

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #1: The officer arrested a mother without cause.

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

FINDINGS OF FACT: An anonymous complainant requested that the OCC look into a child endangerment case in which a jury cleared the mother of charges. The mother's daughters called police after she became angry at her daughters for lying to her. One of the daughters told police that the mother threatened to kill the daughters while the mother held a knife in her hand. A press release from the Public Defender's Office sent in with the OCC complaint indicated that the mother was arrested and prosecuted because a Cantonese translator never realized that the mother's primary language was actually Toisanese.

The named officer stated that he arrived at the mother's apartment and took statements using a Cantonese interpreter. The mother appeared to communicate well with the Cantonese interpreter and one of the daughters was able to give a statement in Cantonese. The named officer heard that the mother had wedged a cleaver into a space where the children were hiding and that the mother had threatened to burn the apartment down. The mother had previously set a fire inside the apartment. After getting a brief statement from the mother, the named officer placed her under arrest for threatening the children. Later, during an interrogation, another officer questioned the mother in Cantonese and wrote in a supplemental report that she confessed to using the knife. The named officer stated he felt there was enough evidence for an arrest, even without the confession.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: An anonymous complaint was forwarded to OCC along with a press release from the Public Defender's Office stating that a mother was arrested and prosecuted because an SFPD Cantonese interpreter never realized that the mother's primary language was actually Toisanese, and that the mother spoke Cantonese as her second language. The interpreter also wrote in a report vital statements that the mother did not make during the recorded interview.

The named officer, who served as the interpreter, stated that he showed the mother a card with languages on it and she chose Cantonese. The named officer conducted an interview and felt that the mother understood and spoke Cantonese. The named officer stated that only a few times during the interview did the mother slip into the Toisanese dialect, which the named officer does not understand. The named officer admitted that, in hindsight, he should have asked the mother about her dialect. The named officer stated that when he gave the Miranda warning, he translated it from an English card into Cantonese. He believes he gave an accurate translation. The named officer stated that he may have mistranslated a key element of the mother's interrogation regarding the use of a knife.

SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, states, in part:

It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department's community policing and enforcement efforts.

An OCC review of the recorded interrogation found that the named officer failed to provide effective and accurate language services. However, the evidence established that the officer's failure was the result of inadequate training.

The evidence proved that the action complained of was the result of inadequate or inappropriate training; or an absence of training when viewed in light of Department policy and procedure.

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

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

FINDINGS OF FACT: A press release from the Public Defender's Office sent in with an anonymous OCC complaint indicated that a mother was arrested and prosecuted because an SFPD Cantonese interpreter mistranslated multiple statements when interrogating the mother.

The named officer stated that he is a certified Cantonese interpreter, which means he had to demonstrate to the Department that he is proficient with 70 percent of the language. During the interrogation, the mother said a few words that may have been in a different language. The named officer did not follow up because he believed he understood the general idea of what the mother was trying to say.

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An OCC review of the recorded interrogation found that the named officer failed to provide effective and accurate language services. A preponderance of the evidence established that the named officer failed to comply with DGO 5.20 and failed to properly translate.

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.

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: An anonymous complaint and a press release from the Public Defender's Office were forwarded to OCC stating that a mother was arrested and prosecuted, in part, due to an officer's misrepresentation of a statement made by the mother during an interrogation. The alleged statement was akin to a confession that the mother had threatened her children with a knife. However, during their recorded interrogation, that statement was never made.

The named officer stated that when he interviewed the mother in Cantonese at the district station, she admitted to stabbing a trapdoor with a cleaver where her children were hiding. The named officer also wrote in a report that the woman made this statement, which is akin to a confession.

An OCC review of the recorded translated interview does not include any admission from the mother about wedging a cleaver between cracks of a door. While it does not appear that the named officer intentionally or deliberately misrepresented what the woman said, the named officer was grossly negligent by not reviewing his recording of the interview and insuring that the report was accurate.

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.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: A press release from the Public Defender's Office stated that a mother was arrested and prosecuted, in part, due to an inaccurate statement attributed to the mother written in a police report. The statement was akin to a confession that the mother had threatened her children with a knife.

An OCC review of the recorded translated interview does not include any admission from the mother about wedging a cleaver between cracks of a door.

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.

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

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

FINDINGS OF FACT: The officers stopped the complainant after she exited from a parking garage. The complainant said she was polite, but the officers were rude, hostile and aggressive. The complainant said the officers did not say why they stopped her, and that the officer who contacted her made a personal call. The complainant said she observed the officer laughing while talking to somebody on the phone. The complainant said the second officer shoved a phone to her face asking her to sign it. She said the officer also threw her driver's license at her, dropping it to the ground.

Video footage from the officers' body worn cameras shows that the alleged conduct did not occur. The video shows that the named officer approached the vehicle and immediately advised the complainant of the grounds for the stop. The named officer repeated the grounds for the stop when handing the driver the citation. The footage also shows the officer answering a work call to discuss police-related business regarding a different detention. Although there was minor delay in issuing the citation, the video shows the delay was the result of a non-working printer rather than a lack of diligent conduct. The footage does not show officers throwing anything or shoving a phone in the complainant's face. The officers were not rude, hostile, or aggressive.

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

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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, in an anonymous online complaint, stated that a man called 911 asking for assistance in retrieving his property after having been falsely evicted. The complainant stated that instead of helping the man, the responding officers arrested him for no reason. The complainant had no further contact with the DPA.

The computer aided dispatch and body worn camera footage shows that the named officers responded to a 911 call a of a landlord/tenant dispute. When the officers arrived on scene, a woman who represented herself as the building manager identified the suspect and said that the suspect had been evicted and refused to leave. The suspect stated that he was waiting for the owner of the property to get his mail. The officers contacted the owner by phone. The owner also told the officers that the suspect was trespassing. The officers let the suspect to check his old mailbox, and there was no mail for the suspect.

The officers instructed the suspect to leave the premises, and the suspect complied. Several minutes later, the suspect reappeared at the front of the building and stood at the front door. The officers then approached the suspect and arrested him for trespassing.

Based on the building manager and owner's statements and the officers' observations, the officers had sufficient probable cause to arrest the suspect for trespassing.

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

SUMMARY OF ALLEGATIONS #3-7: The officers used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force. The complainant stated the officers slammed an arrestee into a wall, punched him in the back and in the stomach and twisted his index finger.

A witness to the use of force stated that the arrestee was verbally aggressive and refused to leave. The witness said when two of the named officers tried to handcuff the arrestee, he put his hands in his pockets,

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tensed up and resisted giving up his hands. The witness stated the arrestee attempted to run away, so the officers placed him against the wall of the building. The witness stated one of the officers punched the arrestee several times in the stomach. At one point, the arrestee was able to free himself and began to flee, so the officers tackled him to the ground.

One of the named officers stated the arrestee resisted by twisting his body and moving his arms. He stated that the complainant kicked him in the body and pulled his gun belt down, making it difficult for him to reach any of his impact weapons. He stated that the arrestee ignored his commands and continued resisting, making it difficult for him and his partner to control the arrestee. Officer Duffield acknowledged hitting the arrestee three times in the mid-section area. He said it was necessary because he could not use any of his impact weapons and was apprehensive that the arrestee might take his gun.

One of the named officers stated that the arrestee was initially compliant but eventually stiffened up his hands as they were putting him in handcuffs. The officer stated he grabbed the arrestee's left arm and the officer's partner grabbed the right arm. The officer stated the arrestee continued to resist, putting his hands in his jacket pockets. The officer stated that at some point, all of them fell to the ground. The arrestee was able to free his hands and placed them underneath his body. They then held him on the ground until other units arrived to assist.

Another named officer stated that upon arrival at the scene, she saw two officers trying to turn the arrestee over and gain control of him. She said the arrestee kicked one of the officers in the groin area, prompting her and her partner to grab the arrestee. She tried to maintain control of the arrestee's left arm and roll him over to handcuff him, but the arrestee tucked his arms beneath his body. The officer stated she tried prying the arrestee's left arm out, and then used a Yawara stick to apply pressure to the arrestee's neck. The officer stated she recalled hitting the arrestee's shoulder several times with a closed fist and the Yawara stick on the shoulder to gain compliance.

One of the named officers stated he held his right knee on the arrestee's back. He recalled striking the arrestee a few times on the lower back because the arrestee refused to put his hands behind his back.

DGO 5.01, Use of Force, (VI)(B) states, in part:

B. PHYSICAL CONTROLS/PERSONAL BODY WEAPONS. Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects.

1. **PURPOSE.** When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may

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use physical controls consistent with Department training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.

D. IMPACT WEAPON. Department issued and authorized impact weapons include the ... wooden or polymer Yawara stick ... designed to temporarily incapacitate a subject.

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

The arrestee actively resisted during arrest. The surveillance video footage and body worn camera footage corroborate the witness and officer statements about the suspect's resistance. The use of body weapon and impact weapon strikes was therefore a reasonable and justified response to the suspect's active resistance. The suspect suffered minor abrasions to his head and body.

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

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

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

FINDINGS OF FACT: The complainant stated he observed officers use what he believed was excessive force on a male suspect. The complainant stated he observed two male officers trying to wrestle a suspect to the ground and the suspect “was resisting.” A third officer showed up to assist the other two officers. The complainant stated one of the officers started pushing on the suspect’s back trying to get the suspect to go down and the suspect would not comply, so the third officer took the suspect by the back of the head and slammed the suspect’s forehead into the concrete. Another officer took out handcuffs and managed to wrestle one of the suspect’s arms behind the suspect’s back and put one handcuff on. The officer then stood up and grabbed the free handcuff and with both hands yanked as hard as he could on the suspect’s left arm. The complainant stated five patrol cars showed up and a “wall of blue fell on the man.” The complainant stated the suspect was being aggressive but thought the use of force by the officers was improper. The complainant stated he heard the suspect say several times, “You’re hurting me” and “You’re choking me.” The complainant stated the suspect was in a “choke hold” for quite some time. An officer was lying on top of the suspect and had the suspect’s neck in the crook of his arm, and it looked like the officer was squeezing.

The co-complainant, the suspect involved in the altercation with the named officers, stated he was talking to some people when somebody tapped him on the shoulder. He turned around and two guys tried to grab him. The complainant stated he didn’t know they were police officers. He stated he recalled the officers trying to hit him, grab him and throw him on the ground. The complainant denied resisting the officers in any way. The complainant stated he went down by himself. After he was on the ground other cops came and arrested him and put him in an ambulance. The complainant stated that someone was pressing fingers behind his ear and one had his knee on his back.

The two named officers stated they approached the co-complainant because they believed he was on parole and had an outstanding arrest warrant. The denied they used unnecessary or excessive force against the suspect. The named officers denied that anyone slammed the suspect’s forehead into the concrete or used a “choke hold” as alleged by the complainant. The first named officer stated he ran a computer query to confirm the warrants were valid, and then he and his partner approached the suspect, intending initially to identify the suspect and to arrest him.

The first named officer stated he called the suspect by his street name, then tapped his shoulder. The suspect spun around, looked at the officer, then shoved him and ran. The named officer and his partner gave chase. The suspect was running toward the street, where a streetcar was making its way around a

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corner and he and his partner grabbed onto the suspect as they did not want to fall under the wheels of the streetcar. The named officers stated the suspect actively resisted the detention.

The suspect and the two named officers then tripped over a baby carriage full of belongings and the first named officer fell onto his back, with the suspect falling on top of him with his hands on the officer's chest. The second named officer was standing above the suspect and wrapped his arms around the suspect's chest from behind. After a struggle, the first named officer stated, they stood up because the suspect regained his footing and was again trying to break away. The officer stated he attempted to complete an academy trained arm-bar takedown, which was unsuccessful. The officer stated he was able to grab the suspect and his arm went around the suspect's neck as they fell to the ground, but he quickly removed it. The first named officer stated he attempted to use the least amount of force necessary. The first named officer stated there was no time to use de-escalation, as the contact immediately turned into an assault on the officer.

The first named officer stated he used a physical control hold – a take down, in order to get the suspect on his stomach. The first named officer acknowledged he pulled on the suspect's arm to counter the suspect's effort to tuck his arms under his body. The first named officer stated he notified his sergeant of the use of force.

The second named officer stated that when he and his partner contacted the suspect, the suspect pushed his partner away and started running. The second named officer stated he grabbed the suspect's right arm and his partner grabbed another part of the suspect's body to move him away from the moving train. The suspect resisted by flexing his limbs and his feet. They were able to get the suspect away from the train and they all tripped over a stroller. The second named officer stated he was able to grab the suspect's right arm and get a handcuff on when other units arrived on scene to assist in getting the suspect into handcuffs.

The second named officer stated he used two closed right and left fists strikes to the suspect's head. The second named officer stated that as they were trying to get control of the suspect, the suspect was able to get up and back on his feet again, so his partner used a bar arm takedown on the suspect to get him back on the ground. The second named officer he stated grabbed the suspect's right wrist and handcuffed it.

The second named officer stated the force he used against the suspect was reasonable given how the suspect had fled, and because of the difficult surroundings in which they had to take him into custody. There was no time to de-escalate the situation due to the volatility of the situation, the moving streetcar and the proximity of bystanders. The officer stated the suspect complained of pain at the station and said he had a prior fracture to his elbow. He complained about pain in a finger, so they ordered an ambulance at the station. The second named officer stated the suspect had small abrasions to the left side of his face.

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Department records show that the suspect had three outstanding warrants at the time of the incident.

The named officers did not activate their body worn cameras before approaching the suspect, and while the cameras were knocked off during the struggle and activated on contact with the ground, they did not capture the entire incident.

