

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/19 **DATE OF COMPLETION:** 02/18/21 **PAGE# 1 of 6**

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

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

FINDINGS OF FACT: The complainant stated that he stopped his bicycle behind a red light outside the bus lane, when he was hit in the back of his head, by a Muni bus when he was mounting his bicycle. He was later given a citation for not riding as close to the curb as possible. He stated that the officer did not investigate the accident properly.

The named officer stated in an interview that she interviewed both the complainant and the Muni bus driver when she was on scene, and there were no witnesses in the accident. The officer also looked and requested for security cameras footage on the Muni bus, and noted the findings in the Traffic Collision Report. She then forwarded the report to the Traffic Division for further investigation.

A witness officer stated that in assisting the named officer, he looked for security cameras in the area for possible coverage; however, he did not locate any cameras in the area.

Department records show that the officer obtained statements from the complainant and the Muni driver and noted the check for security cameras in the Traffic Collision Report. The report including a diagram of the accident scene.

Body worn camera footage captured that the officer interviewed both involved parties of the accident and requested security camera footage from the Muni driver.

The DPA interviewed the Muni bus driver as a witness to this incident. He recalled the accident; however, he did not remember any police involvement.

The evidence proved that the named officer had taken necessary investigative steps to investigate the injury vehicle accident by interviewing the involved parties, completing a Traffic Collision Report and documenting the check for security camera footage.

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

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

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

FINDINGS OF FACT: The complainant stated that he had stopped his bicycle behind a traffic light and was hit in the back of his head by a Muni bus while he was about to mount his bicycle. He was later issued a citation for the unlawful operation of a bicycle even though he was the one injured and hit from behind.

The named officer stated that she interviewed both parties involved, and they both expressed to her that the bicyclist was leaning over to the left when he was mounting on his bicycle. The officer, however, stated that she did not watch any security camera videos on the scene. Based on the information she gathered, the named officer determined that the complainant was most at fault and issued him a citation for violating the California Vehicle Code (CVC) 21202(a). The named officer stated that she did not consider using other vehicle codes and used the vehicle code she thought was most appropriate. In addition, the officer stated that based on their Department policy, officers need to find a party most at fault in injury vehicle accidents, and it is usually mandatory to cite the person depending on what had happened.

The witness officer confirmed in the interview that both officers did not watch any security camera footage on the scene because one was not available. He also confirmed that the named officer issued the complainant a citation and that the named officer did not discuss with him using other vehicle codes.

Department records indicate that the complainant was issued a citation for violating CVC 21202(a). The Traffic Collision Report shows that the cause of the accident was due to the complainant not operating his bicycle closer to the curb and leaning into the bus/taxi lane when he began to mount his bicycle and therefore, the complainant was issued a citation on scene.

The DPA has obtained security video footage from the Muni bus which captured that the complainant had stopped his bicycle about one block ahead of the Muni bus, behind a traffic light in the lane to the right of the Muni bus. The Muni bus driver continued to approach the traffic light in his lane alongside the complainant, while the complainant began to mount his bicycle and tilted his body to the left. The footage did not show the actual contact, but footage showed as the Muni bus stopped the driver spoke to the bicyclist. The audio recording captured the passengers making comments about the muni driver striking the bicyclist. The footage also shows that there were vehicles and motorcycles parked on the side of the road next to the bicyclist's lane.

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A witness, the Muni driver, in an interview, stated he saw the bicyclist stopping behind the traffic light next to his lane. He said, instead of staying behind the bicyclist by three feet like Muni has instructed bus drivers to do, he approached the light and stopped alongside the bicyclist. The bus driver said the bicyclist then leaned over to the bus, and the two made contact. The driver stated he could have avoided the accident if he used better judgment. He could not recall if there were any police officers on the scene or if there were any conversations he had with the officers.

California Vehicle Code (CVC) 21202(a) Operation of Bicycles states, “any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:...(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656.”

CVC 21760 Overtaking and Passing subdivision (c) and (d) state, “a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator” and “if the driver of a motor vehicle is unable to comply with subdivision (c), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.”

SFPD Department Bulletin 18-037 Arrests/Citation for Traffic Collisions states, “the investigating officer at the scene is responsible for determining the party at fault for the collision. Officers who have completed the 40-hour POST-certified Basic Collision Investigation course shall arrest or issue a citation when the party at fault is responsible for the injury of ANOTHER”, “collisions where a non-life threatening injury collision occurs and the reporting officer is unable to initially determine fault at the scene because further investigation is necessary, the primary officer shall make every reasonable effort to conduct the further investigation and obtain the additional information.”

The evidence the DPA gathered proved that the complainant had already stopped his bicycle when the Muni was approaching him from behind. The bicyclist complied with CVC 21202 because of the vehicles parked on the side of the street. The Muni bus driver saw the bicyclist from behind but did not stop at a distance of more than three feet or slow to a speed that is reasonable and prudent, so the bus would not endanger the safety of the operator of the bicycle. The evidence also indicates that the officer did not watch any security camera videos on the scene when she decided to issue the citation. The Department Bulletin states that an officer “shall arrest or issue a citation when the party at fault is responsible for the injury of another,” however, the party injured in this case is also the party whom the officer determined to

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be most at fault. Therefore, the officer did not have to issue a citation in this case, and it is also not required of her to do so.

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

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

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

FINDINGS OF FACT: The complainant stated that when the named officer arrived, she said to him, "someone has to be blamed for this" and wrote him a citation.

The named officer stated that she was trying to explain to the complainant that their (SFPD) policy states that when officers conduct vehicle collision investigation, they are required to identify which party was most at fault. So she had to find the party most at fault and if she wants, cite the person depending on what had happened. She stated that she was being honest with the complainant and was trying to explain the department policy best.

The witness officer denied that the named officer had said, "someone has to be blamed" but instead, she advised the bicyclist that someone needed to be cited per department policy.

Body worn camera footage indicates that the named officer told the complainant that "whenever there is a traffic accident with an injury, we have to cite someone, whomever we think is the most at fault. So pretty much..., it was required. Since I think you are most at fault, I have to cite you for not being as close to the curb as you should have been..." and "It's literally our policy. We'll get in trouble if we go back and we don't cite someone." The BWC footage did not indicate that the officer states, "someone has to be blamed."

The Muni bus driver did not recall interacting with any officers on the scene.

SFPD Department Bulletin (DB) 18-037 states that "the investigating officer at the scene is responsible for determining the party at fault for the collision. Officers who have completed the 40-hour POST-certified Basic Collision Investigation course shall arrest or issue a citation when the party at fault is responsible for the injury of ANOTHER."

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The evidence proved that per the DB, the named officer is responsible for determining the party at fault for the collision; however, the officer did not have to cite the bicyclist since he was also the injured party. The evidence indicates that the officer misunderstood the policy and believed that the investigating officer needed to cite the party at fault in an injury vehicle accident.

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

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

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

FINDINGS OF FACT: The complainant complained that the officer had written an inaccurate citation and has provided his driver's license to prove that the year of birth and age on his citation were inaccurate.

The named officer admitted that she wrote the citation and was not aware that the year of birth and age of the complainant are wrong on the citation. She explained that it was a typo.

The witness officer stated that the named officer was the officer who issued the citation.

Department records indicate that one digit of the year of birth was written inaccurately, and thus the age on the citation does not reflect his actual age.

No witnesses were identified.

Although the evidence proved that the year of birth and age on the citation were not accurate on the citation, the officer admitted that it was merely a typo. A typo on a citation does not rise to the level of misconduct nor disciplinary action. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

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FINDINGS OF FACT: The complainant stated that he had contacted the named officer regarding the citation and had not heard back from the named officer.

The named officer stated that she did not recall whether the complainant contacted her or other officers on the scene after the incident.

The witness officer said he did not know if the complainant had contacted the named officer after the incident and was not contacted by the complainant.

Department records do not show if or when the complainant contacted the officer.

The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer failed to properly care for, process or book property.

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

FINDINGS OF FACT: The complainant said that officers lost his wallet and wedding ring when they arrested him.

The named officer said he placed the complainant under arrest, handcuffed him, and searched him prior to placing the complainant in the back of his patrol vehicle. The named officer removed the complainant's wallet and keys and placed them on the trunk lid. The named officer also removed loose cash from the complainant's pocket and placed it inside the complainant's wallet. The named officer said he and his partner subsequently transported the complainant to the station and the named officer drove away without securing the wallet and keys. As soon as the named officer returned to the station, he realized he had forgotten the items and immediately notified his supervisor. The named officer and several other officers returned to the scene to search for the property and could not locate it.

The named officer's BWC corroborates the named officer's testimony. The BWC also shows that the complainant was not wearing a wedding band when officers first approached.

Department General Order 6.15 states, "[T]he member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section."

The named officer acknowledged he lost the complainant's wallet and keys and that he failed to properly process the complainant's property in violation of DGO 6.15.

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 #2: The officer improperly used physical control.

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

FINDINGS OF FACT: The complainant stated one of the officers applied the handcuffs too tight. The complainant stated his wrists were red and he had blisters.

The named officer stated he handcuffed the complainant, checked for the proper degree of tightness and double locked the handcuffs. The named officer stated he put his finger between the ring and complainant's wrists. The named officer denied he applied the handcuffs too tightly. The named officer stated the complainant never complained about the handcuffs being too tight nor did he complain of pain after he was handcuffed.

The named officer's partner stated he had no recollection of the complainant complaining about the handcuffs being too tight, nor did he complain of pain.

The complainant was asked to provide photos of his wrists showing his injuries. The complainant did not provide any photos to support his allegations.

The Body Worn Camera (BWC) shows the named officer handcuffing the complainant. The BWC corroborates the named officer's testimony and that the named officer checked for the proper degree of tightness and double locked the handcuffs. The complainant does not complain about the handcuffs being too tight nor does the complainant say anything about being in pain due to the handcuffs being too tight.

The incident report includes no mention of any injury to the complainant's wrists.

S.F.P.D. Handcuffing Guidelines state: "Handcuff Tightness – The handcuffs should be applied between the ulnar bone and the base of the wrist. If the subject's actions prevent correct application, the handcuffs should be rechecked as practical for excessive tightness or looseness. The handcuffs should be tight enough that they do not easily slide around the wrist. The handcuffs should not be so tight that they cut off circulation. One method of assessing how tight the handcuffs are is to place your index fingertip between the inside neck of the cuff and the subject's wrists. If your fingertip just barely fits, the handcuffs are sufficiently tight.

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

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

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

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

BWC video captured the named officers interacting with the complainant. The named officers did not use profanity.

The evidence proved that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated officers were “not very nice”, telling him “nobody cares what you have to say”, and treated him in a “careless” manner.

BWC video captured the named officers interacting with the complainant. The named officers acted in a professional manner and did not behave or speak inappropriately towards the complainant.

The evidence proved that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant said that officers behaved and spoke inappropriately when they arrested him for being drunk in public.

The officers were investigating a suspicious vehicle when complainant approached and attempted to engage the officers in conversation. During the conversation, the complainant made a joke about using the guitar as a baseball bat. The named officer and his partner immediately took the complainant's guitar, handcuffed him and detained him. The named officer then engaged in an unnecessarily long back and forth with the complainant about whether he threatened to attack the officers. The named officer also threatened to take complainant to jail, said the complainant was lucky he didn't use more force on him and called him a profane name.

The named officer's response was unprofessional and disproportionate to the situation. The complainant was calm and expressed disbelief during the encounter.

The officer's conduct was an overreaction and reflected poorly on the police department.

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 OF ALLEGATION #2: The officer improperly damaged property.

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

FINDINGS OF FACT: The complainant stated the officer threw his guitar on the sidewalk and damaged it.

The named officer stated he took the guitar away from complainant after complainant held the guitar over his shoulder and imitated using the guitar like a baseball bat.

The named officer's body worn camera shows the officer quickly grabbing the guitar and tossing it away from the complainant's reach. The named officer said he had no intention of damaging the guitar. The named officer's decision to remove the guitar from the complainant and toss it away from the complainant's reach was reasonable. The officer credibly testified that he had no intention of damaging the guitar and simply wanted to relieve complainant of a potential weapon.

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with SFPD Department General Order 2.01 General Rules of Conduct.

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

FINDINGS OF FACT: During its investigation, the DPA discovered the named officer used profanity when speaking to a member of the public.

The named officer acknowledged he made the comments.

A review of the body worn camera video shows that the profanity had no legitimate law enforcement purpose of de-escalation.

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

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

FINDINGS OF FACT: The complainant was in a restaurant when he got into physical altercation with some customers. The owner of the restaurant called 9-1-1, and the named officers responded to investigate the incident. The officers found the complainant lying on the ground. The officers helped the complainant stand up and escorted him outside. They continued talking to him and called an ambulance to the scene. The complainant stated the officers threatened to put him in jail unless he told the paramedics that he was drunk and disorderly.

The officers denied making threats to put the complainant in jail.

The officers' body worn camera corroborates the officers' testimony. Although a substantial portion of the body worn camera footage is muted, the complainant's demeanor and actions on the day of the incident undermine his credibility.

The evidence proved that the conduct alleged did not occur or that the accused officers were not involved.

