

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers placed him in handcuffs. He stated he was handcuffed because he did not provide information regarding the whereabouts of his landlady. He stated his landlady had moved out of the house nine months earlier. The complainant stated officers entered the house illegally, handcuffed him and placed him in a patrol car.

The complainant's landlady stated the complainant was living rent free in her house against her wishes and was verbally and physically abusive towards her, causing her to move out of her own house. She stated the complainant threatened to kill her. She stated she reported the abuse to her doctor, who contacted Adult Protective Services (APS) and APS sent officers to talk to the complainant.

Records from the Department of Emergency Management show that an APS employee requested a well-being check of her client, the complainant, who reported being assaulted by the complainant.

The incident report shows that three officers made contact with the complainant. One of the named officers called the APS employee who stated that she found a plastic bag containing hair on top of the trash can in front of the house. When an officer asked the complainant where his landlady was, the complainant became belligerent, flailed his arms and yelled, "Arrest me! Arrest me!" Fearing the complainant was about to become combative, the named officers handcuffed him and placed him in the patrol car. A copy of the complainant's Certificate of Release was attached to the incident report.

A witness officer stated she and two other officers were conducting a well-being check on a woman who reported being assaulted by the complainant. The officer stated the complainant was detained in handcuffs when he became belligerent, started to raise his voice, flailed his arms wildly, and yelled, "Arrest me, arrest me!" She stated the complainant exhibited erratic aggressive behavior by his arm movements, facial expressions and yelling.

One of the named officers stated he was conducting a well-being check on the complainant's landlady, who reported being assaulted by the complainant. He stated the complainant was placed in handcuffs for officer safety when he became belligerent, raised his voice, and started to flail his arms. The second named officer stated the complainant was handcuffed and detained after becoming angry. He stated the complainant was a suspect in an elder abuse investigation and was acting in a paranoid and erratic manner. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3 - 4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was wrongfully arrested for elder abuse of his landlady. He stated that his landlady owned a house and agreed to have the complainant perform carpentry work on the house and live there until the work was finished and the landlady paid him. He stated that the landlady refused to pay him and she moved out. The complainant stated that when he asked for something in writing from the landlady promising to pay him for the work, she tried to provoke him and scratched him on his cheek. The police arrived, but he did not want to press charges. The complainant stated the officers arrested him instead.

The complainant's landlady stated the complainant was living rent free in her house against her wishes. She stated the complainant threatened to kill her, causing her to move out of her own house. She stated she obtained an emergency protective order protecting her against the complainant.

One of the named officers stated that during the course of the investigation, he and two superior officers determined that the complainant was in violation of PC 368(b)(1) – elder abuse based on the following probable cause: The victim stated that she had the complainant live at her house to fix her house with the understanding that he would be paid and move out when the job was completed. During this time, the complainant's behavior was up and down. He threatened to kill the victim on several occasions and she was so frightened she moved out of her own house.

The second named officer stated the complainant was arrested because he threatened to kill his landlady numerous times. She stated the complainant's landlady feared for her wellbeing. The officer obtained an Emergency Protective Order, served the EPO on the complainant and arrested him.

A witness officer stated that at the conclusion of the investigation, there was probable cause to arrest the complainant.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5 - 7: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated officers entered and searched his residence without his consent.

The police report documents the search of a residence by the named officers in connection with an elder abuse investigation. A copy of a Consent to Search form executed by the owner of the residence was attached to the report.

The owner of the residence stated she gave the officers permission to search her house and signed Consent to Search form.

The named officers stated they entered and searched the residence in connection with an elder abuse investigation. They stated the owner/victim consented to the search.

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 seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that police stole ammunition from his house.

The police report shows that multiple types of ammunitions, as well as narcotics, were seized from the home. The owner of the house was issued a property receipt for the seized items.

The named officer stated the complainant's property was seized as evidence and for safekeeping and documented in the incident report.

According to SFPD's Property Control Room, the Department still has the complainant's property.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer rolled her eyes, called him an idiot, and threatened to take his dog to the pounds. In addition, the complainant alleged the named officer told him that his dog would be put to death and would cost him thousands of dollars to retrieve his dog. The complainant stated his dog was a registered comfort dog and that the officer refused to allow his dog to ride with him in the patrol vehicle.

The named officer denied rolling her eyes and denied calling the complainant an idiot. She acknowledged telling the complainant that if he continued to refuse to sign the citation for trespassing, he would be booked and that his dog would be picked up by Animal Care and Control (ACC). The named officer stated she went out of her way to explain the citation process to the complainant and convince him to sign the citation because she did not want to separate him from his dog. The complainant continued to refuse to sign the citation, prompting the named officer to book him at County Jail. His dog was transported to ACC.

Backup officers arrived when the complainant refused to sign the citation. The backup officers did not witness the complainant's initial contact with the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer used profane language.

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

FINDINGS OF FACT: The complainant alleged that the named officer called him a “fucking idiot.”

The named officer and the backup officers denied the allegation.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer placed him in tight handcuffs, leaving marks on his wrists.

The named officer denied the allegation, stating that she placed two fingers between the complainant’s wrists and the handcuffs to check for the proper degree of tightness. She also double-locked the handcuffs. The named officer denied that the complainant requested that the handcuffs be loosen.

None of the officers at the scene heard the complainant complaining about the handcuffs being too tight.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant stated that after the named officer informed him that the agent of the bank filed a citizen's arrest against the complainant for trespassing, the complainant asked that the bank agent be arrested for threatening him. The complainant stated that the named officer refused.

The named officer denied the allegation, denying that the complainant told her that he had been threatened.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complaint stated that he should not have been arrested for trespassing.

Department records show that the complainant was arrested pursuant to a private person's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated that the named officer did not Mirandize him.

The named officer stated that she was not required to Mirandize the complainant, because she did not interrogate or question the complainant.

Department records show that the complainant was arrested pursuant to a private person's arrest. When the complainant refused to sign the citation, he was booked per Department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/17 **DATE OF COMPLETION:** 02/03/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to:

San Francisco Sheriff's Department
Investigative Services Unit
Attn: Lt. Charles Flewellen
25 Van Ness Avenue Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/17 **DATE OF COMPLETION:** 02/15/17 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 02/15/17 **PAGE#** 1 of 1

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

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

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

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

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/16 **DATE OF COMPLETION:** 02/14/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause when it was the complainant who was attacked by two other men. The complainant stated that both men struck him in the head while the men were walking past him. The complainant stated he was standing on the sidewalk in front of a restaurant/lounge when the men struck him. The complainant stated he followed the two men, caught up to them and fought them. The complainant stated he struck one of the men in the head with his fist. The men stopped fighting and walked away. The complainant then rode away on his bicycle. The complainant stated he then encountered an officer and told him what had occurred. The named officer and other officers arrived on the scene. The named officer subsequently arrested the complainant for aggravated assault with a weapon.

A witness officer reported the complainant riding on a bicycle away from two men who were pursuing him on foot. One of the men saw the officer from afar and yelled for the officer to stop the complainant because the complainant had just hit the man. The complainant stopped by the officer and denied hitting the man. The two men came up to the witness officer a short while later and informed him that the complainant had struck one of the men in the head with a bicycle lock. The witness officer saw blood running from a laceration on the man's ear lobe. Other officers responded, including the named officer.

The named officer queried the complainant's name in the Department's criminal database and found the complainant had two outstanding arrest warrants. The named officer arrested the complainant for the warrants and for aggravated assault with a weapon.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/16 **DATE OF COMPLETION:** 02/14/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2 - 4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officers did not investigate the incident properly when the officers arrested him. The complainant stated the named officers should have arrested the two other men for attacking him. The complainant stated the two men struck him in the head while the men were walking past him. The complainant stated he was standing on the sidewalk in front of a restaurant/lounge. The complainant stated that had the officers gone to the restaurant/lounge, the officers could have obtained video that confirmed the two suspects attacked the complainant.

