

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 1 of 2

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing based on mental illness.

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

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

SUMMARY OF ALLEGATION #4: The officer issued an invalid order.

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: 01/26/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was unnecessarily rude and shouted at her during a traffic stop.

The Body Worn Camera footage showed that the named officer behaved and spoke in a professional manner during the traffic stop. The named officer did not shout at the complainant during the traffic stop. The named officer explained that he was citing the complainant for texting while operating a motor vehicle. The named officer asked the complainant for her license, registration, and proof of insurance. The complainant handed over her license and twice offered another police officer's business card rather than her registration and proof of insurance. The named officer admonished the complainant that she would not receive preferential treatment for showing him another police officer's business card.

The evidence proved that the acts, which provided the basis for the allegation, did not occur, or that the named officer was not involved in the act alleged.

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DATE OF COMPLAINT: 02/01/17 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: An anonymous complainant stated that an unknown officer behaved inappropriately and made inappropriate comments toward her.

The complainant failed to provide enough information for DPA to proceed with its investigation.

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DATE OF COMPLAINT: 02/02/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 11, 2017.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 11, 2017.

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DATE OF COMPLAINT: 02/08/16 **DATE OF COMPLETION:** 04/10/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she looked down to the street from a 3rd floor office window and saw a uniformed officer with an African American male in handcuffs, leaning against the wall. The complainant stated the officer and the handcuffed man seemed to be having a conversation when suddenly the officer kicked the man's legs out from under him, causing the man to crumple to the sidewalk. The complainant stated the man in handcuffs was either drunk or high. She said a second officer appeared and they lifted the man up and put him into a patrol car.

The named officers denied the allegation. The named officers stated they arrested the male subject for a felony arrest warrant and transported him. Neither officer could recall which one handcuffed the male subject. Neither officer could recall if the individual was combative or resisting. The first officer stated he did not remember there being the need for any use of physical control. Neither officer could recall using a leg sweep or kick to the male subject.

The incident report documented that the male individual was detained for jaywalking and subsequently arrested for a felony and a misdemeanor warrant.

The SFPD medical screening card indicates the male subject refused to answer the medical screening questionnaire and refused to sign the form.

The DPA could not locate the individual who lived out of county for an interview.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/06/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments about her while off duty in an online forum. The complainant indicated that she and the named officer were involved in an ongoing civil disagreement over a private homeowners association's decision about one of the member's homes. The complainant acknowledged the named officer had never identified himself as a police officer while online and that she had independent knowledge of the officer's employment.

The complainant submitted no actual evidence of police misconduct.

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

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

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

FINDINGS OF FACT: The named officer has retired.

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 02/10/16 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was sitting in a friend's car at an intersection in the Mission district when police told him they received a report of a burglary in progress and ordered him to get out of the car. The complainant refused. The complainant stated he was holding a bag that contained prescription medication for a friend.

Records from the Department of Emergency Management show that a 911 caller reported an auto burglary in progress at the same intersection in the Mission district.

The named officer stated that the complainant was detained based on the 911 call.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was holding a bag that contained prescription medication for a friend who takes several narcotics. He stated he was arrested for having this medication in his possession.

The named member stated the complainant was arrested for possession for sales of several narcotics. The complainant was also in possession of narcotics paraphernalia and a scale.

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

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DATE OF COMPLAINT: 02/10/16 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used force during the detention.

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

FINDINGS OF FACT: The complainant provided two complainant forms to DPA. On one form, he stated the named officer punched him in the face, breaking his eyeglasses and injuring his left eye. On the other form, he stated the named officer punched him in the face, injuring both eyes and breaking his nose. Attached to this complaint was a one-page medical record documenting bilateral lower lid entropion repair. In his DPA interview, the complainant stated he was sitting in the driver's seat of a friend's car when the named officer reached in through the open window and punched his right eye. The complainant stated he was wearing eyeglasses and the impact caused the nose pads on the eyeglasses to break off. He stated he had abrasions on his right eye. The complainant subsequently stated the officer punched him in his left eye. Later in the interview, he stated the officer punched him in both eyes.

The complainant's SFPD mug shot profile indicated he did not wear eyeglasses.

The Jail Medical Records established that the complainant did not report any injuries during Triage screening. Two days later, he was treated for left eye conjunctivitis, which he first noticed the day before his arrest. He again denied any trauma to the eye. He was later diagnosed with senile entropion of left eye (lower lid incurvation), which is caused by aging, not an injury.

Each officer at the scene stated no one punched the complainant in the eye. The complainant had no visible injuries, did not complain of pain, and he did not request medical attention.

A preponderance of the evidence established that the named officer did not use unnecessary force as alleged by the complainant.

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

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DATE OF COMPLAINT: 02/27/17 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was 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: 03/08/17 **DATE OF COMPLETION:** 04/12/17 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/17 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 03/23/17 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) questioned the complainant without justification.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/08/16 **DATE OF COMPLETION:** 04/27/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she filed a Missing Persons report when the adult ward for whom she was a guardian went missing. She stated that five days later, she received a call from a district station notifying her that her ward had been found and released at the scene. The complainant stated she went to the district station and spoke with the named officer. The complainant stated the named officer told her he did not think that her ward was “mentally challenged” and told the complainant, “Get the hell out of my precinct.”

The named officer acknowledged speaking with the complainant. He stated the complainant was “frustrated” that her ward had not been detained. When asked if he made the alleged inappropriate comments to the complainant, the named officer stated he did not recall “saying anything like that.”

No witnesses were identified.

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

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DATE OF COMPLAINT: 04/08/16 **DATE OF COMPLETION:** 04/27/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she filed a Missing Persons report when the adult ward for whom she was a guardian went missing. She stated her ward had the mental capacity of a six year old. She stated that five days later, she received a call notifying her that her ward had been found, but had not been detained. The complainant stated her ward should have been detained, so she could pick him up.

A witness officer stated he and another rookie officer¹ responded to a petty theft call with the named officer. He stated the complainant's ward vaguely matched the petty theft suspect description. This officer stated they learned through dispatch that the man was listed in the Missing and Unidentified Persons System (MUPS), but they were not provided any information by dispatch that he was "at risk" or under guardianship. He stated his rookie partner contacted the complainant by phone but he did not listen to that conversation. The officer stated the named officer determined that the man was able to care for himself. He stated the man was "adamant" that he did not want anything to do with the complainant, saying she stole his money. This officer stated the man seemed "a little senile" but was not a danger to himself or others.

The named officer stated the located man answered questions intelligibly and declined homeless services. The man told the officers he was the complainant's ex-boyfriend and he wanted nothing to do with her. The named officer stated he called dispatch to clarify what was on the MUPS printout. He was told that the man was not listed as at-risk. The named officer stated he determined that the man was not a danger to himself or others, and the police had no legal right to detain him. The named officer stated he directed his officer to contact the person who initiated the missing person report (i.e., the complainant.) He did not recall if the officer spoke with the complainant or left a voicemail.

The evidence established that the named officer did not neglect his duties.

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

¹ This officer is no longer employed by the Department.

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DATE OF COMPLAINT: 03/31/17 **DATE OF COMPLETION:** 04/12/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/11/16 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer asked him for his identification even though the complainant was just waiting for a friend and not doing anything wrong.