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SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to document the reasons for muting their Body Worn Cameras.

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

FINDINGS OF FACT: The officers failed to document the reasons for muting their body-worn cameras.

The officers' body-worn camera recordings are roughly twenty minutes long. Approximately six minutes into the recordings, the officers muted their body-worn cameras and never unmuted them up to the time they deactivated or stopped recording.

The named officers stated that they muted the body-worn cameras to discuss medical information and law enforcement information. Both admitted to failing to document the reasons for muting their body worn cameras in the CAD, incident report, or other written memorandum.

Department Bulletin 17-156, Body Worn Camera Mute Function, states that:

“The Body Worn Cameras issued to Department members have a feature which mutes (deactivates) the audio recording without interrupting the video recording of the BWC. Utilizing the mute feature is considered a termination of the recording as outlined by Department General Order 10.11, section E, Termination of Recordings:

E. Terminations of Recordings.

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, unless the contact moves into an area restricted by this policy. Members shall deactivate the BWC in the following circumstances:

1. When discussing sensitive tactical or law enforcement information away from the citizen
2. After receiving an order from a higher-ranking member
3. When recording at a hospital would compromise patient confidentiality
4. When gathering information from witnesses or community members, and the officer has a reasonable and articulable concern that a BWC would inhibit information gathering efforts

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Members shall only use the mute feature with a specific articulable purpose. If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report, written statement or memorandum, as required by General Order 10.11, section G, Documentation.”

As the officers failed to document the reason or reasons for muting their body worn cameras, a preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper

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

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

FINDINGS OF FACT: The complainant is a defense attorney. She is representing a defendant in a murder trial. She stated the named officer utilized the defendant's confidential juvenile records to build probable cause in a search warrant affidavit. The complainant stated the named officer lied about doing this when she questioned him about it during a Motion to Suppress hearing. The named officer testified he had realized the legal ramifications of the complainant's age after his affidavit had been signed. The complainant stated the named officer changed his testimony to claim he did not know the records involved a juvenile. The complainant stated the named officer was willfully blind to the issue, was aware he was utilizing juvenile records, and knew the records were confidential.

The named officer stated this testimony during the Motion to Suppress hearing was truthful. While he was aware of the dates the records were created, he did not realize they were juvenile records and may have been subject to a higher level of confidentiality. He stated he did not realize this because of the amount of stress and chaos he was working under when he drafted the affidavit. He stated he realized the dates of the records may be an issue after the search warrant had been signed and he had returned home.

An incident report was drafted to document the SFPD's investigation of a homicide. The incident report documents SFPD officers surveilling the defendant's family home. The SFPD witnessed the defendant exit the home and enter a car. When the SFPD attempted to pull the car over, it drove away at a high rate of speed. During the chase, a gun was thrown from the window of the car the defendant was in. When the car came to a stop, its driver and the client were arrested and taken to Homicide for questioning.

The affidavit drafted by the named officer was analyzed. He described finding an incident report from 2016. The incident report concerns the defendant. Within the affidavit, the named officer placed the defendant's date of birth directly next to the defendant's name. The defendant was born in August 1999. The named officer knew the officer who investigated the defendant's 2016 case. He spoke with the officer. The officer gave him photos of the defendant. The named officer wrote in the affidavit that the photos were taken in May of 2016. Additionally, the named officer included what occurred in the investigation while he wrote the affidavit. As the affidavit was being written, the defendant had just fled officers in a vehicle and thrown a firearm out of his vehicle's window while officers pursued him.

The transcript of the named officer's testimony was analyzed. He confirmed he was writing the affidavit during the period SFPD engaged in a high-speed chase and arrested the defendant. He stated he was unaware of when the photos of the complainant's client had been taken when he viewed the photos. The

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complainant asked if the named officer was aware of the date the pictures were taken when he drafted the affidavit. The named officer states was, but the date the photos were taken was not significant to him. The named officer acknowledges he was under a considerable amount of stress when drafting the search warrant. As he was drafting the affidavit, officers were securing the scene that needed to be searched. Throughout the complainant's questioning of the officer, the officer states he did not understand the "ramifications" of the dates and he was aware the information he had utilized in his affidavit should have been kept confidential "in retrospect." At one point the named officer changed his testimony when the complainant asks if he was aware of the date a document was created. He quickly explained that he was aware of the date, but not the legal ramifications of the date.

Penal Code 118 states, in part: "Every person who, having taken an oath that he or she will testify... before any competent tribunal in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies...under penalty of perjury in any of the cases in which the testimony...is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury." The named officer's statements remained consistent throughout his testimony. There is documentation to support his statements that he was under considerable stress while he was writing the affidavit. During the period the named officer was drafting the affidavit, the defendant led officers on a high-speed car chase, attempted to dispose of a firearm, and was arrested. While the named officer's affidavit clearly utilized juvenile records, the named officer consistently provided the excuse that he had momentarily forgotten that juvenile records are confidential. The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #3: The officer misused confidential information.

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

FINDINGS OF FACT: The complainant alleged the named officer utilized confidential juvenile records in a search warrant affidavit. She alleged this violated several laws such as W&I Code § 786 and W&I Code § 827.

The named officer stated he has worked with juvenile records in the past and understood they need to be kept confidential. However, in this instance, he was working under such stressful and chaotic conditions that he did not realize the records were juvenile records. There were no indications the records had been sealed when he accessed them in the Crime Data Warehouse (CDW). It was after the warrant was signed

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that he realized the defendant would have been a juvenile in May of 2016 and the records he had utilized may be subject to a greater level of confidentiality.

The named officer's affidavit utilized juvenile records to build probable cause. He found the juvenile records by utilizing the CDW in January of 2018. The named officer lists the client's birthday within the affidavit as well as documentation for when the records were created. By comparing the defendant's birthday with when the records were created, it is clear the named officer used juvenile records in his affidavit. The named officer requested the affidavit be sealed to protect the details of his investigation. The signing judge agreed and the affidavit was sealed.

The DPA analyzed a court order commanding the SFPD to seal the defendant's records. The order was signed in November 2017. The SFPD's Internal Affairs Criminal Unit investigated this case. They shared an email chain between their investigator and a supervisor within the SFPD's Crime Information Services. Within this email conversation the supervisor from SFPD's Crime Information Services confirms the report was not sealed until within the CDW until June of 2018. He wrote that anyone could have accessed the report before that time.

W&I Code § 781, 781.5, 786, and 786.5 allow a juvenile to seal their criminal record for various reasons after the resolution of a case. Once a record is sealed, police may not view or use the materials except under a few narrow exceptions. None of these exceptions apply to this case. However, due to the delay in removing the defendant's juvenile records from the CDW, the named officer could not have known the defendant's juvenile record had been sealed by the court.

Under W&I Code § 827, juvenile records are generally considered confidential even if they have not been sealed by a court order. There are several exceptions to this confidentiality. Law enforcement may inspect juvenile records in a criminal proceeding involving a minor. Here, no charges had been filed against the defendant at the time the named officer accessed his juvenile record and no criminal proceeding had begun. While the named officer could not have known the information he utilized was sealed by the court, he was aware the information was from a juvenile record. He admits he realized after the search warrant had been signed that the juvenile records were confidential. Due to this lapse in judgment, the named officer improperly utilized the defendant's juvenile record. 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 OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant, who was sitting in his parked vehicle with expired registration tabs, stated that officers approached his vehicle and ordered him to either lower his window, or exit the vehicle. The complainant stated he refused to comply because he did not understand why it was necessary for him to roll down his window completely or exit his vehicle for an expired registration. He explained that he paid his registration fees and had a mover’s permit on the back of his vehicle so he could obtain a smog inspection. He stated that he attempted to relay this to the officer; however, in response, the officer made harassing and threatening comments to him such as, “I am going to break the window.”

The named officer confirmed that she detained complainant because the registration for his vehicle had been expired for over 6 months. During the detention, she could not see inside the vehicle because of its height and the glare on the window. She informed the complainant that his registration was expired. She described the complainant as uncooperative. He refused to comply with her orders to lower the window and step out of the car. As result, she told him that if he did not comply, she would break his window.

Although the officer did not break the window, she stated that she had the authority to do so because vehicle stops are inherently dangerous, and she could not see inside. The officer also characterized her “admonishment,” to break the window as de-escalating the situation by giving the complainant an option: either to comply or break the window.

A sergeant who responded to the scene stated that, although he was not present when the named officer made these comments, the officers spoke with him regarding breaking the window as a possible tactic to extract the complainant if only absolutely necessary. The sergeant elaborated that breaking a window and conducting an extraction is a possible technique if the situation warranted it. He stated that an officer would not use this technique for the sole purpose of an “expired registration” violation, but if another safety issue arose, such as a medical emergency or other exigent circumstance, it would be proper.

Body-worn camera footage reflects that the named officer and the complainant engaged in a lengthy debate about whether his registration was expired. The footage confirms that complainant was uncooperative and that he refused to either roll down the window or open the door. The footage also captures that in response, the named officer did repeatedly tell him that if he did not comply, she would break his window and open the door. She did not.

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While using such a tactic may not have been warranted or ideal, the complainant's actions became increasingly unpredictable because he repeatedly refused to obey the officer's lawful order. Therefore, the evidence is insufficient to determine if her conduct violated policy and rose to the level of engaging in "threatening, intimidating, or harassing," behavior.

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

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

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

FINDINGS OF FACT: The complainant also stated that he requested the presence of a sergeant; however, the officers denied his request, obliging him to call the police himself.

The named officer confirmed that the complainant did, in fact, request the presence of a sergeant. She stated that while officers are required to contact a sergeant when one is requested, that obligation does not require officers to immediately comply, and only exists when safety permits. She elaborated that at the time of this request, she did not feel safe enough to phone a sergeant as she still could not see inside the vehicle. Moreover, one of her partners had already requested a sergeant to respond to the scene.

Body-worn camera footage supports that while the named officer did, in fact, deny the complainant's request for a sergeant, both the complainant and a witness officer successfully called for sergeants to respond to the scene.

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

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SUMMARY OF ALLEGATION #3: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers towed his vehicle without cause. As mentioned above, he stated that he repeatedly attempted to provide the officers with DMV paperwork which reflected that, although his registration was technically expired, he had paid his registration fees and had a mover's permit from the DMV on his rear window.

Department records showed that the registration for complainant's vehicle had expired more than six months before the stop and that the DMV permit affixed to the vehicle had expired, as well. CVC 22651(o) allows an officer to tow a vehicle with an expired registration in excess of six months.

While the officers could have cited or advised complainant as an alternative, the named officer was within her rights to tow the vehicle.

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

SUMMARY OF ALLEGATION #4: The officer failed to properly care for, process or book property.

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

FINDINGS OF FACT: The complainant stated that the officers failed to issue him a tow receipt.

The named officer confirmed that she did not issue a tow receipt and to her knowledge, was not required to.

Department policy does not require the issuance of a tow receipt.

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

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SUMMARY OF DPA ADDED-ALLEGATION #1: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant eventually agreed to exit his vehicle after he spoke with two sergeants. Upon exiting his vehicle, the named officer pat-searched him.

The named officer stated that she pat searched the complainant because he was under arrest for a violation of 148 (a)(1)(PC), delaying and obstructing her official duties.

Probable cause supported complainant's arrest and citation for a violation of 148 (a)(1) (PC), which made a search incident to arrest of complainant lawful. A sergeant on scene approved the cite and release of complainant for the 148(a)(1) PC violation because he observed the complainant continuing to intentionally refuse and disobey lawful orders to exit the vehicle.

Therefore, the officer was within her rights to conduct such a search incident to a lawful arrest.

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

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SUMMARY OF DPA ADDED-ALLEGATION #2: The officer engaged in retaliatory behavior.

CATEGORY OF CONDUCT: **CUO** **FINDING:** **IC/S** **DEPT. ACTION:**

FINDINGS OF FACT: As mentioned above, while independent grounds existed to tow the complainant's vehicle, evidence supports that the named officer made the decision to tow the vehicle in retaliation in violation of Department General Order 9.01 and 2.01.

Department General Order 9.01 Section I. (A)(3), states: "DISCRETION: Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of the violator influence their enforcement action." Department General Order 2.01, Section 1. 9 prohibits conduct that reflects discredit upon the Department or any member or is prejudicial to the efficiency and discipline of the Department.

Body worn camera footage reveals that the named officer repeatedly discussed with several officers that she felt compelled to cite complainant and tow his vehicle because complainant was "difficult" and would likely file a complaint of misconduct against her. While the named officer adamantly denied that complainant's behavior influenced her decision-making process, the conversations observed on the body-worn camera belie her denials.

One of the sergeants at the scene attempted to reason with the named officer and encourage her to advise the complainant rather than tow his vehicle. The named officer responded: "Okay, but I am still going forth with the 148, if he wants to go and complain, and do all of this, and we just advise him, then what was the point of stopping him . . . I will do an expired reg, advise on the tow, but doing the 148, he made it a lot more difficult, if he wants to go and make a complaint about me, all this and that, and we do nothing about it? I am not advising on the 148, only the tow."

