

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he is a yellow cab driver who was driving into a hotel auto parking area when a pedestrian slapped his cab. The complainant confronted the pedestrian, who punched him several times before fleeing. The complainant said he asked the named officer for a police report and his request was ignored.

The named officer, who was the primary unit, said the complainant twice declined medical treatment, and provided a vague description of the suspect, who could not be located. No witnesses came forward, hotel personnel told the named officer there was no camera footage of the crime, and the named officer denied the complainant asked for a report. The named officer said the complainant refused further police action during the investigation. The named officer stated the complainant was adamant about reviewing hotel surveillance footage and when hotel personnel denied him access to their restricted security area, the complainant became dismissive regarding the investigation.

Another officer on scene said that confusion among hotel management resulted in a hotel employee asking the officers to track down a suspect inside the hotel related to another incident for which the hotel had also called the police. Those officers stated that they could not locate the suspect from this incident.

Another officer on scene assisting with this investigation said someone gave them a limited description of a suspect whom they attempted to locate inside the hotel to no avail. This witness officer could not remember whether or not the complainant asked the named officer for a report.

Video evidence from the complainant's cab, which was unavailable on the night of the incident, indicates that the complainant was indeed battered by a male pedestrian, who then left the parking area on foot. The footage was inconclusive as to the location of the suspect, but did indicate that the suspect was gone from the parking area before the police arrived. The complainant's medical records suggest that the unknown pedestrian battered the complainant, who may have been in an exchange of words with the suspect regarding a near collision by the cab with the pedestrian, as the cab drove into the hotel parking area.

No other witnesses were identified.

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

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SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: On the night the complainant came in contact with police, the complainant communicated with dispatchers, officers, cab passengers, and hotel personnel in English, but asked OCC to provide him with a Punjabi interpreter for his interview.

A Department of Emergency Management dispatcher commented during the complainant's emotional battery report to 911 that there was a possible language barrier.

The named officer, who acknowledged speaking to the complainant, stated that the complainant was not speaking in incomplete or fragmented sentences, was making himself clear, and remained upset about his demands to see the hotel's video footage, and there was, therefore, no apparent language barrier.

One officer on scene said he did not hear the complainant's communications with the named member and thus made no informed decision regarding the complainant's English proficiency.

Another officer on scene stated that he did not believe there was language barrier communicating with the complainant because the officers understood his words, and he did not have any difficulty communicating with him.

SFPD records indicate the complainant has filed at least two SFPD incident reports in English in the past seven years without the need for a Punjabi interpreter.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/26/17 **DATE OF COMPLETION:** 03/17/17 **PAGE#** 1 of 1

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

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

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

Broadmoor Police Department
388 Eighty-Eighth Street
Broadmoor, CA 94015-1717

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/01/16 **DATE OF COMPLETION:** 03/24/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a traffic collision. The complainant alleged that the named officers behaved inappropriately, doubting her account of what had occurred and making sarcastic jokes and remarks during the traffic collision investigation.

The named officers and the other party involved in the collision denied that the officers behaved inappropriately toward the complainant.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant alleged that, “when officers arrived on the scene, there wasn’t much concern for me once I stated my address, which is located on 6th Street of San Francisco.” She stated, “I feel that instead of being protected by the San Francisco Police, I was racially and socially profiled. Instead of being serviced, I was badgered.”

The named officers were interviewed pursuant to DPA’s Biased Policing Investigation Protocol. They denied in engaging in biased policing as alleged.

No other witnesses came forward.

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

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DATE OF COMPLAINT: 01/23/17 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

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DATE OF COMPLAINT: 01/21/17 **DATE OF COMPLETION:** 03/30/17 **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 observed an officer in a marked police car drove at a dangerous and high rate of speed. The complainant did not get the vehicle number or any other details because it happened quickly.

Department records show that numerous officers were responding to a call regarding a person with a gun and shots being fired.

The identity of the alleged officer could not be established.

The complainant provided insufficient information for the DPA to proceed with its investigation.

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DATE OF COMPLAINT: 02/12/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he drove his van to Golden Gate Park and legally parked on the street. He stated that he fell asleep and was awoken by the named officer knocking on his window. He stated that the named officer asked him what he was doing and requested his driver's license. He stated that he complied and gave the named officer his California Identification card.

The named officer stated that he was patrolling Golden Gate Park when he observed a parked van he believed to be unoccupied and dumped. He stated that he ran the license plates number, which revealed that the van had not been registered for over a year, which was a violation of the California Vehicle Code. He stated that he did not detain the complainant. He stated that the complainant was free to leave, but he planned to tow the complainant's vehicle.

Records from the Department of Emergency Management show that the named officer conducted a license plate check on the complainant's license plate and notified dispatch that the vehicle was unoccupied. Approximately, five minutes later the named officer conducted a records check on the complainant.

Records also showed that the complainant had a suspended driver's license, was not the registered owner of the vehicle and that the vehicle had a registration expiration date in excess of six months.

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

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

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DATE OF COMPLAINT: 02/12/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer towed the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that he was legally parked. He stated that he did not know that the vehicle registration had been expired for more than six months. He stated that the named officer had no right to tow his vehicle.

The named officer stated that a records check revealed that the complainant's van registration expired for over six months, which was a violation of the California Vehicle Code. Pursuant to California Vehicle Code section 22651(o), the complainant's vehicle was towed.

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

SUMMARY OF ALLEGATION #3: The officer engaged in racial bias due to race.

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

FINDINGS OF FACT: The complainant who identifies as a Pacific Islander stated the named officer would not have towed his vehicle if the complainant were White.

Records indicate that the complainant's van was towed pursuant to California Vehicle Code section 22651(o).

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

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DATE OF COMPLAINT: 02/12/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he requested a copy of the incident report related to his vehicle being towed and that the named officer refused.

The named officer stated that the reporting officer told him that the complainant's vehicle registration had been expired for a year. He stated that the reporting officer requested approval for the vehicle tow, which the named officer approved. The named officer stated that he later received a call from the complainant regarding the incident. He stated that he provided the complainant the CAD number, told the complainant about the DPA, and offered to take the complainant's complaint and forward it to the DPA. He stated that the complainant declined and told him that he would contact DPA himself.

The reporting officer stated that an incident report was not written because it was not required.

Department policy established that an incident report was not required for this incident.

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

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DATE OF COMPLAINT: 02/10/17 **DATE OF COMPLETION:** 03/30/17 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated a non-uniformed officer said, “Gimp” when the complainant walked by.

The identity of the alleged officer could not be established.

The complainant provided insufficient information for the DPA to proceed with its investigation.

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DATE OF COMPLAINT: 02/10/17 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer entered the residence unlawfully.

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

FINDINGS OF FACT: The complainant, who suffers from PTSD, stated that her husband called 911 because he thought she was going to kill herself. She stated that, to avoid police, she went out the back door of her house and jumped two fences in order to hide in a neighbor's backyard. She briefly returned to her home, where her husband told her officers were looking for her. The complainant then took the keys to a neighbor's house, which she was watching while the neighbor was out of town, and let herself in. Her husband told the police where she was, and the named officer went to the neighbor's house.

Body-worn camera footage shows the named officer asking the complainant through the closed front door if he can speak to her. The complainant states that she is fine and that the officer cannot enter without a warrant. The named officer explains that he is there for her safety, and that if she does not open the door she will force him to kick the door down. The complainant says through the door that she is afraid of men and repeats that she will not hurt herself. The named officer states that if the complainant spends 10 minutes with him he can leave her in peace. He explains he is there on a well-being check because her husband called. He explains that he cannot conduct the well-being check through the door. The complainant says she wants her husband there and the named officer sends another officer to get him. When the complainant's husband arrives, she opens the door and consensually admits her husband and the named officer.

The evidence established that the complainant consented to the entry.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer made remarks that she felt were condescending to her when he talked about how she had a nice life and a husband who loved her.

The complainant's husband stated that the named officer was "surly," "stern," and "hostile." He felt that the officer's line of questioning was condescending and that his tone and volume were not appropriate. He stated that the officer "goaded" the complainant into being upset.

Body-worn camera footage, which includes audio recording, shows the named officer speaking to the complainant during the course of a well-being check after she disappeared from her home. In response to the named officer's questions, the complainant says she has thought about "wanting to not be," or being perpetually asleep. The named officer then points out that the complainant has been married to her husband for 26 years, which he points out is something valuable. The complainant says she loves her husband but he ignores what she says, and she is being driven to the point of wanting to disappear forever and not come back. The named officer then observes that normally what makes married people unhappy are things like cheating or money problems. But when people live well, in nice house, with nice cars, with nice kids as the complainant and her husband do, they seem to have it all. His intent appears to be to get the complainant to see that she has many things to live for, including a good life with a family that loves her.

The complainant responds by standing up and announcing that she does not have it all because she was molested for many years and, additionally, their "son is in the nuthouse." The complainant grows extremely agitated and talks about how men constantly sexually assault her, which is terrible because she loves men. She states that she is upset but not crazy; she just has depression and PTSD. The named officer attempts to talk to her: "Ma'am..." but the complainant yells, "Ma'am what?! You don't like the way I'm talking to you?" She then yells at the officer and uses profanity. At no point does the named officer raise his voice or speak to the complainant in a manner that could be seen as surly, stern, or hostile. He is polite and respectful to both the complainant and her husband at all stages of the detention.

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

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

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

FINDINGS OF FACT: The complainant stated that while she was speaking with the named officer about her history of traumatic events, she stood up and spoke loudly, leading to her being handcuffed.

Body worn camera footage shows that, while the named officer was speaking with the complainant and performing a well-being check, she grew upset and agitated while speaking angrily to her husband, who was also in the room. The complainant states in the recorded contact that she is upset for good reason and, over the named officer's attempts to calm her, grows increasingly disturbed and angry as she mentions sexual abuse in her past and the PTSD from which she suffers. She talks about having a knife pulled on her on a city bus, and how despite all her ordeals, no one cares. She yells that now she is upset and that her husband is not being helpful. When she starts to yell profanities about her family's indifference toward the abuse she has endured, she stands up and begins advancing toward her husband, who is seated. The named officer takes her arm to stop her. When the complainant resists, the named officer starts to handcuff her. She screams, which brings the named officer's partner into the house from outside, where he was waiting in compliance with the complainant's wishes. The named officer's partner then assists him in securing and cuffing both of the complainant's wrists. The named officer explains that the complainant is not under arrest but rather is being detained for a 5150.

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

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DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that his ex-girlfriend had him falsely arrested in order to get the complainant out of the house to steal his property.

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

The named officer stated that she received the complainant's initial report at the station. She stated that she subsequently forwarded the incident report to the Station Investigation Team (SIT).

The lieutenant in charge of the SIT Team stated that the dispute between the complainant and his ex-girlfriend was a civil matter.

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

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DATE OF COMPLAINT: 02 /13/17 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 1

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

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

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

United States Park Police
1217 Ralston Ave.
San Francisco, CA 94129

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/12/17 **DATE OF COMPLETION:** 03/19/17 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude.

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

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

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DATE OF COMPLAINT: 02/18/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant wrote in an online complaint that she, along with two other women, were protesting at the anti-abortion "Walk for Life West Coast Rally" by baring their breasts and shouting, "Fraud! Fake! Liar!" near the stage and throwing fake subpoenas toward the person speaking. She stated that event security staff removed them from the area and brought them to the officers, who arrested them. The complainant claimed it is legal to be topless in San Francisco, and that their actions were protected by the First Amendment. The complainant never responded to requests for an interview.

The co-complainant corroborated the complainant's account in a recorded DPA interview.

Both complainants identified a particular female officer as the primary officer behind their complaints. Five other officers acknowledged being at the scene, but denied any involvement in the arrests. Those officers stated that they observed three topless protesters shouting and trying to approach the stage, in violation of laws prohibiting indecent exposure, disturbing the peace, and for using offensive words in a public place trying to provoke a fight.

The named officer acknowledged that she arrested the complainants and said it was because they were violating laws prohibiting indecent exposure (Park Code 4.01(h)), disturbing the peace (Penal Code 403), and provoking a fight with offensive words in a public place (Penal Code 415(3)).

Another officer present stated that event staff showed him where the complainants had cut the zip ties and gained entry into the barricaded area around the stage. The officer said event staff informed him that the protesters had broken through the barricades and were attempting to unplug the sound equipment. He stated they also showed him a yellow vest one of the protesters wore to appear as though she were part of the security staff. The staffers said this vest was discarded after the protesters broke into the stage area.

A witness stated that when the protesters removed their shirts and rushed the stage, event security wrestled the primary complainant over the security fence and passed her off to officers. Photographs provided by the complainants depict three protesters at the rally with slogans such as, "Abortion is Sacred," and, "My Body, My Rules," written on their bare torsos. No other witnesses came forward.

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

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DATE OF COMPLAINT: 02/18/16 **DATE OF COMPLETION:** 03/29/17 PAGE# 2 of 4

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

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

FINDINGS OF FACT: The complainants stated that event security at an anti-abortion rally lifted one of the complainants over a barricade and toward the named officer. The primary complainant, who declined to take part in a DPA interview, stated in her written complaint that, despite the fact that she did not resist, the named officer used a wrist lock pain compliance technique, twisted her arm, and forced her to lie face down on the ground as officers handcuffed her and bent her legs back “in a hog-tie fashion.”

The named officer stated that she first saw two female protesters attempting to break into the barricades to the stage area and then struggle with security guards and went over to assist and mediate. The officer stated that she and her partner took hold of one of the protesters and attempted to remove her from the area. The protester started to resist, so the named officer put her in a rear wristlock control hold and walked her away from the barricades. The named officer denied ever hog-tying the complainant, as there were no restraints placed on her ankles. The named officer stated that the holds were necessary because the complainant was going limp and using her body weight to resist. The named officer also stated that she used the minimum amount of force necessary to effect a detention or arrest in the situation, and none of the complainants complained of pain.

Four other officers at the scene denied using any force or compliance holds. A fifth officer stated that he held the complainant’s arm and guided her to the ground as she intentionally went limp.

A witness stated that the named officer twisted the complainant’s arms until she screamed in pain. The witness also stated that the officers forced the complainant to the ground and made her lie facedown while they bent her legs back.

Photographs provided by the complainants show the named officer and her partner attempting to walk with the complainant, who had made her body limp as the officers dragged her. Another photo depicts the complainant lying on her stomach in the street as officers restrained her. She is wearing handcuffs, but no restraints are visible on her feet and ankles.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainants stated that the officers refused to take action against the event security staff who assaulted them. One complainant stated that the officers knew that the protesters wanted the men arrested and also had photographs of them. Another complainant stated that she tried to get one of the officers present to “do something,” about the actions of the event’s security staff, but did not recall if she asked that officer to make an arrest.

The named officer stated that she initially observed two female protesters struggling with the event’s security guards as they attempted to break through the barricades to the stage area, and she went over to assist. The named officer stated that she did not hear the protesters ask her or any of the other officers to arrest the security staff who initially restrained them.

None of the other officers who were present stated that they heard any protester ask any officer to arrest any individual.

A witness who said she was present at the scene stated that the protesters wanted to press charges against the event staff, but police ignored their requests.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #4: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainants stated that they repeatedly asked the officers why they were being arrested, and officers responded, "Why do you think you are being arrested?" and "You know why." The complainants also stated that they did not find out the reason for their arrests until an hour and a half later when they were signing their citation slips at the station and being released.

The named officer stated that she saw evidence that the protesters had engaged in criminal activity, specifically: 1) trying to break through the barricades; 2) resisting arrest; 3) being topless in a park; and 4) disturbing the peace. The officer stated that these were the reasons why the protesters were arrested, and she informed the protesters of these laws when they were cited at the station. The named officer stated that prior to issuing the citations, she took sufficient time to find the specific codes with which to charge the complainants, so she could accurately complete the citations. She further stated that the protesters knew why they were being arrested.

Department and court records and citations provided by the complainants indicated that the complainants were issued citations listing, and were prosecuted for, the crimes for which the named officer stated she arrested them.

Other officers at the scene stated that the protesters would not stop yelling, so it was difficult to tell them at the scene why they were being arrested.

A witness said that the protesters were told they were not arrested, but only detained.

No other witnesses came forward.

The evidence established that the named officer did not behave inappropriate toward the complainants.

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

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

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

FINDINGS OF FACT: The complainant wrote on her complaint form that five to six officers detained her inside a shopping mall without justification. One of the officers told her that a man had called police and reported that the complainant had pointed a Taser at him the previous week.

Department of Emergency Management communications records established that a security officer at the mall called 911 and reported to the dispatch operator that the complainant, who he described in detail, was sitting on a bench in the shopping mall, waiting for her boyfriend. He told the operator that the complainant pulled a Taser on him the week before and that several days later, she and her boyfriend and two other men followed and attempted to attack him. The caller said he was concerned that the complainant might be armed with a Taser and feared for his life. The records established that five officers responded to this call, that they contacted the complainant, ran a computer check on her, and reported that no crime had been committed.

The 911 caller, a security officer at the shopping mall, stated that after he admonished the complainant about inappropriate behavior at the mall, she and her boyfriend threatened him, and the complainant pointed a Taser at him. This witness stated that on the day of this incident, his supervisor saw the complainant in the mall and told him to call the police. This witness saw approximately six officers approach the complainant, who was sitting on a bench in the mall. The officers searched the complainant's purse and removed a Taser from it.

The security officer's supervisor stated that the security officer told him the complainant had pulled a Taser on him. This witness saw four officers talking to the complainant. The officers searched the complainant's jacket and her bags before finding a Taser, but did not search after finding it. This witness thinks officers removed two or three pairs of sunglasses from the complainant's bag. He heard an officer say the sunglasses still had price tags on them, and heard an officer ask the complainant if she stole the sunglasses. One officer spoke to this witness and the security officer, and told them officers could not make the complainant leave the mall, but that the security officer could get a restraining order against her and her boyfriend. The officers returned the complainant's Taser to her and left.

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A witness who was working in the mall stated that he saw the complainant sitting on a bench removing twenty to thirty pairs of sunglasses from their packaging. He suspected the sunglasses might have been stolen. Two or three police officers arrived. They examined the sunglasses, searched the bag from which the complainant had removed the sunglasses and then searched the complainant's purse.

The DPA attempted to interview the complainant's boyfriend, who was present in the mall and witnessed her contact with officers, but he failed to respond to multiple attempts of contact. The DPA was unable to obtain his mailing address.

The officers who responded stated that they detained the complainant because she matched the description broadcast by dispatch of an assault suspect who commonly carried a Taser.

The complainant's mother, who assisted the complainant in writing the complaint form, refused to allow the DPA to speak to her adult daughter. The complainant failed to respond to multiple written requests by the DPA for an interview. The DPA was, therefore, unable to obtain significant and relevant information regarding the specific officers who the complainant had contact with, and specific statements and actions by those officers.

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

The evidence established that officers detained the complainant after receiving a report that she was carrying a stun gun. The 911 caller, a mall security officer, provided the dispatch operator with a highly detailed description of the suspect, and pinpointed her location within the mall. He told the operator that the complainant had previously pulled a stun gun on him and that she was known to regularly carry a stun gun.

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

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

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SUMMARY OF ALLEGATION #3: The officer searched the complainant's property without cause.

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

FINDINGS OF FACT: The complainant wrote on her complaint form that five to six officers detained her inside a shopping mall without justification. One of the officers told her that a man had called police and reported that the complainant had pointed a Taser at him the previous week. The officers searched the complainant's bag.

Department of Emergency Management communications records established that a security officer at the mall called 911 and reported to the dispatch operator that the complainant, who he described in detail, was sitting on a bench in the shopping mall, waiting for her boyfriend. He told the operator that the complainant pulled a Taser at him the week before and that several days later, she and her boyfriend and two other men followed and attempted to attack him. The caller said he was concerned that the complainant might be armed with a Taser and feared for his life.

The 911 caller, a security officer at the shopping mall, stated that after he admonished the complainant about inappropriate behavior at the mall, she and her boyfriend threatened him, and the complainant pointed a Taser at him. This witness stated that on the day of this incident, his supervisor saw the complainant in the mall and told him to call the police. This witness saw approximately six officers approach the complainant, who was sitting on a bench in the mall. The officers searched the complainant's purse and removed a Taser from it. This witness did not see the officers search the complainant's backpack.

The security officer's supervisor stated that the security officer told him the complainant had pulled a Taser on him. This witness saw four officers talking to the complainant. The officers searched the complainant's jacket and her bags before finding a Taser, but did not continue searching after they found the Taser. This witness thinks officers removed two or three pairs of sunglasses from the complainant's bag. He heard an officer say the sunglasses still had price tags on them, and heard an officer ask the complainant if she stole the sunglasses.

A witness who was working in the mall stated that he saw the complainant sitting on a bench removing twenty to thirty pairs of sunglasses from their packaging. He suspected the sunglasses might have been stolen. Two or three police officers arrived. They examined the sunglasses, searched the bag from which the complainant had removed the sunglasses and then searched the complainant's purse.

