

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/02/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: An anonymous complainant alleged that the named officer’s posts on social media were “offensive to various demographic and community groups.” The complainant did not describe the posts and state what was offensive about the posts.

The named officer stated he posted to social media sites to promote inclusiveness and positive community engagement. The named officer denied that the posts were inappropriate.

The posts have since been deleted and were not available for review.

The only evidence that the posts were offensive was from an anonymous complaint that the posts are “offensive.” Absent some allegation based in fact, the evidence proved that the conduct alleged likely did not occur.

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 2.09.

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

FINDINGS OF FACT: The anonymous complainant alleged the named officer violated the department’s social media policy by maintaining an unauthorized social media account that identified the officer as a police officer and featured photos of department vehicles, uniforms and property.

The named officer acknowledged that he posted the social media accounts and posted photos of department officers, cars and property on the accounts. He stated he obtained written approval from his commanding officer prior to establishing the social media accounts and for the photos he posted on them.

Department records show that the named officer wrote a memo asking to “make two social media accounts as a representative of the SFPD.” The memo has two signatories, including his commanding

officer, marking their approval, and one, a deputy chief, denying approval. There are no dates associated with the approval or denials.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/02/20 **PAGE# 2 of 2**

SFPD Department General Order 2.09, III.A., states: “Members are prohibited from any personal use of social media while on duty, except as part of their official duties and authorized, in writing, by their commanding officer.” DGO. 2.09, III.B., states, in part: “Members are prohibited from posting, on personal social media, photographs of themselves in uniform or display official Department identification including but not limited to patches, badges, emblems, logo, or marked/unmarked vehicles on internet sites without authorization from the Department.” The DGO does not define “Department.”

As a preliminary matter, General Order 2.09 does not apply to this situation. General Order 2.09 applies to the personal use of social media. The named officer requested to make social media accounts as a representative of the SFPD, not for personal use.

Even if the DGO does apply, the office’s conduct was proper. The officer stated that he made the posts after he received approval from his commanding officer but before the deputy chief denied his request. After the denial, the officer deleted the postings. The DGO requires only approval from a commanding officer. If the SFPD requires additional levels of review before authorizing the use of social media, that requirement is not articulated or adequately defined in DGO 2.09.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she was the victim of an assault but that the officer who prepared the incident report inaccurately concluded that there was no probable cause to arrest the other parties and identified the complainant as a witness instead of a victim.

The named officer stated that after reviewing statements of the involved parties and other evidence he determined that there was no evidence that the complainant was the victim of a crime.

SFPD records showed that the named officer and his partner were dispatched to an assault call for service regarding a woman screaming and pushing staff. Records further showed that the named officer and his partner conducted an investigation of the incident, including interviewing involved parties and reviewing surveillance video of the incident. Ultimately, the named officer concluded there was no probable cause to arrest any of the parties.

Body Worn Camera footage showed the named officer and partner discussing the results of their investigation into the incident and concluding that there was no probable cause to make an arrest of the parties that the complainant claimed assaulted her.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant said that officers failed to lock the door to his apartment after arresting him. When the complainant was released from jail, he returned to his apartment to find it unlocked and burglarized.

The named officer said he and other officers executed a search warrant at the complainant's residence after the complainant had been arrested and removed. The named officer said he and other officers searched the complainant's apartment for a possible weapon. The named officer said he was the last officer to exit the complainant's apartment. The named officer further stated he closed the complainant's apartment door and moved the door handle to assure the door was locked.

BWC video footage showed that officers exited the complainant's residence after searching the apartment for a weapon. The BWC showed that an officer told the named officer to secure the complainant's door. The named officer was the last officer to exit the complainant's residence. The BWC of one of the officers on the scene showed that the named officer closed the door and moved the handle the way one would ordinarily to test it was secure.

The evidence proved that the act that formed the basis for the allegation did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that officers arrested him without cause and said that his neighbors had falsely accused him of possessing a weapon.

The named officer said that he concluded the complainant committed aggravated assault with a weapon. The named officer said that witnesses and victims identified the complainant as the subject who damaged an apartment, parked cars, and assaulted one of his neighbors with a metal object and cut another neighbor with a knife.

Department records and Body Worn Camera (BWC) footage showed that the complainant was barricaded inside his apartment and refused to exit at officers' orders. BWC also showed that officers were posted outside the complainant's apartment door and waited until he opened it. The BWC video footage also showed officers interviewing witnesses and victims who identified the complainant as the suspect who assaulted his neighbors and damaged property at the scene.

No other witnesses came forward.

The officers had probable cause to arrest the complaint based on the statement of the witnesses and victims.

The evidence proved that the conduct complained of did occur; however, such conduct was proper, lawful and justified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 5**

SUMMARY OF ALLEGATION #1: The officer wrote an incomplete and inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that she experienced ongoing difficulties with the owner, managers and co-tenants in her building. The SFPD was called numerous times to help address those issues. The complainant stated that a police report was filed against her by one of her co-tenants. She stated the report filed by the co-tenant was inaccurate and contained many discrepancies. In addition, the complainant took issue with one of the forms the named officer provided to the co-tenant.

DPA interviewed the complainant's daughter (with whom the complainant lives). Her account was generally consistent with that of the complainant. She stated that the report seemed strange and expressed her belief that it had been filed by the co-tenant in retaliation for the complainant filing for a restraining order.

Department General Order 2.01(25) states that while on duty, members shall make all required written reports of crimes or incidents requiring police attention.

The named officer stated that he met with the co-tenant and took her report in person. He stated that he listed as many incidents as he could and tried to be as accurate as he possibly could regarding the timelines. He further stated that he gathered information as provided to him by the co-tenant. The named officer explained that he provided forms to the co-tenant as a resource for additional available services.

The named officer activated his body worn camera while taking the report of the co-tenant. However, because the complainant brought her complaint more than seven (7) months later, the footage had already been deleted.

Police records showed that the named officer prepared a lengthy narrative as part of the Incident Report outlining the information that the co-tenant related to him. The complainant was identified as the suspect in the incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 5**

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

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

FINDINGS OF FACT: The complainant stated that it was not clear from the incident report that the named officer had spoken to any additional parties and that although he stated in his report that he would contact the complainant the named officer failed to do so.

The named officer stated that the building manager was unavailable on the date of the report, but that he did interview him five (5) days later and prepared a separate Incident Report reflecting that interaction. The named officer further stated that he gave the co-tenant his cell phone number in order to allow an additional possible witness to contact him but that she never did. The named officer stated that he did not speak with the complainant at that time because due to the complexity of the multiple incidents, he believed the report needed to be further reviewed and investigated appropriately.

Police records showed the named officer obtained a statement from the reporting party, conducted the initial investigation, and prepared an incident report. The case was then forwarded to the Station Investigation Team (SIT) for further investigation, if needed.

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

SUMMARY OF ALLEGATION #3: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the managers and owners of the building in which she lived were complicit with the co-tenant and friendly with the SFPD. She stated that the report prepared by the named officer reflected favoritism toward the co-tenant.

The named officer stated that he had no contact with the co-tenant or the building managers prior to the report date. He stated that he had cordial and brief interactions with the building owner over the years. The named officer denied exhibiting favoritism towards anyone involved in the incident.

DPA interviewed the complainant's daughter (with whom the complainant lives). Her account was generally consistent with that of the complainant. She stated that the report seemed strange and expressed

her belief that it had been filed by the co-tenant in retaliation for the complainant filing for a restraining order.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 3 of 5**

Police records showed that the named officer met with a citizen and took a report. The named officer did not provide opinion or judgement in the incident report. He documented the statement provided to him and attempted to contact witnesses.

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

SUMMARY OF ALLEGATION #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that on two occasions the named officer responded but failed to fully investigate. The first incident was when the complainant reported a burglary in her apartment. The second incident was when the complainant reported a restraining order violation.

The named officer stated that with respect to the first incident (reported burglary) he interviewed the complainant, her daughter, and the building manager when he arrived on scene. He stated that he reviewed the surveillance footage that was provided to him by the building manager. He stated he was unaware of any other common area surveillance equipment at the location and did not observe any cameras other than those maintained and operated by the building manager.

The named officer stated that with respect to the second incident (reported restraining order violation) he interviewed the complainant and her daughter and reviewed video clips they presented. He stated that there was a third woman in the room who told him she had no evidence to provide regarding the complaint.

DPA interviewed the complainant's daughter (with whom the complainant lives). Her account was consistent with that of the complainant.

Police records showed that with respect to the first incident the named officer responded to a report of burglary at the complainant's residence and spoke with the complainant, her daughter, and the building manager. The complainant stated that the building manager had entered her apartment illegally and taken various items. The named officer reviewed surveillance video footage and saw no one entering or exiting the complainant's apartment during the time in question. He recommended various non-profit organizations to the complainant to help resolve the tenancy issues.

Police records showed that with respect to the second incident the named officer responded to a restraining order violation complaint, spoke with the complainant, reviewed the restraining order and video and did not see evidence of a violation. He noted that the complainant expressed frustration at his assessment and that he recommended that the complainant present her complaints in civil court.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 4 of 5**

Body worn camera footage from the scene was consistent with the named officer's account.

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

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

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

FINDINGS OF FACT: The complainant stated that on two occasions the named officer responded but was impolite. The first incident was when the complainant reported a burglary in her apartment. The second incident was when the complainant reported a restraining order violation.

With respect to the first incident the named officer denied having displayed a bad attitude. He stated that he was calm, professional and spent over an hour on scene listening to the various concerns and complaints of the complainant and her daughter.

With respect to the second incident the named officer denied behaving in a disrespectful fashion. He stated that he remained on scene for approximately 40 minutes and the parties were upset that he was unable to satisfy their request for an arrest.

DPA interviewed the complainant's daughter (with whom the complainant lives). Her account was consistent with that of the complainant.

Body-worn camera footage from the scene showed that complainant and her daughter were often animated and the named officer sometimes spoke in a short and direct fashion, but it did not rise to the level of misconduct.

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

SUMMARY OF ALLEGATION #6: The officer failed to write an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 5 of 5**

FINDINGS OF FACT: The complainant stated that she reported a restraining order violation and the named officer arrived on scene and provided her with a case number that turned out to be associated with a blank report.

The named officer stated that he provided the parties with a follow-up form with the case number on it, but that it was possible that his penmanship caused the complainant to mistake the numbers.

Police records showed that an incident report of the incident in question was prepared by the named officer.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #7: The officer prepared an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that a police report was filed against her by one of her co-tenants. She stated the report filed by the co-tenant was inaccurate and contained many discrepancies. In addition, the complainant stated that the named officer was vague and misleading in the preparation of the report due to his relationship with the co-tenant and building owners and managers.

Department General Order 2.01(25) states that while on duty, members shall make all required written reports of crimes or incidents requiring police attention.

The named officer stated that he used information provided by the reportee (the co-tenant) in preparing his report and denied having any relationship with the reportee, owner of the building or any of the owner's employees.

Police records showed that the named officer prepared a narrative as part of the Incident Report outlining the information that the co-tenant related to him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 5**

SUMMARY OF ALLEGATION #1: The officer applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated the named officer responded to his residence for a dispute over child visitation issues. The complainant said that the officer handcuffed him without cause and never gave a reason why.