The named officers stated they spoke to the complainant and two other parties who were involved in this incident. One of the named officers stated that he saw the complainant riding on a bicycle away from two men who were pursuing the complainant on foot. One of the men saw one of the named officers from afar and yelled for the officer to stop the complainant because the complainant had just hit the man. The complainant stopped by the officer, but denied hitting the man. The two men came up to the officer a short while later and informed him that the complainant had struck one of them in the head with a bicycle lock after the complainant asked the man for money. The officer saw blood running from a laceration on the man's ear lobe.

The two men pointed to the location where the complainant allegedly assaulted one of the men. One of the named officers went to an area to look for outside cameras, but did not find any on the businesses. The named officers stated the complainant never directed them to a specific restaurant/lounge where a video could be obtained.

Five other witness officers, who responded to the scene of this incident, were also interviewed. These officers did not recall the complainant directing them to go to a specific location.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/16 **DATE OF COMPLETION:** 02/14/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant alleged officers wrongfully arrested him. The complainant stated that after his release from jail, the Police Department never returned his bicycle that he had with him at the time of this incident. The complainant stated he made an inquiry with the Department, but no one knew anything about the bicycle.

The incident report stated that one of the witness officers clearly describes the complainant riding a bicycle at the time another officer encountered the complainant. However, neither the incident report nor any of the officers who responded to this incident described the disposition of the complainant's bicycle after the complainant's arrest. Furthermore, the bicycle was not listed on the complainant's property receipt.

DGO 6.15, Property Processing, section III.A.1 states, "When taking or receiving Property for identification from a person (including an arrestee), complete a Property Receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that multiple suspects assaulted her and her boyfriend. In self-defense, the complainant stated she used her boyfriend's cane to defend herself. The complainant alleged that the officers failed to pursue all of the fleeing suspects, and that the incident report failed to show her and her boyfriends as victims.

The complainant's boyfriend refused to provide a statement.

The named officers stated they responded to a call regarding a fight and detained several people. The named officers stated the unidentified individuals that the complainant alleged to have been involved in the fight were gone when they arrived. Pursuant to a private person's arrest, the complainant and two other individuals were cited for battery.

The two individuals who were cited did not come forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide language services.

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

FINDINGS OF FACT: The complainant stated that her boyfriend, who speaks Spanish, was not provided language services.

The complainant's boyfriend refused to provide a statement.

The officers denied the allegation, stating that the complainant's boyfriend refused to cooperate with their investigation.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DB 15-171.

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

FINDINGS OF FACT: The complainant stated that three days after the incident, she went to the station and provided a written statement in Spanish. The complainant could not identify the person who received her written statement.

Department Bulletin 15-171, Translation of Statements/Documents Prior to Completing Incident Reports and Booking Statements/Documents as Evidence, states in part:

Members collecting written statements or other documents prepared in foreign language shall ensure the documents are translated into English prior to filing an incident report and booking the documents into evidence.

Department records show that the complainant written statement was attached to the incident report and was not translated into English.

The identity of the person who received and attached the complainant's statement to the incident report could not be established.

The complainant could not identify the person who received her statement at the station.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/16 **DATE OF COMPLETION:** 02/07/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was double-parked when she heard someone shouting, "What are you doing?" She leaned over and saw a vehicle next to her. The complainant stated she told the occupants, "I'm sorry. I didn't see you. I was just picking up something from a friend." The complainant stated she did not know they were police officers. She stated she moved her car next to a curb and got out. She asked the two men, "Who are you?" She stated the officers showed her their badges and told her they were giving her a ticket.

Records indicate that the complainant was cited for being double-parked, impeding traffic, unsafely opening her car door, and for lack of proof of insurance.

The named officer and his partner stated the complainant was double-parked, requiring his partner to drive into oncoming traffic to go around her. The named officer further stated that, as his partner drove around the complainant, she opened her car door into traffic, causing his partner to swerve into the oncoming lane, almost causing a head-on collision. The named officer stated the complainant was unable to provide proof of insurance.

No independent witnesses were identified.

While there was sufficient evidence to cite the complainant for being double-parked and for impeding traffic, there was insufficient evidence she unsafely opened her car door and was unable to provide proof of insurance.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/6 **DATE OF COMPLETION:** 02/07/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #2-3: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated she asked the officers for their names and star numbers and was told that the information was on the citation.

The officers stated they verbally identified themselves to the complainant and their badges were visible.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments.

The named officer and his partner denied making any inappropriate comments.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/16 **DATE OF COMPLETION:** 02/07/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/16 **DATE OF COMPLETION:** 02/07/17 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to comply with Department Bulletin #14-059.

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

FINDINGS OF FACT: Department Bulletin #14-059 requires officers to collect and enter traffic stop data following a traffic stop.

The named officers provided proof that the required traffic stop data was collected and entered.

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 DPA-ADDED ALLEGATIONS #3-4: The officers failed to comply with Department General Orders 5.08 and 9.01.

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

FINDINGS OF FACT: The named officers conducted a traffic stop of the complainant's vehicle and issued the complainant two citations while in plainclothes and in an unmarked car.

The named officers stated this was not a traffic stop because they drove by the complainant and told her to move her car and then she approached the officers. They stated this incident was an exception to the General Orders because they almost got in a head-on collision when the complainant opened her door into traffic. When asked if a marked unit was requested, the officers stated that they could not get on the air because it was too busy.

Department General Orders 5.08 and 9.01 prohibit plainclothes officers from conducting traffic stops unless exigent circumstances, such as drunk driving, exist. Double-parking is not an exigent circumstance. The DGOs also require plainclothes officers to request a marked unit during traffic stops.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that while seeking services at a city agency, he got into a fight with another client. The complainant stated the responding officers threw him to the ground, handcuffed him, kned him in his back, struck him with a baton and kicked him in the leg. The complainant stated that he suffered a shoulder sprain, swelling to his forehead and headaches. The complainant did not complain of pain or injury at the scene and sought his own medical treatment.

The security guard stated he observed the complainant fighting with another client and called for police assistance. The security guard said the complainant was agitated and uncooperative. The security guard stated the responding officers took the complainant into custody. The security guard denied seeing any of the responding officers use unnecessary force against the complainant.

The named officers all denied using the alleged force. However, one of the officers admitted to placing his knee into the complainant's back, which is an academy-trained technique to gain control of and handcuff the uncooperative complainant. The officers all denied using any reportable force and denied that the complainant complained of pain or injury.

The Incident Report documents that there was no report of pain or injury by the complainant.

Several videos captured the incident inside the city agency. The video depicts that the complainant resisted arrest and three officers took the complainant to the floor in a controlled manner. There is evidence that officers used physical controls to subdue, control and handcuff the complainant. The force used was necessary and reasonable under the circumstances.

There is no evidence that the named officers used unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer told him, “Shut up. You’re all the same to me.”

The named officer and other officers denied the allegation. A security guard did not hear the alleged comment. No other witnesses came forward.

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

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was involved in a fight and was arrested.

The witness security guard stated he observed the complainant in a fight with another man. The security guard did not see who started the fight. The security guard stated that he tried to break up the fight, but the complainant was uncooperative, prompting him to call for assistance of the on-duty officer.

The on-duty officer stated he observed the complainant fighting with another man. The on-duty officer stated when he tried to detain the complainant, the complainant became uncooperative. The officer stated he called for back-up assistance.

The responding back-up officers stated they observed the officer struggling with the complainant and went to the officer’s aid. The officers said they assisted with getting control of and handcuffing the complainant.

The video evidence established that the complainant struck the victim’s head and a fight ensued. The video further established that the complainant resisted arrest.

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: 03/11/16 **DATE OF COMPLETION:** 02/28/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he called 911 twice in the same day for assistance regarding threats and harassment his mother received at a hospital. The complainant stated that the responding officer failed to write a police report.

The named officer stated the complainant did request an incident report and, therefore, did not write a police report. He stated the complainant and his mother complained about the lack of compassion and empathy. The named officer stated that his investigation revealed that no crime occurred.

Records from the Department of Emergency Management show that the complainant called 911 and reported that his mother had been threatened and harassed at a hospital and that the victim wanted a report. The complainant called again two hours later and reported that his mother was threatened by hospital staff.