The officer stated that he contacted the complainant for a consensual encounter because the complainant was standing alone in front of a hotel in a high crime area, known to frequent drug dealers. The officer asked the complainant what he was doing there and whether he lived at the hotel. The complainant responded that he lived there but when asked if he had a key he said no and then said he did not live there. The named officer then asked the complainant if he had identification and he did not, so he provided his name. The officer stated the complainant misspelled his name a couple of times. The complainant's untruthfulness raised the officer's suspicion that he was possibly involved in a crime.

The evidence established that the consensual encounter progressed to a detention requiring identification, at which point the complainant was not free to leave. The DPA investigation determined that the complainant was less credible than the officer, based on the several inconsistencies in his statements, failing to provide DPA with a correct address, refusing to provide required documents and failing to cooperate with a follow up interview. In addition, video evidence captured the complainant engaged in a drug transaction prior to the named officer's arrival at the scene.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/16 **DATE OF COMPLETION:** 04/26/17 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him even though he was just waiting for some friends.

The named officer stated he had a consensual encounter with the complainant by just talking with him. The complainant's untruthfulness raised the officer's suspicion of possibly being involved in a crime.

The video documented the officer was initially engaged in a consensual encounter by speaking to the complainant and attempting to verify the spelling of the complainant's name on a pad of paper. The encounter progressed to having the complainant turn around for a pat search, at which point he was detained.

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer searched him.

The named officer stated once the complainant provided inconsistent and false responses, he felt the complainant posed a threat to his safety, prompting the named officer to conduct a pat search.

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

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SUMMARY OF ALLEGATION #4: The officer used force against the complainant at the scene.

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

FINDINGS OF FACT: The complainant said the officer hit him with his fist repeatedly. The complainant stated that when he pulled his arms away, the officer grabbed his neck and they both fell and the officer landed on top of him, causing his face to hit the ground. While on the ground, the officer hit him repeatedly on his right eye. He was treated at SFGH where x-rays were taken with negative results.

The complainant failed to provide DPA with a signed medical release. The complainant admitted that he resisted the officer's pat search.

The named officer stated the complainant attempted to break free from him and run during the pat search. The officer stated a struggle ensued and he got the complainant to the ground. The named officer stated he feared for his safety because he was alone, had not finished the pat search, the complainant was bigger than him, and he feared the complainant would break free and attack him, prompting the named officer to punch him with a closed fist. The officer stated he was on top of the complainant, yet the complainant managed to get up while he was punching him. The officer said he experienced more fear as the complainant started pulling away from him again and they both ended up back on the sidewalk as he held on to his head. The complainant was using his elbow to create space between them, so the named officer attempted to put him in a carotid hold but failed. The officer stated he punched the complainant again when a citizen assisted him in getting the complainant into handcuffs. He stated that he punched the complainant to overcome his resistance and take him into physical custody.

Video surveillance corroborates the persistent resistance by the complainant, that the officer was alone, and the assistance of a citizen to take the complainant into custody during the struggle.

The evidence established that the named officer's use of force was proper.

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

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

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

FINDINGS OF FACT: The complainant stated he was handcuffed even though he was just waiting for friends.

The named officer stated that the complainant was arrested and placed in handcuffs for resisting and possession of drugs for sale.

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

SUMMARY OF ALLEGATION #6: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for selling drugs, which he denied. He stated he did have drugs but was not selling it.

The named officer stated the complainant was arrested for resisting and possession of drugs for sale.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, a bald white officer said to him, I don't have my body camera turned on. In other words, I can beat you up and there will be no record of it happening." The complainant stated that, "Policemen follow me wherever I go and this has been going on since I gave my wife divorce papers in February 2015."

The identity of the alleged officer could not be established.

No witnesses were identified.

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

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

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

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

FINDINGS OF FACT: The complainant stated that he was resting on the steps of a bank where he intended to sleep for the night. Two male officers arrived and told him he had to leave. The complainant said, "OK." One of the officers asked the complainant if he had any weapons. The complainant stated that this question made him fearful.

While the identity of the alleged officers could not be established, the officers' actions as described by the complainant were proper.

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

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DATE OF COMPLAINT: 04/04/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 04/05/17 **DATE OF COMPLETION:** 04/11/17 **PAGE#** 1 of 1

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

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

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

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

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

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

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

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DATE OF COMPLAINT: 04/11/17 **DATE OF COMPLETION:** 04/14/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/10/17 **DATE OF COMPLETION:** 04/24/17 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved in an inappropriate manner.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/14/17 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 04/17/17 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 04/20/16 **DATE OF COMPLETION:** 04/21/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officers did not identify themselves as SFPD officers when they detained a man on the street.

The named officers stated they were in full uniform when they detained the man in question.

The evidence established that the allegation that the named officers neglected their duties did not occur.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officers detained a man on the street because the man was in a drug-infested area and he looked suspicious.

The detainee stated the officers approached him and accused him of possessing drugs, which he said he did not have. The detainee later admitted that the officers found a bag of marijuana inside his waistband and acknowledged that he put a bag of drugs in his mouth while he was being searched in a holding cell.

The named officers stated they had been observing the detainee from an elevated surveillance point. They stated they saw him holding a plastic bag with crack cocaine, which was the reasonable suspicion justifying the detention.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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SUMMARY OF ALLEGATIONS #5-6: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated the officers conducted an illegal search of her friend because they searched inside his pants during a detention on the street. Additionally, the complainant stated that the detainee was searched because he was in a “drug-infested” area and “looked suspicious.”

The detainee stated that officers simply came up to him, placed him in handcuffs, and searched him, including inside his pants. He stated that the officers “strip-searched” him on the street.

The named officers stated that, from an elevated surveillance point, they saw the detainee holding a bag of crack cocaine rocks. They cited this as the reasonable suspicion for the detention and search, which yielded a bag of marijuana hidden in the detainee’s rear waistband. The named officers stated that, while they were handcuffing the detainee, he informed them that he was on active parole with a search condition. One of the named officers stated that in his experience, drug dealers often hide drugs on their person; this is why a bladed-hand search inside the detainee’s waistband was necessary. This officer also stated that, since the street search did not yield the bag of crack cocaine rocks with which officers had observed the detainee, a strip search at the station was necessary to locate this and any other drugs that the detainee may have had on his person. The named officers denied conducting a strip-search on the street. They stated that even if they had tried to do so, a hostile crowd had gathered and doing so would have been dangerous for everyone involved.

Surveillance video from the station shows that the named officers conducted a strip search of the detainee in a holding cell. The video shows a bag of crack cocaine falling out of his clothing during the search.

The Incident Report has a signed Strip Search Authorization Form attached to it. The fact that the crack rocks were discovered during a strip search at the police station corroborates the account of the officers and refutes the allegation made by the complainant.

The evidence established that the named officers’ actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/16 **DATE OF COMPLETION:** 04/21/17 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that when the named officers arrested a man she was with and searched inside his waistband, he moved, and the officers thought he was trying to resist. She stated the named officers slammed the man to the street and punched him. She further stated that officers continued to beat the man after they transported him to the police station.

The detainee stated that after the officers searched him and told him they were taking him to the station, he tried to run from them. He stated that one of the officers jumped on his back, and then jumped in the back seat of the patrol car and began punching him. He also said that once he arrived at the station, the officers took him into a holding cell and strip-searched him, whereupon a packet of crack cocaine rocks fell onto the floor. He stated he thought the officers were trying to plant drugs on him, so he put them into his mouth to destroy the evidence. He stated that at this point he again attempted to run. He stated that the officers tackled him and tried to choke him, fracturing his elbow in the process.