Moreover, throughout the incident the named officer made additional comments, such as: "This is going to be a complaint, 100 percent . . . when it comes down the line they are going to say, well why did you stop them if you were just going to advise." The named officer also made numerous comments about how "difficult" the complainant was.

The named officer characterized such comments as "bouncing ideas off her partners, wanting to ensure, given the current atmosphere, "she did everything in the correct manner," and doing things by the "letter of the law."

Finally, in a conversation with her partner, body-worn camera footage captured the named officer lowering her voice and stating, "I mean... if this were different, I was not going to tow it." The partner

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responds: “No, of course not! Roll down your window, give us your paperwork, give us your ID, hey great, we will advise.”

While the named officer had the right to exercise her discretion and tow the vehicle, such a decision cannot be influenced by the behavior of the detainee or the officer’s fear that a complaint may be lodged against her. Body-worn camera footage shows that her decisions to take certain enforcement actions were improperly influenced by the possibility that complainant would file a complaint against her.

By considering these issues when making enforcement decisions, the named officer engaged in retaliatory behavior because she allowed the attitude and behavior of the violator to influence her decisions in violation of DGO 9.01 and 2.01.

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 OF DPA-ADDED ALLEGATION #3: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: At the complainant's request, his girlfriend arrived at the scene. The named officer described the girlfriend as extremely cooperative. The girlfriend wanted to retrieve her purse from the vehicle. The named officer confirmed that she intended on giving the purse back to the girlfriend and would not have towed the vehicle with the purse in it. However, prior to giving the purse back, the named officer searched the purse.

The named officer justified her search of the purse as an inventory search of the vehicle and a search for officer safety. She explained that she was allowed to search "containers" in vehicles to be towed pursuant to DGO 9.06, and she did not want to return the purse before confirming that it did not contain any weapons.

While DGO 9.06 authorizes a broad and comprehensive inventory search of a vehicle to be towed, it does not allow the officer to give items in the vehicle to bystanders after searching them. Inventory searches are designed to protect an owner's property while it is in the custody of the police, and they must be conducted under standardized police department procedures, and they cannot be used as a pretext to search for weapons or contraband. Moreover, DGO 9.06 specifies a procedure to use when handling items of value, and requires the officers report the inventory search in their incident report and produce an itemized list of the contents of the vehicle on a prescribed form. The purse did not appear on the inventory form and it was not noted in the incident report.

Here, the girlfriend was neither detained nor in the vehicle at the time of the stop, and the officer intended from the beginning to give the purse to the girlfriend. Its search cannot be justified as an inventory search because it was not going into police custody for safekeeping. Whether the named officer searched the purse pursuant to an inventory search, or for officer safety, the search was unwarranted and violated the Fourth Amendment.

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 OF ALLEGATION #1: The officer prepared an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the officer wrote an inaccurate incident report. The complainant said that the officer wrote that a bulge underneath a subject's clothes could be a weapon, but the officer's body worn camera shows that the officer knew it was a wallet. The complainant also said that the officer wrote the wrong code section in the report.

The named officer stated that her report was intended as a general summary of the incident, not a step-by-step narrative. The named officer explained that she initially approached the subject to issue him a citation for smoking in a bus shelter. The named officer said that the subject immediately widened his eyes, moved away rapidly, and began looking oddly at officers. The named officer also stated that the subject was sweating, nervous, and shaking.

The named officer stated that, based on the arrestee's odd behavior, she was concerned about her and her partner's safety. The named officer stated that she noticed a bulge around the arrestee's neck and suspected the bulge to be a purse or wallet, but she did not know for sure, and was unsure if the purse contained a weapon. The named officer also admitted that she should have included an additional code section and stated that it was just a mistake.

After careful review of the officer's body worn camera, the DPA finds that the named officer's incident report was a sufficiently accurate depiction of the event. Although the report could have been clearer, the inaccuracies do not rise to the level of discipline.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers conducted an improper search.

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

FINDINGS OF FACT: The complainant stated that officers searched a subject without cause.

The named officers stated that approached the subject to issue him a citation for smoking in a Muni bus shelter. The named officers said that the arrestee immediately widened his eyes, moved away rapidly, and began looking oddly at officers. The named officers also stated that the arrestee was sweating, nervous, and shaking.

The named officers stated that they had sufficient grounds to conduct a pat search based on the high crime area and the subject's evasive and nervous behavior. One of the named officers said that she had sufficient grounds to search the subject's purse for identification to complete the citation.

The named officers' body-worn camera footage adequately corroborates the named officers' testimony. The subject is seen acting sufficiently nervous and evasive to justify a pat search. The body-worn camera also shows the subject claiming not to have identification despite having multiple bags and wallet.

Officers are permitted to search for identification if they have a reasonable belief that a subject is being dishonest about whether they possess identification. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #4-5: The officers detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that officers unlawfully detained a subject for smoking in a bus shelter.

The named officers stated they saw the subject smoking in a Muni bus shelter, which is a citable offense in violation of Health Code 1099.22(d) and California Health and Safety Code 118935. The named officers supplied a “Quality of Life Code Enforcement Reference Card,” supplied to them by the Department, which lists the Health Code Section 1099.22(d) as a citable infraction.

Officers are generally permitted to detain subjects to issue citations for qualify of life infractions.

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

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SUMMARY OF ALLEGATION #1: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA FINDING: IC/S DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he heard knocking on his door, opened it, and observed officers outside of his residence. He stated that an officer asked him to come outside of his residence to talk, but he refused. He attempted to close his door but the officer wedged his foot against the edge of the door so it could not be closed. The complainant stated that the officer grabbed him by his wrist and pulled him out of his residence.

The named officer stated that he responded to a call for service regarding a noise complaint. The reporting party was contacted, and she expressed concern regarding the noise and for her safety. The named officer stated that he knocked on the complainant's door, the complainant answered, and he asked the complainant to come outside and speak with him regarding the neighbor's concerns. The complainant refused and attempted to close his door. The named officer stated that he placed his foot near the complainant's door in order to stop it from closing but was unaware whether his foot crossed the threshold. He stated he observed an edged weapon near the complainant's doorway, grabbed the complainant's arm and pulled him out of his residence for officer safety. He stated that he may have stepped forward into the residence when he reached in, but it was not an intrusive step and he could only recall crossing the threshold with his arms when he pulled the complainant out of the residence. He stated that he did not have a warrant or consent to enter the complainant's residence but believed there was exigency during this incident.

The first witness officer stated that he responded to a call for service for a noise complaint and a possible mental crisis. He stated that the named officer knocked on the complainant's door and the complainant answered the door. He recalled the complainant making a comment in reference to the named officer's foot being near his door but was unaware whether the named officer's foot was across the threshold. The first witness officer recalled that the named officer commented that there was an edged weapon that the complainant had walked past in the residence. He stated that the named officer grabbed the complainant's arm and pulled him out of his residence. He was unaware whether the named officer crossed the threshold of the residence when he pulled the complainant out of his residence.

The second witness officer stated that the named officer knocked on the complainant's door and the complainant opened his door and spoke with the named officer. He observed the named officer place his

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foot across the threshold and against the complainant's front door. He stated that the named officer crossed the threshold, grabbed the complainant and pulled him out of his residence. He stated that this occurred after officers on-scene observed a knife-like object in reachable distance from the complainant.

The third witness officer stated that the named officer asked the complainant to come outside of his residence and step into the hallway. The complainant tried to close his door but the named officer placed his foot slightly into the threshold of the apartment so the door could not be closed. The third witness officer stated that the complainant became agitated and walked away and then returned to the front door but would not exit. The named officer slightly entered the residence momentarily, grabbed the complainant's arm and pulled him into the hallway and sat him down. The third witness officer stated he was not aware of a warrant issued for the complainant at that time.

A witness stated that she lived across from the complainant's residence and heard officers arrive at the complainant's door and make contact with him. She stated that she went to her door to watch the interaction through her peephole. It was her assumption based on what she observed that the complainant tried to close his door and was grabbed and pulled out of his residence.

Department records showed a call for service regarding a noise nuisance. Department records also showed that the named officer was one of the responding officers for this call for service.

Body-worn camera footage showed that the reporting party was contacted and expressed concern regarding her upstairs neighbor making noise and making people feel uneasy. Body-worn camera footage also showed that the named officer went upstairs and knocked on the complainant's door and that the complainant opened his door. The named officer asked the complainant to come outside of his residence to speak with him and the complainant declined and started to close his door. Body-worn camera footage showed that the named officer stepped forward toward the door as it was being closed, placed his foot against the door and across the threshold. Body-worn camera footage showed that the named officer verbally noted there was a box cutter near the doorway. The complainant told the named officer to remove his foot from his door and that he was going to close his door. The named officer took a step into the complainant's residence, grabbed the complainant's wrist with both of his hands and pulled the complainant out of his residence.

While the named officer had sufficient probable cause to detain the complainant for a noise complaint, the named officer entered the complainant's apartment and pulled him out of his apartment without a warrant, consent and absent exigent circumstances.

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 OF ALLEGATIONS #2-3: The officers detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that he was detained outside of his residence and told to sit down in the hallway. The complainant stated that the officers informed him that there was a complaint from his neighbors about him acting dangerously. He stated that the officers instructed him to be quiet and more mindful of his neighbors before releasing him and allowing him to return to his residence.

The first named officer stated the reporting party expressed concern for her safety regarding the complainant's noise and him scraping other residents' doors. The first named officer stated he heard unreasonable noise coming from the complainant's apartment during this incident. He stated it was necessary to detain the complainant based on the concerns of the reporting party and the fact that he wanted an opportunity to conduct a full investigation as there had also been a prior incident involving the complainant and the reporting party.

The second named officer stated that the reporting party informed him that the complainant was making noise, that it was an ongoing issue and that she was afraid for her safety. He stated that he heard the complainant making noise while he was speaking with the reporting party. The second named officer stated that the complainant was momentarily detained. He stated that the complainant was detained because he was making a lot of noise.

The first witness officer stated that the complainant was detained for a noise violation as there were multiple calls made regarding noise coming from his residence. He could not recall hearing any unreasonable noise coming from the complainant's apartment during this incident.

The second witness officer stated that he responded to a call for service for a noise complaint between neighbors. He stated the reporting parties informed the officers that the complainant was being loud and vacuuming.

Multiple witnesses were interviewed who stated that the complainant had been making unreasonable noise.

Body-worn camera footage showed that the reporting party was contacted and expressed concern regarding the complainant making noise and making people feel uneasy. Body-worn camera footage also showed that the first named officer noted some noise coming from upstairs during the time the reporting party was initially interviewed.

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

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

SUMMARY OF ALLEGATION #4: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that his mobile phone was taken from him and tossed into the hallway after he was pulled out of his residence.

The named officer stated that he took the complainant’s phone from the complainant’s hand before the complainant sat down in the hallway outside of his residence. The named officer stated he did so because the complainant was moving, and he did not want the phone to fall or get stepped on. He stated that he felt it was necessary to take the phone because he believed the phone was going to fall. The named officer stated that he placed the phone in the hallway so it would be safe and gave the complainant his phone back just before the complainant returned to his apartment. He stated that he did not give the complainant his phone back at an earlier point during the incident because the complainant did not ask for it.

A witness officer stated that the named officer temporarily took the complainant’s phone from him when he was outside of his residence and when trying to gain control of the complainant’s arm. The witness officer stated that the named officer later informed him that he placed the subject’s phone on the ground to prevent it from breaking.

Body-worn camera footage showed that the named officer took the complainant’s phone after the complainant was pulled out of his residence. The named officer set the complainant’s phone down in the hallway and gave the complainant his phone back before the complainant returned to his residence.

The evidence proves that the alleged conduct occurred; however, the conduct did not rise to level of misconduct. The conduct was justified, lawful, and proper.

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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 officers improperly detained her for a psychiatric evaluation.

The named officer stated that she observed irrational, volatile, and verbally aggressive behavior. The named officer determined the complainant to be gravely disabled and in need of evaluation by a medical professional for her own safety and wellbeing.

The named officer's worn camera footage shows that the officer reasonably concluded that the complainant qualified for a mental health detention.

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

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

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

FINDINGS OF FACT: The complainant stated that officers improperly cited her for trespassing.

The named officer's body worn camera shows the complainant sitting in front of a business and refusing to comply with officers' repeated orders to move.

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

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary or excessive force.

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

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FINDINGS OF FACT: The complainant stated that officers used excessive force when they stepped on her hair and jabbed her in the stomach.

The named officers' body worn camera shows the officers used reasonable force. The officers used basic control holds to overcome the complainant's verbal and physical resistance. The body worn camera footage shows the officers did not step on the complainant's hair or jab her in the stomach. The DPA did not find any evidence of physical injury.

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

SUMMARY OF ALLEGATIONS #6-8: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated she was handcuffed without justification.

The named officers' body worn cameras show that the complainant actively resisted during her detention. The officers reasonably chose to handcuff the complainant to overcome her resistance.

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

SUMMARY OF ALLEGATION #9: The officer failed to Mirandize.

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

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

The named officer stated that she did not mirandize the suspect because she did not subject the complainant to custodial interrogation. The DPA did not find any evidence of a custodial interrogation.