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A witness who worked in a shop near where the complainant was contacted by police stated that she saw a woman, subsequently identified as the complainant, yelling and cursing. Several police officers and two mall security officers were attempting to calm her down. This witness saw officers look inside several shopping bags this woman had, but did not see an officer remove anything from the bags.

The officers who responded stated that the complainant's bags were searched because she matched the description broadcast by dispatch of an assault suspect who commonly carried a Taser. The officers stated that they did not recall who searched the bags.

The complainant's mother, who assisted the complainant in writing the complaint form, refused to allow the DPA to speak to her daughter, who is an adult. The complainant failed to respond to multiple written requests by the DPA for an interview. The DPA was, therefore, unable to obtain information regarding the specific officers who conducted the search, or to obtain significant and relevant information from the complainant.

The evidence established that officers contacted the complainant after receiving a report that she had been known to carry a stun gun. The 911 caller, a mall security officer, provided the dispatch operator with a highly detailed description of the suspect, and pinpointed her location within the mall. He told the operator that the complainant had previously pulled a stun gun on him and that she was known to regularly carry a stun gun.

Several independent witnesses stated that they observed the complainant with multiple pairs of sunglasses that appeared to have been stolen. The civilian witnesses who were present stated that officers searched the complainant's shopping bag and purse, but ceased their search after finding a Taser in her purse.

The evidence established that the officers had received credible information that the complainant had previously be armed with a weapon. They detained the complainant and searched bags in her possession that could have contained this weapon, which they found in the complainant's purse.

A preponderance of the evidence established that the officers ceased their search after finding this weapon. The complainant failed to provide additional requested evidence that might have allowed the DPA to identify the officer or officers who conducted the search. The five officers who were on the scene stated that they did not recall who searched the complainant's bags. There was insufficient evidence to establish which officer or officers conducted the search or to establish whether the search was justified.

Therefore, there was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant wrote in her complaint form that unidentified officers failed to provide their names and star numbers when requested.

The officers who were present denied the allegation.

The DPA attempted to interview the complainant's boyfriend, who witnessed her contact with officers, but he failed to respond to multiple requests for an interview. Civilian witnesses interviewed by the DPA stated that they did not recall hearing the complainant ask officers for their names or star numbers. The complainant's mother, who assisted the complainant in writing the complaint form, refused to allow the DPA to speak to her daughter, who is an adult. The complainant failed to respond to multiple written requests by the DPA for an interview.

The DPA was, therefore, unable to obtain relevant information regarding the specific officers who failed to provide name and star numbers, or to obtain other significant details about the incident from the complainant.

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

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

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

FINDINGS OF FACT: The complainant wrote in her complaint form that unidentified officers made inappropriate statements and engaged in inappropriate behavior.

The officers who were present denied the allegation.

The identity of the alleged officer could not be established.

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

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SUMMARY OF ALLEGATION #6: The officer engaged in biased policing, due to race.

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

FINDINGS OF FACT: The complainant wrote in her complaint form that unidentified officers engaged in biased policing due to her race.

The five officers who were present denied that their actions were based on the complainant's race.

The DPA attempted to interview the complainant's boyfriend, who witnessed her contact with officers, but he failed to respond to multiple requests for an interview.

The complainant's mother, who assisted the complainant in writing the complaint form, refused to allow the DPA to speak to her daughter, who is an adult. The complainant failed to respond to multiple written requests by the DPA for an interview. The DPA was, therefore, unable to obtain relevant information concerning specific actions that the complainant believed constituted biased policing, to obtain identification information about officers who engaged in these actions, or to obtain other significant details about the incident from the complainant.

The identity of the alleged officer could not be established.

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

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

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

FINDINGS OF FACT: The complainant stated that security personnel in a department store accused her of shoplifting and detained her. The complainant denied the allegation. She stated she went from one floor to another inside the store looking for a bathroom, went out a door and was grabbed by security personnel, who took her to a security office. Two San Francisco police officers arrived. One officer pulled her left arm up over her head while he searched her. The officers led her to their patrol car, and this officer pulled her arms behind her back to handcuff her. The complainant stated it was the fact that the officer handcuffed her with her arms behind her back that was painful, and not something specific about the way he handcuffed her. She stated she would not have experienced this pain if the officer had handcuffed her in front of her body. The complainant also stated that deputies at the County Jail grabbed her arms and handcuffed her, causing pain to her left arm.

The complainant's medical records documented that she had a sprained left shoulder.

The named officer denied pulling the complainant's arm upward. He stated he handcuffed the complainant before her transport to the police station and before her transport to the jail. He stated the complainant never complained of pain and never said she did not want to be handcuffed with her arms behind her back.

The named officer's partner stated he did not recall whether the complainant's arm was raised above her head while she was searched, whether she ever complained of pain or said she did not want to be handcuffed behind her back.

A witness officer who was present in the security office stated that he did not see an officer lift the complainant's arm while she was being searched. He did not remember whether the complainant ever complained of pain or said she did not want to be handcuffed behind her back.

A loss prevention officer at the department store stated he did not recall the complainant complaining about pain and did not recall seeing her searched or handcuffed. He stated loss prevention officers handcuffed the complainant before SFPD officers arrived because she became verbally aggressive.

A second loss prevention officer stated that she and a colleague handcuffed the complainant after she attempted to shove one of them. They later uncuffed her so she could use the bathroom. This witness

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stated that SFPD officers had the complainant place her hands on top of her head when she was searched, but did not recall an officer lifting up the complainant's arms. One of the officers told the complainant to lower her arms, and gently placed her arms behind her back to handcuff her. The complainant said she did not want to be handcuffed because she had an arthritic condition, but she did not specify where she was arthritic. This witness did not recall the complainant saying she was in pain.

Video footage from the department store's CCTV camera contradicted the complainant's account of her activities before she was detained, and established that she shoplifted an expensive item of clothing. This raises questions about the complainant's credibility.

The complainant did not describe anything about the handcuffing that would constitute unnecessary force. The complainant was handcuffed by store loss prevention officers prior to the arrival of SFPD officers. She also alleged that County Jail deputies used unnecessary force when they manipulated her left arm and handcuffed her. There is insufficient evidence to establish that the injury to her left shoulder, documented in her medical records, was caused by the named officer handcuffing the complainant. The complainant also alleged that the named officer used unnecessary force when he raised her arm above her head while searching her. While the named officer denied doing this, his partner stated that he did not recall seeing this.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #1: Part of this complaint raises matters outside DPA's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside DPA's jurisdiction. This complaint was partially referred to the San Francisco Sheriff's Department.

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DATE OF COMPLAINT: 02/24/17 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 1

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

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

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

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

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

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

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

Social Security Administration
90 7th Street
San Francisco, CA 94103

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

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

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

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

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

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

FINDINGS OF FACT: The complainants stated that they saw a struggle between a man and police officers after the man was detained for no reason.

The named officers stated that they were told by their district captain to go to a certain intersection to abate loitering. When they arrived, they noticed a man was standing outside a liquor store, right in front of a sign that said no loitering. The officers then approached the man and asked for his identification because he was violating the law.

A surveillance video obtained by the DPA from an apartment building next to the liquor store showed the man in front of the liquor store, alone, for about two minutes before officers arrived. The man was walking around and stopping at times. The officers passed the man briefly and then turned back and approached the man.

The DPA was unable to locate the man for an interview.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainants stated that they saw a struggle between a man and police officers after the man was detained for no reason.

The named officers stated that they had detained the man for loitering. The man refused to provide his identification and would not answer basic questions. The named officers had the man sit down on the sidewalk while they asked him questions. While on the sidewalk, he was moving around and hiding his hands. The named officers stated they wanted to handcuff him for their safety during their investigation. The man resisted getting up and resisted having his hands cuffed. A struggle ensued and force was used when the man attempted to bite an officer. The named officers arrested the man for resisting arrest.

A surveillance video obtained by the DPA from an apartment building showed the man moving around as the named officers tried to get him into handcuffs. The man then went to the ground and the named officers used force to get him into handcuffs.

A video provided by one of the co-complainants showed in further detail, and with sound, the struggle on the ground. In the video, the man was struggling while the officers attempt to get him into handcuffs. One named officer yelled that the man was trying to bite him and another named officer used force to stop that attempt. The man was put in handcuffs and put in a patrol car.

The DPA was unable to locate the arrestee.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers handcuffed someone without justification.

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

FINDINGS OF FACT: The complainants stated that they saw a struggle between a man and police officers after he was detained for no reason. The officers then handcuffed the man for no reason.

The named officers stated that they had detained the man for loitering. The man refused to provide his identification and would not answer basic questions. The named officers had the man sit down on the sidewalk while they asked him questions. While on the sidewalk, he was moving around and hiding his hands. The named officers stated they wanted to handcuff him for their safety during their investigation. The man resisted and the named officers struggled with the man and used force. They were eventually able to handcuff the man.

A surveillance video obtained by the DPA from an apartment building showed the man moving around as the named officers tried to get him into handcuffs. The man then went to the ground and the named officers used force to get him into handcuffs.

A video provided by one of the co-complainants showed in further detail, and with sound, the struggle on the ground. In the video, the man was struggling while the officers attempt to get him into handcuffs. One named officer yelled that the man was trying to bite him and another named officer used force. The man was put in handcuffs and put in a patrol car.

The DPA was unable to locate the arrestee.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #7-8: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainants stated they saw a struggle between a man and police officers after he was detained for no reason. One officer stood over the man and wrestled with him, pulling on his arm. Another officer punched the man in the upper back area. One of the co-complainants captured the force on video.

The named officers stated they had detained the man for loitering. The man refused to provide his identification and would not answer questions. The named officers stated they wanted to handcuff him for their safety, and the man resisted. One of the named officers stated the man opened his mouth and attempted to bite the officer. The named officer shouted that the man was trying to bite him, prompting the other named officer to strike the man with a closed fist to distract him. A third officer arrived and assisted in getting the man in handcuffs. That officer stated he did not see the strike but did witness the man resisting.

A surveillance video obtained by the DPA from an apartment building showed the man moving around as the named officers tried to get him into handcuffs. The man then went to the ground and the named officers used force to get him into handcuffs. The fist strike was not clearly visible in the video.

A video provided by one of the co-complainants showed in further detail, and with sound, the struggle on the ground. In the video, the man was struggling while the officers attempt to get him into handcuffs. One named officer yelled that the man was trying to bite him and another named officer struck the man in the back near the shoulder blade and lower neck area with a closed fist. A third officer arrived in the middle of the struggle and put weight on the man's lower body. The named officers put the man in handcuffs and he was taken to a patrol car.

The DPA was unable to locate the arrestee.

No other witnesses were identified.

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

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

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SUMMARY OF ALLEGATION #9: The officer made threats.

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

FINDINGS OF FACT: A co-complainant stated he was filming a police arrest from the second floor of an apartment building. The arrest occurred below and involved the use of force. After the man was arrested below, an officer pointed up to the co-complainant and asked for the footage of the arrest. The co-complainant refused. The officer then began threatening the co-complainant in order to get the video footage. The officer said he would get the co-complainant's information from the front desk. The co-complainant never gave up the footage but believed that there were officers waiting outside for hours to confront him.

The named officer stated that after he arrested someone, he noticed that the co-complainant was filming the arrest from the second floor. The named officer stated he asked in a professional manner if he could have the footage as evidence. The co-complainant refused. The named officer then asked another officer to get the man's information from the front desk. The named officer stated that neither he nor any other officer waited outside for the co-complainant, as alleged.

A video provided by the co-complainant showed the named officer pointing up at the co-complainant and asking for the video. The named officer used the term "sir" when addressing the co-complainant. The co-complainant refused and the named officer asked someone outside the video frame to get the co-complainant's information from the front desk. A clerk stated that no officer asked for the identification of the man on the second floor.

The DPA was unable to locate the arrestee.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #10: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated that an officer used profanity while arresting a man. There was video of the arrest on the Internet.

The named officer admitted to using profanity. He stated that he was in a struggle with a suspect who tried to bite him and that made him scared and angry.

A video provided by the co-complainant shows the named officer using profanity.

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

SUMMARY OF ALLEGATION #11: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainants stated that an officer used a sexual slur while arresting a man. There was video of the arrest on the Internet.

The named officer did not admit to using the sexual slur and stated that if he had used the word, it would not be used in a sexually derogatory manner.

A video provided by the co-complainant shows the named officer uttering the sexual slur.

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

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

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

FINDINGS OF FACT: The DPA brought allegations against the named officers for failing to comply with Department Bulletin 14-111, Documenting Use of Force. The named officers both wrote in their report narratives that one of the officers struck a suspect with a closed fist to “Zone 1.” Department Bulletin 14-111 instructs officers to use specific language when documenting force and specifically forbids the use of “Zone 1” when describing a use of force.

The named officers stated they were aware of Department Bulletin 14-111 and admitted that they did not comply with the instruction to avoid using “Zone 1” when describing where they struck a subject. They also stated that since the use of force happened so fast it was difficult to be specific about it after the fact.

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

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SUMMARY OF DPA-ADDED ALLEGATION #3: The officer failed to properly supervise.

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

FINDINGS OF FACT: The DPA brought an allegation against the named officer for failing to properly supervise after the officer approved a report that did not comply with Department Bulletin 14-111, Documenting Use of Force. The named officer's subordinates both wrote in their report narratives that one of the officers struck a suspect with a closed fist to "Zone 1." Department Bulletin 14-111 instructs officers to use specific language when documenting force and specifically forbids the use of "Zone 1" when describing a use of force. The named officer signed off on the report anyways.

The named officer stated that she was aware of Department Bulletin 14-111 and the provision that specifically instructs officers to not use the term "Zone 1." The named officer approved the report anyway because she thought it was a sufficient description of the use of force.

Rule 1(c) of DGO 1.04 states that sergeants are to, "Require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur." Rule 2(a) of DGO 1.04 states that sergeants are to, "Review their subordinates arrests and reports for appropriateness and completeness."

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

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

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

FINDINGS OF FACT: The complainant stated that he began video-recording officers when he saw them arresting a man, face-down on the sidewalk. After the man was handcuffed, officers surrounded the complainant and asked him to turn over the video he was shooting. The complainant refused. The complainant asked if he was free to leave, and one named officer said no. The other two named officers told the complainant he was obstructing justice and could be charged.

Two named officers stated that they did not suspect the complainant was involved in criminal activity. Those named officers also stated that they did not believe a detention occurred. The named officers stated that they were merely asking for the complainant's contact information and that the complainant was free to leave whenever he wanted.

A video recording provided by the complainant showed the named officers had surrounded the complainant, blocking his path. After asking numerous times if he were free to go, one named officer told him no. Two named officers threatened to charge the complainant with a crime if he did not comply with their demands to produce his video.

The man who was arrested is now deceased due to an incident unrelated to this arrest.

Department General Order (DGO) 5.03 states, in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity." Additionally, the DGO states, "The refusal or failure of a person to identify himself or herself or to produce identification upon request of a police officer cannot be the sole cause for arrest or detention"

The 4th Amendment of the U.S. Constitution secures "[t]he right of the people to be secure... against unreasonable searches and seizures," without a warrant.

The named officers were in violation of both DGO 5.03, and the 4th Amendment of the U.S. Constitution. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #3: The officer arrested someone without cause.

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

FINDINGS OF FACT: The complainant stated that he saw officers arresting a man, face-down on the sidewalk. The complainant stated that he did not know what the man was arrested for, but he was yelling that he did nothing and was not on probation or parole.

The named officer stated that he observed the man jaywalking. When the named officer approached the man, he made a profane comment to a female officer and refused to get out of the street. When the named officer attempted to detain the man, the man resisted and a struggle ensued on the ground. Several other officers arrived and the named officer subdued the man. Once the man was in handcuffs, the named officer arrested the man for resisting arrest.

A video provided by the complainant shows the man in a struggle with police officers on the sidewalk but does not provide any footage of man's actions that preceded the arrest.

The man who was arrested is now deceased due to an incident unrelated to this arrest.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated that he began video-recording officers when he saw them arresting a man, face-down on the sidewalk. After the man was handcuffed, officers surrounded the complainant and asked him to turn over the video he was shooting. The complainant refused and the officers continued to intimidate him until the complainant walked away without giving officers his name or the video footage.

The named officers stated that they did not intimidate the complainant in any way. They stated that they were merely asking for the footage and the complainant's contact information. They stated the complainant was never detained and he was free to not provide any information but he remained at the scene.

A video provided by the complainant clearly shows that the named officers halted the complainant's progress, told him he was not free to go, and acted in an intimidating and coercive manner to pressure the complainant into giving them evidence of a contentious arrest. The video also shows two named officers threatened the complainant with arrest for obstruction of justice if he did not comply.

The man who was arrested is now deceased due to an incident unrelated to this arrest.

Department General Order 5.07, Rights of Onlookers, states, in part, "If a citizen is a witness to the activity for which the suspect was detained or arrested, the officer may request his/her name; however, the citizen is not compelled to disclose such information." Additionally, the order states that in dealing with a bystander who has filmed an arrest, an officer, "shall not seize, compel or otherwise coerce production of these bystander recordings by any means without first obtaining a warrant. Without a warrant, an officer may only request, in a non-coercive manner, that a bystander voluntarily provide the film or other recording."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/16 **DATE OF COMPLETION:** 03/01/17 **PAGE #** 4 of 5

SUMMARY OF ALLEGATIONS #6: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he began video-recording officers when he saw them arresting a man, face-down on the sidewalk. After the man was handcuffed, officers surrounded the complainant and asked him to turn over the video he was shooting. Two officers told him that he was committing obstruction of justice even though he was not engaged in any criminal activity. One officer said he would “seize” his phone. One officer also followed the complainant and took a picture of him without asking permission as the complainant walked away.

The named officer stated that he did not intend to cite the complainant for obstruction of justice. They only wanted to convince the complainant to provide the video evidence of the arrest. The named officer stated that the complainant did not commit a crime. He stated that he went to take a picture of the complainant so officers could identify him later if they needed to. The named officer did not ask for permission because it was a public place.

A video provided by the complainant showed officers telling him that he was committing “obstruction of justice” even though he clearly was not engaged in any criminal activity. The video shows one named officer suggesting that he could issue the complainant a citation and that officers should “seize” his phone. One named officer also followed the complainant and took a picture of him as the complainant walked away.

The man who was arrested is now deceased due to an incident unrelated to this arrest.

The evidence shows that the officers engaged in inappropriate behavior and made inappropriate comments in violation of both DGO 2.01, Rules 9 and 14.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/16 **DATE OF COMPLETION:** 03/01/17 **PAGE #** 5 of 5

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated that he began video-recording officers when he saw them arresting a man, face-down on the sidewalk. He stated that the named officer had his knee in the man's face and was pressing it into the concrete, causing the man pain.

The named officer stated that the man was resisting arrest. Officers were struggling to get him into handcuffs and the named officer used his knee to pin the man's shoulder down because the man was struggling to lift himself up. The named officer said that his knee made little contact with the face area and he did not press the man's face into the concrete nor did he intentionally try to cause the man pain.

A video provided by the complainant shows the named officer leaning over a resistant subject with his knee over the man's head and shoulder area. The named officer leans his knee down, makes incidental contact with the head area and then moves to the shoulder area. The officer then presses his knee on the area of the arrestee's shoulder, allowing the officer to get the man in handcuffs. Once he is in handcuffs, the named officer stopped applying pressure.

SFPD officers are trained to use their bodies to immobilize the torsos and extremities of resistant subjects when they are attempting to handcuff them.

The man who was arrested is now deceased due to an incident unrelated to this arrest.

The evidence established that the named officer did not use unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/28/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers failed to respond to his contacts in a timely manner, resulting in delays in the investigation.

One of the named officers stated the complainant contacted him the day following the incident. Though the case was unassigned, this officer stated he reviewed the report and began an investigation. This officer stated eight days after the incident, his lieutenant assigned the case to him. This officer stated his investigation in this case was “exemplary” an “beyond reproach” stating that he went out of his way to assist the complainant when the case was unassigned.

The other officer named stated the complainant’s case was transferred to his unit seven days after the incident. He stated that he acted promptly and efficiently and took every reasonable effort to investigate the crime once the case was assigned to him. The officer stated his contact with the complainant was positive.

Both officers Chronological of Investigation report documents their investigatory actions and reasonable contacts with the complainant.

SFPD reassignment was based on the department’s analysis of the most knowledgeable and available officer to investigate the specific nature of the complaint.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/17 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

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

Department of Parks and Recreation
504 Stanyan Street
San Francisco CA 94117

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/17 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant raises matters not rationally within DPA's jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/16 **DATE OF COMPLETION:** 03/08/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately when he failed to follow Department procedures for interagency operations in violation of DGO 5.14.

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

FINDINGS OF FACT: The complainant stated that it was inappropriate for a San Francisco police officer to be present in Antioch during a search conducted by the Contra Costa County Probation Department.

The named officer's participation in the interagency operation is documented in an Antioch police report. The named officer stated he conducted himself during this interagency operation according to Department procedures for such cooperative operations. He stated he prepared the required Interagency Operations Request form and had the Officer In Charge of his unit and the Captain sign it, and then e-mailed it to the appropriate Deputy Chief with the expectation that he would sign it. The named officer was unable to provide a completed form with the required signature from the Deputy Chief. He acknowledged he never received any assurance from the Deputy Chief that permission had been granted, but assumed that in the absence of any notice to the contrary, he was free to proceed.