One of the named officers said that when the detainee tried to run after being placed in handcuffs on the street, the man violently charged the officer and knocked him down. The officer stated that he managed to hold onto the detainee but was severely injured in the process. The named officers stated that any force used was limited to what was necessary to apprehend the detainee. Both of the named officers denied punching the detainee in the patrol car. The named officers both stated that when they brought the detainee to the holding cell and began strip-searching him, a packet of several crack rocks fell to the ground. They stated that the detainee then grabbed the crack and tried to put it in his mouth. They stated that officers from the station joined in the effort to get the crack away from the detainee's mouth, which they were eventually able to do. They stated that leaving the drugs in the detainee's mouth could have caused his death, either through asphyxiation or overdose. Both named officers denied choking the detainee or seeing any other officer do so.

A witness stated that he was handcuffed to a bench in the booking area of the station when he saw the detainee enter the holding cell with the named officers to undergo a search. The witness stated that after the officers thought the detainee had swallowed the crack cocaine, the three of them came out of the holding cell in a "tussle," which soon involved several other officers. The witness stated that he saw an officer choke the detainee. He gave the name of this officer but no one by that name was identified on the station roster.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/16 **DATE OF COMPLETION:** 04/21/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #7-8 continued:

Surveillance video for the holding area shows the detainee being strip-searched. While one of the named officers is shaking out his clothes, a small white packet falls to the floor. Neither officer appears to notice the packet, and the detainee covers it with his right foot. He keeps his foot on top of the packet until he is un-cuffed to get dressed, at which time he lifts his foot from the packet. One of the named officers observes the packet, and a scuffle among the three men begins as the detainee lunges for the packet. The two named officers and the detainee exit the holding cell as they are struggling with one another. Multiple officers join to subdue the detainee and get the drugs away from him. No choking, kicking, punching, or compliance holds are visible on the video, in which the detainee is surrounded by uniformed officers.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish their police tasks.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/16 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was working unloading a truck. He alleged another worker at the site put his genitals against the complainant as he was exiting the truck. The worker laughed and made fun of the complainant. The complainant reported this to the police as a sexual assault. He stated that a report was made and an officer looked into the crime but nothing was done. The complainant said he called and tried to follow up several times with no response.

The named officer stated he recorded an interview with the complainant. The named officer then conducted a computer records check. The named officer looked for video surveillance footage and found nothing. The named officer called and interviewed a potential witness and then interviewed the suspect. The suspect denied that he ever contacted the complainant with his genitals. The named officer determined that there was a lack of evidence of a crime and closed the case. The named officer stated that he contacted the complainant and described the investigation and its results.

Department records showed that the officer took the steps that he stated in closing the case and contacting the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that when he went to check on his case, he talked to a male officer in a suit who said investigators have bigger cases to worry about. He could not identify this officer.

The identity of the alleged officer could not be established.

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: 05/05/16 **DATE OF COMPLETION:** 04/10/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated two officers driving an SUV pulled her over for no reason. She stated that one officer accused her of being on her mobile phone and the second officer accused her of littering. She stated that she was not on her mobile phone and she did not litter. She stated the officers did not cite her and she did not get their names or star numbers.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

Because the identity of the alleged officers could not be established, the DPA was unable to make a finding regarding the alleged misconduct.

SUMMARY OF ALLEGATION #3: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that a black male driving one car ahead of her littered out of the driver side window, not her. The complainant stated that she was racially profiled because the officers must have confused her with the man who littered.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

Because the identity of the alleged officers could not be established, the DPA was unable to make a finding regarding the alleged misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/16 **DATE OF COMPLETION:** 04/10/17 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant described the named officer acted inappropriately before and after a traffic collision. The complainant said the officer opened her driver's side door, identified himself as a police officer as he leaned into her driver's seat space to yell, interrupt and belittle her with inappropriate name calling, much of which she could not understand, and intimidated her and her children with threatening behavior.

Four independent witnesses at or near the scene of the collision heard and saw the named officer act and yell at the complainant in a threatening manner while using harsh, uncivil, and profane language.

The named officer said the complainant intentionally caused the collision, but admitted he was upset when he approached and opened the complainant driver's side door. The named officer also admitted that he spoke loudly and in a stern manner at the complainant but said he could not recall using harsh, uncivil or profane language towards her. The named officer also admitted he approached the driver's door a second time on foot and a third time while driving his vehicle, he said, to obtain required information to complete the exchange of information between them in this non-injury minor collision without damage.

A video provided by the complainant confirmed the officer drove his car parallel to the complainant's car after the collision and before the arrival of police. The video also established that the officer approached the car while displaying his SFPD star on his clothing.

Department General Order 2.01 states, in part, that officers both on and off-duty "shall treat the public with courtesy and respect and not use harsh, profane or uncivil language," and that "any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department ..., shall be considered unofficer-like conduct subject to disciplinary action."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/16 **DATE OF COMPLETION:** 04/25/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer issued him a citation without probable cause. The complainant stated he passed the police car within his lane, without violating the law.

The named officer stated he observed the complainant pass him on the wrong side of the road at a high rate of speed, where it was marked with a double yellow line.

No independent witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/16 **DATE OF COMPLETION:** 04/25/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer issued an inaccurate or incomplete citation.

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

FINDINGS OF FACT: The complainant received a citation for driving on the wrong side of the road, a violation of California Vehicle Code (CVC) Section 21650 (a). The complainant stated that when he appeared in court, he learned his case was dismissed because the named officer cited the “wrong vehicle code section.”

During his DPA interview, the named officer stated he observed the complainant pass him on the wrong side of the road at a high rate of speed, where the street was marked with a double yellow line. The named officer stated that he cited the complainant, but acknowledged that he mistakenly left off the appropriate subsection of the vehicle code.

The written citation was for a violation of (CVC) Section 21650. The citation did not include the applicable subsection, in this case subsection (a).

CVC Section 21650 states:

Upon all highways, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

Department Bulletin 14-034, Correctable Violation and Proper Completion of Traffic Citations, states, in part:

- Officers should ensure when issuing citations the inclusion of proper subsections, when required on certain violations. *The Superior Court’s computer system will not accept citations if the officer writes only the violation number when that violation number requires a subsection* (Italics in the original).

The named officer violated SFPD policy by not specifying the applicable subsection of the statute. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/16 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer officers wrongfully broke down the front door of her boyfriend's apartment while they were asleep inside. The complainant expressed doubt regarding the officers' intent, claiming they were there to commit a robbery.

The named officers stated they were dispatched on a call regarding a woman screaming for police, because she was being held against her will with a knife. They stated they knocked on the apartment door first but were refused admittance. Based on the exigent circumstance of someone calling for help, the named officers stated they broke down the door and entered to locate any possible victims inside the residence.

A witness stated on the night of the incident, a building resident telephoned her, stating she had called 9-1-1 because she heard a woman nearby call for help, saying she was being held with a knife. The witness stated that when police arrived, she escorted officers to the apartment where the call for help reportedly originated. The witness stated the named officers knocked on the door and announced themselves as San Francisco Police. The witness heard the complainant tell her boyfriend not to open the door. The named officers broke down the door and entered the apartment, where they found the complainant and her boyfriend unharmed. The named officers searched for victims inside the apartment and found no one.

Officers responded to a dispatched call for help from a possible victim being held against her will. Based on exigent circumstances and the residents' failure to open the door, the officers' conduct was within Department policy.

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: 06/17/16 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3-5: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she and her boyfriend were detained for no reason.