Video surveillance footage from a nearby business corroborates the named officers' statements regarding the incident. As seen in the footage, the suspect actively resists the officers' attempts to detain and handcuff him. The surveillance video did not provide any evidence of unnecessary or excessive force being used on the suspect.

No witness was identified.

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

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

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

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to comply with Department General Order 10.11 Body Worn Cameras, and Department Bulletin No. 18-256, Activation of Body Worn Cameras.

CATEGORY OF CONDUCT: ND FINDING: IC (Sustained) DEPT. ACTION:

FINDINGS OF FACT: During its investigation, DPA discovered that the named officers were wearing their body worn cameras at the time of the incident but failed to press the event button to begin recording prior to approaching the suspect. The incident report documents that both officers' Body Worn Cameras were on in the buffering mode. Both officers' cameras were knocked from their uniforms during the struggle with the suspect and somehow activated and began recording once knocked to the ground.

The first named officer acknowledged he was aware that both DGO 10.11 and DB 18-256 require him to activate his camera for self-initiated activity prior to the contact and that he should be recording prior to approaching the person. The first named officer stated he didn't activate his camera earlier because he

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wasn't positive it was the suspect and wished to confirm the suspect's identity before activating his BWC and arresting him. However, the officer denied that he failed to comply with DB 18-256 because he didn't know he was arresting the person until it had already turned into a fight. The officer pointed out that Department Bulletin 18-256 is three pages long and has a lot of information. The officer also stated he hasn't received any additional training from the Department regarding the changes to the BWC policy since the BWCs were deployed. The officer stated he believes that the Department has not fully and thoroughly trained officers regarding changes and updates for BWCs.

The second named officer acknowledged he is aware that both DGO 10.11 and DB 18-256 require him to activate his camera for self-initiated activity prior to the contact and that he should be recording prior to approaching the person. The second named officer acknowledged he failed to activate his camera pursuant to DB 18-256. The officer stated he has been equipped with a BWC for a few years. The officer stated he received the department bulletin via department email and acknowledged its receipt electronically, but he has not had an opportunity to review the 3-page bulletin since he signed off on it. The second named officer stated he did not receive any training from a sergeant at the station, he did not receive academy training on BWC, he did not receive a notice from the department to appear at the academy for additional training on BWC, and that he has received other department bulletins where training was afforded.

San Francisco Police Department General Order 10.11 reads, in part:

All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:

1. Detentions and Arrests
2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness or victim..."

SFPD Department Bulletin 18-256 Activation of Body Worn Cameras states:

Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed.

- For self-initiated activity, such as traffic stops, pedestrian stops and other law enforcement activity, including Mental Health Evaluations (interviews and detentions), members shall begin recording prior to approaching the person, vehicle, location.

The named officers were required by Department regulation to activate their Body Worn Cameras prior to approaching the suspect to arrest him for the outstanding warrants. A preponderance of the evidence proved that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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

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

FINDINGS OF FACT: The complainant stated he was driving his SUV and stopped in front of a red light before attempting to proceed ahead. He alleged an officer then prevented him from driving forward.

The named officer stated he was assigned as traffic enforcement in the area at the time of the incident. The area was a 'transit only' lane under San Francisco Transportation Code Section 601. Vehicles except for buses, taxis, bicycles and commercial vehicles are not allowed to drive on the street. Furthermore, he explained the San Francisco Transportation Code Section 7.2.72 states only public transportation vehicles, or vehicles preparing to make a turn, and vehicles entering into and exiting from a stopped position at the curb may be driven within a transit-only lane. The officer stated that based on his training and experience, an average Hyundai SUV is a regular passenger vehicle, and the complainant was driving on the transit-only lane. Therefore, he stopped the complainant's car for the violation of the San Francisco Transportation Code Section 7.2.72.

The complainant's wife stated that she was in the front passenger seat of the car and described how the named officer stopped their vehicle from going forward.

Department records indicate that the complainant's vehicle was stopped and detained by the officer.

San Francisco Municipal Transportation Code Section 601 describes the rules for the location of the traffic stop. It states, in part, "Exclusive Commercial Vehicle/Transit Area.... Except as to buses, taxis, authorized emergency vehicles, bicycles, and commercial vehicles, no vehicle may operate within the Transit-only Area between the hours of 7 AM — 8 PM seven days a week."

Department of Motor Vehicles (DMV) documents show that the complainant's vehicle is a sports utility vehicle and a passenger vehicle that does not transport persons for hire such as station wagons or vans.

Body-worn camera footage and dash camera video show that the named officer stopped the complainant's vehicle, a regular Hyundai SUV.

The evidence gathered indicates that the complainant's Hyundai SUV, which is a sports utility vehicle, is considered a passenger vehicle by the DMV, and it was driving on an area designated as a transit-only lane. Therefore, it provided a probable cause for the named officer to detain the driver and the vehicle. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #2: The named officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer made the stop in the crosswalk, which made him feel very uncomfortable. The complainant also said that during their conversation, the officer attempted to reach for his firearm.

The named officer stated that when he signaled the complainant to stop, he was trying to get into a position where the driver could see him without getting in front of the vehicle. He said he was not aware that the complainant's car stopped in the middle of the crosswalk initially. He did not intend for the car to stop in the crosswalk and did not tell the driver to do so. He said he advised the driver the reason for the stop and then had him yield or pull over to the curb in front of his vehicle.

The named officer stated that both the complainant and the passenger in the vehicle complied with his order, and he did not have any reasons to reach for his firearms. He denied putting his hands on his waist area or trying to reach for his pistol.

The complainant's wife confirmed that their vehicle was stopped in the middle of a crosswalk and said the named officer put his hand down towards his belt and was very intimidating.

The dash camera video showed that the officer was on the crosswalk when he signaled the car to stop. The complainant's vehicle briefly stopped in the crosswalk before pulling over to the curb.

Body-worn camera footage shows that during the incident, the named officer's hands were occupied holding the complainant's driver's license and a citation log book. Both of his hands were seen and captured in the body-worn cameras throughout the conversation. At no time did the officer reach for his firearm.

The evidence gathered showed that although the named officer signaled the complainant to stop in the crosswalk, the stop was brief, and the complainant's vehicle pulled over to the curb for the majority of the detention. The evidence also indicates that during their conversation, the named officer's hands were either holding things or gesturing in front of his body.

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

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

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

FINDINGS OF FACT: The complainant alleged that after the named officer stopped them, he said to the complainant, “You don’t know how to read signs?” The complainant felt that the officer was rude and condescending.

The named officer said he did not remember saying the alleged statement. He explained that he conducts traffic stops in the area regularly and usually references the arterial signposts on each block. He stated he says, “if you can see the sign ahead of you” or “this is the sign that was posted...” He said he uses that as a reference so people can understand why he stopped them. He explained that he was not trying to be rude or condescending.

The complainant’s wife stated that after they stopped, the named officer said to them, “don’t you know how to read signs? It’s a bus and taxi zone.”

The body-worn camera footage did not capture the initial conversation. However, it did show the officer tell the complainant, “if you look back at the sign, there’re four exceptions..”

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him that he was driving in a transit lane, which allowed only commercial vehicles. The complainant said that he had a commercial license plate, and his car is a commercial vehicle. However, the named officer still issued him a citation. The complainant provided two photos of his commercial license plates and a copy of his vehicle registration.

The named officer stated the complainant had a commercial registration. However, the complainant's car was a sports utility vehicle that is considered a passenger vehicle under California Vehicle Code 260. The officer stated that the complainant had misunderstood the definition of commercial vehicles. The named officer explained that he issued the complainant a citation for violating SF Transportation Code 7.2.72 because the complainant's car was not a commercial vehicle and was driving in the transit-only lane.

The complainant's wife confirmed that the named officer cited the complainant after the officer was told the complainant's car was a commercial vehicle with a commercial plate.

Department records showed that the officer cited the complainant for violating SF Transportation Code 7.2.72, driving in a transit-only lane.

DMV documents indicate that the complainant's vehicle is a utility vehicle, which is considered a passenger vehicle. The DMV also confirmed that the complainant's car is not allowed in a transit lane in San Francisco because it is not considered a commercial vehicle.

California Vehicle Code 260 states that a commercial vehicle is used and maintained for the transportation of persons for hire, compensation, or profit, or primarily for the transportation of property.

The evidence proved that although the complainant's vehicle has a commercial registration and a commercial license plate, it is not considered a commercial vehicle. Therefore, it should not drive in a transit-only lane. Thus, the officer issued a citation lawfully.

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

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DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 02/13/20 **PAGE# 5 of 5**

SUMMARY OF ALLEGATION #5: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant alleged that the named officer only stopped Latino people and did not stop a white driver in the transit-only lane.

The named officer denied that the complainant's race was a factor in the traffic stop. The officer explained that he pulled the complainant's vehicle over because it was a passenger vehicle driving in a transit-only lane. The officer said that he issued more than five citations that day

Department records indicate that the officer cited other drivers that day for violation of San Francisco Municipal Transportation Code 7.2.72 – driving in the transit lane. The documents didn't show the race of other drivers.

Body-worn camera footage shows that the named officer pulled over and cited two drivers around the same time as the complainant. One driver was a white man, and the other appeared to be a man of Middle-Eastern ethnicity. The officer cited both drivers for violations of San Francisco Municipal Transportation Code 7.2.72 – driving in the transit lane.

The preponderance of the evidence proved that the named officer did not pull the complainant over because of his race and did not only stop Latino people for the violation.

The evidence proved that the act alleged did not occur.

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DATE OF COMPLAINT: 04/04/2019 DATE OF COMPLETION: 02/24/20

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SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated that she was driving with her minor son and his father when police pulled her over with guns drawn.

According to Department General Order 5.01(II)(F) any intentional pointing of a firearm at a subject is reportable force. Under DGO 5.01(G)(1)(d) the pointing of a firearm at a person is a seizure and requires legal justification. Thus, no officer shall point a firearm at or in the direction of a person unless there is reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If an officer points a firearm at a person, the officer shall, if feasible, safe and when appropriate, advise the subject the reason why the officer pointed the firearm.

The named officer stated that the complainant's vehicle was involved in a call regarding a person flashing a gun. He stopped the vehicle and drew his firearm but said that he kept it positioned at low ready and never pointed directly at the complainant.

Police records show that a person reported that the complainant's boyfriend flashed a gun when the person asked the complainant's boyfriend to move his vehicle.

Body-worn camera footage showed at times the named officer holding his firearm with both arms straight out in front of his chest in the direction of the complainant's vehicle. However, the named officer's firearm was clearly in the downward position when the complainant exited the vehicle. The footage also captured the named officer informing the complainant of the reason for her detention. The evidence was not clear that the named officer *at no time* pointed his firearm at the complainant; the complainant certainly perceived that it was pointed at her.

Records showed that no uses of force were reported in this incident.

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

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DATE OF COMPLAINT: 04/04/2019

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SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated that she was driving with her minor son and his father when police pulled her over with guns drawn.

According to Department General Order 5.01(II)(F) any intentional pointing of a firearm at a subject is reportable force. Under DGO 5.01 (G)(1)(d) the pointing of a firearm at a person is a seizure and requires legal justification. Thus, no officer shall point a firearm at or in the direction of a person unless there is reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If an officer points a firearm at a person, the officer shall, if feasible, safe and when appropriate, advise the subject the reason why the officer pointed the firearm.

The named officer stated that he drew his firearm but kept it positioned at low ready and never pointed directly at the complainant.

Body-worn camera showed that the named officer angled his firearm down and did not point at the complainant.

Records showed that no uses of force were reported in this incident.

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

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DATE OF COMPLAINT: 04/04/2019

DATE OF COMPLETION: 02/24/20

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to explain anything to her, including why she was pulled over and why she was detained, until after she had been transported back to the police station and held for approximately 20 minutes.

The two named officers detained and transported the complainant. Body-worn camera footage showed that the named officers told the complainant both on-scene and during transport to the station that the car she was driving had been involved in an earlier incident.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #5: The officer failed to comply with DGO 7.04.

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

FINDINGS OF FACT: The complainant stated that an unknown woman took her minor son after her car was pulled over.

The named officer denied having seen the minor taken out of the car.

Body worn camera footage showed that a civilian approached the vehicle and removed a child.

DPA found that the allegation was unfounded as DGO 7.04 was not applicable to this particular incident and the incident did not happen while this named officer was present; thus there was no violation. However, DPA is concerned that a stranger was permitted to remove a child from the vehicle in full view of SFPD officers.

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

CATEGORY OF CONDUCT: ND FINDING: IE DEPT. ACTION

FINDINGS OF FACT: The complainant stated that an unknown woman took her minor son after her car was pulled over.

The named officer stated he did not recall the incident. After watching body-worn camera footage, he did not believe he saw the woman approaching the vehicle, because if he did, he would have taken some action.

Body-worn camera footage was inconclusive. DPA is concerned that a stranger was permitted to remove a child from the vehicle in full view of SFPD officers. However, the evidence did not prove by a preponderance that the named officer saw the woman remove the child.

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

SUMMARY OF ALLEGATION #7: The officer used profanity.

CATEGORY OF CONDUCT: CUO FINDING: IE DEPT. ACTION

FINDINGS OF FACT: The complainant stated that the officers used profanity during the encounter.

Body-worn camera footage did not capture any profanity.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/19 DATE OF COMPLETION: 02/13/2020 PAGE# 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 2/7/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/7/2020.

SUMMARY OF ALLEGATION #4: The officer was discourteous.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/7/2020.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/08/19 DATE OF COMPLETION: 02/13/2020 PAGE# 2 of 2

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 2/7/2020.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 02/26/20 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that he was sitting in his car, legally parked, when he was approached by officers and illegally detained.