The Deputy Chief of the SFPD division to which the named officer is assigned stated that not only did he not recall the named officer requesting or being granted permission, he also did not have any documents on file showing that he gave approval for the named officer's participation in this operation. The Deputy Chief stated, "To the best of my knowledge, [the named officer] did not comply with all the required rules governing the procedure for an SFPD officer assisting an out of county agency."

SFPD Department General Order 5.14, "Interagency Operations," provides that, "When the assistance of the San Francisco Police department is requested by an outside agency for any planned operation or investigation, the member receiving the request shall refer the agency to his/her deputy chief. No member shall participate in an operation or investigation unless it has been approved by the appropriate deputy chief."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/16 **DATE OF COMPLETION:** 03/08/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant, who lives in Antioch, stated that her son who resides with her is on probation. She believed he was compliant with the terms of his probation until March 10, 2016, when members of the Antioch Police Department executed a probation search on her home. She later learned that there was one San Francisco police officer who was present during the search. She was concerned that an officer from the San Francisco Police Department was part of a search that took place in Contra Costa County.

The named officer stated he has been an inspector with the Gang Task Force for 15 years. He investigates gang-related crimes in the Bayview/Hunter's Point area, such as those of the Oakdale Mob. He stated the complainant's son is affiliated with the Oakdale Mob, and San Francisco Juvenile Probation officers had reason to believe that the son possessed a firearm. The named officer stated that SF Juvenile Probation coordinated with the Antioch Police Department (APD) to conduct a search of the complainant's residence in accordance with her son's probation conditions. The named officer also stated that SF Juvenile Probation contacted him because of his knowledge of the Oakdale Mob, and asked if he would accompany them to the search and help identify anything gang-related. Court documents indicate that the complainant's son is affiliated with the Oakdale Mob.

An incident report from Antioch Police Department documented that, during the briefing before the probation search, the named officer provided APD with information regarding the complainant's son's connection with the Oakdale Mob.

Department regulations allow SFPD officers to cooperate with agencies in other counties upon request. The named officer provided an Interagency Operations Request form signed by two of his superiors, in which he detailed the operation and the Antioch Police Department's request for assistance in identifying gang-related indicia and evidence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/16 **DATE OF COMPLETION:** 03/08/17 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #3: The named officer failed to supervise properly in violation of DGO 1.06.

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

FINDINGS OF FACT: SFPD Department General Order 1.06 enumerates the “Duties of Superior Officers.” Rule (a)(2) provides, in part, that superior officers must, “[g]uide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superiors.”

The named officer stated that he had no recollection of this particular incident. He also stated that he does not know how the Interagency Operation Request forms submitted by his reportees are circulated, nor does he track whether the form ever makes it back to the requesting officer. Also, despite being an integral part of the approval process for interagency operation requests, he keeps no record of those requests or of any permission granted. In leaving a reporting officer to secure the signatures of the Commander and the Deputy Chief on his own, the named officer essentially ceded control of the process and surrendered all oversight thereof. He was unable to provide any evidence whatsoever that he was supervising the lower-ranked officer in this matter. Although he stated that the Deputy Chief’s permission is frequently given verbally, it may be inferred from the existence of the Department’s own form for this purpose that such permission is intended to be memorialized in writing. The named officer failed to require strict compliance with Department policies and procedures; therefore, he is in violation of DGO 1.06.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/17 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Taraval Station
2345 24th Ave
San Francisco, CA 94116

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/17 **DATE OF COMPLETION:** 03/30/17 **PAGE #** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 14

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

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

FINDINGS OF FACT: The complainant, a driver for a rideshare service, stated that he parked his car partially in a red, fire-hydrant zone and purchased a hot dog at a store across the street. The complainant ate the hot dog while standing next to his parked car, and then got into the driver's seat. Two police officers, who the complainant had seen earlier conducting an investigation in the area, approached his car. When the named officer told the complainant that he was parked at a fire hydrant, the complainant replied that this was the safest place for him to park and accused the officer of harassing him. The named officer asked his partner whether he smelled marijuana, and the complainant told the officer he was harassing him. The named officer asked the complainant whether he had consumed any alcohol or drugs, such as marijuana. The complainant responded in an aggressive manner that he was not using any drugs. The named officer then asked the complainant for his license and registration, which the complainant provided. The named officer told the complainant he thought he was under the influence. In response, the complainant became very upset and spoke loudly to the officer, denying that he was under the influence. The complainant told the officer he was related to a lieutenant in the San Francisco Police Department and knew the Chief of Police, and said the officer was harassing him and that he intended to file an OCC complaint. The complainant began to write down the officer's name. The officer told the complainant, "Sir, I really think you're under the influence. I need you to step out of the car." The complainant complied and exited his car.

The named officer stated he was assisting other officers in an investigation. When he completed that task, he saw the complainant's car parked in front of a fire hydrant red zone. He saw the complainant enter the vehicle and start the engine, and approached to contact the complainant about the parking violation. The complainant appeared to be extremely agitated and accused the officer of harassing him. The complainant said he was a driver for a rideshare company and had just dropped off a passenger, and parked in front of the fire hydrant while he purchased a hot dog across the street because there were no legal parking spots nearby.

The named officer, who had received extensive training in recognition of individuals who are under the influence of controlled substances, observed that the complainant was exhibiting signs and symptoms of being under the influence of a controlled substance. These included rapid hand/eye movements, lip smacking, red eye sclera and extreme hostility. The named officer smelled the odor of marijuana in the vicinity, but could not determine whether it was coming from the complainant or from a passerby or a residence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 2 of 14

SUMMARY OF ALLEGATION #1 continued: He asked the complainant whether he had consumed any alcoholic beverages, controlled substances, including marijuana, prescription medications or illegal drugs. The complainant denied using any of these substances. The officer told the complainant to exit the vehicle so he could conduct a driving under the influence investigation.

The named officer's partner confirmed the named officer's description of his contact with the complainant, including the complainant's confrontational and irate manner. He confirmed smelling marijuana in the vicinity but could not determine whether it was coming from the complainant's vehicle.

A blood test administered to the complainant after he failed a Field Sobriety Test and was arrested for driving under the influence indicated that he had used cocaine within hours of the blood test, and indicated the presence of a narcotic analgesic designed for relief of pain.

An audio recording at the police station recorded the complainant mumbling to himself and speaking in an argumentative manner. A video recording at the station showed the complainant tapping his foot rapidly.

The named officer wrote in his Incident Report that the complainant admitted taking a narcotic analgesic, and an audio recording of the complainant established that he told the named officer that he took pain medication for his back that morning. During his OCC interviews, the complainant denied taking any medication or using any drugs on the day of the incident.

Photographs taken at the scene indicated that the complainant's car was fully blocking the hydrant, which contradicted the complainant's statements regarding this. The complainant's denial during his OCC interviews of having taken any medications or drugs was contradicted by the blood test results and by the complainant's statements to the named officer. This significantly diminished the complainant's credibility.

The evidence established that the named officer, who had specialized training in recognizing individuals under the influence of controlled substances, contacted the complainant about illegally parking in front of a fire hydrant, and observed the complainant exhibiting behavior consistent with being under the influence of a controlled substance. Blood test evidence established that the complainant was under the influence of two controlled substances. The evidence established that the complainant told the officer that he was a driver for hire who was currently at work. Under the circumstances, the named officer's decision to detain the complainant in order to conduct an investigation to determine whether the complainant was driving under the influence was proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 3 of 14

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause after conducting a Field Sobriety Test. As stated above, the named officer stated that he detained the complainant because he suspected the complainant was driving under the influence of a controlled substance. The named officer, who had extensive training and experience regarding individuals under the influence of controlled substances and administration of Field Sobriety Tests, administered Field Sobriety Tests to the complainant. During this testing, the complainant admitted taking a prescription muscle relaxant. The complainant's performance on the Field Sobriety Tests was indicative of driving impairment.

The named officer stated that the complainant was seated in a parked car with the engine on when he contacted him, and that the complainant said he was a rideshare driver who had stopped to get some food after dropping off a passenger. Based on the complainant's performance on the tests, the officer's observation of behavior consistent with being under the influence of a controlled substance and the complainant's admission to usage of a muscle relaxant, the officer arrested him for driving while under the influence of a controlled substance.

The named officer's partner confirmed the named officer's description of his contact with the complainant before the named officer administered the Field Sobriety Tests, including the complainant's confrontational and irate manner. A blood test administered to the complainant after he was arrested indicated that he had used cocaine within hours of the blood test and indicated the presence of a narcotic analgesic designed for relief of pain. An audio recording of the complainant established that he told the named officer that he took pain medication for his back that morning. During his OCC interviews, the complainant denied taking any medication or using any drugs on the day of the incident.

A preponderance of the evidence established that the complainant, who was under the influence of cocaine and a narcotic analgesic, failed a series of Field Sobriety Tests, admitted taking a controlled substance and exhibited behavior indicative of being under the influence of a controlled substance. The evidence also established that shortly before the named officer's contact with him, the complainant had been driving a rideshare vehicle transporting passengers. Therefore, the named officer was justified in arresting the complainant for driving while under the influence of a controlled substance.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 4 of 14

SUMMARY OF ALLEGATION #3: The officer searched the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his car without cause.

The named officer stated that he requested the search of the complainant's car, but was not present when other officers conducted the search. The named officer stated that he requested the search for evidence related to the complainant's arrest for driving under the influence of drugs, and because a search of the vehicle was required by Department policy prior to it being towed.

The evidence established that the complainant's car was towed because the complainant had been arrested and his car was parked illegally blocking a fire hydrant. Department policy required that vehicles be searched prior to being towed.

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

SUMMARY OF ALLEGATION #4: The officer towed the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated that the officer towed his car without cause.

The named officer stated the complainant's vehicle, which was illegally parked blocking a fire hydrant, was towed with the approval of the named officer's sergeant after the complainant was arrested. The evidence established that Department policy required that the complainant's car, which was parked illegally blocking a fire hydrant, be towed following the complainant's arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 5 of 14

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

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

FINDINGS OF FACT: The complainant stated that after he was arrested, he asked if he could roll up his car windows and close his sun visor, and officers who were searching his car said he could not. The complainant also stated that the named officer asked him if he wanted anything from his car, and at the complainant's request, the officer retrieved two cell phones from the car. The complainant stated that the named officer did not read him a Miranda admonition, although the named officer did not question him.

Department procedures and practices would not have permitted the named officer to allow the complainant, who was under arrest for driving under the influence of a controlled substance, to enter his car, which was going to be towed.

The named officer was not required to read the complainant the Miranda admonition because he did not question the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 6 of 14

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that after being instructed to sit on the curb, he told the named officer he had back injuries that were aggravated when he sits in a low position. In response, the officer asked the complainant in an aggressive tone of voice if he was refusing. The complainant stated that at the station, he told the named officer that he had sole custody of his 7-year-old son and had dealt with Child Protective Services regarding his son. The named officer asked the complainant whether his son was with an adult, and the complainant said his son was being taken care of but refused to talk about this with the named officer any further. After the complainant accused the named officer of harassing him in order to seize his car, the named officer instructed his partner to call Child Protective Services to determine whether they had an open case involving the complainant. The complainant thinks the named officer did this in order to remove his son from his custody.

The named officer stated he directed his partner to call Family and Children Services (FCS) because during his arrest, the complainant stated that he just received his children back from FCS. The named officer wanted to ensure that FCS did not have any open investigations related to any child abuse or neglect incidents, and also wanted to determine whether FCS needed to be notified regarding the complainant's arrest for Driving Under the Influence. The named officer's partner told him that he learned from the FCS that the investigation into the matter involving the complainant's children was closed and that they did not require any documentation regarding his DUI arrest.

The named officer's partner stated that he called FCS because the complainant said he had an infant child but refused to say where the child was or who he was with, and he wanted to ensure that the child was not in any harm or danger. FCS told him the complainant did not have any open cases concerning his son.

There was insufficient evidence to establish whether the named officer spoke to the complainant in an inappropriate manner regarding having the complainant sit on the curb.

The named officer and his partner gave conflicting statements regarding the reason for the call to FCS.

There was insufficient evidence to clearly establish the named officer's reasons for contacting FCS. Therefore, there was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 7 of 14

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment when he stated that he smelled marijuana in the vicinity of the complainant's parked car. The complainant denied that he or anyone who had been in his car had used marijuana.

As stated above, the named officer stated that he approached the complainant, who was standing beside his parked car, regarding a parking violation. The named officer stated that he smelled the odor of marijuana in the vicinity, but could not determine whether it was coming from the complainant or from a passerby or a residence.

The named officer's partner stated that he smelled marijuana in the vicinity of the complainant's car, but because the door and window of the complainant's car were closed, he could not determine whether the smell was emanating from the complainant's car.

No other witnesses were identified.

Photographs taken at the scene indicated that the complainant's car was fully blocking the hydrant, which contradicted the complainant's statements regarding this. The complainant's denial during his OCC interviews of having taken any medications or drugs was contradicted by the blood test results and by the complainant's audio-recorded statements to the named officer. This significantly diminished the complainant's credibility.

The credibility of the named officer outweighs the credibility of the complainant, providing a preponderance of the evidence to establish that the named officer smelled marijuana in the vicinity of the complainant's car. Therefore, the named officer's statement about smelling marijuana was not inappropriate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 8 of 14

SUMMARY OF ALLEGATION #8-9: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he thinks the officers detained him because of the type of car he was driving and because of his race, claiming that a Caucasian driver would have been cited for the parking violation and allowed to leave.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. Both officers denied the allegation.

As stated above, the evidence established that the detention of the complainant in order to investigate whether he was driving under the influence of a controlled substance was justified.

Photographs taken at the scene indicated that the complainant's car was fully blocking the hydrant, which contradicted the complainant's statements regarding this. The complainant's denial during his OCC interviews of having taken any medications or drugs was contradicted by the blood test results and by the complainant's statements to the named officer. Consistency or inconsistency with other evidence is a relevant factor considered when assessing credibility. These inconsistencies significantly diminished the complainant's credibility.

The credibility of the named officer who contacted and detained the complainant outweighs the credibility of the complainant, providing a preponderance of the evidence to establish that the named officer and his partner did not engage in biased policing due to race.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 9 of 14

SUMMARY OF ALLEGATION #10: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force after he told the complainant to put his hands behind his back to be handcuffed. The complainant complied, but the officer twisted the complainant's wrist and lifted it up, causing the complainant to lean forward.

The named officer stated that he grabbed onto the complainant's wrist using a department taught control hold and assisted his partner, who placed handcuffs on the complainant.

The named officer's partner stated that he placed handcuffs on the complainant's wrists using normal Academy-trained techniques for physical control while handcuffing.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 10 of 14

SUMMARY OF ALLEGATION #11: The officer engaged in inappropriate behavior

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

FINDINGS OF FACT: The complainant stated that at the station, the complainant told the named officer's partner that he had sole custody of his 7-year-old son and had dealt with Child Protective Services regarding his son.

The named officer's partner asked the complainant whether his son was with an adult, and the complainant said his son was being taken care of but refused to talk about this any further with the named officer's partner. After the complainant accused the named officer's partner of harassing him in order to seize his car, the partner instructed the named officer to call Child Protective Services to determine whether they had an open case involving the complainant. The named officer then called Child Protective Services.

The named officer stated that he called Family and Child Services (FCS) because the complainant said he had an infant child but refused to say where the child was or who he was with, and he wanted to ensure that the child was not in any harm or danger. FCS told him the complainant did not have any open cases concerning his son.

The named officer's partner stated that he directed the named officer to call Family and Children Services (FCS) because during his arrest, the complainant stated that he just received his children back from FCS. The named officer's partner wanted to ensure that FCS did not have any open investigations related to any child abuse or neglect incidents, and also wanted to determine whether FCS needed to be notified regarding the complainant's arrest for Driving Under the Influence. The named officer told him that he learned from the FCS that the investigation into the matter involving the complainant's children was closed and that they did not require any documentation regarding his DUI arrest.

The named officer and his partner gave conflicting statements regarding the reason for the call to FCS. There was insufficient evidence to clearly establish the reason why the named officer's partner instructed him to call FCS.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 11 of 14

SUMMARY OF ALLEGATION #12: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that at the police station, the named officer asked him what had happened to his missing front teeth. When the complainant said he was going to file an OCC complaint, the named officer said, "I get paid to go to OCC. Do you get paid to go there?"

The named officer stated that he did not recall speaking to the complainant about his teeth. The named officer stated that the complainant stated multiple times that he intended to file an OCC complaint. The named officer did not recall saying that he got paid to go to the OCC.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #13: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to properly supervise by allowing a subordinate officer to detain and arrest the complainant and to tow the complainant's car.

As stated above, the evidence established that the complainant's detention and arrest and the towing of the complainant's car were justified. The evidence established that the named officer did not fail to properly supervise.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 12 of 14

SUMMARY OF ALLEGATION #14: The complainant was not provided with food or water at the district station.

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

FINDINGS OF FACT: The complainant stated that he was held at the police station for six or seven hours and was not given food or water when he requested it.

The San Francisco Police Department Booking and Detention Manual does not address the issue of providing water or food to prisoners who are held at a district station for an extended period of time.

The evidence proved that the act by the member was justified by Department policy, procedure or regulation; however, the DPA recommends a change in the particular policy, procedure or regulation.

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DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 13 of 14

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department regulations regarding Member-Initiated Driver Incapacity Proceedings.

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

FINDINGS OF FACT: The evidence established that the named officer initiated Driver Incapacity Proceedings with the Department of Motor Vehicles regarding the complainant. Department Bulletin 14-135, Member-Initiated Driver Incapacity Proceedings (DMV Re-Examination of Drivers Form DS 427), “establishes the procedures when a driver lacks the mental or physical capacity to safely operate a vehicle and requires retesting by the Department of Motor Vehicles.” It states:

California Vehicle Code §21061 permits an officer to issue a Notice of Department of Motor Vehicle Re-Examination to a driver who cannot safely operate a vehicle because of the driver's mental or physical condition. Evidence of incapacity is defined as "**Serious physical injury or illness or mental impairment or disorientation**, which is apparent to the traffic officer". It also states that to initiate a DMV Re-Examination proceeding against a driver, a member shall “Complete a Notice of Re-Examination of Driver form (DMV form DS 427) by indicating whether the DMV re-examination is a "priority" or "regular," describing the driver's condition (**serious physical injury or illness or mental impairment or disorientation**) and driving behavior, and signing the form under penalty of perjury.”

The Notice of Priority Re-Examination of Driver (DMV form DS 427) completed by the named officer stated that the complainant was contacted by police after he returned to his parked vehicle and started the motor, and that the complainant displayed the symptoms of drug influence. It also stated that the complainant said he was a chauffeur for a rideshare service.

The named officer stated that he prepared the Notice of Priority Re-Examination of Driver because the complainant was arrested for driving under the influence of drugs, told the officer he used Norco, a prescription narcotic analgesic, and because the complainant was working as a driver for a vehicle for hire service and was involved in the transportation of passengers. The named officer stated that the complainants’ status as a rideshare service driver placed him in a special position, requiring the complainant to provide not only for his safety, but for the safety of his passengers. The named officer stated that he knew from his training that narcotics analgesics can cause drowsiness and respiratory depression, and that warning labels on such prescription medications typically advise that taking this medication may impair the ability to operate a motor vehicle. The named officer stated that he received approval from his sergeant to submit a Request for Priority Re-Examination of Driver.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 14 of 14

SUMMARY OF DPA-ADDED ALLEGATION #1 continued:

The named officer also stated that he knew that the only way to notify DMV of driving under the influence of drug incidents is via a DMV re-examination form.

A blood test administered to the complainant after he was arrested for driving under the influence indicated that he had used cocaine within hours of the blood test, and indicated the presence of a narcotic analgesic designed for relief of pain. An audio recording of the complainant established that he told the named officer that he took pain medication for his back that morning. The Forensic Toxicologist who tested the complainant's blood sample stated that the effect of using cocaine in combination with a narcotic analgesic can be very impairing and could have negatively affected the complainant's comprehension, memory, reaction time, ability to divide his attention and his ability to operate a motor vehicle.

The complainant's behavior, as documented by the named officer in his incident report and by his audio and video recordings of the complainant, established that the complainant was acting in a manner consistent with being under the influence of a controlled substance. The use of cocaine in combination with a narcotic analgesic could, according to the Forensic Toxicologist, impair the complainant's ability to safely operate a motor vehicle. Such impairment would constitute the "mental impairment or disorientation" described in DB 14-135. The complainant's role as a driver of passengers for hire placed him in a unique role, since his impairment jeopardized not only his own safety, but also that of his passengers.

The evidence established that the named officer did not fail to comply with Department regulations.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers reviewed and approved an incident report that was inaccurate.