One named officer stated that when he entered the apartment where the complainant was found, he ordered her to sit on the couch, but she acted in an erratic manner, claiming that the officers were not the police and that they were trying to rob her. Based on the complainant's failure to listen to police commands and her altered mental state, the named officer detained the complainant in handcuffs and called an ambulance.

The second named officer said he detained the complainant's boyfriend with an extended range impact weapon while a search was conducted for victims in the residence. The complainant's boyfriend was then released and issued a Certificate of Release.

The third named officer recalled the complainant was detained on the floor by a couch. The third named officer stated the complainant continuously screamed throughout the incident and was inconsolable.

A witness overheard the complainant screaming and acting out in an erratic manner during the police encounter, then saw her escorted away by police and medics.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/16 **DATE OF COMPLETION:** 04/04/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant claimed an officer improperly ordered her boyfriend to dispose of her belongings, including food, clothing, and medicine. The complainant did not describe or name a specific officer.

The DPA interviewed all responding officers. They denied issuing such an order.

The identity of the alleged officer could not be established.

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

SUMMARY OF ALLEGATION #7: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant claimed an officer improperly pointed a large gun with orange markings at her boyfriend.

The named officer stated he was dispatched to a call regarding a woman screaming for police, because she was being held against her will with a knife. He stated he arrived at the apartment where officers needed to check for possible victims, but the occupants refused to admit the police. The named officer stated he drew a less than lethal extended range impact weapon (ERIW) and detained a male occupant in the residence.

The other responding officers stated the named officer carried ERIW at the scene due to exigent circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #8: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant claimed an officer improperly pointed a firearm at her inside her boyfriend's apartment.

The responding officers denied drawing their firearms at any time.

A witness did not see the entire incident.

No other witnesses came forward.

The identity of the alleged officer could not be established.

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

SUMMARY OF ALLEGATION #9: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant claimed that an officer disposed of her personal property, including medicine, food, clothing and her kava bag.

All of the responding officers were questioned. They stated they did not dispose of the complainant's personal property.

A witness did not see the entire incident.

No other witnesses came forward.

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/16 **DATE OF COMPLETION:** 04/05/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was a good samaritan reporting a possible stolen vehicle in progress but the named member turned their conversation into an argument and mistreated him.

The named officer had no recollection of the conversation, but denied he argued with or mistreated the complainant.

Two officers on scene either had no recollection of, or did not hear, the conversation between the complainant and the named officer.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/16 **DATE OF COMPLETION:** 04/05/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the named officer delayed the investigation and prevented the use of photos to locate the suspects and the vehicle. Based on information provided by dispatch, the complainant stated no police action was taken.

The named officer said no report was required because there was insufficient information to substantiate a crime had occurred. There was no suspect or vehicle on scene or specific license plate provided to the Department of Emergency Management, because the complainant hung up without providing one, and there was confusion on scene over the broadcast as an auto boost rather than a vehicle being stolen.

Two officers on scene either had no recollection of the incident or did not hear what the parties said to each other.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/16 **DATE OF COMPLETION:** 04/05/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that during a dispute with his bank over a missing safety deposit box and missing items, numerous police officers responded and engaged in inappropriate behavior toward the complainant.

The named officers denied the allegation.

A witness who had observed the complainant's behavior earlier in the day stated that the complainant had to be persuaded to leave the bank after the complainant had made allegations against the bank and refused to remove his property from the bank.

Records from the Department of Emergency Management (DEM) show that the bank called 911 and reported that the complainant was trespassing, being loud and aggressive and verbally abusive to customers and employees and threatening to take legal action against the bank.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/16 **DATE OF COMPLETION:** 04/05/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant questioned the officers' right to question him under threat of arrest. The complainant believed that the officers' behavior amounted to a detention. The complainant admitted that he was reluctant to leave the bank.

A witness who had observed the complainant's behavior earlier in the day stated that the complainant had to be persuaded to leave the bank after the complainant had made allegations against the bank and refused to remove his property from the bank.

Records from the Department of Emergency Management (DEM) show that the bank called 911 and reported that the complainant was trespassing, being loud and aggressive and verbally abusive to customers and employees and threatening to take legal action against the bank.

The named officers denied that the complainant was detained. They stated that the complainant was admonished that if he did not leave, he could be arrested for trespassing.

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

The evidence established that the named officers had reasonable suspicion to detain the complainant based on the 911 call.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/16 **DATE OF COMPLETION:** 04/05/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7-9: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officers ordered him to leave the bank and told him he could be arrested for trespassing if he refused or if he returned.

The named officers stated that the bank wanted the complainant removed for trespassing, prompting the officers to tell the complainant to leave.

The evidence established that the officers gave a valid order, and that the officers' action was proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 04/28/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 7.01, Policies and Procedures for Juveniles Detention, Arrest, and Custody.

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

FINDINGS OF FACT: The complainant stated she works at night while her two juvenile children care for her four-year-old son at home. The complainant said that when she phoned her daughter, someone else answered her daughter's phone and told her that her daughter was being driven away by police. The complainant said a Spanish-speaking officer spoke to her on her daughter's phone and told her to bring identification to a police station to pick up her children. She complained that police did not notify her of the arrests, refused to speak with her about the reasons for the arrests, and left her youngest child unattended inside her residence.

The complainant's daughter stated that while she was prone on the sidewalk during her arrest, she told an arresting officer and a neighbor looking from a second story window to take care of her little brother.

Department General Order 7.01 states members shall take immediate steps to notify parents of juveniles about their arrests, where they will be held, and that they should avoid bringing them into an adult lockup facility unless circumstances warrant it. DGO 7.01 II. G. allows officers to deviate from procedures under exigent circumstances in situations such as a threat to life or safety of officers or juveniles.

A Department subject matter expert stated that, under DGO 7.01, when juveniles caring for other children are arrested outside a premise and there is no clear evidence the arresting officers knew there was a child in the residence, there is no expectation for officers to enter the premises without exigency or consent.

The named officer stated he responded as a patrol supervisor to a call about a young man breaking into or vandalizing cars with a metal bar. He said he responded to the call because the complainant's son, who was eventually determined to be on juvenile probation, became involved in a physical confrontation with officers, and his sister interfered with the arrest of the complainant's son. The named officer described arriving to a scene with two juveniles in custody, one not positively identified, on a dark street where people were in an elevated position above officers. There was no merit to the auto boost call and there was no response to officers' efforts to reach the reporting party. The named officer said for the safety of the involved parties, he directed officers to transport both juveniles to the station to complete the complex investigation and identify and process each juvenile. The named officer explained that he believed a potential ambush could occur at the scene, as police officers had been ambushed the previous night in another city. The named officer denied any knowledge of an infant left behind inside the residence, and believed no other officer had that information either.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 04/28/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1 continued:

A neighbor said she heard from a window the complainant's daughter yelling during her arrest, "Leave my brother alone," and a short time later told her, "Please take care of my baby brother." The neighbor also stated an unidentified officer told her that a young man at the door of the residence had arrived and held himself out as taking care of the home.

The co-tenant in the complainant's residence said she was present but is hard of hearing and slept through this incident. Her son, the young man at the door of the residence, said he was visiting his mother and called the complainant to notify her that police were driving away with her children. He also passed his telephone to a Spanish-speaking officer approaching the residence, who notified the complainant of the arrests and where her children would be held.