The named officer stated that while patrolling the area he observed the complainant's car and noted that it had no license plates, a violation of Vehicle Code section 5200. The named officer stated that he wanted to investigate whether the car was stolen and accordingly approached the complainant who was inside the vehicle in order to speak with him. The named officer stated that he requested the complainant's ID and although the complainant said that he had one, he did not follow orders to provide it. As a result, the named officer stated that he then ordered the complainant out of the car.

Body-worn camera footage is consistent with the named officer's account.

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

SUMMARY OF ALLEGATION #2: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that his phone was taken away while he was attempting to film the encounter and that he was made to sit on the sidewalk in urine for an extended period of time.

The named officer stated that once the complainant was out of the vehicle he was handcuffed. The named officer stated because he had to take control of the complainant's hands, the cell phone was taken out of the complainant's hand and placed on top of the complainant's vehicle. The named officer denied telling the complainant that he could not record the encounter. The named officer stated that he sat the complainant on the sidewalk for officer safety reasons, did not observe urine, and did not intentionally sit the complainant in urine.

Body-worn camera footage showed that the complainant's cell phone was taken during handcuffing and placed on top of the vehicle. No officer can be heard telling the complainant that he could not record the

incident. The complainant played a recording of the encounter during his DPA interview in which the audio continued.

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DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 02/26/20 **PAGE# 2 of 4**

Body-worn camera footage showed that the complainant was seated on the sidewalk curb. No urine was immediately apparent.

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

SUMMARY OF ALLEGATION #3: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that after he was illegally detained his car was searched.

The named officer stated that he observed marijuana buds on the driver's side of the vehicle and because the marijuana was not in a sealed container, he conducted a search of the vehicle.

Body-worn camera footage showed what appeared to be loose marijuana on the driver's floor. Proposition 64 contains specific language that a police officer cannot use lawful marijuana-related conduct to justify a search. (Health and Safety Code section 11362.1(c).) However, other laws may be violated when loose marijuana is visible in a car. For example, in *People v. Fews* (2018) 27 Cal.App.5th 553, the Court rejected the defendant's argument that the legalization of marijuana meant it was no longer contraband. (*Id.* at p. 563.) *Fews* explained that Health and Safety Code, section 11362.1, subdivision (c) only applies to conduct deemed *lawful* under that section, which does not include "[d]riving a motor vehicle on public highways under the influence of any drug (see Veh. Code, § 23152, subd. (f)) or while in possession of an open container of marijuana (Veh. Code, § 23222, subd. (b)(1)" (*Fews*, at p. 563.) Testimony in *Fews* that the officers smelled recently burned marijuana and saw a half-burnt cigar containing marijuana supported a reasonable inference that the driver was illegally operating a vehicle under the influence of marijuana or, at the very least, driving while in possession of an open container of marijuana. Because neither would be *lawful* under section 11362.1, the defendant could not rely on the "not contraband" designation of section 11362.2, subdivision (c) to avoid the holding in *Waxler*. (*Fews*, at p. 563.) In this particular case, because the marijuana was loose and visible inside the car, the search was valid under the law at the time.

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

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

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DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 02/26/20 **PAGE# 3 of 4**

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

FINDINGS OF FACT: The complainant stated that he was improperly issued a citation. He acknowledged that he did not have license plates on his vehicle but provided a copy of a DMV Vehicle Moving Permit which he stated he presented during the encounter.

Records showed that the complainant was issued a citation for three violations. Body-worn camera footage supported the named officer's justification for issuing the citation.

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

SUMMARY OF ALLEGATION #5: The officer failed to properly care for, process, or book property.

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

FINDINGS OF FACT: The complainant stated that his wallet was in the car during the search and once he was released, he determined that \$170 was missing.

The named officer stated that the complainant's wallet was empty of any currency when the ID was retrieved and that he did not have any information about any missing money.

Body-worn camera footage corroborated the named officer's statement.

The evidence proved that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that when the officers presented the citation for his signature, they did not show him the violations.

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DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 02/26/20 **PAGE# 4 of 4**

The named officer stated that he attempted to explain the bases for the citation to the complainant, but that the complainant was shouting and not listening. The named officer stated that the violations were clear on the citation and he did not intentionally cover anything.

Body-worn camera showed that the named officer attempted to explain the violations and the complainant interrupted him before he finished speaking. The sergeant also explained that there were three violations and detailed each one while the complainant yelled and argued. Footage showed that the complainant agreed to sign the citation.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #7: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that was the 4th citation he received and felt he was being targeted and harassed because of his race. The complainant is African American.

The named officer stated that he did not know who was in the driver seat of the vehicle until he walked up and encountered the complainant. He denied that he took any actions due to the complainant's race.

DPA records showed that the complainant filed several complaints regarding harassment, threats, and bias policing.

Body-worn camera footage contradicted the complainant's statements.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/2019 DATE OF COMPLETION:02/14/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he has lived in the Tenderloin District of San Francisco, where drug dealing was rampant. The complainant stated he witnessed drug dealing at all hours of the day and the police department did not take any action to stop it.

The Officer in Charge (OIC) of Tenderloin police station stated that they were aware of drug dealing activity in the Tenderloin district. The OIC representative said that the station had taken action to combat the drug dealing activity over the last two years, which included buy-bust operations, increased foot patrols and deploys the narcotic unit in support. The results of the operations have resulted in arrests and safety tips from the community. Also, the Tenderloin Station management staff hold community meetings every month and provides the community with several options to report criminal behavior such as social media and telephone hotlines.

Department records show that Tenderloin Station has made narcotics arrests.

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

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DATE OF COMPLAINT: 06/06/2019 DATE OF COMPLETION: 02/14/2020

PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant called 911 after engaging in a physical altercation with an elderly female housemate. The complainant alleged that the named officers treated her like a suspect and improperly took the side of the other party.

Department records and Body Worn Camera footage of the incident show the officers conducted a balanced investigation. One of the named officers talked to one housemate inside the house and another officer talked to the complainant outside. Neither officer displayed favoritism toward either party. The records show that the officers accurately reported the parties' statements, that both parties requested the arrest of the other, and that the officers issued citations.

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

SUMMARY OF ALLEGATION #3: The officer unlawfully searched the complainant's bedroom.

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

FINDINGS OF FACT: The complainant alleged the named officer searched her bedroom without permission.

The officer stated he entered the complainant's bedroom to perform an officer safety sweep. He stated he wanted to make sure no one was inside that could compromise his safety or that of his partner.

The officer's Body Worn Camera video shows that after he was allowed into the complainant's house, he opened the door to the complainant's room and conducted a cursory visual inspection. As the officers had consent to enter the premises, the officers were permitted to conduct cursory visual inspections of all nearby rooms for threats to safety.

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

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SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant alleged the officer wrote an unfair and biased incident report.

The named officer stated the report was accurate according to the statements gathered at the scene from both parties.

The Body Worn Camera footage of the incident substantiate that the accounts provided to the officers were accurately recorded in the report.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/2019 DATE OF COMPLETION: 02/14/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant said that an officer improperly parked his vehicle in a bike lane and that bicyclists had to ride into the roadway to go around the vehicle.

The named officer said he parked his patrol vehicle in the bike lane because there were no alternative locations to park. The officer said he was investigating a call for service and needed to be able to access lifesaving equipment in his vehicle. The officer also noted that he activated his rear-facing directional amber lights.

The Computer Aided Dispatch (CAD) shows that officers responded to a call for service related to several illegal homeless encampments.

Body Worn Camera (BWC) video shows two marked police vehicles at the scene parked in the bike lane. Officers are seen going back and forth to their vehicle to access equipment several times. The video shows an alternative parking spot that is equally near to the scene but that would have partially blocked the sidewalk.

California Vehicle Code Section 21055 exempts drivers of emergency vehicles from traffic laws if the vehicle is being driven in response to an emergency call or while engaged in rescue operations.

The officer's conduct was proper. The officer needed to be close to the scene to access equipment in his patrol vehicle, and the officer reasonably chose to block the bike lane rather than the sidewalk.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/2019 DATE OF COMPLETION: 02/14/2020

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant said that an officer improperly parked his vehicle in a bike lane and that bicyclists had to ride into the roadway to go around the vehicle.

The named officer said he parked his patrol vehicle in the bike lane because there were no alternative locations to park. The officer said he was investigating a call for service and needed to be able to access lifesaving equipment in his vehicle. The officer also noted that he activated his rear-facing directional amber lights.

The Computer Aided Dispatch (CAD) shows that officers responded to a call for service related to several illegal homeless encampments.

Body Worn Camera (BWC) video shows two marked police vehicles at the scene parked in the bike lane. Officers are seen going back and forth to their vehicle to access equipment several times. The video shows an alternative parking spot that is equally near to the scene but that would have partially blocked the sidewalk.

California Vehicle Code Section 21055 exempts drivers of emergency vehicles from traffic laws if the vehicle is being driven in response to an emergency call or while engaged in rescue operations.

The officer's conduct was proper. The officer needed to be close to the scene to access equipment in his patrol vehicle, and the officer reasonably chose to block the bike lane rather than the sidewalk.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/2020 DATE OF COMPLETION: 02/14/2020 PAGE# 1 of 4

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

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

FINDINGS OF FACT: The complainant said that she parked her car in a loading and unloading zone to use an ATM. The complainant also said that the named officer approached her car and told her she had unlawfully tinted windows, and the car smelled like marijuana. The complainant said the officer then detained her for no reason.

The named officer stated that he observed the complainant's vehicle with tinted windows and parked in a loading zone, which posed a traffic hazard. He noted that the complainant was unloading items from the front passenger door, with a male sitting in the driver's seat. The officer said that the complainant explained she was driving the vehicle, not the male who subsequently was discovered to have a suspended license. The officer said that a strong smell of marijuana was coming from the car. The complainant voluntarily showed the officer a sealed package of marijuana and said she used the drug. The officer said he detained the complainant and the driver to investigate potential parking violations, potential driving license violations, and potential violations of 23222 (b) of the California Vehicle Code (Driving in Possession of Marijuana.)

Body Worn Camera footage corroborated the officer's account.

Department General Order 5.03 Investigative Detentions IB states, in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that a person's behavior is related to criminal activity."

The officer had cause to detain the vehicle and occupants for being a traffic hazard, for having a suspended license, and for potentially violating 23222 (b) of the California Vehicle Code (Driving in Possession of Marijuana.) The evidence proved that the officer's actions were justified, lawful, and proper.

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

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COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #2: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that the officer conducted an improper search of her vehicle.

The named officer stated that he searched the complainant's vehicle because the vehicle had a strong smell of cannabis coming from inside. He said he had probable cause to believe that there was evidence of a crime inside. The named officer said he searched the car and discovered other containers of unsealed marijuana in violation of California Vehicle Code 23222(b).

Body Worn Camera footage corroborated the named officer's account, including the discovery of marijuana in an unsealed container in the car.

California Vehicle Code 23222(b) states in part, "[E]very person who has in ... her possession ... while driving, ... any receptacle containing any cannabis... , which has been opened ... is guilty of an infraction ..."

The odor of marijuana from a car provides cause to search a vehicle without a warrant. *People v. Fews*, 27 Cal. App. 5th 553, 563 (Ct. App. 2018), review denied (Jan. 16, 2019).

Therefore the evidence showed that the named officer had the probable cause to conduct the vehicle search.

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

SUMMARY OF ALLEGATION #3: 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 her a citation for having marijuana in her vehicle. The complainant said that the named officer issued the citation without cause.

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The named officer stated that during the traffic stop, he found unsealed marijuana in the complainant's vehicle in violation of California Vehicle Code 23222(b). The officer said he wanted to impose the least amount of inconvenience on the complainant and cited for the marijuana violation and did not impound the vehicle.

Department documents showed that the named officer issued the complainant a citation for California Vehicle Code 23222(b).

Body Worn Camera footage corroborated the named officer's account, including the discovery of marijuana in an unsealed container in the car.

California Vehicle Code 23222(b) states in part, "[E]very person who has in ... her possession ... while driving, ... any receptacle containing any cannabis... , which has been opened ... is guilty of an infraction ..."

The officer lawfully cited the complainant for a violation of California Vehicle Code 23222(b).

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

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SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer snatched her cellphone from her hand when she attempted to film the search of her car.

The named officer stated that during the traffic stop, the complainant became verbally aggressive when he informed her that she was detained and her vehicle was going to be searched. The officer said he removed the cellular phone from the complainant's hands as she exited the car. The mobile phone was left in the complainant's vehicle upon the complainant receiving a citation. The officer stated that because he detained the complainant for an official investigation, she was not allowed to have anything in her hands that could be used as or conceal a weapon.

Body Worn Camera footage corroborated the officer's account. The footage shows the complainant told the officer she needed to get something out of her vehicle. The named officer immediately tells her he does not want any objects in her hands and that she is going to be handcuffed. The complainant reaches inside the vehicle and grabs her phone. The named officer carefully removed the complainant's phone from her hand.

Department General Order 5.18 Prisoner Handling and Transportation, section III A states, in part, "Members shall take all reasonable steps, consistent with Department policy and training, to prevent injury to prisoners for which they are responsible. The following list contains examples of such reasonable steps but is not intended to exclude other steps that might be reasonable under the circumstances. A – Securing the prisoner in a way that prevents injury by or to any other person."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/2019 DATE OF COMPLETION: 02/19/2020 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that SFPD officers entered her home as part of a mental health detention of her elderly mother and while there inappropriately grabbed her hard on the wrist. The complainant stated the officers abused and traumatized her.