The named officers denied the allegation. The first named officer stated he reviewed the report to ensure that all pertinent information was contained in the report. The complainant's statement was booked as evidence. It is an accurate and sufficient summation of the complainant's narrative as presented to the reporting officer. The complainant described a civil matter and not a criminal act.

The second named officer stated she read the report and reviewed the attachments. The complainant's full written statement was electronically attached to the report and booked into evidence. The complainant admitted in his own written statement that he entered into an agreement with three associates to exploit a cell phone contract "loop hole" for financial gain. The complainant used his own credit worthiness as guarantee of solvability for a financial transaction. Identity Theft (Penal Code 530.5) requires obtaining personal identifying information of another person and using this information to obtain goods or services. This did not happen in this case as the complainant provided his own personal identifying information and agreed to being financially liable, knowing it would allow him and his associates to obtain 5 cell phones from the cellular service provider, while hoping to turn a profit. The elements of the crime of identity theft were not met.

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

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

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

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

San Francisco Police Department
Internal Affairs Division
Attn.: Lt. Ray Cox
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/17 **DATE OF COMPLETION:** 03/30/17 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The anonymous complainant stated that an officer on a motorcycle was driving at high speed and weaving through traffic on the freeway.

The complainant failed to provide sufficient information for DPA to conduct its investigation.

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

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

FINDINGS OF FACT: The anonymous complainant stated that when s/he honked the car horn as the officer passed, the officer responded with an obscene hand gesture.

The complainant failed to provide sufficient information for DPA to conduct its investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer refused to provide her name.

The named officer could not recall the incident in question.

A witness officer denied hearing the interaction between the complainant and the named officer.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he had been sitting on a public bench in a public place drinking an alcoholic beverage when he was wrongfully detained.

The named officer stated that the complainant had an open container of alcohol in his hand at the time of the detention.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that he had been sitting on a public bench in a public place drinking an alcoholic beverage when he was wrongfully detained and cited.

The named officer stated that the complainant had an open container of alcohol in his hand at the time of the detention. The named officer stated the complainant was subsequently cited for having an open container of alcohol.

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

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

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

FINDINGS OF FACT: The complainant stated that while being detained, the named officer made inappropriate comments.

The officer denied making any of the comments attributed to him.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer made a sexual slur comment.

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

FINDINGS OF FACT: The complainant stated the officer made a sexual slur comment.

The officer denied the allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer drove in an erratic manner.

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

FINDINGS OF FACT: The complainant stated that the named officer drove in an erratic manner when the complainant was transported to the station.

The officer denied driving in the alleged manner.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated he was placed in tight handcuffs.

The named officer denied the allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that he was singled out and discriminated against because he is black.

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

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/17 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Attn: Title VI Complaints
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he ingested methamphetamine. While in an altered mental state due to the influence of methamphetamine, the complainant admitted damaging water pipes in his hotel room, setting off a water flow alarm. The complainant stated he ran around the hotel naked in an altered mental state. Fire and police responded, along with an ambulance. The complainant stated he heard himself screaming on the 911 audio upon the police's arrival. He alleged that the civilians who held him down choked him and broke his ribs. The complainant claimed the named officers failed to properly investigate the incident.

The named officer denied the allegation, while one was unavailable.

One witness who held down the complainant denied causing any injury to the complainant. The witness stated he and a second unidentified witness found the complainant in an altered mental state running naked in a hallway. Another tenant called 911. The witness stated he and two other people held the complainant down while they waited for the police to arrive. The witness stated no one choked or beat up the complainant and he did not complain of pain. The witness stated the complainant screamed "gibberish."

The DPA interviewed the senior paramedic on scene, who stated the complainant never complained of any injury, including strangulation. The paramedic stated that the complainant complained of chest pains, but the chest pains regarded the complainant's pre-existing medical condition.

The evidence indicated that the complainant had been involved in a similar incident 48 hours before where he had also ingested methamphetamine and been hospitalized. The DPA found the complainant's perception and memory were impacted by his ingestion of narcotics, which in turn, affected his credibility.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer's report was "perjury" because the report did not say the complainant was reportedly injured and paramedics sought to transport him. The complainant alleged he had been choked and that he had been beaten up.

The named officer denied the allegation. He denied the complainant complained of any fresh injuries, including symptoms of strangulation or injuries from being beaten up.

The DPA learned from witnesses and relevant documents that the complainant was assessed for injuries at the scene and declined ambulance transport. A witness stated the complainant identified a pre-existing condition attributable to a possible rib fracture, identified as chest pains.

Jail Medical documents further confirmed the complainant did not complain of injury when he was medically screened at the County Jail.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant claimed that members of the San Francisco Police Department improperly declined medical transport for him. The complainant claimed medics wanted to transport him because he was injured, but the named officers wanted to take him to jail.

The named officer denied the allegation, while one was unavailable.

The DPA interviewed the senior paramedic who responded to the call. He denied being “waved off” or dismissed by anyone from SFPD. The witness stated that he and his colleague spoke to the complainant and assessed him for injuries. The witness stated the complainant had no apparent major injuries, was able to walk, talk and comply with normal release criteria, notwithstanding his narcotics intake. The paramedic stated the complainant did not want to go to the hospital and validly waived transport.

The evidence indicated that the complainant had been involved in a similar incident 48 hours before, where he had also ingested methamphetamine and been hospitalized.

The DPA found the complainant’s perception and memory were impacted by his ingestion of narcotics, which in turn, affected his credibility.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/17 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

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

Division of Emergency Communications
Department of Emergency Management
c/o Maria E. Luna, Administrative Coordinator
1011 Turk Street
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: In a mailed complaint, the complainant stated that he and his cousin were riding their bikes when they nearly collided with a Latino man on the MUNI platform, who spilled his beer on the complainant as he jumped out of the way. The complainant said that later, he was stopped at a red light when he saw the man from earlier talking to an officer. He stated that the officer then detained him for no reason. The complainant did not respond to DPA's repeated requests for an interview. The complainant's mother, whose permission was required to allow the gathering of some evidence, declined to provide it and failed to keep several appointments to provide additional evidence requested by the DPA.

The named officers stated that they responded to a robbery call. When they arrived, the victim stated that two black male juveniles had run into him on the MUNI platform, knocking him down. He stated that while he was on the ground, one of the juveniles took his wallet out of his pocket.

One of the officers stated that while they were waiting for a vehicle to give the victim a ride home, the victim saw the complainant (a black male juvenile) on a bike and pointed him out as being involved in the robbery. The complainant's bike matched the description that the victim had given to the police, and he was in the vicinity of the incident shortly after its occurrence. Once the victim got a closer look at the complainant, he told the officers he had been present, but was not the one who took the victim's wallet.

The other named officer said that the complainant initially denied any involvement, but then began making spontaneous statements saying, "I didn't knock him down or take anything."

The man named as the victim in Department records on the robbery claim confirmed that he pointed to the complainant as one of the two youths that were involved in running into him, and confirmed that he told police the complainant had not been the one who physically took his wallet.

Video from MUNI platform cameras at the time of the incident shows two black male juveniles riding bikes down the MUNI platform. At least one of the youths crashes into a man. It is unclear from the video if the man goes down or not. The youths get off their bikes and walk away from the man.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that, after the victim identified him, officers grabbed him off his bike and threw him against the wall. The complainant did not respond to DPA's repeated requests for an interview. The complainant's mother, who would have had to sign a waiver to allow for the gathering of some evidence, declined to do so and failed to keep several appointments to provide additional evidence requested by the DPA.

The named officers denied using any physical force with the complainant. One of the officers stated that his interaction with the complainant was entirely verbal: he told the complainant to get off his bike and stand against the building line, and the complainant complied without incident. The officer also stated that the incident occurred during daylight hours at a busy Bayview intersection, and had he used force, onlookers would have protested.

A witness who was present when the officers detained the complainant stated that the officers did not use force with the complainant. Rather, the witness stated, they told him to get up against the wall and he complied.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that, during a detention, the officers verbally abused him and threatened him when they said, "Put your hands up again, I dare you." The complainant did not respond to DPA's repeated requests for an interview. The complainant's mother, whose permission was required to allow the gathering of some evidence, declined to provide it and failed to keep several appointments to provide additional evidence requested by the DPA.

The named officers both denied saying, "Put your hands up again, I dare you." The officer who Mirandized and questioned the complainant stated that while she was speaking with him, the complainant kept getting upset and moving from the wall where he was standing. She stated that the complainant was yelling at her and pointing his finger in her face. This named officer said that she told him multiple times to calm down, stop moving toward her, and stop pointing his finger in her face, but the complainant persisted and was noncompliant to the point of becoming aggressive. The officer stated that she said, "Stop pointing your finger in my face or else --" but the complainant cut her off before she could finish her statement that he was going to be in handcuffs if he continued to be noncompliant and aggressive towards her.

The other named officer confirmed that the complainant would not stop pointing his finger in the interrogating officer's face and saying, "Why are you harassing me?"

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that several officers surrounded him at San Francisco International Airport and would not allow him to do anything other than leave the airport. He stated that he was threatened and intimidated into leaving the airport. He later stated that one of the officers offered him a free Bart ticket to return home and he accepted the free Bart ticket.

The named officer stated that the complainant was not surrounded and that no one threatened to arrest him. The named officer stated he was present as backup. The named officer stated that the complainant accepted a free Bart ticket offered by another officer.

The video recording provided by the complainant indicated that the named officer was present as other officers offered the complainant a BART ticket and escorted him out of the airport.

The two other officers present have retired from the Department.

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

SUMMARY OF ALLEGATIONS #2-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: Department personnel records indicate that the named officers have retired and are no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer engaged in selective enforcement.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 03/28/17 **PAGE#** 1 of 11

SUMMARY OF ALLEGATIONS #1 - 4: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: An officer-involved shooting occurred adjacent to a homeless tent encampment and resulted in the death of an encampment resident. The complainant stated that officers targeted the encampment for removal shortly after the fatal shooting. The complainant alleged that the purpose of removing the encampment was to intimidate and retaliate against encampment residents, several of whom witnessed the officer-involved shooting. The complainant alleged that removing the encampment so near to the shooting date was intended to frighten and discourage encampment residents from cooperating with criminal and administrative investigations. The complainant stated the named officers acted in a hostile manner, unnecessarily destroyed property, and threatened several encampment residents with arrest. The complainant alleged the named officers harassed encampment residents because they were homeless and had few resources. The complainant stated that it was raining and the encampment residents had nowhere to go after their tents were destroyed and removed.

Several encampment residents who witnessed or were present during the officer-involved shooting stated they were moved several times over the course of multiple days following the officer-involved shooting. The witnesses expressed fear that officers would use deadly force as retaliation for cooperating with criminal or administrative investigations.

The named officers stated that they were ordered by a superior officer to address the homeless encampment issues. The named officers stated they recognized that they were returning to an area inhabited by witnesses to an officer-involved shooting that occurred a few days prior. The named officers stated they were told to offer services and address any observed violations, but were not specifically briefed on how to handle the sensitive situation of conducting enforcement actions in the aftermath of a critical incident. The named officers described no specific plan to relocate the encampment residents or connect them with services that night.

The supervising officer stated that he was ordered by his superior officer to accompany the named officers to the incident location to address the homeless encampment issues. He stated that he was told to take officers assigned to the homeless car unit because this unit is dedicated to building rapport and providing services. He stated that he and his officers assessed the block for abandoned property, debris, garbage and any violations of the law. He did not receive any particular orders or give any particular instructions regarding contacting encampment members in light of the recent officer-involved shooting. The supervising officer stated that several encampments throughout the city were removed on a regular basis.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 03/28/17 **PAGE#** 2 of 11

SUMMARY OF ALLEGATIONS #1 – 4 continued:

Records showed that the officers arrived after 11:00 p.m. and worked with the Department of Public Works (DPW) to clear the encampment. Records showed officers responded to the encampment numerous times in the days prior to and after the incident regarding homeless related issues.

Witness video showed that there were uninhabited tents, debris and garbage blocking the sidewalk, in violation of quality of life enforcement codes. Local media outlets reported that the weekend of the incident, SFPD conducted several sweeps at the homeless encampment, with SFPD ordering members of the encampment to move and DPW crews cleaning up the debris. Also, a member of the encampment was quoted as saying, “They shoved us out, and then we came back...They did it again and we came back.”

Superior officers lacked a plan of action and strategy for dealing with residents of the homeless encampment who witnessed the officer-involved shooting. The enforcement action, close in time to the officer-involved shooting, was insensitive to the witnesses living in the encampment. There was no comprehensive plan for connecting encampment residents with services. Homeless shelter admissions and services are largely unavailable at 11:00 p.m., leaving displaced encampment members with nowhere to go on a rainy night. The images and videos of officers shining their flashlights at bystanders recording police action, the dismantling of tents, and the testimony of homeless members being displaced, gave the appearance of selective enforcement against individuals who had few resources and who had recently witnessed an officer-involved shooting.

In the October 2016 U.S. Department of Justice (DOJ) Collaborative Reform Initiative, the SFPD received the following advice:

Unique factors to the SFPD, such as effective engagement with the homeless community, need to become part of the training needs assessment and delivery of training. Homelessness is a factor in several officer-involved shooting incidents as is mental health crisis. The responsibility of responding to the homeless population is shared among multiple city agencies and should not fall solely to the SFPD. However, the SFPD needs to ensure that its officers are better equipped to deal with specific issues facing homeless individuals.

This incident underscores the need to implement immediately DOJ’s recommendation that SFPD provide a training needs assessment and delivery of training to enable effective engagement with the homeless community and that such training and strategy are even more imperative in the aftermath of a critical incident.

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SUMMARY OF ALLEGATION #5: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant alleged that several officers targeted residents of the homeless tent encampment because they witnessed an officer-involved shooting a few days prior to the enforcement action. The complainant stated the encampment was removed in order to discourage encampment residents from cooperating with criminal and administrative investigations into the shooting.

The named officer stated he was ordered by a superior officer to accompany officers to the encampment to address homeless encampment issues. He stated he responded to the scene with the homeless unit and assessed the block for abandoned property, debris, garbage and any violations of the law. The named officer did not receive or give any particular instructions regarding contacting encampment members in light of the recent officer-involved shooting. The named officer stated that the police department received numerous complaints about homeless encampments and several encampments throughout the city were removed on a regular basis.

A superior officer ordered that officers and a sergeant be sent to address the large homeless encampment that included tents on the sidewalk. He stated homeless encampments were a significant issue in the District. He stated he expected the officers to offer outreach, assess for violations, contact the Homeless Outreach Team if anybody wanted assistance getting into a shelter, and to take enforcement action if laws were being violated.

The named officer and the named officer's supervisors lacked a plan of action and strategy for dealing with residents of the homeless encampment who witnessed the officer-involved shooting. The enforcement action, close in time to the officer-involved shooting, was insensitive to the witnesses living in the encampment. There was no comprehensive plan for connecting encampment residents with services. Homeless shelter admissions and services are largely unavailable at 11:00 p.m., leaving displaced encampment members with nowhere to go on a rainy night. The images and videos of officers shining their flashlights at bystanders recording police action, the dismantling of tents, and the testimony of homeless members being displaced, gave the appearance of selective enforcement against individuals who had few resources and who had recently witnessed an officer-involved shooting. The DPA recommends that the Department develop a written policy and training that addresses effective engagement with homeless individuals, including communication with and delivery of services to homeless individuals following critical incidents.

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SUMMARY OF ALLEGATION #6: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant alleged that the named officer slashed through an uninhabited tent, which was private property. She stated that members of the homeless encampment left their tents when they learned that SFPD officers had arrived to take enforcement action.

The complainant did not know the identity of the tent owner, who was not interviewed for the complaint.

The named officer stated that he did not use his knife to takedown the abandoned tent. He stated that he used his knife to cut portions of the tent because he did not want his partner, himself or the Department of Public Works worker to injure themselves or catch an unknown disease by coming into contact with a needle or something similar.

Witness officers stated that the tent was abandoned.

The sergeant stated that the tent was abandoned and a biohazard. He stated that an unknown male identified himself as the owner and told the sergeant it was trash.

The video showed that the named officer used his knife to cut a rope attached to a tree and the tent, as well as to cut a portion of the tent to break it down. No one claimed ownership of the tent or objected on behalf of the tent owner on the video. The contents of the tent and area around the tent appeared soiled.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #7 - 10: The officers behaved in an intimidating and threatening manner.

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

FINDINGS OF FACT: The complainant alleged the named officers threatened and intimidated members of the homeless encampment because they witnessed an officer-involved-shooting. She stated officers kicked and hit tents with sticks, and threatened to arrest encampment residents who refused to move. The complainant stated that the majority of tents were uninhabited because the owners feared the police.

The named officers vehemently denied responding to the scene to intimidate and retaliate against witnesses to the officer-involved-shooting. They stated they were ordered to respond to the location to offer services and address code violations.

One named officer stated he shook some of the tents to determine if they were inhabited. He stated he did not remember kicking or taking down a tent. He stated he spent most of his time handling the stolen motorcycle.

A second named officer denied kicking any tents. A second named officer knocked on the tent poles because the tents do not have doors.

A third named officer stated that it was his normal practice to announce himself and then shake the tent to determine if it was inhabited. He stated he did not recall kicking the tents.

A fourth named officer stated he did not use a stick or his baton to hit the tents, and he did not recall kicking a tent.

The named officers stated it was not their choice to uproot homeless people in the middle of a cold and rainy night, but that it was their job to enforce the law and respond to calls for service. They expressed that homeless issues are complex and cannot be solved with law enforcement alone.

Records showed that during the day of the incident, officers observed abandoned tents and debris at the encampment. The Department of Public Works responded and filled a truck. Records also showed that prior to, the day of, and after the incident, SFPD responded numerous times to the area regarding the homeless encampment issue (Code 915).

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SUMMARY OF ALLEGATION #7 – 10 continued:

Witness video showed that tents, bicycle parts, metal parts and debris were on the sidewalk in violation of various quality of life enforcement codes.

The evidence proved that the named officers shook the tents to determine if they were inhabited, however, that act did not violate any police procedure or constitute misconduct. The evidence established that the tent encampments and debris on the sidewalk violated the law and thus the officers' warning of arrest was justified, lawful and proper. The evidence also established that while named officers were aware they were returning to the scene of an officer-involved shooting that had resulted in the death of an encampment member, the named officers were not briefed on how to approach and communicate with encampment residents and community members in light of the previous critical incident. The officers' actions, regardless of motive, gave the appearance that the encampment residents were being targeted and forced to move close to midnight on a rainy evening in retaliation for their having witnessed an officer-involved shooting. The DPA recommends that the Police Department develop a written policy and training that addresses effective engagement with homeless individuals, including communication with and delivery of services to homeless individuals following critical incidents.

SUMMARY OF ALLEGATION #11: The officer made threatening and intimidating comments.

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

FINDINGS OF FACT: The complainant stated she felt threatened by the named officer's comments and hostile behavior while she was filming police enforcement actions at a homeless tent encampment. The complainant alleged that the named officer's statement about her posing an officer safety risk implied that he would be justified in using deadly force against the complainant. The complainant stated the named officer's statements were especially troublesome and distressing because of the officer-involved shooting that recently occurred at that same location. The complainant stated she and approximately four other people went to the encampment to record and observe the officers' actions. The complainant recorded the officers' actions on a mobile phone and another individual used a video camera. After speaking with encampment residents and video recording several officers, the complainant began filming an officer and a tow truck driver who was removing a motorcycle. The named officer walked between the complainant and the officer who was handling the motorcycle tow. The named officer turned to face the complainant and shined his flashlight on her face. The complainant stated she was familiar with the police

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SUMMARY OF ALLEGATION #11 continued: tactic of using a flashlight to prevent bystanders from recording police incidents. When she asked the named officer if he was shining his flashlight at her because she was filming him, the named officer stated he was concerned for his safety because the complainant was pointing an object at him. The complainant recognized that the named officer relied upon terminology commonly used to justify an officer's use of force. She interpreted the named officer's statement as a threat to use force upon her, which caused her distress and fear. The complainant stated that she was clearly holding a smart phone for the purpose of filming and was not a threat.

While it may have been appropriate for the named officer to briefly shine his flashlight at the complainant's hands for officer safety purposes, the continued shining of his flashlight at the complainant's camera lens the entire time she was filming was an offensive tactic. Moreover, the officer's approach and interaction with the complainant was problematic from the onset. As part of the Homeless Unit, the officer was supposed to conduct outreach, build rapport, and offer services to encampment residents. DGO 2.01, Rule 14 required the named officer to treat the complainant with respect and politeness. Without any introduction or explanation, the named officer injected himself into a situation where the complainant had been lawfully recording police actions from a safe distance. Additionally, the named officer stated the complainant posed an officer safety risk although he did not order her to move back. While the named officer's explanations indicate that he may not have purposefully intended to threaten or intimidate the complainant, the impact of his statements and conduct was highly problematic. The DPA recommends that the named officer be retrained on effective communication skills and his duties under DGOs 2.01 and 5.07.

SUMMARY OF ALLEGATION #12: The officer gave an invalid order.