The named officer stated that he responded to the complainant's residence for a domestic violence investigation. The police dispatchers reported the complainant's wife indicated the complainant had pushed her, was military, owned two guns, and that two children were in the house.

The named officer described the complainant as agitated and handcuffed him for officer safety reasons to prevent items around the house from being used as potential weapons.

BWC footage revealed the complainant was verbally agitated and excessively moved around during the officer's investigation.

Department Arrest and Control documents state, in part, "Other than those situations where department policy dictates that a subject shall be handcuffed, the arresting officer should consider the following points when deciding to handcuff a misdemeanor or not, reason for arrest and/or transportation, subject's demeanor, both verbal and physical."

The officers on the scene observed the complainant's demeanor and determined for safety reasons to handcuff the complainant during the initial investigation.

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

SUMMARY OF ALLEGATION #2: The officer made detention without cause.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 2 of 5**

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

FINDINGS OF FACT: The complainant stated the named officer responded to his residence for a dispute over child visitation issues. The complainant said that the officer detained him without cause.

The named officer stated that he responded to the complainant's residence for a domestic violence investigation. The police dispatchers reported the complainant's wife indicated the complainant had pushed her, was military, owned two guns, and that two children were in the house.

The officer said he conducted his investigation by interviewing all parties involved, which included the complainant's wife, two children, father, and the complainant. The officer was able to find an independent witness who verified the complainant had pushed the complainant's wife.

Department records indicate that the named officer spoke to all the involved parties regarding the battery. The officer's actions were documented in an incident report.

BWC footage showed that the named officer conducted a complete investigation, and the complainant was only detained long enough for the officer to establish what occurred in the residence before police were called.

Department General Order 5.03 Investigative Detentions, Section B, says in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person behavior is related to criminal activity. The officer must, however, have specific and articulable facts to support their action."

The investigation showed that the officers had clear and articulate facts from the police dispatch center related to the crime of domestic violence battery. The named officers had the right to detain and question the complainant.

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

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 3 of 5**

FINDINGS OF FACT: The complainant stated that the named officer responded to his residence for a dispute over child visitation issues. The complainant opined that the officer failed to consider his account of the incident and arrested him without cause. The complainant said his wife pushed him and he was allowed in the house as the restraining order against him had expired.

The named officer stated that he responded to the complainant's residence for a domestic violence investigation. The police dispatchers reported the complainant's wife indicated the complainant had pushed her, was military, owned two guns, and that two children were in the house.

The named officer stated that he separated all parties involved upon his arrival, and he conducted his investigation to determine if there was a primary aggressor. The complainant's wife said the complainant pushed her, and an independent witness verified the complainant had pushed the complainant's wife. The named officer said he was required by California law to arrest the complainant and request an emergency protective order for the family.

Department records indicated that the officers spoke to all the involved parties regarding the battery. The officer's actions were documented in an incident report.

BWC footage showed that the named officer conducted a complete investigation, and arrested the complainant only after an independent witness verified that the complainant's wife's account.

Department General Order 6.09 Domestic Violence III B(3) states, in part, "If probable cause exists to believe that an assault or battery had occurred upon a current or former spouse and the arrest is made as soon as possible as probable cause arises; members may make a warrantless arrest."

The named officer's investigation showed that he had probable cause that the complainant had committed a crime.

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

SUMMARY OF ALLEGATION #4: The officer seized property without justification.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 4 of 5**

FINDINGS OF FACT: The complainant stated that the named officer responded to his residence for a dispute over child visitation issues. The complainant said that the officer seized the complainant's firearms without cause.

The named officer stated that he responded to the complainant's residence for a domestic violence investigation. The police dispatchers reported the complainant's wife indicated the complainant had pushed her, was military, owned two guns, and that two children were in the house.

The named officer said he conducted an investigation and determined that the complainant had battered his wife and that under California domestic violence laws, the complainant's arrest was mandatory. The named officer obtained an emergency protective order for the complainant's wife and the children, which required the seizing of the complainant's firearms.

Department records verified that the complainant's firearms were seized.

BWC footage verified that the named officer recovered two handguns and one rifle from the complainant's residence.

Department General Order 6.09 Domestic Violence III D(1) says in part, "Members shall confiscate any firearm or other deadly weapons discovered at the domestic violence scene."

Section 136.2(d) of the California Penal Code states, "A person subject to a protective order issued under this section shall not own, possess, purchase, or receive, or attempt to purchase or receive, a firearm while the protective order is in effect."

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer responded to his residence for a dispute over child visitation issues. The complainant opined that since he

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 5 of 5**

spoke with an Asian accent, the officer made the decision to arrest the complainant due to the complainant's race.

The named officer stated that he responded to the complainant's residence for a domestic violence investigation. The police dispatchers reported the complainant's wife indicated the complainant had pushed her, was military, owned two guns, and that two children were in the house.

The named officer conducted the investigation and determined that the complainant had battered his wife and that under California domestic violence laws, the complainant's arrest was mandatory. The named officer obtained an emergency protective order for the complainant's wife and the children, which required the seizing of the complainant's firearms. The officer stated he had never met the complainant before the radio call and said that race had no factor with the arrest. The named officer pointed out he requested a Cantonese speaker to respond to the scene so that he could interview the complainant's father-in-law, who provided information that the complainant was the aggressor.

BWC corroborated the officer's account. The footage showed that the complainant's wife and children were the same race as the complainant and also spoke with Asian accents.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 5**

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

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

FINDINGS OF FACT: The complainant was the public defender representing her client, who was detained and arrested by the named officer for possession of narcotics for sales in this case. The complainant stated the named officer saw her client put a bag of marijuana into his backpack. The complainant said the client was not doing anything illegal at the time. The officer then detained her client without cause.

The named officer stated he noticed the complainant's client holding a sandwich bag full of marijuana that appeared to be over the legal amount. He noted that the client was standing in broad daylight at an intersection notorious for narcotics sales and other violent crimes. Due to the quantity the client was holding, the officer believed the marijuana was not for personal use. The officer said the client put the marijuana back into his backpack after he saw the officer. The officer confirmed detaining the client and stated there was reasonable suspicion to detain the subject to determine compliance of California marijuana laws.

The DPA interviewed two witness officers. Both stated that the client was in an area notorious for drug-related crimes when the named officer detained him. The witness officers did not see how much marijuana the client was holding before the named officer stopped and detained the client.

The client stated that he had just finished smoking marijuana when three police officers approached him. He confirmed he was holding a bag containing about one ounce of marijuana, and put the cannabis into his backpack when the named officer detained him.

Body-worn camera footage shows that the subject was standing on the sidewalk and appeared to be putting things into his backpack when the officers approached him.

Department records corroborated the named officer's account. The documents showed that the named officer seized two bags of marijuana from the client totaling 61.2 grams or 2.2 ounces in weight.

Health and Safety Code 11357 HS states that it is a misdemeanor to possess more than 28.5 grams (approximately one ounce) of marijuana. The evidence gathered showed named officer had reasonable suspicion that the subject's behavior is related to criminal activity. He was able to provide articulable facts to justify the detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 5**

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

FINDINGS OF FACT: The complainant stated that the named officer was using racial profiling and discrimination in the detention. She alleged that the officer asked her client accusatory questions that Caucasians do not get asked, such as whether the client was on probation or parole and if he had been arrested before.

The named officer stated that he did not know the race of the subject before the detention and denied that race was a factor in the detention. The officer admitted asking the client if he was on probation or parole, whether he had been arrested before, and if he had guns on him. The officer stated that these are standard questions to ask a detainee.

Both witness officers stated that they did not know the race of the subject before the detention and denied that race was a factor in the detention. They both said that they did not remember the named officer's conversation but stated that the questions asked were standard questions for detainees. They did not hear any questions asked based on the subject's race.

Body-worn camera footage corroborated that the named officer asked the three questions he described. The officer did not ask any questions regarding or based on the race of the subject.

The evidence gathered showed that the named officer had reasonable suspicion to detain the client lawfully. The grounds for detention was not based on race. The questions the named officer are standard questions that police officers ask all detainees during detention. There is no evidence showing that the officer asked any accusatory questions based on the subject's race.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 3 of 5**

FINDINGS OF FACT: The complainant stated that the named officer conducted a pat search on her client without basis.

The named officer said he did pat search the client. He stated that after he detained the client, the client pulled out a pipe and told the officer it was for smoking marijuana, which was already a crime. The named officer explained that it was a probable cause search.

Both witness officers stated that the named officer pat searched the client incident to arrest.

The client stated that he just finished smoking marijuana and was putting the bag of cannabis into his backpack. He said that he did not give the officers permission for the search.

Department records showed that the named officer searched the client and found suspected Marijuana, Cocaine Base, and Ecstasy pills.

Body-worn camera footage showed that the client pulled out a pipe and state that it was for smoking marijuana. The footage showed that the named officer then pat searched the client.

The California Health and Safety Code 11362.3 Section 11362.1 states, in part, "does not permit any person to smoke or ingest cannabis in a public place."

Chimel v Calif. (1969) 395 U.S. 752 states that a search incident to arrest is always lawful once probable cause for a custodial arrest exists. It states that unlike a pat search during detention, no reasonable suspicion that the arrestee is armed is needed. Cupp v Murphy (1972) 412 U.S. 291 indicates that the search is lawful before or after the physical restraint of an arrest is accomplished, but only after the probable cause for the arrest develops.

The named officer conducted a lawful probable cause search after the subject admitted that he was smoking marijuana in public.

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

SUMMARY OF ALLEGATIONS #4-5: The officers seized property or money without justification.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 4 of 5**

FINDINGS OF FACT: The complainant stated that after the detention, the named officer seized the client's money and cell phone as evidence without any basis. The complainant provided a property receipt form that showed named officer #2 received \$306.00, a cell phone, a digital scale, and a water bottle.

Named officer #1 admitted seizing narcotics, a digital scale, and money but did not recall taking or seeing the client's cell phone. He said he seized the money because he believed it was evidence from narcotics sales. He explained that the cell phone could also potentially be evidence of narcotics sales.

Named officer #2 stated that she did not seize the client's property or cell phone. She said that one of the other two officers took the client's money, but she did not know which officer. She added that she did not see the client's cell phone throughout the investigation.

Witness officer stated that named officer #1 seized the client's property.

The client stated that an officer found and seized some drugs, a digital scale, and some money on him. He said that he took out his phone when checked in at the counter of the station and that the money and phone have not been returned. The client explained that he had just cashed the money out from a work paycheck, but was not able to provide a receipt to corroborate his account.

Department records showed that named officer #1 searched and located marijuana, individually packaged coin bags containing suspected cocaine base, and a large amount of U.S. currency. The document showed that named officer #1 authored the police report and listed the client's U.S. currency as property. The police report documented that named officer #2 provided the subject with a property receipt, which officer #1 listed as evidence in the report. Another department documents showed that officers seized the client's cell phone, and officer #2 booked the client's cellphone into the evidence.

Body-worn camera footage showed named officer #1 conducted a pat search and located narcotics and U.S. currencies on the client. A further search by another officer found additional drugs and pill bottles.

