING: N F DEPT. ACTION:

FINDINGS OF FACT: The complainant stated an undercover officer set her up for fights with strangers and stalked her. The complainant provided the officer's name and the date and time that the incident happened.

Department records do not show any related incidents on the date and time that the complainant provided. In addition, the name that the complainant provided does not appear on the Department roster.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/2019 DATE OF COMPLETION: 01//16/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 01/14//2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant, who is homeless, stated that the named officer asked him to move on when the complainant was sitting on the sidewalk at 8:30 AM. The complainant confirmed that the officer did not detain him, arrest him, touch him, or issue him with a citation. The complainant refused to move on, and the officer walked away.

Police records show the named officer was on duty in the police district at the time the alleged conduct occurred. However, based upon the complainant's account, the actions of the named officer were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant, who is homeless, stated that the named officer asked him to move on when the complainant was sitting on the sidewalk. The complainant confirmed that the officer did not detain him, arrest him, touch him, or issue him with a citation. The complainant refused to move on, and the officer walked away.

Police records show that the named officer was on duty at the time the incident occurred but was assigned to another district. Therefore, the named officer was not involved in the alleged acts.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/2019 DATE OF COMPLETION: 01/21/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer took no action to investigate an “attack” by chemical fumes from his apartment walls.

The Body Worn Camera (BWC) reveals that the named officer and another officer investigated the incident by interviewing the complainant regarding his current medical state, and his knowledge of the fumes emanating from below and within his apartment. The BWC footage also documents the named officer asked the complainant if he needed medical attention and provided the complainant with a follow-up form with an assigned case number. The BWC footage shows the officers getting information from and providing options to the complainant about his complaint of undetectable fumes.

An incident report from the date of the incident documents that the named officer documented a suspicious circumstance, that he detailed the encounter with the complainant, and that he went to the location the complainant indicated the fumes may be coming from. The incident report documents that the complainant was interviewed and provided a follow-up form with the case number. The incident report documents the complainant was not able to provide any suspect information. The incident report also documents that the officers did not smell chemicals or feel any nausea or negative effects while on scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers failed to take a required action.

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

FINDINGS OF FACT: The complainant anonymously contacted the City & County of San Francisco Whistleblower program. The complainant said that they repeatedly called for police service regarding an illegal street vendor. The complainant alleged that the named officers failed to respond to the scene.

Named officer #1 stated that he responded to one call for service. He said he searched the area but was not able to locate anyone fitting the description of the street vendor.

Named officers #2 and #3 said they responded to three calls of service. They said they searched the area for the described street vendor but were unable to locate the individual. They also noted that the requests for assistance were made anonymously so they were not able to call the complainant for more information or arrange for the complainant to point out the street vendor to them.

Named officer #4 said he responded to two calls reporting a fight involving a street vendor. The officer said he located a street vendor matching the description provided. There was no fight or altercation in progress. The street vendor denied having an argument or physical confrontation. The officer noted that the reporting person was anonymous and did not identify themselves to him.

No witnesses were identified.

Department records corroborated the named officers' statements. The CAD Detailed History for the calls showed that the named offices responded to the area requested by the complainant, conducted searches, and updated the results of their actions as per their accounts.

The evidence proved that the acts alleged by the complainant did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/2019 DATE OF COMPLETION: 01/21/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officers detained him without cause. The complainant was lighting incense in the alley in honor of Indigenous People's Day and opined he should not have been detained.

The named officers stated they were working uniform patrol when they received a radio call of a male throwing bottles at citizens. The male described as a white male adult, mid-30s, 5'08", medium stature, wearing a dark sweater and dark jeans. The named officers arrived on the scene and noticed the complainant matched the description of the male who was throwing bottles. The named officers detained the complainant and asked him if he was throwing bottles and the complainant told the officers that he was burning incense in honor of the Indigenous People's Day. The named officers failed to locate any witnesses and advised the complainant he was free to leave.

Body-worn camera (BWC) footage revealed that the named officers briefly detained the complainant while they investigated the bottle throwing incident. The named officers attempted to locate the person who called in about the bottles but were unable to identify any witnesses. The named officers then released the complainant.

Department records indicated there was a radio call generated of a mentally disturbed adult male, age 32, approximately (5'08" – 5'09") with a medium build wearing a gray sweater, dark jeans, and throwing glass bottles at citizens.

Department General Order 5.03 Section B says 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 behavior is related to criminal activity. The officer must, however, have specific and articulable facts to support their action."

The investigation showed that the officers had clear and articulate facts from the police dispatch center related to the crime of assault. The named officers had the right to detain and question the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/2019 DATE OF COMPLETION:01/07/2020 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/19 **DATE OF COMPLETION:** 01/29/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was stretching when the named officer approached him and detained him without cause.