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

FINDINGS OF FACT: The named officer stated that he ordered officers and a sergeant to respond to the homeless encampment. The named officer stated that within the district there are probably 20 different locations where there are homeless encampments and complaints about the homeless that require police response. He ordered a sergeant to accompany the officers so that the sergeant could address problems and provide information. The named officer stated that he did not consult with officer-involved shooting investigators prior to sending officers to the encampment. The named officer stated that he could not remember any particular information that had caused him to order his officers to go to the encampment versus other homeless encampments that night. The named officer stated that he did not receive any order to destroy homeless encampments. Although the named officer did not intend to target the homeless encampment residents because of their having witnessed an officer-involved shooting, the orders he gave resulted in enforcement action that appeared selective and improper.

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SUMMARY OF ALLEGATION #12 continued:

The DPA recommends that the Department develop a written policy and training that addresses effective engagement with homeless individuals, including communication with and delivery of services to homeless individuals following critical incidents.

SUMMARY OF ALLEGATION #13: The officer failed to comply with Department General Order 2.01, General Rules of Conduct.

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

FINDINGS OF FACT: When officers arrived to clear the encampment, encampment residents contacted the complainant to advise her of the situation. They told the complainant that officers threatened them with arrest if they refused to leave.

The complainant is a San Francisco resident who describes herself as a community supporter concerned about the officer-involved shootings involving Alex Nieto, Amilcar Perez Lopez and Luis Gongora. The complainant arrived before midnight and began filming officer enforcement actions. She recorded different officers for approximately 30 minutes and then began recording an officer who was monitoring the removal of a recovered stolen motorcycle. The complainant had been recording the officer dealing with the motorcycle for several minutes without incident when the named officer crossed in front of the complainant and shined his flashlight at her. The complainant told the named officer that his flashlight prevented her from recording. The named officer stated he feared for his safety because she was pointing something at him. The complainant replied that the officer was the danger to the community in light of the recent shooting and that the officers were tearing up the encampment in retaliation for their being witnesses to the police shooting. She asked for the officer's badge number, said "excuse me" when she did not hear it, and another female behind her said the last two digits of the named officer's star number. She told the named officer that she was not threatening him and that she was within her legal rights to observe. The named officer shined his flashlight directly at her for almost two minutes until she moved to another location.

Video footage established that the police activities the complainant attempted to film were blocked out by the named officer shining his flashlight directly at her cell phone.

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SUMMARY OF ALLEGATION #13 continued:

Department General Order 2.01, Rule 14 requires that officers treat the public with courtesy and respect. Rule 14 states that misconduct that reflects discredit upon the Department shall be considered unofficer-like conduct subject to disciplinary action. San Francisco General Order 5.07 establishes the rights of onlookers to remain in the immediate vicinity and record police enforcement activity. Exceptions to an onlooker's right to observe police enforcement activity include when the safety of the officer or suspect is jeopardized, the person interferes or violates the law, or when the person threatens by words or actions or attempts to incite others to violate the law. (DGO 5.07 (I) (A)(1-3).

The evidence established that the complainant was not a threat to the named officer's partner, who was overseeing the motorcycle tow. Nor did the complainant interfere with the named officer's partner's duty. The evidence established that when the named officer joined his partner, the named officer crossed in front of where the complainant was filming, turned and faced her, and shined his flashlight directly at her. The named officer did not attempt to speak to the complainant, introduce himself or explain the purpose of the police activities—actions that could have positively communicated with the complainant and fulfilled DGO 2.01's mandate that officers treat members of the public with respect and politeness. Instead, without any communication, he began shining his flashlight on the complainant and continued to do so for the next two minutes until the complainant left the area.

A preponderance of the evidence established that the named officer failed to communicate with courtesy and respect in violation of Department General Order 2.01, Rules 9 and 14 and brought discredit upon the San Francisco Police Department.

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SUMMARY OF ALLEGATION #14: The officer failed to comply with Department General Order 5.07, Rights of Onlookers.

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

FINDINGS OF FACT: When the named officer joined his partner, the named officer crossed in front of where the complainant was filming, and then turned, faced the complainant, and shined his flashlight directly at her. The named officer stated that he shined his flashlight on the complainant because he feared for his safety. Any concern that a gun could have been hidden in the complainant's phone was speculative and contradicted by the officers' observations of the complainant using her phone to film. The supervising officer acknowledged that the complainant filmed him without incident and that he did not ask the complainant to move back at any time.

The need to continually shine the flashlight on the complainant's cell phone allegedly to observe her hands is without a factually objective basis. During the close to two hours in which the complainant was on scene filming, she made no threatening gestures nor used any threatening language. The evidence established that the complainant posed no safety threat to the named officer's partner, who was closest to her.

While it may have been reasonable to shine his light on the complainant momentarily to determine that she held a cell phone in her hand to film, the named officer had no justification for directing his flashlight at the complainant's cell phone the entire time she attempted to continue filming. She made no gestures or actions that threatened the named officer's safety or justified the need to continue watching her hands. By shining his wide-lens flashlight directly into the complainant's cell-phone camera, the named officer prevented the complainant from capturing the details of the police activity. The video footage depicts a huge light blocking out the surroundings. Shining a flashlight into a bystander's camera to prevent a bystander from filming police activity is a known tactic for obstructing onlooker First Amendment rights. A preponderance of the evidence establishes that the named officer's actions and behavior toward a law abiding onlooker whom other officers had determined posed no safety risk, violated DGO 5.07 and brought discredit upon the San Francisco Police Department.

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department General Order 1.04, Duties of Sergeants.

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

FINDINGS OF FACT: The named officer violated his duties as a sergeant when he failed to ensure that a subordinate officer complied with DGOs 5.07 and 2.01 and took no corrective action. Department General Order 1.04 (A)(1)(c) states that sergeants shall “require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur.” DGO 1.04 (A)(1)(a) requires sergeants to train and lead subordinates in the performance of their duties and set an example of efficiency and department.

When a superior officer ordered officers to respond to the homeless encampment, the superior officer specifically directed a sergeant to go because of the prior officer-involved shooting. The superior officer

stated he wanted a sergeant present to address any problems and provide information to people. As a supervisor, the named officer was responsible for ensuring that his subordinates complied with DGOs 5.07 and 2.01 and to take appropriate action when the officer failed to comply. During this incident, a subordinate officer engaged in misconduct in violation of DGOs 5.07 and 2.01.

The evidence established that the named officer was aware of his subordinate’s conduct either during the incident or shortly thereafter. The evidence established that the named officer did not understand the protections that Department General Order 5.07 provides to bystanders and the requirements that officers are mandated to follow. The named officer’s conclusion that his subordinate did not violate DGO 5.07 because the complainant was able to continue filming is problematic, and more so, because of his role as a supervisor. The subordinate officer’s shining of his flashlight onto the complainant prevented her from filming the officers’ enforcement activities. Because of the officer’s interference, the film does not show the enforcement activities she was trying to record; rather, the officer’s flashlight caused a circle of light that blocked out those activities.

By concluding that his subordinate acted appropriately when he shined his flashlight at the complainant who was a lawful onlooker attempting to film police activities, the named officer demonstrated that he does not understand DGO 2.01’s mandate to treat the public with respect and courtesy and DGO 5.07’s requirement that officers protect the rights of onlookers to witness and record law enforcement activities. The named officer violated his duties as a sergeant when he failed to recognize his subordinate’s noncompliance with the mandates of DGO 5.07 and 2.01 and take any action to correct his subordinate’s behavior. By a preponderance of the evidence, the named officer neglected his duties in violation of Department General Orders 1.04.

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

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

FINDINGS OF FACT: The complainant stated he was arrested at a restaurant for battery on a female hostess. He denied touching the hostess. He stated he had an outstanding arrest warrant for a traffic violation.

Department records established that the complainant was arrested pursuant to a private person's arrest and for an outstanding warrant.

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

SUMMARY OF ALLEGATION #2: This complaint raises matters outside DPA's jurisdiction.

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

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

San Francisco Sheriff's Department
25 Van Ness Ave. # 350
San Francisco, CA 94102

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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 is an owner of an apartment building. She bought a stove and water heater to install in an apartment unit. The complainant stated she gave prior written notice to the tenant that she would be entering her apartment on a specified date to facilitate the installation. The complainant stated that when she tried to enter the apartment on the day of installation, the tenant's friend, a tenant from another unit, blocked her path and closed the door. The complainant stated the person also attacked her, scratching her neck and chest while she was holding the door to prevent it from closing. The complainant stated that at one point, when an installer came out, she tried to enter the door again but the person stopped her and shut the door. The complainant stated her foot got stuck underneath the door. The complainant stated at some point, the tenant and her son arrived. The tenant yelled at her to move and get her foot out of the door.

The complainant stated the responding officers refused to arrest the tenant and her friend and to take her report. The complainant stated she showed them a video of the incident.

Department records show the named officers were the primary responding unit that investigated the incident. One of the named officers stated he did not arrest the tenant's friend because the person was merely acting on behalf of the tenant and was following instruction not to allow the complainant to enter the apartment. The officer stated the complainant tried to force her way in and person pushed the complainant away from the door. The officer stated that when he viewed a video at the scene, it appeared that the tenant was pushed, but stated after a later viewing, the video did not provide a clear view of whether the tenant was pushed. The officer stated he took the complainant's report and contacted her at a later date after she emailed him a narrative, photo and video evidence.

The officer's partner stated that he could not remember the complainant asking that the other party be arrested. The officer stated he made no arrest because his primary role during the investigation was scene safety. He stated he remained outside keeping one party separated from the other.

The evidence shows an incident report was prepared documenting the parties' statements and the investigation conducted. A supplemental report was also prepared documenting the photo and video evidence that the complainant provided. The photos and video show the complainant pushing her way

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through the door several times and being stopped by the tenant and her friend. It is not clear from the video if the tenant and her friend made physical contact with the complainant. Furthermore, the date of installation indicated on the notice was different from the actual date of installation. Technically, the tenant had the right to prevent the complainant from entering her apartment.

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

SUMMARY OF ALLEGATION #3: The officer failed to take a report.

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

FINDINGS OF FACT: Charges were filed against the complainant. Thereafter, she went to a police station and spoke with the named officer about filing a countercharge against her two tenants. The complainant stated the named officer refused to take her report, told her that her case was over and there was nothing that could be done.

The named officer acknowledged speaking to the complainant but stated the incident had been reported and investigated, and that the complainant did not present a new incident or any new evidence pertaining to the dismissed case. The officer stated he explained everything to the complainant and advised her that just because her case was dismissed, it did not mean the victims' claims had no merit.

A member of the station personnel present during the contact stated that he could not recall the complainant's interaction with the named officer.

The evidence established that the named officer had no obligation to prepare another report regarding an incident that had already been documented in an incident report.

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

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SUMMARY OF ALLEGATIONS #4: The officer failed to take a report.

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

FINDINGS OF FACT: The complainant stated she called a police station and talked to a lieutenant, whose name she supplied, about her intention to file charges against tenants who lived in her apartment building. The complainant stated the lieutenant refused to take her report and told her to do it at the District Attorney's office.

The evidence shows no officer with the lieutenant's last name worked at the station during the time the complainant made the call to the station. Nonetheless, the evidence established that the alleged officer had no obligation to prepare another report regarding an incident that had already been documented in an incident report.

While the identity of the alleged officer was not established, the evidence proved that the alleged neglect of duty did not occur.

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to race.

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

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

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SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate report.

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

FINDINGS OF FACT: In her written complaint, the complainant stated the officer wrote a false report. The DPA made numerous attempts to contact the complainant for additional evidence, to no avail.

The complainant did not provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated he took a bus home after an evening out. He stated he had six drinks, and he fell down when he got off the bus. The next thing he recalled was that medics were putting him in an ambulance. He stated a medic hit his face and ribs. The complainant stated he woke up in the hospital in four point restraints. He stated he broke out of the restraints and walked out of the hospital. He stated he stopped a passerby outside the hospital and told him a medic assaulted him. The passerby called police. The complainant alleged that the police failed to take his report of the assault.

According to his incident report statement, a Fire Department Captain was notified by the hospital that a patient reported being assaulted by medics. The Captain was told that the complainant had left the hospital, saying he was going to call 911 to be transported to a different hospital. The Captain located the complainant outside the hospital and the complainant refused treatment. The Captain stated he advised the complainant that continually calling for emergency services to claim false emergencies was illegal. Shortly after leaving the complainant, he again came into contact with the complainant when he called 911 again. The Captain signed a Citizen's Arrest Form for the arrest of the complainant.

According to the report, one of the named officers spoke with the complainant. The complainant had red marks on the right side of his face. The complainant stated he was hit by a bus and "beat up" by unknown medics. He stated he did not know where he was and had been drinking all day. He could not complete a full sentence and smelled of alcohol. The complainant was transported to a hospital and later booked for an outstanding warrant and violating Penal Code §148.3(A).

One of the named officers stated his interaction with the complainant was limited due to the complainant's level of intoxication. The complainant did not know where he was, could not form complete sentences, and said he had been drinking all day. The officer stated the complainant had red marks on his face. When asked how he received those marks, the complainant stated he was "beat up" by unknown medics and later changed his answer to "hit by a bus."

The other named officer stated he only recalled that he made contact with the Rescue Captain and the complainant. He did not recall anything else.

The evidence established that the officers' actions were documented in the incident report. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

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SUMMARY OF ALLEGATION #1: The officer neglected his duties.

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline.

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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 the named officer cited him for driving on a suspended license and not having his driver's license in his possession. The complainant stated he was "in the process" of getting his license back and did not have his license when he was stopped.

The named officer stated he observed the complainant driving a vehicle and knew the complainant's driver's license had been suspended or revoked based on prior contacts with the complainant. Prior to pulling the vehicle over, the named officer conducted a records check via his mobile MDT, which confirmed the complainant's driver's license was suspended. The named officer stopped the complainant and cited him for driving on a suspended license and for not having his license in his possession.

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

SUMMARY OF ALLEGATIONS #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officer harassed him in the past by telling him he was going to make his life a living hell. The complainant was unable to provide any dates, times or locations of the alleged incidents of harassment.

The named officer denied he harassed the complainant. The officer acknowledged he knows the complainant from prior contacts with the complainant. The officer stated he has arrested the complainant for numerous criminal violations.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/16 **DATE OF COMPLETION:** 03/09/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, reminds members to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians
- MPC violations,
- Penal Code violations
- Transportation Code violations
- 916 vehicles and high-risk stops
- Mechanical or non-moving violations
- DUI's
- Traffic collisions
- Assistance to motorists
- BOLO/APB/Warrants.

The Department had no record of the named officer collecting and entering the required traffic stop data involving the complainant. When asked about the required E585 entry, the named officer stated he is familiar with DB 14-059. He stated this was a traffic stop and that he completed the E585 entry as required. The officer stated that he tried to get something in writing from the Department, but was told it was an IT issue.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/16 **DATE OF COMPLETION:** 03/22/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was driving an SUV with an attached six-foot trailer. He stated he was having difficulty backing up the trailer and it kept jackknifing. He stated he backed it into a one-way side street, going the wrong way, to get it out of the way of traffic.

The named officer stated he observed the complainant backing up the wrong way down a one-way street. He stated he detained the complainant after the complainant ignored his orders to pull forward into traffic.

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

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

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

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

FINDINGS OF FACT: The complainant stated he cited was cited for three California Vehicle Code infractions: 21657 CVC – wrong way, 22106 CVC – unsafe backing, and 16020(a) CVC – no proof of insurance. The complainant stated he was driving an SUV with an attached six-foot trailer. He stated he was having difficulty backing up the trailer and it kept jackknifing. He stated he backed it into a one-way side street, going the wrong way, to get it out of the way of traffic. He stated he did not have proof of insurance but he was insured.

The named officer stated he observed the complainant backing up the wrong way down a one-way street. He stated he cited the complainant for unsafe backing and driving the wrong way down a one-way street. He stated he also cited complainant for not having proof of insurance.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/16 **DATE OF COMPLETION:** 03/22/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

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

The named officer stated he did not use any profanity during his contact with the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated that when he asked the named officer for his name, the officer refused to provide it.

The named officer stated the complainant asked for his name and badge number, and he provided both to the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/16 **DATE OF COMPLETION:** 03/22/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Orders 5.08 and 9.01.

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

FINDINGS OF FACT: The complainant stated that he was detained and cited by an officer wearing plain clothes and driving an unmarked car. He stated the named officer conducted a traffic stop in plain clothes in violation of Department General Orders.

The named officer stated that aggravated circumstances existed that allowed him to conduct the traffic stop. He stated there was a lot of vehicular and pedestrian traffic in the immediate area. He stated that when the complainant backed up his trailer, the trailer went onto the sidewalk and pedestrians had to jump back. He stated that this happened twice and the named officer thought that the complainant was going to kill someone. The named officer also stated it was his responsibility to write the citation because he observed the violations.

Department General Orders 5.08 and 9.01 state that officers in plain clothes shall not conduct traffic stops unless exigent circumstances, such as drunk driving, exist.

The evidence established that the named officer conducted a traffic stop while in plain clothes, driving an unmarked car, and that no exigent circumstances existed.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/16 **DATE OF COMPLETION:** 03/14/17 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer “has no regard for my safety,” refusing “to investigate my constant harassment from my neighbor.”

The complainant did not provide a statement to the DPA.

The named officer denied the complainant’s allegations. The named officer stated the complainant told him that there had been several incidents with her neighbor, which were already documented in police incident reports.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer “has no regard for my safety,” refusing “to investigate my constant harassment from my neighbor.”

The complainant did not provide a statement to the DPA.

The named officer stated the complainant told him that there were other reports regarding her neighbor. He stated the complainant delayed reporting the incident. The named officer stated the complainant’s incident was documented in a counter report and forwarded to the Station Investigations Team for investigation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated she found out from a neighbor that someone had vandalized her building and police had been on scene with the vandal. The complainant said the two officers on scene did not document their contact with the individual responsible for the damage to her business property. The complainant provided DPA with two photographs that another citizen took of the man on the roof and an officer standing at a distance.

A witness who had seen the vandal said he flagged down two officers and took two pictures of one officer with the citizen on the background squatting on the roof.

The DPA's efforts to identify the officer depicted in the photo were unsuccessful. A search of Department records revealed no documents identifying the officers who responded to the vandalism report.

A poll sent to the station in the District where the event took place failed to reveal any officer who acknowledged involvement in the incident.

No other witnesses were identified.

The identity of the alleged officers has not been established. There was insufficient evidence either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the two officers on scene did not document their contact with the individual responsible for the damage to her business property.

The identity of the alleged officers has not been established.

There was insufficient evidence either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/16 **DATE OF COMPLETION:** 03/14/17 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was attacked by two former roommates and two unknown men for refusing to launder \$2.3 million in drug money. He stated they broke seven ribs and crushed his larynx. He stated that, at the hospital, he was arrested by the named officer for threatening to call the police.

According to the complainant's jail medical records, the complainant told the jail nurse he had six broken ribs. The nurse found no signs of any injury.

The DPA obtained a recorded voicemail the complainant sent to his former roommate. In the message, the complainant stated he was going to have the roommate murdered.

According to the Department's case file and the complainant's arrest report, the complainant voluntarily went to a district station, where he was interviewed by the named officer. The DPA obtained a recording of this interview. In the interview, the complainant acknowledged making the "murder for hire" voicemail. He also acknowledged sending a text to the roommate demanding \$200,000. He stated he understood his actions could be mistaken for death threats.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was standing in front of a fast food restaurant for a week holding up a protest sign and yelling obscenities. When the named officer arrived, the complainant started yelling anti-police obscenities. The complainant was told he was disturbing the peace and was detained.

The named officer stated several citizens complained that the complainant was screaming obscenities in front of a café. When he approached the complainant, the complainant began to yell anti-police obscenities and walked inside the café. The complainant exited the café and began screaming again. The officer stated he asked the complainant for his ID so he could cite him for disturbing the police. The complainant threw his ID on the ground. The named officer stated he held the complainant against a wall while dispatch ran the complainant's name.

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer “dragged” him out of a convenience store.

The named officer stated the store clerk asked him to remove the complainant from the store. The named officer stated the complainant backed further into the store. The named officer stated he grabbed the strap of the complainant’s messenger bag, which crossed his chest, to pull him out of the store but the complainant grabbed onto the door. The named officer stated he conducted a leg sweep and the complainant went to the floor, breaking his fall with his hands. He was going to handcuff the complainant but saw large vertical sutures on his wrists. The officer asked the complainant what happened to his wrists, but he would not tell the officer. The named officer stated the complainant did not complain of pain or injuries and did not ask for medical attention.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was in front of a fast food restaurant for one week holding up a protest sign and yelling obscenities. He stated he was cited for disturbing the peace.

The named officer stated the complainant was cited because he was disturbing the peace in a public place by screaming and yelling obscenities at people, which are inherently likely to provoke a violent reaction. The officer stated he received complaints from people in the area who claimed that the complainant disturbs the peace every day. The officer stated a store clerk asked him to get the complainant out of his store.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was panhandling in front of a fast food restaurant and saying “ugly things” to pedestrians. He stated two female officers arrived and told him that someone from the fast food restaurant had complained about him. The officers told him he could not stand there, pointing to the “No Trespassing” sign in the window of the restaurant. The complainant stated he refused to leave, refused to provide identification and refused to sign a citation, prompting his arrest.