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

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SUMMARY OF ALLEGATION #10: The officer failed to properly care for, process or book property.

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

FINDINGS OF FACT: The complainant stated that the officers did not properly process a nearby basket and dog bed when they detained her.

The named officer stated she does not know what happened to the items because she followed the ambulance to the hospital to complete the necessary paperwork for the mental health detention and did not remain at the scene of the detention.

An officer's body worn camera shows that the basket containing the complainant's three cats was placed in the back of a patrol car by an officer at the scene. A short time later, the officer removed the basket with the cats and placed them in a black and white SUV. The incident report states the three cats were driven to the station where Animal Care and Control took possession of the cats.

The incident report documents that other personal property items were booked for safekeeping but does not specifically mention the dog bed.

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

SUMMARY OF ALLEGATIONS #11-12: The officers intentionally damaged property.

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

FINDINGS OF FACT: The complainant alleged that officers damaged her eyeglasses, necklace, and water flask during her detention.

The named officers' body worn camera footage shows that the officers did not damage any of the complainant's property.

The evidence proves that the acts alleged did not occur.

SUMMARY OF ALLEGATION #13: The officer prepared an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the named officer wrote an incomplete and inaccurate report.

The named officer wrote an accurate police report. The complainant alleged that certain facts should have been included in the report, but the complainant's facts were either inaccurate or not important for the purpose of the incident report.

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

SUMMARY OF ALLEGATIONS #14: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer did not refer to her by her preferred name.

The named officer's body worn camera shows that the named officer referred to the complainant by her legal name. The complainant then told the officer that she prefers a different name. The named officer then used the preferred name.

The evidence proves that the alleged conduct did not occur.

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

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

FINDINGS OF FACT: The complainant stated that officers failed to accept a report of domestic violence that occurred in Redwood City.

One of the named officers stated she did not take the complainant's report because she was not the station duty officer who was charged with taking counter reports that day. The other named officer, who was the station duty officer, stated that he took the complainant's statement and wrote an incident report. The officer's body-worn camera shows that he took the complainant and her client to a room and conducted a detailed interview. Department records show that the officer prepared an incident report. The named officer also notified the San Mateo County Sheriff's Department and provided that agency with a case number.

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

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

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

FINDINGS OF FACT: The complainant stated that an officer attempted to dissuade her from making a report about domestic violence that occurred in Redwood City. The complainant stated the officer tried to convince her to file the report in the county where the crime occurred.

The named officer stated she could not recall the conversation in detail but remembered telling the complainant that the San Francisco Police Department would not be the investigating agency because the crime did not occur in San Francisco.

The complainant failed to come forward to further explain the context and content of her conversation with the named officer.

The DPA could not identify any other witnesses to the conversation.

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

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DATE OF COMPLAINT: 02/18/20 DATE OF COMPLETION: 02/09/21 PAGE# 1 of 4

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

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

FINDINGS OF FACT: The complainant and her partner stated that officers improperly detained the complainant under Welfare and Institutions Code § 5150.

The named officers responded to a call that the complainant was suicidal. The officers received information from the reporting party that the complainant had expressed an intent to commit suicide that day, suffered from psychiatric illness, and was not taking medication. The officers also learned that the complainant had recently received traumatizing medical news. The officers also observed the complainant in a compromised mental state.

The Suicide Risk Assessment provides a series of questions for officers to answer when assessing a subject's suicide risk. These questions include: "Does the person say they want to end their own life?, Does the person have access to, and the ability to use a lethal method of ending their own life?, and Does the person disclose a commitment to end one's life?"

The Involuntary Detention Manual describes a High-Risk Level for suicide as, "Mental health disorder with severe symptoms, or acute precipitating event; protective factors not relevant."

The officers' body-worn cameras show that officers received sufficient information about the complainant to reasonably conclude that she was in imminent danger of harming herself.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/20 DATE OF COMPLETION: 02/09/21 PAGE# 2 of 4

SUMMARY OF ALLEGATIONS #4-6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant and her partner stated that officers used excessive force when detaining complainant. Specifically, the complainant and complainant's partner alleged that officers violently threw complainant to the ground, handcuffed the complainant, and handcuffed her too tightly.

The named officers' body-worn cameras show that the officers used reasonable force to overcome the complainant's passive and active resistance. The officers attempted to go hands on with the complainant because they had a reasonable belief that the complainant was a danger to herself and others. The complainant then pulled away from the officers, knelt to the ground, and passively resisted the officers' attempts to control her and communicate with her. After using basic control holds, the officers handcuffed the complainant. The complainant asked for the handcuffs to be wider, and the officers used another second set of handcuffs to provide the complainant with more room to move.

Department General Order 5.01, Use of Force, describes handcuffing and control holds as one of the lowest force options available to an officer. When a subject actively resists an officer's lawful order, the officer's possible force options are, "[u]se of personal body weapons to gain advantage over the subject, [and] [p]ain compliance control holds, takedowns and techniques to direct movement or immobilize a subject."

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

SUMMARY OF ALLEGATIONS #6-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant and her partner stated that the officers failed to notify her of her rights when detaining her under Welfare and Institutions Code § 5150.

The named officers' body-worn cameras show that officers attempted to advise the complainant of her rights but were unable to do so due to the complainant's refusal to cooperate. One of the named officers

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DATE OF COMPLAINT: 02/18/20 DATE OF COMPLETION: 02/09/21 PAGE# 3 of 4

began reading complainant her rights, but the complainant kept interrupting, yelling, and telling the officer that she could not understand him. The named officer therefore elected to transport the complainant and complete the advisement at the hospital.

California Welfare and Institutions Code § 5150 states that officers must provide an oral advisement at the time of detention. The advisement explains that the detention is not a criminal arrest and that the detainee may bring a few approved personal items. The advisement also explains that the detainee may leave a note or call a family member to tell them where they are.

The named officer made a reasonable decision to complete the advisement at the hospital due to the complainant's refusal to cooperate. Notably, by the time of the advisement, the officers had already explained multiple times that the complainant was being detained for a mental health issue and not suspected criminal activity. In addition, at the time of the detention, the named officer knew and had informed the complainant that the complainant's partner was aware of the detention.

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

SUMMARY OF ALLEGATION #10: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant and her partner stated that the supervisor allowed his officers to unlawfully enter their apartment, unlawfully detain the complainant, and fail to read the complainant her rights under California Welfare and Institutions Code § 5150.

The named officer acted properly because the officers acted properly. The officers had sufficient information of the complainant's risk of suicide to justify entry into the apartment and the detention. The officers also reasonably elected to complete the advisement at the hospital due to complainant's refusal to cooperate.

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

SUMMARY OF ALLEGATIONS #11: The officer conducted an improper search and seizure.

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

FINDINGS OF FACT: The complainant and her partner alleged that the named officer improperly entered their apartment.

The named officer stated that he ordered officers to enter the apartment because of an ongoing risk of suicide. The named officer had received information that the complainant had expressed an intent to commit suicide that day, suffered from a psychiatric illness, and was not taking medication. The ongoing risk of suicide is a sufficient exigent circumstance to enter a residence without a warrant.

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

SUMMARY OF ALLEGATIONS #12: The officer failed to take a required action.

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

FINDINGS OF FACT: The complainant and her partner stated that the named officer terminated a phone conversation with the complainant's partner to prevent the partner from hearing the incident.

The named officer stated that he spoke on the phone with the complainant's partner during the detention. The named officer's body-worn camera shows that he removed the phone from his face momentarily to obtain information from a nearby sergeant. When the named officer returned to the phone call, the call had disconnected. There was no evidence to support that the termination of the call was caused by the named officer or was intentional.

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

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DATE OF COMPLAINT: 03/11/20 **DATE OF COMPLETION:** 02/16/21 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the named officers inappropriately detained her and her friends during a vehicle stop.

The first named officer stated that he was on patrol when he noticed the complainant's vehicle. The vehicle was in a parking lot after hours in an area known for prostitution. The vehicle had tinted windows, was registered to another city, and was parked in the darkest portion of the lot. The named officer stated that he approached the vehicle and detained the occupants to investigate his suspicion of prostitution or human trafficking.

The named officer's body worn camera confirmed the facts that the officer observed at the scene. The DPA finds that the officer's observations were sufficient to establish reasonable suspicion of criminal activity.

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

SUMMARY OF ALLEGATIONS #4-6: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that officers failed to provide adequate medical treatment when she suffered a seizure.

The named officers stated that they followed their first aid training when the complainant suffered a seizure. When a detainee suffers a seizure, officers are trained to call for an ambulance and ensure that the person does not hit their head while seizing.

The officers' body-worn camera footage shows the officers adequately followed their training. The first named officer realized within seconds that the complainant was suffering a seizure and began protecting her head. The second named officer immediately called for an ambulance. Within three minutes, an ambulance arrived. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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DATE OF COMPLAINT: 03/11/20 **DATE OF COMPLETION:** 02/16/21 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #7-9: The officers knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the named officers detained her and her friends because of racial bias.

The first named officer stated that he was on patrol when he noticed the complainant's vehicle. The vehicle was in a parking lot after hours in an area known for prostitution. The vehicle had tinted windows, was registered to another city, and was parked in the darkest portion of the lot. The named officer stated that he approached the vehicle and detained the occupants to investigate his suspicion of prostitution or human trafficking. The named officer also stated that he was unaware of the race of the occupants until after he approached the vehicle.

The named officer's body worn camera confirmed the facts that the officer relied upon to establish reasonable suspicion.

There is no evidence the named officers took any actions based on the complainant's race or the races of the other occupants in the vehicle. The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #10: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that officers improperly asked for her identification.

The first named officer stated that he was on patrol when he noticed the complainant's vehicle. The vehicle was in a parking lot after hours in an area known for prostitution. The vehicle had tinted windows, was registered to another city, and was parked in the darkest portion of the lot. The named officer stated that he approached the vehicle and detained the occupants to investigate his suspicion of prostitution or human trafficking.

The DPA finds that the officer's observations were sufficient to establish reasonable suspicion of criminal activity. Officers may demand identification when related to an investigation into reasonable suspicion of criminal activity. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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DATE OF COMPLAINT: 04/07/20 **DATE OF COMPLETION:** 02/04/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer looked at her up and down because she was wearing a head scarf.

The named officer stated that he does not recall all the details of the incident because of the amount of time that had passed since the call. The named officer stated that he would not look at someone inappropriately because they are wearing a head scarf.

A witness present during the interaction with the complainant and the named officer stated she did not see the officer give the complainant a negative look or action. The witness stated she did not see the named officer display any attitude expect being nice toward the complainant.

Surveillance video confirmed the officer and witness statements.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to investigate the complainant's concerns.

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

FINDINGS OF FACT: The complainant stated she contacted SFPD to report a disturbance complaint against her neighbor. The complainant stated the police did not respond until two hours after her first call and failed to speak to the suspected neighbor.

The named officers stated they arrived at the complainant's location within 15 minutes after completing an A priority call. Dispatch had categorized the complainant's call as priority B.

The building surveillance camera footage and a witness confirmed the named officers responded to the complainant's call. The surveillance footage also showed the named officers knocked on the door of the suspected neighbor, announced their presence, and left after nobody answered the door.

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

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DATE OF COMPLAINT: 04/07/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that police have failed to assist her after she reported several crimes. The complainant did not respond to DPA requests for an interview.

The DPA identified police contact with the complainant. The named members stated they were dispatched to conduct a well-being check on the complainant. The officers said they determined there was no emergency because the complainant could not provide any details regarding a crime or a need for emergency services. Despite the complainant's mental state, the officers said she appeared to be able to care for herself and did not meet 5150 W&I criteria.

The complainant failed to provide additional evidence about a discrete event or individual officers.

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DATE OF COMPLAINT: 04/09/20 DATE OF COMPLETION: 02/16/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the Station Representative, the complaint was mediated and resolved in a non-disciplinary manner on 02/01/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/20 DATE OF COMPLETION: 02/25/21 PAGE# 1 of 6

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

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

FINDINGS OF FACT: The complainant stated he went to the police station to report his roommate's threat to kill him. He stated he waited five hours to meet with officers. The complainant stated he eventually met with the named officers and reported the threat, but the named officers did not investigate the allegation and told him to go home.

Named officer #1 could not remember whether she reviewed the CAD information before speaking with the complainant, but likely reviewed the CAD prior to meeting with the complainant. The CAD documented that the complainant reported that his roommate slapped him, took his phone, and threatened to kill him. She stated that she did not recall what the complainant said to her during their interaction, but it likely did not convey any alleged criminal activity. She stated that had the complainant told her that his roommate had threatened to kill him, she would have investigated the allegation. Named officer #1 stated that the complainant requested a ride home so he could peacefully retrieve his belongings. She was unable to accommodate his request because the COVID-19 pandemic was at its inception and officers were discouraged from using patrol cars to transport individuals because it was difficult to social distance in the patrol vehicle. She stated she told the complainant to go home and call the police if further police action was required. She stated the complainant never called the police after he left the station.