Chimel v Calif. (1969) 395 U.S. 752 states, in part, "An arresting officer may search the arrestee's person to discover and remove weapons and to seize evidence to prevent its concealment or destruction." The named officers had probable cause to seize the client's money and cell phone as proceeds and evidence for illegal narcotics sales. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #6: The officer prepared an incomplete or inaccurate incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 5 of 5**

FINDINGS OF FACT: The complainant stated that the named officer took her client's cellphone, but did not log it as evidence in the police report.

The named officer admitted authoring the police report but stated that he did not remember seizing or seeing the subject's cellphone.

Both witness officers stated that they do not remember seeing the subject's cell phone.

The client stated that he handed over his phone when the officers checked in at the station counter.

Department record showed that the named officer did not list the subject's cellphone as property seized in the police report. However, the officer logged the property receipt form as evidence, and the property receipt form recorded the client's phone was received by officers. Other department records also indicate that the subject's cellphone was seized and logged as evidence.

Therefore, the incident report was not inaccurate because it contained the property receipt that documented the client's cell phone.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 4**

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

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

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

DGO 5.03 provides that an officer “may briefly detain an individual for questioning or request identification” when “the officer has a reasonable suspicion that the person’s behavior is related to criminal activity.”

The named officer stated that he detained the complainant because the complainant was sitting in a vehicle with registration tabs that had expired over three years earlier.

Police records showed that the complainant was sitting in a vehicle not registered to him with outdated registration tabs and a vehicle moving permit that appeared to have been altered.

There was no body-worn camera footage of the detention, as the named officer was working in a plain clothes capacity. The complainant recorded part of the detention on his cellphone but failed to provide a copy of the recording to DPA.

No witnesses were identified. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to state the reason for the detention.

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

FINDINGS OF FACT: The complainant stated that he was not told the reason for the detention.

The named officer stated that he informed the complainant that the tabs to the vehicle were expired.

Police records showed that a citation was issued to the owner of the vehicle. Body-worn camera from uniformed officers showed that officers attempted to inform the complainant the reason for the detention, but the complainant spoke over them. A preponderance of the evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that he believed he was being targeted and harassed because of his race. The complainant is African American.

The named officer denied that he took any actions due to the complainant's race or that he held any biases against African American individuals.

Police records showed that the complainant was sitting in a vehicle not registered to him with outdated registration tabs and a vehicle moving permit that appeared to have been altered.

The complainant lacked credibility. The complainant recorded part of the detention on his cellphone but failed to provide a copy of the recording to DPA.

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

SUMMARY OF ALLEGATION #4: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched the vehicle without his consent.

The named officer denied that the vehicle was searched.

Body-worn camera footage does not include any search of the vehicle. The complainant recorded part of the detention on his cellphone but failed to provide a copy of the recording to DPA.

The complainant lacked credibility. A preponderance of the evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he had a valid moving vehicle permit and should not have been cited.

DGO 9.01 provides that officers enforcing parking laws must use discretion but shall not allow the attitude of a violator influence their enforcement action.

The named officer reviewed the permit posted in the rear windshield but concluded that it had been altered and ultimately issued a citation for failure to display current registration tabs.

Records showed that the vehicle was determined to be registered to someone other than the complainant. The complainant was not responsible for the citation.

DPA reviewed a photocopy of the moving permit. The moving permit appeared altered.

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

SUMMARY OF ALLEGATION #6: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that an officer took his cell phone and would not allow him to record the detention.

The named officer stated that he took the complainant's cell phone because the complainant was legally detained and uncooperative. The named officer stated that the complainant did not follow simple directions and requests for his identification and instead attempted to film officers with his phone.

Records showed that the named officer removed the complainant's phone from his hand and instructed him to step out of the vehicle. Records further showed that while the named officer was inspecting the vehicle and investigating the registration, the complainant continued to attempt to film and walk towards

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 4 of 4**

the vehicle at which point he was handcuffed due to his lack of compliance and repeated disobedience of lawful orders.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated that she called the police department and reported that she heard two male suspects were breaking into the front lobby of her apartment complex. The complainant then checked the security application on her cellular phone and discovered the suspects were two females; however, she didn't update police dispatch. The complainant observed that the named officers arrive on the scene and made brief verbal contact with the female suspects. The complainant opined that the named officers should have arrested the females instead of letting them depart the location.

The officers stated that they responded to a burglary call of two male suspects breaking into an apartment complex. They noted that they arrived in less than a minute to the burglary call for service. They stated that two females exited the apartment complex as the named officers approached the front entrance. They asked if the females had lived in the building, and they responded yes.

The officers stated there was no legal reason to arrest the females who exited the apartment complex since they were looking for male suspects. They noted that they were informed that the females were the actual suspects only after contacting the complainant. The named officers searched the area for the females' suspects, which met with negative results.

Department documents showed the responding officers were dispatched to a burglary investigation. The broadcasted information to the responding officers said that the complainant heard two males break into the apartment complex.

Body-worn camera footage corroborated the named officers' account in that the named officers didn't know the suspect was female until after contacting the complainant in-person.

The investigation showed that the officers had no information regarding female suspects until after in-person contact with the complainant.

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

SUMMARY OF ALLEGATION #3: The officer failed to make an arrest.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 2**

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

FINDINGS OF FACT: The complainant stated that she called the police department and reported that she heard two male suspects were breaking into the front lobby of her apartment complex. The complainant then checked the security application on her cellular phone and discovered the suspects were two females; however, she didn't update police dispatch. The complainant observed that the named officers arrive on the scene and made brief verbal contact with the female suspects. The complainant opined that the named officers should have arrested the females instead of letting them depart the location.

Body-worn camera footage revealed that the named officer didn't arrive on the scene until after the female suspects had left the location. The officer never encountered the female suspects.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the staff at a restaurant kicked him out and called for police assistance. The complainant said that the named officer asked inappropriate questions about his mental health.

The named officer stated that he responded to a radio call for service of harassments and threats at a restaurant. The officer arrived on the scene and spoke with the complainant, who displayed physical symptoms of having consuming alcoholic beverages. The complainant had slurred speech and rambled about his occupation and other topics unrelated to the call for service. The officer detained the complainant and searched him for weapons and told him to sit down. The named officer asked the complainant several questions to see if he was a danger to himself or others.

The officer inquired with the restaurant manager who refused to press charges and just wanted the complainant to leave the restaurant. The officer determined that there was no crime committed and that the complainant could care for himself. The complainant was released. The officer denied he displayed or said anything inappropriate towards the complainant.

BWC footage revealed the complainant was agitated, flippant towards the named officer, and repeated several statements that were unrelated to the call for service. The officer was polite and professional during the investigation. The officer didn't behave or say anything inappropriate to 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: 06/10/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the staff at a restaurant kicked him out and called for police assistance. The complainant said that the named officer detained without any justification.

The named officer stated that he responded to a radio call for service of harassments and threats at a restaurant. The radio call comments were that the complainant had returned to the restaurant, was still drunk, and acted aggressively towards the staff.

The officer arrived on the scene and spoke with the complainant, who displayed physical symptoms of having consuming alcoholic beverages. The complainant had slurred speech and rambled about his occupations and other topics unrelated to the call for service. The officer detained the complainant and searched him for weapons, and told him to sit down

BWC footage revealed the named officer spoke with the restaurant manager, who stated that the complainant had caused a disturbance in the restaurant. The manager noted that the complainant had lunged at the bartender. However, there was no contact.

The named officer determined that the complainant had not committed a crime and could care for himself and was released.

Department General Order 5.03 Section B says in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person behavior is related to criminal activity. The officer must, however, have specific and articulable facts to support their action."

The investigation showed that the officer had clear and articulate facts from the radio call generated by the restaurant manager in addition to observing the complainant under the influence of alcoholic beverages. The named officer had the right to detain and question the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that her daughter's vehicle was impounded, and there was a criminal hold placed on the car. The complainant called the named officer several times to inquire about the vehicle release procedures. The complainant alleged the officer hung up the telephone on the complainant, and one occasion stated, "why are you wasting my time?" The complainant opined that the named officer was unprofessional and rude.

The named officer stated that he was an investigator assigned to the burglary unit when the complainant made several telephone calls to him. The officer explained to the complainant several times that the vehicle could not be released until the criminal investigation was completed. The officer said he was polite and professional during each telephone conversation.

The named officer denied that he told the complainant that he was wasting his time and never hung up the telephone on the complainant. The officer stated he did not record the telephone calls with the complainant, and there was no BWC of the encounters.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that SFPD officers came to her door to intimidate and harass her by reading a restraining order out loud as a favor to the protected party.

Department of Emergency Management records showed that the named officers were dispatched and responded to a call regarding a restraining order violation.

Body-worn camera footage captured the named officers' contact with the protected party in the restraining order. They obtained a statement from the protected party, reviewed the restraining order, and noticed that it had not been served. The officers explained to the protected party that they could not take action until the complainant (the restrained) was served.

Body-worn camera footage also captured the named officers contact with the complainant. They contacted the complainant at her building lobby. The officers asked the complainant to step outside of the lobby for privacy as there were people in the lobby area. The officers stepped to the side of the building with the complainant and away from the entrance of the building. One of the officers began to read the restraining order at a reasonable volume considering the traffic noise in the street.

DPA found that the evidence did not support the complainant's allegation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-6: The officers failed to comply with Department General Order 2.01, Rule 52. Serving Subpoenas, Summons or Papers in Civil Actions.

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

FINDINGS OF FACT: The complainant stated that SFPD officers were out of line when they came to serve the restraining order, because that was the job of a Sheriff's deputy. The complainant was correct insofar as officers are not to serve civil paperwork. However, DPA's investigation revealed that several officers consulted with each other, and none were aware of this rule.

Department General Order (DGO) 2.01, Rule 52, states that members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute.

One of the officers stated that he initially believed that the restraining order was a criminal order and did not realize that it was civil until he began reading it aloud and then remembered that officers did not serve civil orders. He stated he did not receive training on Civil Restraining Orders. He stated he read the DGO but reasoned that the DGO was not training.

Body-worn camera footage showed that the officers did not have a clear understanding of what to do with this civil restraining order, consulted other officers who were similarly stumped, and did not have knowledge of the applicable DGO.

Officers did not ultimately serve the civil restraining order because a deputy sheriff responded to the scene for the actual service of the restraining order.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged that a female broke into her house and stole her mail and phone. The complainant stated the person was arrested but was released before she could “sign a complaint,” and she never had her things returned.

A computer query conducted to locate the incident yielded negative results. The incident could not be located.

The complainant failed to come forward.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that after her property was taken by SFPD in connection with a criminal investigation, the investigating officer refused to perform certain processes on the property which would allow the property to be returned to her.

The named officer stated that the complainant's property is being held as evidence in a criminal investigation because the property contains contraband and that the retention of the property is necessary to conduct the investigation. The named officer further stated that performing the requested processes and returning the property to the complainant would be contrary to the pattern and practice of SFPD.

SFPD records reflect that officers took possession of the complainant's property as evidence in a criminal investigation.

DGO 6.15 delineates under which conditions property may be returned to the owner and states in relevant part, "Property may be returned to its owner if it is not contraband and cannot be connected to a crime."

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

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

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment to her while she and the officer were speaking on the telephone.

The officer denied making the inappropriate comment to the complainant.