SFPD Department General Order 2.01 section 25 states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

SFPD's Peace Officer Field Training Manual, Elder Abuse, states, in part, "Members shall take an incident report from any person who wants to report elder/dependent adult abuse including Adult Protective Services workers who may make a report even if the victim denies abuse, or refuses to file a report."

An SFPD Subject Matter Expert (SME) stated elder abuse could be physical abuse, neglect, mental suffering, and deprivation of medicine. Another SME from the district attorney's office stated members shall take an incident report from any person who wants to report elder dependent abuse or adult abuse.

The evidence established that a crime was reported to the named officer. As such, the named officer should have written an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/16 **DATE OF COMPLETION:** 02/28/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer did not take the threats and abuse made against his mother by the staff at the hospital seriously.

The named officer denied the allegation, stating that he actively listened to the complainant and his mother's concerns regarding the services they were receiving at the hospital.

A witness officer stated he observed the named officer carefully listened, investigated, and interacted in Cantonese with the complainant.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the officer failed to investigate the incident regarding his mother's report of threats and abuse by the hospital staff. The complainant stated he gave the officer a letter he wrote regarding the mistreatment at the hospital, but the officer failed to process it as evidence.

The named officer denied the allegation, stating that he interviewed the complainant and his mother. He acknowledged that the complainant handed him an envelope. He stated the complainant did not tell him what was in the envelope and did not tell him what the complainant wanted him to do with the envelope.

The named officer acknowledged that he initially accepted the envelope but left it at the scene with the complainant and his mother.

The evidence established that the named officer failed to recognize and investigate the incident as elder abuse. He failed to collect the evidence provided to him and failed to write an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/16 **DATE OF COMPLETION:** 02/28/17 **PAGE#** 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) persons.

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

FINDINGS OF FACT: SFPD Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, section II.E. states, in part, “For purpose of this order, SFPD members who identify themselves as ‘bilingual’ must demonstrate, through a formal procedure which has been established by the Department of Human Resources (DHR), competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning. The Department will provide all members with training in interpreting techniques, roles, and ethics so that they may understand and follow confidentiality and impartiality rules for interpreters as defined by DHR.” DGO 5.20 also requires that language assistance be provided to a LEP individual through a qualified bilingual officer and if none is available, through a qualified civilian interpreter or a telephone interpreter unless exigent circumstances exist.

The named officer admitted he had not undergone language testing through the Department and thus, he is not a “qualified” bilingual officer as required by DGO 5.20. Although the named officer stated that Cantonese is his first language, DGO 5.20 requires formal testing to ensure competency to interpret. By the named officer’s own admission, he violated DGO 5.20 by interpreting without DHR certification. The named officer stated he understood DGO 5.20 requirements and stated his basis for believing he could interpret without certification was that he heard the call for a Chinese-speaking officer and that he wanted to help his community.

To the named officer’s credit, he acknowledged that he responded to the scene and provided his bilingual services when the request went out by radio from dispatch and no bilingual officers were available. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/16 **DATE OF COMPLETION:** 02/23/17 **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 he confronted a drug user for hanging around near his house and told the man he should leave. The complainant stated that the drug user pushed him and then punched him in the throat, prompting the complainant to call the police. The complainant stated that the responding officers disregarded his request to press charges and let the drug user walk away.

Out of eleven (11) officers who responded to the scene, only the named officer heard the complainant's request to arrest or press charges against the drug user. The named officer stated that the complainant smelled like alcohol. The named officer stated that he asked the complainant what happened, and the complainant said, "That asshole hit me. I want him arrested." When the named officer asked him to elaborate, the complainant repeated, "He hit me. I want him arrested," and appeared to be angered by the named officer's questioning. The named officer did not hear the complainant say anything about being punched in the throat.

When the named officer spoke to the "suspect," the suspect said he was minding his own business, waiting for a friend, when the complainant approached him and began yelling and cursing at him. The suspect stated he could smell the alcohol on the complainant, and that the complainant came so close he was spitting on him. The suspect said that he told the complainant to get out of his face and leave him alone. The complainant continued to yell in his face, so the suspect pushed the complainant back to create space. He denied ever punching the complainant.

The named officer spoke with the suspect and his friend. Both their statements matched and depicted the complainant to be the sole aggressor and instigator. The named officer also noted that, according to the CAD, there were multiple third-party callers reporting a verbal altercation. One of them gave a description matching the complainant as being the aggressor. The named officer, therefore, determined that no reasonable cause existed to arrest a man who was defending himself.

The evidence established that the named officer's actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that officers threatened to arrest him and knocked the complainant's cell phone out of his hand. He also said that an officer made inappropriate comments to him and told him that future calls from him would be ignored.

The named officer denied making these statements or anything similar to them, and stated that he did not hear any other officer make these statements or anything similar.

The named officer stated that, after the complainant had repeatedly cursed at him, yelled at him, and was generally verbally abusive to him, he admonished the complainant for being in violation of 647(f) PC, public intoxication.

The named officer also admitted that he accidentally knocked the complainant's cell phone out of his hand. He stated the complainant displayed a hostile demeanor towards him and repeatedly and profanely told the named officer that he was "useless," and should leave, as the officer could not do anything to the complainant. The named officer stated that several times during the encounter, he was forced to place his arm out to keep the complainant away. He stated the complainant was animated and had his phone in his hand. When the complainant looked as though he were about to step toward the named officer, the officer put his arm up again, and accidentally knocked the complainant's phone out of his hand.

Numerous officers listed in Department records as being involved with the incident denied making the alleged inappropriate comments or hearing another officer do so, or said they did not respond to the scene.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.04 when he did not write an incident report.

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

FINDINGS OF FACT: The complainant stated that he called police to report a battery after he was pushed and punched. He stated that when police arrived on the scene, he asked them to arrest the suspect.

The named officer who spoke to the complainant tried to ask the complainant for details of the situation, but he stated that the complainant appeared to be intoxicated and became angry at the officer's questions.

When the named officer spoke to the other party, the other party stated that the complainant had approached him, unprovoked, and started yelling drunkenly in his face. He denied punching the complainant. The named officer also spoke to the other party's friend. The friend's account matched that of the other party in that they both named the complainant as the aggressor.

A third party caller reported a "verbal altercation" to the dispatcher and gave a description of the aggressor that the named officer said matched that of the complainant.

The named officer determined that the alleged "suspect" was in fact the victim. He did not arrest anyone at the scene and did not write an incident report, until he was informed of the OCC complaint, and consulted a sergeant, who suggested he prepare a report.

SFPD General Order 5.04, Arrests by Private Persons, section II.8. states, "In all instances regarding requests for a private person's arrest, an incident report shall be prepared."

The named officer admitted that he failed to prepare an incident report by the end of his shift, as required by Department General Orders.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was stopped at an intersection when police came up to his window and told him to get out of the vehicle. The complainant stated he was placed in the back of a patrol car and that another officer drove and parked his car near by. The complainant stated he was taken to the back of a truck and was asked questions. He stated he remained silent. The complainant stated he was then taken somewhere and was not allowed to leave. He stated that he was not formally arrested.

The named officers stated this was a medical call and not a 5150 detention. They did not know what was wrong with the complainant other than he was having some type of medical emergency. The CAD indicated this was at "152 Drunk Driver" call; however, the officers indicated that there was no merit to the "152" call. The officers stated it was a medical issue, so they called for a medical transport to the hospital.

Records from the Department of Emergency Management show that an anonymous passerby called to report that a vehicle was stopped near an intersection, causing a traffic hazard and the driver was possibly on drugs or impaired. The CAD indicates an ambulance arrived and transported the complainant to the hospital.

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

SUMMARY OF ALLEGATIONS #3-4: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was towed.

The named officers stated that the complainant's car was parked in a lawful location and the keys were placed in the complainant's property.

SFMTA records show that the complainant's vehicle was towed at a later date and from a different location. The named officers were not involved with the tow. The evidence proved that the act alleged in the complaint did not occur, or the named officers were not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers failed to prepare a report.