The complainant's boyfriend stated that he was present during the incident but due to his location did not see the physical interaction between the complainant and the named officers. He stated that he heard the complainant say, "you hit me" and believed that an officer had hit the complainant.

The first named officer stated that he gently grabbed the complainant's wrist in order to gain compliance when she refused to obey an order to stay away from the paramedics, who were evaluating her mother. The physical contact was designed to prevent the complainant from interfering with the paramedics' evaluation. He stated that the complainant did not complain of pain. The second named officer stated that the only physical contact he had with the complainant was incidental and was made to block her from going after her mother.

Police records showed that the named officers responded to the complainant's residence regarding a report that the complainant's mother was in danger and a victim of elder abuse.

Body-worn camera footage showed that the first named officer pulled the complainant back by her sweater, away from her mother and advised her that she was interfering with the investigation. Footage also showed that the two named officers blocked the complainant's passage, at times by placing their hands up or on the complainant while ordering her to stay back. The complainant expressed that she was distressed by the situation but could not be heard complaining of pain.

Department General Order (DGO) 5.01 states that officers may use reasonable force in the performance of their duties to gain compliance with a lawful order. DGO 5.01 also defines low level of force as force not intended to and has a low probability of causing injury.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/2019 DATE OF COMPLETION: 02/19/2020 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated that SFPD officers entered her home as part of a mental health detention of her elderly mother and while there behaved in a rude manner, including commenting on the state of her home and accusing her of feeding her mother pet food. The complainant further stated that the officers made assumptions about her and failed to provide her with information.

The first named officer, who was the primary officer on the call, stated that he tried to remain calm and professional throughout the encounter and that any comments regarding the state of the home were made to explain the basis for removing the mother from the home and to identify what needed to change in order to make the home habitable. He stated that he formed his opinion only after conducting a thorough investigation and that he asked about feeding her mother pet food after the complainant made the comment “she likes pet food.” He stated that he told the complainant where the mother was taken and that the police report number was included on forms that were served on her.

The second named officer stated that he behaved in a calm and professional manner and that the well-being of the mother was the primary concern of the call. He stated that he made comments regarding the state of the home in response to the complainant asking why her mother was being removed. He stated he was not trying to insult her but was instead trying to provide information.

Body worn camera footage showed that the incident was lengthy, emotionally charged, and involved not only SFPD officers, but paramedics and an Adult Protective Services representative as well. The named officers spoke in a very direct manner with elevated tone at times. Footage confirmed the first named officer’s account regarding the pet food issue. Footage further showed the first named officer provided the complainant with the case number during the initial encounter and told her which hospital the mother had been taken to during a subsequent encounter that evening when he served papers on the complainant.

DPA notes that removal of an elderly parent from a caregiver can be a delicate and difficult experience for all involved parties. DPA found that the comments and tone used by the named officers did not rise to the level of misconduct. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/2019 DATE OF COMPLETION: 02/19/2020 PAGE# 3 of 3

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

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

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

Department of Aging and Adult Services (DAAS)
1650 Mission Street
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the named officer made discourteous statements. The complainant said that the officer asked if the complainant failed to keep the car registration current due to financial hardship. The officer made several references about the complainant not telling the truth, which made the complainant feel belittled.

The named officer stated that he observed the complainant's vehicle had no front license plate, and one dealer plate on the rear. The officer said the complainant refused to pull over for several blocks, despite the red lights and siren. Upon making the traffic stop, the complainant had no driver's license, registration, or car insurance, and the rear dealer plate had covered up an actual license plate with expired registration. The named officer said he used various interrogational techniques to attempt to find out the truth behind all the traffic violations. The methods included offering hypothetical situations about the complainant being unable to afford the registration, and verbally noting inconsistencies in the complainant's account to him. The named officer stated he was professional, courtesy and only used tactical questioning techniques to attempt to find out the reasons for the violation. The complainant was issued a citation and allowed to depart the scene.

The body-worn camera corroborated the officer's account. The footage showed the named officer used statements to question the complainant's truthfulness due to inconsistencies in her account, and offered hypothetical scenarios as to possible reasons for the violations. The footage showed the officer was neither discourteous nor disrespectful to the complainant.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an officer in a police vehicle stared at the complainant with a mean look. The complainant said later in the day he observed the same officer make a rude gesture with his finger at the complainant. The complainant was unable to provide a sufficient description to identify the officer or the police vehicle.

During the investigation, no witnesses were identified, and the identity of the officer could not be established.

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

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

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

SUMMARY OF ALLEGATION #2: The Captain refused to direct the officer to take an incident report.

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

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

SUMMARY OF ALLEGATION #3: The officer failed to promptly respond to the scene.

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

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

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DATE OF COMPLAINT: 05/09/2019 DATE OF COMPLETION: 02/13/2020

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

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

FINDINGS OF FACT: The complainant stated he was involved in a parking related dispute with another driver, which required police attention. He stated when his husband, an off-duty police officer who was also on scene, displayed his badge to the named officer, the named officer acted in a dismissive manner and spoke condescendingly.

The named officer stated that he expressed confusion as to why the complainant's husband displayed his badge and denied that he made rude comments.

The complainant's husband provided information that closely matched the information provided by the complainant.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was involved in a parking-related dispute with another driver, which required police attention. He stated when his husband, an off-duty police officer who was also on scene, advised the named officer that the other driver's vehicle was illegally parked and needed to be moved or cited, the named officer did not take action.

The named officer stated he was stationed nearby and was summoned to the scene by the other driver. He stated that he spent the majority of his time on scene attempting to de-escalate the dispute between the drivers and that he wasn't asked to cite the other driver until she was in the process of leaving. He stated that he explained to the complainant's husband that the driver was leaving and that he had discretion whether or not to issue a citation.

The complainant's husband did not recall all of the conversation between the named officer, the complainant and himself, but did state that the named officer did not address the illegal parking.

DGO 9.01 states in part, "The goals of the Department's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion. . . Members enforcing traffic and parking

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laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.”

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

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

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

FINDINGS OF FACT: The complainant stated that while interacting with two individuals at a local park, the police were called. He stated that the named officer interviewed all three parties and during the course of the officer's on-scene investigation learned that one of the individuals had an outstanding bench warrant. The complainant stated that the named officer failed to arrest the individual for this warrant.

Police records showed that the individual had at most two traffic warrants. Generally, under these circumstances, an officer may either cite the individual or advise him to take care of the warrant.

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

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

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

FINDINGS OF FACT: The complainant stated that as a result of the incident in the park he was arrested and while he was in jail, the named officer applied for a search warrant of the complainant's home. The complainant stated that the named officer did not mention in his affidavit that the alleged victim was a felon with an outstanding bench warrant.

Records showed that the search warrant and statement of probable cause did not reference the alleged victim's criminal history or outstanding warrants. However, generally speaking, an officer is not required to include each and every fact in a search warrant affidavit. Therefore, the determinative issue is whether or not the alleged victim's warrant would have bearing on the issue of probable cause. In this case, the statement of probable cause prepared by the named officer included information provided not only by the alleged victim, but also by a witness, and an assistant district attorney. The named officer referenced the complainant's long history of disputes in the area including verbal arguments and citations for battery as well as information from the Department of Justice.

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

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

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

FINDINGS OF FACT: The complainant said that officers conducted a traffic stop without reasonable suspicion or probable cause.

One of the named officers stated that they detained the complainant because they ran the vehicle's plates and found that they were not associated with the vehicle.

Body worn camera video of the traffic stop shows the complainant explaining that the vehicle had Arizona license plates and was under his girlfriend's name. The complainant also said he was in the process of completing the registration and getting California license plates issued when the officers stopped him.

The officers reasonably detained the driver because the license plates did not match the vehicle.

The evidence proved that the act alleged in the complaint, occurred. However, such act was justified lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant said that officers detained him to harass him, and that the officers made threats to harass him further if they see him again.

The officers denied harassing the complainant and making threats to harass him in the future.

The evidence shows the officers lawfully detained the complainant for having improper license plates on his vehicle. BWC videos of the incident show the officers did not threaten the complainant.

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

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SUMMARY OF ALLEGATION #5: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer told him he was uncooperative and had to be placed in handcuffs.

The named officer said the complainant repeatedly reached to different areas in his vehicle, interrupted multiple times, and refused to listen. The officer told the complainant that he would be removed from the vehicle and handcuffed if he refused to cooperate.

Body worn camera video shows the complainant was argumentative, refused to listen to the officers as they explained to him the situation and cut them off as they speak. At times, he reached towards the glove compartment and into the vehicle.

The officer provided an accurate explanation of the situation. The officer would have been entitled to remove the suspect from the car and handcuff him if he continued to refuse to cooperate.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant said that officers escorted her out of a hotel in handcuffs, causing caused physical pain and bruised wrists. The complainant did not respond to requests for an interview.

Officers originally responded to a 911 call of a verbal fight with a guest at a local hotel who was refusing to leave. When officers arrived on scene, they spoke to the building manager who reported that the complainant disagreed with a hotel fee and refused to leave. When officers approached the complainant, officers could smell alcohol. When officers attempted to escort the complainant out of the hotel, the complainant struck the officers in the legs. The officers then handcuffed the complainant and escorted her out of the hotel. The complainant repeatedly attempted to walk away from the officers.

The handcuffing of the complainant was an appropriate response to the complainant's verbal and physical resistance, including her refusal to leave the premises and striking of the officer. The handcuffing did not cause significant injury.

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

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated she told officers she had arthritis and that officers failed to accommodate her unique susceptibility to physical injury by making her sit down.

The Body Worn Camera (BWC) footage shows that the officers reasonably responded to the complainant's concerns. The officers asked the complainant how they could do accommodate her, but the complainant could not articulate any accommodation. The officers eventually ordered complainant to sit on the curb because she would not stop trying to walk away from the officers.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that an officer behaved inappropriately by repeatedly demanding that he return his romantic partner's house keys. The complainant stated he refused to give his keys and ended the contact by walking out of the building.

The named officer stated that he responded to a call of an argument at a local hospital. Upon speaking to both parties, the officer determined the dispute was civil, and the officer attempted to act as an intermediary by relaying a message to the complainant that his romantic partner wanted her house keys back. The complainant refused and left the building.

The officer reasonably responded to the situation by determining that no criminal activity occurred and by acting as an intermediary to try and resolve the dispute.

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

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

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

FINDINGS OF FACT: The complainant stated that his mother, who resided in a nursing home, was found nonresponsive in her room and was taken to the hospital where doctors found advanced bedsores and broken bones. The complainant's mother died soon afterwards, and he filed a police report regarding her negligent treatment. The case was assigned to the named officer, but the complainant stated that he had not heard from the named officer in months and the officer failed to properly investigate the case.

Department documents show that the named officer was in contact with the complainant, who sent the officer photographs and medical records. The officer also contacted the Medical Examiner and obtained and reviewed over 1,000 pages of medical records belonging to the complainant's mother. Additionally, the named officer requested records from the Institute on Aging, which manages the nursing home where the complainant's mother resided, as well as from Adult Protective Services. The officer's Chronological of Investigation indicates that after the complainant and his siblings settled a civil lawsuit against their mother's health care providers, the complainant stopped cooperating with the named officer. Department documents show that the named officer then consulted his supervisor, who instructed him to file the case as Open/Inactive.

The evidence proved that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated when she was arrested for possession of a stolen vehicle, the named officers taunted her, denied her water, and shackled her. The complainant did not respond to multiple requests by DPA for an interview.

Named officer #1 stated the complainant was in custody for approximately two to three hours. He stated he did not recall the complainant ask for water. Named officer #1 stated that ankle restraints are placed on a person in-custody when the person becomes combative or uncooperative and presents a safety concern. Named officer #1 stated the complainant was combative at the scene and the station. Named officer #1 said the station keeper usually is the one to place ankle restraints on an in-custody person.

The station keeper stated he did not recall seeing the complainant at the station.

Body worn camera footage showed that named officer #2 requested the complainant to remove her jewelry and the complainant refused to comply with named officer #2's commands. When the officers attempted to remove the complainant's jewelry, she actively resisted and tried to pull away from the officers. After the officers removed the complainant's jewelry, an officer placed ankle restraints on her.

Body worn camera footage does not show the named officers taunting the complainant or the complainant asking for water.

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

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

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

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

FINDINGS OF FACT: The complainant stated she was wrongfully arrested for possession of a stolen vehicle. She stated her Miranda rights were not provided until after she was transported to the police station.

The named officers stated the complainant was given *Miranda* warnings at the station before questioning.

Department records documented that named officer #1 read the complainant *Miranda* warnings prior to questioning.

Body worn camera footage showed named officer #1 read the complainant *Miranda* warnings prior to questioning.

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

Post Basic Course Workbook Learning Domain 15.D: The *Miranda* Warning “The Supreme Court set forth four advisements known as the *Miranda* warning, which a peace officer must give to a person at the start of custodial interrogation.”

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

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SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 10.11.

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

FINDINGS OF FACT: The complainant stated during a police encounter resulting in her arrest, the named officer did not activate her body worn camera.

Named officer #1 stated she complied with DGO 10.11.

Body worn camera footage showed the named officer's body worn camera was activated as per the requirement for DGO 10.11.

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

DGO 10.11, Body Worn Cameras, states in pertinent part:

I. Purpose. "The use of Body Worn Cameras (BWC) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct . . ."

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

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

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SUMMARY OF ALLEGATION #6: The officer failed to comply with DGO 10.11.

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

FINDINGS OF FACT: The complainant stated during a police encounter resulting in her arrest, the named officer did not activate his body worn camera.