No witnesses came forward to provide relevant information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/19 **DATE OF COMPLETION:** 03/04/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officers did not investigate a possible DUI and did not prepare an incident report. An individual hit her parked car and she perceived him to be intoxicated. She told the officers that she suspected that the driver was possibly intoxicated because she saw vomit on the street. The next day when she called SFPD to get the report number, she was surprised to hear there was no report and no DUI investigation conducted. She was provided a CAD number in lieu of a police report number to give her insurance company.

The named officers stated that when they arrived at the scene, the complainant and the driver were exchanging information. They spoke to the driver and did not smell any alcohol. They stated that there was no merit to the hit and run or the driving under the influence allegations. They also stated that there were no injuries involved, so they were not required to prepare a report.

The body-worn camera footage corroborated the named officers' statements. The driver did not exhibit signs of intoxication. Multiple officers responded to the scene and were in close contact with the driver. The driver provided his insurance information for the vehicles he hit, and he had ordered a tow for his vehicle prior to the officers' arrival. There were no injuries involved. There was vomit on the pavement, but it was located approximately 20 feet behind the driver's vehicle and on the passenger side.

Per DGO 9.02 Vehicle Accidents, officers are not required to prepare reports for noninjury, damage only accidents.

There was no evidence to link the vomit to the driver. Multiple officers did not see any symptoms of intoxication. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officers did not have legal justification to detain him and his companions for assault and robbery.

The named officers stated the complainant and his companions were detained because a witness and a victim identified them as possible robbery suspects.

Body-worn camera footage corroborated the named officers' statements.

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

SUMMARY OF ALLEGATIONS #3-4: The officers detained a person for a prolonged period.

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

FINDINGS OF FACT: The complainant stated he and his companion were detained by the named officers for an unnecessarily prolonged period, more than three hours.

Department General Order 5.03 states that a detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation and that if an officer releases a person after he/she has been detained a significant length of time, the officer must issue the person a Certificate of Release.

The named officers stated the complainant and his companion were detained for a prolonged period in order for them to conduct an investigation of an assault and robbery. The named officers stated their investigation was lengthy due to the number of suspects. Named officer #1 stated but for the fact that he and named officer #2 conducted a thorough investigation, the complainant and his companion would have been booked into jail as opposed to being detained and released.

Department records indicated the named officers detained the complainant and his companion for over three hours so they could canvass the area for cameras, interview and take statements from a witness, the

victims, and other suspects. The named officers issued the complainant and his companion Certificates of Release and were subsequently released from detention.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 2 of 4**

Body-worn camera footage showed the named officers conduct multiple interviews. The officers detained the complainant and his companion after they were identified by a witness and a victim as possible robbery suspects. While the complainant and his companion were detained on-scene, the named officers spoke to the suspects, victims and a witness. After a period of time, the complainant and his companion were transported to the station by other officers while the named officers went to the hospital to re-interview the victims. Once the named officers returned to the station from the hospital, they conducted additional interviews of the suspects, after which the complainant and his companion were released.

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

SUMMARY OF ALLEGATIONS #5-7: The officers improperly used a physical control.

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

FINDINGS OF FACT: The complainant stated that when he and his companions were initially detained, the named officers handcuffed them too tightly. He stated he informed a named officer that his handcuffs were too tight.

The named officers stated they applied handcuffs on the complainant and his companions using a technique taught at the police academy. The named officers stated the complainant and his companions never complained that their handcuffs were too tight, and never complained of pain or injury.

Body-worn camera footage showed the named officers handcuff the complainant and his companions. The footage did not show the complainant, or his companions inform anyone that their handcuffs were too tight, nor did it show them complain of pain or injury.

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

SUMMARY OF ALLEGATIONS #8-9: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated the named officers did not offer him a telephone call when he was in the station holding cell. He also indicated he never asked the named officers if he could make a phone call.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 3 of 4**

The San Francisco Police Department Booking and Detention Manual (July 2008) states that after the booking process is complete, and in no case longer than three hours after the arrest, prisoners shall be allowed to make at least 3 completed telephone calls. The station telephone shall be made available for local or collect long-distance calls. The complainant did not complete the booking process.

The named officers stated the complainant did not ask them if he could make a phone call while he was at the station and, therefore, they did not offer him the use of a phone. Named officer #2 stated had the complainant requested to make a phone call, he would have allowed him to do so.

Body-worn camera footage did not show the complainant request to make a phone call.

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

SUMMARY OF ALLEGATIONS #10-11: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated the named officers arrested his companions for assault and robbery without legal justification.

The named officers stated they had probable cause to arrest the complainant's companions for assault and robbery based on the victims' and witness's positive identification of the complainant's companions as participants in the assault and robbery. In addition, the named officers stated they had sufficient evidence that an assault and robbery occurred based on the victims' and witness's statements and corresponding physical injury to the victims.

Body-worn camera showed the victim and witness separately view the suspects in a line-up. Both the victim and witness independently identified the complainant's companions, who were eventually arrested.

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

SUMMARY OF ALLEGATIONS #12-13: The officer failed to properly investigate.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 4 of 4**
CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officers did not conduct a thorough investigation because they did not speak to the vendor of a nearby hot dog stand who may have witnessed the altercation.

The named officers stated they did not see a hot dog vendor during their investigation. They stated there were hundreds of people in the street as it was a busy festive holiday. In addition, their primary concern when they arrived on-scene was to take the suspects into custody.

Department records supported the complexity and thoroughness of the named officers' initial investigation.

Body-worn camera footage showed the named officers, upon arriving on-scene, assist other officers removing and handcuffing five suspects from a vehicle. The footage also showed the streets crowded with dozens of people and did not show any hot dog vendor in the surrounding area.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was detained and placed on a mental health hold without cause.

The named officer responded to a call for service at the Department of Public Health. When the office arrived, he received information from two medical professionals that provided probable cause to detain the complainant for a psychiatric evaluation pursuant to California Welfare and Institutions Code § 5150. The officer reasonably chose to rely on the opinion of the two medical professionals over complainant's objections.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to take him to jail for banging his head against the interior of the vehicle, and that the named officer was generally abusive verbally and arguing with him.

The named officer ordered the complainant to stop vandalizing his vehicle when complainant kept hitting his head against the vehicle. The officer denied using hostile or abusive language with the complainant. The named officer said that he does not use hostile or abusive language when a person is in mental health crisis.

The complainant's allegations of abusive language and argument lack enough factual specifics to be credible, and complainant is generally not credible because the incident was over five years ago and involved a serious mental health crisis. The DPA therefore finds the officer's account more likely, and the officer's conduct was therefore justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/19 **DATE OF COMPLETION:** 03/10/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that when he reported he had been sexually assaulted, the named officer expressed disbelief and made insulting comments.

The named officer stated that as the incident had occurred approximately five years earlier, he did not have an independent recollection of the event but noted that the comments were not something he would say.

Records showed that the named officer was dispatched to a call for service regarding a sexual assault and that he prepared a report which included the complainant's account of events. Records further showed that the named officer contacted the SVU Sex Crimes unit to advise them of the incident and provided the complainant with resource cards and forms.

No body-worn camera video footage was available as the incident occurred prior to SFPD's use.

No known witnesses came forward to offer relevant information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 6**

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

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

FINDINGS OF FACT: The complainant said that she was detained for no reason by police officers during an altercation outside a bar.

The named officers stated that they detained or assisted in the detention of the complainant because she was engaged in a physical fight with another person.

Department records showed that police officers detained the complainant for fighting. The incident report described how multiple witnesses informed officers that the complainant started the fight. Upon police arrival at the scene, all parties, including the complainant, were separated. However, the complainant was observed by officers to become involved in another fight. The named officers detained the complainant for Penal Code 243 Battery and Penal code 647(f) Drunk in a Public Place, but eventually released the complainant without charge.

Body Worn Camera footage shows multiple police officer responded to the incident. The footage showed that the complainant was verbally aggressive and confrontational towards members of the public and officers. The footage captured the complainant as she became involved in a fight with another female. The named officers intervened by pulling the complainant away from the other combatant and detaining her for being drunk in a public place.

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

The video footage showed that the named officers had a reasonable suspicion necessary to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 2 of 6**

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

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

FINDINGS OF FACT: The complainant said that she was detained for no reason by police officers during an altercation outside a bar.

The named officers stated that they did not detain the complainant. Instead, they said they detained the other party in the fight.

Department records showed that police officers detained the complainant for fighting. The incident report described how multiple witnesses informed officers that the complainant started the fight. Upon police arrival at the scene, all parties, including the complainant, were separated. However, the complainant was observed by officers to become involved in another fight.

Body Worn Camera footage shows multiple police officer responded to the incident. The footage showed that the complainant was verbally aggressive and confrontational towards members of the public and officers. The footage captured the complainant as she became involved in a fight with another female. The named officers intervened by pulling the other combatant away from the complainant and detaining them for being drunk in a public place.

The video footage showed that the named officers did not detain the complainant.

The evidence proved that the accused officers were not involved in the conduct alleged.

SUMMARY OF ALLEGATION #6-8: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant said that police officers detained her during an altercation outside a bar. She said that during the detention, officers caused an injury to her shoulder for which she received hospital treatment.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 3 of 6**
The complainant failed to provide evidence of the injury she said was caused during her detention.

The named officers stated that they observed the complainant in a fight with another person. They stated they pulled the two combatants apart and handcuffed the complainant. They said the level of force used was necessary to prevent the complainant from continuing to fight in public and to effect a detention.

Department records showed that police officers detained the complainant for fighting. The incident report described how multiple witnesses informed officers that the complainant started the fight. Upon police arrival at the scene, all parties, including the complainant, were separated. However, the complainant was observed by officers to become involved in another fight. The named officers detained the complainant for Penal Code 243 Battery and Penal code 647(f) Drunk in a Public Place, but eventually released the complainant without charge.

Body Worn Camera footage shows multiple police officer responded to the incident. The footage showed that the named officers physically separated the complainant from the other combatant. The officers accomplished this by placing themselves between the two parties and pulling the combatants apart. The footage showed that once the two parties were separated, the officers deescalated using tactical communication skills and handcuffed the complainant. The video footage showed the complainant talking normally with officers after the detention. She did not mention or complain to the officers about the level of force used.

Department General Order 5.01 Use of Force III A states, in part, *‘Use of Force must be for a Lawful Purpose. Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1 To effect a lawful arrest, detention, or search ... 3 To prevent the commission of a public offense, 4 In defense of others or in self-defense...’*

Department General Order 5.01 Use of force VI B states, in part, *‘Physical controls, such as control holds, takedowns, strikes with personal weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects.’*

The video footage showed that the named officers used reasonable force to detain the complainant and prevent further offenses from being committed. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #9-10: The officers used unnecessary or excessive force.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 4 of 6**
CATEGORY OF CONDUCT: **UF** **FINDING:** **U** **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said that police officers detained her during an altercation outside a bar. She said that during the detention, officers caused an injury to her shoulder for which she received hospital treatment.

The complainant failed to provide evidence of the injury she said was caused during her detention.

The named officers stated that they observed the complainant in a fight with another person. They said they pulled the two combatants apart and handcuffed the other person.