A witness stated she called dispatch to make a complaint about the complainant. She stated that for two months, the complainant stood outside a fast food restaurant and screamed obscenities at passers-by. She stated he was frightening people. Two restaurant employees signed citizen arrest forms against the complainant.

The named officer stated she was dispatched to a disturbance call. She stated the complainant was arrested for refusing to provide proper identification, refusing to sign the citation and disturbing the peace.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/16 **DATE OF COMPLETION:** 03/11/17 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officers refused to take required action.

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

FINDINGS OF FACT: The complainant stated that an unknown person battered him by striking him in the head. The complainant ran toward the front of a police station and saw two officers standing by the side of a patrol vehicle. The complainant stated the officers refused to assist him when asked.

Department records showed no evidence that any officers had contact with the complainant.

The officers who were assigned to other calls in the area reported by the complainant told the DPA that they could not recall any contact with the complainant or involvement with a situation such as that described by the complainant.

A poll of officers at the station nearest the location identified by the complainant failed to identify any officers who recalled the incident described by the complainant.

No witnesses came forward.

The identity of the alleged officers has not been established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/14/17 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was picking up her two sons and a friend at the airport pickup area in Terminal One. Another vehicle was stopped along the curb and an officer was yelling at the driver. The complainant was behind and to the left of the other vehicle, waiting for it to move, so she could merge right into the curb lane to pick up her passengers. The complainant stated that the officer finished yelling at the driver and the car pulled away. The officer then stood in the way of the complainant, who was trying to get into that lane. The complainant said the officer motioned for her to keep moving and she gestured with her arm at her passengers, and stated, "They're right there, with their luggage." She said at that point the officer screamed, "I don't give a shit!! Move your car!!" The complainant was forced to continue straight and circle the airport again before she could pull in to pick up her passengers. The complainant provided a vague description of the officer.

The identity of the alleged officer could not be established from the Officer Poll that was sent to the Airport Bureau. DPA made numerous attempts to identify the officer through various Department records, with negative results.

No witnesses were identified.

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

SUMMARY OF ALLEGATION 2: The officer used profanity.

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

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

The identity of the alleged officer could not be established from the Officer Poll that was sent to the Airport Bureau. DPA made numerous attempts to identify the officer through various Department records, with negative results.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant alleged that officers entered her residence without cause.

A homicide occurred on the steps of the complainant's residence. Officers entered her residence after the homicide; the complainant was not present when the officers entered. The complainant stated her aunt told her that the officers walked into the residence stating that the complainant was on parole. The complainant said she also spoke to an officer who told her a homicide had occurred in front of her residence and that officers were conducting a homicide investigation.

The named officers denied that they entered the complainant's residence without cause. They acknowledged entering the complainant's residence because an individual had been shot and killed in front on the steps and they believed there could be more victims inside, so they entered the residence to conduct a well-being check based on exigent circumstances. Once they entered, the persons inside provided conflicting information.

A background check revealed that the complainant was on court probation with a warrantless search condition. Warrantless searches can be conducted of the person, vehicle or residence at any time of day or night, with or without probable cause.

The DPA was unable to interview the four individuals who were inside the residence at the time, since none of them responded to the DPA's requests for interviews.

No other witnesses were found.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #4: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the named officer entered her residence without cause.

A homicide occurred on the steps of the complainant's residence at approximately 11pm. The complainant alleged that officers entered her residence after the homicide; the complainant was not present when the officers entered. The complainant stated that at approximately 12:30am, she telephoned and spoke to her aunt whom she believed to be at the residence. Her aunt told her that the officers had entered and searched the residence stating that the complainant was on parole. The complainant also stated that her aunt handed her telephone to the named officer, who told her a homicide had occurred in front of her residence and that officers were conducting a homicide investigation.

SFPD officers did enter the complainant's residence to conduct a well-being check based on exigent circumstances because an individual had been shot and killed in the front steps, and because a background check revealed that the complainant was on court probation with a warrantless search condition. A warrantless search condition allows searches of the person, vehicle or residence at any time of day or night, with or without probable cause.

The named officer denied he entered the complainant's residence.

Official SFPD records corroborated that the named officer was not part of the entry and search of the complainant's residence. Records show that the named officer was not at the location until several hours after the complainant alleged he was.

The DPA was unable to interview the four individuals who were inside the residence at the time, since none of them responded to the DPA's requests for interviews.

No other witnesses were found.

The preponderance of evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the acts as alleged.

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DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #5 - 7: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant alleged the officers searched her residence without cause.

A homicide occurred on the steps of the complainant's residence. Officers entered her residence after the homicide; the complainant was not present when the officers entered. The complainant stated her aunt told her that the officers walked into the residence stating that the complainant was on parole. The complainant spoke to an officer who told her a homicide had occurred in front of her residence and that officers were conducting a homicide investigation.

The named officers denied that they entered the complainant's residence without cause. They acknowledged entering the complainant's residence because an individual was shot and killed in front of the residence and they believed there could be more victims inside of the unit, so they entered the residence to conduct a well-being check based on exigent circumstances. Once inside the premises, the persons inside provided conflicting information. A background check revealed that the complainant was on court probation with a warrantless search condition. A warrantless search condition allows searches of the person, vehicle or residence at any time of day or night, with or without probable cause.

The OCC was unable to interview the four individuals who were inside the residence at the time, since none of them responded to the OCC's requests for interviews. No other witnesses were found.

The named officers acknowledged they searched the residence because they conducted a well-being search, and the complainant was on active probation and subject to a warrantless search condition. A firearm was found in the complainant's bedroom, in a white sock located on the top shelf of the closet.

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

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DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #8: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the named officer searched her residence without cause.

A homicide occurred on the steps of the complainant's residence at approximately 11pm. The complainant alleged that officers entered her residence after the homicide; the complainant was not present when the officers entered. The complainant stated that at approximately 12:30am, she telephoned and spoke to her aunt whom she believed to be at the residence. Her aunt told her that officers had entered and searched the residence stating that the complainant was on parole. The complainant also stated that her aunt handed her telephone to the named officer, who told her a homicide had occurred in front of her residence and that officers were conducting a homicide investigation.

SFPD officers did enter the complainant's residence to conduct a well-being check based on exigent circumstances because an individual had been shot and killed in front of the premises, and because a background check revealed that the complainant was on court probation with a warrantless search condition, which allows searches of the person, vehicle or residence at any time of day or night, with or without probable cause.

The named officer stated he did not enter and therefore did not search, the complainant's residence. SFPD records corroborated that the named officer was not part of the entry and search of the complainant's residence. SFPD records also showed that the named officer was not at the location until several hours after the complainant alleged he was.

The OCC was unable to interview the four individuals who were inside the residence at the time, since none of them responded to the OCC's requests for interviews. No other witnesses were found.

The preponderance of evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the acts as alleged.

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DATE OF COMPLAINT: 07/06/15 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #9 - 11: The officers intentionally damaged the complainant's personal property.

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

FINDINGS OF FACT: The complainant alleged that the officers damaged her bed, picture frames and more when they searched her home.

The complainant failed to provide additional requested evidence of the alleged property damage.

The OCC was unable to interview the four individuals who were inside the residence at the time, since none of them responded to the OCC's requests for interviews. No other witnesses were found.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he was involved in a minor vehicle collision that caused no damage to the other vehicle and police responded. The complainant stated he lied and told the named officer he had not consumed any alcohol. The complainant stated the officer explained that he would have to take a breath or blood test, and he agreed to a blood test. The named officer took the complainant to the police station and asked if he would take a breathalyzer test, which he refused. A phlebotomist arrived at the station, and the complainant realized that he would be strapped into a chair while his blood was drawn. The complainant told the named officer he would take the breath test, but the named officer said it was too late for that. The named officer told the complainant that they had a warrant for a blood draw and could compel the complainant to submit to the blood draw.

A passenger witness of the other involved vehicle stated the complainant was “visibly drunk.” She stated, the complainant was slurring his words, “talking really loud,” and was “not able to walk straight. You could tell he was really off balance.”

The named officer stated that he advised the complainant that he was required to submit to a chemical test, but he refused to take any test and the complainant refused multiple requests to take a breath test. The named officer obtained a warrant for a forced blood draw from a judge and summoned a phlebotomist to the station. He stated that as the phlebotomist was about to start the forced blood draw, the complainant suddenly stated that he wanted to take a breath test. The named officer explained to the complainant that a search warrant had already been obtained and granted by the judge to conduct the forced blood draw. He told the complainant that officers had already spent a lot of time trying to convince him to pick a chemical test, obtaining a search warrant, and waiting for the phlebotomist to prepare the forms and the equipment for the procedure, and that doing the breath test now would further delay the process. The named officer also stated that setting up the intoxilyzer would take additional time, and that it was important to obtain fleeting evidence from the complainant in a timely manner.

A sergeant who was present stated that when the phlebotomist was about to place the needle in the complainant arm, the complainant abruptly requested that he be allowed to take a breath test. This request was refused because: the complainant had been given multiple opportunities to choose either a blood or breathe test; the sample the officers were trying to obtain was fleeting and being continuously metabolized out of the blood stream; the process had already been delayed due to the officers having to obtain a

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SUMMARY OF ALLEGATION #1 continued: warrant; setting up the breath test machine would have caused an additional delay. The sergeant stated that he found the complainant's request unreasonable and consistent with a delaying tactic frequently employed by individuals refusing to provide a sample. The sergeant stated that the named officer informed the complainant that the blood test would proceed and a blood draw was performed.

Other officers who were present stated that the named officer offered the complainant the choice of either a breath or a blood test, and that the complainant refused to take either test. In response, the named officer obtained a warrant for a forced blood draw.

Department records confirmed that the named officer obtained a warrant for a forced blood draw and that he read the complainant the chemical test DMV admonition.

A preponderance of the evidence established that the named officer offered the complainant the choice of a breath or a blood test, and that the complainant refused to take a breath test. The named officer obtained a warrant for a forced blood draw and summoned a phlebotomist to the station. The phlebotomist prepared the necessary paperwork for the blood draw, and was ready to conduct the blood draw when the complainant said he preferred to take a breath test.

The evidence established that the results of the blood test showed that the complainant's blood alcohol level was two times over the legal limit.

The evidence established that the named officer was not required to offer the complainant a breath test after obtaining a warrant for a blood draw and after preparations to conduct the blood draw had been completed.

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

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DATE OF COMPLAINT: 08/02/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated that while the named officer was performing the Field Sobriety Test, other officers intentionally shouted in the complainant's ear and shone a flashlight in a strobe-like manner, distracting him. The complainant stated the named officer allowed the other officers to distract the complainant. The complainant also stated the named officer failed to read him an admonition prior to conducting the blood draw at the station.

The named officer stated he did not recall any officer yelling or speaking loudly to the complainant during the Field Sobriety Test, and did not recall a flashlight being used to illuminate the walkway where the test took place.

Witness officers stated the named officer had to repeat test instructions to the complainant, but denied that they yelled at the complainant. They stated that they did not see a flashlight used to illuminate the walkway, or that they did not observe the field sobriety test.

The passenger witness stated she was talking on her phone while she was seated in the vehicle and was not paying attention to the complainant. The witness stated she did not recall seeing officers administer any tests to the complainant.

Attempts to obtain surveillance video footage from a CCTV at the location where the Field Sobriety Test took place were unsuccessful because the footage had already been discarded by the time the complainant filed his complaint.

The named officer documented reading the complainant the chemical test admonition in his incident report.

The statements of the officers who were present stated that a flashlight was not used to illuminate the walkway where the Field Sobriety Test took place are not entirely credible. The evidence established that the Field Sobriety Test took place on the walkway of a private home because the street and sidewalk were not level, and that it took place some time around midnight. It is standard procedure that when in darkness, an officer will illuminate the area where an individual is performing Field Sobriety Tests.

No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant stated that when the named officer transported the complainant from the police station to the County Jail, he applied the handcuffs too tightly. The complainant told the named officer that the handcuffs were too tight, but he received no response. The following morning, the complainant's left wrist was numb and his right hand was sore from his wrist to his thumb joint. Ten weeks after this incident, the complainant went to a hospital to have his wrists examined, but did not tell medical personnel that he had been handcuffed.

The named officer stated he handcuffed the complainant as he had been trained to do in the SFPD Academy, checking the handcuffs for the proper degree of tightness and double-locking them. He stated that he did not recall the complainant complaining about tight handcuffs.

The named officer's partner stated he did not remember whether he saw the complainant being handcuffed prior to the transport to the jail and did not hear the complainant complaining about tight handcuffs.

The complainant provided the DPA with two photographs of his wrists taken seven and one-half hours after he was transported to the jail. One photograph, apparently of his left wrist, shows two roughly parallel red marks across the inside of his left wrist. The other photograph, which is out of focus, shows what appears to be a thin, compressed area from the top of the wrist and across the inside of the wrist.

The complainant's medical records document a hospital visit one month after his arrest. During this visit, he complained of experiencing numbness in his left hand during the past month, but denied experiencing any trauma injury or pain. The medical records document a hospital visit six weeks later, during which the complainant underwent a neurology test. The doctor who reported the results of the neurology test wrote that it showed the nerve involved in the area of the numbness is "very mildly slow which means very mild carpal tunnel."

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer misrepresented the truth in his incident report. He stated that when the officer placed him inside a patrol car at the scene, he told the complainant he was being detained and did not tell him he was under arrest until after the blood draw was completed. The complainant told DPA that prior to the incident, he and a date went to a Latin American restaurant and bar. He also stated he told the named officer he had not eaten anything that evening, but the officer inaccurately wrote that the complainant had eaten a chicken burrito. The complainant stated the officer lied when he wrote in his report that he checked the complainant's handcuffs for the proper degree of tightness.

The named officer stated he informed the complainant that he was under arrest for driving under the influence when he placed him inside the patrol car at the scene. He stated the complainant was arrested based on citizen's arrest forms signed by the driver and the passenger of the car the complainant had struck, because the complainant refused to perform one of the Field Sobriety Tests, and because he displayed visible signs of intoxication. The named officer stated the complainant told him he ate a chicken burrito, and he recorded this on an SFPD Driving Under the Influence Form. This form indicates that the named officer wrote "Dinner 8:00 p.m. chicken burrito" in the box asking when the subject ate and what he ate. The officer stated he checked the complainant's handcuffs for proper degree of tightness.

The named officer's partner stated that he did not remember whether he saw the complainant being handcuffed prior to the transport to the jail.

The named officer documented arresting the complainant prior to transporting him to the station. The evidence, including the statement of a passenger who was in the car the complainant struck and the results of the complainant's blood draw, documented that the complainant was under the influence of alcohol. Therefore, the named officer was justified in arresting the complainant at the scene. It is more likely than not that the named officer told the complainant at the scene that he was under arrest, and not that he was merely being detained. The officer contemporaneously documented the complainant's statement about when he last ate and what he ate. The complainant's claim that he told the officer he had nothing to eat is undercut by his admission that he lied to the officer and said he had not consumed any alcohol.

The dispute over whether or not the named officer applied handcuffs on the complainant with the proper degree of tightness is unresolved. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant claimed an officer covered her peephole when he came to her door on a call for service.

The named officer denied covering the peephole. The named officer stated the complainant's neighbor has a restraining order against the complainant's boyfriend. The named officer stated he and his partner came to the complainant's apartment. When the complainant answered the door, the named officer recalled the complainant kept looking toward the rear of the apartment. The named officer stated he asked the complainant if the person named in the restraining order was in the complainant's apartment. The named officer stated the complainant denied the restrained party was present in her apartment.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant claimed an officer that came to her door failed to take required action by failing to provide his name and star number.

The named officer acknowledged going to the complainant's residence, but denied the complainant or anyone asked him for his name or star number.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated following a police investigation at her apartment building regarding an alleged restraining order violation, she went to a local police station to complain about the responding officer and the named officer failed to take a DPA complaint.

The named officer denied the complainant requested a complaint be taken. The named officer stated the complainant appeared concerned about the authenticity of the officers who responded to the call.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was arrested, as he was just about to enter the building where he worked. He acknowledged that he was near a location from which he had been ordered by a court to stay away but denied being in violation of the stay-away order.

The complainant's female friend, who witnessed the incident, agreed with the complainant's claim. She stated that the arrest was wrong, since he was not within the required distance limitation of the stay-away order. Both the complainant and his friend claimed that one of the officers was present when the court announced that the complainant was allowed to continue working at his employer's building.

The named officer acknowledged arresting the complainant. He stated that he knew the complainant had an active stay-away order and that the complainant was in violation of such order.

Another officer at the scene stated that the complainant was in violation of the stay-away order.

A third officer present stated that he could no longer recall the incident.

Court records indicated that there was a valid order issued by a court ordering the complainant to stay away at least 150 yards from an intersection. There was no exception listed in the order allowing the complainant to work within the area from which he was restricted.

Given the lack of specificity of exactly where the complainant was located when he was arrested, there was insufficient evidence to establish whether in fact the complainant was in violation of the stay-away order.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged that the named officer arrested him for no reason but to disrespect and harass him.

The complainant's friend stated she also thought the arrest was to harass the complainant.

The named officer denied harassing the complainant and stated that the complainant was arrested only for a stay-away order violation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged that the named officers arrested him for no reason but to disrespect and harass him.

The complainant's friend stated she also thought the arrest was to harass the complainant.

Department records showed that the named officers did not arrest the complainant. They responded to the scene as back up officers to assist the arresting officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.07, Rights of Onlookers.

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

FINDINGS OF FACT: The complainant stated that his employer started to record the complainant's contact with police with his cell phone. The complainant stated one of the officers snatched the phone and stopped the man from recording.

The complainant's friend made no mention of an officer snatching a phone from the complainant's employer.

The officers at the scene either denied the allegation or could not recall the alleged conduct.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer misused a Department computer/CLETS

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

FINDINGS OF FACT: The complainant, who works for the San Francisco Public Defender's Office, alleged that the named officer illegally used the California Law Enforcement Telecommunication System (CLETS) to run his client's information, the co-complainant, and to monitor the co-complainant. The complainant stated that every time a warrant was out for his client, the named officer would call police. He stated that the named officer had his client arrested multiple times, the most recent of which was when he was visiting his children.

The co-complainant stated that every time he visited his children, he was arrested for reasons no one would know except a police officer, such as having an outstanding arrest warrant or missing an appointment with his probation officer. The co-complainant stated the arresting officers would not have been aware of his visits to his children other than being informed by the named officer. The co-complainant stated that because of the named officer's unwarranted acts, he ended up having a case for restraining order violation that placed him on misdemeanor probation.

The named officer denied the allegation that she used the Department's computer or CLETS to monitor the co-complainant. She acknowledged calling the authorities a couple of times regarding the co-complainant but stated that she did it because the co-complainant gave her son illegal fireworks. She stated she reported the incidents as a concerned mother and had the fireworks removed from the co-complainant's house. She recalled telling the officers that the co-complainant might have a warrant but denied using Department computers to discover the warrant.

The Department has no record of the named officer running the co-complainant's information.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The co-complainant stated that the named officer intimidated him.

The named officer denied the allegation.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profane language.

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

FINDINGS OF FACT: The complainant said the named officer spoke to him profanely while telling him not to ride a skateboard on the sidewalk. The complainant stated that he had taken a cellular telephone video of the incident, but refused to facilitate the DPA's viewing of the video.

The named officer acknowledged contact with the complainant, but denied using profane language as he told the complainant not to ride his skateboard on the sidewalk.

A witness officer on scene stated that he did not believe the named officer used profane language as the named officer intervened to defuse a situation caused by the complainant when he crashed his skateboard into a group of homeless people on the sidewalk.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2016 and March 10, 2017.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to write and incident report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2016 and March 10, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers failed to investigate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2016 and March 10, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers were not justified in either detaining or citing her for driving with a suspended license, because her vehicle was parked and she was not driving it. She also stated she was incorrectly cited for lacking insurance and having drug paraphernalia. The complainant stated they towed her car without justification. She also stated one of the named officers searched her car without her permission, and the named officers would not allow her to retrieve her baby's clothes, bottles or medicine from her car. The complainant admitted that her taillight was broken.

The named officers stated they saw the complainant driving her vehicle before the traffic stop. One of the named officers stated he saw that the complainant's vehicle had a broken taillight. The named officers confirmed the detention of the complainant. One of the named officers stated that he searched complainant's vehicle as part of the procedure required when towing a vehicle. The named officers noted that complainant asked for certain items from her car, and she was provided with those items.

One of the named officers wrote in the incident report that he saw complainant driving her vehicle and he noticed that she had a broken taillight. The named officer wrote that complainant pulled over and stopped. The named officer also wrote that he conducted a records check of complainant and discovered she had a suspended driver's license, and that she had been previously cited for California Vehicle Code §12500. The named officer documented in the report that he then had complainant exit her vehicle and a search of her person produced a cylindrical glass pipe, which was booked into evidence.