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

FINDINGS OF FACT: The complainant stated that the named officers did not even do a report when they towed his car.

SFMTA records show that the complainant's vehicle was towed at a later date and from a different location. The named officers were not involved with the tow.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/16 **DATE OF COMPLETION:** 02/03/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was waiting for a ride home when the named officers saw him and stopped their vehicle. The complainant stated the passenger officer got out of the car with his baton out and aggressively approached the complainant, causing the complainant to panic and flee. When the complainant stopped running, the named officers arrested him.

The named officers stated the complainant matched the description of a suspicious person looking into vehicles, walking up and down the block at about 11:30 PM. One of the named officers stated that when they pulled up to the complainant, the officer seated in the passenger seat asked the complainant where he was coming from and what he was doing. The complainant said he was heading home, mumbled something and then took off running, prompting the other named officer to pursue the complainant. Both officers stated that the complainant resisted, tucking his hands underneath himself. The officer who was driving the patrol car stated that the complainant grabbed the officer's baton during the struggle, prompting the officer to strike the complainant with a closed fist on the left side of his face. With the assistance of other officers, the named officers placed the complainant in handcuffs and charged him with resisting arrest.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding a suspicious person looking into cars, walking up and down the block. DEM told the officers that the suspect was a "BMA, 30's, 5'8, thin build, Maroon sweater, backpack."

In their incident report, the officers described the complainant as a 42-year-old black male, 5'11, 200 pounds, wearing a maroon sweatshirt, white shorts and white sneakers.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/16 **DATE OF COMPLETION:** 02/03/17 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer used force during an arrest.

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

FINDINGS OF FACT: The complainant stated that, after running a few blocks, he got tired and decided to stop. He lay down on his stomach with his hands behind his back, ready to be handcuffed. He denied resisting after that. The complainant stated the named officer approached him with his gun drawn, straddled the complainant's body and hit the complainant's head with a closed fist several times. The complainant stated the named officer then handcuffed him and choked him with his baton against the complainant's throat. The complainant also stated he sustained an abrasion on his cheek from the named officer grabbing his head and slamming it down after he was already on the ground.

Photographs taken by an officer after the incident show the complainant had an abrasion on his left cheek.

The named officer acknowledged pursuing the complainant. He stated that when the complainant slowed down, he approached with his baton extended, unsure if the complainant would try to fight. The complainant then lay face down on the sidewalk with his hands tucked beneath himself. The named officer stated that the complainant never voluntarily put his hands behind his back.

The named officer stated that he straddled the complainant and used his baton to pry the complainant's hands out from under his body, which is a technique taught in the police academy. He stated that after he succeeded in freeing one of the complainant's hands, the complainant then grabbed the tip of the named officer's baton. The named officer stated that he struck the complainant with a closed fist to get the complainant to release the baton. The officer placed the complainant in handcuffs after securing his hands and arrested the complainant for resisting arrest.

The named officer denied drawing his gun during the incident. He denied putting his baton against the complainant's throat and choking him and denied slamming the complainant's head on the ground.

The named officer's use of force was articulated in the incident report and reported to a supervisor, who made the appropriate entry in the Use of Force Log.

While the named officer had reasonable suspicion to detain the complainant, there was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody. No independent witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant called the police following a physical altercation she and her mother had with their female tenant. The named officer interviewed the tenant in Spanish. After the interview, the named officer told the complainant and her mother to stay away from their tenant.

Department records established that the complainant, her mother and their tenant were cited for battery, pursuant to private person's arrest. The named officer prepared an incident report as required.

The named officer stated he advised the complainant, her mother and the female tenant to stay away from each other to prevent future altercations.

The evidence established that the named officer's advice to all parties involved was proper.

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 threatened the complainant and her family members.

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

FINDINGS OF FACT: The complainant called the police following a physical altercation she and her mother had with their female tenant. The complainant stated that after all the parties were interviewed, the named officer told her, "I'm just letting you know that next time, someone's going to jail."

The complainant's mother stated the officer said, "I'm warning you guys, don't go back there. I don't want to see you back there because next time you're going to jail."

The named officer stated he informed the complainant and her mother that if they went downstairs and attacked their neighbor, they would go to jail.

The evidence established that the named officer's statement was not a threat but rather factual. The evidence established 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: 04/29/16 **DATE OF COMPLETION:** 02/09/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she became angry with the named officer because she thought he was taking sides in an incident involving her mother's tenant. She said she twice called the officer the "N word." She stated that the officer said, "What did you call me?" and reached for his gun belt "like he was gonna shoot me or something."

The complainant's mother stated her daughter called the named officer the "N" word. She stated the officer replied, "Next time you're going to jail!" and put his right hand on his belt "like to reach for the gun. I don't know. I don't know what he tried to reach."

A witness officer stated he heard the complainant and the named officer argue over the complainant's use of the "N word." He stated he heard the named officer raise his voice in reaction to the "N word" reference.

A second witness officer denied hearing the complainant call the named officer the "N word." He also denied seeing the named officer place his hand on his gun belt.

A third witness officer stated she heard the complainant and the named officer loudly arguing with each other as they walked down the stairs. She stated she did not know what they were arguing about. This officer stated she did not see the named officer put his hand on his firearm or gun belt.

The named officer stated he advised the complainant and her mother to stay away from their tenant. He stated both women became defiant and told him he was not there and it looked like he was taking sides. The officer stated that the complainant called him the "N word." He denied putting his hand on his gun belt.

No other witnesses were identified. There was insufficient evidence to either prove or disprove whether the named officer unnecessarily continued to engage with the complainant after she called him the "N-word."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was waiting at a crosswalk for the light and observed two SFPD officers with a young man. She overheard the named officer tell the young man, “We can do whatever we want.” She wondered if the officers were going to beat or kill the young man.

The named officer denied he told the detainee that the officers could do whatever they wanted. He stated that the captain of Tenderloin Station had specially directed him and his partner to address the ongoing problem of people loitering against the wall where the detainee had been standing. He stated he gave the detainee the choice to either produce his identification or step away from the wall. The detained man walked to join his friends and was allowed to go free.

Another officer on the scene stated that he did not hear the named officer make the alleged statement.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer came up to her, stuck his phone in her face, and then used his arm to swat the complainant's filming arm down.

The named officer denied that he ever touched the complainant. He said that when he approached her and held out his own phone, she took her wrist and hit his wrist, pushing his wrist and hand away from her. The named officer also stated the complainant is very small in stature and he is 205 pounds. He stated that if he had assaulted the complainant, it would have been evident in the cell phone video. "I absolutely did not push her or assault her," he said.

No other witnesses came forward. The complainant's video does not clearly depict whether anyone was touched, and if so, who touched whom. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to sex and race.

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

FINDINGS OF FACT: The complainant's video depicts the named officer detaining a young African-American man. The complainant, who gave her race as "other," recorded this detention with her phone. After the detention was resolved and the named officer stuck his own phone in her face, the complainant began repeatedly yelling, "Are you one of those racist officers?" The named officer tells her to calm down and walks to his car.

The named officer was interviewed pursuant to DPA's Biased Policing Investigation Protocol. He denied that the complainant's gender or race had anything to do with why he approached her.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer behaved in an intimidating manner.

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

FINDINGS OF FACT: The complainant stated that she was using her phone to film a police encounter that did not involve her. When the officer finished with the individual he was detaining, he turned, walked towards her, and shoved his camera in her face.

The video that she recorded of the encounter shows the officer detaining a young man who he is about to arrest. He lets the man go, but then turns to the complainant and walks over to her while taking his phone from his breast pocket. He holds his phone right up next to her face and camera as she is recording.

The named officer stated the complainant is someone he knows from the neighborhood who routinely harasses officers as they try to do their jobs. He stated that no matter how innocuous the contact they are having with someone on the street maybe, the complainant comes up and starts yelling that they are racist. The named officer stated that when he approached the complainant with his phone outstretched, he was basically saying, “We’re not afraid to be filmed. I can film her too, and I’m not going to be intimidated by her.” The named officer stated that he did not have the intent to intimidate the complainant. He does not see how she could have interpreted it this way because she was screaming at him and calling him names. “If she were intimidated by me, I don’t think she’d be doing any of those things.” He also noted the complainant’s diminutive stature and his own weight of 205 pounds.