Multiple officers on scene verified the named officer directed them to transport both juveniles to the station for further investigation. The arresting officers heard the complainant's daughter yell, "That's my brother," but denied hearing anyone mention that an unattended toddler was inside the residence.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/16 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers harassed a homeless man.

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

FINDINGS OF FACT: The complainant reported seeing two Caucasian male officers contacting a homeless person who was sitting on the sidewalk outside a parking garage. The complainant stated the officers harassed the person by yelling and speaking rudely. The complainant stated the officers also made the person urinate in a cup for no reason.

Department records showed that three incidents occurred within the same period of time and near the location described by the complainant. One car unit responded and handled each of the three incidents. The DPA identified two Caucasian male officers who were listed under the involved unit number in Department scheduling records, and named by a supervising officer.

The identified officers denied operating as the unit involved in the above three incidents on the date in question, and submitted Department records indicating they were assigned a different unit identifier. The identified officers denied any involvement in the alleged actions. One identified officer provided Department records indicating he and his partner were at a location different than the one identified in the complaint at the time alleged.

No witnesses were identified.

The identity of the alleged officers could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/16 **DATE OF COMPLETION:** 04/27/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer filed a false charge against the complainant.

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

FINDINGS OF FACT: The San Francisco District Attorney's Office has the sole responsibility to file criminal charges.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 1 of 7

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

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

FINDINGS OF FACT: The complainant stated that the named officer brought a fake incident report to the Department of Police Accountability (DPA) mediation and lied about the report to him. The mediation closed a 2014 complaint against the named officer regarding his conduct while attempting to serve an Emergency Protective Order against complainant. The complainant stated that he had been trying to get the related Incident Report, but it had been denied on multiple occasions. The complainant filed a related complaint with the DPA in early 2016 against a different officer's off-duty conduct. The complainant eventually received a redacted version of the Incident Report after the two previous DPA cases had been closed. Once he was able to see the report, the complainant filed this complaint regarding the named officer's conduct at the DPA mediation.

The named officer denied that he was dishonest at the DPA mediation.

Because the mediation was confidential, witnesses and evidence from the mediation could not contribute to the factual basis of the findings in this case.

DPA Mediation Rules state that:

A case which has been mediated will be sealed and a finding of "mediation" will be entered into the officers file. Both parties will receive a letter stating a mediation had been held and the issue fully resolved. No other investigation will occur involving those events covered by the mediation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 2 of 7

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

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

FINDINGS OF FACT: The complainant stated that the named officer made a number of errors on an incident report. The complainant stated that the named officer should have known, by the time he wrote the report, that the complainant no longer lived at the address listed in the report as his home address. The complainant also complained that the named officer incorrectly identified his race and incorrectly checked the box for “Violent Crime” in the report.

The named officer stated that when he attempted to reach the complainant at the address listed on the incident report, he spoke to him through the doorbell answering system, and believed he was in the apartment. The named officer also stated that this address came from the California Department of Motor Vehicles. The named officer did not recall the source of complainant’s race. The named officer stated that he checked the “Violent Crime” box because the victim believed complainant might physically harm her.

The SFPD Incident Report showed that the named officer received information from the victim that he used to obtain an Emergency Protective Order, and filed his report later that same day. The report included complainant’s new address, as an additional possible address for complainant. The report also had the “Violent Crime notice” box checked and complainant’s race identified as “H.”

No witnesses were identified.

The evidence established that the named officer was justified in listing complainant’s registered address on the report and checking the “Violent Crime notification” box. It is possible that the “H” listed as complainant’s race came from the DMV, but it may also have been a clerical error.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 3 of 7

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

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

FINDINGS OF FACT: The complainant stated he requested a police report, regarding an Emergency Protective Order, multiple times. The complainant stated the named officer refused to release it citing California Government Code §6254(f). He eventually received a redacted version of the report.

The named officer stated that she was involved in the decision to release the report and, ultimately, released the redacted report to the complainant.

California Government Code §6254(f) states that release of police records is not required, except that certain kinds of records shall be released to certain categories of individuals. It also includes this exception: “unless the disclosure would endanger the safety of a witness or other person involved in the investigation.”

SFPD General Order 3.16 I. D. states:

The Department may withhold the following, except that release shall occur where, upon weighing the public interest for and against disclosure, the public interest favors disclosure. If documents are withheld, the Department must explain in factual terms how the public interest would be harmed. [S.F. Admin. Code § 67.27 (a)].

1. Information that would endanger the safety of a person involved in an investigation.
(Cal Gov. Code 6254 (f))

San Francisco Admin. Code §67.27 (a) calls for citing the specific statutory authority when withholding records.

No witnesses were identified.

The evidence established that the named officer was justified in withholding the incident report from complainant based on the information she had regarding the safety of a protected party.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 4 of 7

SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that, during a phone conversation, the named officer asked him if he read English and if he knew the meaning of the word “hearsay.” The complainant stated that the named officer asked him why he was trying to ruin a cop’s life. The complainant stated that the named officer also told him that he had spoken to the victim and reviewed the incident report. The named officer then made inappropriate comments to the complainant about the substance of the incident report and the victim’s statements about the complainant.

The named officer stated that he did not recall making any inappropriate statements to complainant or discussing the case details with him. The named officer did not think he would have said anything about ruining a cop’s life, and he did not think he would discuss a victim’s statement with a possible suspect, and vice versa. The named officer stated that he may have attempted to define the word “hearsay,” as an attempt to inform 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: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 5 of 7

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to take an OCC complaint.

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

FINDINGS OF FACT: One of the named officers stated that a complaint regarding an officer's off-duty conduct would not have been referred to the DPA, and this was the understanding throughout the Department: "Everybody knows OCC handles on duty allegations. Internal Affairs handles off-duty" The named officer did not think there was any written policy stating this, and he did not recall the distinction being discussed in Internal Affairs training.

The other named officer admitted that she had a phone conversation with the complainant and submitted a copy of the conversation, which she had surreptitiously recorded, to the DPA. The officer stated in an interview that, "referring [the complainant] to OCC would have been no issue, except I believed it fell into the off-duty parameters, which is what I thought we would handle." The officer made clear in her interview that the practice of sending on-duty conduct to OCC and keeping off-duty misconduct at SFPD Internal Affairs was not in a written policy she was aware of and was not part of IA training. The officer stated that she could not think of a scenario when she would have forwarded a complaint of off-duty conduct to the OCC/DPA. In a subsequent email, the officer cited the DPA website's Frequently Asked Questions section, which specifically stated that the DPA takes complaints involving, "one or more SF Police Department sworn members engaged *on-duty*. [emphasis added]"

In the recorded phone conversation between the named officer and complainant, the named officer told the complainant that he would not get much out of OCC mediation because the misconduct he alleged involved off-duty contact.

DGO 2.04 states, in part: "It is the policy of the San Francisco Police Department to encourage citizens to bring forward grievances regarding inadequate police service or official misconduct by officers...." It further states that members are to prepare a citizen complaint form and route it to the OCC, "If the complaint is against an officer." It further states that, "A Citizen Complaint form shall not be completed when the complainant is a member of the Department or is a representative of another police department or government agency."

DGO 2.01 Rule 2 states, in part: "While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 6 of 7

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: (Continued)

DGO 2.01 Rule 14 states, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

Off-duty conduct of sworn members is also regulated in a number of other DGOs, such as 2.02, Alcohol Consumption by Members, 2.03, Drug Use by Members, 2.06, Vehicle Collisions Involving Members, 5.02, Use of Firearms, 8.11, Investigation of Officer-Involved Shootings and Discharges.