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

The complainant admitted that she had a broken taillight. The evidence established that the named officers had reasonable suspicion to detain her.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that she asked to retrieve her baby's clothes, bottles and medicine from her car, and that the officers refused.

One of the named officers stated that there was miscellaneous clothing in the vehicle, but he did not recall seeing any medicine. The named officers stated that complainant asked for other items in her car and they were retrieved for her to her satisfaction.

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

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

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

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

FINDINGS OF FACT: The complainant objected to being cited for a lack of insurance and possessing drug paraphernalia. The complainant also did not believe she should be cited for a suspended license, because she was not driving the car.

One of the named officers wrote in the incident report that complainant was unable to provide proof of insurance. This officer also documented that he conducted a records check of the complainant and discovered she had a suspended driver's license, and that she had been previously cited for California Vehicle Code §12500. This officer then wrote that he had the complainant exit her vehicle and a search of her person produced a cylindrical glass pipe, which was booked into evidence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant objected to the towing of her vehicle.

One of the named officers wrote in the incident report that, after receiving approval from a sergeant, he towed the complainant's vehicle, "as per department bulletin 16-115 'Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement.'" This officer also documented that the complainant had twice, previously been cited for California Vehicle Code §12500.

SFPD Bulletin 16-115 provides a policy regarding when a vehicle may be towed following a violation of CVC 14601. It states that a vehicle shall be towed when, "CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601/12500 CVC related violation in the past" [emphasis added].

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

SUMMARY OF ALLEGATION #7: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant objected to the search of her vehicle without consent.

The named officer stated that he searched complainant's vehicle subject to department guidelines regarding towing automobiles.

SFPD Bulletin 16-115 provides a policy regarding when a vehicle may be towed following a violation of CVC 14601. It states that a vehicle shall be towed when, "CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601/12500 CVC related violation in the past" [emphasis added]. SFPD General Order 9.06 states that, "When towing a vehicle, officers shall inventory the contents of the vehicle."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/15 **DATE OF COMPLETION:** 03/21/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: An anonymous complainant and the co-complainant stated they watched a video of a man with a prosthetic leg who was beaten by SFPD police officers. The complainants stated the officers pinned the man down, using unnecessary force.

The DPA reviewed the approximately 11-minute video of the incident posted on You Tube. The video does not capture the officers' initial encounter with the subject. As the video begins, five uniformed officers are attempting to control a male subject who is on the sidewalk. The video clearly shows the officers struggling with the subject, who is moving his body, apparently against the officers' efforts. The video then shows one officer holding the subject by the arm while the complainant is on the ground on his right side with his hands cuffed behind his back. One officer, who was at the feet of the subject during the handcuffing, stands up when the subject's hands are controlled. As the officer removes his hold on the subject's feet, the subject kicks toward the officer with his legs, including what appears to be a metal prosthesis on his left leg. The officer is then seen stepping on the subject in the area of his feet or ankles and legs, including on the prosthesis, to no avail. In an apparent attempt to stop the subject's kicking movements, the officer ultimately crosses the subject's legs and places a knee on the man's lower legs. The subject is held down by three officers until paramedics arrive on the scene.

The named officers were interviewed. Each officer denied the use of unnecessary force against the male subject. Two of the named officers stated they detained the male subject because they were concerned about his mental state after observing him holding two wooden sticks in his hands and waving them around, posing a danger to others. Both officers knew the subject from prior contacts. The named officers stated that the male subject did not comply with the officers' lawful orders to put the sticks down and instead, stepped away from the officers into traffic on a busy street. The officers were concerned about the subject's safety and the safety of others, so they called for a back-up unit with an Extended Range Impact Weapon (ERIW). When one officer removed the ERIW from his patrol vehicle, the subject dropped the sticks and the officers restrained him until the ambulance arrived.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/15 **DATE OF COMPLETION:** 03/21/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #1-5 cont:

Two civilian witnesses corroborated the officers' account of what happened. One witness stated that the man raised what looked to him like broken wooden crutches, in both hands. He raised the crutches and started across the street, which was very busy with traffic. The officers were screaming, "Get out of the street!" The witness stated the man made an aggressive move toward the officers with the two sticks and the officers gave him space. Another officer arrived and pulled out what appeared to be a beanbag gun. The officer pulled out the beanbag gun but the other two officers were able to subdue the individual and cuff him. A second witness stated he saw a black male holding what looked like 2x4s (boards) in his hands when two police officers came into the area. It was a slow process that started at UN Plaza and slowly moved across Market Street. At one point the officers took the boards away from the male. The man backed away from officers and they rushed him to arrest him. The witness stated the man was on the ground struggling, and the officers were trying to talk him into surrendering peacefully. The witness thought the police acted appropriately given the situation.

No other witnesses came forward.

The video recording shows the officers attempting to control the man who was refusing to cooperate. It did not provide any evidence of unnecessary force being used on the man being detained.

The evidence established that the officers' actions were proper. It proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/15 **DATE OF COMPLETION:** 03/21/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #6-10: The officers failed to take required action.

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

FINDINGS OF FACT: The co-complainant stated the male subject was left partially naked on the sidewalk and officers did not cover him until 10 minutes into the video, and that the Department could have made use of their Crisis Intervention Team (CIT).

The named officers stated that as they tried to handcuff the male subject on the ground, the man's pants slid down partially exposing his buttocks. The officers stated their primary concern was the safety of the subject and the officers. When the man calmed down and the scene was secure, medics arrived and the officers pulled up the man's pants (while he was still on the ground) prior to his transport by ambulance.

The video recording supported the named officers' statements.

Nine of the officers at the scene had received CIT training including four of the named officers. Two of the officers stated they were familiar with the male subject from prior contacts and felt they were best suited to help him. The officers stated they used verbal de-escalation techniques by attempting to persuade the male subject to put down the sticks. They spent several minutes trying to talk to him and followed him across Market Street where the subject stepped into traffic. When verbal de-escalation failed, they requested a unit with an Extended Range Impact Weapon (ERIW). As soon as the subject saw the ERIW, he put the sticks down. The ERIW was never used. Based on the subject's behavior, the officers detained the subject for a mental health evaluation. The subject resisted when they attempted to handcuff him and it was necessary for officers to restrain him on the ground until paramedics arrived. The subject was then transported to the hospital for mental evaluation and treatment.

No other witnesses came forward.

The evidence established that the officers' actions were proper. The video recording did not provide any evidence of neglect by the officers in failing to take required action. The video shows the officers attempting to control the man who was refusing to cooperate, and that when the ambulance arrived, the officers pulled the man's pants up.

The evidence established that the officers' actions were proper. It proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/16 **DATE OF COMPLETION:** 03/02/17 **PAGE#** 1 of 2

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 he was driving east on Cabrillo Street when the named officer pulled him over and cited him for texting while driving. The complainant stated that the named officer could not have seen his cell phone because it would have been below the named officer's line of sight. The complainant also stated that he was looking at a business card, not his phone.

The named officer stated that he cited the complainant for using his cell phone while driving. The named officer stated he saw the complainant's phone as he approached from the north, on 28th Avenue, at a higher elevation. The named officer stated that the complainant was using his cell phone, which was in his right hand, and looking up and down at the roadway. The named officer was working a 10B assignment near the Hardly Strictly Bluegrass Festival, and his primary objective was to keep traffic moving, while keeping pedestrians and bicyclists safe.

No witnesses were identified.

Records indicated that the complainant was cited for violating California Vehicle Code § 23123.5, which prohibits texting while driving.

The named officer's higher elevation and line of sight would have made it easier for him to observe the relevant actions of the complainant. A preponderance of the evidence established that the named officer had probable cause to cite the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/16 **DATE OF COMPLETION:** 03/02/17 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to take required action (input E585 data).

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, states, in part, “Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians
- ...

The named officer admitted that he did not made the E585 entry for this traffic stop.

The Department found no records showing that the named officer entered the required information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 03/23/17 **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 he crossed 3rd Street on the north side of Howard Street, upon seeing a traffic signal turn green. He stated that when he reached the other side of the street, an officer pointed out a sign instructing pedestrians not to cross. The complainant stated that, while the named officer wrote out a citation, he was laughing at him, and called him “stupid.” The complainant stated the named officer’s conduct upset him. The named officer cited complainant for a violation of Vehicle Code 21456(b).

The named officer stated he was directing traffic and pedestrians at the intersection of 3rd and Howard Streets. He stated he watched the complainant use a crosswalk that was closed to pedestrian traffic. The named officer stated the intersection was clearly marked with special event signs indicating that the crosswalk was closed to pedestrian traffic. The named officer also stated there were orange cones in the crosswalk. The named officer stated he spent his entire shift at the intersection. He stated that the complainant was the only person he cited on that date because he was the only pedestrian who violated the law. The named officer described his assignment during this incident as keeping pedestrians safe from vehicles. He did not remember calling the complainant “stupid,” but admitted that he has called people “stupid” who jaywalk and almost get hit by cars. The named officer stated he was in a good mood and probably laughing or smiling but that nothing about the incident with the complainant made him laugh. The named officer stated the complainant was angry and yelling.

Witness officers, who were present at the same intersection or nearby during the named officer’s shift, confirmed that the crosswalk was closed and that there were signs directing pedestrians not to cross at that intersection.

California Vehicle Code sections 21456(b) and 21451(c) prohibit pedestrians from crossing the street when signs prohibiting crossing are posted.

The complainant admitted that there were signs present directing pedestrians not to cross.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 03/23/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that, while the named officer wrote out a citation, he was laughing at him, and called him “stupid.”

The named officer described his assignment during this incident as keeping pedestrians safe from vehicles. The named officer did not remember calling the complainant “stupid,” but admitted that he has called people “stupid” who jaywalk and almost get hit by cars. The named officer stated he was in a good mood and probably laughing or smiling but that nothing about the incident with the complainant made him laugh. The named officer stated that the complainant was angry and yelling.

Witness officers did not recall witnessing any enforcement actions by the named officer.

No other witnesses were identified.

SFPD General Order 2.01, Rule 14 states, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.” SFPD General Order 2.01, Rule 9 states, “Any ... conduct by an officer ... that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department ... shall be considered unofficer-like conduct subject to disciplinary action.”

In light of the named officer admitting that in the past he had called other pedestrians “stupid” when they jaywalked and the complainant alleging that the named officer had called him stupid, the evidence establishes that it is more likely than not that the named officer called the complainant “stupid” during this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 03/23/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: SFPD Department Bulletins 14-059 and 16-168, Traffic Stop Data Collection Program Information, requires officers to make all E585 entries after enforcing traffic laws, including those involving pedestrians.

The named officer acknowledged that he failed to enter the required traffic stop data for this traffic stop.

The Department has no record of the traffic stop data being collected and entered as required.

Despite the expiration of DB 14-159 on March 4, 2016, all officers had a continuing obligation to collect traffic stop data, which was reiterated by the Department's issuance of DB 16-168.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/16 **DATE OF COMPLETION:** 03/19/17 **PAGE #** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated three plainclothes officers in an unmarked car pulled her son out of a car and arrested him. The complainant stated her son previously filed a complaint 1½ years ago regarding the same incident and this agency did not investigate the matter.

DPA records established that because the complainant's son had criminal charges pending against him at that time, the complainant's son refused to provide a statement.

The complainant's son was contacted recently and vehemently refused to cooperate in the DPA investigation of this complaint.

The complainant's son failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated the named officer pulled her son out of the car and slammed him on the ground. The complainant stated her son previously filed a complaint 1½ years ago regarding the same incident and this agency did not investigate the matter.

DPA records established that because the complainant's son had criminal charges pending against him at that time, the complainant's son refused to provide a statement. The complainant's son was contacted recently and vehemently refused to cooperate in the DPA investigation of this complaint.

The complainant's son failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/16 **DATE OF COMPLETION:** 03/19/17 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated she went to the police station and the officer laughed at her when he told her the reason her son was arrested. The complainant stated her son previously filed a complaint 1½ years ago regarding the same incident and this agency did not investigate the matter.

DPA records established that because the complainant's son had criminal charges pending against him at that time, the complainant's son refused to provide a statement.

The complainant's son was contacted recently and vehemently refused to cooperate in the DPA investigation of this complaint.

The complainant's son failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #6: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated the officer told her son he was arrested because of the way he was dressed. The complainant stated her son previously filed a complaint 1½ years ago regarding the same incident and this agency did not investigate the matter.

DPA records established that because the complainant's son had criminal charges pending against him at that time, the complainant's son refused to provide a statement.

The complainant's son was contacted recently and vehemently refused to cooperate in the DPA investigation of this complaint.

The complainant's son failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #2-3: The officers drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was bicycling south on Folsom Street when an SFPD SUV sped past him, at 55 mph or more, without sirens or lights on. The complainant saw the SUV go through a red light with only its turn signals flashing.

The named officers stated that they responded to a call at the time of this incident and that they were in an SUV police vehicle. Neither of the named officers remembered who was actually driving the SUV and neither remembered any details about their speed, whether they stopped at the stoplight, or whether they were engaged in an emergency response with lights or sirens.

Department of Emergency Management (DEM) records showed that the named officers responded to a call at the time the complainant witnessed the incident, and that they would have been in the area where the complainant saw their SUV.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/15 **DATE OF COMPLETION:** 03/14/17 **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 failed to provide a statement.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/16 **DATE OF COMPLETION:** 03/29/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 17, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/16 **DATE OF COMPLETION:** 03/31/17 **PAGE#** 1 of 1

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 she was walking her two dogs and crossing an intersection when a vehicle ran over and killed one of her dogs. The complainant called for police assistance and the named officer and his partner responded to the scene. The complainant stated the named officer took her statement and wrote an incident report. The officer also checked the surveillance cameras from a nearby school for possible video footage. The complainant stated she made a follow up call to the officer's station the day after the incident and was told that the officer was unable to read the license plate from the video footage. The complainant stated she wanted to see the video footage but the named officer did not obtain a copy.

The named officer stated he viewed the video on the night of the collision but was unable to obtain a copy from the security director.

The named officer's partner gave a similar statement that the video footage was unavailable during the initial investigation.

The school's director of security stated that she was unable to provide the officers a copy of the video because she was in the middle of an auction event with hundreds of guests on campus that night. She stated that she had determined that the video did not provide proof of who struck the dog, and that she did not have time to provide the video to the officers on the night of the collision.

No other witnesses were identified.

Department records indicated that the named officer wrote a traffic collision report on the night of the incident, and that the report included his review of the video, which he stated indicated that the dog was off-leash when the complainant walked across the street, and that there was no way to identify the vehicle that passed when the complainant said her dog was struck.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers issued an invalid order.

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

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

SUMMARY OF ALLEGATIONS #4-6: The officers failed to take required action.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately and made inappropriate comments.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer has retired from the Department.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated she called 911 because someone was inside her head. She said the police and the paramedics forced her onto a gurney and took her to the hospital. When asked what kind of force the police used, she stated, "They grabbed my hand."

The SFPD incident report indicated that police and paramedics responded to the complainant's home for a well-being check. The complainant was given a sedative by medics. Despite that fact, "Medics had to strap the complainant to a gurney as she was swinging and kicking." The officer who wrote the report has retired from the Department.

A witness officer stated the complainant appeared agitated and collapsed on the floor before she was able to make it into the ambulance. This officer, along with other officers and paramedics, assisted in getting the complainant restrained to the gurney.

A second witness officer stated that the complainant was slurring her words and moving slowly. She collapsed on the floor before being placed on the gurney. This officer stated she helped get the complainant onto the backboard and held her right calf while medics tried to strap her down. She kept moving her legs out of the soft restraints, so ultimately it was unsuccessful and this officer got out of the medics' way.

Two additional witness officers stated they did not touch the complainant and did not recall any other officers touching her.

The identity of the officer who allegedly used unnecessary force has not been established. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The named officer has retired from the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/16 **DATE of COMPLETION:** 03/19/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she has been in a contested divorce and custody battle for the past three years. The complainant has made numerous calls to dispatch complaining that her husband is threatening her, or has violated an EPO, among other allegations. She stated the San Francisco Police Department has made no efforts to arrest her husband.

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

The evidence shows that the police have responded to numerous calls from the complainant and documented numerous incidents. Officers have arrested her estranged husband on two occasions. At least seven incident reports have been generated documenting the complainant's allegations.

SFPD body worn camera footage of the complainant's call for service in mid November 2016 established that the complainant had insufficient evidence of cyber stalking for an arrest. An incident report was generated to document the event.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/16 **DATE OF COMPLETION:** 03/30/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that officers were dispatched out to the hospital and did not arrive to the scene.

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

A search for related calls to this complaint resulted in negative results.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was driving on a rainy night when he was pulled over and cited by an officer who told him he ran a red light. The complainant stated that when the light turned red, the front of his car was in the middle of the intersection and the rear tires had gone past the crosswalk. He further said that he was not speeding and did not accelerate to go through the light.

The named officer and his partner stated that they were seated in their patrol vehicle stopped at a traffic light. When the light turned green, they were about to proceed through the intersection when the complainant's car went through in the other direction against the light. The officers stated that at this point, they stopped the complainant for running the light and issued a citation.

A witness stated that the light turned yellow while the car was passing through the intersection.

Body-worn camera footage of the incident from one of the named officers did not commence recording until after the officers had pulled over the complainant's vehicle.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the incident.

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

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

FINDINGS OF FACT: The complainant stated that the car he was driving belonged to his white friend, who was in the passenger seat when he was pulled over. Despite the fact that the car had no license plates on it, the white friend did not receive a citation. The complainant felt he was singled out for a citation because he is African-American.

A witness stated that an officer treated the white passenger in a polite manner, but his demeanor towards the complainant was dismissive and curt.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/16 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2-3: Continued

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. One of the named officers stated that he spoke with the white passenger but does not recall if she told him that the car was hers. He stated that when he ran the registration, it did not come back as being in the complainant's name. The named officer also noted that the car had paper license plates, which the CAD indicates that he ran.

This named officer also stated that the paper license plates were not his primary concern; he was more concerned with citing the driver for the traffic violation he witnessed. He stated that he did not initiate the traffic stop because of the license plates, and he saw no reason to cite for them. He stated that he is not required to issue a citation for every observed offense. Further, he did not remember having any conversation about the license plates with the car's owner.

The other named officer stated that he never spoke to the white passenger. He stated that when he approached the drivers' side window, he identified himself as a police officer, stated what the violation was, and asked for the driver's license, registration, and proof of insurance. He stated that was his only contact with the complainant. He did not recall what the registration status of the car was, but stated that he would have learned of any expired or invalid registration when he ran the car's information. He also stated that this was a routine traffic stop, and he did not observe his partner act in any biased manner towards the complainant.

Both of the named officers stated that when they observed the violation by the complainant, they were about 20-30 feet away from the vehicle he was driving, and could not tell his race before making the traffic stop. Both named officers denied that race was a factor in their decision to issue a citation to the complainant and that the complainant's race did not affect the manner in which they treated the complainant.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/16 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he stopped at a red light intending to turn left. He stated he opened a soda and it sprayed all over him and the car. He stated he moved up a little and barely turned his wheel so he could clean up. Suddenly a car hit him on the driver's side, totaling his car. He stated he was arrested for driving under the influence, failing to yield and failing to stop. He stated he had smoked marijuana earlier that day. He stated he failed a field sobriety test.

The Traffic Collision Report documents the named officer's investigation and field sobriety tests. The report states the complainant told the officer he smoked marijuana a few hours prior to the collision.

According to court documents, the complainant was found guilty of driving under the influence, failure to yield on left turn, failure to present license, driving with a suspended license and failure to provide proof of insurance.

The SFPD Legal department provided the DPA with a video of accident. It showed the complainant's black Honda traveling south towards an intersection. Before reaching the intersection, the complainant's car moved slightly into the oncoming lane. The video showed that when the complainant reached the intersection, he took a left turn directly into, and striking, an oncoming silver sedan that had almost completed traveling through the intersection. The video clearly shows that the complainant failed to yield and caused the accident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant's attorney submitted a written narrative stating the complainant was falsely arrested for resisting arrest and assaulting an officer.

The complainant did not come forward for an interview.

A video provided by the complainant's attorney shows the complainant refusing to comply with orders by the named officer to back away from an arrest in progress. The video shows the named officer extending his arm to keep the complainant back, and the complainant striking the officer's arm away from him. The named officer appears startled and swiftly places his right arm behind the complainant's neck/shoulder area and swings him toward a patrol car. The complainant then pushes himself off with his hands and turns toward the named officer. The named officer grabs the complainant's upper arm and brings the complainant to the ground using his body weight.

The named officer stated complainant refused orders to back away. Instead, the complainant walked closer to the named officer, almost touching him. The named officer stated he extended his right hand and placed his hand on the complainant's chest. He stated the complainant, using an upward motion with his left arm, "whacked" the named officer's hand away from him. Startled at the complainant's aggression, the named officer reacted quickly by grabbing the complainant's left arm and eventually got him down on the ground. He stated the complainant was placed in handcuffs and arrested for battery on an officer.