The complainant’s video does not show her yelling until after the named officer antagonizes her. The named officer’s abrupt and retaliatory actions, coupled with the discrepancy in size between him and the complainant, are easily perceived as threatening and intimidating.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant was recording the named officer's detention of a young man. When the officer ended the detention and let the young man go, he turned and walked towards the complainant while removing his own phone from his breast pocket. He then thrust his phone into the complainant's face, which blocked the complainant from continuing to record the events.

The named officer stated that when he approached the complainant with his phone outstretched, he was basically saying, "We're not afraid to be filmed. I can film her too, and I'm not going to be intimidated by her."

The named officer was unable to provide a valid reason for his interference with the complainant's recording. The video plainly shows that the complainant was standing several feet away, and she does not say a word on the recording until the named officer approaches her. The named officer stated that he knows the complainant from the neighborhood, and her intent is always to interfere and intimidate officers from doing their jobs. The named officer could not confirm that the complainant's actions in this instance were violating the officer's safety or the safety of the person he was detaining. Additionally, he stated that the subject of the detention did not object to the recording the video, nor was confidential communication with the subject necessary for police interrogation.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The co-complainant stated he was standing a few yards away from his house smoking a cigarette when he was detained for no apparent reason.

The complainant stated that when she and her son pulled up to their house, she saw her neighbor, the co-complainant, being detained by three (3) officers.

Another one of the co-complainant's neighbor stated she saw from the window of her house the co-complainant standing against a wall smoking a cigarette. She stated officers stopped their vehicle and spoke to the co-complainant. She stated she could not hear the conversation between the co-complainant and the officers.

The named officer's partner has retired and is no longer subject to Department discipline. However, in his incident report, he stated he and the named officer were in a marked vehicle when they observed the co-complainant standing with his back against a wall/fence smoking a cigarette. In addition, the officer stated there was an opened bottle of beer about eight inches away from the co-complainant. The officer stated he and the named officer were aware of recent burglaries in the area. He stated that no one else was around, and that the co-complainant's stationary position in the area was somewhat out of the ordinary. The officer stated he was concerned that the co-complainant could be a lookout or participant in a burglary operation. He stated he also believed the co-complainant could be consuming the bottle of beer on the public sidewalk, prompting him to direct the named officer to stop the vehicle for the purpose of detaining the co-complainant for further investigation. He stated the co-complainant was hostile and uncooperative, refusing to provide his name. The officer stated the co-complainant denied that the bottle of beer was his. The officer stated that when another officer arrived, he started to check the houses in the immediate area. When he returned to where the co-complainant was standing, he observed the named officer and another officer attempting to place the co-complainant in handcuffs. With his assistance, the officer stated the co-complainant was placed in handcuffs.

The named officer's account of what happened was consistent with that of his partner's.

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

The named officer's partner unavailability to be interviewed by the OCC provided insufficient evidence to establish their reasonable suspicion for detaining the co-complainant. As such, there was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #2: The officer detained the co-complainant without justification.

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

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

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

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

FINDINGS OF FACT: The co-complainant stated that when he tried to walk or jogged away, the officers grabbed both of his hands, prompting him to pull his hands away and put them close to his chest. He stated the officers then pushed him against a wall and started hitting his face to the wall. He was then placed in handcuffs and thrown to the ground.

The co-complainant's neighbor, the complainant, stated she saw the co-complainant being "shoved" into the cement, causing the co-complainant's face to hit the sidewalk a couple of times. She stated she did not observe anything "that would warrant such violent treatment."

Another one of the co-complainant's neighbor stated she saw from the window of her house the officers push the co-complainant against the wall, using their elbows to keep him against the wall. She stated the officers had the co-complainant's face against the wall. She stated the co-complainant was then taken to the ground face down, where he was placed in handcuffs. She stated that while the co-complainant did not fight with the officers or pull away, she observed the co-complainant moving around and saying something to the officers while on the ground.

The named officers stated the co-complainant was aggressive and verbally hostile, refusing to answer their questions or provide his identification. They stated the co-complainant attempted to walk away, prompting them to grab him by the arms. The named officers stated the co-complainant pulled away, so they each placed him in a bent rear-wrist lock. With the assistance of another officer, the co-complainant was placed in handcuffs. The officers denied slamming the co-complainant to the ground but admitted putting him on the ground to prevent him from continuing to resist. The named officers stated that no other force was used, except for the rear-wrist lock.

While the co-complainant admitted pulling his hands away from the officers, there was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to place the co-complainant in handcuffs. The officers' use of physical control was reported to their supervisor and was entered into the use of force log.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #5: The officer used force during detention.

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

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

SUMMARY OF ALLEGATION #6: The officer failed to promptly provide medical assistance.

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

FINDINGS OF FACT: The co-complainant stated that the ambulance took about an hour to arrive at the scene.

Records from the Department of Emergency Management show that approximately ten minutes after the co-complainant was taken into custody, the officers called for an ambulance. The ambulance arrived approximately fifteen minutes after the request was made by the officers.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #7: The officer failed to promptly provide medical assistance.

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

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

SUMMARY OF ALLEGATION #8: The officer behaved inappropriately.

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

FINDINGS OF FACT: The co-complainant stated the named officer grabbed his cell phone when he started to record the incident.

The named officer stated the co-complainant had his phone out before walking away. The named officer stated he did not know if the complainant was recording the contact. The named officer stated he removed the phone from the co-complainant right before he was handcuffed.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #9: The officer engaged in biased policing, due to race.

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

FINDINGS OF FACT: The co-complainant stated that the officers were racist and racially profiled him.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation.

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

SUMMARY OF ALLEGATION #10: The officer engaged in biased policing, due to race.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 6

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 said she and a friend had been drinking at a restaurant and then went to another bar. She stated that when they entered the bar, her friend stumbled and the bartender assumed they were intoxicated. The complainant stated that they were able to care for themselves, but the bartender refused to serve them and the bouncer kicked them out. The complainant stated that police detained them while walking to BART. She stated the officers drove her to a bar and a light was shined on her face. She heard an officer say, "Is this her?"

The complainant's friend failed to come forward for an interview.

The bar's bouncer stated the complainant and her friend were "very intoxicated" and "extremely aggressive and combative," and the bartender did not want to serve them. He stated the complainant "talked about fighting me and shooting me" as he escorted them outside. He stated he flagged down the police because the complainant spat in his face. He stated the officers later returned with the complainant and he identified her.

The named officers stated a bar bouncer flagged them down and told them that the complainant spat in his face when he escorted her and her friend out of the bar. The officers stated they detained the complainant because she matched the description provided by the bouncer.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #3-4: The officers failed to state the reason for the complainant's detention.

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

FINDINGS OF FACT: The complainant stated she and a friend were kicked out of a bar. She stated that on the way out of the bar, the bouncer pushed her. She stated she did not know if the bartender had called the police to press charges against her and her friend. When she was detained after leaving the bar, the complainant stated that the officers did not tell her why she was detained.

The bouncer stated the complainant threatened him and spat in his face. He flagged down a patrol car and told them what had occurred.

A witness stated he believed that the two officers arrested the two women based on a complaint from a security guard from a bar. He believed that the women may have been asked to leave a bar and they were upset.

One of the named officers stated he told the complainant she was being detained because she was a battery suspect. She kept yelling, saying there was no reason to detain her.

The evidence established that the officers were more credible than the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that one of the named officers told her, "Hands where I can see them. Up against the wall. Stop Resisting." She stated the officer grabbed her neck and slammed her into a brick wall. The officer then pulled her right arm behind her back and put her face to the wall. The complainant stated she was placed into handcuffs and was walked over to the patrol car. The complainant said she refused to put her head down to enter the patrol car. She stated that the other named officer grabbed her neck and used excessive force trying to get her into the police car. The complainant stated she eventually complied and entered the patrol car.