Department records showed that police officers detained the complainant for fighting. The incident report described how multiple witnesses informed officers that the complainant started the fight. Upon police arrival at the scene, all parties, including the complainant, were separated. However, the complainant was observed by officers to become involved in another fight.

Body Worn Camera footage shows multiple police officer responded to the incident. The footage showed that the named officers physically separated the other combatant from the complainant.

The video footage showed that the named officers did not detain the complainant.

The evidence proved that the accused officers were not involved in the conduct alleged.

SUMMARY OF ALLEGATION #11-12: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer failed to obtain medical assistance quickly, although police officers eventually called an ambulance, and she was seen by paramedics.

The named officers stated that the complainant did not request medical assistance when they initially detained her. The said that she did later ask for medical attention, and officers called paramedics.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 5 of 6**

Departmental records showed that an ambulance attended the scene and transported the complainant to the hospital. The documents stated that the complainant complained of neck and shoulder pain as a result of the physical altercation with the other party.

Body Worn Camera footage showed that one of the named officers asked the complainant if she needed an ambulance immediately after detaining her. The complainant declined. Several minutes later, the named officers asked the complainant again if she needed an ambulance. She said, "I don't need an ambulance."

The camera footage showed that the complainant initially declined the offer of medical assistance. The complainant was seen later by paramedics and taken to hospital.

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

SUMMARY OF ALLEGATION #13-14: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant initially submitted an online complaint in which she stated that the police officers failed to return \$100, a 24K bracelet, legally obtained marijuana, and a hat that was taken from her when she was detained. The complainant failed to mention anything about her property when she was later interviewed about the incident. She has subsequently declined to clarify whether the property was taken or returned.

The named officers stated that they did not seize property from the complainant. The complainant's property was handed to her when she was released from the scene to go to the hospital.

Department records showed that officers seized no property during the incident.

Body-worn camera footage showed that the complainant had a backpack and a small purse when officers detained her. The footage showed that officers gave the backpack to a friend of the complainant, with the complainant's permission. The video showed that the named officers held the purse while the complainant was detained. The only item taken from the purse was the complainant's driving license that the named officers returned once they obtained the information. At no point in the camera footage did

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 6 of 6**
officers take money, bracelet, marijuana, or a hat from the complainant. The footage showed that the complainant was not wearing a hat.

The evidence proved that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-6: The officers conducted improper search or seizure of a residence.

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

FINDINGS OF FACT: The complainant said that the named officers searched her home without a warrant. The complainant said that the officers unnecessarily moved items during the search and created a substantial mess. The complainant said her son, a parolee, lives with her in the home.

The named officers said that they searched the complainant's house due to her son's active parole and warrantless search condition. Prior to the search, the officers confirmed the status and search condition of the complainant's son, and the officers conducted the search in the presence of his parole officer. The officers stated the complainant's son had access to the areas they searched. The officers denied the allegation that they unnecessarily moved items.

The officers' body-worn camera videos show the house was already in disarray and cluttered with objects and papers when officers arrived. The videos further show that the search was conducted without moving or removing of objects beyond what was necessary to complete the search.

The Fourth Amendment allows police officers to conduct a warrantless search of a parolee and his or her home. *Samson v. California*, 547 U.S. 843, 843 (2006).

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/19 **DATE OF COMPLETION:** 03/05/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant said he was assaulted by hospital medical and security staff while seeking medical care. The complainant also stated the hospital security staff forcefully escorted him from the hospital property and onto the street. The complainant stated officers responded to the scene, but they did not protect him or arrest the responsible parties. The complainant did not provide a date of the incident. After initial contact, the complainant did not respond to requests for further information.

Department records indicated no officer contacts with the complainant during the timeframe he identified or contacts that matched the description of the incident provided.

No witnesses were identified.

The identity of the alleged officers could not be identified.

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

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

FINDINGS OF FACT: The complainant said he was assaulted by hospital medical and security staff while seeking medical care. The complainant also stated the hospital security staff forcefully escorted him from the hospital property and onto the street area. The complainant stated officers responded to the scene, but they did not further investigate the incident. The complainant did not provide a date of the incident. After initial contact, the complainant did not respond to requests for further information.

Department records indicated no officer contacts with the complainant during the timeframe he identified or contacts that matched the description of the incident provided.

No witnesses were identified.

The identity of the alleged officers could not be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/19 **DATE OF COMPLETION:** 03/23/20 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that she took two taxis to the San Francisco International Airport with her paper documents to see if she could take a flight to LA. She alleged that the named officers instructed ambulance personnel to interview her and determined that she could not care for herself and should go to the hospital. The officers detained her for a 5150 hold.

Named officer #1 stated that he responded to the incident; however, he did not detain the complainant for a 5150 hold. Officer #1 said the complainant had taken two taxis to the airport to accommodate her large amounts of property and attempted to fly out with no current reservations. He stated that the complainant alleged federal agents were following her to seize her property.

Named officer #2 said he detained the complainant on a 5150 detention. He explained that he believed the complainant was unable to care for herself.

Witness officer #1 stated that she received a call regarding a female subject blocking the entrance of the female restroom. Upon arrival, she observed the complainant with 3 or 4 'smart carts' stacked with various items of clothing, bags, and purses.

Department records corroborated the officers' accounts. Records documented that the complainant had an old plane ticket from 2018 and could not tell officers where she was heading. Also, the department records show pictures of the numerous carts of luggage the complainant was carrying all by herself.

Witness #1 was a duty manager at the airport. She stated the complainant was carrying nine bags, talked about a conspiracy involving past abuses. She noted that the complainant said she had an airplane ticket, but only had a few hundred dollars, which was not enough to book a flight that day.

Witness #2 was also a duty manager at the airport. He confirmed the complainant had four "Smart" carts with luggage. He also stated that the complainant talked about a conspiracy to steal her property.

The evidence collected proved that the complainant was confused about her current state since she did not appear to have a valid plane ticket with her and had several carts carrying luggage more than one person would carry to travel. The evidence showed that the complainant posed a danger to herself since she could not provide a clear and coherent story of how she ended up wandering at the airport and could potentially become a victim of crimes. Therefore, named officer #2 had reasonable suspicion to detain the

complainant for a 5150 hold for further evaluation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/19 **DATE OF COMPLETION:** 03/23/20 **PAGE# 2 of 3**

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

SUMMARY OF ALLEGATIONS #3-4: The officers conducted an improper search.

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

FINDINGS OF FACT: The complainant alleged that an officer looked into her purse because she could not find her license and her daughter's birth certificate.

The named officers stated they searched the complainant's purse and small personal bags that were being transported with her in the ambulance as a safety precaution for the paramedics. They searched for anything that could cause harm to the paramedics.

Department records indicate that named officer #1 decided to transport the complainant to a nearby hospital for a 5150 hold, and an ambulance came to assist with the transport.

Witness #1 did not remember anyone going into the complainant's purse. Witness #2 stated he did not see any officers go into the complainant's purse.

Department General Order 6.14 Psychological Evaluation Section H. Firearms and Deadly Weapons states, "Welfare and Institutions Code Section 8102 requires law enforcement officers to seize firearms and other deadly weapons from individuals detained or apprehended for examination of a mental condition pursuant to Section 5150 W&I."

The evidence gathered proved that before sending the complainant to the hospital, the named officers had to check and seize any firearms from the individuals detained to ensure the safety of the ambulance and hospital staff.

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

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/19 **DATE OF COMPLETION:** 03/23/20 **PAGE# 3 of 3**

FINDINGS OF FACT: The complainant alleged that named officer asked her not to leave the hospital and to do what the hospital staff say.

The named officer stated that he was not at work when the incident happened. All other officers denied saying anything to that effect and did not hear any other officers say it.

Department records indicate that named officer #4 was not on scene during the incident, and the documents did not capture any officers say anything to that effect.

Other witness officers stated they did not hear any officers say what the complainant described.

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

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged that named officer #1 sent her to the Greyhound station by two limousines after the hospital released her. However, the limousine driver sent her to the wrong storage, and she was not able to retrieve her luggage.

The named officer stated that he was not at work at the location when the incident happened.

Two witness officers stated that they transported the complainant's property to the hospital, not to any nearby storage. Both officers said they left after delivering the complainant and her property to the care of the hospital. They denied sending the complainant's property to any storage facility by any limousines.

Department records indicate that the named officer was not on duty. The documents also recorded that the witness officer sent the complainant's property to the hospital and did not send it to any other locations.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer yelled at her and insinuated that she was lying over the phone.

The named officer denied the allegations.

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: 07/26/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that while engaged in a transaction at the post office a postal employee behaved inappropriately. The complainant stated that she called the police and requested that they take a report, but they refused to do so.

SFPD records reflected that the named officers were dispatched to the post office based on a reported verbal altercation. Records further showed that the named officers reported the call to be a customer service dispute.

Body Worn Camera footage showed the two named officers arriving on scene, speaking with all relevant parties and subsequently determining that the incident did not involve a criminal matter and was in fact, a customer service issue. The officers then calmly explained to the complainant that the incident was a customer service issue over which the SFPD had no jurisdiction.

DGO 2.01 (25) provides that while on duty officers shall make all required written reports of crimes or incidents requiring police attention. As this incident was a customer service dispute, the named officers were not required to prepare a report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/19 **DATE OF COMPLETION:** 03/05/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant was driving to work when she parked in a spot reserved for disabled persons. She said she was waiting for traffic to clear before making a U-turn. The officer saw the complainant illegally parked and contacted her. The complainant stated the officer let her go with a warning, but a few weeks later, she received a citation in the mail. The complainant alleged that she felt disrespected by the officer's conduct.

The officer stated he observed a vehicle parked in a disabled person parking space and contacted the driver. He stated he advised her about the situation and asked if she had a placard. The officer stated that the complainant did not have a placard, so he advised her to move her vehicle. He then ended the contact and walked away. The officer stated that about five minutes later, he saw vehicle still parked in the same spot. As he begun to walk back to the vehicle, the complainant drove away. The officer stated he then went into his vehicle and wrote the complainant a citation.

No witnesses were identified.

The evidence proved that the complainant was in violation of a parking law and that the named officer observed the violation. The officer was authorized to use his discretion in deciding if a citation was warranted.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/19 **DATE OF COMPLETION:** 03/05/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The officer allegedly failed to activate his body-worn camera.

The officer stated that he did not activate his body-worn camera because the complainant was not detained. The officer stated the contact was brief, and his purpose was to advise the complainant to move her vehicle because she was parked on the space reserved for people with disabilities.

Department General Order 10.11, Body Worn Camera Videos does not require officers to activate their body worn cameras for brief, non-detention contact or parking citations. The officer therefore had no duty to record.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant said that officers failed to receive his citizen's arrest. The complainant said that he told officers that a female janitor had physically attacked him when he tried to enter the men's restroom, and that the officers did not arrest her.

The incident report shows that officers responded to a call of an assault and battery at a playground. When the officers arrived, the complainant reported that the female janitor pushed him with two open hands. The officers interviewed the female janitor, who said that she had previously told the complainant to leave the bathroom, but that he returned and tried to push past her. No one was injured.

The Body Worn Camera (BWC) evidence corroborates the Incident Report. The BWC shows the named officer provided the complainant with a citizen's arrest form. The BWC shows the named officer told the complainant several times he would document the citizen's arrest and prepare a report.