Body-worn camera footage shows the named officer responding to reports of an individual behaving suspiciously on a school campus and scaring the students. The footage shows that the named officer detained the complainant based on information provided by staff at the school. The footage also shows that the named officer was professional and courteous.

Department General Order 5.03, Investigative Detentions, subsection I(B) provides, 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 named officer properly conducted an investigative detention pursuant to Department General Order 5.03.

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

SUMMARY OF ALLEGATION #2: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to answer the complainant’s questions about why the officer was detaining him.

Body-worn camera footage shows the officer responding to a report of a masked man who had been looking into school classrooms and trying to scare the students. The officer speaks to a school security officer who points out the suspect, who is standing nearby with a mask at his feet. The officer approaches and detains the suspect, who picks up the mask and runs. He soon trips and falls, at which point officers place him in handcuffs.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/19 **DATE OF COMPLETION:** 01/29/20 **PAGE#** 2 of 3
Penal Code section 841 provides, “The person making the arrest must inform the person to be arrested of the intention to arrest him, the cause of the arrest, and the authority to make it, except when the person making the arrest has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or the person to be arrested is pursued immediately after its commission, or after an escape.”

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

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

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

FINDINGS OF FACT: The complainant stated that the officer pushed and tackled him to the ground, jumped on him, and slammed his head on the ground repeatedly.

Body-worn camera footage shows that the complainant ran from the officer after being told he was being detained. The complainant then tripped and fell, striking his head on the sidewalk. The named officer did not push or tackle the complainant, jump on him, or use any unnecessary or excessive force against him. The body worn camera footage captured the entire contact.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/19 **DATE OF COMPLETION:** 01/29/20 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer issued a citation without cause.

Department records reflect that officers attempted to cite the complainant for PC 148(a)(1), resisting arrest, but the complainant refused to sign the citation. Further investigation revealed that the complainant was suffering from mental health issues, and the citing officer instead recommended that the complainant be placed on a mental health detention hold and not be cited.

Body-worn camera footage shows that the complainant was resisting arrest pursuant to California Penal Code § 148. However, the complainant was not cited and was instead placed on an involuntary psychiatric hold pursuant to Welfare and Institutions Code section 5150.

The evidence proved that the act alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that officers came to his residence to follow up on a complaint regarding a nearby construction site that he had reported to the building department. The officers asked the complainant to accompany them to the construction site. On the way there, one of the officers displayed his firearm.

Department records failed to establish any evidence that the incident occurred.

No witnesses came forward.

The officer could not reasonably be identified.

SUMMARY OF ALLEGATIONS #2-3: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that while he was walking to the construction site with the officers, one of them pinned him against the wall while the other officer tried to provoke him by calling him names and making him flinch.

Department records failed to establish any evidence that the incident occurred.

No witnesses came forward.

The officers could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATION #4: The officer failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: The complainant stated that when he walked the officers to the construction site, one of the officers deactivated his body-worn camera while he tried to intimidate the complainant. The complainant stated that when the officer returned to his patrol vehicle, he pushed a button on his camera to reactivate it.

Department records failed to establish any evidence that the incident occurred.

No witnesses came forward.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/2019 DATE OF COMPLETION: 01/29/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant reported that someone tried to run him over with a vehicle. The complainant made follow up calls to the police station regarding his report of the incident and the officer he spoke with was rude and acted inappropriately. He could not identify the officer.

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

No witnesses were identified.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/19 **DATE OF COMPLETION:** 01/14/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated officers failed to respond to a call for service.

Police records showed that SFPD responded twice to the complainant's residence regarding his dispute with his neighbor. The complainant failed to provide additional requested evidence.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/19 **DATE OF COMPLETION:** 01/30/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant was getting into an Uber when an officer photographed the vehicle's license plates. The complainant stated that it is inappropriate to penalize Uber drivers when there are no street signs prohibiting passenger pick-ups.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results. Moreover, it is not illegal or out of policy to photograph a vehicle's license plate.

While the identity of the alleged officer could not be identified, the evidence proved that the officer's conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/19 **DATE OF COMPLETION:** 01/21/2020 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-4: The officers failed to make an arrest.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 01/09/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers detained a person without reasonable suspicion

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

FINDINGS OF FACT: The complainant stated that he was inside a store when he was approached and detained by the named officers for having a knife. The complainant said that he did not have a knife, and therefore he was detained for no reason.

Body-worn camera footage showed that the named officers detained the complainant because a witness stated the complainant had a knife and refused to leave the store. The footage showed the named officers spoke to the complainant about the knife, and the complainant told the officers, “I don’t have a knife. It’s just the sheath. You can check.” The officers found the sheath with no knife inside.