The complainant's jail medical records indicated that the complainant denied any recent injury and denied using any substances.

A witness stated she saw an officer throw the complainant against a building while the complainant was loudly protesting. She stated the officer put his hand on the complainant's neck and pushed her face against the wall before handcuffing her. He also kicked her legs apart.

Another witness stated that he did not see any improper force used during the contact. The witness stated the women "were certainly being defensive." He stated a "legitimate" amount of force was used to handcuff the complainant. He stated he did not see the officers place the complainant in a patrol car.

One of the named officers stated he didn't believe that he or his partner used any pain compliance techniques with the complainant. He stated the complainant did not complain of pain. He stated he and his partner had to order the complainant several times to step into the patrol car. She eventually got in of her own accord. This officer stated no force was ever necessary or employed.

The other named officer stated he handcuffed the complainant because she refused to comply with "numerous orders" to sit down. He stated no physical controls or pain compliance techniques were used. He stated the complainant did not comply when getting into the patrol car. The officer stated when backup officers arrived, one unknown officer assisted him. The officer could not recall if the complainant complained of pain at that time. There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to detain the complainant. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #7: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated an officer told her to stop resisting and put her up against a wall. She stated two officers handcuffed her. The complainant stated she had been drinking and resisted the detention.

The named officer stated the complainant was being uncooperative, was cursing at him and refused numerous orders to sit down, so he handcuffed her.

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

SUMMARY OF ALLEGATION #8: The officer failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that when her hands fell asleep, she requested her handcuffs be loosened. The complainant said an officer tried to loosen her handcuffs, but the named officer told the officer not to loosen them.

The named officer stated the complainant did not complain of pain or tight handcuffs.

The named officer's partner stated he checked for the proper degree of tightness and double-locked the handcuffs. He stated the complainant never complained of tight handcuffs and did not ask for them to be loosened.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #9: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that while the officers were trying to get her into the patrol car, a bystander attempted to record the event but his cell phone went dead. During this time, the named officer was yelling at the bystanders to put their cameras down and to move away from the scene.

A witness stated she got within five feet of the officer, but he never pushed her away and never told her to back up. She stated that a male friend, whom she did not want to identify, was recording the incident but later learned the recorder failed. When asked if the officer attempted to interfere with her or any other bystanders, this witness stated, "No." She stated she thinks the officer believed he was being recorded, and that helped the situation.

The named officer stated there were a lot of bystanders, and several people across the street were yelling at them. He stated a woman walked over and began filming. She yelled at the officers, telling them to leave the detainees alone. The named officer stated he told the woman that she was welcome to videotape all she wanted but she could not incite anyone and she could not come into physical contact with the detainees.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 6 of 6

SUMMARY OF ALLEGATIONS #10-11: The officers improperly pat searched the complainant.

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

FINDINGS OF FACT: The complainant stated that when she arrived at the jail, the officers told her they needed to search her. She stated the officers searched her underneath her clothes.

One of the named officers stated that when they were in the jail sally port, the complainant was searched for contraband. He stated the outside of her clothing was patted down and her pockets were searched. The other named officer stated the complainant was asked to remove her shoes and her outer layer of clothing. A metal wand was used for metal detection and her pockets were searched. He stated the complainant was not searched underneath her clothing.

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

SUMMARY OF ALLEGATIONS #12-13: The officers engaged in biased policing, due to race and sexual orientation.

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

FINDINGS OF FACT: The complainant alleged the officers detained her based solely on her race and sexual orientation.

The bouncer at the bar stated he had to escort the complainant and another woman outside because they were being disruptive and the bartender did not want to serve them. He stated the complainant became belligerent and threatened to fight him and shoot him as he escorted her out. He stated she spat in his face before leaving. He flagged down a patrol car and provided a description of the complainant to the named officers.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. They denied that the complainant's race and sexual orientation was a factor in their decision to detain her and her friend. The evidence established that the named officers had reasonable suspicion to detain the complainant and her friend. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not engaged in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the named officer issued a citation in her name following a vehicle collision, when she was not involved in the collision. The complainant stated her sister had given the complainant's name to the officer after being involved in a vehicle collision, which occurred in 2011.

The complainant's sister told the OCC that she was the driver of the vehicle at the time of the collision. The sister stated she had registered the car in the complainant's name, without her knowledge, because the sister was unlicensed. The complainant's sister acknowledged she had identified herself improperly to the named officer. The complainant's sister did not refute the facts of the collision or the violations for which the officer had issued the citation. The complainant's mother stated the complainant was with her in another location during the time the incident had occurred. Neither the complainant nor her sister could produce definitive evidence of who was driving the vehicle at the time.

The named officer stated he and his partner responded to a collision incident involving a vehicle and a pedestrian. During the investigation, the named officer spoke to the driver of the vehicle and asked for identification. The driver stated she did not have a driver's license in her possession. The officer identified the driver as the complainant by asking her name, her date of birth and address. He confirmed that the information she gave him matched that of a licensed driver, and he obtained a DMV photo of the licensed driver, which he stated at the time matched that of the woman in the vehicle.

The vehicle collision report from the date of the collision supports the statement of the named officer, that he identified the vehicle's driver with the verbal information he was given and confirmed that identity by obtaining a photograph that appeared to depict the driver.

The named officer's partner stated that the registration of the vehicle matched the information provided by the driver. He stated the DMV photo matched with the driver of the vehicle.

Department General Order 9.01, Traffic Enforcement, section I.B.4. states, in part: "When issuing a moving citation, an officer shall reasonably ascertain the true identity of the violator."

The named officer, with the information that he was given at the time, took reasonable steps to verify the information that he was given. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the named officer failed to properly investigate the incident because his efforts failed to ascertain the true identity of the driver of a vehicle in a collision.

As previously stated, the named officer, with the information that he was given at the time, took reasonable steps to verify the information that he was given.

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

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant alleged the named officer wrote an inaccurate vehicle collision report, because contrary to what the report states, she was not involved in the collision.

As previously stated, the named officer, with the information that he was given at the time, took reasonable steps to verify the information that he was given.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he was pulled over by the named officer for looking at his GPS map on his smart phone while driving. The complainant said the named officer became very hostile and aggressive toward him during the citation process when the named officer noticed that he continued to use his smart phone to research laws on the internet pertaining to cell phone use while driving a vehicle.

The named officer denied that he was hostile or aggressive in speaking to the complainant, and specifically denied telling the complainant to put down his phone during the contact. He stated that he explained to the complainant the reason for the citation, and had to explain to him the consequences of the complainant's refusal to sign the citation, while the complainant and a passenger in the car yelled at him about the law the complainant violated.

One witness in the vehicle did not respond to OCC requests for an interview, and the complainant failed to identify a second passenger he said was present.

An officer who said he was standing about ten feet away from the car observing the traffic stop stated that he heard no conversation between the named officer and the complainant at the driver's door.

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: 06/14/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited. The complainant failed to provide the date of the incident or provide a copy of the citation.

The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment during the traffic stop.

The complainant failed to provide the date of the incident or provide a copy of the citation.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called dispatch to request a missing person report of his girlfriend, because he did not hear back from her and that she was not answering her phone. The complainant stated the named officer failed to write an incident report. The complainant also stated he called dispatch because he wanted to cancel his call and did not want a report to be written.

The named officer stated that the complainant told him he had known a female friend for only one week. He stated the complainant's friend spent one night at his residence, left in the morning and provided him with her phone number. The complainant told the officer he had made calls to his female friend, but she was not picking up his phone calls. The named officer stated the complainant acknowledged that his friend might not want to take his phone calls. The named officer stated the complainant told him that his friend was able to take care of herself, did not require any medical or psychological attention and was not in danger. The named officer stated the complainant understood the situation and did not appear concerned about his friend being missing. The complainant told the named officer that a police report was not necessary and he would wait to hear from the female friend.

A witness officer stated the complainant told the officers he was not able to get a hold of someone over the phone that he met a few days prior. The witness officer stated the complainant was not concerned with reporting his friend missing and requested no further police action.

Dispatch records shows the complainant wanted to talk to police about a friend who stayed with him and was now not picking up his phone calls.