The named officer stated he realized his body worn camera was not activated when he initially arrived on-scene. He stated he activated his body worn camera after the complainant was placed in handcuffs.

Body worn camera footage showed the named officer's body worn camera was activated when the complainant was being handcuffed.

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

DGO 10.11, Body Worn Cameras, states in pertinent part:

I. Purpose. "The use of Body Worn Cameras (BWC) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct . . ."

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

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

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SUMMARY OF ALLEGATIONS #7-8: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated her vehicle was searched after she was wrongfully arrested for possession of a stolen vehicle.

The named officers stated they conducted an inventory searched the complainant's vehicle prior to a tow.

Body worn camera footage showed the named officers searched the complainant's vehicle.

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

DGO 9.06, Vehicle Tows, states in pertinent part:

III. B. Inventory of Towed Vehicles. When towing a vehicle, officers shall inventory the contents of the vehicle . . . When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.

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

SUMMARY OF ALLEGATIONS #9-10: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated she was wrongfully arrested for possession of a stolen vehicle.

The named officers stated they arrested the complainant because the vehicle she occupied was reported as stolen. Named officer #1 stated after he identified the vehicle as stolen, he called the registered owner to verify if it was in fact stolen. The registered owner did not respond and after twenty minutes he requested permission to tow.

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Department of Emergency Management (DEM) records indicated the named officers located a stolen vehicle.

The incident report indicated the named officers were patrolling “a high crime area where stolen cars are often abandoned.” During their patrol, the named officers discovered a stolen vehicle, occupied by the complainant.

A supplemental incident report, filed after the complainant’s arrest, contained a statement from the reportee of the stolen vehicle. In the report, the reportee documented that he mistakenly reported the license plate of the complainant’s vehicle as stolen.

Body worn camera footage showed the named officers remove the complainant from her vehicle and place her under arrest for possession of a stolen vehicle.

An incident report from the city where the vehicle was reported stolen documented the license plate attached to the complainant’s vehicle was reported stolen.

DEM records showed that the complainant was detained and notified that her vehicle was reported stolen a week prior to her arrest.

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

Department General Order 9.06 (B) 2. Vehicle Tows, states in pertinent part:

Communications Division shall make an attempt to contact the person who reported the vehicle theft, provided that he/she is a resident of San Francisco. The person shall be told of the location of the vehicle and advised that he/she or an authorized representative must arrive at the scene within 20 minutes to take custody of the vehicle. If the person or representative cannot respond or does not arrive within 20 minutes, the vehicle shall be towed.

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

SUMMARY OF ALLEGATION #11: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that when the named officer searched her vehicle, she destroyed her property.

The body worn camera footage did not show any officer destroy the complainant's property.

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

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

SUMMARY OF ALLEGATION #12: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that during her arrest, the named officer used unnecessary force.

The named officer denied using unnecessary force against the complainant. He stated the complainant would not exit her vehicle willingly, so he had to "pull her out . . ." He stated he never struck her or used his knees on her. The named officer also stated he did not observe any injuries on the complainant, nor did she report any injuries to the nurse at the jail.

Body worn camera footage showed the complainant refuse to exit her vehicle after the named officer and his partner ordered her to "get out" multiple times. The named officer then reached into the vehicle and pulled the complainant out. As he removed the complainant, the named officer's body worn camera fell to the ground and remained stationary, unable to capture the arrest. However, audio captured the complainant yell, "Why are you kneeling me? Why are you smashing my head.? Ow!" The footage does not show the complainant reporting any injuries to any officer.

The incident report stated the named officer pulled the complainant out of the vehicle because she refused his lawful order to exit the vehicle.

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

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

SUMMARY OF ALLEGATION #13: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer misrepresented himself as a sergeant.

The named officer stated when the complainant asked for a supervisor, officer-in-charge, or a sergeant, he identified himself by his name and rank each time. The named officer indicated he was the officer handling the matter, so he was considered the officer-in-charge. He denied ever telling the complainant he was a sergeant.

The incident report indicated that the named officer is the reporting officer and therefore the officer-in-charge of the encounter.

Body worn camera footage showed the complainant ask, "So you are the sergeant or officer in charge?" The named officer responded and identified himself as an "officer" and provided his name and badge number.

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

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

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SUMMARY OF ALLEGATIONS #14: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated an officer disrespected her culture when an officer reported, “He didn’t give a fuck about my people.” The complainant did not respond to multiple requests by DPA for an interview.

A witness officer stated she did not hear anyone make any racial comments to the complainant or tell her they did not give a “fuck about her people.”

Body worn camera showed the officers search the complainant and discovered beads around the complainant’s waist. The complainant stated multiple times, “This is part of my culture” and insisted the officers not remove the beads. At no point did the body worn camera capture anyone saying they did not “give a fuck” about the complainant’s people. The officers honored the complainant’s request and did not remove her beads.

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

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

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SUMMARY OF ALLEGATION #15: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer used profanity. The complainant did not respond to multiple requests by DPA for an interview.

Witness officer #1 stated he did not recall any officers use profanity towards the complainant.

Witness officer #2 stated she did not recall if she heard an officer tell the complainant that she was a “dumb-ass.”

Body worn camera documented several officers attempting to restrain the complainant when an unknown officer said “dumb-ass.” It is unclear whom the unknown officer was speaking to.

Although DPA conducted many interviews, the identity of the officer who called the complainant a “dumb-ass” could not be identified.

The identity of the alleged officer could not be established.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/2018 DATE OF COMPLETION: 02/03/2020 PAGE# 1 of 5

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

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

FINDINGS OF FACT: The complainants stated that one of them was sitting in the driver's seat of his parked car and the other was talking to him from the outside when three officers walked up and detained them. Both complainants are people who use wheelchairs. The complainant sitting in the driver's seat admitted that his registration was five or six months overdue because of a smog check issue.

The officers interviewed by the DPA stated that they detained the complainant sitting in the car because he was unlawfully parked in a towaway commercial zone and his tags were expired more than six months. One named officer stated that the complainant outside the vehicle interjected himself in the investigation.

San Francisco Police Department (SFPD) records indicated that officers detained the driver of the car. Records stated that the other complainant was not detained during the incident.

Body-worn camera (BWC) video showed the officers approach a vehicle parked next to a yellow curb and yellow parking meter (commercial vehicles only) with a towaway sign. The video showed one of the named officers tell the complainant in the driver's seat that he was parked illegally and his registration was expired. The complainant told the officer that all he needed was a smog check. The video showed that the complainant outside the car stayed in the vicinity and engaged with the officers for an unknown reason. At no time did officers tell this complainant that he was detained or not free to leave.

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

SUMMARY OF ALLEGATIONS #4-6: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The complainants stated that officers searched the car without a warrant.

The officers interviewed by the DPA stated that they conducted an inventory search of the car prior to towing.

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BWC footage showed officers searching the inside of the vehicle. Officers explained to the complainants that they were searching the car for inventory to ensure property does not go missing during the tow.

SFPD Department General Order 9.06, Vehicle Tows, states, "When towing a vehicle, officers shall inventory the contents of the vehicle." The purpose of a vehicle inventory is to protect the property of a person whose vehicle has been impounded or stored and the police department from false claims of loss. Inventory searches may include, but are not limited to, under the seats, glove compartments, consoles, the trunk, and closed containers.

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

SUMMARY OF ALLEGATIONS #7-9: The officers towed the vehicle without justification.

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

FINDINGS OF FACT: The complainants stated that officers towed the car without cause.

The named officers stated that they towed the vehicle because the registration had been expired for more than six months. The vehicle was also illegally parked in a commercial zone marked as "tow away."

SFPD records documented that the expiration date of the complainant's vehicle registration was over six months from the date of the incident.

SFPD Department General Order 9.06 authorizes officers to tow vehicles pursuant to California Vehicle Code (CVC) §22650, *et seq.* CVC §22651(o)(1)(A) authorizes a peace officer to remove a vehicle located on a highway, "[w]ith a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the offstreet parking facility."

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

SUMMARY OF ALLEGATION #10: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant in the driver's seat stated that an officer arrested him without cause.

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The named officer stated that he arrested the complainant because he interfered with and delayed their investigation and threatened him. He stated he exercised great patience and professionalism with the complainant during the incident.

BWC video showed both complainants become increasingly loud and agitated. The driver was made to get out of the car. Video showed both complainants loudly taunting the officers with profanity and slurs. A hostile crowd formed and participated in the taunts. More officers arrived on scene. The video showed the complainants and the bystanders constantly interrupting and interjecting themselves in the officers' business of towing the car and keeping the crowd under control. The named officer repeatedly told the

complainants not to interfere in the investigation and to stay back or they would go to jail. The complainant escalated his taunts to include a threat to forcefully sodomize the officer. BWC video showed the named officer tell the complainant he was under arrest for threats and interference.

SFPD records indicated that the complainant was arrested for threatening the named officer and delaying the investigation. The complainant was charged with California Penal Code §148, among other charges.

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

SUMMARY OF ALLEGATION #11: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant who was outside the car stated that an officer pushed him causing him to fall back in his wheelchair.

The named officer stated he arrived on scene in response to a call for more units. When he arrived, he observed a handful of officers with a hostile crowd surrounding them. The officers were outnumbered, and their safety was compromised. He joined a growing line of officers that had formed to keep the crowd away from the investigating officers. He had his back to the investigating officers and the complainant was in front of him. Another officer told the complainant repeatedly to move back. The complainant acknowledged the order and asked why he needed to move back. The other officer told him that it was a hostile situation and he needed to back up. A lieutenant arrived on scene and told the crowd that they would be pushed back as soon as more officers arrived. Nearby, a woman breached the line. The named officer's left hand made brief contact with the complainant's right shoulder. He did not push or shove the complainant. The gesture was to keep him from advancing. The complainant swatted his hand away. At that point he was actively resisting and, though the officer could have escalated physical

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contact, he did not. The named officer denied that the act of touching the complainant's shoulder caused him to fall back.

BWC video shows the complainant in his wheelchair very close to officers. He is seen challenging officers' repeated orders to back up. The lieutenant told him that he was going to have the officers move everyone back. The complainant did not move. The video showed the named officer's hand very lightly touch the right shoulder of the complainant and then pull back. The complainant leaned back, hesitated, flailed his arms, tip slowly back and threw his weight to complete the fall. He was tipped so far back

when he fell that he fell a very short distance and landed softly. The video evidence shows that the complainant purposefully caused himself to fall back after the named officer's the light touch.

The named officer's act of lightly touching the complainant's right shoulder did not cause him to fall back. The named officer did not use force.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #12-14: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant who had been sitting in the driver's seat stated that he was in his wheelchair on the sidewalk when an officer handcuffed him with his hands behind his back. The handcuffs were too tight and cut off circulation. Also, the way he was handcuffed caused him to lean and fall forward out of his chair. He stated that the officers must have construed his falling forward as resistance because suddenly someone hit him in the head with what felt like a baton. The complainant blacked out and woke up at the hospital not knowing what happened.

The officer who handcuffed the complainant stated that he had experience handcuffing people who use wheelchairs and properly applied the handcuffs. The complainant did not complain that the handcuffs were too tight. The complainant then deliberately tried to fall out of his wheelchair. He has observed the complainant intentionally fall out of his wheelchair in the past during arrests. The officers interviewed by the DPA denied that any force was used on the complainant.

BWC footage shows the named officer handcuff the complainant. At no time did the complainant indicate that the handcuffs were too tight. Video of his handcuffed hands did not show indicators that the handcuffs were too tight. The complainant leaned over and attempted to slip out of his chair. Officers held him up and continued holding him up until the ambulance arrived. Medical personnel arrived. They held him by both arms. He had been leaning over and when they picked him up to place him on the

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gurney, situated as a chair, he seemed to intentionally throw himself back and his head slightly touched the seat of the gurney before they were able to sit him on it. The complainant closed his eyes, appearing to pass out. Nothing occurred on video that would have caused the complainant to lose consciousness. No one is seen hitting his head with a baton or otherwise. The videos show by clear evidence that no officer used any force on him.

The complainant's medical records indicated that his chief complaint was a headache after he hit his head when he was transferred from the wheelchair to the gurney. There is no mention of tight handcuffs or circulation issues. No injuries were detected after extensive tests.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #15: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer who arrested him had a history of harassing him.

The named officer stated that he knew the complainant from previous encounters in the same area. The complainant was a known drug dealer.

Department records show that, while the named officer had previous contacts with the complainant, the contacts were for justified law enforcement purposes.

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

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

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

FINDINGS OF FACT: The complainant stated the named officers did not investigate the assault on her father (the “victim”).

Named officer #1 stated he investigated the alleged assault by interviewing the victim and witnesses and searching for cameras in the vicinity where the incident took place. He also stated named officer #2 spoke to several witnesses.

Named officer #2 stated named officer #1 spoke to the victim and she spoke to witnesses and the alleged suspect. She stated she also searched for cameras.

No witnesses were identified.

Body Worn Camera footage showed named officer #1 speak with the victim and a witness.

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.20 and DB 18-185.

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

FINDINGS OF FACT: The complainant stated the named officer failed to provide the victim with interpretation services, which prevented him from effectively communicating with the named officer.

The named officer stated prior to arriving on the scene, he was aware that dispatch had problems understanding the victim. He believed dispatch was having trouble because of background noise at the parade. He stated upon his initial encounter with the victim, the victim told him, “She speak English better than me” as he gestured toward his girlfriend (the “witness”). The named officer stated he did not

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believe that statement was a good indicator that language services were necessary because the victim did not tell him, "I can't understand." He said when he spoke to the victim, he could understand the victim and the victim could understand him. He stated the victim responded to his questions in English. In addition, the named officer explained the situation to the witness, who in turn relayed the information to the victim in English and therefore he did not believe language services were necessary. The named officer stated the victim spoke with an accent and his sentences were "a little bit" broken up.