Named officer #2 stated he reviewed the CAD, which reported threats and harassment, prior to meeting with the complainant. He stated the complainant did not tell him that his roommate tried to kill him but did tell him that his roommate slapped him, which the officer acknowledged was an assault. He stated that, had the complainant reported that his roommate tried to kill him, he would have conducted an investigation. He stated the complainant requested a civil standby so that when he returned home, he would have no further arguments and interactions with his roommate. Named officer #2 stated the complainant requested a ride home, but he declined the request because of COVID-19 and the inability to maintain social distance in the patrol vehicle. The officer advised the complainant to return to his home and to call the police so that he could then meet him at his home and provide what assistance he could. He believed it was best to have the complainant call so that it would be recorded by Dispatch. Named officer #2 stated the complainant never called the police after he left the station. The officer added that, had the complainant called back, he would have conducted further investigation.

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DATE OF COMPLAINT: 04/10/20 DATE OF COMPLETION: 02/25/21 PAGE# 2 of 6

Department documents indicate that the complainant made a report at the police station that his roommate slapped him, took his phone, and threatened to kill him. They also indicate that the complainant met with the named officers after waiting for assistance for over five hours.

A map of the area indicates that the complainant lived less than three blocks from the police station.

DPA requested Body Worn Camera (BWC) footage for both officers. However, the Department indicated that they did not locate any footage.

The SFPD Field Training Manual states, in relevant part, that officers have a duty to attempt to locate and interview all witnesses to the incident. It further states that any statements made by the suspect during the assault and heard by a witness are very important in proving the case.

Department General Order 1.03 states, in relevant part, that officers obtain information on witnesses, and promptly furnish descriptions of suspects to the Communications Division.

Department General Order 2.01 states that officers “shall perform their duties promptly and according to Department policies and procedures.” It also states that officers “shall maintain a working knowledge of all information required for the proper performance of their duties . . .” In addition, officers “shall obey all lawful written orders, policies and procedures of the Department . . .”

Because BWC footage of the incident does not exist, there is no record of what the complainant reported to them. However, the named officers acknowledged that they were aware of the CAD that indicated the complainant was threatened by his roommate prior to meeting with the complainant. Further investigation was required under the circumstances. The complainant’s initial report, his willingness to wait for five hours to speak with officers, and his reluctance to go home all indicate malfeasance that required a more thorough officer evaluation. Additionally, a response to the complainant’s home, even without his presence in the patrol vehicle, could have confirmed or dispelled the credibility of the complainant’s report quickly since the complainant lived several blocks away.

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: 04/10/20 DATE OF COMPLETION: 02/25/21 PAGE# 3 of 6

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

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

FINDINGS OF FACT: The complainant stated he went to the police station to report that his roommate threatened to kill him. He stated he waited five hours to meet with officers. The complainant stated he eventually met with the named officers and reported the threat, but the named officers told him to go home. He stated the named officers refused to drive him home.

The named officers stated they did not drive the complainant home because, due to the COVID-19 pandemic, they could not safely socially distance in the patrol vehicle.

Department policy does not require officers to drive citizen's home.

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

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

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

FINDINGS OF FACT: The complainant stated he was at the police station and reported to the named officers that his roommate had threatened to kill him. He stated the named officers told him to go back to his home, but he was afraid to do so. He asked the named officers for assistance with emergency shelter, but they refused to help him.

The named officers stated that they were unable to find or provide the complainant with emergency shelter due to COVID-19, which eliminated city-provided services of transportation and shelter. In addition, named officer #1 stated that Department policy did not require officers to do so.

Department policy does not require officers to assist citizens in such situations with securing emergency shelter.

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

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DATE OF COMPLAINT: 04/10/20 DATE OF COMPLETION: 02/25/21 PAGE# 4 of 6

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

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

FINDINGS OF FACT: The complainant stated he went to the police station to report that his roommate threatened to kill him. He stated he waited five hours to meet with officers. The complainant stated he eventually met with the named officers and reported the threat, but the named officers did not investigate the allegation and told him to go home. An incident report was not prepared by either named officer.

Department records indicate that the complainant walked into a police station and reported that his roommate slapped him, took his phone, and threatened to kill him.

Named officer #1 stated she could not recall the incident, but she likely did not write an incident report because nothing criminal occurred. She stated that she most likely reviewed the records indicating that the complainant's roommate had slapped him and threatened to kill him prior to meeting with the complainant. She stated that she did not recall what the complainant reported to her because it was most likely something very standard that required no police action.

Named officer #2 stated he recalled the complainant conveying he had been slapped by his roommate, but he did not author a written report because the complainant never requested a police report, and only wanted a ride home and a civil standby. Named officer #2 stated he reviewed the records that documented the threats and harassment prior to meeting with the complainant. Named officer #2 stated he did not write an incident report because the complainant did not tell him anything that met the elements of criminal threats.

Both named officers stated that if the complainant had reported to them that his roommate threatened to kill him, they would have investigated the allegation and likely written a report. The named officers stated that the complainant requested a ride home so they could assist in resolving a civil issue with his roommate. The officers were unable to do so because of COVID-19 and the inability to social distance in the patrol vehicle. The officers stated that they told the complainant to go home and call the police if further police action was required, but the complainant never called the police after he left the station. The officers stated they would have helped the complainant if he had called the police once he returned home.

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Department records indicate that the complainant made a report at the police station that his roommate slapped him, took his phone, and threatened to kill him. It also indicates that the complainant met with the named officers over five hours after he made his report.

The Department was unable to produce any body-worn camera footage for this incident.

Department General Order 2.01 states in pertinent part that officers “shall perform their duties promptly and according to Department policies and procedures.” It also states that officers “shall maintain a working knowledge of all information required for the proper performance of their duties . . .” In addition, officers “shall obey all lawful written orders, policies and procedures of the Department . . .”

Department General 1.03 state, Patrol Officers shall: “Make written reports on crimes observed or brought to their attention that have not been previously reported.”

Department Bulletin 18-154 (Report Writing Responsibilities Supervisors, Officers and Police Service Aids) states in relevant part that preparing factual and thorough incident reports is one of the most important duties of a police officer.

SFPD Report Writing Manual states in relevant part that incident reports are among the most important documents used within the Criminal Justice System and that they provide an accurate and objective account of an incident.

Given the totality of the circumstances, namely, the initial report of a crime, the complainant’s willingness to wait for officer for five hours, and his reluctance to go home, a written report was required. Additionally, Named Officer #2 recalled the complainant describing that he was the victim of a criminal act, a slap, at the hands of his roommate, further substantiating that a written report was required under the circumstances.

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: 04/10/20 **DATE OF COMPLETION:** 02/25/21 **PAGE#** 6 of 6

SUMMARY OF DPA-ADDED ALLEGATIONS #3-4: The officers failed to activate a body worn camera as required.

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

FINDINGS OF FACT: DPA discovered through its investigation that BWC footage of this incident did not exist.

The named officers stated they activated their BWCs; however, they could not explain why SFPD Legal could not locate the footage. They opined it may have been deleted because they may have labeled the footage as having no evidentiary value.

Department General Order 10.11 states, in relevant part, that all officers equipped with a BWC shall activate their BWC equipment to record consensual encounters where the officer suspects that a citizen may have knowledge of criminal activity as a suspect, witness, or victim.

Department Bulletin 18-256 clarifies that when officers respond to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, officers shall activate their BWC while en route and prior to arriving on scene.

The named officers were dispatched to meet with the complainant, who reported that his roommate had threatened to kill him and took his phone. DGO 10.11 and Department Bulletin 18-256 required them to activate their BWC. It does not appear that the officers turned on their BWC. Even if they did, their decision to label the footage as having no evidence, causing it to be destroyed was unreasonable under the circumstances.

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: 04/09/20 **DATE OF COMPLETION:** 02/04/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that a homeless man's dog bit him in the groin as he was passing by on his skateboard. He stated that the police arrived and, although he did not want to press charges, the officers failed to offer him an opportunity to do so.

Department records reflect that the named officer responded to a report of a dog bite. When she and her partner arrived, they found medics already at the scene. The officers then followed the ambulance to the hospital, where the complainant received medical treatment. The records further reflect that when the named officer spoke with the complainant at the hospital, the complainant told the officer that he did not want to press charges against the unidentified dog owner and refused to provide any identifying information about that individual.

Body-worn camera footage supports the named officer's account. The footage reflects that the named officer asked the complainant whether he wanted to press charges, and the complainant responded that he did not. The footage also demonstrates that the complainant was reluctant to provide any identifying information about the dog owner and stated that he did not want anyone to get in trouble.

The evidence proves that the conduct alleged did not occur.

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 the named officer inappropriately photographed his groin injuries and seized his underwear and pants. The complainant felt this was particularly problematic considering the officers failure to ask whether he wanted to file charges.

Department records reflect that that the named officer did, in fact, photograph the complainant's injuries and seize the clothing to book into evidence.

Department policy requires officers responding to dog bite cases to take photographs of the injuries and book any clothing into evidence. Department General Order 6.07, Dog Complaints, instructs officers

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DATE OF COMPLAINT: 04/09/20 DATE OF COMPLETION: 02/04/21 PAGE# 2 of 2

responding to calls regarding dog bites to, "Have photographs taken of the injuries, and book any clothing as evidence."

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

SUMMARY OF DPA- ADDED ALLEGATION #1: The officer failed to activate her body-worn camera as required.

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

FINDINGS OF FACT: Footage from the named officer's body-worn camera indicated that she did not activate her camera until speaking with paramedics after her arrival at the scene.

The named officer stated that she responded to the scene to search for the victim, whom she at first could not locate. She further stated that Department policy did not require her to activate her body-worn camera prior to her contact with the medics.

Department General Order 10.11, "Body Worn Cameras," enumerates thirteen different circumstances under which officer must activate their cameras. Speaking to a paramedic at a scene where the whereabouts of neither the victim nor the suspect is known does not fall under any of these circumstances. Given the nature of the call, DPA determined that the named officer's failure to activate her body-worn camera was appropriate.

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

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DATE OF COMPLAINT: 04/15/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a homeless encampment on the sidewalk directly outside of his home has caused problems, including rodent infestations and occasional fires. The complainant stated that he called the police numerous times regarding the encampment, but police have taken no action.

The complainant failed to specify a date for the incident and failed to respond to numerous requests for additional information. A search of Department calls for service to the complainant's address yielded no results.

The officer could not reasonably be identified.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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DATE OF COMPLAINT: 05/06/20 **DATE OF COMPLETION:** 02/08/21 **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 that an officer was aggressive, threatening, and dismissive when she tried to report a stalking.

A search for calls related to the time and location provided by the complainant failed to identify a specific incident or officer. The DPA also sent two officer identification polls to the station, but each failed to identify a specific officer.

The identity of the alleged officer could not be established.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/20 DATE OF COMPLETION: 02/01/21 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant stated he repeatedly contacted his district police station regarding various noise nuisances, such as loud music and barking dogs. However, officers failed to adequately address the issues by either not responding or they respond in an unreasonable amount of time.

San Francisco Police Code section 2901.11 states that it is unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive, or offensive noise, and including vocal or instrumental music and related sounds, whether live or reproduced mechanically by radio, television, stereo or otherwise, and which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance of any reasonable person of normal sensitivity residing or working in the area.

SF311 explains that the San Francisco noise regulation excludes noise issues such as barking dogs, people talking loudly in front of your home or business, car alarms, holiday parties, and minor home improvement projects during the day until they become unreasonable or they occur between the hours of 10 pm to 7am. The Regulation operates based on the reasonable person rule.

Department records reflected that officers did in fact respond to each call in a reasonable amount of time. Each of the calls for service were assigned a Priority "C" non-emergency call status, which meant in part that there was no present or potential danger to life or property. Records also reflected that when officers arrived on scene, they were either unable to hear the noise or individuals were gone on arrival.

Based on the evidence, the alleged complaint did not violate the noise ordinance. While DPA acknowledges the frustrations, reasonable loud music and dog barking is not a crime and does not take precedence over other serious matters.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/20 **DATE OF COMPLETION:** 02/18/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called to report individuals gathered in the driveway of his building drinking, making loud noise, yelling and being disruptive. He stated that a police car drove by and an officer said something to the group but did not cite the individuals or take other action.

The first named officer stated that he and his partner responded to a noise complaint call for service regarding three subjects who were talking loudly, not social distancing and drinking. He stated that when coming on scene he did not hear any loud noise in the general area of the call. He did see three individuals standing on the sidewalk talking but did not recall seeing any of them holding any containers of alcoholic beverages. The first named officer stated that none of the individuals appeared intoxicated or incapable of taking care of themselves. He recalled that all of the individuals appeared to be standing approximately 6 feet apart but did not remember whether the subjects were wearing masks. The first named officer stated that because the individuals were cooperative, did not appear to be intoxicated, and were not loud upon his arrival he advised the subjects from inside the patrol vehicle to keep the noise down and to go inside if they were going to drink. The subjects responded that they understood. The first named officer stated that the 911 caller did not want to speak with officers while on scene and that during this call for service he and his partner were reassigned to another higher priority call via dispatch.