The complainant presented conflicting statements concerning his desire to file a missing persons report and then having considerations for the lack of response from his new acquaintance. The named officer statements were considered more credible and his actions were proper given the circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was parked at the curb waiting for his girlfriend, an employee at the airport, when an officer told him that he was not allowed to pull over and wait. The complainant stated he explained that his girlfriend was on the walkway and the officer said okay. Within 15 seconds, the named officer pulled up behind the complainant's car with lights, honked the horn and told the complainant to move, using a mega phone. The complainant explained that another officer had allowed him to wait because he was picking up his girlfriend who happened to be on the walkway, but the named officer responded, "I don't care. You need to move your vehicle now." The named officer told him, "You seem to have a listening problem," and at this point his girlfriend was at the car door. The complainant stated his girlfriend asked what was going on and the officer told her, "Sit down and shut up. I am talking with him." The named officer then said, "I can give you a ticket or take you to jail."

The complainant's girlfriend did not respond to OCC for an interview.

The named officer denied the allegation. He stated he was professional and made numerous attempts to facilitate the incident without issuing a citation. He denied raising his voice. The named officer stated he told the complainant's girlfriend that the named officer had asked the complainant twice to move, but the complainant refused.

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: 06/14/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 2

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 the named officer issued him a parking ticket after another officer told him it was okay for him to stay parked and wait for his girlfriend.

The named officer stated he issued the complainant a parking citation for violating the posted “No Parking/No Waiting” sign at the white zone curb. He said the complainant was not actively loading or unloading prior to approaching the complainant’s vehicle. The named officer stated he had moved other vehicles away from the curb while in his marked patrol car utilizing the PA system, air horn, and lights. He said the complainant’s vehicle was the only one that remained at the curb. The officer stated he asked the complainant to move twice and he refused. The named officer stated that if an officer allows a motorist to remain parked at the curb, the officer either remains at the curb with the vehicle or the officer will obtain a “permission to park” and then notify dispatch of the permission to park along with the description of the vehicle. The named officer stated the officer who allegedly allowed the complainant to park did not take those actions.

The complainant’s girlfriend did not respond to OCC for an interview.

The officer had the authority to issue a parking ticket to the complainant for violating the posted signs.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/16 **DATE OF COMPLETION:** 02/16/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was standing on a bus stop waiting for a bus when a man made contact with her body. When she pushed the man away, he struck her with his cane and yelled at her. The complainant recalled officers entering a nearby pharmacy store earlier. She went inside the pharmacy store and spoke with the named officer. The complainant stated he told the officer to arrest the suspect. The complainant stated the officer and his partner went after the suspect but did not arrest or do anything to him.

The named officer stated the complainant wanted the suspect arrested but when he detained the suspect, the complainant was nowhere to be found. The officer stated he needed the complainant's presence to positively identify the suspect and to take additional information. The officer stated he did not arrest the suspect because there was no probable cause to make an arrest, and that he could not find the complainant to sign a citizen's arrest form.

The named officer's partner stated that he could not recall what the complainant said during the contact.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/16 **DATE OF COMPLETION:** 02/16/17 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with Department General Order 5.04, Arrest by Private Persons.

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

FINDINGS OF FACT: Department General Order 5.04, Arrests by Private Persons, requires officers to prepare an incident report in all instances involving requests for a private person's arrest.

The named officer stated the complainant wanted the suspect arrested.

The Department has no record of the officer preparing a report, as required, and the officer acknowledged not preparing one.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking on a sidewalk in front of a police station when he was detained for no apparent reason. It should be noted that the complainant filed his complaint with the Department of Police Accountability one year after the incident.

The named officer stated that he detained the complainant because he matched the description of a man seen striking cars with a metal bar.

Department records showed that the complainant was subsequently arrested and booked for vandalism after the victim identified him as the suspect.

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

The 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him without cause.

Department records showed that the complainant was arrested and booked for vandalism after the victim identified him as the suspect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed him by the throat and slammed his forehead against a wall. It should be noted that the complainant filed his complaint with the Department of Police Accountability one year after the incident.

The named officer could not recall the alleged use of force described by the complainant. However, the named officer stated that when it became apparent to him that the complainant would resist his efforts to detain him, the named officer pushed the complainant against the wall, and two officers arrived moments later to assist him. The named officer stated he put the complainant in a rear wristlock position and handcuffed him.

One of the assisting officers stated that he could not recall what he did at the scene and if he had other physical contact with the complainant.

The other assisting officer is no longer with the Department.

Witnesses present or nearby when the complainant was detained stated that they did not see how he was taken into custody.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking on a street when he saw officers in marked units. He tried to avoid the officers and continued walking, but officers in a marked police vehicle drove past him and stopped. The officers caught his attention and told him to approach them. The complainant ran away to avoid them. A foot pursuit ensued, and during the chase, two officers in plainclothes tackled him and arrested him.

The named officer stated he and his partner were responding to a gun call when they saw the complainant running on the street in the area of the call. The officer stated they drove past the complainant, exited their vehicle and told the complainant to stop. The officer stated the complainant continued running toward him, so grabbed and took him to the ground. He then proceeded to handcuff the complainant with the help of his partner and other officers that arrived.

The named sergeant stated that he observed the complainant running from uniformed officers. The sergeant stated that his partner exited the vehicle and told the complainant to stop. The sergeant stated the complainant refused, so his partner took the complainant to the ground.

One officer who responded to the call stated that he and his partners responded to a call regarding persons talking about taking firearms out to the streets. The officer stated a suspect was described as an African American male, about 25 years old, average build, with no clothing description. The officer stated that as they were looking for the suspects, he observed the complainant look at their vehicle and walk away. Believing the complainant could be one of the suspects described by the 911 caller, he and his partners told the complainant to stop. The officer stated the complainant ran away. During the ensuing foot pursuit, he saw plainclothes officers tell the complainant to stop and then take him to the ground.

Two other uniformed officers stated that the complainant ran away after being told to stop, a foot pursuit ensued and that plainclothes officers apprehended the complainant.

The San Francisco Sheriffs Department confirmed that the complainant had an outstanding arrest warrant from Daly City at the time, for which he was arrested, in addition to resisting arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers tackled him to the ground and hit him on both sides of his body. He further stated that the officers twisted his arms, and that he suffered injuries to his left eye, back, and mouth.

One of the named officers denied the allegation, stating that he did not use any other force than to grab and take the complainant to the ground and put him in handcuffs.

The other named officer stated that he did not have physical contact with the complainant.

No independent witnesses were identified.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was standing alone on a street when the officers pulled up and started yelling at her about loitering. The complainant stated the officers immediately left when they received a call on their radio.

The named officers and another officer could not recall the incident in question.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that during her brief encounter with the named officers, the officers used profanity.

The named officers and another officer could not recall the incident in question.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer searched his backpack. The complainant stated that he told the officer his driver license was in his bag and he was going to get his backpack but the officer told him, "No, you're not going to get your backpack. I'm going to get your backpack and I'm going to look into it." The complainant stated the officer opened the driver's side rear passenger door of his car and started searching through his backpack. The officer told him she was doing this for her safety. The officer then threw him the backpack and he gave her his license.

The named officer stated she asked the complainant for his driver license, insurance and registration. The complainant retrieved his wallet. He then went through the glove box and the center console. He produced the registration and insurance fairly quickly and went back to his wallet. The officer stated she asked the complainant multiple times if he had his driver license in his possession and he said he did. He continued looking through his wallet, glove box and center console. She felt a reasonable amount of time had gone by to retrieve the item. She stated she felt the complainant was stalling and that it was a substantial delay. The officer stated the complainant was making her nervous by his actions and he was visibly irritated and agitated from the moment she stopped him. He then told her his license was in his backpack. Before she could even ask where the backpack was, he turned around and tried to grab it from the back seat. She stated she feared there may have been a weapon in the backpack, so she opened the rear door and grabbed the backpack before he was able to. The officer stated she conducted a cursory search of the backpack by feeling just the outside of the bag for any objects that may have been a weapon that could have been used against her. She then gave the backpack to the complainant. She inquired one last time about the driver license and if he had it in his possession. He immediately went back to his wallet, opened it up and pulled out his driver license.