The San Francisco City Charter §4.127, in effect at the time, stated:

The Office of Citizen Complaints shall investigate all complaints of police misconduct, or that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department.

The current City Charter §4.136, states:

DPA shall promptly, fairly, and impartially investigate all complaints regarding police use of force, misconduct or allegations that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department.

The City Charter grants the OCC (now the DPA) the power to investigate complaints against police misconduct and refers to “member[s] of the Police Department.” The charter does not make a distinction between on-duty and off-duty conduct. SFPD Department General Orders also do not seem to make a distinction between on-duty and off-duty conduct; they specifically regulate off-duty conduct. DGO 2.04 makes only a clear distinction for “internal complaints,” from other members or representatives of other law enforcement or government agencies. The DGO, however, specifically limits the scope of allegations handled by the OCC to “official misconduct.”

“Official misconduct” should be defined in the DGO’s, and the OCC/DPA’s jurisdiction should be more clearly defined.

The evidence proved that the act by the members was justified by Departmental policy, procedure, or regulation. However, the DPA recommends a change in the particular policy, procedure, or regulation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 7 of 7

SUMMARY OF DPA-ADDED ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The named officer admitted that she received an email from the complainant but did not respond or take further action regarding its content.

In the email, the complainant described a conversation he had with a sergeant from Internal Affairs: "Then came the lies. ... Then came the insults." The complainant then detailed some of the insults. This passage was in paragraph 7 of a 10-paragraph email that did not indicate that the complainant was requesting a response or any action be taken.

If the named officer had read the email carefully, she would have recognized that complainant's statements indicated a possible violation of DGO 2.01. Ideally, the named officer would have asked the complainant if he was complaining of that conduct and whether he had reached out to the DPA. The question is whether it is incumbent on officers to carefully read through every email sent by the public to determine if there is alleged misconduct. This email did not state that it was a complaint and even had the name of a different officer in the subject line – an officer the complainant was praising in the body of the email. While we should expect officers to look beyond the lack of explicit language like "complaint" or "misconduct," it is also true that some communications are not going to stand out as complaints, especially if they are not alleging serious misconduct. The named officer may also have assumed that if complainant was already communicating with Internal Affairs, he was already familiar with how and where to make complaints regarding police conduct and was apparently already speaking to the right individuals.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/16 **DATE OF COMPLETION:** 04/27/17 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he became engaged in a dispute with another tenant and called police. The complainant stated police arrived and one police officer spoke with him. He stated that he tried to observe the interaction between the officers talking to the tenant, but the officer with him told him to go back to his room three to four times. The complainant told him that he had a right to observe the other officers. The complainant stated the officer was condescending, argumentative during the time he was with him.

The named officer stated he remained with the complainant during the investigation. The officer said that the complainant was allowed to view the incident from his doorway, for the safety of all parties. The officer added that the complainant was extremely upset with his presence, could not be reasoned with and was argumentative with his request for the complainant to wait in his room.

There were no witnesses to the interaction between the named officer and the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide requested information, refusing to cooperate with DPA's investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 04/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while shopping in the gated yard of a food bank, she was struck in the shoulder blade from behind by an empty cardboard box used to store food products. When the complainant asked who threw the box, people pointed to a woman, who wanted to apologize to the complainant. The complainant alleged that the box was intentionally thrown at her, and that the responding officers refused to take a report.

The named officers stated the complainant said the suspect was a black male with glasses who worked for the food bank. The officers stated they were unable to locate the alleged suspect. They stated the complainant did not have any visible injuries. The officers stated they located two anonymous employees of the food bank who stated the complainant was not assaulted but walked in front of an empty cardboard box that an employee was tossing into the garbage can. The officers stated no report was generated because no crime was committed.

The food bank identified a female witness. However, the woman stated she had not witnessed the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer treated her in a dismissive manner.

The named officer stated he spoke to the complainant with the assistance of a telephone translator and explained why a report was not prepared. He stated the complainant would not listen to him and was so uncooperative that the translator ended the conversation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/16 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer stopped him after the complainant made a right turn at a street corner, and told the complainant he had failed to stop at a stop sign. The complainant stated that during the contact, the named officer approached his vehicle with his hand on his firearm. The complainant stated the officer also spoke inappropriately during the contact.

The officer acknowledged issuing a citation to the complainant, but denied holding his hand on his firearm when he approached the complainant's vehicle. He could not recall making the comment the complainant said was inappropriate during the incident.

The named officer's partner stated he could not recall the incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/16 **DATE OF COMPLETION:** 04/12/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she went to her sister's residence to retrieve her belongings, momentarily leaving her dog in her vehicle. She stated she observed the named officer "banging" his baton on her car windows and trying to get in the car doors. The complainant said she tried to approach the officer, but he had left the scene. The complainant stated she found her dog shaking and traumatized.

The named officer said there had been complaints of vehicles being used for illegal camping in the area where the complainant's vehicle was found. The named officer stated he recognized the complainant's vehicle parked near where other officers had advised the occupants of the same vehicle five days earlier for illegally camping. The named officer stated that on the day of the incident, he noted evidence that someone was using the complainant's vehicle for living in. The named officer stated he stood in a position of cover and used his baton to knock on the vehicle's rear window to ascertain if there were any human occupants inside. The named officer heard a dog barking, but could not see the dog, because his view was obstructed by condensation and covered windows. The officer stated that he did not recall trying to open the doors of the complainant's car.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/15 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer went into the apartment where he was working in the bathroom using a knife to fix grout around the bathtub. The named officer entered the apartment, displayed his gun, gave him direct orders to drop the knife and exit the bathroom, hit him with his baton, and charged at him. The complainant refused to exit the bathroom.

The named officer stated he was dispatched to the apartment because the tenant reported that a man broke into his apartment. When the named officer arrived, he observed the door to the apartment off the hinges and the complainant in the bathroom stabbing tile with a knife. The named officer displayed his firearm and ordered the complainant to drop the knife and exit the bathroom. The complainant refused to exit the bathroom. After a struggle, the named officer and another officer handcuffed the complainant.

Records from the Department of Emergency Management (DEM) show that a tenant called 911 and reported that a subject had broken into his room.

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

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

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

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

FINDINGS OF FACT: Department records indicate that the complainant was arrested, in part, pursuant to a private person's arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/15 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #3: The officer entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer entered the apartment while he was working in the bathroom and told him to exit the bathroom.

The named officer stated he was dispatched to the apartment because the tenant reported that a man had broken into his apartment. When the named officer arrived, he observed the door to the apartment off the hinges and the complainant in the bathroom, stabbing tile with a knife.

Records from the Department of Emergency Management (DEM) show that a tenant called 911 and reported that a subject had broken into his room.

The evidence established that the 911 call provided an exigent circumstance, allowing the officer to gain entry to the apartment without a warrant.

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: 09/08/15 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #4: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that when the named officer arrived, he drew his service weapon and told the complainant to drop the knife and exit the bathroom. He stated that when he dropped the knife, the named officer holstered his weapon.

The named officer stated he was dispatched to the apartment because the tenant reported that a man had broken into his apartment. When the named officer arrived, he observed the door to the apartment off the hinges and the complainant in the bathroom, stabbing tile with a knife. The officer then observed the complainant holding the knife in an aggressive stance. The officer drew his firearm and told complainant to drop the knife. When the complainant dropped his knife, the officer holstered the firearm.

Records from the Department of Emergency Management (DEM) show that a tenant called 911 and reported that a subject had broken into his room.