The second named officer's statements were consistent with those of the first. The second named officer stated that when he and his partner arrived on scene, he did not hear any loud noise or observe anyone with an alcoholic beverage in hand. He stated the caller requested not to meet with police regarding the incident and without speaking with the reporting party to further direct them, there was nothing they could do to enforce any law or order. He stated that he and his partner were dispatched to a higher priority call.

The dispatch record showed that both named officers were dispatched to a call for service involving three individuals who were drinking beer, talking loudly, not wearing mask or observing social distance. The record also showed that both named officers were preempted and dispatched to another call.

No body-worn camera footage was available for review and no witnesses came forward with relevant information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she went to a district station to report an ongoing fraud and cyberstalking issue with a professor she had. She stated that various officers, including the named officer, did not take her report and made various comments discouraging her from filing a report.

The named officer did not recall the interaction with the complainant and is unaware of any other officer who may have made such comments.

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

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

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

FINDINGS OF FACT: After the occurrence described above, the complainant stated she filed a report with a neighboring city's police department regarding the incident with her professor. She then returned to the district station mentioned above to try and file another report reflecting the incident. However, the officer whom she spoke with failed to write a report because she had already done so in the neighboring city.

Department records indicate that the named officer did, in fact, generate an incident report reflecting the incident. The named officer confirmed speaking with the complainant and writing the report. Additionally, the named officer stated that she did not make any comments indicating that she could not or would not generate a report, nor was she aware of any other officer responding in that manner.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/20 **DATE OF COMPLETION:** 02/25/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers failed to write an incident report after she reported an attempted burglary.

The named officers stated the incident did not present sufficient evidence of an attempted burglary to require an incident report. The named officers stated that they responded to a vandalism call and found minimal damage to an exterior door. The complainant alleged that the suspect had tried to break in, but the officers did not find any evidence to corroborate the allegation. Though the officers could have performed a more thorough investigation, the officers' decision that there was insufficient evidence of criminal activity does not rise to the level of misconduct.

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: The DPA learned the named officer did not activate his body-worn camera.

The named officer stated that he did not activate his body-worn camera during the incident because he was seated in his vehicle and did not interact with the reporting party.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/20 **DATE OF COMPLETION:** 02/25/21 **PAGE# 2 of 2**

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer inappropriately disabled, deactivated, or muted a body-worn camera or intentionally obstructed an audio or video recording.

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

FINDINGS OF FACT: The DPA learned the named officer did not have his BWC activated when he provided the complainant a CAD number for this incident.

The named officer stated that he did not have his camera activated when he gave the complainant the CAD because it was a quick administrative action and did not have had any evidentiary value.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/20 DATE OF COMPLETION: 02/19/21 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to take an incident report for the complainant.

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

FINDINGS OF FACT: The complainant stated that officers failed to take an incident report for a noise complaint.

The named officers stated they were dispatched to conduct a well-being check on the complainant. The officers did not write an incident report because they did not find any credible evidence of criminal activity and did not detain anyone.

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

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that police improperly detained her for a mental health evaluation.

The named members stated that they were dispatched to conduct a well-being check on the complainant.

The officers' body-worn cameras show that the officers spoke with the complainant and left. The officers did not detain the complainant.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 **DATE OF COMPLETION:** 02/12/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officers acted inappropriately because they attempted to place him on a mental health hold.

Department records indicate that the named officers responded to the complainant's residence because he threatened another person with a machete. Department records also indicate that the named officers were unsuccessful in their attempts to contact the complainant.

Body worn camera footage showed that, although the named officers responded to the complainant's residence, they never spoke to him or entered his residence.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 **DATE OF COMPLETION:** 02/25/21 **PAGE#** 1 of 2

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 that officers failed to investigate her complaint that her boyfriend hacked her phone and computer.

The named officers stated that they responded to a call for a well-being check. The officers investigated and determined that the complainant was likely suffering from mental health issues. The officers spoke to the complainant's case manager and provided the complainant with information about obtaining a restraining order.

The named officers' body-worn camera footage corroborates the officers' account.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officers improperly asked her questions traditionally associated with Welfare and Institutions Code § 5150.

The named officers stated that they responded to a call for a well-being check. The officers investigated and determined that the complainant was likely suffering from mental health issues. The officers' body-worn camera footage supports the officers' account.

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

SUMMARY OF ALLEGATION #5: The named officer displayed inattention to duty.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 DATE OF COMPLETION: 02/25/21 PAGE# 2 of 2

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

FINDINGS OF FACT: The complainant stated that the named officer provided her with the incorrect CAD number.

The DPA obtained a copy of the follow-up form provided to the complainant by the named officer and a copy of the corresponding CAD. The number on the follow-up form provided by the named officer was correct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 DATE OF COMPLETION: 02/25/21 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 stated that an officer improperly issued her a citation for failing to stop at a red light. The complainant said that she was driving properly.

The named officer stated that he responded to a call for service regarding a road-rage incident. The reporting party stated that the complainant was driving through red lights and almost ran her off the road. The named officer located the complainant and observed her fail to stop at a red light.

The CAD and the officer's body-worn camera corroborate the officer's statements. The original 911 caller also told the named officer that she had seen the complainant driving recklessly and drive through multiple red lights.

The officer had sufficient probable cause to issue the citation based on his own personal observations.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 DATE OF COMPLETION: 02/25/21 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer yelled at her, approached her aggressively, and made rude comments when issuing a citation.

The named officer stated that he approached the vehicle in a heightened state of alert with his firearm at the low and ready position because of the complainant's reckless driving and the reports of the complainant driving through multiple red lights. The named officer suspected that the complainant may have committed serious crimes and was attempting to evade law enforcement or suffering from a serious mental health condition.

The named officer's body-worn camera footage shows the officer approaching the complainant's vehicle with his gun at low and ready. The officer yelled orders at the complainant to stop talking and conducted a quick pat search. Later in the incident, the complainant told the officer that she did not like how he approached her.

The officer's conduct was reasonable. The officer had a reasonable belief that he would find a dangerous suspect, and the officer used reasonable command presence and verbal orders to control the situation and the scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 **DATE OF COMPLETION:** 02/25/21 **PAGE# 3 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer shoved her onto the hood of her car.

The named officer denied the allegation.

The named officer's body-worn camera shows that he did not use any force and did not shove the complainant onto the hood of her car.

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

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

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

FINDINGS OF FACT: The complainant stated that she was treated the way she was during the incident because the officer was biased against Latinas.

The named officer stated he responded to a call for service regarding a road-rage incident. The reporting party stated that the complainant had driven through multiple red lights and almost ran the reporting party off the road. The named officer located the complainant and observed her fail to stop at a red light.

The named officer stated he approached the vehicle in a heightened state of alert with his firearm at the low and ready position because of the complainant's reckless driving and reports of the complainant driving through multiple red lights. The named officer suspected that the complainant may have committed serious crimes and was attempting to evade law enforcement or suffering from a serious mental health condition.

The DPA obtained the named officer's body-worn camera footage of the incident. The body-worn camera footage did not show any evidence of bias. The DPA did not find any evidence of bias policing. The evidence proved that the act alleged the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 DATE OF COMPLETION: 02/16/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the Station Representative, the complaint was mediated and resolved in a non-disciplinary manner on 02/01/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/1/20 DATE OF COMPLETION: 02/25/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers pointed their handguns at protestors.

The DPA conducted a thorough investigation but could not identify the incident or any involved officers. The DPA reviewed incident reports, use of force logs, social media, news media, and all body worn camera footage from the protests.

The DPA could not identify the alleged incident or involved officers.

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

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

FINDINGS OF FACT: The complainant stated that an officer aggressively confronted a protester.

The DPA conducted a thorough investigation but could not identify the incident or involved officer. The DPA reviewed incident reports, use of force logs, social media, news media, and all body worn camera footage from the protests.

The DPA could not identify the alleged incident or involved officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/20 **DATE OF COMPLETION:** 02/25/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers ran into him and knocked him to the ground while he was filming a protest.

The complainant provided smartphone footage of the incident. The footage shows officers running towards a group of protestors and the complainant in the path of the officers. Officers yelled “get out of the way!” The complainant then fell to the ground.

The DPA conducted a thorough investigation of the incident but could not identify the officers. The DPA reviewed incident reports, use of force logs, social media, news media, surveillance video and all body worn camera footage from the protests.

The DPA could not identify the officers involved in the incident.

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

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

FINDINGS OF FACT: The complainant stated that officers knocked him down during a protest and were not wearing face masks to protect from the transmission of Covid-19.

The complainant provided smartphone footage of the incident. The footage shows officers running towards a group of protestors and the complainant in the path of the officers. Officers yelled “get out of the way!” The complainant then fell to the ground.

The DPA conducted a thorough investigation of the incident but could not identify the officers. The DPA reviewed incident reports, use of force logs, social media, news media, surveillance video and all body worn camera footage from the protests.

The DPA could not identify the officers involved in the incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/20 **DATE OF COMPLETION:** 02/25/21 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: C U O **FINDING:** N F **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that an officer pointed a tear gas gun at protestors.

The complainant provided smartphone footage of the incident. The video shows an officer standing out of the top of an unmarked sport utility vehicle. The license plate number is not visible.

The DPA conducted a thorough investigation of the incident but could not identify the officer. The DPA reviewed incident reports, use of force logs, social media, news media, surveillance video and all body worn camera footage from the protests.

The DPA could not identify the officer involved in the incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 **DATE OF COMPLETION:** 02/26/21 **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: 06/09/20 DATE OF COMPLETION: 02/19/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he reported illicit drug usage by his neighbors, but that the officers failed to make contact with them in any way.

The first named officer stated that he responded to a call for service from an individual who refused to identify himself but wanted to speak with officers about issues with neighbors. The first named officer stated that upon arrival he met with an individual who refused to identify himself or provide information that would verify his address. The individual stated that he believed his neighbors were smoking illegal drugs behind their closed door. The first named officer stated that the individual was adamant that the officer had the ability to kick down the door and arrest the neighbors for the alleged illegal activity. The first named officer stated that he explained to the individual that there were several steps involved in making such an arrest, and that the action that the individual was requesting was not legal. He stated that he told the individual that he could not simply violate the complainant's neighbors' rights and needed solid proof of current drug use aside from the individual's belief of what was occurring. The first named officer stated that he told the individual he would perform an investigative technique known as a "knock and talk," but the individual was upset that he was not taking more action and stated that he would reach out to other agencies to get what he wanted accomplished. The first named officer stated that he was unable to establish enough reasonable suspicion that would validate a criminal investigation, that the individual was uncooperative with providing information that substantiated his claim, that he offered the services he could provide and that the individual was unhappy and did not want his services.

The second named officer was working as the first named officer's partner during this incident. The second named officer provided information consistent with that provided by the first named officer. The second named officer stated that they spoke with an individual who identified himself as the person who had called for police. This individual stated that his neighbors were using suspected methamphetamine inside their apartment. The first named officer offered to do a "knock and talk" and relay the illegal drug concerns to the Narcotics Division. However, the individual expressed frustration saying he already contacted Narcotics and was adamant that the police had the ability to force entry to cite and/or arrest individuals for illegal activity. The second named officer stated that they explained to the individual that they could not force entry into a private residence and discussed various steps and resources available.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/20 DATE OF COMPLETION: 02/19/21 PAGE# 2 of 2

The dispatch record showed that the named officers responded to a call for service from an individual who refused to provide his name but stated that his neighbors had been using illegal drugs, the smell was bad and he was getting light-headed. The record showed that the named officers were on scene for approximately 20 minutes and upon clearing the call made comments regarding the subject believing they could kick in doors whenever we would like.

Body-worn camera footage showed the two named officers speaking with the complainant. The complainant explained to the officers that he saw one of his neighbors smoking from a glass pipe. The named officers explained the limitations on what they could do and outlined options available to him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/20 **DATE OF COMPLETION:** 02/19/21 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the named officers engaged in biased policing when they threatened to arrest him for assault.

The named officers responded to a call of vandalism and arrived on scene to find a verbal dispute between the complainant and a third party. The dispute was about the complainant driving too fast. The dispute escalated to the third party throwing his coffee on the complainant's car and the complainant chest bumping the third party.

The DPA questioned the officers based on the DPA's biased policing protocol. Both officers stated the complainant's race was not a factor in how they handled the incident. The named officers' body-worn cameras showed no overt indications of bias on the part of the named officers. The officers admonished both parties and left the scene.

A preponderance of the evidence proves that the act alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/20 **DATE OF COMPLETION:** 02/19/21 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The complainant stated the officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated the officer displayed threatening and harassing behavior when she stated that she should arrest the complainant for assault.

The named officer stated she did not recall making this statement to the complainant.

The other officer on the scene said she did not recall the named officer making the statement to the complainant.

The named officers' body-worn cameras did not capture the officer making the comment as stated by the complainant. A review of the camera footage, however, indicates there was conversation between the named officer and the complainant that occurred when the camera was not recording. The complainant also acknowledged to the officer that he got out of his car, approached the other party and chest bumped him. The BWC evidence shows that both parties declined to press charges after being asked if they wanted to do so.

There is insufficient evidence to either prove or disprove that the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/21 DATE OF COMPLETION: 02/10/21 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/20 **DATE OF COMPLETION:** 02/19/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wanted to participate in a "pretext" telephone call with the suspect. The named officer advised the complainant he would contact her later to set up the telephone call. The complainant opined that since a "pretext" telephone call was not completed, the investigation was not properly investigated.