The named officer's partner stated that the named officer stopped the complainant from getting his backpack, so she could search it to make sure it didn't have any weapons. The officer stated he did not recall seeing the complainant remove his ID from the backpack.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched his vehicle. The complainant stated the officer looked under the seats in the backseat.

The named officer and her partner denied the allegation.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer behaved inappropriately and made inappropriate comments.

The named officer and her partner denied the allegation.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that the female officer was discriminating and being racist against him. The complainant believed he was stopped because of his race and that the officer was under the impression he was somebody who was going to commit a crime.

The named officer and her partner were interviewed pursuant to DPA's Biased Policing Investigation Protocol. Both officers denied the allegation, stating that the complainant was stopped because his vehicle had an inoperable left brake light, in violation of California Vehicle Code Section 24252(a).

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she felt nauseous after pulling her car into her garage, so she laid down in the back seat. She said she was awakened by two officers who accused her of being drunk and threatened to take her to jail. The officers also accused her of having been involved in a hit and run, of which she had no memory.

The named officers stated they were dispatched as backup to a call for service from the attendant of two “Pit Stop” port-a-johns on a trailer near Buena Vista Park. The officers said that the attendant had seen an elderly white woman sideswipe the trailer, and flagged down a patrol car. He provided the complainant’s license plate number, a description of her car and its probable damage from the incident, and a description of the complainant herself. Police traced the license plate to the complainant’s address a few blocks away, and the named officers were dispatched there for the purpose of obtaining her registration and insurance information so that the “Pit Stop” attendant could provide this information to his employer. When the officers arrived, they encountered the complainant lying in the backseat of her car with the doors open, complaining of nausea and dizziness. Given these symptoms, the officers asked if she had been drinking, which the complainant denied. They offered to call an ambulance, which the complainant also denied. The named officers denied threatening to take the complainant to jail. The officers stated that they obtained the information they needed and then escorted the complainant upstairs to her front door.

Two other officers, who were the primary unit on the call, stated that they spoke to the attendant of the “Pit Stop” port-a-johns, who identified a car with the complainant’s license plate and reported seeing it strike the trailer. Those officers confirmed that the named officers followed up on this information at the address associated with the registered owner of the license plate.

There is no evidence that the officers spoke or acted inappropriately, given these set of circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that when she came down to her garage to retrieve her purse the day after her interaction with police, she saw that her car was parked erratically at an angle in her garage, damaging several boxes of personal items she had stacked along the side of the garage. She stated that because she parked the car straight when she pulled into the garage, the officers must have somehow re-entered her garage and moved her car to damage her property.

The complainant provided photographs that show the nose of the car amidst a pile of toppled boxes. The car is depicted parked askew in the garage.

The named officers stated that when they arrived at the complainant's garage, the car was parked at an angle. They did not enter the garage beyond the rear passenger door, so they did not observe any damage to the complainant's boxes that may have occurred. Both officers saw a long scratch mark on the right side of the complainant's car that was consistent with a sideswipe. The officers stated that after they obtained the necessary registration and insurance information from the complainant, all of them left the garage and the complainant closed the garage door. This garage door opens with a keypad, for which the officers stated that they did not possess the code. The officers then accompanied the complainant upstairs to her front door. Both officers denied re-entering the complainant's garage or controlling her vehicle at any time.

Two other officers, who were the primary unit on the call, stated that they spoke to the attendant of the "Pit Stop" port-a-johns, who observed a car sideswipe a trailer holding the toilets, and identified a car with the complainant's license plate. Those officers confirmed that the named officers followed up on this information at the address associated with the registered owner of the license plate.

There was no credible evidence that the officers had the opportunity to, or did, enter the complainant's garage after she had closed it, or move the complainant's car.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1-4: The officers entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered her residence without a warrant and did not inform her of the purpose for entering her residence. The complainant later found out the officers were looking for someone, but the officers did not find the person in the complainant's residence.

The named officers stated they were responding to a call involving shots fired. The police radio broadcast provided a location for the shots fired, a description of the suspect and the suspect's last known location, which was in the vicinity of the complainant's residence. The officers described focusing on the complainant's son as a suspect, and the officers knew where the complainant's son resided. The officers stated they encountered the complainant at the front door. One of the named officers stated he explained to the complainant the reason why the officers were present, and told the complainant that the officers were looking for one of the complainant's sons. The officers knew the complainant's son resided at the residence, was a convicted felon, a known gang associate and had an active, warrantless search condition. The officers stated the complainant allowed them to enter the complainant's residence.

Two sons of the complainant, who she stated were present when the officers arrived at the complainant's home, did not respond to requests from the OCC for interviews.

No other witnesses were identified.

Department and court records indicated that one of the complainant's sons was on Post Release Community Supervision, which was active at the time of this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #5-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers entered her residence and detained her by handcuffing her. The complainant stated the officers provided her with a Certificate of Release when they left her residence.

The named officers stated they were responding to a call involving shots fired. The officers described focusing on the complainant's son as a suspect. The officers knew the complainant's son resided at the residence, was a convicted felon, a known gang associate and had an active, warrantless search condition.

The officers stated the complainant became increasingly agitated at the officers' presence in the residence. The officers stated the complainant became loud and uncooperative. The officers stated the complainant stood behind them while they were conducting their investigation. The officers stated that several times they told the complainant to move elsewhere in the residence, but the complainant refused. The officers stated they handcuffed the complainant and moved her to a different location inside the residence in an effort to prevent the complainant from interfering with their investigation.

Two sons of the complainant, who were present when officers entered her home, did not respond to requests for an OCC interview.

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: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #7-8: The named officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers had no reason to handcuff her.

The named officers and two other officers present in the complainant's home stated the complainant became increasingly agitated at the presence of officers inside her residence and became loud and uncooperative, standing behind them while they were conducting their investigation. The named officers stated that several times they told her to move, but she refused each time. The officers stated they handcuffed the complainant and moved her to a different location inside the residence in an effort to prevent her from interfering with their investigation.

Two sons of the complainant, who were present when officers entered her home, did not respond to requests for an OCC interview.

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: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS #9-10: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers forcefully grabbed her by the arm and handcuffed her, injuring her arm. The complainant also stated an officer put a gun to her head.

The named officers stated the complainant became increasingly agitated at the presence of the officers inside the residence. The officers stated the complainant became loud and uncooperative, standing behind them while they were conducting their investigation, leading them to handcuff the complainant to stop her from interfering with the investigation. The officers denied using unnecessary force in handcuffing the complainant. The officers also denied placing a gun to the complainant's head.

Two other officers in the complainant's residence when she was handcuffed stated they did not see the named officers handcuff the complainant or put a gun to her head.

Two sons of the complainant, who were present when officers entered her home, did not respond to requests for an OCC interview.

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: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 5 of 6

SUMMARY OF ALLEGATIONS #11-12: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer threatened to hit the complainant in the face.

The named officers denied making any threats against the complainant.

Two other officers in the house at the time stated that they did not hear the named officers threaten the complainant.

Two sons of the complainant, who were present when officers entered her home, did not respond to requests for an OCC interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #13-14: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated an officer handcuffing her used profanity.

The named officers acknowledged handcuffing the complainant but denied using profanity in speaking to her. Two other officers in the complainant's residence when she was handcuffed stated that they did not hear the named officers use profanity in speaking to the complainant.

Two sons of the complainant, who were present when officers entered her home, did not respond to requests for an OCC interview.

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: 10/07/15 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 6 of 6

SUMMARY OF ALLEGATIONS #15-16: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers refused to provide any medical attention to her after injuring her arm while handcuffing her.

Dispatch records indicated the officers called for an ambulance at the scene of the incident and an ambulance responded, provided immediate care to the complainant and transported the complainant to the hospital for further treatment.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside 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 has been forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/16 **DATE OF COMPLETION:** 02/23/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside 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 has been referred to:

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