Department General Order 5.02, Use of Firearms, section I.B.2. states, in part:

AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

The evidence established that the named officer had reasonable to cause to believe that drawing his firearm was necessary for his own safety and the safety of others.

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: 09/08/15 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #5: The officer used excessive force.

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

FINDINGS OF FACT: The complainant stated that when the named officer arrived, he drew his service weapon and told complainant to drop the knife and exit the bathroom. The complainant dropped the knife and the named officer told him to get on the ground. They entered into a shouting match and complainant said, “fuck you, you pig” and refused to get on the ground. The named officer holstered his firearm and attacked the complainant by hitting him four times with his baton, including on the top of his head and on his left knee. The named officer then charged at complainant, who jumped into the tub to avoid him. The complainant stated that he grabbed the named officer’s baton and shoved it.

The named officer stated he was dispatched to the apartment because the tenant had reported that a man broke into his apartment. When the named officer arrived, he observed the door to the apartment off the hinges and the complainant in the bathroom, stabbing tile with a knife. The named officer drew his firearm and told complainant to drop the knife. When the complainant dropped his knife, the named officer holstered the firearm. The named officer told the complainant to exit the bathroom, but the complainant refused to exit. The named officer ordered the complainant to the ground and to stop resisting, but the complainant refused. The named officer admitted that he used the baton in response to the complainant’s resistance. The named officer used his baton on the complainant once or twice, but because the bathroom was small, and he was not able to fully swing the baton or, if he did, the baton would hit the wall before striking the complainant. The named officer stated that the complainant put his arms over his shoulders and fell back into the bathtub, pulling the named officer on top of him. The named officer stated that he suffered a broken tibia when he went into the bathtub.

A witness officer stated he saw the named officer standing with his baton in the ready position. He stated the named officer continued to shout, “come out and get on the ground”. The complainant refused to comply and responded by saying, “no, fuck you pig, come and get me”. The witness officer stated he did not see the named officer hit the complainant with a baton because of his position outside the bathroom. He stated he saw the complainant fall in the bathtub, but before falling, the complainant grabbed the named officer. The witness officer stated the force used was absolutely necessary for the named officer to accomplish a lawful police task. He stated the complainant did not cry out in pain or discomfort and that when the complainant received medical assessment from paramedics, he did not have a complaint of pain.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/15 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately and made threatening comments.

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

FINDINGS OF FACT: The complainant stated that he asked the named officer what he wanted, and the named officer replied, "I will work on you."

The named officer denied making the alleged statement, but admitted telling the complainant something like, "We'll work it out."

A preponderance of the evidence established that the named officer did not behave inappropriately or make threatening comments toward the complainant.

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

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer watched while another officer beat him up.

The named officer stated that he did not see the other officer hit complainant with a baton because of his position outside the bathroom. He stated that the force used on the complainant was absolutely necessary for the other officer to accomplish a lawful police task and that all reasonable alternatives were exhausted.

A preponderance of the evidence established that the named officer did not behave inappropriately.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/16 **DATE OF COMPLETION:** 04/17/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to write a police report.

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

FINDINGS OF FACT: The complainant stated that he was defrauded by a brokerage firm. He stated that he went to the public window of Southern Station to file a report, but the officer he spoke to would not take a report, referring him instead to the SEC.

A poll of Southern Station yielded the name of one officer. That officer stated that he was on Station Duty on the day and in the location the complainant attempted to file a report, but said that he had never spoken to the complainant. He further stated that if he had spoken to the complainant he would have documented his actions in a police report.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused officer, the complaint was mediated and resolved in a non-disciplinary manner on March 31, 2017.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused officer, the complaint was mediated and resolved in a non-disciplinary manner on March 31, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused officer, the complaint was mediated and resolved in a non-disciplinary manner on March 31, 2017.

SUMMARY OF ALLEGATION #4: The officer interfered in the rights of onlookers.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused officer, the complaint was mediated and resolved in a non-disciplinary manner on March 31, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/16 **DATE OF COMPLETION:** 04/12/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was sleeping in a private driveway, under an overhang, when the named officer ordered him to get up and leave. The complainant stated the named officer laughed at him. The complainant stated he asked to see the named officer's badge number. The complainant stated the named officer called complainant to his vehicle, but when he approached, the named officer punched the accelerator and jumped forward to avoid having to provide a badge number.

The named officer stated that he was driving his police vehicle when he saw the complainant sleeping in a car port. The named officer stated that he asked the complainant to move on, because he was in danger of being hit by a car entering or exiting the driveway. The named officer stated that the complainant began yelling at him and his partner. The named officer denied laughing at the complainant. The named officer stated that he provided his star number to the complainant, but acknowledged he may not have heard him because of his own yelling. The named officer denied accelerating at a high rate of speed as described by the complainant.

The named officer's partner confirmed the named officer's account of the incident.

A building resident stated she heard a male voice yelling, saying inappropriate and conspiratorial things. She stated she then heard the police arrive and a male voice, she assumed to be a police officer, speak in a matter-of-fact tone. The resident stated she believed the complainant must have either had mental health issues or been intoxicated. She stated she did not hear a car quickly accelerate or screech its tires. A neighbor stated the complainant had been sleeping in the driveway of a residential building, and he heard him screaming at officers. The neighbor stated he had seen the complainant in the neighborhood before and he described him as either having mental health issues or being addicted to methamphetamines.

No other witnesses were identified.

Department of Emergency Management Records document a homeless complaint initiated by the named officer and his partner in which the officers reported finding an individual sleeping in a driveway.

The named officer articulated sufficient facts requiring movement for public safety. 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: 11/03/16 **DATE OF COMPLETION:** 04/12/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to provide name or star number.

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

FINDINGS OF FACT: The complainant stated he asked for the badge number of the named officer. The complainant stated that the named officer called complainant to his vehicle, but when he approached, the named officer punched the accelerator and jumped forward to avoid having to provide a badge number.

The named officer stated that he provided his star number to the complainant, but acknowledged he may not have heard him because of the complainant's own yelling.

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

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the named officer laughed at him. The complainant stated the named officer called complainant to his vehicle, but when he approached, the named officer punched the accelerator and jumped forward to avoid having to provide a badge number.

The named officer denied laughing at the complainant. The named officer denied accelerating at a high rate of speed as described by the complainant.

The named officer's partner stated that the named officer did not laugh at the complainant.

A building resident stated that she did not hear a car quickly accelerate or screech its tires.

The evidence established that it is more likely than not that the named officer neither laughed at the complainant nor punched the accelerator of his vehicle to avoid providing identifying information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 04/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while shopping in the gated yard of a food bank, she was struck in the shoulder blade from behind by an empty cardboard box used to store food products. When the complainant asked who threw the box, people pointed to a woman, who wanted to apologize to the complainant. The complainant alleged that the box was intentionally thrown at her, and that the responding officers refused to take a report.

The named officers stated the complainant said the suspect was a black male with glasses who worked for the food bank. The officers stated they were unable to locate the alleged suspect. They stated the complainant did not have any visible injuries. The officers stated they located two anonymous employees of the food bank who stated the complainant was not assaulted but walked in front of an empty cardboard box that an employee was tossing into the garbage can. The officers stated no report was generated because no crime was committed.

The food bank identified a female witness. However, the woman stated she had not witnessed the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer treated her in a dismissive manner.