DGO 5.04 II. PROCEDURES states: Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall:

1. Respond to the location of the "private person arrest."
2. Determine if a crime has, in fact, been committed.
3. ...
4. Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate. (See DGO 5.06, "Citation Release"). If probable cause does not exist, the individual is free to leave.
...
8. In all instances involving requests for a private person's arrest, an incident report shall be prepared.

DGO 5.04 also requires officers to obtain a signed citizen's arrest form and prepare an incident report. In this case, the named officer reasonably exercised his discretion when he determined that the criminal conduct was minor to non-existent and was not worth pursuing further. The named officer accepted the citizen's arrest form and prepared an incident report in accordance with SFPD rules.

The evidence proved that the conduct alleged occurred, however, such act was proper, legal and justified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant said that the officer told him the janitor had the right to exclude him from the restroom.

The Body Worn Camera (BWC) footage showed the officer's contact with the complainant. The footage shows that the named officer was professional and did not make the statement alleged by the complainant.

The complainant also generally lacks credibility as the evidence contradicts many aspects of the complainant's story.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/19 **DATE OF COMPLETION:** 03/06/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was being stalked by her previous landlord and unknown strangers. She said she followed a stalker and pepper-sprayed him. The named officers arrived on the scene but failed to do anything to help her. Instead, the officers sent her to the hospital.

Department records showed that a member of the public called the police because the complainant was following him and started pepper spraying him while he was trying to pick up his daughter from school. The document shows that the member of the public lived in the same area the attack occurred and had no known connection with the complainant. The documents recorded previous unrelated instances whereby the complainant posed a danger to others because she incorrectly believed that she had been stalked.

Body-worn camera footage captured that two officers arrived on the scene, separated the two parties, and interviewed them both. The officers attempted to speak loudly and clearly, write on a note pad and even sign with the complainant because she is hard of hearing. The footage showed that the reporting party actually lived in the neighborhood and provided the officers his front door key as evidence of living at a nearby address. The footage showed the reporting person explain to the officers that he was picking up his daughter from school. The footage recorded his daughter later arrive while officers were at the scene. The video footage also captured that the officers spoke with the complainant's daughter on the phone, who confirmed that the complainant had been suffering from paranoia for more than a year and believed that people were spying on her with cell phones. The complainant was then sent to the hospital for further evaluation.

The evidence gathered proved that the officers took the required actions to interview both parties, speak with witnesses, and were able to locate evidence to prove that the reporting person was not stalking the complainant and that the complainant posed a danger to others by pepper-spraying them.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/19 **DATE OF COMPLETION:** 03/06/20 **PAGE# 1 of 1**

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he called the police to report that someone had broken into his vehicle, where he waited several hours but officers did not respond to his location.

The named officers stated that the complainant's call was the lowest priority and they responded to numerous high-priority calls ranging from fights, assaults, and vehicle collisions with injuries. They stated they attempted to call the complainant, but his voicemail was full. They did not contact the complainant at his home because he only provided dispatch the intersection where his vehicle was located and not his home address.

Department of Emergency Management (DEM) records document that the complainant reported vandalism to his vehicle and requested that officers come to his location to take a report. The dispatcher coded the call as a low priority and did not dispatch the named officers until the next day. The records document that the complainant reported his vehicle's vandalism at 2:00 pm and the named officers were dispatched to take the report at 3:00 am, the next day. The named officers were unable to contact the complainant as his voicemail box was full.

San Francisco Police Department identified vehicle burglary: property stolen from vehicle, and vehicle tampering as types of crimes that can be filed online.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/19 **DATE OF COMPLETION:** 03/19/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated an officer kept his registration during a traffic stop.

The complainant did not provide additional requested evidence, and the officer could not be reasonably identified. The complainant later said he wanted to withdraw the complaint; however, during the telephone call, the complainant hung up before providing a recorded statement.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 3/11/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 03/11/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/19 **DATE OF COMPLETION:** 03/31/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant called 911 to report a robbery at his workplace, giving a description of the suspects to dispatch. When officers arrived and began to investigate, the complainant stated that the named officers should have been out searching for the suspect with the details he provided to dispatch instead of beginning their investigation at the scene.

The named officers stated that they responded to the call from a nearby area and conducted a limited visual search for the suspect while they were en route to the scene. The officers stated that they did not observe any people or vehicles matching the descriptions provided by dispatch. The named officers stated that other responding officers were also searching the area for the suspects. Once on scene, the named officers obtained statements, viewed surveillance footage, and seized all evidence. After investigating the scene, the named offices opened a case file and a Department-wide email with photos of the suspect was sent. The named officers stated that these actions ultimately lead to the suspect being found and charged.

Department records reflect that the named officers responded to a Priority A call for a person with a gun. The records also reveal that dispatch provided descriptions of the suspect, the suspect's vehicle, and the direction in which the suspect was going. Department records confirm that the named officers spoke with the complainant and reviewed surveillance footage. Additionally, Department records show that units searched the area for individuals and vehicles matching the descriptions given. Finally, Department records indicate that a department wide email was sent out with photographs of the suspect and the suspect vehicle.

Body-worn camera footage from the named officers shows them speaking with the complainant and the business owner. One of the named officers also reviews the surveillance footage and takes photos and video of the surveillance footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/20 **DATE OF COMPLETION:** 03/23/20 **PAGE# 1 of 4**

SUMMARY OF ALLEGATIONS #1-2: The officers arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that in 2017, the named officers arrested him for no reason while he was walking down the street. The complainant stated that the officers said he had committed two aggravated assaults using a weapon. The complainant denied assaulting anyone.

The named officers stated that they responded to a store where a suspect armed with two large sticks attacked two members of the public. The officers said they interviewed the victims, other witnesses, and obtained a description of the suspect. The officers then reviewed the store camera footage, which captured the suspect attacking the victims on video. The officers stated as they left the store, they recognized the complainant who exactly matched the suspect's description and the video footage of the suspect. The officers arrested the complainant. The officers said they arranged for Cold Show ID procedures, and the complainant was identified as the suspect by witnesses at the scene.

Department records corroborated the officers' accounts. The description of the suspect on the video footage included the suspect's gender, race, hairstyle, facial hair, distinctive branded clothing, backpack, and that the suspect was carrying two large sticks: one black and one brown. Cold Show Admonition and Report documented the complainant's identification as the suspect.

Body-worn camera footage corroborated the officers' accounts. The footage captured the officer's interviewing the victims, documented the injuries suffered by the victims, and the description of the suspect. The footage also captured the officers reviewing the store video footage of the crime. The store video television screen showed the suspect assaulted the two victims with large sticks. The footage also showed the named officers leave the store after viewing the store security footage and arrest the complainant who was walking past the storefront. The complainant exactly matched the description and images of the suspect on the store video, including the distinctive branded clothing, race, hairstyle, facial hair, was carrying a backpack and holding black and brown large sticks in his hand.

The named officers had probable cause to arrest the complainant for the two assaults.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/20 **DATE OF COMPLETION:** 03/23/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officers tackled him to the ground from behind without warning. He said the officers used unnecessary and excessive force resulting in a hurt neck and bruising to his arms and face. The complainant failed to supply supporting medical evidence for the investigation.

Body-worn camera footage showed that named officer #2 approached the complainant and took hold of the complainant's left shoulder and arm with both hands in a control hold. The complainant was still holding the two large sticks used in the assault. Both officer #2 and the complainant stood next to each other for a few seconds as officer #1 approached them. The footage showed the complainant then tried to escape and pull away from officer #2. The named officers pushed the complainant to the ground, disarmed him, and applied handcuffs. The complainant verbally and actively tried to resist the officers. The complainant did inform the officers he had just had surgery on a dislocated shoulder.

Department documents and Use of Force reports recorded the officers used a physical control hold/takedown to overcome resistance or to prevent escape. The documents showed that officers obtained medical assistance for the complainant's complaint of shoulder pain.

Department General Order 5.01 Use of Force, Section III-A states, in part, "Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape..." Section IV B states, in part, "Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects."

Video footage showed that officers did not tackle the complainant from behind. The footage showed the complainant was armed with weapons and did not suffer any visible injuries. The named officers used appropriate low-level force options to control the complainant when he tried to escape.

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

SUMMARY OF ALLEGATIONS #5-6: The officers improperly used physical control.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/20 **DATE OF COMPLETION:** 03/23/20 **PAGE# 3 of 4**

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

FINDINGS OF FACT: The complainant stated the named officers applied handcuffs too tightly, resulting in a permanent scar on his wrists. The complainant failed to supply supporting photographic or medical evidence for the investigation.

The named officers stated that they checked the handcuffs applied for proper fit and double-locked to prevent the cuffs from tightening further.

Body-worn camera footage corroborated the officers' accounts. The footage showed that officers checked the handcuffs twice to ensure that they were applied correctly before the cuffs were double locked. The video showed that the handcuffs were sufficiently loose to allow the cuffs to move up and down the complainant's wrist.

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

SUMMARY OF ALLEGATIONS #7-8: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant said that the named officers acted in an intimidating and harassing behavior. Specifically, the officers took away the complainant's religious items for no reason. The complainant clarified that the religious items were two wooden staves.

Body-worn camera footage showed that the named officers were polite and professional throughout the interaction and arrest of the complainant. The footage did show that officers taking two large sticks from the complainant; one black, and one brown. Video evidence and witness testimony showed that the two sticks were used as weapons in an assault for which the complainant was a suspect.

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

SUMMARY OF ALLEGATIONS #9-10: The officer knowingly engaged in biased policing or discrimination.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/20 **DATE OF COMPLETION:** 03/23/20 **PAGE# 4 of 4**

FINDINGS OF FACT: The complainant stated that the named officers targeted and arrested him because of his racial background.

As previously discussed above, the officers had probably cause to arrest the complainant.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #11-13: The officer failed to properly care for, process, or book property.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to record his two religious staves correctly as his property. The complainant said the officer falsified the property records. However, the complainant was not able to clarify how the property records were falsified and confirmed that he received his property back.

Department records record that the two large sticks used in the assault were seized as evidence by the named officers. The two sticks were correctly documented on the Incident Report and logged as evidence for the ongoing investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/19 **DATE OF COMPLETION:** 03/09/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the named officer harassed him on several occasions. The complainant provided the date and time for one of the alleged incidents but was unable to provide the dates and times of the other alleged incidents. The complainant claimed his “birth daughter” told the officer to harass the complainant.

The named officer denied involvement in the described incident. The named officer denied the allegations, said he does not know the complainant, and said that he would never act the way described by the complainant.

The complainant generally lacks credibility based on the factual narrative he presented during his DPA interview, both about the alleged misconduct and unrelated incidents.

The evidence proved that the acts alleged did not occur or that the accused officer was not involved.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the named officer told him, “I’m going to fuck you up.”

The named officer denied involvement in the described incident. The named officer denied the allegations, said he does not know the complainant, and said that he would never act the way described by the complainant.

The complainant generally lacks credibility based on the factual narrative he presented during his DPA interview, both about the alleged misconduct and unrelated incidents.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/19 **DATE OF COMPLETION:** 03/09/20 **PAGE# 2 of 2**

The evidence proved that the acts alleged did not occur or that the accused officer was not involved.