The named officer stated that after conferring with his supervisors, there was no probable cause to arrest in the case. The officer advised the complainant that if a "pretext" telephone call could not be made, then the suspect would be contacted and interviewed.

Department records revealed there were several recorded telephone conversations between the complainant and the named officer. The recordings verified the officer told the complainant that if a "pretext" telephone call were not feasible, then the suspect would be contacted directly. The named officer did not promise the complainant that a "pretext" telephone call would occur.

The evidence proves 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:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that during the telephone conversations with the named officer, he was rude, abrupt, and condescending.

The named officer stated he was professional during all communications with the complainant.

Department records revealed that all conversations between the complainant and the named officer were recorded. The recordings did not indicate any or unprofessional statements from the officer to the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/20 **DATE OF COMPLETION:** 02/19/21 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she did not receive communication from the named officer until seven weeks later after her original interview with the officer. The complainant opined that the lack of communication regarding her case was unprofessional. After five weeks, the complainant acknowledged that she received an e-mail from the named officer with case updates. However, she believed that she would get a telephone call because of the nature of the case.

The named officer stated that he contacted the complainant seven times by e-mail or telephone calls during the investigation. The officer stated that due to Covid-19 restrictions and the city's civil unrest, he was deployed to field duties several days during the complainant's investigation.

Records checks verified that the named officers contacted the complainant on numerous occasions during the investigation. Duty records also showed the officer was deployed back to patrol duties for civil unrest in the city for two weeks.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/20 **DATE OF COMPLETION:** 02/19/21 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was driving when he was involved in a minor accident about eight years ago when he hit the car in front. When the named officers arrived, he admitted that he had been drinking. He said he then went through a field sobriety test on a hill, making it hard for him to pass the test. He said the tests were questionable because the officer did not tell him when to start. The officer also did not tell him whether he passed or failed the test and immediately took him to the station.

Named officer #1 stated that he recalled noticing a strong smell of alcohol from the complainant's breath. He admitted administering the field sobriety test on the complainant and moved away from the roadway to conduct the test. He does not recall whether it was a flat surface. He explained that he was trained and aware that the test should be conducted on a flat surface whenever possible and has no reason to believe this particular test wasn't. The officer did not recall whether he told the complainant when to start the tests and whether he passed or failed the tests. After he observed numerous alcohol intoxication signs, the officer added that the complainant could not complete several of the tests adequately. The officer took the complainant to the county jail, where the complainant took a breathalyzer test. The test showed a blood alcohol concentration (BAC) of over 0.3, which indicates extreme alcohol intoxication.

Named officer #2 stated that he remembered he smelled a strong odor of alcohol coming from the complainant's breath. He said named officer #1 administered a field sobriety test on the complainant. He said the test was conducted on a flat surface, according to the report authored by named officer #1. He did not remember if the officer told the complainant when to start and if he passed or failed the test. He added that officers were not required to inform the driver whether he passed or failed the test.

Department records confirmed that named officer #1 administered the field sobriety test, and the test took place on a flat surface. The document also shows that the complainant had bloodshot/watery eyes and displayed an odor of alcoholic beverage, unsteady gait, slurred speech, etc. Other records show that the other driver told the 911 dispatcher that her vehicle was hit by the complainant's vehicle, and the complainant reeked of alcohol and could barely stand up.

Google map of the incident location shows that the intersection was slightly sloped. However, it appeared to be a smooth and generally flat surface.

No witnesses came forward.

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California Vehicle Code (CVC) 23152(a) states that it is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

The evidence gathered shows that the complainant admitted drinking before driving, displayed signs of being under the influence of alcohol, and hit the car in front by accident. The officers had probable cause to prove that the driver was driving under the influence and could arrest and take him to the station with a CVC 23152(a) charge. The incident location was not a steep slope. There's insufficient evidence to prove or disprove that the officer told the complainant when to start the test. The officers are not required by any Department General Orders to inform drivers about passing or failing the test.

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

SUMMARY OF ALLEGATIONS #3-4: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant said he went immediately to check if the other driver was fine after the accident. However, he claimed that the traffic collision report was false because it records that the other driver smelled alcohol on him, which the driver never walked out of her vehicle and would not have smelled alcohol on him.

Named officer #1 stated that he spoke to the other driver and recalled that she firmly believed the complainant was under the influence of alcohol. The officer stated that named officer #2 authored the traffic collision report.

Named officer #2 confirmed that he authored the traffic collision report for this incident. He said the other driver told dispatch that the complainant reeked of alcohol and could barely stand up. The officer stated that the other driver was standing outside her vehicle when the officers arrived at the scene. The other driver advised named officer #2 that she had spoken to the complainant shortly after the collision and before their arrival.

Department records confirmed that when the other driver called 911, she told dispatchers that the complainant reeked of alcohol and could barely stand up. It also records in the document that the dispatcher heard the complainant slurring in the background, sounding like they were exchanging information. The traffic collision reports show that the other driver was found standing next to her vehicle when the officers arrived on the scene.

No witnesses came forward.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/20 DATE OF COMPLETION: 02/19/21 PAGE# 3 of 3

A preponderance of the evidence collected showed the other driver spoke with the complainant, was outside of her vehicle before the officers' arrival, and had informed dispatchers and officers that she had smelled alcohol from the complainant.

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

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 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was pulled over by the named officer while driving. The officer asked for his registration, and the complainant told him the registration was on the sticker. The officer did not like the complainant's answer and asked, "What's wrong with you?" The officer then asked him for unnecessary information, such as his address. The complainant admitted that the addresses on the ID and insurance were different. The complainant said he wanted to smoke a cigarette and get food for his son, so he opened the car door. The officer yelled, "Don't do that!" and warned the complainant that "it's another ticket." The complainant stated that the officer was disrespectful.

The named officer stated that he pulled the complainant over for violating a stop sign. The officer asked the complainant for his license, registration, insurance. The complainant was hostile and used profanity. The officer stated that the complainant had a different address on his license than on the insurance. The officer asked the complainant for the correct address on the citation for mailing/documentation purposes.

The officer said the complainant exited the vehicle while the officer was walking back to the patrol car to issue the citation. He explained that this was potentially dangerous for an officer and drivers should remain in their vehicle unless instructed by officers. The complainant never told the named officer that he wanted to smoke a cigarette. The officer said he did shout, "Don't do that!" The officer also said he warned the complainant that he could be eligible for additional charges for delaying his investigation by not answering his questions about the correct address. The officer opined that the complainant was upset that he was pulled over and cited and did not want to be held accountable for his poor driving.

The witness officer did not recall the incident.

Department records indicate that the complainant was pulled over and issued a citation for not stopping at a stop sign.

Body-worn camera footage showed the officer greeted the complainant, requested his driving documents, and asked if he knew why he was being stopped. The complainant appeared frustrated and used profanity towards the officer. The footage showed the officer asked the complainant for the correct address. The complainant initially would not tell the officer which address to use; he told the officer just to write the

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ticket and later asked him to choose one between the two in an annoyed manner. The body-worn camera captured the officer turns his back and return to his patrol vehicle. The complainant stepped out of his vehicle. The officer then yelled and told him to stay in the car and not to do that again. The officer eventually issued the citation, while the complainant responded with profanity.

No witnesses were identified.

California Penal Code 148(a) (1) states, "every person who willfully resists, delays, or obstructs any public officer, peace officer... as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment."

The evidence gathered showed that the complainant was upset about the stop in the initial interaction and said to the officer that he doesn't like him and used profanity against the officer. The officer asked the complainant for the correct address for mailing and documenting purposes since the documents provided showed two different addresses. The complainant suddenly walked out of his vehicle onto a road without notice, which could endanger himself and the officer. The officer had articulable reasons to tell the complainant to stay in his vehicle and could have added another charge to the complainant for delaying the officer's duty.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer would not have pulled him over if he was white. The complainant did not assert that he was cited unfairly for failure to stop at a stop sign.

The named officer stated that he did not know the complainant's race before the traffic stop and denied that race is a factor in the traffic stop.

The witness officer does not recall the incident.

The Department records indicate the traffic stop was due to the complainant not stopping at the stop sign.

The body-worn camera did not show the complainant's failure to stop at the stop sign. Instead, it was correctly activated before the traffic stop. The complainant was upset to be pulled over, used profane language, and reluctant to provide the address requested, while the officer greeted him upon approaching the complainant.

No witnesses were identified.

The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 07/20/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer responded to his house after his roommate reported that he was experiencing a mental health crisis. The complainant admitted that he was in distress at that time. He felt the named officer lied to him as a ruse to get him to open the door. The complainant stated that he opened the door and spoke with the named officer, who then placed him on a mental health hold.

Department records indicate that the named officer responded to the complainant's residence based on a report by the complainant's roommate that the complainant was suffering from a mental health crisis. The named officer spoke with the complainant and the roommate and, based on the information he obtained, he placed the complainant on a mental health hold.

The mental health detention form completed by the named officer documents that the complainant was placed on a mental health hold based upon information provided by the roommate.

Body worn camera footage showed the named officer speaking to the roommate, who opened the door to grant entry to the named officer. Upon entering, the named officer spoke with the complainant, who was seated on the stairs. BWC footage did not show any other officers gaining entry into the residence. Shortly after the named officer spoke with the complainant, he placed the complainant on a mental health hold.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/20 **DATE OF COMPLETION:** 02/04/21 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that a hospital physician committed medical malpractice. This complaint raises matters outside the DPA's jurisdiction. This complaint was partially referred to:

Zuckerberg San Francisco General Hospital
Patient Advocate Office
1001 Potrero Ave., First Floor
Room 1Q1
San Francisco, CA 94110

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/20 **DATE OF COMPLETION:** 02/19/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated in a written statement that the named officer arrested her for domestic violence without cause. The complainant also stated that the officer did not get her side of the story before the arrest.

The complainant refused to be interviewed by DPA for this investigation.

Body-worn camera footage showed that the named officer conducted a complete investigation and interviewed both parties involved. The footage showed the complainant admitted she struck the victim for being too close to her face. The named officer concluded that a domestic violence battery occurred and arrested the complainant.

Department records indicated that the officers spoke to all the involved parties regarding the battery. The named officer's actions were documented in an incident report, and the physical injuries to the victim were also documented.

DGO 6.09 says in part: "If probable cause exists to believe that an assault or battery had occurred upon a current or former spouse and the arrest is made as soon as probable cause arises, members may make a warrantless arrest."

The investigation showed that the named officer had an honest and strong suspicion that the complainant had committed a crime.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/20 **DATE OF COMPLETION:** 02/19/21 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

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 properly investigate.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he watched an officer in a marked patrol vehicle activate his lights without justification in order to get through a red light and make an illegal U-turn.

The complainant could not identify the officer but provided the vehicle number.

A request sent to the San Francisco Police Department to determine which officer(s) were driving the vehicle in question on the date and time in question yielded no definitive results.

The identity of the alleged officer could not reasonably be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/20 **DATE OF COMPLETION:** 02/23/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-3: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that he overheard officers discussing money and prostitutes with a suspect.

The named officers arrested a suspect for vandalizing a Muni coach. The officers' body-worn cameras show that they detained, handcuffed, and transported the suspect. The officers did not engage in any discussion of money or prostitutes.

Witness officers stated that they did not hear any comments or statements regarding bribes, money, or prostitutes.

The evidence proves that the conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that he was standing at a bus stop when he was stopped and arrested. He stated that the named officer informed him he was being arrested for violating a stay-away order. The complainant stated that he no longer had a stay-order from the area and had received a court document confirming the termination of the order.

The named officer stated that he observed the complainant standing in an area which was a violation of his court ordered stay-away order. He stated that he had prior contacts with the complainant and prior knowledge that the complainant had a stay-away order from the area he was occupying. The named officer stated that he requested an additional unit to assist with the complainant's arrest and that he issued the complainant a citation for violating the stay-away order.

Witness officers stated that the complainant was arrested for violating a stay-away order.

The incident report showed that the named officer completed a computer records check of the complainant prior to stopping him which revealed that the stay-away order was in effect. Department records showed that the complainant was cited for a stay-away court order violation. Court records showed that the complainant had an active stay-away order from the subject area.

The complainant provided DPA with a court document which showed that his stay-away order was terminated on a date *after* this incident.

Body-worn camera footage showed that the complainant was handcuffed, placed into a patrol vehicle, and transported to a police station. Footage showed that an officer told the complainant that he had a stay-away order which the complainant denied.

No witnesses came forward.

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

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DATE OF COMPLAINT: 08/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE# 2 of 4**

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 named officer directed other officers to search him at the scene of the incident and later at a police station.

The named officer stated that other officers assisted him with arresting the complainant for violating a stay-away order. He stated that the assisting officers conducted an arrest search of the complainant incident to arrest and prior to transporting him to a police station. The named officer also stated that a booking counter search of the complainant was performed at the station.

Department records showed that the complainant was arrested and cited for violating a stay-away order. The incident report showed that the complainant was arrested for violating a stay-away order and was transported to a police station for booking. Court records showed that the complainant had an active stay-away order from the subject area.