The victim stated he would have felt more comfortable with an interpreter because the named officer did not understand what he was saying. He stated he did not ask for an interpreter.

The witness, who was present when the named officer communicated with the victim, stated the named officer "had trouble" interacting with the victim. She stated the victim was "frazzled . . . [and] so fast speaking, [that she] had trouble understanding what happened." She stated she was sure the officer had trouble understanding the victim as "[h]e was a Caucasian officer, not Chinese and bilingual." She stated she was not Chinese and not able to translate for him.

DEM records shows the dispatcher mentioned there was a language barrier and that the victim was difficult to understand.

Body worn camera (BWC) footage showed the complainant tell the named officer, "She [the witness] speak better English than me." Immediately thereafter, the named officer turned to the witness and spoke to her instead. In addition, when the named officer told the victim "go your separate ways and enjoy the rest of your day," the victim says "yea, yea." The named officer asked the victim if he understood and the victim turned toward the witness who told him to "Let it go." The victim replied, "Huh?" Again, the

witness told the victim to "let it go." The victim exclaimed, "Why!?" The victim became very upset that the matter was not going to be pursued and stated, "How 'bout he hit you? How do you feel?" The named officer asked the victim, "Are you going to be a problem?" The victim responded, "Huh?" The named officer explained to the victim that it sounded like there was a misunderstanding and there was no assault. The victim looked confused as he did not respond and just stared at the named officer. The named officer then turned to the witness and said, "Do you understand?" and she said she did. The victim becomes upset and said "I don't know what if they hit me again. The witness know nothing. What can I do if they fuck with me... push me?" The named officer then asked if the victim will be all right, and again explained the results of his investigation.

Department General Order (DGO) 5.20 I. states, ". . . When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter . . . It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons . . ."

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DGO 5.20 III.E.1 states, "SFPD members should not use family members [or] . . . friends to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available . . ."

DGO 5.20 III.F states, "When conducting general interviews, members should seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter, or the language line whenever a member encounters an LEP person who . . . is unable to communicate with or is experiencing difficulty communicating with the member."

Department Bulletin (DB) 18-185 COMMON INDICATORS THAT LANGUAGE ASSISTANCE IS NECESSARY states, ". . .The individual uses words that suggest a request for language assistance . . .The individual speaks in incomplete or fragmented sentences . . . The individual's facial . . . gestures indicate the individual is having difficulty understanding or communicating in English."

DB 18-185 ADDITIONAL FACTORS THAT MAY HINDER EFFECTIVE COMMUNICATION WITH AN LEP PERSON states, An LEP person may . . . speak or understand some English, but not proficiently. An LEP person may speak and understand English sufficient for casual conversation but needs language assistance when speaking with an officer. Unfamiliar or stressful situations can affect language ability in individuals who are otherwise proficient in English . . . LEP persons may . . . act as if they understand more English than they actually do. Cultural beliefs, deference, politeness, or unfamiliarity with SFPD's language access policy may prevent an LEP person from requesting language assistance."

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.20 and DB 18-185.

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

FINDINGS OF FACT: The complainant stated the named officer failed to provide the victim with interpretation services, which prevented him from effectively communicating with the named officer.

The named officer stated she had minimal contact with the victim and primarily interacted with witnesses.

The named officer's partner stated the named officer initially interviewed the victim.

No witnesses were identified.

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There was no Body Worn Camera footage from the named officer.

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

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

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

FINDINGS OF FACT: BWC footage showed the named officer did not activate his BWC until after his initial contact with the victim. In addition, the named officer prematurely terminated his BWC.

The named officer stated he did not activate his BWC when he arrived on-scene. He stated when he “made contact with the parties . . . then we started our investigation . . . that’s when I realized . . . I’m ‘gonna activate my BWC and [then I] started . . . conducting an investigation.” He stated, “I was trying to figure out if we even had a victim, if we had witnesses . . . [O]nce I was able to . . . establish that I think I have the right people . . . [and] I believe I am going to take police action . . . that’s when I activated my BWC.”

BWC footage commenced with the named officer speaking to a witness mid-sentence and referring to the victim with whom he spoke to prior to speaking with the witness. The named officer stated, “He’s saying that that guy pushed him.” In addition, the named officer terminated his BWC while he was still interacting with the victim.

No witnesses were identified.

DGO 10.11 III.A. Authorized Use, states in pertinent part, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 3. Consensual encounters where the member suspects that the citizen may have knowledge of a criminal activity as a suspect, witness, or victim . . .”

DGO 10.11 III.E. Terminations of Recording, states in pertinent part, “Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording. . .”

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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SUMMARY DPA ADDED ALLEGATION #2: The officer failed to comply with DGO 10.11.

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

FINDINGS OF FACT: SFPD Legal indicated there was no BWC footage associated with the named officer.

The named officer stated prior to arriving on-scene, she was aware the call for service was for an assault and battery. She stated she spoke with witnesses and the alleged suspect. Regarding her BWC, she stated, “[I]t was turned on, but it might have not been tagged properly . . . I think I did turn it on, but maybe not. I don’t really recall.”

No witnesses were identified.

Department records indicated there was no BWC footage associated with the named officer.

DGO 10.11 III.A. Authorized Use, states in pertinent part, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 3. Consensual encounters where the member suspects that the citizen may have knowledge of a criminal activity as a suspect, witness, or victim . . .”

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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DATE OF COMPLAINT: 05/09/19 **DATE OF COMPLETION:** 02/05/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that between six and nine years before, after telling his parents he was going to kill himself, they called the police, who detained the complainant without justification.

Both named officers acknowledged being at the incident but had no independent recollection of the incident.

SFPD records show that the named officers received a call for service and detained the complainant based on his parents' report of a suicide threat and self-harming behavior.

DGO 6.14 states in relevant part that, "Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code ... when a danger to himself/herself."

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

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

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

FINDINGS OF FACT: The complainant stated that, six to nine years earlier, after telling his parents that he was going to kill himself, the named officer handcuffed him without justification.

The officer stated that he had no independent recollection of this incident.

SFPD records show that the named officers received a call for service and detained the complainant based on his parents' report of a suicide threat and self-harming behavior. Officers also witnessed self-harming behavior during the detention. In those circumstances, it is appropriate to use handcuffs to prevent the person from harming themselves or the officers.

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

SUMMARY OF ALLEGATIONS #4-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that, in an incident that occurred six to nine years earlier, his parents reported to police that he had said he was going to kill himself. The complainant stated the officers who detained him used unnecessary force.

The named officers stated that they had no independent recollection of this incident.

SFPD records show that the named officers received a call for service and detained the complainant based on his parents' report of a suicide threat and self-harming behavior.

The records document no use of force during the detention.

The complainant's description of unnecessary force did not identify a use of force beyond basic control holds. Complainant did not identify any injuries beyond general pain.

The evidence proved that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #9: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that, six to nine years earlier, while being detained, the named officer told him, 'I'll kill you myself.'

The named officer, who acknowledged detaining the complainant and who fit the description given by the complainant, stated he had no independent recollection of this incident.

SFPD records show that the named officers received a call for service and detained the complainant based on his parents' report of a suicide threat and self-harming behavior. The report does not identify any conversations or statements similar to the complainant's alleged statement. The complainant's allegation is not credible due to the age of the allegation, the complainant's statements during his interview, and the complainant's admitted mental state at the time of the incident. The evidence proved that the alleged conduct did not occur or that the accused officer was not involved.

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

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

FINDINGS OF FACT: The complainant's vehicle was involved in a hit and run collision and was impounded. A few weeks later, the complainant went to the office in charge of release of vehicles and spoke with the named officer. The complainant said the officer refused to release his vehicle.

The named officer said she told the complainant she could not release his vehicle because it was being held for an ongoing investigation. She told the complainant that only the investigator assigned to the case could release the hold and she referred the complainant to the appropriate unit.

The complainant acknowledged that a hold had been placed on his vehicle for a criminal investigation.

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

SUMMARY OF ALLEGATION #2: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer was rude and nasty during his contact with her. The complainant did not articulate specific examples of conduct that rose to the level of rude and nasty.

The officer stated that she was courteous and professional to the complainant.

As the complainant could not articulate a specific example of inappropriate behavior, the evidence proved that the alleged conduct was justified, lawful, and proper.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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FINDINGS OF FACT: The complainant's vehicle was involved in a hit and run collision and was impounded. The complainant said that an officer at the traffic division arbitrarily refused to release his vehicle.

The named officer stated that when the complainant asked for the vehicle to be released, the vehicle was the subject of a pending investigation. The officer said the complainant had reported his vehicle as stolen. And the officer said that she had received information that there was a photograph of the vehicle's driver, taken shortly after the alleged hit and run collision. The officer explained that she had to identify the person in the photograph and check the vehicle for evidence before releasing the vehicle.

The officer's reasons for not immediately releasing the vehicle was reasonably based on a legitimate law enforcement investigation into theft. SFPD released the vehicle within one month of the collision, which corroborates the officer's explanation of a short theft investigation.

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

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

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

FINDINGS OF FACT: The complaint stated that two officers twisted her wrists and arms while escorting her out of the San Francisco General Hospital to a marked police vehicle.

The named officers responded to the hospital to transport the complainant to the county jail. The officers were aware that the complainant had been arrested at gunpoint earlier in the day for breaking into and barricading herself in an apartment.

The named officers stated that they used minimal control holds in response to the complainant's verbal and active resistance. The named officers said that the complainant refused to obey verbal commands, used physically evasive movements, tensed up, and stomped her feet on the ground, all of which the officers interpreted as an effort to defeat their attempts to transport her. One of the named officers stated that the complainant kicked and grabbed her partner's hands.

The body-worn camera videos corroborate the officer's testimony. In the video, the complainant aggressively yelled at the officers when they pat-searched her. The complainant lay on the ground and kept yelling. She continued to exhibit similar behavior when the officers lifted her up from the ground and walked her out of the hospital. The complainant refused to walk, and one of the named officers lifted her left arm up to gain control and obtain compliance.

DGO 5.01(VI)(B) states, in part:

"B. PHYSICAL CONTROLS/PERSONAL BODY WEAPONS. Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects.

1. PURPOSE. When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used."

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The evidence shows the officers used reasonable control holds to overcome the complainant's verbal and active resistance and to accomplish the legitimate law enforcement objective of transporting complainant to the county jail.

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

SUMMARY OF ALLEGATIONS #3-4: The officers improperly deactivated their body-worn cameras.

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

FINDINGS OF FACT: The complainant stated that the officers improperly switched off their body-worn cameras.

The body-worn camera videos show that the officers did not deactivate their body-worn cameras from the time they made contact with the complainant to the time they reached the county jail.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer failed to investigate his complaint regarding theft of his personal property and an assault by his roommate.

Department of Emergency Management records indicated the call for service was for an assault, not theft.

Police records showed that the arresting officers obtained statements from the involved parties and a witness; they took photographs of the complainant's and the complainant's roommate's injuries. The officers also reviewed and booked cellphone video evidence of the fight. Additionally, the named officer sent supporting evidence of the assault to the District Attorney's Office.

Body-worn camera footage showed the involved parties and the complainant speaking to the officers about an assault at the complainant's residence. The complainant did not complain to any officer on-scene about a theft.

The evidence proved that the acts alleged did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/2019 **DATE OF COMPLETION:** 02/18/2020 **GE#1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 07/16/19 DATE OF COMPLETION: 02/26/2020 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the named officer acted in a rude and unprofessional manner when he refused to pick up and return money that fell on the street after the named officer's partner conducted a search on his person.

The named officer stated the complainant asked him to pick up a dollar bill that was laying in the street. He stated he did not do so as he did not know if the dollar bill belonged to the complainant since he did not observe the dollar bill fall out of the complainant's pocket.

Body worn camera footage showed the complainant informed the named officer that his money was on the ground and asked him if he could pick it up. The named officer told the complainant that the money was not his and the complainant responded that it was his money which fell out when his wallet was removed from his pocket.

Police records showed that the complainant was initially handcuffed, but was uncuffed, issued a traffic citation, and released at the scene.

The named officer was not required to pick up the money if he was unsure the money belonged to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/19 DATE OF COMPLETION: 02/26/2020 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The officer is no longer with the Department and therefore cannot be compelled to appear for an interview to fully investigate this allegation.

SUMMARY OF ALLEGATION #3: The officer conducted an improper search.

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

FINDINGS OF FACT: The officer is no longer with the Department and therefore cannot be compelled to appear for an interview to fully investigate this allegation.

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

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

FINDINGS OF FACT: The officer is no longer with the Department and therefore cannot be compelled to appear for an interview to fully investigate this allegation.

SUMMARY OF ALLEGATION #5: The officer knowingly engaged in biased policing.

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

FINDINGS OF FACT: The officer is no longer with the Department and therefore cannot be compelled to appear for an interview to fully investigate this allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 02/13/2020

PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant called 911 to report a male assaulting a female. The complainant stated the officers released the man from the scene and did not investigate the assault.

Department records and body worn camera footage showed that the named officer conducted a full investigation as he received on-going information from other officers who conducted interviews at the scene.

The complainant was not present for the entire incident nor was he/she present for the entire investigation.

The evidence proved that the act alleged by the complainant did not occur.

SUMMARY OF ALLEGATIONS #2: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer did not take her seriously and did not seem interested in talking to her.