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

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

FINDINGS OF FACT: The complainant stated the named officer harassed him on several occasions. The complainant provided the date and time for one of the alleged incidents but was unable to provide the dates and times of the other alleged incidents. The complainant claimed his “birth daughter” told the officer to harass the complainant.

The named officer denied involvement in the described incident. The named officer denied the allegations, said he does not know the complainant, and said that he would never act the way described by the complainant.

The complainant generally lacks credibility based on the factual narrative he presented during his DPA interview, both about the alleged misconduct and unrelated incidents.

The evidence proved that the acts alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/19

DATE OF COMPLETION: 03/10/20

PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was walking in a parking lot when a car backing out struck her. The complainant stated she saw two officers in a police vehicle nearby and flagged them down. The complainant stated she asked Named Officer #1, who was in the passenger seat, to reprimand the driver of the car that hit her. The complainant stated that Named Officer #1 briefly spoke with the driver of the vehicle and then left the area. The complainant stated that Named Officer #2, who was driving the patrol vehicle, did nothing.

Named Officer #1 stated that he observed the complainant walk into the rear of a parked vehicle in the lot. Named Officer #1 stated that the complainant told him the vehicle hit her and requested that he advise the occupant of the parked vehicle to be more alert. Named Officer #1 stated that although he did not witness events as recounted by the complainant, he nevertheless spoke with the occupant of the vehicle who told him she had neither started nor moved her vehicle prior to him approaching her. He advised the driver to be mindful when reversing out of her parking spot into the busy lot. Named Officer #1 stated that the complainant denied any injury and refused medical treatment. Named Officer #1 also stated that he offered to take a report of the incident and the complainant refused. Finally, to further investigate the incident, Named Officer #1 stated that he searched the area without success for additional witnesses and surveillance footage.

Named Officer #2 stated that he did not observe the vehicle hitting the complainant. Named Officer #2 stated that, while in the parking lot in their patrol car, Named Officer #1 told him that he saw the complainant walk behind a parked vehicle and throw her body into the rear of the car. Named Officer #2 heard Named Officer #1 offering to take a report and asking the complainant if she was injured. He stated the complainant did not appear injured and did not complain of any injury. Named Officer #2 also stated he advised the driver of the parked vehicle to be careful per the complainant's request. Lastly, Named Officer #2 stated that he and Named Officer #1 searched with negative results for surveillance cameras that may have recorded the incident.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/19

DATE OF COMPLETION: 03/10/20

PAGE# 2 of 2

CATEGORY OF CONDUCT:

CUO

FINDING:

IE

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that after she waved over the two officers in their patrol vehicle, the named officer yelled, "What are you doing behind the car?" at her, and blamed her for standing behind the vehicle and being struck.

The named officer stated that he did not blame the complainant for being hit by the vehicle because he did not see the vehicle strike her. The named officer stated that he told the complainant that he saw her standing behind the parked vehicle and watched her bump into the rear of the vehicle.

A witness officer did not recall hearing the named officer ask the complainant what she was doing behind the car or blame her for being hit by the vehicle.

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: 10/16/19 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated in her written complaint the named officer “went back and forth” with her about providing an incident report statement form. The complainant said the named officer also told her the incident she reported was without merit. The complainant declined to take part in an interview with the DPA.

The named officer said the complainant came to the station to report allegations about the Illuminati poisoning, and hacking. After first prioritizing other time sensitive cases, the named officer prepared an incident report and provided the complainant with an incident report statement form.

There was no evidence that the officer behaved or spoke inappropriately. The officer reasonably managed his caseload by prioritizing other time-sensitive matters. The complainant’s allegation that the officer said her case was without merit is not credible.

The evidence proved that the alleged conduct did not occur.

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

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

FINDINGS OF FACT: The complainant stated in her written complaint that she called 911 to report a homeless drug addict talking loudly and walking towards her as if he was going to harm her. The complainant said a police vehicle drove by but did not stop. The complainant said the police are corrupt for not stopping the addict’s behavior. The complainant declined to take part in a DPA interview.

A search for calls related to the time and location provided by the complainant failed to identify an incident.

The identity of the involved officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers drove improperly.

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

FINDINGS OF FACT: The complainant stated that she witnessed two officers riding their motorcycles in a crowded playground. She shouted at them to stop, whereupon one of the officers turned his motorcycle around and approached her. The complainant told that officer it was dangerous to ride his motorcycle in a crowded area with small children present, particularly because the playground was a gathering place for many hearing-impaired people. The officer responded by the complainant that he was accustomed to riding under such conditions.

The named officers confirmed that they were assigned to a “show and tell” community event in the playground on that date. Both officers stated that they rode their motorcycles in a safe and slow manner in accordance with their training, and nearby civilians were in no danger when they did so.

Named Officer #1 stated that he is a highly trained motorcyclist and often rides through crowds at various special events. He also stated that he is aware that hearing-impaired individuals are potentially everywhere. He stated that he therefore operates his motorcycle in a safe and professional manner as to not place anyone in danger.

Named Officer #2 stated that although he was not aware that the playground was a gathering space for those with hearing impairments, he was trained to ride through large crowds at a low speed for maximum safety.

Body-worn camera footage shows Named Officer #1 speaking with the complainant and then riding slowly down a path in the playground.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that when she shouted at the officers to stop, one of the officers turned his motorcycle around and said, “Do you know what we are doing here? We were told to drive the motorcycles into the park for a show and tell for the kids.” The complainant stated that the officer was aggressive and condescending in his manner. The complainant stated that after she asked the officer for his name, he took a friendlier attitude and attempted to calm her by reassuring her of his training.

The named officer stated that as he was riding, he heard a woman yelling at him. He stopped his motorcycle, activated his body-worn camera, and approached the complainant on foot. The officer explained to the complainant the nature of his assignment and that he and his partner were trained riders who navigate their motorcycles through crowds at various special events. The officer also stated that he apologized to the complainant for upsetting her. The officer stated that he was not loud, aggressive, or condescending towards the complainant; rather, he treated her with respect and courtesy. The officer stated that he maintained a calm and professional demeanor throughout his contact with the complainant.

Body-worn camera footage supports the officer’s statement that he was neither rude nor aggressive towards the complainant. The footage confirms that the officer did, in fact, apologize to the complainant. The footage also shows the officer attempting to placate her and reassuring her of his experience in driving in crowded pedestrian areas.

The named officer’s partner was not present during the interaction between the named officer and the complainant. No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/19 **DATE OF COMPLETION:** 03/16/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the first named officer omitted information in his police report and that the second named officer testified falsely in court. The complainant forwarded a declaration by the first named officer and a court transcript of the second named officer from a 2016 federal District Court proceeding.

However, the federal judge in that proceeding ordered that a copy of the proceedings be provided to the SFPD. This report to the San Francisco Police Department triggered the beginning of the Government Code section 3304 one-year statute of limitations.

DPA and the Department have concurrent jurisdiction and accordingly the statute of limitations has run as to DPA.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/19 **DATE OF COMPLETION:** 03/13/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that on several occasions, SFPD officers, including the named officer, took him to the hospital, and he was admitted to the psychiatric department without justification.

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

Medical records support the named officer's decision to detain the complainant.

No witnesses came forward. The complainant made disjointed and paranoid statements.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she called a district station to report her daughter as missing. She stated the officer refused to take a report over the phone and told her she had to make the report in-person, even though she lived out-of-state.

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

The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she called a district station to report her daughter as missing. She stated the officer who answered her call was unprofessional as he sounded as if he had just woken up. In addition, she stated the officer feigned poor telephone reception and hung up on her.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 03/03/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said officers did not investigate his report of a battery. The complainant said he contacted nearby officers and reported that a man punched him in the arm near a bus stop. The complainant described the suspect for the officers. The complainant said the officers told him they were unable to leave their assignments but would report the crime to dispatch. The complainant said the officers continued to talk to one another, did not use their radios, and reacted profanely when he returned to complain. The complainant said he left the area when he realized the officers were not going to follow up on the matter.

The named officers acknowledged they were approached by the complainant. The named officers stated that they told the complainant that they could not leave their posts, but that they would call in the report to dispatch. The named officers stated that the complainant got upset and walked away. The named officer stated the complainant approached the officers a second time, but became angry, failed to provide the officers with any suspect information and again walked away. The named officer stated he did not contact dispatch because the complainant was uncooperative and failed to provide any identifying information of the suspect.

The officers and the complainant are both credible. Therefore, without witnesses or body worn camera footage of the conversation, the investigation failed to disclose sufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant said that when he approached an officer to whom he had reported a crime and asked if he had called the incident in to dispatch, the officer told him profanely to “fucking chill out.”

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 03/03/20 **PAGE#** 2 of 3
The named officer stated he did not use profanity but was professional during his brief contact with the complainant.

The named officer's partner stated she did not hear any profanity during the encounter with the complainant. The partner also stated the named officer was calm and professional while in contact with the complainant.

The officers and the complainant are both credible. Therefore, without witnesses or body worn camera footage of the conversation, the investigation failed to disclose sufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said officers did not investigate his report of a battery. The complainant said he contacted nearby officers and reported that a man punched him in the arm near a bus stop. The complainant described the suspect for the officers. The complainant said the officers told him they were unable to leave their assignments but would report the crime to dispatch. The complainant said the officers continued to talk to one another, did not use their radios, and reacted profanely when he returned to complain. The complainant said he left the area when he realized the officers were not going to follow up on the matter.

The named officers acknowledged they were approached by the complainant. The named officers stated that they told the complainant that they could not leave their posts, but that they would call in the report to dispatch. The named officers stated that the complainant got upset and walked away. The named officer stated the complainant approached the officers a second time, but became angry, failed to provide the officers with any suspect information and again walked away. The named officer stated he did not contact dispatch because the complainant was uncooperative and failed to provide any identifying information of the suspect.

The officers and the complainant are both credible. Therefore, without witnesses or body worn camera footage of the conversation, the investigation failed to disclose sufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer behaved and spoke inappropriately.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/19 **DATE OF COMPLETION:** 03/03/20 **PAGE#** 3 of 3

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

FINDINGS OF FACT: The complainant said the officer responded sarcastically when she asked him how she was supposed to know that a man who had punched him was African American, after he had specifically and in a detailed manner described the suspect, including his ethnicity.

The named officer said she had brief contact with the complainant who complained about a loud homeless person. The named officer stated she was not sarcastic toward the complainant, but that she and her partner were calm and normal with the complainant.

The officers and the complainant are both credible. Therefore, without witnesses or body worn camera footage of the conversation, the investigation failed to disclose sufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/19 **DATE OF COMPLETION:** 03/13/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that he called the police because his mother's friend was acting suspicious; however, when the officers arrived, the named officer placed him in handcuffs and transported him to San Francisco General Hospital. The complainant also made disjointed and paranoid statements about the named officer.

DGO 6.14 states that officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is a danger to himself/herself, or a danger to others.

Police records showed that the named officer responded to a family dispute. A family member told the named officer that the complainant had a history of mental illness and she felt threatened by the complainant's behavior.

Medical records support the named officer's decision to detain the complainant on a 5150 psychiatric hold.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/19 **DATE OF COMPLETION:** 03/12/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer detained him on a mental health detention for no reason.