Body-worn camera footage showed that an officer placed the complainant into handcuffs. Body-worn camera footage showed that an officer pat searched the complainant prior to placing him into a patrol vehicle and transporting him to a police station.

No witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that he believed the named officer was racially biased during this incident because he was stopped and arrested for no valid reason.

The named officer stated that that the complainant was stopped and arrested because he observed the complainant standing in an area which was a violation of a stay-away order. He stated that the complainant was searched incident to his arrest and during a booking counter search at the station. The named officer stated that he had prior contacts with the complainant and was aware of the complainant's race prior to stopping and arresting him during this incident. He stated that the complainant's race was not a factor in his decision to stop and arrest the complainant or in searching the complainant during the incident.

Department records showed that the complainant was arrested and cited for violating a stay-away order. Court records showed that the complainant had an active stay away order from the area of arrest.

No body-worn camera (BWC) footage from the named officer was available as he was in plainclothes during the incident and was not required to be equipped with BWC.

No witnesses came forward.

Considering the totality of the circumstances, a preponderance of the evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 08/19/20 **DATE OF COMPLETION:** 02/18/21 **PAGE# 4 of 4**

SUMMARY OF ALLEGATIONS #4-6: The officers engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that the named officers were retaliating against him during this incident because he has filed past complaints with the DPA, including a past DPA complaint against one of the named officers.

The first named officer stated that the only reason he arrested the complainant during this incident was because the complainant was in violation of a stay-away order.

The second named officer stated that he had no role during this incident and did not speak with the complainant. He stated that he remained in a police vehicle parked away from the scene of the incident and denied the complainant's allegation. He stated that the complainant had an active stay-away order from the area he was occupying and was arrested for violating it. He stated that the complainant's choice to file a complaint against him does not weigh into the decisions he makes while performing his duties as a police officer.

The third named officer stated he did not speak with the complainant and did not take any actions during this incident. He stated that he approved the arrest and citation of the complainant and that the complainant was in violation of a stay-away order. He stated he was aware that the complainant had made a past complaint against another officer but that his past complaints were not a factor in approving the arrest and citation in this incident.

Department records showed that the complainant was arrested and cited for violating a stay-away order. Court records showed that the complainant had an active stay away order from the area of arrest.

Body-worn camera footage for this incident did not reveal any evidence that the named officers engaged in retaliatory behavior.

No witnesses came forward.

A preponderance of the evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/20 **DATE OF COMPLETION:** 02/04/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that officers detained him without cause while he was riding his bicycle.

The named officer stated that he detained the complainant because a victim identified the complainant as a suspect in a burglary.

Body worn camera footage shows that, during a burglary investigation, a victim saw the complainant riding past his house on a bicycle and identified him to the investigating officers as the suspect he had seen on surveillance video burglarizing his garage. The investigating officers detained the complainant, questioned him, and released him after approximately thirty minutes of attempting to determine if he was the suspect.

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

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

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

FINDINGS OF FACT: The complainant stated the officer detained him because he is Hispanic and was in an upscale neighborhood.

The named officer stated he detained the complainant because a victim identified the complainant as a suspect in a burglary.

Body worn camera footage shows that, during a burglary investigation, a victim saw the complainant riding past his house on a bicycle and identified him to the investigating officers as the suspect he had seen on surveillance video burglarizing his garage. The officers detained the complainant, questioned him, and released him after approximately thirty minutes of attempting to determine if he was the suspect.

There was no evidence that officers detained the complainant because he was Hispanic. The evidence proves that the act alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers failed to arrest a convicted child molester who refuses to register as a sex offender.

The complainant did not respond to repeated requests for additional evidence necessary to conduct the investigation.

The officer could not reasonably be identified.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated she observed a homeless Caucasian male walking down the street throwing punches in the air while playing loud music. She stated two police officers responded to the scene, but they did not approach the Caucasian male; rather, they asked an African American male sleeping on the sidewalk to leave. The complainant stated the two officers targeted the person sleeping on the sidewalk because of his race. The complainant had no further information regarding the identity of the officers.

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

The identity of the alleged officers could not reasonably be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested information, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/20 DATE OF COMPLETION: 02/04/21 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she called police regarding a homeless Caucasian male who was walking down the street throwing punches in the air while playing loud music. When officers responded they did not approach the Caucasian male but rather approached a sleeping homeless person and asked him to leave.

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

The identity of the alleged officers could not be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested information, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he observed a uniformed police officer enter and exit a local hotel. He repeatedly requested the officer's name and star number, but the officer failed to provide this information. The complainant did not provide any additional information that would help DPA identify the officer.

An officer identification poll sent to the district station where the incident occurred yielded negative results.

The complainant did not respond to repeated requests for additional evidence.

The identity of the alleged officer could not be established.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/20 DATE OF COMPLETION: 02/16/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to a scene.

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

FINDINGS OF FACT: The complainant stated that officers failed to promptly respond to her call of a parked truck with its engine on during a Spare the Air day.

The Department of Emergency Management categorized the call as a low-priority. The named officer was dispatched to the scene twelve minutes after the complainant's original call. The officer began driving to the scene, but the call was cancelled by the complainant two minutes later.

San Francisco Police Department General Order 5.05, Emergency Response and Pursuit Driving, states, in part, "It is the policy of the Department that officers respond Code 3 only when an emergency response appears reasonably necessary to prevent serious injury to persons, whether or not a criminal offense is involved." Also, the order describes how an officer should drive when responding to a non-emergency call. It states, "the officer shall respond directly to the assignment and observe all traffic laws and regulations."

The named officer promptly responded to the call once he received it.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/20 DATE OF COMPLETION: 02/23/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated officers inadequately responded to a noise complaint.

The named officers stated that they responded to a complaint of loud music but could not find anyone playing loud music. The Computer Aided Dispatch corroborates the officers' statements that they responded to the scene and could not locate a suspect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/20 **DATE OF COMPLETION:** 02/18/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated police officers conducted a search of her residence without cause. The complainant stated the search warrant was for a person who did not live at the address. However, the complainant admitted that the subject of the warrant had an identification card registered to her address with her permission, and that the subject would stay at her address on occasion. The complainant also alleged that the officers left her doors open after they completed their search.

The officer in charge of the search stated the warrant was obtained due to a serious crime occurring and was approved by a Judge. The officer stated that they knocked and announced their presence and forced entry after a reasonable amount of time. A search was then conducted on the premises. The officer stated the front door and front gate were locked and secured shut after they finished the search.

The search warrant showed that a Judge signed the warrant. Department documents detailed an alleged crime that had occurred, and the subject of the warrant was identified as a suspect. The documents detailed that multiple warrants were conducted at addresses connected to the offender, including the complainant's address. The search of the complainant's address included detailed photographs taken of the complainant's front door.

Body Worn Camera (BWC) footage showed officers arriving at the complainant's address. The officers knocked loudly and shouted to identify themselves. They did this four times. The officers then forced entry to the property and conducted a search. The footage showed the front door was closed at the conclusion of the search.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 DATE OF COMPLETION: 02/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers had not dealt satisfactorily with a situation involving elderly Asian parents. She provided no further information.

The complainant did not respond to multiple requests for additional information. Her original complaint provided no date, time or specific incident, nor did she identify or describe any specific officer.

The officer could not reasonably be identified.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 **DATE OF COMPLETION:** 02/04/21 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the named officer singled out an African American patron (“patron”) in a store because of his race. The complainant stated that the named officer and a private security guard then ordered the patron to leave solely because of his race. The complainant also alleged that the named officer initiated contact with her based on her own race.

The named officer stated she did not recall the incident. She stated that she has never engaged in biased policing and has never asked a patron to leave a store based on their race.

Witness #1, a private security guard for the store, stated she approached a patron after she observed him shoplifting. She also confirmed that the named officer was working during this shift, and stated that the officer conducted herself in a professional manner.

Witness #2, the store manager, stated he has worked with the named officer on several occasions and that she has always conducted herself in a professional manner.

Store security footage, which does not contain audio, showed a patron placing store merchandise in his bag without paying. The footage then showed the security guard approaching and interacting with the patron. Shortly thereafter, the named officer joined the interaction for a very brief period, after which the patron walked away. The footage also showed the complainant initiating contact with the named officer.

Department General Order 2.01 states, in relevant part, that officers must treat the public with courtesy and respect.

The security guard, not the named officer, initiated contact with the patron after she witnessed him attempting to shoplift merchandise. Security footage supports the security guard’s observations, which gave her a legitimate reason to approach the subject. Additionally, the named officer did not initiate contact with the complainant; it was the complainant who initiated contact with the named officer.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 DATE OF COMPLETION: 02/04/21 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer and a security guard “tag teamed” her because the named officer stood next to the security guard while the security guard spoke to her. She stated the mere presence of the named officer was inappropriate because she was armed.

The named officer stated she did not recall the incident; however, she stated that as part of her uniform requirements she is required to carry a firearm.

Witness #1, the private security guard for a store, stated the named officer did not speak with the complainant and that the named officer conducted herself in a professional manner.

Witness #2, the store manager, stated he worked with the named officer on several occasions and that she always conducted herself in a professional manner.

Store security footage showed the security guard, who was accompanied by the named officer for a very brief period of time, interacting with the complainant. The footage also showed that the named officer directly interacted with the complainant for only a few seconds. The named officer was dressed in full uniform, which included a firearm.

Department General Order 2.01 states, in relevant part, that officers must treat the public with courtesy and respect.

Department General Order 10.02 states, in relevant part, that officers are required to be equipped with a firearm.

The named officer’s possession of a firearm and presence with a security guard in no way violated Department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/20 **DATE OF COMPLETION:** 02/08/21 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/20 DATE OF COMPLETION: 02/16/21 PAGE# 1 of 1

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

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

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

San Francisco 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: 12/29/20 **DATE OF COMPLETION:** 02/04/21 **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 the DPA's jurisdiction. This complaint was referred to:

Golden Gate Bridge Patrol
CHP
1551 Benicia Road
Vallejo, CA 94591
Phone: (707) 917-4300

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/4/2021 DATE OF COMPLETION: 02/19/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he called the non-emergency line multiple times regarding homeless tents obstructing the sidewalk, and officers did not do anything to remove the tents.

The complainant did not provide the specific dates and times when the calls were made or where the tents were located and did not provide specific identifying information regarding any officers. The complainant refused to provide any further information about the incident, stated they did not want to be contacted any more, and hung up.

The identity of the alleged officer could not be established.

No witnesses were identified.

The complainant failed to provide additional requested evidence for the incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/21 **DATE OF COMPLETION:** 02/09/21 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/20 **DATE OF COMPLETION:** 02/11/21 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/21 DATE OF COMPLETION: 02/19/21 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the officer refused to take an incident report from the complainant based on the complainant's sexual identity.

The named officer stated he was not working on the date provided by the complainant and that he did not have any contact with the complainant.

Department records showed that the named officer was not on-duty on the date provided by the complainant.

The evidence proves that the named officer was not involved in the alleged conduct.

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

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

FINDINGS OF FACT: The complainant stated that the named officer refused to take a report.

The named officer stated he was not working on the date provided by the complainant and that he did not have any contact with the complainant.

Department records showed that the named officer was not on-duty on the date provided by the complainant.

The complainant failed to provide credible evidence of criminal activity to require a report.

The evidence proves that the conduct alleged did not occur.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/21 DATE OF COMPLETION: 02/19/21 PAGE# 2 of 2

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: 01/21/21 DATE OF COMPLETION: 02/25/21 PAGE# 1 of 1

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 an officer responded rudely when she approached him and told him that she was tired of going to his police station.

The complainant is not a credible source of information, and the alleged incident is not misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/21 **DATE OF COMPLETION:** 02/23/21 **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
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 **DATE OF COMPLETION:** 02/16/21 **PAGE# 1 of 1**

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

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

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

Carter County Sheriff's Office
900 E. Elk Avenue
Elizabethton, TN 37643

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/21 **DATE OF COMPLETION:** 02/04/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was referred 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: 01/25/21 DATE OF COMPLETION: 02/11/21 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: 01/29/21 **DATE OF COMPLETION:** 04/02/21 **PAGE# 1 of 1**

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

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

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

AFOSI Detachment 322
110 North Chennault Avenue
Fairchild Air Force Base, WA 99011

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/2021 **DATE OF COMPLETION:** 02/08/21 **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: 02/01/21 DATE OF COMPLETION: 02/18/21 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: 02/05/21 DATE OF COMPLETION: 02/05/21 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 DATE OF COMPLETION: 02/08/21 PAGE# 1 of 1

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

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

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

Carter County Sheriff's Office
900 E. Elk Avenue
Elizabethton, TN 37643

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/21 **DATE OF COMPLETION:** 02/23/21 **PAGE# 1 of 1**

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

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

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

Federal Protective Service
450 Golden Gate Avenue #5-5474
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/21 DATE OF COMPLETION: 02/17/21 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: 02/16/21 **DATE OF COMPLETION:** 02/26/21 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/21 DATE OF COMPLETION: 02/26/21 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.