A witness stated the complainant entered the store, behaved erratically, and scared customers. When she asked the complainant to leave, the complainant unbuckled his belt and brandished what appeared to be a large knife. The witness said that customers and staff ran from the store, and the witness attended the nearby police station to get assistance. She told the name officers that there was a person in the store with a knife.

Department General Order 5.03 Investigative Detentions I(B) 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 evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-6: The officers detained a person at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that the named officers entered the store and pointed guns at his head. The complainant said that an officer pointed a shotgun, while another pointed a pistol.

Body-worn camera footage showed that named officer #1 had her sidearm drawn and pointed to the ground as she entered the store. The footage showed she holstered the weapon within 3 seconds of interacting with the complainant, as he complied with her commands. At no time did named officer #1 point her firearm at the complainant. The video footage showed that named officers #2 and #3 did not draw or point any gun during the incident.

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

SUMMARY OF ALLEGATIONS #7-9: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that the named officers used excessive force when the officers grabbed complainant and “body-slammed” him into the sidewalk.

Body-worn camera footage showed that officers did not use any force on the complainant during the interaction.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/19 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #10-12: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that after the named officers physically assaulted him, the officers were rude and made him stand in the rain before he was released.

Body-worn camera footage showed that the named officers removed the complainant from the store at the request of the store employees. The footage showed that there was light rain, and the complainant was detained outside for less than two minutes. The named officers explained to the complainant that the store employees asked the complainant to leave and that he could not stay in the store. At no point were the named officers rude to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/19 **DATE OF COMPLETION:** 01/06/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officers entered a residence without cause.

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 officers detained a complainant without justification.

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

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

SUMMARY OF ALLEGATION #3: The officers misused police authority.

CATEGORY OF CONDUCT: CRD **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: 12/03/19 **DATE OF COMPLETION:** 01/06/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #4: The officers behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #5: The officers failed to comply with DGO 5.20.

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: 12/09/19 **DATE OF COMPLETION:** 01/14/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence proved that the actions described were so obviously imaginary that their occurrence cannot be investigated in any meaningful way. Additionally, many of the allegations involved agencies over which DPA has no jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/2019

DATE OF COMPLETION:

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that an officer illegally entered and searched his home.

Department records reflect that officers conducted a well-being check at the complainant's residence.

Repeated attempts to identify the officers in the responding unit were unsuccessful. Neither the Department of Emergency Management nor a Lieutenant at the district station were able to identify the call sign of the responding unit.

The complainant failed to respond to requests for additional information.

The officers could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he saw a domestic terrorist with an automatic submachine gun about to fire at nearby civilians. The complainant thwarted the attack by approaching the terrorist from behind and striking him in the back of the head several times. The complainant yelled for police assistance because other civilians were attacking him and pinning him to the ground. However, when police arrived, the named officer cuffed him, kicked out his legs, slammed his head to the ground, and arrested him. The complainant stated that he sustained a bloody head injury.

Body-worn camera footage contradicts the complainant's account. When officers arrive on scene, the complainant is unharmed and standing upright. The officers speak with an individual who says complainant struck him in the head in a completely unprovoked attack. The named officer then handcuffs and searches the complainant, after which the complainant compliantly enters a patrol car without force or incident. The complainant displays no injuries and makes no expression of pain at any time.

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

SUMMARY OF ALLEGATIONS #2-3: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that the named officers handcuffed him, kicked out his legs, slammed his head on the ground, and arrested him. The complainant states that he suffered an injury to his head and was unable to breathe, yet officers provided no medical treatment for his injuries.

Body-worn camera footage contradicts the complainant's account. Upon arriving at the scene, the officers encounter the unharmed complainant. Officers speak with the complainant and arrest him without using force. The complainant makes no complaint of pain and mentions no injuries. The complainant is alert and responsive throughout the entire encounter and at no time requests medical treatment.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/2019 DATE OF COMPLETION: 01/30/2020 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that when officers arrived on scene, he was being beaten by civilians. The complainant stated that instead of helping him, officers made fun of him.

Body-worn camera footage contradicts the complainant's account. The footage depicts the officers acting in a professional and cordial manner. The officers are polite to the complainant and let him know throughout the encounter what is going on. At no time do the officers laugh at or make fun of the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 **DATE OF COMPLETION:** 01/15/20 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 DATE OF COMPLETION: 01/10/20 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: N/A FINDING: IO-1/Sheriff's Office 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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/2019 DATE OF COMPLETION: 01/07/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in conduct unbecoming an officer.