The named officer stated he spoke to the complainant with the assistance of a telephone translator and explained why a report was not prepared. He stated the complainant would not listen to him and was so uncooperative that the translator ended the conversation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/15 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was crossing a street at the intersection. The walk sign was red but an officer stopped at the intersection waved towards the complainant to indicate that he could walk against the red light. The complainant crossed the street and the officer and his partner then detained him for illegally crossing the street.

One named officer stated that he did not wave the complainant across the street. The other named officer stated she observed the complainant walk against the red light and did not see the first officer wave at the complainant to cross the street. The complainant was briefly detained and given a warning.

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: 10/05/15 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that he was detained and took out his phone to record the incident. An officer then told the complainant, “You can’t be recording.” The complainant responded, “It’s a public place. I can record.” The officer said, “Put it away.” The complainant then sat down and continued recording and the officer took the phone away from the complainant.

The named officer stated that the complainant was detained and under investigation. The complainant was angry and moving around and took out his phone. The named officer ordered the complainant to put the phone away because the named officer was afraid that the complainant could use it as a weapon. The named officer stated that while citizens are allowed to record video in public places, suspects who are detained do not have that right.

A witness officer did not observe the interaction.

Because the complainant was being detained, the officer’s orders and action were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/15 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that when he asked for his phone back, the officer slammed the phone on the back of the car and said, "You can get it yourself."

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that an officer used profanity while addressing him.

The named officer denied the allegation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/15 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that officers stopped him and he tried to take a video of the encounter. An officer told him to put the phone away, but the complainant refused. The officer then snuck up on the side of the complainant and grabbed the complainant's wrist to get his phone. The officer then told the complainant to stop resisting. The complainant denied that he was resisting in any way. The officer then grabbed the complainant's other left wrist. The complainant stated that it hurt but he did not complain of pain to the officers. He did not obtain any medical care.

The named officer stated that he ordered the complainant to put away his phone because he thought the complainant could use it as a weapon during a detention. The complainant refused and the named officer took the phone out of the complainant's hand. The named officer stated that no force or physical restraint was used. The complainant did not indicate he was in any pain.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/16 **DATE OF COMPLETION:** 04/18/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was near a Starbucks restaurant and heard a dog barking inside a black Toyota Corolla that was parked under the heat of the sun. When she could not locate the owner, she called the Brentwood Police Department. She also walked into the local restaurant and found the owner of the vehicle, a white male seated next to an older female. The complainant stated she told the man that the dog appeared to be in distress and should not be left alone in the hot car. The complainant stated the man responded that the dog was fine, he had water in the car, and that he was having lunch with his mother. The complainant stated the man also said that he was a police officer. The complainant stated he later saw the man exiting the restaurant and entering his vehicle with a glass of water.

The registered owner of the vehicle is not a member of the San Francisco Police Department.

The evidence proved that a member of the San Francisco Police Department was not involved in the act alleged by the complainant.

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star number when requested.

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

FINDINGS OF FACT: The evidence proved that a member of the San Francisco Police Department was not involved in the act alleged by the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/16 **DATE OF COMPLETION:** 04/13/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she was employed at a hotel as the night auditor before she was terminated from employment. She stated that she was fired because police officers staged a burglary at the hotel, covertly obtained information about her personal affairs, and passed that information on to her employer.

The complainant's employer denied any police involvement in the complainant's termination.

A preponderance of the evidence established that SFPD was not involved in the complainant's termination. As such, the evidence proved that the act alleged in the complaint did not occur, or that SFPD members were involved in the act alleged by the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/13 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was arrested while walking in a retail store for a crime he did not commit. After initially responding to the DPA, the complainant failed to provide additional requested evidence.

The named officer stated that he saw a crime bulletin that contained images of a robbery suspect taken from video footage of a strong-arm robbery. The named officer stated that because of his experience in the area where the robbery took place, he recognized the complainant as the person depicted in the crime bulletin. The named officer stated that he arrested the complainant after obtaining approval for the arrest from the named sergeant.

The named sergeant stated that the named officer told him he recognized the complainant as the man depicted in a crime bulletin. The named sergeant acknowledged that he had created the crime bulletin, and that he relied on the named officer's belief that he recognized the complainant as the probable cause for the arrest of the complainant. The named sergeant acknowledged that he approved the arrest of the complainant and stated that the complainant was held as a suspect until witnesses could be brought to attempt to identify the complainant. The complainant was released after the witnesses stated they were unable to identify the complainant as the man involved in the reported robbery.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/13 **DATE OF COMPLETION:** 04/19/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that because he was arrested and held as a suspect, he missed a physician appointment that led to his arm going numb.

The named sergeant acknowledged that he approved the arrest of the complainant and that the complainant was held as a suspect until witnesses could be assembled to attempt to identify the complainant. The complainant was released after the witnesses stated they were unable to identify the complainant as the man involved in the reported robbery.

The named sergeant stated that he had no recollection of the complainant stating he had an injury or medical condition that required treatment while the complainant was in custody.

Department records showed that the complainant signed a form at the time of his booking indicating that he had no medical condition that required immediate medical attention.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he lightly sounded the horn on the vehicle he was driving to signal the driver of a vehicle in front of him to move. The complainant stated the vehicle in front of him appeared to be double-parked and was impeding traffic flow through a nearby intersection controlled by a traffic signal. When the vehicle in front of him moved, the complainant made a left turn at the intersection. The complainant heard someone yell that there were pedestrians in the crosswalk. The complainant stated he yelled something back at this person and drove off. The complainant drove approximately mid block to park his vehicle. After the complainant had exited his vehicle, the named officer caught up to him and issued him a citation for unnecessary use of the vehicle's horn.

The named officer stated he and his partner were walking in the pedestrian crosswalk of the intersection. The first car making a turn at the intersection allowed two pedestrians and the officers to safely clear the path of the turning vehicle. The second (complainant's) vehicle, however, sounded its horn continuously while the officers were still walking across the crosswalk. The named officer stated he had a clear and unobstructed view of the complainant's vehicle and was approximately fifteen feet away when the complainant was sounding his horn.

The named officer stated he approached the vehicle and told the driver there were pedestrians in the crosswalk. The named officer stated the complainant yelled something at the officer and drove away. The complainant drove his vehicle about half way up the street and turned into a driveway. The complainant got out of his vehicle and the named officer approached the complainant. The named officer explained the reason for the contact and asked for the complainant's driver's license. The officer stated the complainant became belligerent, repeatedly refused to relinquish his license and maintained that he had done nothing wrong. The officer stated the complainant finally relinquished his driver's license, and the officer issued a citation to the complainant for unnecessary use of the vehicle's horn.

The officer's partner could not remember details of this incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer was combative, rude and arrogant.

The named officer denied the allegation.

The named officer's partner could not remember details of this incident.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 04/04/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer wrote an incorrect address and an incorrect badge number on the citation. The address the officer printed on the citation was different from the complainant's actual address, which appeared correctly on the complainant's driver's license. The last two digits of the complainant's four digit numerical street address did not match the last two numerical digits of the complainant's actual address. The complainant also stated the officer's badge number appearing on the citation was different from the badge number the complainant saw on the officer's uniform. The complainant stated he went to court on the citation and won. The complainant stated that the named officer did not show up for court.

The named officer stated it was dark when he issued a citation to the complainant. The named officer stated his partner had to use a flashlight in order to assist the named officer complete the citation.

The citation shows that the officer's star number was correct on the citation. The citation also shows that the named officer incorrectly listed the last two numerical digits of the complainant's address on the citation.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others).

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