A witness officer stated that while he was conducting an arrest, he became aware of the named officer first requesting, then demanding, the crowd to, "Back up." He recalled that the complainant did not back up and continued walking towards the named officer. The witness officer stated that because he was focused on his own arrestee, he did not see the actions leading up to the complainant's arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The written complaint stated that when the complainant approached the named officer, the officer forcibly pushed the complainant away and then grabbed the complainant's neck, swung him around and slammed his face onto a patrol car. The complainant's injuries consisted of "pain and suffering, embarrassment, humiliation, damage to reputation and emotional distress," according to the complaint filed by his attorney.

The complainant did not come forward for an interview.

A video provided by the complainant's attorney shows the complainant refusing to comply with orders by the named officer to back away from an arrest in progress. The video shows the named officer extending his arm to keep the complainant back, and the complainant striking the officer's arm away from him. The named officer appears startled and swiftly places his right arm behind the complainant's neck/shoulder area and swings him toward a patrol car. The complainant then pushes himself off with his hands and turns toward the named officer. The named officer grabs the complainant's upper arm and brings the complainant to the ground using his body weight.

The named officer stated complainant refused orders to back away. Instead, the complainant walked closer to the named officer, almost touching him. The named officer stated he extended his right hand and placed his hand on the complainant's chest. He stated the complainant, using an upward motion with his left arm, "whacked" the named officer's hand away from him. Startled at the complainant's aggression, the named officer reacted quickly by grabbing the complainant's left arm and eventually got him down on the ground. He stated the complainant was placed in handcuffs and arrested for battery on an officer.

Department General Order DGO 5.01, Use of Force, states that officers are permitted to use whatever force is reasonable and necessary to protect themselves and others. Officers may also use force to effect the lawful arrest/detention of a person resisting.

The evidence established that the named officer did not use unnecessary force as alleged. The evidence, therefore, established that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/15 **DATE OF COMPLETION:** 03/14/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to prepare an accurate incident report statement.

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

FINDINGS OF FACT: The written complaint stated that the named officer's report was inaccurate, i.e., it failed to state that the named officer pushed the complainant, grabbed him by the neck and slammed him face down onto a patrol car.

The complainant did not come forward for an interview.

A video of the incident provided by the complainant's attorney showed the named officer extending his arm to keep the advancing complainant at arm's length, slightly pushing the complainant back. The complainant slapped the officer's hand away. Appearing startled, the officer swiftly placed his arm behind the complainant's shoulders and swung the complainant off balance, toward a patrol car. The complainant's face did not make contact with the patrol car. The officer then grabbed the complainant's arms and took him to the ground.

The named officer's report states, in part:

I extended my right arm and placed it on [the complainant's] upper chest to prevent him from advancing. At that point, [the complainant] used one of his arms to slap my extended arm away.

I then grabbed onto [the complainant's] arms, told him that he was under arrest and to put his hands behind his back. [The complainant] resisted by tensing up his body and refusing to comply. Using my body weight, I was able to bring [the complainant] to the ground for handcuffing. With the assistance of other responding officers, [the complainant] was placed in handcuffs.

The evidence established that the named officer's report was overall accurate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/15 **DATE OF COMPLETION:** 03/19/17 **PAGE#** 1 of 11

SUMMARY OF ALLEGATIONS #1 - 2: The officers entered and searched the complainant's home without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered and searched her home without cause.

One of the named officers stated he arrested the complainant's son for possession of a firearm and seized keys that her son was carrying. The officer stated he knew the complainant's son was on probation and had a search condition. After arresting the complainant's son, he returned to the station and queried the complainant's son, which indicated that his driver's license listed the complainant's address as his residence. The officer stated that he and other officers entered the complainant's residence using the key seized from her son, and conducted a search pursuant to the son's probation search condition.

Court records established that the complainant's son was on probation. The Department of Motor Vehicles records established that her son listed the complainant's address as his residence, effective seven days before the date of the search.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to show her paperwork justifying his entry and search of her residence.

The evidence established that the named officer led subordinate officers into the complainant's home, pursuant to her son's probation search condition. Officers exercising a probationer's search condition are not required to produce documentation justifying the search.

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

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SUMMARY OF ALLEGATIONS #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated she asked officers who were searching her home, including the named officer, for their names and star numbers, but they failed to provide their identification. The complainant stated the named officer told her the officers' names would be in the police report.

The named officer stated that when the complainant asked for his name and star number, he provided it to her.

A supervisor at the scene stated that he did not recall any officer being asked for their name or star number.

Other officers at the scene stated that they did not recall the complainant asking for their names or star numbers.

A civilian witness stated that she did not know whether the complainant asked any officer for their name or star number.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that when she returned home, she discovered that officers had damaged the doorframe of a locked door to a bedroom. The complainant stated she did not see who caused the damage.

The complainant's son's girlfriend, who was home when officers arrived and searched the residence, stated that she did not see officers damage the doorframe.

The complainant provided the OCC with blurry photographs of a damaged doorframe, but would not allow the OCC to photograph the damage. The complainant stated she was not interested in the OCC investigating the damage to the doorframe.

The identity of the alleged officer could not be established.

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

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SUMMARY OF ALLEGATIONS #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the named officer kept her house key, requiring her to change her locks.

The named officer stated he returned to the complainant's home later that day and returned the keys to her.

The complainant's son's girlfriend, who was present at the complainant's home, confirmed that the named officer returned to the complainant's home and gave the complainant her son's keys.

An incident report statement prepared by the named officer indicated that with the complainant's son's approval and consent, the named officer returned the son's keys to the complainant.

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

SUMMARY OF ALLEGATION #7: The officer used unnecessary force on the complainant's son.

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

FINDINGS OF FACT: The complainant stated her son told her that officers used unnecessary force on him when he was arrested, but her son failed to provide additional requested evidence. The complainant's son was facing criminal charges and represented by an attorney, who declined to allow the OCC to interview the complainant's son. The son's attorney also failed to provide the OCC with a signed medical release for the OCC to obtain medical records that might document the son's injuries.

The officers involved in the son's arrest denied that any force was used on the complainant's son. The officers stated that the complainant's son, who threw away a loaded firearm as he ran from police, stopped and laid on the ground when an officer ahead of him cut off his path of escape.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #8: The officer used unnecessary force on the complainants' son's girlfriend.

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

FINDINGS OF FACT: The complainant stated that officers entered and began searching her home when she was not present following the arrest of her son. The complainant's son's girlfriend told the complainant that an officer handcuffed her tightly, leaving bruises on her wrists. The son's girlfriend stated that the named officer left the handcuffs on for approximately two minutes and would not respond to her complaint of tight handcuffs. After the handcuffs were removed, she had bruises on one wrist, and a small cut and scratch marks on the other wrist.

The named officer denied placing handcuffs on the son's girlfriend too tightly and stated that he did not recall her complaining about tight handcuffs. He stated that he handcuffed her because she was screaming, acting belligerent and impeding officers' investigation, and that he removed the handcuffs after she calmed down.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9: The officer handcuffed the complainant's son's girlfriend without justification.

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

FINDINGS OF FACT: The complainant stated that officers entered and began searching her home when she was not present following their arrest of her son. The complainant's son's girlfriend told the complainant that an officer handcuffed her because she was recording him with her cell phone.

The son's girlfriend stated that officers entered the complainant's home to search it because her boyfriend was on probation. The son's girlfriend asked to see a search warrant repeatedly, but the named officer told her to sit down. The son's girlfriend spoke calmly and was not belligerent or hostile. The named officer threatened to arrest her. The son's girlfriend told the named officer that she was going to record him, took out her cell phone and began recording. The named officer grabbed the cell phone and threatened to arrest her for interfering. She said the named officer then handcuffed her, stating she was being detained for interfering. The son's girlfriend stated the handcuffs were removed approximately two minutes later.

The named officer stated that the son's girlfriend was screaming, acting belligerent and impeding the officers' investigation. At one point, she reached into another officer's pocket and attempted to take keys belonging to the complainant's son. He stated that he handcuffed the son's girlfriend and planned to arrest her for interfering. The named officer stated he changed his mind about arresting her and removed the handcuffs after she calmed down.

Communications records confirmed that the named officer requested officers to transport a subject to the station, and then cancelled the request.

A witness officer confirmed that the son's girlfriend attempted to remove keys from his pocket. This officer stated that he did not observe the named officer's interactions with the son's girlfriend and did not see her handcuffed.

Another witness officer, who the complainant's son identified as being present inside the house, stated that he remained outside the residence and did not see the named officer's interaction with the son's girlfriend.

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

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SUMMARY OF ALLEGATIONS #10: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered and began searching her home when she was not present following the arrest of her son. The complainant's son's girlfriend told the complainant that an officer took her cell phone because she was recording him and returned it later.

The son's girlfriend told the named officer that she was going to record him, took out her cell phone and began recording. The named officer grabbed and took her cell phone. The son's girlfriend stated that the named officer deleted the video she filmed of him making inappropriate statements.

The named officer stated the son's girlfriend was screaming, acting belligerent and impeding the officers' investigation. At one point, she reached into another officer's pocket and attempted to take keys belonging to the complainant's son. She had been making calls on her cell phone, and appeared to be filming the officers with the phone. He stated that took her cell phone from her and handcuffed her, planning to arrest her for interfering, and asked for a patrol unit to respond to transport her to the station. He changed his mind about arresting her, cancelled his request for a transport unit, and removed the handcuffs after she calmed down.

Communications records confirmed that the named officer requested officers to transport a subject to the station and then cancelled this request.

A witness officer, who the son's girlfriend identified as being present inside the house, stated that he remained outside the residence and did not see the named officer's interaction with the son's girlfriend.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated that officers entered and began searching her home when she was not present following their arrest of her son. The complainant's son's girlfriend told the complainant that an officer took her cell phone because she was recording him and returned it later.

The son's girlfriend stated that officers entered the complainant's home, which she and the complainant's son had been visiting, and said they were going to search it because the son was on probation. The son's girlfriend asked to see a search warrant. The named officer told her to sit down. She repeatedly asked to see a search warrant, but spoke calmly and was not belligerent or hostile. The named officer threatened to arrest her. The son's girlfriend told the named officer that she was going to record him, took out her cell phone and began recording. The named officer grabbed and took her cell phone, which he returned to her later. The son's girlfriend stated that the named officer deleted the video she filmed of him making inappropriate statements.

The named officer stated that the son's girlfriend was screaming, acting belligerent and impeding the officers' investigation. At one point, she reached into another officer's pocket and attempted to take keys belonging to the complainant's son. She had been making calls on her cell phone, and appeared to be filming the officers with the phone. He stated that took her cell phone from her and set it aside, but denied deleting its content. He stated that he handcuffed her, planning to arrest her for interfering, and asked for a patrol unit to respond to transport her to the station. He changed his mind about arresting her because she was pregnant, cancelled his request for a transport unit, and removed the handcuffs after she calmed down.

Communications records confirmed that the named officer requested officers to transport a subject to the station and then cancelled this request.

A witness officer, who the complainant's son's girlfriend identified as being present inside the house, stated that he remained outside the residence and did not see the named officer's interaction with the son's girlfriend.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #12: The officer engaged in inappropriate behavior and made inappropriate statements.

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

FINDINGS OF FACT: The complainant's son's girlfriend stated the named officer threatened to kick in a door, threatened to arrest her and made inappropriate statements that included profanity.

The named officer denied engaging in inappropriate behavior or making inappropriate statements.

Other officers who were present stated that they did not observe the named officer's interactions with the son's girlfriend.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #13: The officer engaged in inappropriate behavior and made inappropriate statements.

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

FINDINGS OF FACT: The complainant's son's girlfriend stated the named officer, who she identified from a photo spread, joked about a prescription bottle he found in the complainant's home. He threatened to inform the Housing Authority that the complainant's son and his girlfriend were living in the complainant's home, which could get them evicted.

The named officer stated that he participated in the arrest of the complainant's son, then returned to the station where he wrote the incident report. He stated that he never went to the complainant's home.

A sergeant who entered and searched the complainant's home with subordinate officers stated that the named officer was not at the complainant's home.

Department records established that the named officer wrote the incident report. The named officer's unit history indicates that he reported returning to the station to write a report and did not report a change of location after that.

Although the complainant's son's girlfriend identified the named officer from a photo spread, she also identified an officer who was unconnected with this incident from a different photo spread, which raises doubts about the accuracy of her identifications.

A preponderance of the evidence established that the named officer was not present at the complainant's home and, therefore, could not have made the inappropriate statements described by the son's girlfriend.

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

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SUMMARY OF ALLEGATIONS #14: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant's son's girlfriend stated that the named officer, who she identified from a photo spread, joked about a prescription bottle he found in the complainant's home and made an inappropriate statement that included profanity.

The named officer, a member of a specialized plainclothes unit, stated he remained outside the residence and did not interact with the son's girlfriend. The named officer gave contradictory statements that lacked plausibility regarding his reason for going to the complainant's residence. The complainant's son's girlfriend stated that a different officer at the scene made the same inappropriate statement as the one she attributed to the named officer. The evidence shows that there are questions about the reliability of the accounts of both the son's girlfriend and the named officer.

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

SUMMARY OF ALLEGATION #15: The officer made rude comments.

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

FINDINGS OF FACT: The complainant stated she spoke by phone with an unidentified officer who made rude and profane comments to her.

The complainant's son's girlfriend identified the named officer as the officer who made the rude statements to the complainant.

The named officer stated that he did not recall his conversation with the complainant.

A sergeant at the scene stated he spoke to the complainant by telephone and explained to her why officers were there. Other officers who were present stated that they did not hear the named officer speaking by phone to the complainant and did not hear the named officer make the rude comments described by the complainant and the complainant's son's girlfriend. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant said she called the Veterans Administration and was transferred to the National Suicide Hotline, but would not reveal her conversation. Instead, the complainant stated the police responded twice to her residence. The first time, officers determined she was not suicidal. The second time, she was detained for a psychiatric evaluation.

The named officers stated the complainant was a danger to herself because she wanted to kill herself when she told dispatch that she wanted to shoot herself in the head or jump off the bridge. The named officers stated that the complainant told them during their second response to the apartment to go ahead and take her to the back alley and shoot her.

Medical records indicated that the complainant was intoxicated when she was detained, and that she acknowledged providing inaccurate statements when she had been drinking, statements that she recanted numerous times after sobering.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated an officer applied the handcuffs too tight on her wrists.

One officer could not recall who handcuffed the complainant, but denied the handcuffs were applied too tightly.

The named officer stated she applied the handcuffs on the complainant, checked for appropriate tightness, and double-locked them according to department training and policy. She also stated the OCC photographs do not depict red marks or bruises on the complainant's wrists.

Photographic evidence of both wrists on the same date of this detention does not show any apparent marks or injury.

Medical records do not document complain of pain or diagnosis of an injury to either wrist.

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

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

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

FINDINGS OF FACT: The complainant stated one of the four officers inside her apartment took a Jeff Adachi for Mayor button from her desk, placed it next to her face, and took a photograph of her right before her detention.

The named officer and other officers denied the allegation.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant said one of the transporting officers to SFGH-PES removed a large but unspecified amount of currency from her wallet. The complainant could not describe the amount of money she had, nor did she provide any evidence she had any currency in her wallet when she was detained other than twenty dollars listed on a medical center receipt for valuables.

The named officers responsible for the detention and transport of the complainant to the psychiatric facility denied either one removed any currency from the complainant's wallet before the complainant was admitted to the medical center.

Medical records indicated that the complainant was intoxicated when she was detained, and that she acknowledged providing inaccurate statements when she had been drinking, statements that she had recanted numerous times after sobering.

The evidence established that the named officers are more credible than the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated he was arrested on trumped-up charges.

An off-duty SFPD officer stated that he was in a crosswalk crossing the street when a vehicle, driven by the complainant, struck him. The officer stated the complainant fled the scene.

The named officer stated the complainant's vehicle fit the description of the vehicle used in an assault of a police officer. The named officer stated that when he attempted to stop the complainant, the complainant fled, prompting a vehicle pursuit. The named officer stated that during the pursuit, the complainant's vehicle was struck by another vehicle in one intersection. The complainant continued driving and struck another vehicle at another intersection, disabling the complainant's vehicle. The named officer stated the complainant resisted, but was subsequently taken into custody.

OCC's investigation established that the named officer had probable cause to arrest the complainant.

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

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

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

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

The named officer stated he struck the complainant in the face once with a closed fist because the complainant resisted, fighting with another officer who was trying to place the complainant in handcuffs. The named officer stated he reported his use of force to his immediate supervisor who was at the scene.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody.

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

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to the complainant's race.

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

FINDINGS OF FACT: The complainant stated he was racially profiled.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the complainant's allegation, stating that he was not paying attention to the complainant until the complainant struck him in the crosswalk.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer used his fist and intentionally hit the vehicle the complainant was driving while the officer was walking across the street.

The named officer denied the allegation. He stated he pushed off the complainant's vehicle after being struck in an effort to prevent him from being run over by the complainant's vehicle.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant described an incident whereby he was driving a vehicle and stated he was subsequently arrested without cause. The complainant stated he had approximately \$1600 or \$1700 cash located inside the driver-side door pocket of the vehicle he was driving at the time of his arrest, but this money was neither mentioned in the police report nor returned to him after he was released from jail. The complainant could not identify any officer who might have been involved in the alleged disappearance of the money. The complainant stated he did not have any steady means of employment around the time of this incident. He also stated this money came from undocumented sources, including recycling refunds and a gift by one of the complainant's girlfriends. The complainant could not recall the name of the girlfriend.

The Incident Report indicated the complainant: operated a stolen vehicle at the time of his arrest; struck an off-duty police officer who was walking across the street at a crosswalk; evaded police who were in pursuit of the vehicle the complainant was driving after striking the off-duty officer, and collided with more than two vehicles in his attempt to evade police officers. The crash that disabled the vehicle the complainant was driving caused injury to another driver.

Eleven officers were interviewed who went to the scene of the collision that disabled the vehicle the complainant was driving. One of the officers stated he performed a search of the contents inside the vehicle prior to the vehicle being towed, but did not see or find any money. Ten other officers stated they did not participate in the search of the vehicle; did not see any money inside the vehicle; and did not hear of any officer locating any money inside the vehicle. The vehicle was subsequently towed to a storage lot that was operated by a company under contract with the Department.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

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SUMMARY OF ALLEGATION #6: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was struck several times and was choked. The complainant was unable to describe the officer.

The identity of the alleged officer has not been established.

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

SUMMARY OF ALLEGATION #7: This complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd St., 4 West
San Francisco, CA 94158

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SUMMARY OF ALLEGATION #8: This complaint raises matters outside OCC's jurisdiction.

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

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

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

SUMMARY OF ALLEGATION #9: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant described an incident whereby he was driving a vehicle and stated he was subsequently arrested without cause after being involved in a collision that disabled the vehicle. The complainant stated he had approximately \$1600 or \$1700 cash located inside the driver-side door pocket of the vehicle he was driving at the time of his arrest, but this money was neither mentioned in the police report nor returned to him after he was released from jail.

Eleven officers were interviewed who went to the scene of the collision that disabled the vehicle the complainant was driving. One of the officers stated he performed an inventory of the contents inside the vehicle prior to the vehicle being towed, but did not see or find any money. Ten other officers stated they did not participate in the search/inventory of the vehicle; did not see any money inside the vehicle; and did not hear of any officer locating any money inside the vehicle. The vehicle was subsequently towed to a storage lot that was operated by a company under contract with the Department.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #10: The officer wrote an incomplete report.

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

FINDINGS OF FACT: The complainant described an incident whereby he was driving a vehicle. He stated he was subsequently arrested without cause after being involved in a collision that disabled the stolen vehicle he was driving. The complainant mentioned missing funds in the initial handwritten complaint that he filed with the DPA, but he did not provide additional details at that time. The complainant neither elaborated on the amount of the funds nor where the funds were located at the time of his arrest.

At the time of his interview, the complainant stated he had approximately \$1600 or \$1700 cash located inside the driver-side door pocket of the vehicle he was driving at the time of his arrest. During his interview, the complainant stated this money was neither mentioned in the police report nor returned to him after he was released from jail relating to his arrest stemming from this incident, which is the subject of his complaint.

Eleven officers were interviewed who went to the scene of the collision that disabled the vehicle the complainant was driving. The officer responsible for towing the complainant's vehicle stated he performed an inventory of the contents inside the vehicle prior to the vehicle being towed, but did not see or find any money. The officer who prepared the Incident Report did not recall searching the complainant's vehicle.

Nine other officers stated they did not participate in the search/inventory of the vehicle; did not see any money inside the vehicle, and did not hear of any officer locating any money inside the vehicle.

The vehicle was subsequently towed to a storage lot that was operated by a company under contract with the Department.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: SFPD Bulletin 14-059, Traffic Stop Data Collection Program Information, states, in part, “Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

--

- Moving violations
- Penal Code violations
- BOLO/APB/Warrants

--

The named officer stated he did not remember making the required traffic stop data entry, but stated one was required as a result of this incident.

The Department has no record that the traffic stop data was collected and entered by the named officer.

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