Body-worn camera footage contradicted the complainant's account. The evidence proved that the acts alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/2019 DATE OF COMPLETION: 02/13/2020 PAGE# 2 of 2

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

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

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

SFPD Internal Affairs Dept
1245 3rd Street
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/2019 DATE OF COMPLETION:02/03/2020

PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was unlawfully placed on a psychiatric hold.

Pursuant to Department General Order 6.14, officers may detain an individual for psychiatric evaluation under Section 5150 of the Welfare and Institutions Code when the officer believes that as a result of mental illness the individual is a danger to herself or others.

Police records and body worn camera showed that the San Francisco Fire Department (SFFD) detained the complainant for pulling a fire alarm. The complainant initially denied pulling the fire alarm, but then told the named officers that she pulled the fire alarm every day for the previous three days because she wanted to get out of the building. Chronically pulling the fire alarm could trigger a panic in the large apartment complex and would prompt a rapid response by SFFD. Due to her the pulling the alarm numerous times in the previous 3 days and having a lack of concern for her actions, the named officers believed she was a danger to others. The named officers placed the complainant on a 5150 hold and transported her to SFGH to have a mental health evaluation. SFGH accepted the patient.

The witness, a staff member at the residential building, stated that she was instructed by the Fire Marshall to call the police if the complainant maliciously pulled the fire alarm again because the complainant showed no remorse for her actions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/2019 DATE OF COMPLETION:02/03/2020

PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she was unlawfully detained because of her race.

Pursuant to Department General Order 5.17, biased policing is the use, to any extent or degree, of actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in determining whether to initiate any law enforcement action in the absence of a specific suspect description.

California Penal Code section 148.4(a)(2) states any person who willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any fire alarm system or signal or by any other means or methods is guilty of a misdemeanor.

Police records and body worn camera showed that the named officers responded to a call for service that involved the complainant. They obtained statements from the witness, SFFD, and the complainant. The named officers engaged in a courteous conversation with the complainant about her continuously pulling the fire alarm at her residence. Based on the complainant's actions and statement, she met the criteria for a 5150 hold.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/2019 DATE OF COMPLETION:02/19/2020

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING:

IO-1/DEM

DEPT. ACTION:

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

San Diego Police Department
Internal Affairs Unit
1401 Broadway, MS 709
San Diego, CA 92101

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/2019 DATE OF COMPLETION: 02/03/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant said that an officer behaved and spoke inappropriately during an investigation into an assault and alleged hate crime. The complainant had two complaints: (1) that the officer asked him about his conduct leading up the assault, which the complainant felt undermined his status as a victim; and (2) that the officer said the suspect's use of the word "faggot" during a verbal altercation after the assault did not necessarily turn the crime into a hate crime, which the complainant felt was ridiculous.

The named officer admitted to the alleged conduct and explained that he was conducting his investigation to determine if a hate crime enhancement was appropriate. The officer told the complainant he was sorry the assault occurred and that it was not okay for someone to strike him. The named officer also explained to the complainant the elements of a hate crime. The named officer was polite and professional.

The officer's conduct was proper, and the officer's explanation of a hate crime was accurate. California Penal Code § 422.6 states that "no person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim" The phrase "because of" means that the bias motivation must be "a cause in fact of the offense, whether or not other causes also exist." *In re M.S.*, 10 Cal. 4th 698, 719 (1995). "When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the crime." *Id.*

The officer's investigation appropriately focused on whether bias was a substantial factor in bringing about the assault. The officer's inquiry into the victim's conduct leading up to the assault was an important line of inquiry to understand if the assailant's attack was motivated by the victim's conduct rather than his sexuality. In addition, the officer accurately explained that mere use of an epithet during a verbal back and forth after an assault is relevant but not necessarily dispositive of a suspect's initial motivation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/19 DATE OF COMPLETION: 02/10/2020

PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/14/19 DATE OF COMPLETION:02/10/2020

PAGE# 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer prepared an inaccurate police report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 12/1/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/2019 DATE OF COMPLETION: 02/14/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant, a resident of a single room occupancy hotel, stated that he believed the managers or owners of the property were illegally surveilling its residents by using both video and audio recording. The complainant stated that he called SFPD to his residence on a number of occasions regarding disputes with a neighbor. He stated that on at least one of these occasions (and possibly two) he told the officers about his surveillance concerns, but the officers failed to investigate.

The complainant further stated that on a separate occasion he spoke by telephone with a sergeant at the station to discuss his surveillance concerns. The complainant stated that the sergeant did not believe what he described was a crime but advised him to file a report. The complainant stated that he filed a report in person at a district station, but nothing came of it.

Records showed that officers responded to the complainant's residence several times for complaints regarding issues with his neighbor. Body-worn camera showed that the complainant mentioned his belief that the building surveillance was unlawful on a few occasions, but did not request that the officers take any action aside from one time when the complainant stated that "someone needs to tell [building management] that rules matter."

The Program Manager at the complainant's residence stated that there was video surveillance throughout the building, but not in bathrooms or private rooms. In addition, he stated that there was audio surveillance as well, but only in non-private spaces.

Under California Penal Code section 632, communications that occur in a public area of a residential building are not "confidential" within the meaning of the statute. Accordingly, such recordings are legal.

According to Department Bulletin 17-256, "[i]t is the policy of the San Francisco Police Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/2019 DATE OF COMPLETION: 02/26/2020

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer's discourteous behavior or statements were related to ethnicity or race.

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

FINDINGS OF FACT: The complainant alleged that the named officer used racial slurs while posting online during an undercover operation.

The named officer denied he created the post or used any racial slurs.

There was no metadata or electronic indicators to either prove or disprove the allegation made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/2019 DATE OF COMPLETION:02/13/2020

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in sexual misconduct.

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

FINDINGS OF FACT: The complainant stated that she had Power of Attorney for her adult daughter who told her that she was raped by an officer. The complainant's daughter later withdrew her complaint against the officer.

The complainants made inconsistent statements and did not provide additional requested evidence.

The identity of the alleged officer could not be established.

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

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

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

San Francisco District Attorney's Office - IIB
850 Bryant Street, Room 322
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/2019 DATE OF COMPLETION:02/03/2020

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated he observed a uniformed officer on a motorcycle with heavily tattooed arms. The complainant expressed concern that the officer's tattoos could be gang related.

The Department has no rule barring officers from displaying tattoos. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-3: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officers entered his residence without legal justification.

The named officers stated they entered the complainant's residence with the permission of the complainant's roommate who alleged he was assaulted by the complainant. In addition, the named officers stated they had legal justification to enter the complainant's residence because they were investigating an assault, where the complainant was a suspect, and had to determine if they were going to arrest him.

No other witnesses were identified.

Department records indicated that the named officers responded to a high-priority call for an assault reported by the complainant's roommate.

Body-worn camera showed the named officers meet with the complainant's roommate in the lobby of his and the complainant's residence. The roommate reported that the complainant yelled at him and grabbed him, pulling him out of his room. The roommate stated he called the police to report the assault. The complainant gave the officers explicit permission to enter his and the complainant's residence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer used unnecessary force when she pointed her firearm at his chest.

The named officer stated she was investigating a report of an assault where the complainant was alleged to have been the assailant. She stated she entered the complainant's residence, announced herself as SFPD several times, and attempted to open the complainant's door. She stated the complainant did not verbally respond. She stated she "covered" the door by pointing her firearm at the movement of the opening door, which the complainant opened quickly as she turned away to focus on the adjacent door. She stated she did not point her weapon at the complainant.

A witness officer stated he observed the named officer briefly raise her firearm towards the complainant's locked door, which was quickly and abruptly opened by the complainant, after she made several attempts to make contact with him. The witness officer stated the named officer immediately lowered her firearm as she backed away from the door. He did not see the named officer point her firearm at the complainant.

No other witnesses were identified.

Body-worn camera footage showed the named officer and the witness officer announce themselves twice, as SFPD, before making entry into the complainant's residence. The named officer had her weapon drawn, pointed towards the ground, as she approached the complainant's door. She loudly announced herself as the police while repeatedly jiggling the door handle and shaking the door. The complainant did not verbally respond. The named officer then turned to open the adjacent door when the complainant unexpectedly and abruptly opened his door, which appeared to startle the named officer as she was not facing the complainant's door. The named officer quickly turned to face the complainant's door, briefly pointing her weapon at the complainant's door as it was opening. The named officer did not point her weapon at the complainant.

Department General Order 5.01 states that when an officer intentionally points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under the objective facts and circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer behaved inappropriately when she removed his tablet from his possession. In addition, he stated the named officer was very angry and kept raising her voice.

The named officer stated she did not believe she acted inappropriately when she removed the tablet from the complainant because she wanted him to focus on questions regarding the allegation of assault. She stated, to further prevent the complainant from distracting the other officers and to help him focus, she removed the tablet from his hands and placed it next to him so she could obtain his account of the incident. In addition, the named officer stated she was not angry and only raised her voice because the complainant was not wearing his hearing-aids.

Witness officer #1 stated he did not believe the named officer's behavior was inappropriate because the complainant did not follow directions or answer questions. He stated the named officer was not angry and spoke in a raised voice because the complainant was not wearing his hearing-aids.

Witness officer #2 stated he did not believe the named officer's behavior was inappropriate because she was attempting to get the complainant to focus on the investigation.

Body-worn camera footage showed the named officer speak loudly to the complainant during her initial contact because the complainant indicated he was not wearing his hearing-aids. The complainant inserted his hearing-aids and moved to the living room as directed by the named officer. The named officer removed the complainant's tablet from his hands and set it next him. The complainant was unfocused and had difficulty answering questions about the incident as he kept referring to events that had no bearing on the allegation of assault. Because the complaint was not answering pointed questions, the named officer raised her voice to redirect the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer behaved inappropriately when he asked him if he was on drugs.

The named officer stated he asked the complainant if he was on drugs because he was attempting to understand why the complainant was acting erratically and not answering questions. In addition, the named officer stated the complainant's eyes were dilated. The complainant admitted that he had taken Vicodin and other medications that he could not recall.

Body-worn camera footage showed the named officer ask the complainant if he was on drugs and informed him that his pupils were not "normal." The complainant stated that he took a lot of medication including Valium, Vicodin, and Diazepam.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/19 **DATE OF COMPLETION:** 02/05/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said officers improperly cited him for illegally tinted windows and throwing a lit cigarette out of his car window. The complainant denied the violations in a written complaint to DPA, but the complainant did not respond to DPA's request for an interview.

The named officer said he observed the complainant's vehicle and noticed the front and rear windows were tinted so darkly that he could not see into the vehicle. The officer conducted a traffic stop, and by the time the officer approached the complainant's vehicle, the complainant had rolled down the front windows. The named officer also said he saw the complainant throw the cigarette out the window.

The second officer said they stopped the complainant's vehicle due to its dark tinted windows. The officer said the windows were closed when he first observed the car but open when they approached on foot. The officer asked the complainant to put out his cigarette, and the complainant complied, but the officer did not recall what the complainant did with the cigarette.

Body Worn Camera (BWC) and the Computer Aided Dispatch supports the officer's account of the incident. The body worn camera footage shows that the officers approached the vehicle and immediately told the complainant that they pulled him over for tinted windows. After the officer returned with the citation, the officer informed the complainant that he was also receiving a citation for throwing a lit cigarette out the window. The Computer Aided Dispatch shows that the officers reported the call as a traffic stop for illegally tinted windows and throwing a cigarette out a window.

The preponderance of the evidence shows that officers more likely than not had probable cause to issue the citation. During the incident, the complainant did not directly challenge the substantive conduct at issue. The complainant responded to the officer by saying that his front windows were down and that the officer was racist. Moreover, the complainant refused to cooperate with an interview. Accordingly, weighing the credibility of the involved parties, the officers more likely than not had probable cause to issue the citations. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/19 **DATE OF COMPLETION:** 02/05/20 **PAGE#** 2 of 3
CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer detained him without justification.

The named officer stated he observed the complainant's vehicle had illegal window tint and conducted a traffic stop for the vehicle code violation. The named officer's partner stated he observed dark tinted windows on the complainant's vehicle.

Body Worn Camera (BWC) and the Computer Aided Dispatch supports the officer's account of the incident. The body worn camera footage shows that the officers approached the vehicle and immediately told the complainant that they pulled him over for tinted windows. The Computer Aided Dispatch shows that the officers reported the call as a traffic stop for illegally tinted windows.

The preponderance of the evidence shows that officers more likely than not had probable cause to conduct a traffic stop of the vehicle. During the incident, the complainant did not directly challenge the substantive allegation that his windows were illegally tinted. The complainant responded to the officer by saying that his front windows were down and that the officer was racist. Moreover, the complainant refused to cooperate with an interview. Accordingly, weighing the credibility of the involved parties, the officers more likely than not had reasonable suspicion to conduct a traffic stop.

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

SUMMARY OF ALLEGATION #3: The officer failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: The complainant wrote that he believes the named officer turned off his body worn camera during the encounter.

The named officer's Body Worn Camera (BWC) shows the officer activated his BWC upon his approach to the complainant's vehicle and did not deactivate it during his encounter with the complainant.

The evidence proved that the conduct alleged did not occur.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/19 **DATE OF COMPLETION:** 02/05/20 **PAGE#** 3 of 3

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

FINDINGS OF FACT: The complainant said the named officer stopped his car because of the color of his skin and because he was driving a nice car.

The named officer said the complainant was driving a vehicle with illegally tinted windows, and that he did not know the complainant's race when he observed the car. The named officer said the complainant's race was not a factor in his decision to stop the complainant's vehicle and issue a citation.