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

FINDINGS OF FACT: The complaint raises matters outside DPA jurisdiction. The matter has been 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: 12/16/19 DATE OF COMPLETION: 01/16/2020 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/19 **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/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: 12/19/2019 DATE OF COMPLETION: 01/21/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved or spoke inappropriately

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

FINDINGS OF FACT: The complainant stated that she was driving her car when she stopped to wait for a vehicle to pull out of a parking space. She said that the named officer pulled up beside her and accused her of double parking. When she explained to the officer that she was waiting to park, the officer was rude and said, “You are double-parked, and lose the attitude.”

The named officer said that he saw the complainant stopped in the road, causing other road users to cross into the other carriageway. He said he spoke to the complainant and pointed out that she was obstructing the flow of traffic. He said the complainant replied, “So now I am not allowed to wait for a parking space.” The officer said he could not see any other vehicle that appeared to be leaving. The officer said he asked her to move and then drove away.

The complainant and the named officer’s accounts have corroborated each other. The comments that the complainant attributed to the named officers do not rise to the level of disciplinary misconduct.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer targeted her because of her race.

The named officer stated he was unaware of the complainant’s race before stopping and speaking to her. He said the only reason the interaction occurred was that the complainant impeded traffic and violating Section 22400(a) of the California Vehicle Code. The officer explained that the location in which the complainant had stopped was on a significant MUNI route, and bus drivers have difficulty getting around cars stopped in the lane of traffic. The officer said he moves on every double-parked vehicle in this location that he encounters for this reason.

No video footage was located. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/19 DATE OF COMPLETION: 01/07/2020 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-2 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: 01/02/20 **DATE OF COMPLETION:** 01/06/20 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/19 DATE OF COMPLETION: 01/07/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/19 **DATE OF COMPLETION:** 01/07/20 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/20 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/20 **DATE OF COMPLETION:** 01/13/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant witnessed an officer help an elderly, visually impaired gentleman navigate the street and get around. The complainant stated she was really impressed, and the officer's actions warmed her heart.

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

SAN FRANCISCO POLICE DEPARTMENT
1245 3RD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/20 **DATE OF COMPLETION:** 01/13/20 **PAGE# 1 of 1**

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

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

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

SAN FRANCISCO SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS UNIT
25 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/2020 DATE OF COMPLETION: 01/13/2020 PAGE# 1 of 1

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

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

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

STATE BAR OF CALIFORNIA
ATTN: COMPLAINT DEPARTMENT
180 HOWARD STREET
SAN FRANCISCO, CA 94105
UNITE D STATES

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/20 **DATE OF COMPLETION:** 01/16/20 **PAGE# 1 of 1**

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

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

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

City and County of San Francisco
Animal Care & Control
1200 15th Street
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 1/14/20 DATE OF COMPLETION: 01/30/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that he was selling items at a flea market. An officer approached the area and announced to all the vendors that a permit was required in order to sell items. The officer later returned and cited the complainant. The complainant stated that no one else was cited and claimed that the officer issued the citation because of the complainant's race.

Body-worn camera footage reveals the officer approaching the complainant, who is selling items on the sidewalk. No other vendors are in the area. The footage shows the officer reminding the complainant that they had spoken hours earlier, and the officer had given him the chance to remove his items and leave the area without receiving a citation. However, the complainant had remained and continued to illegally vend his wares. The officer also informs the complainant that he did not cite the other vendors because he had warned them to leave and when he returned, they were all gone.

The evidence proved that the alleged conduct did not occur.

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 that he was selling items at a flea market. An officer approached the area and announced to all of the vendors that a permit was required in order to sell items. The officer later returned and cited the complainant.

Section 869 of the Municipal Police Code provides, "It shall be unlawful for any person to peddle goods, wares or merchandise, or any article, material or substance, of whatsoever kind, including persons selling fruits, vegetables, fish, fowl, nuts and eggs on the public streets or sidewalks of the City and County of San Francisco without first having obtained a permit from the Chief of Police and having paid the fees and been granted a license as required by law."

Body-worn camera footage reveals that the complainant was selling items on a public sidewalk. The complainant did not obtain the appropriate permit and the officer issued a citation accordingly. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 01/27/20 **PAGE# 1 of 1**

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 DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 01/28/20 **PAGE#** 1 of 1

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

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

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

San Mateo Police Department
Att: Internal Affairs
200 Franklin Parkway
San Mateo, CA 94403

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/2020 DATE OF COMPLETION: 01/28/2020 PAGE# 1 of 1

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

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

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

Goodland Kansas Police Department
204 West 11th Street
Goodland, KS 67735

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/20 **DATE OF COMPLETION:** 01/31/20 **PAGE#** 1 of 1

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

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

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