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

Police records indicated that officers arrived on scene regarding a disturbance with the complainant's mother. The complainant's mother told officers that the complainant was angry, agitated, and attempted to hit her.

Medical records support the named officer's decision to detain the complainant and transport him to SFGH for a psychiatric evaluation.

DPA attempted to contact the complainant's mother with negative results.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/19 **DATE OF COMPLETION:** 03/09/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she called the police for assistance in retrieving her property from a retail store, but when the officers arrived, they failed to listen to her or assist her. She stated that she had a bank statement showing she purchased items the retail store took from her.

Police records showed that the complainant was detained by the retail store's security for stealing items from the store. The retail store retrieved the stolen items from the complainant, the complainant was cited, and subsequently released.

The complainant provided a copy of her bank statement showing that she purchased items from a different retail store hours prior to her being arrested at the other retail store. The statement, however, was not a receipt that itemized what the complainant purchased.

Body worn camera footage showed the named officers obtaining statements from the complainant and the retail store security. The complainant told the named officers that she went to court and the charge for theft from the retail store was dismissed. After court, the complainant returned to the retail store to retrieve the property the retail store took from her. Footage showed the complainant provide the named officers with a bank statement. The named officers informed the complainant that the bank statement did not indicate the retail store needed to return any items to her. The complainant did not have documents from court ordering the retail store to return the items.

The named officers investigated and determined that the dispute between the complainant and the retail store was a civil matter.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/19 **DATE OF COMPLETION:** 03/09/20 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-4: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated that the named officers spoke to her and store security, but they failed to listen to her or assist her because they were biased.

Police records showed that the complainant called SFPD regarding a dispute with a retail store. The named officers responded and obtained statements from the complainant and the retail store security.

Body-worn camera footage showed the named officer spoke with the complainant, reviewed her documents, and spoke to the retail store security. Body-worn camera footage did not capture any negative or biased interaction with the complainant.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that a drug operation existed in the apartment upstairs from his and he reported the suspicious activity to the SFPD narcotics unit. The complainant stated that plainclothes officers were subsequently sent to his neighborhood, but these officers did not consult or speak with him during their investigation. The complainant stated that he ultimately discovered that the plainclothes officers concluded that they did not observe anything suspicious. The SFPD did not contact him for further information.

The complainant provided a date range wherein he placed the call to the narcotics unit. He also stated that the call was made anonymously. Department records from a longer time period encompassing that provided by the complainant, yielded no results that any such call was made.

The evidence proved that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that an acquaintance assaulted him in his apartment. The complainant called SFPD, but the suspect had left by the time officers arrived. The complainant stated that the responding officers told him that an investigator would be assigned to his case. However, no investigator was assigned, and no further investigation was conducted.

Department records indicate that the responding officers carefully investigated the assault and documented their investigation. However, the responding officers could not recall whether they told the complainant that an investigator would be assigned or not.

The SIT lieutenant responsible for determining which cases merit further investigation could not recall this case.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant watched a YouTube video documenting an individual's interaction with an SFPD police officer. The video depicts a driver sitting at the wheel of his parked car while an officer informs him that where he is parked is not a parking spot and attempts to let him off with a warning.

The driver refuses to engage in conversation with the officer and meets his routine questions with hostile silence. At one point the driver asks the officer to simply give him a citation rather than a warning so he can be done with the encounter and be free to go. The officer asks the driver if everything is all right and whether there are any additional issues that he should know about. The driver responds, "Do I need to answer your questions?" The officer responds, "No, I'm just concerned about your well-being. Is there something wrong?" The officer calls an officer to bring a citation book per the driver's request, but ultimately decides to let the driver go.

The complainant stated that the officer was deceitful in asking the complainant if he wanted to leave when he knew that this was the driver's desire. The complainant also stated that the officer was unprofessional when he asked the driver if he was okay following the driver's unresponsiveness to his questions

The video itself shows that the officer's conduct was professional and courteous. The officer asked the driver if he wanted to leave because he was attempting give him a warning in lieu of a citation; however, the driver refused to answer his questions. The officer asked the driver if he was all right because the latter's lack of response was unusual and comes across as hostile.

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: 12/12/19 **DATE OF COMPLETION:** 03/11/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she observed a police officer standing near some homeless individuals who were packing up a tent on the sidewalk. The complainant stated that she asked the officer if he had offered the individuals assistance with finding shelter and he replied rudely to her.

The named officer stated that two individuals were blocking an access door for a building with their tent. The named officer advised the individuals and they understood they were blocking the door. The named officer stated that he offered the individuals services, but they refused. The named officer confirmed that he spoke with the complainant but denied that the exchange was as she described.

Department records showed that the named officer responded to a homeless complaint. The records also showed that services were refused.

Body-worn camera footage showed the named officer speaking with two individuals regarding a tent and one of the individuals taking the tent down. Footage further showed the named officer asked whether they needed any services or shelter and one of the individuals telling him no. Body-worn camera footage did not capture any interaction with 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: 12/19/19 **DATE OF COMPLETION:** 09/09-20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer was inattentive to duty.

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

FINDINGS OF FACT: The complainant stated she drove forward on a green light into an intersection and was nearly hit by a funeral procession lead vehicle. A police car was the third car in the parade. The complainant said the officer failed to provide her and other road users adequate warning

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

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to intervene when members of the funeral procession shouted at the complainant.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/19 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he loaned his car to two people who then stole it. When he located the vehicle, police arrived and towed it without telling him the reason why.

The complainant could not provide a specific date or location for the tow. Despite repeated requests, the complainant provided neither a license plate number for his vehicle nor any other requested information.

The complainant did not provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/20 **DATE OF COMPLETION:** 03/10/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that plainclothes police officers refused to give their star numbers and names upon request.

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

The identity of the officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that plainclothes police officers act with excessive aggression, handling people with force and violating human rights.

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

The identity of the officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/20 **DATE OF COMPLETION:** 03/10/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, a bus driver, stated he stopped at a red light when he observed an officer drive inappropriately at multiple intersections. He saw the officer drive down the left turn lane, cut in front of his bus, and edge out into the intersection without signaling or activating any emergency lights.

The district station where the patrol car was assigned was identified. The equipment log for the dates of and around the incident showed no officers signing out the vehicle.

No witnesses came forward.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** **PAGE# 1 of 1**

Unknown Officer

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

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

FINDINGS OF FACT: The complainant stated that he punched a security guard in self-defense. When officers arrived at the scene, the complainant stated that they beat him with their batons and arrested him.

Department records reflect no incident matching the incident described by the complainant.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was issued a citation for failing to wear his seatbelt. During the encounter with the police, officers twisted his arm, handcuffed him too tightly, and held him down on the hood of his car. The complainant stated that he told the officers they were hurting him, yet the officers continued to tighten the handcuffs.

The complainant withdrew the complaint after DPA asked for additional information.

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

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

FINDINGS OF FACT: The complainant stated that despite complying with the officers' requests, the officers made threatening comments to him, such as, "We can do this the easy way, or we can do this the hard way."

The complainant withdrew the complaint after DPA asked for additional information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him in excess of 35 minutes for a minor traffic stop. The complainant said that while the officers were speaking with him, they had their hands on their batons in what appeared to be preparation to use them. The complainant stated that he felt like a criminal and that the officers' overreaction to the traffic stop may have been due to his race.

The complainant withdrew the complaint after DPA asked for additional information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/20 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she was involved in a verbal dispute with another motorist who subsequently struck her with his vehicle. She stated that officers responded to the scene, where she provided them with a statement and asked to press charges against the party who struck her. The complainant stated that the named officer did not properly complete the incident report as it omitted her statement and her request to press charges against the other party.

Department records revealed that a full account of the incident, including the complainant's statement and her citizen's arrest request, was included in the incident report.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 03/10/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that her tire was damaged after hitting a pothole. She pulled over and parked her car in a red zone in front of a fire hydrant. She called the co-complainant for help. The co-complainant arrived on scene and contacted a tow company through private insurance. The tow company sent the wrong type of tow truck. She stated that the named officer had the car towed even though she and the co-complainant were trying to secure the tow through private insurance.

The co-complainant stated that the complainant called him after her tire fell off her car. He contacted a tow company through private insurance. The tow company dispatched two different tow trucks; however, the tow trucks were not the type to accommodate a car missing a tire. The named officer called for a tow truck even though he was still trying to secure the tow through private insurance.

San Francisco Police Department (SFPD) body worn camera footage shows the complainant's car haphazardly parked in a red zone, blocking a fire hydrant, and encroaching on the crosswalk at a busy intersection. The named officer summoned a tow truck after giving the complainants time and opportunity to secure a tow through private insurance.

Department General Order 9.06, Vehicle Tows, states in pertinent part: "It is the policy of the San Francisco Police Department that officers tow vehicles only when authorized pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Traffic Code."

The complainant's vehicle was parked in violation of several California Vehicle Code and San Francisco Traffic Code sections. The named officer afforded the complainants ample opportunity to secure a tow truck through private insurance, but they were unable to do so within a reasonable amount of time.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 03/10/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainants stated that the officer searched the car without justification.

SFPD body worn camera footage shows the named officer and another officer searching the car after obtaining approval and calling for a tow truck.

Department General Order 9.06, Vehicle Tows, states in pertinent part: “When towing a vehicle, officers shall inventory the contents of the vehicle. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/2020 **DATE OF COMPLETION:** 03/10-20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that her son received an SFMTA notice of transit violation and the officers issuing the notice made inappropriate comments to her son regarding his disability.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/20 **DATE OF COMPLETION:** 03/23/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer inappropriately converted an on-duty contact to off-duty relationship.

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

FINDINGS OF FACT: The complainant stated that he called 911 because he and his partner were having a verbal altercation and his partner would not leave his residence. Police responded to the call and separated the complainant and his partner. The complainant stated that he saw and heard the named officer give his phone number to the complainant's partner. The complainant stated that his partner later confirmed to him that the named officer gave her his phone number.

Body-worn camera footage showed the named officer from the time he arrived at the complainant's residence through the time he left the residence, gave the complainant's partner a courtesy ride and dropped her off. Body-worn camera footage did not show the named officer give his phone number to the complainant's partner.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/20 **DATE OF COMPLETION:** 03/03/20 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **CUO** **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: 02/13/20 **DATE OF COMPLETION:** 03/13/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated an officer harassed him at the police station.

San Francisco Police Department body-worn camera footage shows the complainant arguing with police service aides. The named officer walked up to the complainant and deescalated the situation. The named officer was calm and professional during the entire encounter.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

E OF COMPLAINT: 02/21/20 **DATE OF COMPLETION:** 03/23/20 **PAGE#** 1 of 1

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

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

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

ALAMEDA COUNTY SHERIFF
1401 Lakeside Drive Suite 7
Oakland CA, 94610

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/20 **DATE OF COMPLETION:** 03/04/20 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 03/03/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant, who lives in another county, stated that officers have stolen drugs and have convictions for underage sex acts. This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

Daly City Police Department
Internal Affairs Unit
333 90th Street
Daly City, CA 94015

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/20 **DATE OF COMPLETION:** 03/06/20 **PAGE#** 1 of 1

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

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

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