The Body Worn Camera (BWC) video show no overt indications of bias on the part of the named officer. The video also shows that some back windows were tinted with substantially dark tint

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/19 **DATE OF COMPLETION:** 02/14/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said that she was driving when two officers pulled up alongside, accused her of following them too closely, and threatened a citation. The complainant felt intimidated. The complainant drove to the nearest police station and spoke with a sergeant about the incident. The complainant did not provide identifying numbers of the vehicle, license plate, or officers.

The sergeant could not recall the complainant or being notified about any incident as described by the complainant.

After a reasonably diligent investigation, the DPA could not identify the two officers who allegedly interacted with the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/2019 DATE OF COMPLETION:02/05/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his house was burglarized in 2017. Officers responded to the scene but found no suspects in the residence. The complainant stated that the intruder broke his garage door, but he could not file a claim with his insurance company because there was no police report written. The complainant then called the station captain and complained about the lack of an incident report.

The complainant failed to provide information regarding the date and time of the burglary. The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/2019 DATE OF COMPLETION: 02/27/2020

PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his house was damaged by a car during a two-vehicle collision. The complainant said that the named officer attended the scene but failed to investigate whether the drivers of the vehicles had valid insurance. Subsequently, the complainant discovered that both drivers' insurance details were not valid. The complainant provided copies of Collision Information Cards with contact and insurance details of the two drivers that were completed by the named officer.

The named officer stated that both drivers produced their insurance cards when the officer facilitated the exchange of information between all parties.

Body-worn camera footage showed that the named officer completed Collision Information Forms with the details provided by all parties.

Department General Order 9.02 Vehicle Accidents, section I B, states, "Members need not investigate or report non-injury (property damage) vehicle accidents."

Department General Order 9.02 Vehicle Accidents, section II H, states, "When arriving at the scene of a noninjury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report, follow these procedures: 1. EXCHANGE OF INFORMATION. Assure proper exchange of the Collision Information Form (SFPD 19) and, if necessary, assist each party in completing them. Ensure that any witness information is provided to the parties involved. 2 TOWS. Arrange for tows and direct traffic if necessary."

The named officer complied with department rules.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/2019 DATE OF COMPLETION: 02/27/2020

PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he called the Police Station twice and left messages for the named officer to contact him. The named officer failed to make contact.

The named officer said that she did not recall ever receiving messages to contact the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/2019 DATE OF COMPLETION: 02/05/2020 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that she received a notification from her Ring doorbell that someone was in her yard. When she reviewed the footage, she saw the named officer with his firearm drawn. She had no idea why the named officer came to her back door.

Police records showed that the named officer responded to the complainant's residence regarding a panic alarm.

The named officer's body-worn camera footage showed that when no one responded to the front door, he went to the back. The named officer had his firearm drawn with the muzzle pointed down as he cleared the backyard. He saw doors in the back of the residence and rang the bell. The named officer did not point his firearm at the complainant or any other person.

Per Department DGO 5.01, the drawing of the weapon was appropriate for this situation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated that during her child custody exchange, the named officer was disrespectful and mean. The complainant also stated the named officer made mean faces and had a harsh attitude.

Police records showed that the named officer responded to the complainant's residence regarding a citizen standby. Also, there was a valid court order presented.

The named officer's body-worn camera footage contradicted the complainant's statement.

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

SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer removed her handcuffs from the case when she told the complainant to either obey the order or the complainant would be locked up. The complainant felt like the named officer was threatening her.

The named officer's body-worn camera footage contradicted the complainant's statement.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 10/21/09 DATE OF COMPLETION:02/05/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that she believed the police were spending a disproportionate amount of resources issuing traffic citations at a particular location.

DPA reached out to the complainant on three separate occasions to obtain additional information but received no response.

The identity of any involved officer could not be established. The complainant failed to provide additional requested information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/19 **DATE OF COMPLETION:** 02/05/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer reluctantly filed a police report and treated her in a dismissive and belittling manner.

The named officer stated that he listened to the complainant's concerns about her neighbor, watched a video that she provided, and inspected her car's exterior. He stated that because there was no evidence of a crime, he prepared a "suspicious occurrence" report and explained to the complainant that the report would be on record in case there were any further incidents. The named officer stated that he expressed sympathy regarding the complainant's concerns and acted professionally towards her.

The named officer's body-worn camera footage corroborated the named officer's statement. The video showed that the named officer interviewed the complainant and took information for a report. It did not show the named officer behaving unprofessionally or in a dismissive or belittling manner.

The named officer treated the complainant with courtesy as required by Department General Order 2.01. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #2: The officer's discourteous behavior or statements were related to ethnicity or race.

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

FINDINGS OF FACT: The complainant stated that the named officer told her to write legibly when completing a form and that she believed that directive was racially motivated.

The named officer did not recall whether he asked the complainant to "write legibly," but stated that if he did so it was only to ensure that he would be able to read the information in order to input it properly into the computer. The named officer stated that some forms say please print legibly. He was not trying to be condescending or put her down.

Body-worn camera footage did not show the named officer discussing the completion of the forms with the complainant. A preponderance of the evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #3: The officer's engaged in retaliatory behavior.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/19 **DATE OF COMPLETION:** 02/05/20 **PAGE# 2 of 2**

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

FINDINGS OF FACT: The complainant stated that the named officer retaliated against her for having made prior complaints.

The named officer denied retaliating against the complainant.

Body-worn camera footage did not reveal any behavior that could be considered retaliatory in nature.

Records showed that the named officer documented the complainant's concerns through the preparation of a "suspicious occurrence" report, copied and booked the complainant's video, and provided the complainant with a follow-up form.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/2019 DATE OF COMPLETION: 02/13/2020

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with DGO 6.14.

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

FINDINGS OF FACT: The complainant stated that 5150 psychiatric holds were being misused by SFPD. She stated that SFPD officers have frequently dropped subjects off at the hospital instead of taking them to jail and as a result, hospital staff have been violently attacked. The complainant stated that her complaint was not against a specific officer, station or district, as the practice was not limited to one hospital. The complainant wanted to make the Chief of Police aware of the issue.

Department General Order 6.14 states that officers are required to abate, detain, or arrest psychologically distressed adults. Furthermore, the policy states that if an individual has committed a crime, officer shall arrest the individual and book or cite according to Department policies and procedures. Cited individuals who are, as a result of mental disorder, a danger to themselves, a danger to others, or are gravely disabled shall also be detained for psychiatric evaluation.

SFPD received the complainant's complaint and forwarded a copy to DPA.

There was no further action required of DPA.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 02/26/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in a manner unbecoming of an officer.

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

FINDINGS OF FACT: The complainant stated the named officer did not respond to her emails.

The named officer stated the complainant sent him excessive emails with irrational content. He stated he responded to the complainant's emails on several occasions offering the complainant assistance; however she never replied.

DPA's investigation showed the complainant habitually sent an excessive amount of emails with irrational content and that the named officer responded appropriately.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 02/27/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he was a BART passenger going to work when he observed a male passenger throw a glass bottle at another passenger. The complainant provided aid to the victim, and the suspect fled the scene. The complainant stated he spoke to an SFPD officer on the scene who appeared to be disinterested in the injured passenger, the shattered glass and the spilled blood on the BART train. The complainant stated the officer left the scene before the medics and the BART officers arrive. The complainant stated that he did not get the officer's identification.

Department records contained no SFPD event or call related to the incident. The victim from the incident confirmed he saw an officer walk by him at the scene, but he stated he did not get his identification. The BART investigation and the related video recording footage of the train and the station did not reveal the identity of an SFPD officer.

An officer identification poll was sent to the SFPD station in the district where the incident occurred. The poll failed to identify an involved officer.

A witness BART employee on the involved train observed an assault and remained at the scene with the victim until medics and BART Police arrived. The witness stated there was no officer beside BART Police on scene.

After a reasonably diligent investigation, the DPA could not identify the alleged San Francisco Police Officer at the scene.

There was insufficient evidence to either prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 02/27/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated he was a BART passenger going to work when he observed a male passenger throw a glass bottle at another passenger. The complainant provided aid to the victim, and the suspect fled the scene. The complainant stated he spoke to an SFPD officer on the scene who appeared to be disinterested in the injured passenger, the shattered glass and the spilled blood on the BART train. The complainant stated the officer left the scene before the medics and the BART officers arrive. The complainant stated that he did not get the officer's identification.

Department records contained no SFPD event or call related to the incident. The victim from the incident confirmed he saw an officer walk by him at the scene, but he stated he did not get his identification. The BART investigation and the related video recording footage of the train and the station did not reveal the identity of an SFPD officer.

An officer identification poll was sent to the SFPD station in the district where the incident occurred. The poll failed to identify an involved officer.

A witness BART employee on the involved train observed an assault and remained at the scene with the victim until medics and BART Police arrived. The witness stated there was no officer beside BART Police on scene.

After a reasonably diligent investigation, the DPA could not identify the alleged San Francisco Police Officer at the scene.

There was insufficient evidence to either prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/19 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that SFPD officers did not chase the drivers that participated in an illegal sideshow.

Police records showed a high volume of calls to dispatch to report an illegal sideshow. Callers reported observing 100 vehicles revving engines, weaving, driving on the wrong side of the road, speeding, blocking intersections, running stop signs, and driving recklessly. A sergeant responded to the area to monitor, evaluate, and coordinate officers' responses. The sergeant directed officers to position their vehicles in areas that would disburse the sideshow vehicles. Officers did not engage in pursuit driving.

Department General 5.05 states that it is the policy of SFPD to safely apprehend fleeing violators without unnecessarily endangering the public and/or officers. Additionally, when it becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others, the officer shall not initiate a pursuit or, if the pursuit is already in progress, the officer shall terminate the pursuit.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/19 DATE OF COMPLETION: 02/24/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 01/22/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/2019 **DATE OF COMPLETION:**02/26/2020 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officer's failed to take required action.

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

FINDINGS OF FACT: The complainant, a survivor of sexual assault, wanted to obtain information regarding her case.

DPA made several attempts to obtain a statement from the complainant with negative results.

The officer (s) could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/19 **DATE OF COMPLETION:** 02/10/2020 **PAGE# 1 of 1**

Sergeant Kelly Kruger #718

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 02/04/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/2019 DATE OF COMPLETION:02/13/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he had been harassed and abused by the SFPD since 2011. He stated that in or about late November 2019, he was sitting at an outdoor table, became upset and knocked a napkin dispenser to the ground, after which he approximated 10 officers arrived and used excessive force, resulting in injuries for which the complainant sought medical attention. The complainant also stated that in years past unknown officers had beaten him up and been involved in illegal activity including sex trafficking.

No records could be located involving the complainant at the location he described in late November 2019. However, records were located which showed that the complainant was identified as the victim in an assault and battery incident in early November 2019 at a different location. Those records revealed that a passerby reported that a male was lying on the floor and yelling gibberish. Two officers arrived on scene and observed the complainant screaming at pedestrians. When questioned, the complainant stated that he had been attacked by unknown suspects coming from an unknown direction. Officers noted at the time that the complainant appeared to be under the influence of alcohol and was not answering clearly or directly. The complainant was taken by ambulance to a hospital where he was evaluated, deemed stable and released.

Other records from Fall 2019 were located involving the complainant, but none matched the location or description provided by him.

Given the inconsistencies and lack of specificity associated with the complainant's complaints, the officer(s) cannot reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/2019 DATE OF COMPLETION:02/13/2020

PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she went to the police station and tried to file a stalking report. She said she spoke with a male Asian officer, who was not wearing a police uniform, who refused to write an incident report.

Department records showed that the named officer was the station keeper at the time the complainant attended the station. The records also showed that the named officer matched the general description provided by the complainant.

The named officer confirmed he was on duty and was in full uniform at the time of the incident. He stated that no one came into the station to report a stalking case.

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

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

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

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was 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: 01/31/2020 DATE OF COMPLETION: 02/05/2020 PAGE# 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
MUNI Security, Investigations & Enforcement
1 South Van Ness Ave., 8th Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/20 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/20 **DATE OF COMPLETION:** 02/13/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/2020 DATE OF COMPLETION:02/26/2020

PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/20 **DATE OF COMPLETION:** 02/05/20 **PAGE#** 1 of 1

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

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

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

California Department of Corrections and Rehabilitation
Attn: Parole Division
1515 S St. #101n
Sacramento, CA 95811

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/20 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she received an SFMTA parking ticket although she was not in the city of San Francisco on the date the ticket was issued.

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 **DATE OF COMPLETION:** 02/13/20 **PAGE#** 1 of 1

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

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

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

Helper City Police Station
97 South Main Street
Helper, Utah 84526

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/15/2020 DATE OF COMPLETION: 02/26/2020

PAGE# 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/2020 **DATE OF COMPLETION:** 02/27/2020 **AGE #1 of 1**

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

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

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

Office of Internal Affairs
BART Police Department
101 8th Street, 3rd Floor
Oakland, CA 94604

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/2020 DATE OF COMPLETION: 02/26/2020 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/20 **DATE OF COMPLETION:** 02/18/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/20 **DATE OF COMPLETION:** 02/18/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that sheriff's deputies failed to respond to her complaints. This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/20 **DATE OF COMPLETION:** 02/18/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that sheriff's deputies failed to respond to her complaints. This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 2/19/2020 DATE OF COMPLETION: 02/26/2020

PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/2020 DATE OF COMPLETION: 02/26/2020 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO FINDING: IO-2 DEPT. ACTION:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/20 DATE OF COMPLETION:02/26/2020 PAGE# 1 of 1

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

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

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

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